

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

Wednesday, April 1, 1953.

The Senate was called to order by the President.

Prayer by the Rev. Chauncey Wentworth of Augusta.

Journal of yesterday read and approved.

House Papers

"Resolve Providing for State Pension for Helen Duncan of Thomaston." (H. P. 1217)

Which was received by unanimous consent and referred to the Committee on Welfare in concurrence.

House Committee Reports

The Committee on Claims to which was recommended "Resolve in Favor of Carroll L. McKusick, of Parkman," (H. P. 159) (L. D. 733) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Employees of University of Maine, Receiving Federal Social Security Benefits," (H. P. 418) (L. D. 466) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Taxation of Personal Property Held in Trust," (H. P. 417) (L. D. 465) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Rights and Stock Options of Stockholders," (H. P. 339) (L. D. 355) reported that the same ought to pass.

(On motion by Mr. Chase of Cumberland, tabled pending consideration of the report.)

The same Committee on Bill "An Act Relating to Definition of 'Absent Voting'," (H. P. 105) (L. D. 107) reported that the same ought to pass.

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

The Committee on Taxation on Bill "An Act Relating to Sales Tax on Isolated Sales of Motor Vehicles," (H. P. 282) (L. D. 279) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 168)

(On motion by Mr. Ward of Penobscot, tabled pending consideration of the report and especially assigned for Tuesday, April 7.)

The Committee on Sea and Shore Fisheries on Bill "An Act Repealing Law on Canning of Clams and Mussels," (H. P. 1112) (L. D. 1247) reported that the same ought not to pass.

(In Senate, on March 26, recommended to the Committee on Sea and Shore Fisheries in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the "Ought Not to Pass" report of the Committee was accepted, and now asks for a Committee of Conference.

In the Senate, that Body voted to reconsider its former action whereby the bill was recommended to the Committee on Sea and Shore Fisheries; and further voted to accept the "Ought Not to Pass" report in concurrence.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Canning of Clams," (H. P. 1113) (L. D. 1248) reported that the same ought not to pass.

(In Senate, on March 26, recommended to the Committee on Sea and Shore Fisheries in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby it accepted the "Ought Not to Pass" report of the Committee, and now asks for a Committee of Conference.

In the Senate, that Body voted to reconsider its former action whereby the bill was recommended to the Committee on Sea and Shore Fisheries; and further voted to accept the "Ought Not to Pass" report in concurrence.

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Payments to Towns by State in Lieu of Taxes," (H. P. 251) (L. D. 281) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Appropriations and Financial Affairs.

In the Senate, on motion by Mr. Collins of Aroostook, recommended to

the Committee on Appropriations and Financial Affairs in concurrence.

The Committee on Business Legislation on Bill "An Act Relating to Deception as to Prices of Engine Fuel or Lubricating Oils," (H. P. 1014) (L. D. 1135) reported that the same ought to pass.

Comes from the House, recommended to the Committee on Business Legislation.

In the Senate, on motion by Mr. Dennett of York, recommended to the Committee on Business Legislation in concurrence.

The Committee on Public Health on Bill "An Act Transferring Maine School for the Deaf to Department of Education." (H. P. 685) (L. D. 720) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Public Health.

In the Senate, that Body voted to recommit the bill to the Committee on Public Health in concurrence.

The Committee on Towns and Counties on Bill "An Act Relating to the Salary of the County Attorney of Aroostook County," (H. P. 691) (L. D. 726) reported that the same ought to pass.

Comes from the House, recommended to the Committee on Towns and Counties.

In the Senate, on motion by Mr. Weeks of Cumberland, recommended to the Committee on Towns and Counties in concurrence.

The Committee on Towns and Counties on Bill "An Act Increasing Salaries of County Officers in Aroostook County," (H. P. 610) (L. D. 609) reported that the same ought to pass.

Comes from the House, recommended to the Committee on Towns and Counties.

In the Senate, on motion by Mr. Weeks of Cumberland, recommended to the Committee on Towns and Counties in concurrence.

The Majority of the Committee on Judiciary on Bill "An Act Relating to Evidence of Intoxication,"

(H. P. 422) (L. D. 469) reported that the same ought to pass.

(signed) Senator:
REID of Kennebec

Representatives:
LOW of South Portland
TRAFTON of Auburn
MARTIN of Augusta
FULLER of Bangor
McGLAUFLIN

—of Portland

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed) Senators:
WARD of Penobscot
HARDING of Knox

Representatives:
CIANCHETTE
—of Pittsfield
FITANIDES of Saco

Comes from the House, the Majority Report read and accepted, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Ward of Penobscot, the bill and accompanying papers were laid upon the table pending consideration of the reports.

The Majority of the Committee on Judiciary on Bill "An Act Relating to Trustee of Wages," (H. P. 341) (L. D. 357) reported that the same ought not to pass.

(signed) Senators:
REID of Kennebec
HARDING of Knox
WARD of Penobscot

Representatives:
TRAFTON of Auburn
FULLER of Bangor
FITANIDES of Saco
LOW of South Portland
McGLAUFLIN

—of Portland

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(signed) Representatives:
MARTIN of Augusta
CIANCHETTE

—of Pittsfield

Comes from the House, the Majority Report read and accepted.

In the Senate, on motion by Mr. Ward of Penobscot, the Majority Report "Ought Not to Pass" was accepted in concurrence.

Communications

STATE OF MAINE
 Director of Legislative Research
 Augusta

March 31, 1953

Honorable Chester T. Winslow
 Secretary of the Maine Senate
 State House
 Augusta, Maine

Dear Mr. Winslow:

In accordance with Joint Order (S. P. 29) I submit herewith a list of bills and resolves in process of preparation by the office of the Director of Legislative Research.

From the list submitted on March 24, 1953, the following bills have been withdrawn:

#8. House, Private and Special, "An act Creating the Bar Harbor Authority."

#6. Senate, Resolves, "Resolve Proposing an Amendment to the Constitution Providing for Four State Senators from Each County."

Respectfully

SAMUEL H. SLOSBERG
 Director

SHS:FP
 Attachment

Mr. HASKELL of Penobscot: Mr. President, I would now move that the Communication be received and placed on file, and in support of that motion it might be of interest to the Senate to know that as of April first, all bills covered under the control order have either been withdrawn or have been referred to the legislature, with one exception. A Senator still has one bill entitled an Act Creating a State Crime Commission. I have no motion to make relating to that bill, but it might not be difficult to find support for an order that would, in effect, get that one bill into the legislature.

We have got to the point now where fairness to us all requires that when it gets down to one bill, that Senator should make up his mind whether he wants the bill or wants to withdraw it and it is possible that some such Order as I mentioned might tomorrow have some merit.

The motion prevailed and the Communication was received and ordered placed on file.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I request unanimous consent to introduce a Resolve. In explanation, if it will do any good, this measure has to do with the granting of authority to quit claim and interest by the state to some property in the County of Cumberland. Some years ago there was a mix-up in an estate and the result was a small interest that escheated to the state which has remained as a cloud upon the title. This matter has been cleared and is not to mean any loss to the State of Maine. The State of Maine is not interested as I understand it, and if the Resolve is accepted, I move that it be referred to the Committee on Judiciary.

Thereupon Resolve Authorizing the Treasurer of State to Convey Interest of the State in Property in Portland to Frank and K. Louise Bieske was received by unanimous consent; and referred to the Committee on Judiciary.

Sent down for concurrence.

Mr. Dunham of Hancock was granted unanimous consent to address the Senate.

Mr. DUNHAM of Hancock: Mr. President and members of the Senate, history has a way of repeating itself. I started to come up to the State House this morning and there seemed to be a stillness in the air, an air of impending disaster, and I came up and sat in my chair here, and two young ladies approached me and said, "Lloyd you have made more telephone calls than you are entitled to."

I remember two years ago I found myself in that same position. I have a dear wife and children and they like to have me call them every day and I like to do it and I find I can't do that today.

I came back from a very delightful party last night and I was seduced, my arm was twisted to get me into a game of cards and I played such games as Spit in the River, Up and Down the Penobscot, and games of that nature, and I found that there was a certain tax on getting the cards. You had to put in a little money in order to draw the cards so I find myself this morning with only fourteen cents. So again I find that I can't use the

telephone, and I just want to appeal to my good friends who may have have some calls left over if they won't come to me and offer them to me.

When I said these same words in the House two years ago they were very kind to me and I hope that you gentlemen will do the same. Thank you very much.

Senate Committee Reports

Mr. Dow from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Digging of Marine Worms in Alna, Bremen, Damariscotta, Newcastle, South Bristol and Waldoboro," (S. P. 185) (L. D. 426) reported the same in a new draft (S. P. 516) under a new title, Bill "An Act Relating to the Digging of Marine Worms in Bremen, Damariscotta, Bristol, South Bristol and Waldoboro," and that the same ought to pass.

Which report was read and accepted, and the bill in new draft and under a new title was laid upon the table for printing under Joint Rule No. 10.

Mr. Butler from the Committee on Natural Resources on "Resolve Authorizing Commissioner of Inland Fisheries and Game to Grant Extension to Remove Lumber from Land in Franklin County," (S. P. 416) (L. D. 1125) reported that the same ought to pass.

Which report was read and accepted, the resolve read once and tomorrow assigned for second reading.

The same Senator from the same Committee on "Resolve Permitting Sugar Loaf Ski Club to Use Certain State Lands," (S. P. 322) (L. D. 812) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the resolve read once; Committee Amendment "A" was adopted without reading, and the resolve as amended, was tomorrow assigned for second reading.

Mr. HASKELL, of Penobscot: Mr. President, I would move that the rules be suspended to permit me to make a series of motions relating to the legislative document by means of which the state could be

authorized to accept the very generous gift of Governor Percival P. Baxter.

The motion prevailed and the rules were suspended.

Mr. HASKELL: Mr. President, the first motion in accordance with the rules, is to present a report from the Committee on Appropriations, which report and accompanying bill is in accordance with a Joint Order passed earlier in the session providing that such enabling legislation as seemed necessary be brought out by that committee. It would be my hope that the "Ought to Pass" report of the Committee would be accepted and the bill given its first reading and then under suspension of the rules its second reading and passage to be engrossed.

Without confusing the record by speaking to any of those motions, I will say that all this bill does in effect is to authorize Governor Cross to receive from former Governor Baxter the sum of \$675,000 and does provide that the Governor with the advice and consent of the Council shall direct the expenditure of that money in such bridge construction, if it is necessary, and such construction as seems wise and desirable in building a school for the Deaf on Mackworth Island.

I am sure the record would not be complete if it did not include reference to the generosity expressed by the Governor to his state by this very generous donation which is only one of a long series of demonstrations that Governor Baxter's heart and fortune are wrapped up in the State of Maine and so with full faith that those motions will be properly gavelled, I present the report of the committee.

The SECRETARY: "Pursuant to Joint Order passed earlier in this session, Mr. Haskell of Penobscot, from the Committee on Appropriations and Financial Affairs, reports bill, An Act Accepting from Percival Proctor Baxter, the gift of \$675,000 for the new Maine School for the Deaf to be constructed on Mackworth Island in the town of Falmouth, Maine, and for a new bridge connecting said Island with the mainland of said town, and that it ought to pass."

Thereupon, the report of the committee was accepted and under sus-

pension of the rules was given its two several readings and passed to be engrossed.

Sent forthwith to the House for concurrence.

“Resolve Relating the the School-house in Indian Township, Near Princeton.” (H. P. 61) (L. D. 51)

Bill “An Act to Increase the Salary of the Sheriff of Waldo County.” (H. P. 607) (L. D. 606)

Bill “An Act Relating to Hospital Aid.” (H. P. 1210) (L. D. 1381)

Bill “An Act Relating to Salaries of Public Utilities Commission.” (H. P. 1211) (L. D. 1382)

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

“Resolve Regulating Fishing in Porter Lake, Franklin County.” (H. P. 65) (L. D. 61)

Bill “An Act Relating to Driving Deer.” (H. P. 94) (L. D. 87)

Bill “An Act Relating to Closed Season on Deer on Cranberry Isles, Hancock County.” (H. P. 410) (L. D. 459)

Bill “An Act Relative to the Salary of the Judge of the Brunswick Municipal Court.” (H. P. 446) (L. D. 489)

Bill “An Act to Increase the Salary of the Recorder of the Brunswick Municipal Court.” (H. P. 447) (L. D. 490)

“Resolve to Reimburse the Town of Jefferson for Conveyance of School Children.” (H. P. 719) (L. D. 1368)

“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)

Bill “An Act Relating to Preference in State Employment for Veterans.” (H. P. 1093) (L. D. 1227)

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

Bill “An Act to Incorporate the Kittery Sewer District.” (H. P. 184) (L. D. 425)

Bill “An Act Relating to Aroostook County Law Library.” (S. P. 192) (L. D. 440)

Bill “An Act Relating to Members of Penobscot Valley Water

Commission and Extension of Powers.” (S. P. 377) (L. D. 1040)

Bill “An Act Prohibiting Moving of Poultry from Quarantined Areas.” (S. P. 386) (L. D. 1094)

Bill “An Act Relating to Tuition Contracts Between Towns.” (S. P. 419) (L. D. 1132)

Bill “An Act Relating to Salary of County Attorney of Knox County.” (S. P. 420) (L. D. 1131)

Bill “An Act Relating to Acts of Employees of a Partnership as Insurance Agents.” (S. P. 435) (L. D. 1202)

Bill “An Act Relating to Salaries of County Officers in Androscoggin County.” (S. P. 444) (L. D. 1153)

Bill “An Act to Exempt Automobiles Used in Driver Education Program from the Sales and Use Tax.” (S. P. 457) (L. D. 1271)

Bill “An Act Relating to Powers of Attorney General.” (S. P. 172) (L. D. 438)

Bill “An Act Relating to the Executive Office.” (S. P. 434) (L. D. 1203)

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

Sent down for concurrence.

Bill “An Act Relating to the Packing of Sardines.” (S. P. 440) (L. D. 1209)

Bill “An Act Relating to Loan and Building Associations.” (S. P. 469) (L. D. 1312)

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

Sent down for concurrence.

Bill “An Act Relating to the Sales Tax on Motor Vehicles.” (S. P. 509) (L. D. 1388)

Mr. CHASE of Cumberland: Mr. President, I wish to offer an amendment to L. D. 1388 and I would like either to table it or have it laid one side since the amendment seems to be the next item of business.

Thereupon, the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Chase of Cumberland the Senate voted to take from the table bill, An Act Relating to the Sales Tax on Motor Vehicles (S. P. 509) (L. D. 1388) tabled by that Senator earlier in today's ses-

sion pending passage to be engrossed.

Mr. CHASE: Mr. President and members of the Senate, as I told the Senate yesterday, the Committee on Taxation in reporting favorably on this bill was nevertheless divided as to the form this bill should take if enacted. The amendment which I am about to offer does not come from the Taxation Committee but represents my own conviction as to what is practicable in view of the financial picture and what is fair, if it shall be possible that some tax reduction can be made by this legislature.

If you will review the various items which the State of Maine taxes in one form or another I think you will come close to agreeing with me that if there is one item upon which a general tax reduction can be effected with benefit to practically everyone, that item is on passenger automobiles. The bill in its present form goes outside that field and covers trucks, which few people use, and it covers certain types of machinery which few people use, and it covers certain types of machinery which few people use, but practically everyone uses passenger automobiles.

This amendment is designed to cut this bill down in its present scope and in its financial effect. As it represents a substantial change in the bill I think the amendment should be read in full so that the members can see its impact upon the new draft which is L. D. 1388. I offer this amendment, which is Senate Amendment B, and move its adoption.

The Secretary read the amendment:—

"Senate Amendment B to Senate Paper 509, Legislative Document 1388, bill An Act Relating to the Sales Tax on Motor Vehicles. Amend said bill by striking out the words 'motor vehicle' in the title thereof and inserting in place thereof the words 'passenger automobile.' Further amend said bill by striking out the last paragraph of Section One thereof and inserting in place thereof the following underlined paragraph: 'Passenger automobile means any self-propelled four-wheel motor vehicle not designed to run on tracks including so-called

beach wagons and station wagons designed to carry not more than eight passengers, the conveyance of such passengers not being for hire.' Further amend said bill by striking out in Section Two thereof the underlined words 'motor vehicle or motor vehicles' wherever they appear and inserting in place thereof the underlined words 'passenger automobile or passenger automobiles'. Further amend said bill by striking out in Section Two thereof the underlined words 'vehicle or vehicles' wherever they appear and inserting in place thereof the underlined words 'automobile or automobiles'.

Thereupon Senate Amendment B was adopted.

Mr. BROGGI of York: Mr. President, relative to my remarks of yesterday I think at this time I will move to have this bill tabled in its present state and when we see what action the two Bodies take on the appropriation package do what seems advisable at that time. I will not set any date on which to remove it from the table but I will be glad to take it off when any member of the Senate desires.

Thereupon the bill as amended by Senate Amendment A and as further amended by Senate Amendment B, was laid upon the table pending passage to be engrossed.

Orders of the Day

On motion by Mr. Weeks of Cumberland, out of order and under suspension of the rules, it was

Ordered, any prior orders notwithstanding, that the single resolve now in the possession of the Director of Legislative Research in accordance with Senate Paper 29, be considered as withdrawn if the resolve is not presented to the Committee on Reference of Bills prior to 1:00 P. M., Thursday, April 2nd.

The PRESIDENT: At this time the Chair would like to announce the membership on the part of the Senate on several items pertaining to the disagreeing action of the two branches of the legislature.

With respect to H. P. 260, L. D. 290, Resolve, Closing Little Sebago Lake, Cumberland County, to Ice Fishing, the Chair appoints as members on the part of the Senate

on the Committee of Conference, the following Senators: Senator Weeks of Cumberland, Senator Wight of Penobscot, and Senator Carpenter of Somerset.

With respect to H. P. 612, L. D. 732, Resolve to Repeal Certain Special Resolve Pensions, the Chair at this time appoints as members on the part of the Senate on the Committee of Conference, the following Senators: Senator Dunham of Hancock, Senator Parker of Piscataquis, and Senator Boucher of Androscoggin.

With respect to S. P. 191, L. D. An Act to Amend the Bracket Schedule in the Sales and Use Tax Law, the Chair at this time appoints as members on the part of the Senate to the Committee of Conference, the following Senators: Senator Wight of Penobscot, Senator Carter of Oxford, and the Senator from Cumberland, Senator Weeks.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table, Senate Reports from the Committee on Towns and Counties, Majority Report, "Ought to Pass"; Minority Report, "Ought Not to Pass" on Bill, An Act Repealing Laws on Street Sprinkling (S. P. 235) (L. D. 597), tabled by that Senator on March 18th pending consideration of the reports; and on further motion by the same Senator, the Majority report, "Ought to Pass" was accepted and the bill given its first reading. Under suspension of the rules the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table, Bill, An Act Relating to Classification of Coastal Wardens (H. P. 149) (L. D. 146) tabled by that Senator on February 26th pending passage to be enacted.

On motion by Mr. Dow of Lincoln, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take

from the table, Bill, An Act Relating to Removal of Parked Motor Vehicles (H. P. 289) (L. D. 274) tabled by that Senator on March 3rd pending consideration; and on further motion by the same Senator, under suspension of the rules the Senate voted to reconsider its action whereby the bill was passed to be engrossed in non-concurrence. House Amendment "A" was adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

On motion by Mr. Dennett of York, the Senate voted to take from the table, Bill, An Act Relating to Numbers Boards in State Stores (S. P. 227) (L. D. 589) tabled by that Senator on March 12th pending passage to be enacted.

Mr. DENNETT of York: Mr. President, I shall make a motion on this bill. Prior to that, however, I should like to briefly explain to the Senate what this concerns. It appears at the present time there are in all State stores selling liquor certain boards on which the numbers of the items are set forth. It appears that in the past in some instances these numbers have been removed. This bill would have placed all those numbers under glass on the boards. In talking with members of the Liquor Commission it appears that this is something they could do at any time and legislation on the same would be absolutely unnecessary. Even so at the present time they are not bothered in any way with these numbers being removed from the boards. It also would cost considerable to place all these boards under glass, and I believe in the interest of economy and the best interest of the State, this bill should be indefinitely postponed, and I so move.

The motion to indefinitely postpone in non-concurrence, prevailed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot

Adjourned until one o'clock tomorrow afternoon.