

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

Friday, February 16, 1951

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

Prayer by the Rev. Fr. Delaney of Augusta.

The journal of the previous session was read and approved.

Mr. Jacoby of Dixmont, was granted personal privilege to address the House.

Mr. JACOBY: Mr. Speaker, I wish to refute misleading statements in a newspaper, attacking and criticizing me in my official capacity. I wish to take personal exception to a misleading headline appearing in one of yesterday's newspapers, a headline which directly misinformed my constituents, both at home and in this legislative body, as to my duties and action as a member of the Committee on Correctional Institutions.

This headline stated, and I quote: "Legislative Group Visits State Prison, to Talk with Dwyer."

I, as a member of this committee on Correctional Institutions, was informed yesterday morning that we were to make a routine inspection tour of our State Prison at Thomaston. At no time was any hint or indication given that this trip was for other than a normal routine inspection of this institution. It was only after our arrival at Thomaston that one of the apparent purposes of our trip was to talk to Mr. Dwyer, and then I presumed any such conversation would be of a purely brief, inconsequential nature.

It was not until the interview was well underway did I realize the serious, unethical nature and purpose of the conversation as directed by some of the committee members. As soon as the real intent and direction of our visit became apparent beyond any possible doubt, I broke into the progress of the conversation by suggesting to the Warden that the conversation cease immediately. My request was complied with. I emphatically denounced and renounced the purpose and conduct of our conversation with Mr. Dwyer. I then declared

that the character of this unannounced surprise interview had placed the Warden, Mr. Dwyer and certain members of the committee, such as myself, in a most embarrassing position.

I then suggested that the Chairman of our Committee notify the press at the earliest possible moment to correct a noon radio broadcast heard by Mr. Dwyer stating that the intent of our visit was to interview Mr. Dwyer.

Regardless of whether or not any such correction has been effected by our Committee Chairman, I have taken this opportunity to declare my own personal stand and to make it clear that I do not approve an action which I believe was not consistent with the duties of a visiting Legislative Committee. And, furthermore, I wish it to be known definitely and emphatically that as a member of the Committee on Correctional Institutions, I have absolutely no personal interest in the Carroll-Dwyer Case.

Papers from the Senate

From the Senate:

Bill "An Act relating to Interest of Madawaska Territory School Fund" (S. P. 291) (L. D. 650)

Bill "An Act relating to a State Police Barrack in the County of Somerset" (S. P. 294) (L. D. 653)

Bill "An Act relating to Salaries of Members of Employment Security Commission" (S. P. 295) (L. D. 654)

Resolve Providing Funds to Augment Institutional Appropriations (S. P. 292) (L. D. 651)

Resolve Appropriating Moneys for Replacement and Conversion of Certain Elevators at the Bangor State Hospital (S. P. 293) (L. D. 652)

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 Open Season on White Perch" (S. P. 304) (L. D. 655)

Resolve Opening Virginia Lake, Oxford County, to Ice Fishing for White Perch (S. P. 305) (L. D. 656)

Resolve Closing Keewaydin Lake, Oxford County, to Ice Fishing for Salmon and Trout (S. P. 306) (L. D. 657)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate:

Bill "An Act relating to the Building Inspector of the City of Lewiston" (S. P. 307) (L. D. 658)

Bill "An Act relating to Board of Education of City of Lewiston" (S. P. 308) (L. D. 659)

Bill "An Act relating to the Superintending School Committee of the Town of Houlton" (S. P. 309) (L. D. 650)

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 relating to Prospecting for Minerals and Metals" (S. P. 310) (L. D. 661)

Came from the Senate referred to the Committee on Natural Resources.

In the House, referred to the Committee on Natural Resources in concurrence.

From the Senate:

Bill "An Act relating to Wholesale Lobster Dealer's License" (S. P. 311) (L. D. 662)

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 relating to Rental of Western Somerset Municipal Court" (S. P. 312) (L. D. 663)

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

In the House, on motion of Mr. Woodworth of Fairfield, tabled pending reference to a committee.

Bill "An Act relating to the Salary of the Mayor of the City of Lewiston" (S. P. 313) (L. D. 664)

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.

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Promote the Topographic Mapping of Maine in Cooperation with the United States Geological Survey" (S. P. 87) (L. D. 141) as it is covered by other legislation.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Referred to Committee on Labor

Report of the Committee on Business Legislation on Bill "An Act relating to Compensation Benefits Under the Workmen's Compensation Law" (S. P. 126) (L. D. 234) reporting that it be referred to the Committee on Labor.

Report of the same Committee reporting same on Bill "An Act relating to Compensation for Specified Injuries Under the Workmen's Compensation Law" (S. P. 127) (L. D. 235)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass with Committee Amendment Recommended

Report of the Committee on Business Legislation on Bill "An Act relating to Non-Profit Medical Service Plans" (S. P. 46) (L. D. 56) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and

House adjourn, they adjourn to meet on Tuesday, February 20, 1951, at eleven o'clock in the morning. (S. P. 331)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

The gentleman from Cape Elizabeth, Mr. Chase, was granted unanimous consent to address the House.

Mr. CHASE: Mr. Speaker, the House will recall that yesterday I called attention to a constitutional defect in a bill and moved indefinite postponement, which motion was carried.

I said then that in order to protect the interests of the citizen who sponsored the idea expressed in this bill that I would offer the same bill and ask for unanimous consent for its introduction. The bill is identical with the one which was yesterday indefinitely postponed and I, in spite of the possibility of public misunderstanding, nevertheless put my name on the bill as introduced by request.

I now ask unanimous consent that the bill be received.

The SPEAKER: The Clerk will read the title of the bill.

The CLERK: Bill "An Act relating to the Taxation of Telephone and Telegraph Companies and Electric Light and Power Companies" (S. P. 261) (L. D. 559).

The SPEAKER: Is there objection to the reception of the bill by unanimous consent?

(Cries of "Objection")

The SPEAKER: The Chair hears objection and the bill cannot be received.

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 State Owned Cars for State Fire Marshal and Inspectors" (H. P. 1193) (Presented by Mr. Travis of Westbrook) (Ordered Printed)

Bill "An Act relating to Automobile Travel by State Fire Inspectors" (H. P. 1194) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Claims

Resolve in favor of Saco Hospital, Inc., for Hospitalization, Support and Care of Miss Anne Lesso (H. P. 1195) (Presented by Mr. Hawkes of Saco by request)

(Ordered Printed)

Resolve in favor of Mrs. Henry Peterson, of Norridgewock (H. P. 1196) (Presented by Mr. Woodworth of Fairfield)

Sent up for concurrence.

Highways

Bill "An Act relating to Method of Issuance of State Highway and Bridge Bonds" (H. P. 1197) (Presented by Mr. Robbins of Houlton) (Ordered Printed)

Resolve in favor of the City of Waterville (H. P. 1198) (Presented by Mr. Castonguay of Waterville)

Resolve in favor of the Town of Stetson (H. P. 1199) (Presented by Mr. Emerson of Corinna)

Resolve in favor of the City of Saco (H. P. 1200) (Presented by Mr. Hawkes of Saco)

Resolve in favor of the Town of Houlton (H. P. 1201) (Presented by Mr. Robbins of Houlton)

Resolve in favor of the Town of Smithfield (H. P. 1202) (Presented by Mr. Woodworth of Fairfield)

Resolve in favor of the Town of Mercer (H. P. 1203) (Presented by same gentleman)

Sent up for conference.

Legal Affairs

Bill "An Act relating to Elections in the City of Biddeford" (H. P. 1204) (Presented by Mr. Gowell of Berwick by request)

(Ordered Printed)

Bill "An Act Amending the Charter of the City of Saco Relative to Voting" (H. P. 1205) (Presented by Mr. Hawkes of Saco by request)

(Ordered Printed)

Bill "An Act to Establish a Civil Service Commission for the Town of Old Orchard Beach" (H. P. 1206)

(Presented by same gentleman by request)

(Ordered Printed)

Bill "An Act Creating the Old Town High School District" (H. P. 1207) (Presented by Mr. Latno of Old Town)

(Ordered Printed)

Sent up for conference.

Public Utilities

Bill "An Act to Create the Veazie Sewer District" (H. P. 1208) (Presented by Mr. DeBeck of Holden)

(Ordered Printed)

Bill "An Act to Incorporate the Saco Sewerage District" (H. P. 1209) (Presented by Mr. Hawkes of Saco by request)

(Ordered Printed)

Sent up for conference.

Taxation

Bill "An Act to Impose an Excise Tax Upon Charges for Meals" (H. P. 1210) (Presented by Mr. Hawkes of Saco)

(1250 Copies Ordered Printed)

Bill "An Act Creating a Committee to Study the Broadening of State Tax Base" (H. P. 1211) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Bill "An Act relating to Exemption from Taxation of Certain Charitable Corporations" (H. P. 1212) (Presented by Mr. Taylor of Lyman)

(Ordered Printed)

Sent up for conference.

Towns and Counties

Bill "An Act relating to Tax Lien Fees" (H. P. 1213) (Presented by Mr. Bradeen of Waterboro)

(Ordered Printed)

Bill "An Act relating to the Hire of Professional Appraisers by Cities and Towns" (H. P. 1214) (Presented by Mr. Castonguay of Waterville)

(Ordered Printed)

Bill "An Act to Authorize the Treasurer and County Commissioners of Knox County to Procure a Loan to Remodel the Court House" (H. P. 1215) (Presented by Mr. Harding of Rockland)

(Ordered Printed)

Bill "An Act Increasing the Salary of the Judge of Probate for Somerset County" (H. P. 1216) (Pre-

ented by Mr. Woodworth of Fairfield)

(Ordered Printed)

Sent up for conference.

Welfare

Resolve Providing for State Pension for Miss Leola Carleton, of Danforth (H. P. 1217) (Presented by Mr. Brown of Baileyville)

Resolve Providing for State Pension for Annie Pushard, of Gardiner (H. P. 1218) (Presented by Mr. Gosline of Gardiner)

Resolve Providing for State Pension for Austin Wiley, of Madawaska (H. P. 1219) (Presented by Mr. Martin of Frenchville.)

Resolve Providing for State Pension for A. Lewis Baker, of Houlton (H. P. 1220) (Presented by Mr. Robbins of Houlton)

Resolve Providing for an Increase in State Pension for Flora E. Mosher of Smithfield (H. P. 1221) (Presented by Mr. Woodworth of Fairfield)

Sent up for concurrence

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

Orders

On motion of Mr. Chase of Whitefield, it was

ORDERED, that Rev. Ernest Harvey of Richmond be invited to officiate as Chaplain of the House on Friday, March 9, 1951.

House Reports of Committees Ought To Pass Printed Bills

Mr. Spear from the Committee on Highways reported "Ought to pass" on Resolve in favor of the Plantation of Moose River (H. P. 307) (L. D. 747)

Mr. Stewart from the Committee on Legal Affairs reported same on Bill "An Act to Incorporate the Town of Jackson School District" (H. P. 749) (L. D. 432)

Mr. Woodcock from same Committee reported same on Bill "An Act to Incorporate the Town of Swanville School District" (H. P. 388) (L. D. 224)

Mr. Bates from the Committee on Public Health reported same on

Bill "An Act relating to Employed Persons in Paper Mills" (H. P. 328) (L. D. 188)

Mr. Senter from same Committee reported same on Bill "An Act relating to Copies of Report of State Registrar of Vital Statistics" (H. P. 163) (L. D. 94)

Reports were read and accepted and the Bills and Resolve having already been printed, the Bills were read twice under suspension of the rules, the Resolve read once, and assigned the next legislative day.

Ought to Pass with Committee Amendment

Mr. Burkett from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Phillips School District" (H. P. 5) (L. D. 1) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 5, L. D. 1, Bill "An Act to Incorporate the Town of Phillips School District."

Amend Section 1 of said bill by adding after the words "inhabitants of" in the second line of said section, the words, "and the territory within".

Amend Section 8 by striking out in the 5th line thereof the figure "4" and inserting in place thereof the figure "8".

Committee Amendment "A" was adopted and the Bill was assigned for third reading the next legislative day.

Tabled

Mr. Delahanty from the Committee on Legal Affairs on Bill "An Act relating to Lucerne-in-Maine Village Corporation" (H. P. 537) (L. D. 296) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Pierce of Bucksport, the Report with accompanying papers was tabled pending acceptance and specially assigned for Tuesday, February 20th.)

Mr. Hand from the Committee on Legal Affairs on Bill "An Act to Ratify and Confirm the Incorporation of the Hope Cemetery Corporation, of Kennebunk, in the county of York" (H. P. 539) (L. D. 307) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 539, L. D. 307, Bill, "An Act to Ratify and Confirm the Incorporation of Hope Cemetery Corporation, of Kennebunk, in the County of York."

Amend said bill by striking out the first seventeen lines thereof, beginning with the words "Whereas, Hope Cemetery" and ending with the words "now, therefore,".

Committee Amendment "A" was adopted and the Bill was assigned for third reading the next legislative day.

Mr. Woodcock from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Surry School District" (H. P. 29) (L. D. 6) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 29, L. D. 6, Bill "An Act to Incorporate the Town of Surry School District."

Amend Sec. 1 of said bill by striking out after the words "recreational facilities" in the 8th line thereof, the words "for the purpose of maintaining elementary schools; for the purpose of completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any, or all, buildings within said town used for school purposes, or which may hereafter be used for school purposes;"

Amend Sec. 9 of said bill. Strike out in the 6th line of said section the figure "3", and insert in place thereof the figure "8".

Committee Amendment "A" was adopted and the Bill was assigned for third reading the next legislative day.

Mr. Albert from the Committee on Liquor Control on Bill "An Act Prohibiting the Procuring of Liquor for Certain Persons" (H. P. 784) (L. D. 465) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 784, L. D. 465, Bill "An Act Prohibiting the Procuring of Liquor for Certain Persons."

Amend said bill by inserting after the underlined word "Whoever" in the fifth line thereof, the underlined word 'knowingly'.

Committee Amendment "A" was adopted and the Bill was assigned for third reading the next legislative day.

Mr. JACOBS of Auburn: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. JACOBS: Mr. Speaker, I would like to refer, if I may, to Item 19 on page 4 of today's calendar, presented by the gentleman from Lewiston, Mr. Jalbert.

In his absence this morning, he has requested me to ask that this bill be laid on the table until next Tuesday morning.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves that the House reconsider its action taken this morning on Item 19 on today's calendar Bill "An Act Creating a Committee to Study the Broadening of State Tax Base" (H. P. 1211). Is this the pleasure of the House?

The motion prevailed; and on further motion of the same gentleman, the bill was tabled pending reference to a committee, ordered printed, and specially assigned for Tuesday, February 20.

Passed to Be Engrossed

Bill "An Act relative to Motor Vehicle Registration" (S. P. 91) (L. D. 144)

Bill "An Act to Regulate Trust Investments" (H. P. 102) (L. D. 50)

Bill "An Act relating to the Provident Loan Company" (H. P. 101) (L. D. 49)

Bill "An Act relating to Pauper Relief" (H. P. 174) (L. D. 105)

Bill "An Act Regulating Shooting Seals in Certain Waters of York County" (H. P. 244) (L. D. 140)

Bill "An Act relating to Propagation and Cultivation of Clams, Quahogs and Mussels in Deorganized Towns" (H. P. 437) (L. D. 261)

Bill "An Act relating to the Taking of Clams in Cobscook River in the Township of Edmunds" (H. P. 438) (L. D. 257)

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)

Bill "An Act relating to Revocation and Suspension of Sea and Shore Fisheries Licenses" (H. P. 653) (L. D. 372)

Bill "An Act relating to Powers of Gorham Village Corporation" (H. P. 1191) (L. D. 665)

Resolve relating to Digging of Clams in the Town of Harrington (H. P. 331) (L. D. 177)

Resolve relating to Fishing in the Towns of Bucksport and Verona (H. P. 551) (L. D. 299)

Resolve relating to the Taking of Alewives from Walker's Brook (H. P. 552) (L. D. 300)

Resolve Regulating the Taking of Clams in the Town of East Machias (H. P. 654) (L. D. 365)

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

Orders of the Day

The SPEAKER: There being no further business to come before the House, the Clerk will read the notices.

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until Tuesday, February 20, at 11:00 o'clock in the forenoon.