

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

VOLUME II

1951

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Monday, May 7, 1951.

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

Prayer by Rev. Mr. Akeley of Gardiner.

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
Senate Reports of Committees
Divided Report
Tabled and Assigned**

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Trespassing on Commercial or Residential Property" (S. P. 411) (L. D. 971)

Report was signed by the following members:

Messrs. **HASKELL** of Cumberland
BARNES of Aroostook
WARD of Penobscot
—of the Senate.

McGLAUFLIN of Portland
HARDING of Rockland
Mrs. **FAY** of Portland
Messrs. **HAYES** of Dover-Foxcroft
FULLER of Bangor
DELAHANTY of Lewiston
—of the House.

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

Report was signed by the following member:

Mr. **WOODWORTH** of Fairfield
—of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House:

The **SPEAKER**: The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. **WOODWORTH**: Mr. Speaker, there is quite a lot of interest in this bill. I therefore move that it lie on the table and be specially assigned for tomorrow morning.

The **SPEAKER**: The gentleman from Fairfield, Mr. Woodworth, moves that the two reports, with accompanying papers, lie on the table and be specially assigned for

tomorrow morning. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled and so assigned.

Ought Not to Pass

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of the Town of Aurora (S. P. 210)

Report of the same Committee reporting same on Resolve in favor of Henry J. Deabay of Ashland (S. P. 510)

Report of the Committee on Welfare reporting same on Bill "An Act relating to Payment of Town's Share of Aid to Dependent Children Grant" (S. P. 44) (L. D. 46)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Public Health on Bill "An Act relating to Registration of Dentists and Dental Hygienists" (S. P. 481) (L. D. 1144) reporting a new draft (S. P. 567) (L. D. 1361) under 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.

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

Ought to Pass

Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act relating to the Salary of the Sheriff of Aroostook County" (S. P. 420) (L. D. 980)

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, the Bill read twice, and tomorrow assigned.

**Non-Concurrent Matter
Tabled Temporarily**

From the Senate:

Bill "An Act to Provide Fire Protection for Connor Township" (H. P. 394) (L. D. 230) which was in-

definitely postponed in the House on April 24.

Came from the Senate passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Burgess of Limestone, tabled until later in today's session.

Orders

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

Mr. CHASE: Mr. Speaker, now that the House has pretty well cleaned its calendar and greater flexibility in procedure seems desirable, I present an order and move its passage.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, presents an order and moves its passage. The Clerk will read the order.

ORDERED, that all matters tabled without assignment, after the passage of this Order, stand assigned for the second succeeding legislative day unless sooner taken from the table.

The SPEAKER: Under the rules, the order will lie on the table until tomorrow.

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 Ought to Pass Printed Bills

Mr. Delahanty from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to East Limington Improvement Society" (H. P. 740) (L. D. 437)

Mr. Fuller from the same Committee reported same on Bill "An Act to Include World War I Veterans in Maine State Retirement System" (H. P. 783) (L. D. 464)

Mr. Woodworth from the same Committee reported same on Bill "An Act relating to Powers and Duties of Recorder of the Municipal Court of the City of Biddeford" (H. P. 240) (L. D. 137)

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

Ought to Pass with Committee Amendment

Mr. Delahanty from the Committee on Judiciary on Bill "An Act relating to Liens for Payment of Assessments on Real Estate" (H. P. 1619) (L. D. 1179) 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. 1619, L. D. 1179, Bill "An Act Relating to Liens for Payment of Assessments on Real Estate."

Amend said bill by striking out in the seventeenth line thereof, the underlined words "as a lien is created on real estate or"

Committee Amendment "A" was adopted and the Bill was assigned for third reading tomorrow morning.

Mrs. Fay from the Committee on Judiciary on Bill "An Act relating to Appointment of Administrators with the Will Annexed" (H. P. 925) (L. D. 527) 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. 925, L. D. 527, Bill "An Act Relating to Appointment of Administrators With the Will Annexed."

Amend said bill by striking out in the seventh, eighth and ninth lines thereof, the underlined words "to one of the beneficiaries of the will, if otherwise qualified, or if not otherwise qualified".

Further amend said bill by inserting after the word "person" in the ninth line thereof, the following underlined words "whether beneficially interested or not".

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

Passed to be Engrossed

Resolve Regulating Fishing in Red River and Birch River (H. P. 1540) (L. D. 1133)

Was 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**Tabled and Assigned**

Bill "An Act to Clarify Provisions of the Liquor Law" (S. P. 118) (L. D. 209)

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

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker and Members of the House: There are things about Item 2 that I would like to have a little more time to look up, and I would like the pleasure of laying this matter on the table until tomorrow, and I so move.

The SPEAKER: The gentleman from Ellsworth, Mr. Dunham, moves that Bill "An Act to Clarify Provisions of the Liquor Law" lie on the table and that it be specially assigned for tomorrow morning. Is this the pleasure of the House?

The motion prevailed, and the matter was tabled pending third reading and assigned for tomorrow morning.

Tabled and Assigned

Bill "An Act relating to Use of Joint Fund for State Aid Road Construction" (S. P. 320) (L. D. 726)

Was reported by the Committee on Bills in the Third Reading and read the third time.

On motion of Mr. Lackee of Addison, tabled pending passage to be engrossed and specially assigned for tomorrow morning.

Tabled and Assigned

Bill "An Act relating to Construction of State Aid Highways" (S. P. 354) (L. D. 869)

Was reported by the Committee on Bills in the Third Reading and read the third time.

On motion of Mr. Lackee of Addison, tabled pending passage to be engrossed and specially assigned for tomorrow morning.

Resolve in favor of Peter J. Beaulier, of Ashland (H. P. 808) (L. D. 1367)

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

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the 1st tabled and today assigned matter, An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation, H. P. 1734, L. D. 1293, tabled on May 2 by the gentleman from Dover-Foxcroft, Mr. Hayes, pending passage to be enacted. The Chair recognizes the gentleman from Caribou, Mr. Bearce.

Thereupon, on motion of Mr. Bearce of Caribou, the bill was retabled pending passage to be enacted.

The SPEAKER: The Chair now lays before the House the 2nd tabled and today assigned matter, Resolve Regulating Fishing in the Fish River Chain of Lakes, H. P. 1690, L. D. 1267, tabled on May 2 by the gentleman from Moose River Plantation, Mr. Watson, pending passage to be engrossed. The Chair recognizes the gentleman from Caribou, Mr. Bearce.

Thereupon, Mr. Bearce of Caribou offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1690, L. D. 1267, Resolve Regulating Fishing in the Fish River Chain of Lakes.

Amend said Resolve by striking out from the third line thereof the words and punctuation "Fish lake, Portage lake."

Thereupon, House Amendment "B" was adopted and the resolve, having had its two several readings, was passed to be engrossed as amended and sent to the Senate.

The SPEAKER: The Chair lays before the House the 3rd tabled and today assigned matter, An Act Establishing a Tri-State Authority to Enable the Collective Construction and Operations of Institutions in Maine, New Hampshire and Ver-

mont, H. P. 928, L. D. 541, tabled on May 2 by the gentleman from Auburn, Mr. Jacobs, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. JACOBS: Mr. Speaker, I move that this article be retabled.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves that An Act Establishing a Tri-State Authority to Enable the Collective Construction and Operations of Institutions in Maine, New Hampshire and Vermont lie on the table.

Mr. JACOBS: On the Special Calendar, Mr. Speaker.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, withdraws his motion to table and requests that this matter be placed on the Special Calendar.

The SPEAKER: The Chair now lays before the House the 4th tabled and today assigned matter, Report of the Committee on Towns and Counties reporting "Ought not to pass" on Bill "An Act Relating to the Salary of the Judge of Probate in Penobscot County, H. P. 939, L. D. 544, tabled on May 2 by the gentleman from Bangor, Mr. Fuller, pending acceptance of the report; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Fuller of Bangor the report with accompanying papers was retabled pending acceptance of the report.

The SPEAKER: The Chair now lays before the House Paper from the Senate, Item 7, Non-Concurrent Matter, Bill "An Act to Provide Fire Protection for Connor Township", H. P. 394, L. D. 230, which was indefinitely postponed in the House on April 24 and which came from the Senate passed to be engrossed in non-concurrence and was tabled earlier in today's session by the gentleman from Limestone, Mr. Burgess. The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker and Members of the House: Several days ago I asked the House and they granted my request to indefinitely postpone this item because there was another general enabling act in the other branch of the Legislature.

Since that time the enabling act has met with a sad fate and I would like, at this time, to make the motion that the House reconsider its action whereby this item was indefinitely postponed and I would like to further add that if you grant my request, I have an amendment to offer which will cover several towns in Piscataquis County which were included or were hoped to be cared for in the general enabling act, which was previously introduced by the gentleman from Sebec, Mr. Parker. I might say that the Town of Connor and these other towns lie close enough to towns with fire departments so that arrangements can be made and the adjoining towns where the fire departments are in existence are agreeable and so are the County Commissioners.

Therefore, Mr. Speaker, I move that the House recede from its action whereby Item 7 was indefinitely postponed.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that the House recede from its former action of April 24 whereby Bill "An Act to Provide Fire Protection for Connor Township", H. P. 394, L. D. 230, was indefinitely postponed. Is it the pleasure of the House to recede?

The motion prevailed.

Thereupon, the bill was given its second reading by title only, without objection.

Mr. Burgess of Limestone then presented House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 394, L. D. 230, Bill "An Act to Provide Fire Protection for Connor Township."

Amend the title of said Bill by striking out the words "Connor Township" and inserting in place thereof the words "Townships of Connor, Medford and Orneville"

Further amend said Bill by striking out all after the enacting clause and inserting in place thereof the following:

Emergency preamble. Whereas, the towns of Connor, Medford and Orneville surrendered their organizations and at the present time there is no provision for fighting

local fires other than forest fires; and

Whereas, it is necessary that some arrangement be made in order to protect the inhabitants insofar as possible from loss by fire; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Assessment for fire protection tax.

The county commissioners of Aroostook county are hereby authorized, on behalf of the inhabitants of Connor township, and the county commissioners of Piscataquis county are hereby authorized, on behalf of the inhabitants of Medford and Orneville townships, to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fire protection, for the townships of Connor, Medford and Orneville. The county commissioners shall annually assess upon the townships an amount sufficient to provide for such protection, and said assessment shall be certified and transmitted by the county treasurers to the state tax assessor not later than April 1 each year. The state tax assessor shall determine the amount of tax due, in accordance with the provisions of section 74-A of chapter 14 of the revised statutes, and shall include such amounts in the statements referred to in section 77 of chapter 14. The state tax assessor shall collect such taxes and cause them to be remitted to the county treasurers in the same manner as provided for the county tax, provided, however, that the treasurer of the state shall, when remitting to the counties, remit the fire protection tax and county tax in separate amounts and designate the amount of the fire protection tax collected from the townships of Connor, Medford and Orneville. Collection of such fire protection tax shall be enforced in the same manner as provided for the en-

forcement of collection of county taxes and interest collected shall be credited to the general fund of the state.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

House Amendment "A" was thereupon adopted and the bill as amended by House Amendment "A" in non-concurrence was assigned for third reading tomorrow morning.

On motion of Mr. Chase of Cape Elizabeth, the House voted to take from the table the 6th tabled and unassigned matter, Bill "An Act relating to Method of Issuance of State Highway and Bridge Bonds" (H. P. 1197) (L. D. 761) tabled on May 4th by the gentleman from Cape Elizabeth, Mr. Chase, pending third reading; and on further motion of the same gentleman the bill was given its third reading, passed to be engrossed and sent up for concurrence.

On motion of Mr. Jacobs of Auburn, the House voted to take from the table the 1st tabled and unassigned matter, Resolve, Providing for State Pension for Mrs. Minnie Ferguson, of Saco (H. P. 1455) (L. D. 1343) tabled on May 3rd by that gentleman pending final passage; and on request by the same gentleman, the resolve was placed on the Special Calendar.

On motion of Mr. Jacobs of Auburn, the House voted to take from the table the 2nd tabled and unassigned matter, Resolve to Compensate Edwin Blanche of Augusta for Personal Injuries (H. P. 1521) (L. D. 1330) tabled by that gentleman on May 3rd, pending final passage; and on request by the same gentleman the resolve was placed on the Special Calendar.

(Mr. Delahanty of Lewiston was granted unanimous consent to address the House)

Mr. DELAHANTY: Mr. Speaker and Members of the House: There is an item that does not appear on the official calendar of today, the Journal of the House or the calen-

dar, but some years ago it appeared as a very bright mark on the calendar, and that was the birthday of one of our outstanding members. It is said oftentimes that youth is a great thing; it is too bad to waste it on young people, but I think that this young man I speak of won't mind that because he has gone out of that adolescent stage, but he keeps young because of his actions in this House. And I know you could take him back many years, sometime during his political life or in his attendance at his duties in this Legislature; and you could possibly see fit to change the election date.

I know that this young man has been too modest to mention to you that today is his birthday, but I would like very much to have the Chair recognize the gentleman from Lewiston, Louis Jalbert, who has now reached his "twenty-first" birthday; and I think we should recognize that he is entitled to a seat in this House, and without any question. (Applause, members rising)

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until 8.30 E. S. T. tomorrow morning.