

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
Ninety-first Legislature
OF THE
STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, March 16, 1943

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

Prayer by the Rev. Mr. Staples of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Sea and Shore Fisheries on Bill "An Act relating to Leases of Rights to Take Sea Moss" (S. P. 247) (L. D. 364) reporting leave to withdraw as it is covered by other legislation.

Came from the Senate, the Report read and accepted

In the House, read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Legal Notices" (S. P. 417) (L. D. 723)

Came from the Senate, the Report read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass

Report of the Committee on Salaries and Fees reporting "Ought to pass" on Bill "An Act to Increase the Salary of the Register of Probate of Washington County" (S. P. 246) (L. D. 765)

Came from the Senate, the Report read and accepted and the Bill passed to be engrossed.

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

Recommitted

Report of the Committee on Judiciary on Bill "An Act relating to Medical Examiners" (S. P. 174) (L. D. 235) reporting same in a new draft (S. P. 414) (L. D. 705) under same title and that it "Ought to pass"

Came from the Senate, the Report read and accepted and the Bill recommitted to the Committee on Judiciary.

In the House, the Report read and accepted in concurrence and the Bill was recommitted to the

Committee on Judiciary in concurrence.

Orders

Order Tabled

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker, I present an Order, and give notice of a proposed change in the Rules of the House.

The SPEAKER: The gentlewoman from Bangor, Miss Clough, presents an Order, and gives notice of a proposed change in the Rules of the House. The Clerk will read the Order.

ORDERED, that on Tuesday of each week, beginning with Tuesday, March 23rd, all matters placed upon the table during the preceding week, and unassigned, shall be laid before the House by the Speaker, under Orders of the Day in the order in which they were placed upon the table, and until disposed of shall have precedence under Orders of the Day.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker, I now move that the Order be tabled pending passage under the rules and be tomorrow assigned.

The SPEAKER: The gentlewoman from Bangor, Miss Clough, moves that the Order be tabled pending passage, and assigned for tomorrow morning.

The motion prevailed and the Order was so tabled.

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Harvey of Sangerville, be excused from attendance for the remainder of the week because of illness; also that Mr. Conant of Etna be excused for the remainder of the week because of illness.

On motion by Mr. Rankin of Bridgton, it was

ORDERED, that Rev. Russell Hubbard of Bar Harbor, be invited to officiate as Chaplain of the House on Thursday, March 18th.

On motion by Mr. Ward of Millinocket, it was

ORDERED, that Rev. Stanley A. Gould of Millinocket, be invited to officiate as Chaplain of the House on Friday, March 19th.

On motion by Mrs. Leidy of Ft. Kent, Rule 25 was suspended for the remainder of the morning session, in order to permit smoking. (Applause)

House Reports of Committees Ought to Pass in New Draft

Mr. Jacobs from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Investment of Teachers' Retirement Fund" (H. P. 925) (L. D. 479) reported same in a new draft (H. P. 1275) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to Investments of Permanent Trust Funds" (H. P. 926) (L. D. 480) reported same in a new draft (H. P. 1276) under same title and that it "Ought to pass"

Mr. Murchie from same Committee on Bill "An Act relating to the Teachers' Retirement Annuity Fund and Appropriation of Money Therefor" (H. P. 12) (L. D. 18) reported same in a new draft (H. P. 1277) under same title and that it "Ought to pass"

Mr. Sleeper from same Committee on Bill "An Act Amending the Law relating to Deposits of State Funds" (H. P. 307) (L. D. 216) reported same in a new draft (H. P. 1278) under same title and that it "Ought to pass"

Mr. Barnes from the Committee on Judiciary on Bill "An Act relating to Terms of the Northern Municipal Court at Fort Kent for the Trial of Actions of Forceful Entry and Detainer" (H. P. 1200) (L. D. 689) reported same in a new draft (H. P. 1279) under same title and that it "Ought to pass"

Mr. Stephenson from the Committee on Public Health on Bill "An Act Regulating the Sale of Horse Meat" (H. P. 597) (L. D. 370) reported same in a new draft (H. P. 1280) under same title and that it "Ought to pass"

Mr. McFee from the Committee on Towns on Bill "An Act to Provide for the Surrender by Milton Plantation of its Organization" (H. P. 123) (L. D. 87) reported same in a new draft (H. P. 1281) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

Ought to Pass

Mr. Sleeper from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act to Provide for the Issuance of Refunding Bonds of the State" (H. P. 1089) (L. D. 558)

Report was read and accepted, and under suspension of the Rules, the Bill had its two several readings, and tomorrow assigned.

Report Tabled

Mr. Sleeper from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve in favor of Central Maine Sanatorium, at Fairfield (H. P. 1074) (L. D. 563)

(On motion by Miss Clough of Bangor the Report, with accompanying Resolve, was tabled, pending acceptance of Committee Report.)

Mr. Flagg from the Committee on Library reported "Ought to pass" on Resolve for the Purchase of One Hundred and Twenty-five Copies of "Greater Portland's Community Survey" (H. P. 192) (L. D. 140)

Mr. Rankin from same Committee reported same on Bill "An Act relating to Reports, Publications etc. of Departments" (H. P. 162) (L. D. 104)

Mr. Dunn from the Committee on State Lands and Forest Preservation reported same on Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Aroostook County to Joseph David of Edmundston, N. B. (H. P. 346) (L. D. 219)

Mr. Rollins from same Committee reported same on Resolve Authorizing the Commissioner of Institutional Service to Transfer Certain Land (H. P. 1190) (L. D. 667)

Reports were read and accepted, and under suspension of the Rules, the Bill was read twice, the Resolves read once, and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Maxwell from the Committee on Judiciary on Bill "An Act relating to the Powers of the Court in Juvenile Cases" (H. P. 946) (L. D. 540) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and under suspension of the rules, the Bill had its two several readings.

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

Committee Amendment "A" to H. P. 946, L. D. 540, Bill "An Act Relating to the Powers of the Court in Juvenile Cases."

Amend said bill by striking out the word "such" which is the first word in the underlined portion and inserting in place thereof the word "any" and inserting between the words "and" and "may" in the second line of the underlined portion the words "the court".

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

Mr. Jordan from the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Judge of the Sanford Municipal Court" (H. P. 977) (L. D. 548) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and under suspension of the rules, the Bill had its two several readings.

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

Committee Amendment "A" to H. P. 977, L. D. 548, Bill "An Act Relating to the Salary of the Judge of the Sanford Municipal Court."

Amend said Bill by striking out the underlined figures "\$2000," in the 3rd line of section 1 thereof, and inserting in place thereof the underlined figures "\$1,750."

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

Mr. Jordan from the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Recorder of the Sanford Municipal Court" (H. P. 976) (L. D. 547) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and under suspension of the rules, the Bill had its two several readings.

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

Committee Amendment "A" to H. P. 976, L. D. 547, Bill "An Act Relating to the Salary of the Recorder of the Sanford Municipal Court."

Amend said Bill by striking out the underlined figures "\$1200," in the 2nd line of section 2 thereof, and inserting in place thereof the underlined figures "\$1000."

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

Mr. Sanborn from the Committee on Salaries and Fees on Bill "An Act relating to Clerk Hire in the Cumberland County Clerk of Courts Office" (H. P. 262) (L. D. 170) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and under suspension of the rules, the Bill had its two several readings.

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

Committee Amendment "A" to H. P. 262, L. D. 170, Bill "An Act Relating to Clerk Hire in the Cumberland County Clerk of Courts Office."

Amend said Bill by inserting after the enacting clause "Sec. 1."

Further amend said Bill by adding at the end thereof the following paragraph:

Sec. 2. Limitation of act. This act shall remain in force for a period of 2 years only. It is the intent of the legislature to change the present statute for a period of 2 years only, after which period the present statute shall return to full force and effect.

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

Mr. Smith from the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Judge of the Municipal Court of Portland" (H. P. 120) (L. D. 74) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and under suspension of the rules, the Bill had its two several readings.

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

Committee Amendment "A" to H. P. 120, L. D. 74, Bill "An Act relating to the Salary of the Judge of the Municipal Court of Portland."

Further amend said Bill by inserting after the enacting clause "Sec. 3" the following paragraph:

Sec. 2. Limitation of act. This act shall remain in force for a period of 2 years only. It is the intent of the legislature to change the present statute for a period of 2 years only, after which period the present statute shall return to full force and effect.

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

Mr. Cleaves from the Committee

on State Lands and Forest Preservation on Resolve Authorizing the Forest Commissioner to Convey certain interest of the State in Land in Somerset County to Marie E. Munster of Rockwood (H. P. 1165) (L. D. 620) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and under suspension of the rules, the Resolve had its first reading.

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

Committee Amendment "A" to H. P. 1165, L. D. 620, Resolve Authorizing the Forest Commissioner to Convey Certain Interest in the State in Land in Somerset County to Marie E. Munster of Rockwood.

Amend said resolve by striking out in the 3rd line the figures "2.5" and inserting in its place the figure '3'.

Committee Amendment "A" was adopted, and tomorrow assigned for second reading of the Resolve.

Mr. Day from the Committee on State Lands and Forest Preservation on Resolve Authorizing the Treasurer of State to Convey Certain Land to Fred J. Lovejoy, of West Bethel (H. P. 1164) (L. D. 619) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and under suspension of the rules, the Resolve had its first reading.

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

Committee Amendment "A" to H. P. 1164, L. D. 619, Resolve Authorizing the Treasurer of State to Convey Certain Land to Fred J. Lovejoy, of West Bethel.

Amend said resolve by deleting from the title the words, "Treasurer of State" and inserting in place thereof the words 'Forest Commissioner.'

Further amend said resolve by deleting from the headnote thereof the words, "Treasurer of State" and inserting in place thereof the words 'Forest Commissioner.'

Further amend said resolve by deleting from the 1st line of said resolve the words, "Treasurer of State" and inserting in place thereof the words, 'Forest Commissioner'

Committee Amendment "A" was adopted, and tomorrow assigned for second reading of the Resolve.

First Reading of Printed Bills and Resolves

Bill "An Act to Provide a Town Manager Form of Government for the town of Brunswick" (H. P. 187) (L. D. 129)

Bill "An Act to Establish a Board of Trustees of Public Cemeteries for the city of Waterville" (H. P. 561) (L. D. 299)

Bill "An Act to amend the Act Providing a Pension for Members of the Police and Fire Departments of the city of Waterville" (H. P. 562) (L. D. 300)

Bill "An Act relating to Revolving Fund for the Payment of Taxes in Certain Cases by the Department of Health and Welfare" (H. P. 1171) (L. D. 626)

Bill "An Act Permitting Towns to Raise Money for Hospitals" (H. P. 1202) (L. D. 687)

Bill "An Act relating to Employees in Military Service" (H. P. 1269) (L. D. 780)

Bill "An Act to Incorporate the Kingman Water Company" (H. P. 1270) (L. D. 782)

Bill "An Act relating to Tuition in Secondary Schools" (H. P. 1274) (L. D. 783)

Resolve Appropriating Money for Control of the Fruit or Blueberry Fly in Maine (H. P. 929) (L. D. 482)

Resolve relating to Dredging Quahaugs in Maquoit Bay (H. P. 1271) (L. D. 781)

Bills were read twice, Resolves read once, and tomorrow assigned.

First Reading of Printed Bills and Resolves with Committee Amendment

Bill "An Act Revising the Military Law" (H. P. 1245) (L. D. 746)

Bill had its two several readings. Committee Amendment "A" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 1245, L. D. 746, Bill "An Act Revising the Military Law."

Amend said Bill by adding at the end of the 2nd paragraph of section 23 thereof, the following:

'When ordered on special duty, or authorized to go on special duty, officers and enlisted men of the national guard, state guard, or other

authorized state military or naval forces shall receive compensation for their expenses while on such duty at an allowance based on the allowance allowed by the federal government to officers and enlisted men of the same grades while traveling on special duty'.

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

Bill "An Act providing for Taxation of Annuity Premium Consideration" (H. P. 107) (L. D. 64)

Bill had its two several readings. Committee Amendment "A" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 107, L. D. 64, Bill "An Act Providing for Taxation of Annuity Premium Considerations."

Amend said Bill by striking out the underlined word "life" in the 7th line of that part designated "Sec. 50." of section 2 thereof.

Further amend said bill by striking out the underlined word "life" in the 7th line of that part designated "Sec. 51" of section 3 thereof.

Further amend said Bill by striking out the underlined word "life" in the 3rd, 9th and 11th lines of that part designated "Sec. 52." of section 4 thereof.

Further amend said Bill by adding at the end thereof the following:

"Sec. 5. R. S., c. 12, sec. 52-A, additional. Chapter 12 of the revised statutes is hereby amended by adding thereto a new section to be numbered 52-A and to read as follows:

"Sec. 52-A. Limitation. The provisions of sections 50, 51 and 52 shall not apply to the taxation of any annuity consideration on any annuity contract issued prior to August 1, 1943."

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

Resolve providing for Purchase of Land for the State School for Girls (H. P. 471) (L. D. 266)

Resolve had its first reading.

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

Committee Amendment "A" to H. P. 471, L. D. 266, "Resolve Providing for Purchase of Land for the State School for Girls."

Amend said resolve by striking

out in the 3rd line thereof the word "twenty-eight" and inserting in place thereof the figure '14', and further amend said bill by striking out in the 5th line thereof the amount "\$1,150" and inserting in place thereof '450'.

Committee Amendment "A" was adopted, and tomorrow assigned for second reading of the Resolve.

Resolve relating to Transfer of Money for Working Capital of the Liquor Commission (H. P. 769) (L. D. 462)

Resolve had its first reading.

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

Committee Amendment "A" to H. P. 769, L. D. 462, "Resolve Relating to Transfer of Money for Working Capital of the Liquor Commission."

Amend said resolve by adding at the end thereof a new sentence to read as follows: 'This amount together with present advances of \$617,167.56 shall establish the permanent working capital of the liquor commission at \$1,200,000.'

Committee Amendment "A" was adopted, and tomorrow assigned for second reading of the Resolve.

Passed to Be Engrossed

Bill "An Act to Increase the Salary of the Clerk of Courts of Washington County" (S. P. 264) (L. D. 470)

Bill "An Act Defining the Word 'Plate' in the Motor Vehicle Laws" (S. P. 344) (L. D. 519)

Bill "An Act Clarifying the Law relating to Clerk Hire in the office of Register of Deeds in Washington County" (S. P. 371) (L. D. 633)

Bill "An Act Renaming Webber Pond, so called" (H. P. 8) (L. D. 769)

Bill "An Act relating to Superintendent of Public Buildings" (H. P. 1262) (L. D. 770)

Bill "An Act relating to Taking of Soft-shelled Clams or Quahaugs" (H. P. 1263) (L. D. 771)

Resolve Designating Part of New Meadows River as New Meadows Lake (H. P. 89) (L. D. 80)

Resolve relating to the Dipping of Alewives in Machias River (H. P. 1265) (L. D. 772)

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 relating to Salary of Register of Deeds of Kennebec County" (S. P. 368) (L. D. 636)

Bill "An Act relating to Claims Against Estates" (H. P. 184) (L. D. 123)

Bill "An Act relating to Vital Statistics; Birth Certificates of Foundlings" (H. P. 183) (L. D. 137)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended and sent to the Senate.

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House first tabled and today assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Temperance on Bill "An Act Permitting the Sale of Liquor in the State by the State Liquor Commission Only." (S. P. 136) (L. D. 98), tabled by the gentleman from Bucksport, Mr. Pierce, on March 12th, pending acceptance of either Report; and the Chair recognizes that gentleman.

On motion by Mr. Pierce the Majority Report "Ought not to pass" was accepted in concurrence.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, Bill "An Act Relating to the Salary of the County Treasurer and Clerk Hire for the County of Kennebec." (S. P. 269) (L. D. 457), tabled by the gentleman from China, Mr. Jones, March 12th, pending third reading; and the Chair recognizes that gentleman.

Mr. Jones offered House Amendment "A" and moved its adoption. House Amendment "A" read by the Clerk as follows:

House Amendment "A" to S. P. 269, L. D. 457, Bill, "An Act Relating to the Salary of the County Treasurer and Clerk Hire for the County of Kennebec."

Amend said Bill by adding at the end thereof the following:

'Sec. 3. Duration of Act. This act shall remain in effect for a period of 2-years only.'

House Amendment "A" was adopted, and the Bill, as amended by Committee Amendment "A" and by House Amendment "A", was read the third time, passed to be en-

grossed in non-concurrence and sent up for concurrence.

The gentleman from Rockland, Mr. Sleeper, called up his previous motion for the reconsideration of the "Ought not to pass" Report of the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Recorder of Rockland Municipal Court" (H. P. 575) (L. D. 342)

The motion prevailed and the House reconsidered its former action whereby it accepted the "Ought not to pass" Report on this Bill.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker and Members of the House: I wish to apologize for the time that I have taken on these two bills; but it so happened that in our particular section we had in several of these bills which were very similar, and all of them came out of the Committee "Ought to pass" with the exception of these two bills. At that time conditions were different, but we have since found out that these bills were entitled to the same consideration that the others have received, and the Committee on Salaries and Fees have very kindly consented to have these bills recommitted.

So, with the permission of the Members of the House, and with yours, Mr. Speaker, I move that this bill be recommitted to the Committee on Salaries and Fees.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that this bill, Legislative Document 342, be recommitted to the Committee on Salaries and Fees. Is this the pleasure of the House?

Thereupon, the motion prevailed, and the Bill was recommitted to the Committee on Salaries and Fees, and sent up for concurrence.

On motion by Mr. Wright of Limestone, the House voted to take from the table the fourth tabled and unassigned matter, Senate Report "Ought to pass" of the Committee on Banks and Banking on Bill "An Act Relating to Taxation of Trust and Banking Companies" (S. P. 313) (L. D. 521), tabled by that gentleman on March 2nd, pending acceptance of Report; and

on further motion by the same gentleman the "Ought to pass" Report of the Committee was accepted, and the Bill had its two several readings and tomorrow assigned.

On motion by Mr. Perkins of Boothbay Harbor, the House voted to take from the table the twenty-first tabled and unassigned matter, House Report "Ought to Pass in New Draft" (H. P. 1264) (L. D. 773) of the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Taking of Sea Moss from the Shores Bordering the Territorial Waters of the State" (H. P. 345) (L. D. 199), tabled by that gentleman on March 11th, pending acceptance of Report; and on further motion by the same gentleman the "Ought to Pass in New Draft" Report of the Committee was accepted; and the New Draft, having been printed, under suspension of the rules, was given its two several readings and tomorrow assigned.

On motion by Mr. Leavitt of Portland, the House voted to take

from the table the nineteenth tabled and unassigned matter, House Report "Ought to Pass in New Draft" (H. P. 1266) (L. D. 775) of the Committee on Maine Publicity on Bill "An Act Relating to the Maine Development Commission and the State Geologist" (H. P. 957) (L. D. 495), tabled by that gentleman on March 11th, pending acceptance of Report; and on further motion by the same gentleman the "Ought to Pass in New Draft" Report of the Committee was accepted; and the New Draft, having been printed, under suspension of the rules, was given its two several readings and tomorrow assigned.

The SPEAKER: If there is no other matter to come before the House at this time, the Clerk will read the notices.

On motion by Mr. Doughty of Gray,

Adjourned until ten o'clock tomorrow morning.