

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

1951

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Thursday, February 15, 1951

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

Prayer by the Rev. Mr. Clayton E. Richards of Mexico.

The journal of the previous session was read and approved.

The **SPEAKER: The Chair**, at this time, will appoint the gentleman from Corinna, Mr. Emerson, to fill the vacancy on the Committee on Business Legislation.

Papers from the Senate

From the Senate:

Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Department of Labor and Industry Due to Insufficient Appropriations" (S. P. 266) (L. D. 605)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act relating to the Development Credit Corporation of Maine" (S. P. 267) (L. D. 606)

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 Appropriating Moneys to Reimburse Town of Phippsburg for Snow Removal (S. P. 296)

Resolve to Reimburse L. W. Jordan & Sons, Incorporated, for Funeral Services (S. P. 297)

Resolve in favor of Timothy J. Murphy, of Hallowell (S. P. 298)

Resolve in Favor of Perley E. Brooks, of Bangor (S. P. 299)

Came from the Senate referred to the Committee on Claims.

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

From the Senate:

Bill "An Act Authorizing the Trustees of the University of Maine

to Operate a College of Medicine" (S. P. 268) (L. D. 607)

Bill "An Act relating to the Number of Trustees of the University of Maine" (S. P. 269) (L. D. 608)

Came from the Senate referred to the Committee on Education.

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

From the Senate:

Bill "An Act to Authorize the Issuance of Bonds on Behalf of the State of Maine for the Purpose of Building State Highways" (S. P. 270) (L. D. 609)

Resolve in favor of the Town of Waterboro (S. P. 300)

Resolve in favor of the Town of Linneus (S. P. 301)

Resolve in favor of the Town of New Limerick (S. P. 302)

Resolve in favor of the Town of Brooksville (S. P. 303)

Came from the Senate referred to the Committee on Highways.

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

From the Senate:

Bill "An Act relating to Powers of the Housing Authority of Presque Isle" (S. P. 271) (L. D. 610)

Bill "An Act to Transfer Township 1, Range 9 from Piscataquis County and Annex It to Penobscot County" (S. P. 272) (L. D. 611)

Bill "An Act to Provide for the Surrender by Dallas Plantation of Its Organization" (S. P. 273) (L. D. 612)

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 to Authorize the Liquor Research Commission to Initiate an Educational Program" (S. P. 274) (L. D. 613)

Bill "An Act to Ratify the Organization of Calvinistic Baptist Church and Society in Eastport and to Change Its Corporate Name" (S. P. 275) (L. D. 614)

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 to Amend the Charter of the Kennebec Water District" (S. P. 276) (L. D. 615)

Bill "An Act to Extend the Rights, Powers and Privileges of the Passamaquoddy District Authority" (S. P. 277) (L. D. 616)

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 the Taking of Alewives in the Town of Franklin" (S. P. 278) (L. D. 617)

Bill "An Act relating to the Taking of Alewives in the New Meadows River in the Towns of Brunswick and West Bath" (S. P. 279) (L. D. 618)

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:

Bill "An Act to Increase the Salary of the Judge of the Van Buren Municipal Court" (S. P. 280) (L. D. 619)

Bill "An Act to Increase the Salary of the Judge of the Norway Municipal Court" (S. P. 281) (L. D. 620)

Bill "An Act to Increase the Salary of the Judge and Recorder of the Rumford Falls Municipal Court" (S. P. 282) (L. D. 621)

Bill "An Act relating to the Salaries of the Judge and the Recorder of the Millinocket Municipal Court" (S. P. 283) (L. D. 622)

Bill "An Act relating to the Salaries of the Judge and the Recorder of the Old Town Municipal Court" (S. P. 284) (L. D. 623)

Bill "An Act Authorizing Clerk Hire for the Westbrook Municipal Court" (S. P. 285) (L. D. 624)

Bill "An Act Authorizing Clerk Hire for the South Portland Municipal Court" (S. P. 286) (L. D. 625)

Bill "An Act Authorizing Clerk Hire for the Brunswick Municipal Court" (S. P. 287) (L. D. 626)

Bill "An Act relating to the Salaries of the Judge and the Clerk

and Clerk Hire of the Auburn Municipal Court" (S. P. 288) (L. D. 627)

Bill "An Act relating to Salaries of Members of Council of the City of Rockland" (S. P. 289) (L. D. 628)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

From the Senate:

Resolve Providing for a State Pension for Minnie McKinney, of Sebasco (S. P. 314)

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 Leave to Withdraw

Report of the Committee on Liquor Control on Bill "An Act Defining 'Retail Store' in Liquor Law" (S. P. 62) (L. D. 69) reporting leave to withdraw.

Report of same Committee reporting same on Bill "An Act relating to Retail Sale of Vinous Liquor" (S. P. 64) (L. D. 67)

Report of same Committee reporting same on Bill "An Act relating to Hours for Sale of Liquor" (S. P. 65) (L. D. 68)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Migratory Birds" (S. P. 115) (L. D. 205)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Additional Appeal from Liquor Commission" (S. P. 58) (L. D. 64)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass

Report of the Committee on Transportation reporting "Ought to pass" on Bill "An Act relative to Motor Vehicle Registration" (S. P. 91) (L. D. 144)

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.

Bills and Resolves Requiring Reference

The following Bills and Resolves, transmitted by the Director of Legislative Research pursuant to Joint Orders, were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act relating to the Post-Audit of Maine Forestry District" (H. P. 1165) (Presented by Mr. Leavitt of Parsonsfield)

(Ordered Printed)

Sent up for concurrence.

Highways

Resolve in favor of the Town of Waterboro (H. P. 1166) (Presented by Mr. Bradeen of Waterboro)

Resolve in favor of the Town of Windsor (H. P. 1167) (Presented by Mr. Hussey of Windsor)

Resolve in favor of the Town of Randolph (H. P. 1168) (Presented by the same gentleman)

Resolve in favor of the City of Auburn (H. P. 1169) (Presented by Mr. Maguire of Auburn)

Resolve in favor of the Town of Eagle Lake (H. P. 1170) (Presented by Mr. Martin of Eagle Lake)

Resolve in favor of the Town of Wellington (H. P. 1171) (Presented by Mr. Rollins of Greenville)

Resolve in favor of the Town of Mercer (H. P. 1172) (Presented by Mr. Woodworth of Fairfield)

Resolve in favor of the Town of Fairfield (H. P. 1173) (Presented by same gentleman)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Trespass on Lands" (H. P. 1174) (Presented by Mr. Bailey of Woolwich)

(Ordered Printed)

Bill "An Act relating to Dumping of Rubbish in Highways" (H. P. 1175) (Presented by Mr. Fogg of Madison)

(Ordered Printed)

Bill "An Act Establishing the Low Water Mark at the Dam at Welchville, Oxford County" (H. P. 1176) (Presented by Mr. Lord of Norway by request)

(Ordered Printed)

Bill "An Act to Amend the Charter of the Western Somerset Municipal Court" (H. P. 1177) (Presented by Mr. Woodworth of Fairfield)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Amending the Charter of the City of Rockland" (H. P. 1179) (Presented by Mr. Low of Rockland)

(Ordered Printed)

Bill "An Act relating to Pension for Members of the Police Department of the City of Auburn" (H. P. 1180) (Presented by Mr. Maguire of Auburn)

(Ordered Printed)

Bill "An Act Amending the Charter of the City of Auburn" (H. P. 1181) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act to Repeal the Incorporation of Bridgton Centre Village Corporation" (H. P. 1182) (Presented by Mr. March of Bridgton)

(Ordered Printed)

Bill "An Act to Repeal the Charter of the Bay Point Village Corporation" (H. P. 1183) (Presented by Mrs. Moffatt of Bath)

(Ordered Printed)

Bill "An Act relating to Pensions for Firemen of the City of Bangor" (H. P. 1184) (Presented by Mr. Totman of Bangor)

(Ordered Printed)

Bill "An Act relating to Pensions to Dependent Survivors of City Employees of the City of Bangor" (H. P. 1185) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act relating to the Taking of Alewives in Winnegance Lake in the City of Bath and the Towns of Phippsburg and West Bath" (H. P. 1186) (Presented by Mrs. Moffatt of Bath)

(Ordered Printed)

Bill "An Act Regulating the Digging of Marine Worms in the Town of Stockton Springs, Waldo

County" (H. P. 1187) (Presented by Mr. West of Stockton Springs)
(Ordered Printed)

Bill "An Act relating to the Digging of Clams in the Town of St. George" (H. P. 1188) (Presented by Mr. Winchenpaw of Friendship)
(Ordered Printed)

Bill "An Act relating to the Digging of Clams for Commercial Purposes in the Towns of Waldoboro and Bremen" (H. P. 1189) (Presented by same gentleman)
(Ordered Printed)
Sent up for concurrence.

Towns and Counties

Bill "An Act to Amend the Charter of the City of Augusta by Providing for the Appropriation of School Funds by the City Council" (H. P. 1178) (Presented by Mr. Albert of Augusta)
(Ordered Printed)

Bill "An Act Describing the Jefferson-Somerville Town Line, Lincoln County" (H. P. 1190) (Presented by Mr. Chase of Whitefield by request)
(Ordered Printed)
Sent up for concurrence.

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House of the Turner Center Grammar School Seventh and Eighth Grades in charge of Mrs. Phyllis Hill.

In behalf of the House, the Chair bids you welcome. (Applause)

Orders

On motion of Mr. Campbell of Guilford, it was

ORDERED, that Rev. Howard Hamlin of Guilford, be invited to officiate as Chaplain of the House on Wednesday, March 21, 1951.

House Reports of Committees Divided Report

Majority Report of the Committee on Welfare reporting "Ought to pass" on Bill "An Act relating to Pauper Relief" (H. P. 174) (L. D. 105)

Report was signed by the following members:

- Messrs. McKUSICK of Piscataquis
- FULLER of Oxford
- BOUCHER of Androscoggin
- of the Senate.
- PATTERSON of Freeport

GERRISH of Old Orchard Beach

LESSARD of Skowhegan

FENN of Bath

MAXWELL of Winthrop

CLEMENTS of Belfast
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. BUBAR of Blaine
—of the House.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Clements.

Mr. CLEMENTS: Mr. Speaker, this is merely a bill for the State to recover money where it is found to be available, that they have already paid out.

I move that we accept the majority report of that committee.

The SPEAKER: The gentleman from Belfast, Mr. Clements, moves that we accept the majority "Ought to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed and the Majority Report "Ought to pass" was accepted.

The bill, having already been printed, was read twice under suspension of rules and assigned for third reading tomorrow morning.

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.

Ought Not to Pass

Mr. Lord from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act relating to Definition of 'Dealer' in Sale of Milk" (H. P. 448) (L. D. 277)

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Burkett from the Committee on Legal Affairs on Bill "An Act relating to Powers of Gorham Village Corporation" (H. P. 90) (L. D. 36) reported same in a new draft (H. P. 1191) (L. D. 665) under same title and that it "Ought to pass".

Report was read and accepted and the New Draft, having already been printed, was read twice under suspension of the rules and tomorrow assigned.

**Ought to Pass
Printed Bills**

Mr. Emerson from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act relating to the Provident Loan Company" (H. P. 101) (L. D. 49)

Mr. Story from the same Committee reported same on Bill "An Act to Regulate Trust Investments" (H. P. 102) (L. D. 50)

Mr. Barton from the Committee of Sea and Shore Fisheries reported same on Bill "An Act Regulating Shooting Seals in Certain Waters of York County" (H. P. 244) (L. D. 140)

Same gentleman from the same Committee reported same on Bill "An Act relating to Revocation and Suspension of Sea and Shore Fisheries Licenses" (H. P. 653) (L. D. 372)

Mr. Bucknam from the same Committee reported same on Bill "An Act relating to Propagation and Cultivation of Clams, Quahogs and Mussels in Deorganized Towns" (H. P. 437) (L. D. 261)

Same gentleman from the same Committee reported same on Resolve relating to Digging of Clams in the Town of Harrington (H. P. 331) (L. D. 177)

Mr. Clapp from the same Committee reported same on Resolve relating to the Taking of Alewives from Walker's Brook (H. P. 552) (L. D. 300)

Mr. Littlefield from the same Committee reported same on Bill "An Act relating to the Taking of Clams in Cobscook River in the Township of Edmunds" (H. P. 438) (L. D. 257)

Same gentleman from the same Committee reported same on Resolve relating to Fishing in the Towns of Bucksport and Verona (H. P. 551) (L. D. 299)

Same gentleman from the same Committee reported same on Resolve Regulating the Taking of Clams in the Town of East Machias (H. P. 654) (L. D. 365)

Mr. Stevens from the same Committee reported same on Bill "An

Act Permitting the Digging of Clams, Quahogs, and Mussels in Mousam River and Its Tributaries for Bait Only" (H. P. 550) (L. D. 311)

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

Tabled

Mr. Fenn from the Committee on Welfare reported "Ought to pass" on Bill "An Act relating to Aid to the Blind" (H. P. 172) (L. D. 103)

Report was read.

(On motion of Mr. Fenn of Bath, tabled pending acceptance of the Committee Report)

Passed to be Engrossed

Bill "An Act to Provide for the Surrender by Dead River Plantation of its Organization" (H. P. 395) (L. D. 231)

Bill "An Act to Provide for the Surrender by Flagstaff Plantation of its Organization" (H. P. 396) (L. D. 232)

Bill "An Act relating to Uniforms of Deputy Sheriffs" (H. P. 440) (L. D. 258)

Bill "An Act relating to Powers of Fryeburg Village Fire Corporation" (H. P. 558) (L. D. 316)

Bill "An Act relating to Review and Alteration of Ward Lines in the City of Lewiston" (H. P. 760) (L. D. 447)

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

Tabled

Bill "An Act relating to the Charter of the City of Bangor" (H. P. 761) (L. D. 448)

Was reported by the Committee on Bills in the Third Reading.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask, for reasons which I hope I will be able to explain better next week, that this bill lie on the table and be assigned for the date of Wednesday, February 21st.

The **SPEAKER**: The gentleman from Bangor, Mr. Totman, moves that this bill lie on the table pending third reading and be specially assigned for Wednesday of next week. Is this the pleasure of the House?

The motion prevailed and the Bill with accompanying papers was tabled pending third reading and specially assigned for Wednesday, February 21st.

Resolve in favor of Herbert L. Bryant, of Houlton (H. P. 199) (L. D. 121)

Resolve in favor of the Town of St. Agatha (H. P. 341) (L. D. 198)

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

Amended Bills

Bill "An Act Amending the Charter of the Town of Dexter School District" (H. P. 203) (L. D. 125)

Bill "An Act relating to Abatement of Taxes" (H. P. 335) (L. D. 193)

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

Passed to be Enacted

An Act Relating to Closed Season on Deer in Swan's Island, Hancock County (S. P. 48) (L. D. 58)

An Act Relating to Appeals to Liquor Commission from Decisions of Municipal Officers Disapproving License Applications (S. P. 83 (L. D. 108)

An Act Relating to Transfer of Certificates of Motor Vehicles for Hire (H. P. 170) (L. D. 101)

Finally Passed

Resolve, Authorizing Commissioner of Inland Fisheries and Game to Convey Certain Land in Eastbrook to Fred A. DeMeyer (S. P. 89) (L. D. 142)

Resolve, Authorizing Commissioner of Inland Fisheries and Game to Convey Certain Land in Eastbrook to Edgar S. Gordon (S. P. 90) (L. D. 143)

Were reported by the Committee on Engrossed Bills as truly and

strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

The **SPEAKER**: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, Bill, "An Act relating to the Taxation of Telephone and Telegraph Companies and Electric Light and Power Companies" (S. P. 261) (L. D. 559) tabled on February 14 by the gentleman from Cape Elizabeth, Mr. Chase, pending reference in concurrence; and the Chair recognizes that gentleman.

Mr. **CHASE**: Mr. Speaker, the Constitution provides that any bill for raising of revenue must originate in the House of Representatives. As the members may see, if they will consult L. D. 559 and look at the first line on the top of page 2, this is such a bill for raising of revenue. It did originate in the Senate where it was introduced by a Senator by request. The bill is, therefore, constitutionally defective. It represents the thought of a worthy citizen who wants to make his contribution, as he believes, toward the solution of the taxation problem.

It is too late now for a new bill to be introduced by the regular procedure. The only method which I know by which this defect can be corrected is through the introduction of this bill by unanimous consent. I am, therefore, Mr. Speaker, in order to try to assist in correcting this technical but deadly defect, asking for unanimous consent that this bill be introduced in the House and I am willing to put my name on it as introducing it by request if there is no other member who would like to have his name put on it.

The **SPEAKER**: The Chair will inform the gentleman from Cape Elizabeth, Mr. Chase, that the question before the House is reference of this particular bill.

Does the gentleman wish to indefinitely postpone it and, at a later date, present the new bill and request unanimous consent for its introduction?

Mr. **CHASE**: I will be glad to conform to any procedure which

the Speaker may prefer. Perhaps I should have raised a point of order but the bill is obviously defective and if, in the opinion of the Chair, that is the best method of handling it, I will move that it be indefinitely postponed.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that Bill "An Act relating to the Taxation of Telephone and Telegraph Companies and Electric Light and Power Companies" (S. P. 261) (L. D. 559) be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Hall.

Mr. HALL: Mr. Speaker and Members of the House: Yesterday, by error of one type or another, Item 48 on yesterday's calendar, "Resolve Creating a Legislative Interim Committee to Implement the Engineering and Economic Study of Maine Highway Needs" (H. P. 1115) was referred to the Committee on Judiciary. Having talked with the Committee on Reference of Bills, I find it was intended that this being a highway bill it should be referred to the Committee on Highways. Therefore, I would like to ask the House to reconsider its action of yesterday whereby it referred H. P. 1115 to the Committee on Judiciary.

The SPEAKER: The gentleman from Calais, Mr. Hall, moves that the House reconsider its action of yesterday whereby it referred Resolve Creating a Legislative Interim Committee to Implement the Engineering and Economic Study of Maine Highway Needs (H. P. 1115) to the Committee on Judiciary.

Is this the pleasure of the House?

The motion prevailed; and on further motion of the same gentleman the Resolve was referred to the Committee on Highways and sent up for concurrence.

On motion of Mr. Jamieson of Presque Isle, the House voted to take from the table the 9th tabled and unassigned matter, Bill "An

Act relating to Motor Vehicles Parking in Dangerous Places" (H. P. 95) (L. D. 40) tabled by that gentleman on February 14th pending adoption of House Amendment "A."

On further motion of the same gentleman, House Amendment "A" was adopted, and the Bill, having already had its three several readings, was passed to be engrossed as amended and sent to the Senate.

The SPEAKER: The Chair at this time would like to call the attention of the members to Rule 19 of the Joint Rules. The reason that the Chair calls the attention of the members to this rule at the moment is due to the fact that there are a number of House Chairmen present, I hope, and all of the House members of the Committee on Appropriations are present, and it would be difficult to contact each and every one of you separately.

Now Rule 19 of the Joint Rules on Page 58 provides: "The several clerks of the committees to which are referred bills, orders or resolves involving the appropriation or expenditure of money shall forthwith upon receipt of such bills transmit a copy thereof carrying endorsement of reference, to the Committee on Appropriations and Financial Affairs. No bill shall be in order for advertising for hearing or any other procedure until such copy is so transmitted." That means exactly what it says to you members of the committees: A bill involving money, a copy of it must be sent to the Appropriations Committee. "The appropriations committee shall issue a printed report and tabulation of such bills weekly."

The Chair hopes that the Appropriations Committee will proceed to get out this report. The Chair knows they have been very busy, but some of the members have been inquiring, and the Chair thought it would be well to call this matter to the attention of the members this morning while they are all present.

If there is no further business, the Clerk will read the notices.

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until 10:00 o'clock tomorrow morning.