

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, March 15, 1951

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

Prayer by the Rev. Mr. Clarence H. Clark of Westbrook.

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 S. P. 171, L. D. 345, Bill "An Act to Incorporate the Kittery Sewer District" be recalled from the Engrossing Department" (S. P. 498)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

From the Senate:

Resolve Proposing an Amendment to the Constitution to Amend the Referendum Provision (S. P. 492) (L. D. 1194)

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 relating to Employment of Older Workers" (S. P. 493) (L. D. 1195)

Came from the Senate referred to the Committee on Labor.

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

Senate Reports of Committees
Ought to Pass

Report of Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Examination of Criminal Character of Prisoners" (S. P. 104) (L. D. 153)

Report of the Committee on Legal Affairs reporting same on Bill "An Act Relating to Gambling" (S. P. 324) (L. D. 723)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence and the Bills had their two several readings and tomorrow assigned.

Ought to Pass
With Committee Amendment

Report of the Committee on Legal Affairs on Bill "An Act to Amend the Charter of the Union Mutual Life Insurance Company" (S. P. 337) (L. D. 753) 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. 337, L. D. 753, Bill, "An Act to Amend the Charter of the Union Mutual Life Insurance Company."

Amend said Bill by striking out Section 3 thereof and inserting in its place the following:

Sec. 3. P. & S. L., 1878, c. 74 §10, amended. Section 10 of chapter 74 of the private and special laws of 1878 is hereby amended to read as follows:

'Sec. 10. Fiscal year; financial report; surplus; record of apportionment; dividends. The fiscal year of the said company shall close on the 31st day of December annually; [and on the first Wednesday of January following, or within one month thereafter] **and at least 3 days before the date of the annual meeting,** the directors shall cause an estimate to be made, as near as may be practicable, of the true state of the affairs of the company at the said close, and of their business for the last fiscal year, and a balance to be struck of the accounts of the company; and thereupon compute the reserve, as required by law, for insurance of the risks of all outstanding policies, and shall then ascertain the net surplus of the total assets over the aggregate of the losses, payments and expenses of the said year, and the reserve, computed as aforesaid. They may, whenever they deem it for the interests of the policyholders [but not oftener than once a year,] apportion and distribute [this] surplus, or any part thereof,

to the policies [which were in force at the close of the said last fiscal year and then entitled to participate in such apportionment, in the ratio in which the said policies severally contributed to the forming of such surplus] and contracts entitled by their terms to participate in a distribution of surplus; and record shall be made and preserved of such apportionments; and the same shall be binding upon all parties interested in any policy or contract issued, or risk taken, by the said company [, which by the terms of the policy or by the contract for the risk, is entitled to participate in the said surplus.] But the directors may make the payments of such dividends conditional upon the payment of the premium next becoming due.'

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

Orders

On motion of Mr. House of Lincoln, it was

ORDERED, that Mr. Finnegan of Bangor, be excused from attendance today because of business.

Mr. Spear of South Portland presented the following order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study and investigate the feasibility of the county manager form of government for the several counties in the state; and be it further

ORDERED, that a report of such study together with any recommendations deemed necessary be made to the 96th Legislature. (H. P. 1647)

The Order received passage and was sent up for concurrence.

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

House Reports of Committees Referred to Judiciary

Mr. Story from the Committee on Business Legislation on Bill "An Act relating to Distribution of Cor-

poration Assets" (H. P. 1403) (L. D. 1063) reported that it be referred to the Committee on Judiciary.

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Davis from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act to Authorize Savings Banks to Invest in the Stock of Insurance Companies" (H. P. 1402) (L. D. 1013)

Mr. House from the Committee on Correctional Institutions reported same on Bill "An Act relating to Incurable Inmates in Reformatory for Men" (H. P. 403) (L. D. 247)

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

The SPEAKER: The Chair at this time will appoint the gentleman from Bangor, Mr. Woodcock, Speaker pro tem, and direct the Sergeant-at-Arms to escort the gentleman to the rostrum.

Thereupon Mr. Woodcock was escorted to the rostrum by the Sergeant-at-Arms, where he assumed the Chair amid the applause of the House, and Speaker Silsby retired.

Passed to be Engrossed

Bill "An Act relating to Expenses of the Reporter of Decisions" (H. P. 955) (L. D. 567)

Bill "An Act relating to Inspection of Children's Homes" (H. P. 1142) (L. D. 674)

Bill "An Act Describing the Jefferson-Somerville Town Line, Lincoln County" (H. P. 1190) (L. D. 718)

Bill "An Act relating to Funeral Expenses Under Old Age Assistance Law" (H. P. 1285) (L. D. 823)

Resolve Appropriating Moneys to Obtain Plasma (H. P. 869) (L. D. 517)

Resolve in favor of State Military Defense Commission (H. P. 871) (L. D. 519)

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.

Amended Bills

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

Bill "An Act relating to Eligibility for Liquor Licenses" (S. P. 325) (L. D. 724)

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.

Bill "An Act Prohibiting the Printing of Pauper Assistance in Town Reports" (H. P. 206) (L. D. 128)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by House Amendment "B" and sent up for concurrence.

Bill "An Act relating to Greely Institute" (H. P. 1070) (L. D. 604)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

The SPEAKER pro tem: The Chair at this time recognizes the presence in the gallery of the Hall of the House of a group of students from Garland Street Junior High School in Bangor. It is a class of Junior Business Training, under the supervision of Mrs. Mildred Judy and Miss Dorothy Babcock, and on behalf of the House, the Chair wishes to welcome them cordially at this time. (Applause)

At this point Speaker Silsby returned to the rostrum.

The SPEAKER: Mr. Woodcock, in order that you may remember this occasion, may I present you with this little gavel.

Mr. WOODCOCK: Thank you very much, Mr. Speaker.

Mr. Woodcock was then escorted to his seat on the floor, amid the applause of the House, and Speaker Silsby resumed the Chair.

Passed to be Enacted Emergency Measure

An Act to Create the Limestone School District (H. P. 747) (L. D. 452)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Incorporate the Porter's Landing Water District (H. P. 1504) (L. D. 1057)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted and signed by the Speaker.

On motion of Mr. Patterson of Freeport, the Bill was ordered sent forthwith to the Senate.

Passed to Be Enacted

An Act Relating to Definition of Steam Railroad in Public Utility Law (S. P. 106) (L. D. 162)

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

An Act Relating to Recording of Judgments of Writs of Error (S. P. 149) (L. D. 267)

An Act Relating to Renewal of Certificates by Certain Teachers (S. P. 157) (L. D. 330)

An Act Relating to Street Openings by Public Utility Corporations (S. P. 170) (L. D. 344)

An Act Relating to the Propagation and Cultivation of Clams, Quahogs and Mussels (S. P. 173) (L. D. 348)

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)

An Act to Extend the Rights, Powers and Privileges of the Pas-

samaquoddy District Authority (S. P. 277) (L. D. 616)

An Act Amending the Charter of Portland Gas Light Company (S. P. 338) (L. D. 754)

An Act Relating to Sales of Property in Lien Cases (H. P. 533) (L. D. 302)

An Act Repealing the Incorporation of the City of Old Town Municipal Building District (H. P. 752) (L. D. 441)

An Act Repealing the Incorporation of the City of Old Town High School District (H. P. 753) (L. D. 442)

An Act to Amend the Charter of the City of Presque Isle (H. P. 1057) (L. D. 637)

An Act to Limit, Define and Confirm the Powers and Purposes of the Lewiston-Auburn Transit Company (H. P. 1126) (L. D. 711)

An Act Relating to Reciprocal Fishing Licenses with New Hampshire (H. P. 1162) (L. D. 685)

An Act Relating to Exemption of Parsonages from Taxation (H. P. 1389) (L. D. 934)

Resolve Regulating Fishing in Grace Pond in Enchanted Township (H. P. 194) (L. D. 116)

Resolve Relating to Flagstaff Pond in the County of Somerset (H. P. 635) (L. D. 382)

Resolve Regulating Fishing in Flagstaff Lake in Somerset and Franklin Counties (H. P. 636) (L. D. 357)

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.

The SPEAKER: The Chair at this time notes the presence of Miss Ruth Swanson of Brewer, Governor-elect of "Girls' State", and the Chair will appoint the gentlewoman from Portland, Mrs. Fay, to be the Governor-Elect's escort while she is visiting us in the House, and the Chair will direct the Sergeant-at-Arms to escort both of these ladies to the rostrum.

Thereupon, Mrs. Fay escorted Miss Ruth Swanson to the rostrum, amid the applause of the House, the members rising, and the ladies assumed seats at the Speaker's right.

The SPEAKER: Miss Swanson, it is a pleasure to welcome you.

Miss SWANSON: It is a pleasure to be here.

The SPEAKER: Members of the House, this is Miss Ruth Swanson, of Brewer, the Governor-elect of "Girls' State". (Applause)

The SPEAKER: The Chair at this time notes in the balcony of the Hall of the House the presence of the Freshman Class of Old Orchard Beach High School under the direction of George Zeller and Miss Alice E. Arnold, and on behalf of the House the Chair at this time bids you welcome. (Applause)

Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, Senate Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Towns and Counties on Bill "An Act relating to Vacations for Members of the Fire Department in the City of Lewiston" (S. P. 123) (L. D. 212) tabled on March 6 by the gentleman from Lewiston, Mr. Jalbert, pending acceptance in concurrence; and the Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move the acceptance of the report in concurrence.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that the House accept the report of the committee in concurrence. Is this the pleasure of the House?

The motion prevailed, and the committee report was accepted in concurrence.

Thereupon, the Bill had its two several readings.

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

COMMITTEE AMENDMENT "A" to S. P. 123, L. D. 212, Bill "An Act Relating to Vacations for Members of the Fire Department of the City of Lewiston."

Amend said Bill by striking out the last 2 lines thereof and inserting in their place the following:

"shall be entitled to 2 weeks' vacation each year with pay and such additional vacation as may be approved by the finance commission

at such time as may be prescribed by the fire commission.”

Committee Amendment “A” was adopted in concurrence and the bill was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, Majority Report “Ought not to pass” and Minority Report “Ought to pass” of the Committee on Judiciary on Bill “An Act relating to Liens on Insurance Policies for Hospitals” (S. P. 33) (L. D. 18) tabled on March 9 by the gentleman from Auburn, Mr. Jacobs, pending acceptance of either report; and the Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker, I tabled this bill on behalf of the gentleman from Bangor, Mr. Finnegan, and he is not present this morning. I would like to retable it and have it come up for consideration next Wednesday, March 21st.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves that the report and bill be retabled and specially assigned for Wednesday, March 21st. Is this the pleasure of the House?

The motion prevailed, and the report and bill were so tabled and so assigned.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, Bill “An Act relating to Savings Banks” (H. P. 1253) (L. D. 827) tabled on March 9 by the gentleman from Greenville, Mr. Rollins, pending third reading; and the Chair recognizes that gentleman.

On motion of Mr. Rollins, the bill had its third reading and was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, Resolve

in favor of Caswell Plantation (H. P. 1259) (L. D. 1191) tabled on March 13 by the gentleman from Limestone, Mr. Burgess, pending second reading; and the Chair recognizes that gentleman.

Mr. Burgess offered House Amendment “A” and moved its adoption.

House Amendment “A” was read by the Clerk as follows:

HOUSE AMENDMENT “A” to H. P. 1259, L. D. 1191, Resolve in Favor of Caswell Plantation.

Amend said Resolve by inserting after the word “called” at the beginning of the 3rd line of said Resolve the words ‘and for the repair of the Batiste Parent road, so called’

House Amendment “A” was then adopted, the resolve had its second reading and was passed to be engrossed as amended and sent to the Senate.

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

The Chair recognizes the gentleman from Rockland, Mr. Harding.

On motion of Mr. Harding, the House voted to take from the table the eighth tabled and unassigned matter, Resolve Dividing the State into Executive Councillor Districts (S. P. 367) (L. D. 866) tabled on March 2 by that gentleman pending second reading; and on further motion of the same gentleman the resolve was given its second reading and was passed to be engrossed in concurrence.

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.