

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Third Legislature*

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Monday, April 14, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Alfred Earle of Augusta.

Journal of Friday, April 11, 1947. read and approved.

From the House:

Bill "An Act to Provide Liquor Licenses for Taverns." (S. P. 303) (L. D. 790)

(In the Senate on March 21, passed to be engrossed as amended by Committee Amendment "A")

Comes from the House, passed to be engrossed as amended by Committee Amendment "A" and by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Baker of Kennebec the bill and accompanying papers were laid upon the table pending consideration.

From the House:

Bill "An Act to Incorporate the Farmingdale School District." (H. P. 1617) (L. D. 1290)

(In the Senate on April 1, 1947, passed to be engrossed as amended by Committee Amendment "A" in concurrence.)

Comes from the House, engrossing reconsidered; House Amendment "A" adopted, and the bill as amended by Committee Amendment "A" and by House Amendment "A" passed to be engrossed in non-concurrence.

In the Senate, House Amendment A was read.

Mr. CROSS of Kennebec: Mr. President, I move that the Senate recede and concur with the House. Thereupon, on motion by Mr. Bishop of Sagadahoc, the bill and accompanying papers were laid upon the table pending motion of the Senator from Kennebec, Senator Cross that the Senate recede and concur with the House.

From the House:

Bill "An Act to Incorporate the Chelsea School District." (H. P. 1618) (L. D. 1291)

(In the Senate on April 1, 1947 passed to be engrossed as amended by Committee Amendment "A" in concurrence.)

Comes from the House, engrossing reconsidered; House Amendment "A" adopted and the bill as

amended by Committee Amendment "A" and by House Amendment "A" passed to be engrossed in non-concurrence.

In the Senate, House Amendment A was read and on motion by Mr. Cross of Kennebec, the Senate voted to recede from its former action whereby the bill was passed to be engrossed as amended by Committee Amendment A; House Amendment A was adopted in concurrence and the bill as amended by Committee Amendment A and by House Amendment A was passed to be engrossed in concurrence.

From the House:

Bill "An Act to Incorporate the Fort Kent School District." (H. P. 1612) (L. D. 1278)

(In the Senate on April 1, passed to be engrossed as amended by Committee Amendment "A" in concurrence.)

Comes from the House, engrossing reconsidered; House Amendment "A" adopted and the bill as amended by Committee Amendment "A" and by House Amendment "A" passed to be engrossed in non-concurrence.

In the Senate, House Amendment A was read and on motion by Mr. Baker of Kennebec, the Senate voted to recede from its former action whereby the bill was passed to be engrossed as amended by Committee Amendment A; House Amendment A was adopted in concurrence, and the bill as amended by Committee Amendment A and House Amendment A was passed to be engrossed in concurrence.

From the House:

Bill "An Act to Increase the Clerk Hire in the Office of Recorder of the Portland Municipal Court." (H. P. 178) (L. D. 126)

(In the Senate on April 1, 1947, passed to be engrossed in concurrence.)

Comes from the House, engrossing reconsidered; House Amendment "A" adopted, and the bill as amended passed to be engrossed in non-concurrence.

In the Senate, House Amendment A was read and on motion by Mr. Cleaves of Cumberland, the Senate voted to recede from its former action whereby the bill was passed to be engrossed; House Amendment A was adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

From the House:

The Committee on Salaries and Fees on Bill "An Act to Provide for an Increase to be Paid for Clerk Hire in the Office of Register of Deeds in the County of Cumberland and Salary of Deputy Register of Deeds," (H. P. 180) (L. D. 128) reported that the same ought to pass.

Came from the House, passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and adopted in concurrence and the bill was given its first reading; House Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

#### House Committee Reports

The Committee on University of Maine on Bill "An Act Relating to Construction of Dormitories at the University of Maine," (H. P. 193) (L. D. 138) reported that the same ought to pass.

Which report was read and adopted in concurrence, the bill read once and tomorrow assigned for second reading.

The Committee on Judiciary on Bill "An Act Relating to Pollution of Streams," (H. P. 1440) (L. D. 1044) reported the same in a new draft (H. P. 1677) (L. D. 1389) under the same title, and that it ought to pass.

The same Committee on Bill "An Act to Incorporate the Family Finance Corporation," (H. P. 919) (L. D. 616) reported the same in a new draft (H. P. 1676) (L. D. 1387) under the same title and that it ought to pass.

The same Committee on Bill "An Act to Incorporate the Public Loan Corporation of Augusta," (H. P. 914) (L. D. 612) reported the same in a new draft (H. P. 1675) (L. D. 1388) under the same title, and that it ought to pass.

Which reports were severally read and adopted in concurrence, and the bills in new draft read once and tomorrow assigned for second reading.

The same Committee on Bill "An Act Relating to Trial Justices," (H. P. 1636) (L. D. 1316) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Inheritance Taxes,"

(H. P. 1024) (L. D. 655) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act Relating to Auctions and Auctioneers," (H. P. 1289) (L. D. 943) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and adopted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended were tomorrow assigned for second reading.

#### Joint Order

On motion by Mr. Cross, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that the Secretary of the Senate be directed to deposit with the Secretary of State the initiative petitions proposing to the Legislature "An Act to Protect the Right to Work and to Prohibit Secondary Boycotts, Sympathetic Strikes and Jurisdictional Strikes," (I. B. 1) and it was further

ORDERED, that a certified copy of the report from the Committee on Judiciary relating to (I. B. 1) "An Act to Protect the Right to Work and to Prohibit Secondary Boycotts, Sympathetic Strikes and Jurisdictional Strikes," be transmitted to the Governor and to the Secretary of State. (S. P. 507)

Sent down for concurrence.

The foregoing order was returned from the House, having been read and passed in concurrence.

#### Joint Order

On motion by Mr. Cross of Kennebec, it was

ORDERED the House concurring, that Joint Rule 10 be amended by inserting after the first sentence the following sentence: Bills not already printed and new drafts shall be printed immediately after the reports are deposited in the office of the Secretary of the Senate or the Clerk of the House.

Sent forthwith to the House.

#### First Reading of a Printed Bill

Bill "An Act Preventing Drinking in Public Places," (S. P. 505) (L. D. 1391)

(On motion by Mr. Morrill of Cumberland, tabled pending first reading.)

#### Senate Committee Report

Mr. Bishop from the Committee on Agriculture on Bill "An Act Relating to Advancing Moneys for 'Dog Licenses' Fund," (S. P. 396) (L. D. 1145) reported that the same ought not to pass.

Which report was read and adopted.

Miss Clough from the Committee on Judiciary on Bill "An Act Prohibiting Speeding and Racing on the Great Ponds," (S. P. 124) (L. D. 288) reported the same in a new draft (S. P. 513) under a new title. Bill "An Act Relative to Operation of Boats," and that it ought to pass.

Which report was read and adopted and the bill in new draft laid upon the table for printing under the joint rules.

#### Passed to be Engrossed

Bill "An Act Permitting Towns to Appropriate Money in Anticipation of State Appropriations." (H. P. 195) (L. D. 140)

Bill "An Act Relating to Bonds of State Officials and Employees." (H. P. 440) (L. D. 259)

Bill "An Act Relating to Payment of Expenses of Wife Pending Libel for Divorce." (H. P. 918) (L. D. 615)

"Resolve Appropriating Money to Repair Fish Screen at Meduxnekeag Lake." (H. P. 1159) (L. D. 768)

Bill "An Act to Provide a Retirement System for State Employees." (H. P. 1180) (L. D. 837)

Bill "An Act to Incorporate the 'Willco Finance Co'" (H. P. 1295) (L. D. 902)

Bill "An Act Giving Commissioner of Agriculture Authority to Establish Quarantines" (H. P. 1365) (L. D. 987)

Which were severally read a second time and passed to be engrossed, as amended, in concurrence.

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Somerset County to C. Max Hilton, of Greenville." (S. P. 163) (L. D. 402)

Bill "An Act Relating to Allocation of Moneys by Governor and Council." (S. P. 247) (L. D. 710)

Bill "An Act to Increase the Working Capital of the State Liquor

Commission." (S. P. 248) (L. D. 711)

Bill "An Act Relating to Unorganized Townships Fund." (S. P. 398) (L. D. 1147)

Bill An Act to Incorporate the Franco-American Loan Corporation of Lewiston." (S. P. 504) (L. D. 1384)

Which were severally read a second time and passed to be engrossed.

Sent down for concurrence.

"Resolve Providing for Construction of Homes for Physicians at the Augusta State Hospital." (S. P. 271) (L. D. 814)

Which was read a second time, and passed to be engrossed, as amended.

Sent down for concurrence.

#### Orders of the Day

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table bill, An Act to Incorporate the Farmingdale School District (H. P. 1617) (L. D. 1290) tabled by that Senator earlier in today's session pending motion of the Senator from Kennebec, Senator Cross, that the Senate recede and concur with the House.

Thereupon, the Senate voted to recede from its former action taken on April 1 whereby the bill as amended by Committee Amendment A was passed to be engrossed; House Amendment A was adopted in concurrence, and the bill as amended by Committee Amendment A and by House Amendment A was passed to be engrossed in concurrence.

On motion by Mr. Hopkins of Kennebec the Senate voted to take from the table bill, An Act Relating to Fire, Marine and Inland Marine Insurance Rate Regulation (H. P. 64) (L. D. 49) tabled by that Senator on April 10 pending adoption of House Amendment A.

Mr. HOPKINS of Kennebec: Mr. President and Members of the Senate, this is the first of the general bills which are before us, the other being Legislative Document 50 which is on the calendar and which will be presented to you for consideration when this one is disposed of. I think these bills are very important. And although quite a number of the Senators are absent, they will all have an opportunity to be heard on these bills if they so wish. As it is getting late in the session, I thought we ought to move them along. I would like to make

a brief explanation relative to these bills, although I am aware that the Senators may know the situation as regards regulation of insurance within the state.

In the so called Southern Underwriters Case which was handed down by the Supreme Court about two years and a half ago, the business of insurance was declared to be interstate commerce and subject to federal regulation. This ruling, I think, was entirely unexpected on the part of the large insurers of the country, and it caused great disturbance among them. About six months after the ruling was handed down, Congress took cognizance of this situation and passed Public Law 15.

That law was passed while the Legislature was in session two years ago, I am told. Public Law 15 said simply this, that the federal government would declare a moratorium as far as regulation of insurance in this country was concerned until January 1, 1943, and if by that time the states have not passed the necessary legislation to demonstrate that they were actually regulating insurance, the federal government would take control of the insurance business.

The insurance companies formed what was known as an all-industry committee, the purpose of which was to draft legislation to be presented in the various legislatures, and Legislative Documents 563 and 564 which have been presented to this Legislature, and which will be taken from the table and presented to you for action later today, is patterned very closely after those so called all-industry bills.

Here in Maine, the Commissioner, with the advice and assistance of others, drafted Legislative Document 49 and 50, and it is Legislative Document 49 which we are considering at this moment. These bills differ from the so called all-industry bills in numerous ways, but I think the most important manner in which they differ is that they did not provide for the mandatory filing of rates. The original bills did not provide for waiting periods which required the insurer to file and then wait for a certain length of time before insurance was underwritten. There are a number of other changes which have been written into these bills which are covered by the amendment which we have before us.

If the Senators wish to study these bills and to take issue with the Committee, it would require some little time to prepare the necessary information so that it could be presented to you briefly.

I am not going to attempt to speak extensively on these measures, but rather to present Senate Amendment A to House Amendment A on the bill that is pending, and then move them along if it is the wish of the Senate that that be done.

I present Senate Amendment A to House Amendment A and move its adoption.

The Secretary read the Amendment: "Senate Amendment A to House Amendment A to House Paper 64, Legislative Document 49, bill, An Act Relating to Fire, Marine and Inland Marine Insurance Rate Regulation. Amend said amendment as reproduced and distributed under filing number 244 by striking out the word 'to' in the first line of the second paragraph thereof and inserting in its place the following: 'As a new subsection after subsection four in'. Further amend said amendment as reproduced and distributed under filing number 244 by adding at the end of the underlined subsection in the fourth paragraph thereof the following: 'This subsection shall not apply to contracts or policies for inland marine risks as to which filings are not required'."

Which amendment was adopted; House Amendment A as amended by Senate Amendment A was adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table bill, An Act Relating to Casualty and Surety Insurance Rate Regulation (H. P. 65) (L. D. 50) tabled by that Senator on April 10 pending adoption of House Amendment A was adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Sea and Shore Fisheries on bill, An Act Relating to Close Time on Scallops (H. P. 471) (L. D 276) tabled by that Senator on April 8

pending consideration of the report; and on further motion by the same Senator, the "Ought to Pass" report was adopted in concurrence, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Sea and Shore Fisheries on Bill An Act Relating to Open Season for Scallops in Certain waters (H. P. 1550) (L. D. 1180) tabled by that Senator on April 8 pending consideration of the report; and on further motion by the same Senator, the "Ought to Pass" report was adopted in concurrence and the bill was given its first reading.

Thereupon, that Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment A to H. P. 1550, L. D. 1180, bill, An Act Relating to Open Season for Scallops in Certain Waters. Amend said bill by striking out the 4th, 5th, and 6th underlined lines and inserting in place thereof the following underlined lines: 'Provided, however, that there shall be a perpetual open season for scallops in those waters outside the limits of, and southeasterly of a line formed by the following points: beginning at Petit Manan Bar, to Schoodic Point, to.'"

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Ways and Bridges on bill, An Act Permitting Towns to Appropriate Money for State Aid Roads in Anticipation of State Appropriations (S. P. 137) (L. D. 278) tabled by that Senator on April 7 pending consideration of the report.

Mr. NOYES of Hancock: Mr. President, inasmuch as the provisions of this bill are covered by other legislation which is in the process of enactment, I move that the Senate adopt the "Ought Not to Pass" report of the committee.

The motion prevailed and the "Ought Not to Pass" report of the committee was adopted.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table bill, An Act Relating to Taxation of Domestic Fowl (H. P. 1096) (L. D. 708) tabled by that Senator on April 10 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table Senate Report "Ought Not to Pass as covered by other legislation" from the Committee on Mercantile Affairs and Insurance on bill, An Act Relating to Casualty and Surety Insurance Rate Regulation (S. P. 216) (L. D. 563) tabled by that Senator on March 21 pending adoption of the report; and on further motion by the same Senator, the "Ought Not to Pass" report of the Committee was adopted.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table Senate Report "Ought Not to Pass as covered by other legislation" from the Committee on Mercantile Affairs and Insurance on bill, An Act Relating to Fire, Marine and Inland Marine Insurance Rate Regulation (S. P. 217) (L. D. 564) tabled by that Senator March 21 pending adoption of the report; and on further motion by the same Senator, the "Ought Not to Pass" report of the Committee was adopted.

On motion by Miss Clough of Penobscot,  
Adjourned until tomorrow morning at ten o'clock.