

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

Tuesday, March 13, 1951

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

Prayer by the Rev. Mr. Bernard Hanniger of Portland.

The Members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that Legislative membership motor vehicle identification plates as provided for in the joint order H. P. 790 passed as amended, may be used by the holders thereof in lieu of or in place of the regular registration plates as provided for by law when the owner's vehicle is otherwise properly registered and after the Secretary of State has received notice from said owner of his intention to use such identification plates in lieu of the regular registration plates, such notice to contain such information as the Secretary of State may require in addition to the holder's identification number, and after issuance of a certificate permitting same by the Secretary of State. (S. P. 491)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

From the Senate:

Bill "An Act relating to the Transmission of Television Signal by Wire" (S. P. 489) (L. D. 1169)

Came from the Senate received by unanimous consent and referred to the Committee on Business Legislation.

In the House, received by unanimous consent and referred to the Committee on Business Legislation in concurrence.

From the Senate:

"Bill "An Act relating to Hunting of Foxes" (S. P. 487) (L. D. 1168)

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.

Senate Reports of Committees

Mr. Christensen from the Committee on Highways on Resolve in favor of the Town of Waterboro (S. P. 300) reported leave to withdraw.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass with Committee Amendment

Report of the Committee on Business Legislation on Bill "An Act relating to Insurance Agents and Brokers" (S. P. 370) (L. D. 898) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report was read and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 370, L. D. 898, Bill "An Act Relating to Insurance Agents and Brokers."

Amend said Bill by striking out, in the 4th line thereof, the underlined word "may" after the underlined word "license" and inserting in place thereof the underlined word 'shall' and by striking out in said 4th line thereof, the underlined word "may" after the underlined word "issued" and inserting in place thereof the underlined word 'shall'.

Committee Amendment "A" was adopted in concurrence and tomorrow was assigned for third reading of the Bill.

Non-Concurrent Matter

Bill "An Act Prohibiting the Procuring of Liquor for Certain Persons" (H. P. 784) (L. D. 465) which was passed to be enacted in the House on February 28, and passed to be engrossed in the House on February 20, as amended by Committee Amendment "A".

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: Under suspension of the rules, the House voted to reconsider its action whereby it passed this Bill to be enacted on February 28th, and its action of February 20 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

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

SENATE 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 in the 8th line thereof, after the underlined word "habits" the underlined words and punctuation, **except that this provision shall not apply to liquor served to a minor in the home.**

Senate Amendment "A" was adopted and the Bill as amended by Committee Amendment "A" and by Senate Amendment "A" was passed to be engrossed in concurrence.

Orders

The **SPEAKER**: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. **JACOBS**: Mr. Speaker, I have an order and move its passage, and, after it is read, I would like to make a brief statement.

Thereupon, the order was read by the Clerk as follows:

ORDERED, that the Clerk of the House prepare and have printed for distribution to students visiting the sessions of the House a folder containing information concerning the State Government, the State Capitol and the Legislature.

The **SPEAKER**: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. **JACOBS**: Mr. Speaker, in presenting this order, I wish to say that we all know that we are privileged to have come to us to visit this Legislature various groups from outside of the city of Augusta, High Schools, Academies, Grammar Schools and so forth. They are, at the same time, seeking information in regard to the State

Capitol and the Halls of the House and Senate and so forth. It is our privilege to supply to these students that information which they are seeking, and that is the reason why this order is presented. It is not a costly affair; it is simply something for these students to take home with them after their visit to this building.

Thereupon, the order received passage.

House Reports of Committees Ought to Pass in New Draft

Mr. O'Dell from the Committee on Public Utilities on Bill "An Act Creating the Lubec Water and Electric District" (H. P. 756) (L. D. 445) reported same in a new draft (H. P. 1631) (L. D. 1192) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bills

Mr. Campbell from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act relating to Compensation for Members of State Racing Commission" (H. P. 444) (L. D. 273)

Mr. Finnegan from the same Committee reported same on Resolve Restoring Interest on Certain Trust Funds (H. P. 372) (L. D. 215)

Mr. Jacobs from the same Committee reported same on Resolve relating to Working Capital for Institutional Farms (H. P. 257) (L. D. 169)

Same gentleman from the same Committee reported same on Bill "An Act Providing for Funds for Civil Defense and Public Safety" (H. P. 792) (L. D. 472)

Mr. Jamieson from the same Committee reported same on Resolve relating to Surplus Property Pool for Institutions (H. P. 796) (L. D. 491)

Mr. Delahanty from the Committee on Judiciary reported same on Bill "An Act relating to Definition of 'Teacher' under Maine State Retirement Law" (H. P. 926) (L. D. 528)

Mr. Castonguay from the Committee on Labor reported same on Bill "An Act relating to Payment of Wages in Certain Businesses" (H. P. 642) (L. D. 362)

Mr. Larrabee from the same Committee reported same on Bill "An Act relating to Workmen's Compensation for Death of Employee" (H. P. 572) (L. D. 378)

Same gentleman from the same Committee reported same on Bill "An Act relating to Elevator Inspection Fees" (H. P. 1017) (L. D. 577)

Same gentleman from the same Committee reported same on Bill "An Act relating to Her Own Business Program" (H. P. 1233) (L. D. 786)

Same gentleman from the same Committee reported same on Bill "An Act relating to a Legal Day's Work" (H. P. 1275) (L. D. 844)

Mr. Dow from the Committee on Taxation reported same on Bill "An Act relating to Maine Forestry District Taxes" (H. P. 1032) (L. D. 587)

Same gentleman from the same Committee reported same on Bill "An Act to Provide Forest Fire Prevention and Control in Unorganized Areas not in the Maine Forestry District" (H. P. 1033) (L. D. 588)

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.

Ought to Pass with Committee Amendment Tabled

Mr. Campbell from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 804) (L. D. 477) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

Mr. CHASE: Mr. Speaker, this being a bill requiring funds which are not currently assured, I move that it lie upon the table.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the Report and Bill lie upon the table pending acceptance of the Committee Report. Is this the pleasure of the House?

The motion prevailed and the Report and Bill were so tabled.

Referred to Committee on Appropriations and Financial Affairs

Mr. Harding from the Committee on Judiciary on Bill "An Act relating to Elderly Teachers' Pensions" (H. P. 924) (L. D. 526) reported that it be referred to the Committee on Appropriations and Financial Affairs.

Same gentleman from the same Committee reported same on Bill "An Act relating to Elderly Teachers' Pensions" (H. P. 738) (L. D. 425)

Mr. Bubar from the Committee on Welfare reported same on Bill "An Act Liberalizing Certain Limitations on Old Age Assistance" (H. P. 1245) (L. D. 799)

Reports were read and accepted and sent up for concurrence.

Passed to be Engrossed

Bill "An Act relating to Destruction of Old Records" (S. P. 206) (L. D. 459)

Bill "An Act Changing the Town of Blanchard, Piscataquis County, to a Plantation" (S. P. 348) (L. D. 814)

Bill "An Act relating to the Practice of Optometry" (S. P. 465) (L. D. 1076)

Bill "An Act relating to Estimates for Taxes by County Commissioners" (S. P. 466) (L. D. 1077)

Bill "An Act relating to Markers Designating Certain Waters and Mountains" (H. P. 463) (L. D. 283)

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

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

Bill "An Act relating to Markers for Town Lines" (H. P. 580) (L. D. 350)

Bill "An Act to Provide Schooling in Brunswick for Tuition Pupils from Certain Other Towns" (H. P. 1050) (L. D. 630)

Bill "An Act Amending the Charter of the City of Waterville to Provide an Indefinite Term for the City Engineer" (H. P. 1053) (L. D. 633)

Bill "An Act to Amend the Charter of the City of Waterville to Provide Compensation for Municipal Officers, Board of Aldermen and City Council" (H. P. 1055) (L. D. 635)

Bill "An Act to Amend the Charter of the City of Waterville to Increase the Salary of the Mayor" (H. P. 1056) (L. D. 636)

Bill "An Act to Create the Town of Columbia Falls School District" (H. P. 1122) (L. D. 709)

Bill "An Act Amending the Charter of the Town of Camden" (H. P. 1123) (L. D. 710)

Bill "An Act to Repeal the Incorporation of Bridgton Centre Village Corporation" (H. P. 1182) (L. D. 737)

Bill "An Act relating to Pensions for Firemen of the City of Bangor" (H. P. 1184) (L. D. 739)

Bill "An Act relating to Pensions to Dependent Survivors of City Employees of the City of Bangor" (H. P. 1185) (L. D. 740)

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

Amended Bill

Bill "An Act Creating a Sewer System for Town of Winthrop" (H. P. 1629) (L. D. 1188)

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

Mr. Maxwell of Winthrop, offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1629, L. D. 1188, Bill, "An Act Creating a Sewer System for Town of Winthrop."

Amend said Bill by striking out in the tenth line of Section 6 thereof the underlined words "five years" and inserting in place thereof the underlined phrase "3 years of the acceptance of this act"

Thereupon, House Amendment "A" was adopted and the Bill had its third reading and was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

Resolve in favor of the Town of Southwest Harbor (H. P. 915) (L. D. 1189)

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

Tabled and Assigned

Resolve in favor of Caswell Plantation (H. P. 1259) (L. D. 1191)

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

(On motion of Mr. Burgess of Limestone, tabled pending second reading and specially assigned for Thursday morning, March 15th.)

Tabled

Resolve in favor of the Town of Hartland (H. P. 1405) (L. D. 1190)

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

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

Mr. CHASE: Mr. Speaker, I am informed that there may be an error in this bill. In the absence of the sponsor, the gentleman from Hartland, Mr. Hamilton, I move that it lie upon the table, and I am unable to assign a date due to his absence.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that Item 19, Resolve in favor of the Town of Hartland, lie upon the table pending second reading. Is this the pleasure of the House?

The motion prevailed and the resolve was so tabled.

Amended Bills

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

Bill "An Act relating to Serial Numbers of Motor Vehicles" (S. P. 329) (L. D. 727)

Bill "An Act to Incorporate the Lisbon Water District" (H. P. 758) (L. D. 454)

Bill "An Act to Incorporate the Town of Charleston School District" (H. P. 1117) (L. D. 704)

Bill "An Act to Incorporate the Town of Orrington School District" (H. P. 1118) (L. D. 705)

Bill "An Act Creating the Old Town High School District" (H. P. 1207) (L. D. 765)

Bill "An Act to Create the Veazie Sewer District" (H. P. 1208) (L. D. 766)

Bill "An Act to Create the Van Buren Sewerage District" (H. P. 1281) (L. D. 820)

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.

The following paper from the Senate was taken up out of order and under suspension of the rules.

From the Senate: The following Order:

ORDERED, the House concurring, that H. P. 541, L. D. 326, Bill "An Act to Repeal the Act Creating the Rumford Falls Village Corporation" and S. P. 50, L. D. 60, Bill "An Act to Incorporate the Town of York School District" be recalled from the Governor to the Senate. (S. P. 496)

Came from the Senate, in that body today read and passed.

In the House, the Order was read and passed in concurrence.

Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker, by unanimous consent as Chairman of the House Committee on Appropriations and Financial Affairs, I would like to present the report of the Committee and before it is placed in possession of the House, a further report may be presented at this time.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, requests unanimous consent to present a committee report out of order. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Clerk will read the report.

The CLERK: The Joint Standing Committee on Appropriations and Financial Affairs after hearing the requests of the several state depart-

ments and others financed from the undedicated revenues of the general fund, reports that the minimum appropriation requirements for these departments and others for each year of the next biennium are as set forth in Schedule A attached to this report.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker, we have another report by other members of the committee, which follows at this time, following the procedure of the upper branch.

The SPEAKER: The question before the House is on the acceptance of this report.

Mr. JALBERT of Lewiston: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. JALBERT: Mr. Speaker, I arise to ask unanimous consent to address the House.

The SPEAKER: The Chair will state that the gentleman from Lewiston, Mr. Jalbert, does not need unanimous consent to speak upon the issue before the House.

Mr. JALBERT: That is the subject on which I wish to speak, Mr. Speaker.

The SPEAKER: The Chair will state that the gentleman may proceed.

Mr. JALBERT: Mr. Speaker, I rise to generalize the report as to where the committee has made the major cuts. In the Health and Welfare Department—Health and Welfare, Institutions and Education make up seventy per cent of the total budget and all other departments, thirty per cent — we have cut the budget recommendation of a million dollars each year for the State Pauper Account to \$600,000 each year, a cut of \$400,000 each year. Aid to private hospitals, the budget recommendation of a million dollars each year has been cut to \$750,000 each year, a cut of \$250,000 each year from the budget recommendation.

Aid to Dependent Children, a cut from \$1,200,000 to \$720,000 for the year 1951-52 and a cut from \$1,260,000 to \$780,000 for the year 1952-53. This cut would eliminate the divorced and legally separated cases from the program which means \$300,000 each year and

would eliminate desertion cases from the program, which means \$180,000 each year. That is where the major cuts have been made pertaining to the Department of Health and Welfare.

In the Department of Education, we have taken plan 8 and applied the formula of plan 8 to the various groups involved in the department. The groups are: Subsidies to Towns and Cities for Tuition; Teaching Positions; Conveyance in Lieu of Teaching Positions; and Equalization of Educational Opportunity. Plan 8 is placed in those four groups and the cut there has been made, and I will quote the figure in a general breakdown in a few moments. It means about eighty-six per cent for subsidies against one hundred cents on a dollar as set by law. That is where the major cut was made in education.

On Institutions, the appropriations are almost the same as the budget recommendation. The Budget Officer and his assistant drew up a program, an emergency fund program, which means that the estimated population funds and also the estimated increase in commodity cost, based on fifteen per cent, have been allocated and withheld to the various institutions so that they cannot get these funds until population increase is shown in the various institutions.

All the other departments have been decreased and the decrease is due to the fact that the resolve that was tabled this morning pertaining to increase in salaries for State employees was drawn from the budget book and passed by a special resolve.

So that a breakdown on Institutions would mean that the increase is \$374,404 for the first year, \$434,577 for the second year, that is an increase from the budget recommendation.

The Health and Welfare Department shows a decrease from the budget recommendation of \$1,062,000 for the first year of the biennium and \$1,086,000 for the second year of the biennium.

Education: A cutback from the budget recommendation for the first year of \$588,379, the second year \$813,823.

All the other departments, such as the Audit Department, the Personnel Board and all these other departments, making up the other thirty-two per cent have been decreased \$117,986 for the first year and \$114,911 for the second year, so that for the first year of the biennium against the figure in the Governor's recommendation of \$7,705,565, more than the State has revenue for, the Legislative Appropriations Committee has cut for the first year \$1,393,961 and for the second year \$1,580,157, a total of \$2,974,118, so that that \$2,974,118 was cut by the Appropriations Committee from the \$7,705,563, leaving a total in red still of \$4,731,445 for the biennium.

All of the items in the book that required capital expenditures, that is buildings, an attempt is being made now to be allowed to place that into a building authority under an omnibus bill, voting a bond issue and amortizing it over a period of years. Also, that leaves all these resolves that are of a capital expenditure nature, that are special resolves, which will be treated the same and, of course, all of the other resolves of a recurring nature, will step this figure up in proportion to what the passage of the various measures are.

The gentleman from Auburn, Mr. Jacobs, allowed me to make these remarks and I am merely making them generally to give the Members of the House an opportunity to know where the major cuts were made and go on from there.

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

Mr. CHASE: Mr. Speaker, I am sure that we are all grateful to the Appropriations Committee for bringing us in this comprehensive and comprehensible form its estimates of the minimum requirements of state government. We are planning to afford to the full House, possibly through the method of a Committee of the Whole, but in any event under some procedure to be later agreed upon, an opportunity to discuss this report fully. This will require some planning and some agreement on procedure among the representatives of the two parties represented in the House. In my

opinion, the members should have a day or two to study these figures before they are asked to participate in a discussion of these minimum recommendations.

It is my purpose, at the end of my remarks, to make a motion that the report lie on the table. It will not be called up for consideration tomorrow, but I should hope that it might be called up during this week, after we have agreed upon the proper procedure for its consideration. With that plan in mind, I now move that the report lie on the table.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the report of the committee lie on the table pending its acceptance. Is this the pleasure of the House?

The motion prevailed, and the report with accompanying papers was so tabled.

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

On motion of Mr. Bates of Orono, the House voted to take from the table the 18th tabled and unsigned matter, House Report "Ought to pass" of the Committee on Liquor on Bill "An Act relating to the Liquor Commission" (H. P. 935) (L. D. 543) tabled by that gentleman on March 9th pending acceptance.

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

Mr. BATES: Mr. Speaker, on Friday last I assured the Members

of the House that I would endeavor to assign a special date for this measure at today's session. Since that time, however, I have had occasion to inquire from all those who were deeply concerned with this measure, and I find that the support is to return the bill to the committee for further study. As a disinterested party, I now move that the bill be recommitted to the committee.

The SPEAKER: The gentleman from Orono, Mr. Bates, moves that the report and bill be recommitted to the Committee on Liquor Control. Is this the pleasure of the House?

The motion prevailed, and the report and bill were recommitted to the Committee on Liquor Control and 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 Dixfield High School Junior and Senior classes in Problems in Democracy, under the charge of Mr. Wallace Hart, and on behalf of the House the Chair at this time bids you welcome. (Applause)

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

If there is no further business to come before the House, the Clerk will read the notices.

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until 10:00 o'clock tomorrow morning.