

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

1951

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Thursday, February 1, 1951

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Gordon Newell of Rumford.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act relating to Compensation Benefits Under the Workmen's Compensation Law." (S. P. 126) (L. D. 234)

Bill "An Act relating to Compensation for Specified Injuries under the Workmen's Compensation Law" (S. P. 127) (L. D. 235)

Bill "An Act requiring Information from Banks to Institutional Service" (S. P. 128) (L. D. 236)

Came from the Senate referred to the Committee on Business Legislation.

In the House, referred to the Committee on Business Legislation in concurrence.

From the Senate:

Resolve in favor of Julius Moskowitz, of Presque Isle (S. P. 142)

Resolve in favor of Robert George Llewellyn, of South Portland (S. P. 143)

Resolve in favor of Howard P. Fairfield, of Skowhegan (S. P. 144)

Came from the Senate referred to the Committee on Claims.

In the House, referred to the Committee on Claims in concurrence.

From the Senate:

Resolve in favor of Joseph T. Sewall, of Wiscasset (S. P. 146)

Came from the Senate referred to the Committee on Highways.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, this resolve is a claim against the State and while it does not relate to the general highway fund, it is now thought that claims against the State should, as a matter of policy, be referred to the Committee on Claims and I now move that this resolve be referred to the Committee on Claims in non-concurrence.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that Item Number 7, Resolve in favor of Joseph T. Sewall, of Wiscasset (S. P. 146), be referred to the Committee on Claims in non-concurrence. Is this the pleasure of the House?

The motion prevailed and the Bill was referred to the Committee on Claims in non-concurrence and sent up for concurrence.

From the Senate:

Bill "An Act relating to Limitations for Injuries by Defect in Highways and Notice Thereof" (S. P. 130) (L. D. 240)

Bill "An Act relating to Adoption of Persons" (S. P. 131) (L. D. 239)

Bill "An Act relating to Filing of Liens on Buildings and Lots, Wharves and Piers" (S. P. 132) (L. D. 237)

Bill "An Act to Clarify Certain Provisions of the Institutional Service Law" (S. P. 133) (L. D. 238)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate:

Bill "An Act Repealing Running Horse Racing" (S. P. 134) (L. D. 242)

Bill "An Act to Amend the Charter of the York Harbor Village Corporation" (S. P. 135) (L. D. 241)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act Creating a Sewer District in the Town of York" (S. P. 136) (L. D. 243)

Came from the Senate referred to the Committee on Public Utilities.

In the House, referred to the Committee on Public Utilities in concurrence.

From the Senate:

Bill "An Act relating to Licenses for Digging of Clams and Quahogs in the Town of West Bath" (S. P. 137) (L. D. 244)

Came from the Senate referred to the Committee on Sea and Shore Fisheries.

In the House, referred to the Committee on Sea and Shore Fisheries in concurrence.

From the Senate:

Resolve providing for State Pension for Louis Sirois, of Caribou (S. P. 152)

Came from the Senate referred to the Committee on Welfare.

In the House, referred to the Committee on Welfare in concurrence.

Senate Reports of Committees Ought to Pass Printed Bill

Report of Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Corporate Donations to Charity" (S. P. 31) (L. D. 16)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, report was read and accepted in concurrence and the Bill read twice and tomorrow assigned.

Messages and Documents

The following Communication:

STATE HIGHWAY COMMISSION
STATE OF MAINE
AUGUSTA

January 31, 1951

The Honorable President of the Senate

The Honorable Speaker of the House

Ninety-fifth Legislature

Dear Sirs:

We are transmitting herewith a highway proposal entitled "An Accelerated Highway Program" for your consideration.

Very truly yours,

STATE HIGHWAY COMMISSION
(Signed) Lucius D. Barrows,
Chief Engineer. (H. P. 673)

Was read.

The SPEAKER: The Chair recognizes the gentleman from Addison, Mr. Lackee.

Mr. LACKEE: Mr. Speaker, through the facilities of the legislative postoffice, each member of the Legislature will receive this accelerated highway program.

The Highway Committee and the State Highway Commission are

very desirous that you study this program very carefully in order that you may become familiar with it in case our floor leader and his associates decide that we may, at some time, caucus upon this program. Once again, I ask you to consider it very carefully and familiarize yourselves with it.

I therefore move, Mr. Speaker, that the message and document be placed on file.

The SPEAKER: The gentleman from Addison, Mr. Lackee, moves that the communication together with the accompanying papers be placed on file and sent up for concurrence. Is this the pleasure of the House?

The motion prevailed and the communication with accompanying papers was ordered placed on file and sent up for concurrence.

Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Resolve providing for a Men's Dormitory at Gorham State Teachers' College (H. P. 571) (Presented by Mr. Fuller of So. Portland) (Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act relating to Workmen's Compensation for Death of Employee" (H. P. 572) (Presented by Mrs. Fay of Portland) (Ordered Printed)
Sent up for concurrence.

Claims

Resolve to Reimburse the Town of Meddybemps for Hospitalization and Medical Aid Extended to Harold Clark (H. P. 573) (Presented by Mr. Brown of Robbinston)

Resolve to Reimburse the Town of Harpswell (H. P. 575) (Presented by Mr. Hancock of Casco)

Resolve to Reimburse the Town of Pittston for Support and Medical Aid Extended to Certain Families (H. P. 576) (Presented by Mr. Hussey of Windsor)

Resolve to Reimburse the Town of Roxbury for Support and Medical Care of Certain Families (H. P. 578) (Presented by Mr. Parent of Rumford)

Resolve in favor of Leo Smith, of Pittsfield (H. P. 579) (Presented by Mr. Sinclair of Pittsfield)

Sent up for concurrence.

Highways

Bill "An Act relating to Markers for Town Lines" (H. P. 580) (Presented by Mr. Spear of So. Portland)

(Ordered Printed)

Resolve in favor of the Town of Perry (H. P. 581) (Presented by Mr. Brown of Robbinston)

Resolve in favor of the Town of Meddybemps (H. P. 582) (Presented by same gentleman)

Resolve in favor of the Town of Alexander (H. P. 583) (Presented by same gentleman)

Resolve in favor of the Town of Crawford (H. P. 584) (Presented by same gentleman)

Resolve in favor of the Town of Pembroke (H. P. 585) (Presented by same gentleman)

Resolve in favor of the Town of Dennysville (H. P. 586) (Presented by same gentleman)

Resolve in favor of the Town of Charlotte (H. P. 587) (Presented by same gentleman)

Resolve in favor of the Town of Fayette (H. P. 588) (Presented by Mr. Brown of Wayne)

Resolve in favor of the Town of Mt. Vernon (H. P. 589) (Presented by same gentleman)

Resolve in favor of the Town of Mt. Vernon (H. P. 590) (Presented by same gentleman)

Resolve in favor of Hamlin Plantation (H. P. 591) (Presented by Mr. Burgess of Limestone)

Resolve in favor of Cyr Plantation (H. P. 592) (Presented by same gentleman)

Resolve in favor of the Town of Abbott (H. P. 593) (Presented by Mr. Campbell of Guilford)

Resolve in favor of the Town of Brownville (H. P. 594) (Presented by same gentleman)

Resolve in favor of the Town of Guilford (H. P. 595) (Presented by same gentleman)

Resolve in favor of the Town of Sebago (H. P. 596) (Presented by Mr. Center of Standish)

Resolve in favor of the Town of Baldwin (H. P. 597) (Presented by same gentleman)

Resolve in favor of the Town of Knox (H. P. 598) (Presented by Mr. Cole of Liberty)

Resolve in favor of the Town of Palermo (H. P. 599) (Presented by same gentleman)

Resolve in favor of the Town of Morrill (H. P. 600) (Presented by same gentleman)

Resolve in favor of the Town of Machias (H. P. 601) (Presented by Mr. Dennison of East Machias)

Resolve in favor of the Town of Mexico (H. P. 602) (Presented by Mr. Dorr of Mexico)

Resolve in favor of the Town of Dixfield (H. P. 603) (Presented by same gentleman)

Resolve in favor of the Town of Mexico (H. P. 604) (Presented by same gentleman)

Resolve in favor of the City of Ellsworth (H. P. 605) (Presented by Mr. Dunham of Ellsworth)

Resolve in favor of the Town of Cambridge (H. P. 606) (Presented by Mr. Hamilton of Hartland)

Resolve in favor of the Town of Ripley (H. P. 607) (Presented by same gentleman)

Resolve in favor of the Town of Hartland (H. P. 608) (Presented by same gentleman)

Resolve in favor of the Town of Casco (H. P. 609) (Presented by Mr. Hancock of Casco)

Resolve in favor of the Town of Naples (H. P. 610) (Presented by same gentleman)

Resolve in favor of the Town of Naples (H. P. 611) (Presented by same gentleman)

Resolve in favor of the Town of Harpswell (H. P. 612) (Presented by same gentleman)

Resolve in favor of the Town of Pittston (H. P. 613) (Presented by Mr. Hussey of Windsor)

Resolve in favor of the Town of Pittston (H. P. 614) (Presented by same gentleman)

Resolve in favor of the Town of China (H. P. 615) (Presented by same gentleman)

Resolve in favor of the Town of China (H. P. 616) (Presented by same gentleman)

Resolve in favor of the Town of Georgetown (H. P. 617) (Presented by Mr. Jones of Bowdoinham)

Resolve in favor of the City of Rockland (H. P. 618) (Presented by Mr. Low of Rockland)

Resolve in favor of the Town of Grand Isle (H. P. 619) (Presented by Mr. Madore of Van Buren)

Resolve in favor of the Town of Roxbury (H. P. 577) (Presented by Mr. Parent of Rumford)

Resolve in favor of the Town of Woodland (H. P. 620) (Presented by Mr. Story of Washburn)

Resolve in favor of the Town of Perham (H. P. 621) (Presented by same gentleman)

Resolve in favor of the Town of New Sweden (H. P. 622) (Presented by same gentleman)

Resolve in favor of the Town of Washburn (H. P. 623) (Presented by same gentleman)

Resolve in favor of the Town of Hollis (H. P. 624) (Presented by Mr. Taylor of Lyman)

Resolve in favor of the Town of Lyman (H. P. 625) (Presented by same gentleman)

Resolve in favor of the Town of Dayton (H. P. 626) (Presented by same gentleman)

Sent up for concurrence.

On motion of Mrs. Daggett of Ashland, House Rule Number 25 was suspended for the remainder of today's session in order to permit smoking.

Inland Fisheries and Game

Bill "An Act relating to Open Season for Fishing for Black Bass and Pickerel" (H. P. 627) (Presented by Mr. Brown of Baileyville) (Ordered Printed)

Bill "An Act relating to the Breeding and Raising of Mink" (H. P. 628) (Presented by Mr. Bucknam of Whiting) (Ordered Printed)

Bill "An Act relative to Game Preserve, Limington, Hollis and Waterboro" (H. P. 629) (Presented by Mr. Leavitt of Parsonsfield) (Ordered Printed)

Bill "An Act relating to Special Dog Training and Field Trial Areas" (H. P. 630) (Presented by Mr. Martin of Augusta) (Ordered Printed)

Bill "An Act relating to License Fee for Raising Wild Birds and Animals" (H. P. 631) (Presented by Mr. Rollins of Greenville) (Ordered Printed)

Resolve regulating Fishing in St. Georges and Little Saint Georges Lakes in the county of Waldo (H. P. 574) (Presented by Mr. Cole of Liberty) (Ordered Printed)

Resolve to Make Lawful the Fishing for Cusk in Long Lake and Sebago Lake, Cumberland County (H. P. 632) (Presented by Mr. Hancock of Casco) (Ordered Printed)

Resolve Opening Peabody Pond to Ice Fishing for Big Smelts, Pickerel and Other Fish Except Trout and Salmon (H. P. 633) (Presented by same gentleman) (Ordered Printed)

Resolve to Remove the Bag Limit and Size Limit on White Perch in Sebago Lake, Songo River, Bay of Naples and Long Lake (H. P. 634) (Presented by same gentleman) (Ordered Printed)

Resolve relating to Flagstaff Pond in the County of Somerset (H. P. 635) (Presented by Mr. Watson of Moose River Pl.) (Ordered Printed)

Resolve regulating Fishing in Flagstaff Lake, Somerset County (H. P. 636) (Presented by same gentleman) (Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Penalty for Failure to Stop Vehicles on Signal of Fish and Game Wardens" (H. P. 637) (Presented by Mr. Bearce of Caribou) (Ordered Printed)

Bill "An Act relating to Qualifications for Admission to Practice Law" (H. P. 638) (Presented by Mrs. Fay of Portland) (Ordered Printed)

Bill "An Act relating to the Reporter of Decisions" (H. P. 639) (Presented by same member) (Ordered Printed)

Bill "An Act relating to Expenses of Capias Execution in Divorce Cases" (H. P. 640) (Presented by Mr. Grover of Brewer) (Ordered Printed)

Bill "An Act to Incorporate the Guardian Finance Co." (H. P. 641) (Presented by Mr. Spear of So. Portland)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act relating to Payment of Wages in Certain Businesses" (H. P. 642) (Presented by Mr. Keene of Clinton)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act amending the Charter of the Town of Dixfield School District" (H. P. 643) (Presented by Mr. Dorr of Mexico)

(Ordered Printed)

Bill "An Act to Amend the Charter of the City of Ellsworth School District" (H. P. 644) (Presented by Mr. Dunham of Ellsworth)

(Ordered Printed)

Bill "An Act to Ratify and Confirm the Incorporation of First Parish of Freeport" (H. P. 645) (Presented by Mr. Patterson of Freeport)

(Ordered Printed)

Bill "An Act to Incorporate the Town of Trenton School District" (H. P. 646) (Presented by Mr. Peterson of Bar Harbor)

(Ordered Printed)

Bill "An Act to Incorporate the Town of Bar Harbor School District" (H. P. 647) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act amending the Charter of Congregational-Christian Conference of Maine" (H. P. 648) (Presented by Mr. Roundy of Portland)

(Ordered Printed)

Bill "An Act repealing Running Horse Racing" (H. P. 649) (Presented by Mr. St. Pierre of Lewiston)

(Ordered Printed)

Bill "An Act to Incorporate the Town of Buxton School District" (H. P. 650) (Presented by Mr. Taylor of Lyman)

(Ordered Printed)
Sent up for concurrence.

Public Buildings and Parks

Bill "An Act relating to Baxter State Park" (H. P. 651) (Presented

by Mr. Potter of Medway by request)

(Ordered Printed)
Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act relating to the Digging of Shellfish and Marine Worms in the Town of Freeport" (H. P. 652) (Presented by Mr. Patterson of Freeport)

(Ordered Printed)

Bill "An Act relating to Revocation and Suspension of Sea and Shore Fisheries Licenses" (H. P. 653) (Presented by Mr. Stevens of Boothbay)

(Ordered Printed)

Resolve regulating the Taking of Clams in the Town of East Machias (H. P. 654) (Presented by Mr. Denison of East Machias)

(Ordered Printed)

Resolve relating to the Protection of Clams Within the Town of Freeport (H. P. 655) (Presented by Mr. Patterson of Freeport)

(Ordered Printed)

Resolve relating to the Use of Purse or Drag Seines in Certain Waters (H. P. 656) (Presented by Mr. Stevens of Boothbay)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act relating to the Excise Tax on Certain Types of Oleomargarine" (H. P. 657) (Presented by Mr. Low of Rockland)

(Ordered Printed)

Sent up for concurrence.

Towns and Counties

Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Bridge Repairs" (H. P. 658) (Presented by Mr. Burkett of Portland)

(Ordered Printed)

Bill "An Act relating to the Salary of the Deputy Clerk of Courts of Penobscot County" (H. P. 659) (Presented by Mr. Fuller of Bangor)

(Ordered Printed)

Bill "An Act to Increase the Salary of the Judge and Recorder of the Yorkshire Municipal Court" (H. P. 660) (Presented by Mr. Gowell of Berwick)

(Ordered Printed)

Sent up for concurrence.

Veterans and Military Affairs

Bill "An Act relating to the Military Law" (H. P. 661) (Presented by Mr. Vaughan of Hallowell)
(Ordered Printed)
Sent up for concurrence.

Welfare

Resolve for State Pension for Walter W. Erskine, of Fayette (H. P. 662) (Presented by Mr. Brown of Wayne)

Resolve providing for State Pension for John Chelsea Prescott, of East Corinth (H. P. 663) (Presented by Mr. Chaples of Hudson)

Resolve providing for an Increase in State Pension for Guy Babb, of Hudson (H. P. 664) (Presented by same gentleman)

Resolve providing for State Pension for Mrs. Larie Tyler, of Oakland (H. P. 665) (Presented by Mr. Chase of Belgrade)

Resolve providing for Increase in State Pension for Lewis E. Tuttle, of Liberty (H. P. 666) (Presented by Mr. Cole of Liberty)

Resolve providing for State Pension for Bernard M. Kelley, of Monroe (H. P. 667) (Presented by Mr. Dickey of Brooks)

Resolve providing for an Increase in State Pension for Walter H. Bickford, of Monroe (H. P. 668) (Presented by same gentleman)

Resolve providing for State Pension for Gladys Garnet, of Dixmont (H. P. 669) (Presented by Mr. Jacoby of Dixmont)

Resolve providing for State Pension for Omer Lousier, of Grand Isle (H. P. 670) (Presented by Mr. Madore of Van Buren)

Resolve providing for State Pension for Lucille Marquis, of Van Buren (H. P. 671) (Presented by same gentleman)

Resolve providing for State Pension for Herbert F. Sanborn, of Hollis Center (H. P. 672) (Presented by Mr. Taylor of Lyman)

Sent up for concurrence.

Orders

On motion of Mr. Jennings of Strong, it was

ORDERED, that Rev. Roy Grafiam of Strong, be invited to officiate as Chaplain of the House on Wednesday, March 7, 1951.

**House Reports of Committees
Ought Not to Pass**

Mr. Pierce from the Committee on Liquor Control reported "Ought not to pass" on Bill "An Act relating to Sale of Liquor on Election Days" (H. P. 91) (L. D. 37)

Report was read and accepted and sent up for concurrence.

**Ought to Pass
Printed Bills**

Mr. DeBeck from the Committee on Towns and Counties reported "Ought to pass" on Bill "An Act Permitting Municipalities to Raise Money to Assist Historical Societies" (H. P. 64) (L. D. 30)

Mr. Taylor from same Committee reported same on Bill "An Act Validating a Certain Deed Given by the City of Saco to Saco-Lowell Shops" (H. P. 32) (L. D. 8)

Reports were read and accepted and the Bills, having already been printed, were read twice under suspension of the rules and tomorrow assigned.

**First Reading of Printed Bills and
Resolves**

Bill "An Act to Provide for a Self-Imposed Tax on Sardines for an Industry Development Fund" (H. P. 570) (L. D. 271)

Was read twice.

The SPEAKER: The Chair recognizes the gentleman from Machiasport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, I move that the rules be suspended and that this bill receive its third reading at the present time.

The SPEAKER: The gentleman from Machiasport, Mr. Hanson, moves that the rules be suspended and the bill be given its third reading at this time. Is this the pleasure of the House?

The motion prevailed, the bill was read the third time under suspension of the rules, passed to be engrossed and sent to the Senate.

Passed to be Engrossed

Bill "An Act Ratifying Lease Given by the State to Portland Pipe Line Corporation" (S. P. 24) (L. D. 14)

Bill "An Act relating to the town of Winthrop School District" (S. P. 35) (L. D. 21)

Bill "An Act relating to Escapes from Jail" (S. P. 42) (L. D. 48)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Orders of the Day

THE SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. BARTON: Mr. Speaker, I would like to inquire whether or not House Paper 544, Bill "An Act relating to the Releasing or Dumping of Fish", which was referred yesterday by the House to the Committee on Public Health, is in the possession of the Clerk.

THE SPEAKER: The Chair will state that the bill is in the possession of the Clerk.

Mr. BARTON: Mr. Speaker, I move that the House reconsider its action of yesterday whereby House Paper 544, Bill "An Act relating to the Releasing or Dumping of Fish" was referred to the Committee on Public Health. If this motion receives favorable action, I shall then move that it be referred to the Committee on Sea and Shore Fisheries.

The reason for that is that this bill was introduced by me at the request of the Department of Sea and Shore Fisheries to plug a little loophole in the present Sea and Shore Fisheries laws.

We had a situation develop last summer, due to the abundance of herring and the low price, where certain men of the industry ran these fish through a scaling machine and let them run overboard.

We have a provision in the law which relates to dead fish and offal which does not apply to fish which are technically still alive although they have no chance of survival.

This, to my mind, is primarily a conservation measure and therefore should go to the Committee on Sea and Shore Fisheries.

THE SPEAKER: The gentleman from Vinalhaven, Mr. Barton, moves that the House reconsider its action taken yesterday whereby it referred House Paper Number 544, Bill "An Act relating to the Releasing or Dumping of Fish", to the Committee on Public Health.

The Chair recognizes the gentleman from Orono, Mr. Bates.

Mr. BATES: Mr. Speaker and Members of the House: When this bill was in the hands of the Committee on Reference of Bills, it was considered as a public health matter from the standpoint of pollution, also as a conservation measure from the standpoint of Sea and Shore Fisheries.

The decision rests with House upon the explanation of the gentleman from Vinalhaven, Mr. Barton.

THE SPEAKER: The question before the House is on the motion of the gentleman from Vinalhaven, Mr. Barton, on House Paper Number 544, Bill "An Act relating to the Releasing or Dumping of Fish" that the House reconsider its action taken yesterday whereby it referred this bill to the Committee on Public Health. Is it the pleasure of the House to reconsider its action?

The motion prevailed.

THE SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. BARTON: Mr. Speaker, for the reasons set forth in my first motion to reconsider, I now move that the bill be referred to the Committee on Sea and Shore Fisheries and sent up for concurrence.

THE SPEAKER: The gentleman from Vinalhaven, Mr. Barton, now moves that House Paper 544, Bill "An Act relating to the Releasing or Dumping of Fish", be referred to the Committee on Sea and Shore Fisheries and sent up for concurrence. Is this the pleasure of the House?

The motion prevailed and the bill was referred to the Committee on Sea and Shore Fisheries and sent up for concurrence.

THE SPEAKER: The House is proceeding under Orders of the Day.

If there is no further business for the House to consider this day, the Clerk will read the notices.

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until 10:00 o'clock tomorrow morning.