

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

1953

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Tuesday, March 3, 1953.

The Senate was called to order by the President.

Prayer by the Rev. J. S. Pendleton of Augusta.

Journal of Thursday, February 26, 1953, read and approved.

Out of order and under suspension of the rules, Mr. Haskell of Penobscot presented the following Order and moved its passage:

ORDERED, the House concurring, that the intent of Senate Paper 29, the cloture order, passed by each branch on January 14 was that the list to be prepared by the Director of Legislative Research and presented on February 24 should contain all of the Bills and Resolves offered to the Director prior to the cloture dates but not completed by the Director on that date.

In the preparation of the list the Director assumed that such bills as had been completed and taken from his office had either been introduced by the sponsor or had been judged by the sponsor as measures that should not be introduced at this session.

Since some bills having been filed within the cloture provision were in the hands of the members when the list of bills was prepared and were therefore not included in the listing, be it now

FURTHER ORDERED, that the Director of Legislative Research shall file a supplemental list, containing such Acts and Resolves as were filed with him prior to the general cloture provision but which were omitted from his first listing because the measures were in possession of the members.

To be included in the supplemental list, each of the above mentioned measures must be returned to the Director not later than 1 p. m. Wednesday, March 4, 1953, and any measures then remaining in possession of the members shall be accepted only by unanimous consent.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I will speak very briefly to the motion that the order have passage. I have heard of no instance

in this Branch where any senator has a pocket bill that was omitted from Mr. Slosberg's list. There are, I believe, not over four or five bills in the other Branch and it seemed fair that since unanimous consent does not seem immediately available to those people that they be protected by this type of order. I do not believe the supplemental list will have more than a handful of bills on it and will be limited strictly to the bills that were in prior to cloture but were bills that had been completed, the members having them in their possession, and Mr. Slosberg didn't know that they had abandoned the idea, so that in effect this simply carries out the intent of the cloture order and had that order been more carefully written this one would not have been necessary, and I plead guilty to the fact that that technicality was not covered in the original order.

Thereupon the order received passage.

House Papers

Bill "An Act Relating to Digging Clams and Marine Worms in Wiscasset, County of Lincoln." (S. P. 88) (L. D. 195)

(In the Senate, on February 19th passed to be engrossed.)

Comes from the House, recommitted to the Committee on Sea and Shore Fisheries in non-concurrence.

In the Senate, recommitted to the Committee on Sea and Shore Fisheries in concurrence.

Bill "An Act Relating to Removal of Parked Motor Vehicles." (H. P. 289) (L. D. 274)

(In Senate, on February 19th passed to be engrossed, in concurrence.)

Comes from the House, engrossing reconsidered, House Amendment "A" adopted and the bill as so amended, was passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Haskell of Penobscot, tabled pending consideration.

Joint Order

ORDERED, the Senate concurring, that Joint Rule 10 be amended by inserting in the first line af-

ter the word "resolve" the words "not already printed", so that the first sentence shall read as follows:

"Every Bill or Resolve not already printed reported in either house by a committee, or laid upon the table by leave, shall be printed and distributed in both houses, before having its first reading." (H. P. 1122)

Which was read and passed in concurrence.

Bill "An Act Relating to Revolving Fund for Administration of Social Security for Political Subdivisions of State." (H. P. 1007) (L. D. 1134)

Which was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Relating to Deception as to Prices of Engine Fuel or Lubricating Oils." (H. P. 1014) (L. D. 1135)

Bill "An Act Relating to Facsimile Signatures upon Corporate Obligations." (H. P. 1015) (L. D. 1136)

Which were severally referred to the Committee on Business Legislation in concurrence.

Bill "An Act Relating to Reimbursement to Towns for Snow Removal." (H. P. 1016) (L. D. 1137)

Which was referred to the Committee on Highways in concurrence.

Bill "An Act Relating to Liability of Sheriffs for Acts of Deputies." (H. P. 1017) (L. D. 1138)

Bill "An Act Relating to Unauthorized Use of Communications." (H. P. 1020) (L. D. 1139)

Bill "An Act Relating to Political Party Representation on State Boards and Commissions." (H. P. 1021) (L. D. 1140)

Bill "An Act Relating to Improper Use of Stockholders' Lists." (H. P. 1022) (L. D. 1141)

Bill "An Act Relating to Uniform Reciprocal Enforcement of Support Act." (H. P. 1023) (L. D. 1142)

Bill "An Act Requiring Professional Bondsmen to be Licensed and Bonded." (H. P. 1024) (L. D. 1143)

"Resolve in Favor of Naomi G. Davis of Palermo." (H. P. 1018) (L. D. 1144)

"Resolve, in Favor of a Special Recess Committee to Study All Elec-

tion Laws." (H. P. 1019) (L. D. 1145)

Which were severally referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Sale of Cigarettes and Tobacco Products in Taverns." (H. P. 1025) (L. D. 1146)

Bill "An Act Relating to Liquor Advertising." (H. P. 1026) (L. D. 1147)

Which were severally referred to the Committee on Liquor Control in concurrence.

"Resolve Authorizing the Forest Commissioner to Convey by Sale Certain Interests of the State in Land in Hallowell, Kennebec County." (H. P. 1027) (L. D. 1148)

Which was referred to the Committee on Natural Resources in concurrence.

Bill "An Act Relating to Tax on Telegraph Companies." (H. P. 1028) (L. D. 1149)

Which was referred to the Committee on Taxation in concurrence.

"Resolve Providing for an Increase in State Pension for Lloyd L. Arnold of Randolph." (H. P. 1060)

"Resolve Providing for Pension for Victor J. Dehetre of Brunswick." (H. P. 1070)

Which were severally referred to the Committee on Welfare in concurrence.

House Committee Reports:

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Transportation of Fish from Moosehead Lake," (H. P. 27) (L. D. 21) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Natural Resources on "Resolve, Authorizing the State Tax Assessor to Convey by Sale Certain Interest of the State in Lands in the Unorganized Territory," (H. P. 146) (L. D. 144) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence,

and the bills as amended were tomorrow assigned for second reading.

The Committee on Sea and Shore Fisheries on Bill "An Act Regulating the Digging of Marine Worms in the City of Belfast, Waldo County," (H. P. 193) (L. D. 204) reported that the same ought to pass.

Comes from the House, recommended to the Committee on Sea and Shore Fisheries.

In the Senate, the report was accepted and the bill read once and tomorrow assigned for second reading.

The Committee on Towns and Counties on Bill "An Act to Incorporate the Town of Stacyville," (H. P. 239) (L. D. 220) reported that the same ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and accepted and the bill read once; House Amendment "A" was read and adopted in concurrence.

Mr. WARD of Penobscot: Mr. President, I move that the rules be suspended and the bill be given its second reading. In support of the motion may I say that the people of Stacyville have their town meeting on the third Monday in March, and to be of value to them, this bill must be through the legislature and passed by that time.

The motion prevailed, the rules were suspended and the bill was given its second reading and passed to be engrossed in concurrence.

Senate Papers

The following Bills were transmitted by the Director of Legislative Research, pursuant to Joint Order, S. P. 29, and on recommendation by the Committee on Reference of Bills, were referred to the following committees.

Business Legislation

Mr. Dennett of York presented Bill "An Act Relating to Certain Policies of Insurance by Companies Organized Under General Law." (S. P. 433)

Mr. Haskell of Penobscot presented Bill "An Act Relating to the Executive Office." (S. P. 434)

Mr. Dennett of York presented Bill "An Act Relating to Acts of Employees of a Partnership as Insurance Agents." (S. P. 435)

(Each ordered printed.)

Sent down for concurrence.

Education

Mr. Butler of Franklin presented Bill "An Act Relating to Regrouping of Towns in Supervisory Unions." (S. P. 436)

(Ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Chase of Cumberland presented "Resolve Proposing an Amendment to the Constitution to Provide for Appointment of Attorney General by the Governor." (S. P. 437)

(Ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Weeks of Cumberland presented Bill "An Act Relating to Adoption of a Certain Child." (S. P. 438)

(Ordered printed.)

Sent down for concurrence.

Liquor Control

Mr. Tabb of Kennebec presented Bill "An Act to Clarify the Liquor Laws." (S. P. 439)

(Ordered printed.)

Sent down for concurrence.

Sea and Shore Fisheries

Mr. Hanson of Washington presented Bill "An Act Relating to the Packing of Sardines." (S. P. 440)

Mr. Dunham of Hancock presented Bill "An Act Relating to Interstate Transportation of Shellfish." (S. P. 441)

(Each ordered printed.)

Sent down for concurrence.

Senate Committee Reports

Mr. Dennett from the Committee on Business Legislation on Bill "An Act Relating to the Licensing of Non-Resident Life Insurance Agents," (S. P. 105) (L. D. 305) reported that leave be granted to withdraw the same.

Which report was read and accepted.

Sent down for concurrence.

Mr. Reid from the Committee on Judiciary on Bill "An Act Relating to Limitation for Injuries by Defect in Highways," (S. P. 59) (L. D. 127) reported that the same ought not to pass.

(On motion by Mr. Haskell of Penobscot, tabled pending consideration of the report.)

Mr. Chase from the Committee on Taxation on Bill, "An Act to Exempt from the Sale and Use Tax Water Sold for Home Consumption," (S. P. 177) (L. D. 430) reported that the same ought not to pass.

Mr. CHASE: Mr. President, in view of the absence of the Senator from Androscoggin, Senator Boucher, who introduced this bill, I will move that it lie on the table and later in the session today I will take it off if he is here; otherwise I will move for an assignment for tomorrow.

Thereupon the bill was tabled pending consideration of the committee report.

Mr. Dennett from the Committee on Business Legislation on Bill "An Act Relating to the Examination of Insurance Agents," (S. P. 105) (L. D. 306) reported that the same ought to pass.

Mr. Reid from the Committee on Judiciary on Bill "An Act Relating to the Bangor Public Library" (S. P. 124) (L. D. 333) reported that the same ought to pass.

Mr. Ward from the same Committee on Bill "An Act to Amend the Charter of Great Northern Paper Company, Formerly Northern Development Company," (S. P. 125) (L. D. 334) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Consolidation or Merger of Wholly Owned Subsidiaries into Their Parent Corporation," (S. P. 126) (L. D. 335) reported that the same ought to pass.

Mr. Tabb from the Committee on Liquor Control on Bill "An Act Relating to Suspension and Revocation of Liquor Licenses," (S. P. 135) (L. D. 322) reported that the same ought to pass.

Mr. Littlefield from the Committee on Natural Resources on Bill "An Act Relating to Insects and

Diseases of Trees," (S. P. 210) (L. D. 546) reported that the same ought to pass.

Mr. Butler from the same Committee on Bill "An Act Authorizing the Construction of an Intake Structure and the Taking of Water from Craig Pond, Hancock County," (S. P. 115) (L. D. 329) reported that the same ought to pass.

Mr. Chase from the Committee on Taxation on Bill "An Act to Clarify the Sales and Use Tax Law," (S. P. 141) (L. D. 341) reported that the same ought to pass.

Mr. CHASE of Cumberland: Mr. President, this is a departmental bill intended to clarify a number of provisions in the Sales Tax law. An explanation of the bill is contained in a two page bulletin prepared by the department, which has been distributed this morning. No objection was raised at the hearing to any of these provisions. I would like to take this opportunity to point out to the Senate that the Committee has before it a large number of bills proposing amendments to the sales tax law, some of which would affect in other points sections which are clarified in this bill. It seems to the committee that the best method of procedure is to report these bills out and to let them go through the legislative process for a test until it can be determined if they will pass, and finally if there are any conflicts which come about by reason of two amendments to a particular section that these conflicts be removed in a final bill when the others have reached the enacting stage. If there is any Senator who has any question in regard to this particular bill from the point of clarification I would be glad if he would take it up at this time and I would undertake to get him the information to answer any question which he may have in regard to it.

Thereupon the report of the committee was accepted and the bill was given its first reading and tomorrow assigned for second reading.

The same Senator from the same Committee on Bill "An Act to Amend the Exemption in the Sales and Use Tax Law Respecting Hospitals," (S. P. 72) (L. D. 156) reported that the same ought to pass.

Mr. Carter from the same Committee on "Resolve Directing Review of Property Tax Statutes," (S. P. 189) (L. D. 428) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act to Prevent Multiple Sales or Use Taxes," (S. P. 73) (L. D. 157) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act to Clarify the Exemption from the Sales and Use Tax of Prescribed Medicine," (S. P. 211) (L. D. 547) reported that the same ought to pass.

Which reports were severally read and accepted, the bills and resolves read once and tomorrow assigned for second reading.

Mr. Ward from the Committee on Judiciary on Bill "An Act Relating to Financial Responsibility," (S. P. 61) (L. D. 125) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill read once. Committee Amendment A was read:

Committee Amendment "A" to S. P. 61, L. D. 125. "An Act Relating to Financial Responsibility."

Amend said bill by striking out the whole of section 1 and inserting in place thereof the following:

"Sec. 1. R. S., c. 19 § II, amended. Subsection II of section 64 of chapter 19 of the revised statutes is hereby amended to read as follows:

II. Secretary to administer §§ 64 to 71; court review. The secretary shall administer and enforce the provisions of sections 64 to 71, inclusive, and he is authorized to adopt and enforce such regulations as may be necessary for their administration. **He is hereby authorized to remove and destroy all records and papers in his office pertaining to the financial responsibility law which are more than 3 years old, are not in use and which in his judgment are no longer of value.** Any person aggrieved by an order or act of the secretary under the provisions of said sections may, within 10 days after notice thereof, file a petition for a review thereof in the superior court of the county in which one of the parties resides, and if both plaintiff and defendant are non-residents, then in the county where the accident occurred; but

the filing of such petition shall not suspend the order or act unless a stay thereof shall be allowed by a judge of said court pending final determination of the review. The court shall summarily hear the petition and may make any appropriate order or decree."

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

Mr. Reid from the same committee on Bill, "An Act Relating to Liability for Wilfully Injuring or Killing Dogs," (S. P. 128) (L. D. 337) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill read once.

The Secretary read Committee Amendment "A":

Committee Amendment "A" to S. P. 128, L. D. 337, Bill, "An Act Relating to Liability for Wilfully Injuring or Killing Dogs."

Amend said Bill by striking out the underlined words "**wilfully injures or wilfully**" in the 6th line thereof, and setting in place thereof the underlined words "**wilfully or negligently injures or wilfully or negligently**"

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

Mr. Parker from the Committee on Welfare on Bill "An Act Relating to the Advisory Council of Health and Welfare (S. P. 119) (L. D. 317) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once. Committee Amendment A was read:

COMMITTEE AMENDMENT "A" to S. P. 119, L. D. 317, Bill "An Act Relating to the Advisory Council of Health and Welfare."

Amend said Bill by adding after the period at the end of section 1 thereof the following underlined sentence:

'The committee shall meet at least twice in each calendar year; one such meeting shall be held annually in October, at which time a chairman and vice-chairman shall be elected from its members.'

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

**Communication
(Out of Order)**

Out of order and under suspension of the rules, the following Communication was received:

State of Maine
Office of the Governor
Augusta

March 3, 1953

To the Members of the
Ninety-Sixth Legislature

Gentlemen:

Article 5, section 9, of the Constitution of the State of Maine, states that it is the duty of the Governor to convey from time to time, information of an urgent nature to the Legislature and to make recommendations thereby.

The recent decision of the Maine Supreme Court, in regard to the Public Utilities Commission's denial of an increased telephone rate, was based on present Maine law. You are aware of the recent action of the PUC in increasing these rates following the mandate of the Courts. Let me quote from the Court decision in which the Supreme Court says: "In interpreting legislation such as this, we are the servant of the Legislature and of the people of this State. We do not make the law."

This would indicate that it is the duty of this Legislature to clarify our present Public Utilities law and to bring it into conformity with other New England states. Whatever you may do with respect to legislation, I have confidence that your treatment of this difficult problem will be fair both to rate payers and to the stockholders of the utilities. I urge you strongly to take immediate steps to consider this matter and to remedy the situation without delay. I consider the entire situation to be a grave one, as it affects every citizen in Maine. It merits your immediate attention, study and action. I urge that you give it top priority of decision.

Sincerely,

(signed)

BURTON M. CROSS

Which was received and placed on file.

Passed to be Engrossed

Bill "An Act Relating to Rental for the Winthrop Municipal Court." (H. P. 284) (L. D. 269)

Bill "An Act Relating to Oaths, Acknowledgments and Nominations of Guardians in Probate Court." (H. P. 72) (L. D. 68)

"Resolve in Favor of the Town of Waterford." (H. P. 92) (L. D. 979)

"Resolve, in Favor of Henry J. Deabay, of Ashland." (H. P. 140) (L. D. 977)

"Resolve in Favor of the Town of Kennebunkport." (H. P. 162) (L. D. 161)

"Resolve Regulating Fishing in Certain Ponds in Hancock County." (H. P. 168) (L. D. 212)

Bill "An Act Relating to Funeral Expenses of Deceased Recipients of Old Age Assistance and Aid to the Blind." (H. P. 198) (L. D. 208)

Bill "An Act Relating to Clerks for Voting District in Town of Cranberry Isles." (H. P. 240) (L. D. 221)

Bill "An Act Relating to Clarification of Secondary School Tuition." (H. P. 252) (L. D. 282)

Bill "An Act Relating to Length of School Year." (H. P. 253) (L. D. 283)

Bill "An Act Repealing the School Building Assistance Commission." (H. P. 255) (L. D. 285)

Bill "An Act Repealing Simpson's Pond Bird Sanctuary." (H. P. 327) (L. D. 395)

"Resolve, Regulating the Taking of Smelts in Oxford County." (H. P. 331) (L. D. 353)

"Resolve, Authorizing the Forest Commissioner to Convey the Interest of the State (Maine Forestry District) in a Lot of Land in the Town of Brownville." (H. P. 352) (L. D. 368)

"Resolve, Changing Name of Lily Pond, Waldo County." (H. P. 353) (L. D. 369)

"Resolve, Authorizing the Forest Commissioner to Convey the Interest of the State in Lot 102, in St. Agatha." (H. P. 354) (L. D. 370)

Bill "An Act Relating to School Bands and Other Organized Activities." (H. P. 287) (L. D. 272)

Bill "An Act Enlarging the Purposes of New Portland and Eustis Telephone and Telegraph Company and Changing Its Name to Somerset Telephone Company." (H. P. 437) (L. D. 497)

(On motion by Mr. Harding of Knox, tabled pending second reading.)

"Resolve in Favor of Leon C. Roberts and Sons, of Winthrop." (H. P. 495) (L. D. 978)

"Resolve Regulating Fishing in the Kennebec River." (H. P. 1013) (L. D. 976)

"Resolve Regulating Fishing in East Branch Tributaries of the Penobscot River." (H. P. 101) (L. D. 102)

Which were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to Inspection of Schools." (H. P. 254) (L. D. 284)

"Resolve Regulating Fishing in Mosquito Brook, Metallic Brook and Mill Brook, County of Oxford." (H. P. 263) (L. D. 293)

Bill "An Act Relating to Salaries of Judge and Recorder of Bath Municipal Court." (H. P. 286) (L. D. 271)

"Resolve in Favor of the Town of Waldoboro." (H. P. 406) (L. D. 980)

Bill "An Act Relating to Propagating Wild Rabbits." (H. P. 409) (L. D. 458)

Bill "An Act to Incorporate the Madawaska Water District." (H. P. 438) (L. D. 382)

Which were severally read a second time and passed to be engrossed, as amended, in concurrence.

Bill "An Act Authorizing Husson College to Confer Degrees." (S. P. 87) (L. D. 193)

Bill "An Act Relating to Liquor Commission Functions." (S. P. 223) (L. D. 593)

Bill "An Act Relating to Delisting and Discontinuance of Purchasing Liquor by the Commission." (S. P. 224) (L. D. 592)

(On motion by Mr. Dennett of York, tabled pending passage to be engrossed.)

Bill "An Act Relating to Numbers Boards in State Stores." (S. P. 227) (L. D. 589)

Which were severally read a second time and passed to be engrossed.

Sent down for concurrence.

Orders of the Day

On motion by Mr. Haskell of Penobscot the Senate voted to reconsider its former action taken earlier in today's session whereby the Ought to Pass report of the Committee on Sea and Shore Fisheries, on Bill, An Act Regulating the Digging of Marine Worms in the City of Belfast, Waldo County (H. P. 193) (L. D. 204) was accepted, and on further motion by the same Senator the bill and accompanying papers were recommitted to the Committee on Sea and Shore Fisheries in concurrence.

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table Ought Not to Pass report from the Committee on Judiciary on Bill, An Act Relating to Limitation for Injuries by Defects in Highways (S. P. 58) (L. D. 127) tabled by that Senator earlier in today's session pending consideration. On motion by Mr. Boucher of Androscoggin the bill and accompanying papers were laid upon the table pending consideration of the committee report.

On motion by Mr. Chase of Cumberland the Senate voted to take from the table the Ought Not to Pass report from the Committee on Taxation on Bill, An Act to Exempt from the Sale and Use Tax Water Sold for Home Consumption (S. P. 187) (L. D. 430) tabled by that Senator earlier in today's session pending consideration.

Mr. CHASE of Cumberland: Mr. President, the Senator from Androscoggin, Senator Boucher, is agreeable to having this bill tabled and especially assigned for Thursday, March 5th, and I so move.

Thereupon, the bill and accompanying papers were laid upon the table pending consideration, and especially assigned for Thursday, March 5th.

On motion by Mr. Weeks of Cumberland

Adjourned until tomorrow morning at ten o'clock.