

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, March 23, 1951

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

Prayer by the Rev. Mr. Kenneth S. Hatch of Mexico.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate:

Resolve Providing for Indexing and Filing Old Probate Records (S. P. 513) (L. D. 1232)

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.

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

Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Hunting of Deer" (S. P. 98) (L. D. 152)

Report of same Committee reporting same on Bill "An Act relating to Closed Season on Partridge" (S. P. 147) (L. D. 266)

Report of the Committee on Transportation reporting same on Bill "An Act relating to Overloaded Trucks" (S. P. 110) (L. D. 165)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass

Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act relating to Weight of Catch of Certain Fish" (S. P. 232) (L. D. 503)

Report of the same Committee reporting same on Resolve relating to Daily Bag Limit of Certain Fish in Portion of Kennebec River, Somerset County (S. P. 334) (L. D. 750)

Report of same Committee reporting same on Resolve relating to Daily Bag Limit of Certain Fish in Spencer Lake, Somerset County (S. P. 335) (L. D. 751)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Powers of the Housing Authority of Presque Isle" (S. P. 271) (L. D. 610)

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

In the House, Reports were read and accepted in concurrence, the Bills read twice, the Resolves read once, and assigned the next legislative day.

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for Fiscal Years Ending June 30, 1952, and June 30, 1953" (S. P. 45) (L. D. 55) reporting same in a new draft (S. P. 495) (L. D. 1196) under the same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendments C, F, H, J, K and M.

In the House:

Report was read.

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

Mr. CHASE: Mr. Speaker, what we would like to accomplish is that the report of the committee be now accepted, that the bill have its two readings this morning in regular order, and that further, in regular order, it be assigned for third reading on Tuesday, at which time amendments will be in order and it is hoped that a general discussion will take place.

If that is agreeable to the House, and after the time for third reading is assigned, Mr. Brown of Wayne, I understand, has a suggestion to make regarding procedure.

The SPEAKER: Is it the pleasure of the House to accept the report of the committee?

Thereupon, the House voted to accept the report of the committee in concurrence and the bill was given its two several readings.

The SPEAKER: What time will the House assign for the third reading of the bill?

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

Mr. CHASE: Mr. Speaker, I move that it be assigned for third reading for Tuesday next.

The SPEAKER: Would the gentleman state a time of day?

Mr. CHASE: At the hour of convening, Mr. Speaker.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that this bill receive its third reading at the hour of convening of the next legislative day. Is this the pleasure of the House?

The motion prevailed, and the bill was assigned for third reading at the hour of convening on the next legislative day, Tuesday, March 27.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Brown.

Mr. BROWN: Mr. Speaker, I am about to ask for a unanimous consent agreement. Before doing so, I would like to give a few brief reasons for so doing.

Ladies and Gentlemen of the House: I am particularly anxious that we have an orderly procedure at this session for discussing this important legislation.

In the past, it has been the general procedure to take up the bill in its entirety and to skip around throughout the bill, to make amendments on amendments, and it has been very confusing to a great many of the members, and after a couple of days of debate it is almost impossible to tell just what is in the bill.

Now, I think most of you are from small towns and have the town meeting form of government in your towns, and you know that at town meetings you have a warrant and that you discuss each article as it comes up and you have a general debate and you amend it and vote on it at that time. The purpose of this agreement is to do the same thing with this bill. It will be especially helpful to the newer members of the House.

Mr. Speaker, at this time I ask unanimous consent that at the time assigned for the third reading of S. P. 495, L. D. 1196, Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the

Fiscal Years Ending June 30, 1952, and June 30, 1953", the Bill shall be open for general debate and that when the Bill is read its third time it be read paragraph by paragraph, and that each paragraph as read be open to debate item by item and amendment of that part of the Bill and any Senate amendment to such paragraph shall be considered and disposed of first but without amendment thereto. Amendments to be considered without reproduction and without approval of the Committee on Rules and Business of the House, and that when the third reading of the Bill is completed no further debate or amendment shall be permitted.

The SPEAKER: Is there objection to the unanimous consent agreement proposed by the gentleman from Wayne, Mr. Brown?

Mr. DELAHANTY of Lewiston: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. DELAHANTY: Mr. Speaker and Members of the House: I rise to indicate that the agreement gives rise to an orderly procedure in the discussion of the bill, and with this order and agreement I am in accord.

The SPEAKER: Does the Chair hear any objection?

The Chair hears none, and consent is given.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 27, 1951, at 10:00 o'clock in the morning. (S. P. 516)

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

In the House, read and passed in concurrence.

Bills and Resolves Requiring Reference

The following 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:

Highways

Resolve in favor of the Town of Sebec (H. P. 1663) (Presented by Mr. Parker of Sebec)
Sent up for concurrence.

Welfare

Resolve Providing for State Pension for Euphemie O. Michaud, of Houlton (H. P. 1664) (Presented by Mr. Burgess of Limestone)
Sent up for concurrence.

Orders

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 government and management of the several counties in the state, including the feasibility of the county manager form of government; 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. 1666)

The Order was read and passed and sent up for concurrence.

On motion of Mr. Lord, of Norway, it was

ORDERED, that the Clerk of the House be directed to send flowers from the members of the House to Mr. Gilman of Portland, and express to him their regrets that he is ill and unable to be present, together with their hopes for his speedy recovery; and be it further

ORDERED, that he be excused from attendance until he is able to return.

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

House Reports of Committee Divided Report Tabled

Report "A" of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Running Horse Racing in the Daytime" (H. P. 1021) (L. D. 580)

Report was signed by the following members:

Messrs. ELA of Somerset
—of the Senate.
STEWART of Paris
MARTIN of Augusta
THOMAS of Waterville
BURKETT of Portland
—of the House.

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

Report was signed by the following members:

Messrs. WEEKS of Cumberland
HASKELL of Penobscot
—of the Senate.
WOODCOCK of Bangor
HAND of New Limerick
HAWKES of Saco
—of the House.

Report was read.

(On motion of Mr. Sanborn of Gorham, the two reports with accompanying papers were tabled pending acceptance of either report.)

Ought to Pass in New Draft

Mr. Bucknam from the Committee on Sea and Shore Fisheries on Bill "An Act relating to the Sale of Lobster Meat" (H. P. 1029) (L. D. 601) reported same in a new draft (H. P. 1665) (L. D. 1235) 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 assigned for third reading the next legislative day.

Ought to Pass without Amendment

Mr. Albee from the Committee on Public Utilities to which was recommitted the Bill "An Act to Incorporate the North Jay Water District" (H. P. 549) (L. D. 322) reported "Ought to pass" without Amendment.

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules and assigned for third reading the next legislative day.

Ought to Pass Printed Bills

Mr. March from the Committee on Liquor Control reported "Ought

to pass" on Bill "An Act relating to Sale of Liquor Near Togus Hospital" (H. P. 1485) (L. D. 1092)

Mr. Bearce from the Committee on Public Utilities reported same on Bill "An Act relating to Interstate Carriers" (H. P. 1370) (L. D. 961)

Mr. O'Dell from the same Committee reported same on Bill "An Act relating to Smoking in Buses" (H. P. 1553) (L. D. 1114)

Mr. Keene from the same Committee reported same on Bill "An Act relating to Inspectors of Public Utilities Commission (H. P. 1433) (L. D. 1039)

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

Tabled

Mr. Stevens from the Committee on Sea and Shore Fisheries reported "Ought to pass" on Bill "An Act Regulating the Digging of Marine Worms in the Town of Stockton Springs, Waldo County" (H. P. 1187) (L. D. 741)

Report was read.

(On motion of Mr. West of Stockton Springs, tabled pending acceptance of the Committee Report.)

Mr. Stevens from the Committee on Sea and Shore Fisheries reported "Ought to pass" on Bill "An Act relating to the Digging of Clams in the Town of Wells" (H. P. 1394) (L. D. 988)

Mr. Bucknam from the same Committee reported same on Bill "An Act relating to Digging of Clams in Northport Village Corporation" (H. P. 1064) (L. D. 644)

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

Ought to Pass with Committee Amendment

Mr. Ricker from the Committee on Education on Bill "An Act relating to Tuition in Normal Schools and Teachers' Colleges" (H. P. 882) (L. D. 524) 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. 882, L. D. 524, Bill "An Act Relating to Tuition in Normal Schools and Teachers' Colleges."

Amend said Bill by inserting before the last sentence thereof a new underlined sentence to read as follows:

'One-half of the gross tuition received shall be used for improvement of the teaching facilities in said normal schools and teachers' colleges.'

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

Passed to Be Engrossed

Bill "An Act relating to Clerical Assistance for Justices of the Supreme Judicial Court" (S. P. 154) (L. D. 329)

Bill "An Act relating to Compensation of Justices of the Supreme Judicial and the Superior Courts Upon Retirement" (S. P. 155) (L. D. 328)

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 Interest of Madawaska Territory School Fund" (S. P. 291) (L. D. 650)

Bill "An Act relating to Fishing and Hunting Licenses for Residents" (H. P. 523) (L. D. 285)

Bill "An Act relating to Closed Season on Deer in Town of Vinalhaven, Knox County" (H. P. 1407) (L. D. 1015)

Bill "An Act Regulating Registration of Vehicles Leased from Federal Government" (H. P. 1490) (L. D. 1097)

Bill "An Act relating to Loan and Building Associations" (H. P. 1514) (L. D. 1120)

Bill "An Act relating to Conversion Rights" (H. P. 1626) (L. D. 1170)

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

Resolve Prohibiting Fishing in Certain Parts of Swan Lake, Waldo County (H. P. 1225) (L. D. 779)

Resolve in favor of Forest Lake Improvement Association (H. P. 1226) (L. D. 780)

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

Bill "An Act relating to the Superintending School Committee of the Town of Houlton" (S. P. 309) (L. D. 660)

Bill "An Act relating to Temporary Judges for Municipal Courts" (H. P. 1011) (L. D. 574)

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" to each 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, House Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act relating to Maranacook Game Preserve", H. P. 1307, L. D. 860, tabled on March 16 by the gentleman from Sebec, Mr. Parker, pending acceptance of the Committee Report; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Parker of Sebec, the House voted to accept the "Ought to pass" report. The Bill was then given its first and second readings under suspension of the rules and was assigned for third reading the next legislative day.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Spear.

Mr. SPEAR: Mr. Speaker, I notice from today's calendar that there appears in the hands of the

Clerk of the House a certain paper, to wit, a Joint Order relative to the Legislative Research Committee making a study of the feasibility of the county-manager form of government, which has been recalled from the legislative file and, as this subject matter is now covered by an order which was passed earlier today, I now move that the House reconsider its action where-by it passed this order.

The SPEAKER: Under suspension of the rules, the gentleman from South Portland, Mr. Spear, moves that the House reconsider its action of March 15, whereby it passed House Paper 1647, an Order relative to the Legislative Research Committee making a study of the feasibility of the county-manager form of government. Is this the pleasure of the House?

The motion prevailed and, on further motion of Mr. Spear of South Portland, the order was indefinitely postponed and sent up for concurrence.

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

On motion of Mr. Chase of Cape Elizabeth, the House voted to take from the table the twelfth tabled and unassigned matter, Special Report of the Committee on Appropriations and Financial Affairs tabled by that gentleman on March 13 pending acceptance of the report.

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

Mr. CHASE: Mr. Speaker, since the purpose for which the report was tabled is about to be accomplished by the general budget bill, which is now before us in the regular order, the report would seem to be of no particular value to the House as a matter of parliamentary procedure.

I hesitate to make an uncomplicated motion on a report which has given us so much valuable information and I will give the House the option of whether to indefinitely postpone it or place it on file. I would like to place it on file if I may.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the twelfth tabled and unassigned matter, Special Report

of the Committee on Appropriations and Financial Affairs, be placed on file. Is this the pleasure of the House?

The motion prevailed and the Special Report was accordingly placed on file.

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 on Tuesday, March 27, 1951.