

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*Ninety-Fourth Legislature*

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Friday, March 11, 1949

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

Prayer by the Rev. Mr. Robbins of Augusta.

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate:

Bill "An Act Defining Agricultural Fair Associations and Societies" (S. P. 601) (L. D. 1292)

Came from the Senate referred to the Committee on Agriculture.

In the House, referred to the Committee on Agriculture in concurrence.

From the Senate:

Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the State Treasury Due to Insufficient Appropriations" (S. P. 606) (L. D. 1297)

Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Racing Commission Due to Insufficient Appropriations" (S. P. 607) (L. D. 1298)

Resolve Providing for a Men's Dormitory at Gorham State Teachers' College (S. P. 602) (L. D. 1293)

Resolve Providing for a Classroom and Library Building at Farmington State Teachers' College (S. P. 603) (L. D. 1294)

Resolve Appropriating Moneys for Promotion of Highway Safety (S. P. 604) (L. D. 1295)

Resolve for School Construction Assistance (S. P. 605) (L. D. 1296)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act Relating to Conveyance or Board of Children" (S. P. 608) (L. D. 1299)

Bill "An Act Relating to State Assistance for Supervision" (S. P. 609) (L. D. 1300)

Bill "An Act Relating to School Attendance" (S. P. 610) (L. D. 1301)

Came from the Senate referred to the Committee on Education.

In the House, referred to the Committee on Education in concurrence.

From the Senate:

Resolve Authorizing Board of Registration of Medicine to Issue License to Stanley Beckerman of Belgrade (S. P. 612) (L. D. 1302)

Came from the Senate referred to the Committee on Legal Affairs.

In the House referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act Relating to Trucks Transporting Pulp, Slabs and Logs" (S. P. 613) (L. D. 1303)

Came from the Senate referred to the Committee on Motor Vehicles.

In the House, referred to the Committee on Motor Vehicles in concurrence.

Bill "An Act Increasing Pensions of Retired Members of the State Police" (S. P. 614) (L. D. 1304)

Came from the Senate referred to the Committee on Ways and Bridges.

In the House, referred to the Committee on Ways and Bridges in concurrence.

**Senate Reports of Committees Ought to Pass in New Draft**

Report of the Committee on Judiciary on Bill "An Act Relating to the Penobscot Log Driving Company" (S. P. 227) (L. D. 344) reporting same in a new draft (S. P. 596) (L. D. 1267) under same title and that it "Ought to pass"

Report of the Committee on Banks and Banking reporting "Ought to pass" on Bill "An Act Relating to Retiring Allowances or Life Insurance for Officers and Employees of Savings Banks" (S. P. 399) (L. D. 737)

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

In the House, Reports were read and accepted in concurrence and

the Bills read twice and assigned for third reading the next legislative day.

#### Ought to Pass

Report of the Committee on Inland Fisheries and Game reporting same on Bill "An Act Relative to Hunting and Fishing Licenses" (S. P. 297) (L. D. 419)

Report of same Committee reporting same on Bill "An Act Relating to Motor Vehicle Damage by Protected Wild Animals or Birds" (S. P. 296) (L. D. 490)

Report of the Committee on Sea and Shore Fisheries reporting same on Bill "An Act Relating to the Taking of Clams in Town of Phippsburg" (S. P. 323) (L. D. 515)

Report of same Committee reporting same on Bill "An Act Relating to State Owned Cars for Department of Sea and Shore Fisheries" (S. P. 123) (L. D. 144)

Report of same Committee reporting same on Bill "An Act Relating to Lobster and Crab Fishing Licenses for Veterans" (S. P. 106) (L. D. 110)

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

In the House, Reports were read and accepted in concurrence and the Bills read twice and assigned for third reading the next legislative day.

The following additional paper from the Senate, not appearing on the calendar, was taken up at this time:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 15, 1949, at eleven o'clock in the forenoon. (S. P. 617)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

#### Bills and Resolves Requiring Reference

The following Bills and Resolves, transmitted by the Director of Leg-

islative Research pursuant to Joint Order (S. P. 452), were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

#### Agriculture

Bill "An Act Limiting Milk Control to Producers" (H. P. 1960) (Presented by Mr. Wight of Bangor) (Ordered Printed)  
Sent up for concurrence.

#### Appropriations and Financial Affairs

Resolve Providing for a Vocational Technical Institute in Aroostook County (H. P. 1961) (Presented by Mr. Bubar of Blaine) (Ordered Printed)  
Sent up for concurrence.

#### Claims

Resolve in Favor of the Town of Carmel (H. P. 1962) (Presented by Mr. McGown of Carmel)  
Sent up for concurrence.

#### Mercantile Affairs and Insurance

Bill "An Act Relating to Accident and Health Insurance (H. P. 1963) (Presented by Mr. Fitch of Sebago) (Ordered Printed)  
Sent up for concurrence.

#### Ways and Bridges

Bill "An Act Relating to Fines in Motor Vehicle Violation Cases" (H. P. 1964) (Presented by Mr. Bird of Rockland by request) (Ordered Printed)  
Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker, on Wednesday of this week your Governor and your Commissioner of Sea and Shore Fisheries met with the representatives of our national government to try and solve the problems of those who shell-fish, and those interested parties found that it would be necessary, in order to remedy this problem, to introduce a bill at this time, and I would like to have the unanimous consent of

the House in order to be able to present that bill.

The SPEAKER: The gentleman from Bath, Mr. McClure, presents a bill and requests unanimous consent for its introduction. The Clerk will read the title.

The Chair will state that the gentleman must present a bill in order to have the House act upon it.

Mr. McCLURE: Mr. Speaker, could I do that by a title at this time until I can take it up with the Sea and Shore Fisheries and the Governor?

The SPEAKER: The Chair will rule that it is not possible to do it by title only, in answer to the gentleman's question.

Mr. McCLURE: Then could I have fifteen minutes, Mr. Speaker?

The SPEAKER: It appears that the House will be in session for a period of fifteen minutes, and if the gentleman cares to present it to the House before adjournment, he may do so.

#### **House Reports of Committees Ought to Pass in New Draft**

Mr. Payson from the Committee on Judiciary on Bill "An Act relating to Amending Complaints and Indictments in Matters of Substance" (H. P. 1160) (L. D. 612) reported same in a new draft (H. P. 1965) under same title and that it "Ought to pass"

Mr. Williams from same Committee on Bill "An Act relating to Qualifications of Voters in Primary Elections" (H. P. 1492) (L. D. 848) reported same in a new draft (H. P. 1966) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to Retirement of Justices of the Superior and Supreme Judicial Court" (H. P. 1496) (L. D. 852) reported same in a new draft (H. P. 1967) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to Explanation of Constitutional Amendments" (H. P. 1303) (L. D.

683) reported same in a new draft (H. P. 1968) 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. Lackee from the Committee on Ways and Bridges reported "Ought to pass" on Resolve in favor of the town of Trenton (H. P. 1610)

Same gentleman from same Committee reported same on Resolve in favor of the City of Calais (H. P. 1708)

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

#### **Ought to Pass Printed Bills**

Mr. Burgess from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Illegal Marriage and Annulment Thereof" (H. P. 1162) (L. D. 614)

Mr. Muskie from same Committee reported same on Bill "An Act to Provide Reciprocal Comity for the Collection of Taxes" (H. P. 1302) (L. D. 682)

Mr. Payson from same Committee reported same on Bill "An Act relating to Acquisition or Loss of Pauper Settlement by Dependent Children" (H. P. 1495) (L. D. 851)

Same gentleman from same Committee reported same on Bill "An Act relating to the County Law Library of Penobscot County" (H. P. 1489) (L. D. 846)

Mr. Albee from the Committee on Public Utilities reported same on Bill "An Act to Extend the Territorial Limits of the Dover and Foxcroft Water District" (H. P. 1658) (L. D. 966)

Mr. DeSanctis from same Committee reported same on Bill "An Act to Extend the Rights, Powers and Privileges of the Penobscot Valley Water Company" (H. P. 1661) (L. D. 969)

Mr. Wight from same Committee reported same on Bill "An Act relating to Exemptions from Regulation of Motor Carriers" (H. P. 1583) (L. D. 905)

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

**Ought to Pass  
with Committee Amendment**

Mr. McGlaulin from the Committee on Judiciary on Bill "An Act relating to Inspections and Recounts in Municipal Elections" (H. P. 1493) (L. D. 849) 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. 1493; L. D. 849, Bill "An Act Relating to Inspections and Recounts in Municipal Elections."

Amend said bill by adding after the underlined word "safely" in the next to the last line of section 1 thereof, the underlined words '**for 6 months**'

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

**Tabled**

Mr. Marble from the Committee on Legal Affairs on Bill "An Act relating to Annual Audits for Cities, Towns, Plantations, Village Corporations, Sewer Districts, School Districts and School Activity Funds" (H. P. 1051) (L. D. 467) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith. Title amended to "An Act relating to Annual Audits for Cities, Towns, Plantations, Village Corporations, Sewer Districts and School Districts".

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. 1051, L. D. 467, Bill "An Act Relating to Annual Audits for Cities, Towns, Plantations, Village Corporations, Sewer Districts, School Districts, and School Activity Funds."

Amend the title of said Bill by inserting in the 2nd line thereof before the word "School" where it first appears the word 'and'.

Further amend said title by striking out therefrom the following words "and School Activity Funds".

Amend said Bill by striking out in the 2nd paragraph of that part designated as "Sec. 1" thereof the last underlined sentence.

Further amend said Bill by adding before the underlined word "school" where it first appears in the 6th line of that part designated "Sec. 119" the underlined word 'or'.

Further amend said Bill by striking out in the 6th and 7th lines of that part designated "Sec. 119" thereof the following underlined words "**or school activity funds**".

Further amend said Bill by striking out in the 4th line of that part designated "Sec. 3." thereof after the underlined word "districts" the underlined ",".

Further amend said Bill by striking out at the end of that part designated "Sec. 3." thereof the underlined words "**and for school activities, by local school funds**"

(On motion by Mr. Gates of Millicocket, the Report with accompanying papers was tabled pending adoption of Committee Amendment "A".)

Mr. Dufresne from the Committee on Public Utilities on Bill "An Act relating to the Ashland Water and Sewer District" (H. P. 755) (L. D. 292) 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. 755, L. D. 292, Bill "An Act Relating to the Ashland Water and Sewer District."

Amend said Bill by inserting before the enacting clause thereof, the following:

**Emergency preamble.** Whereas, the source of water of the Ashland Water and Sewer District has been condemned by state officials and the source of supply for fire protection is inadequate; and

Whereas, various tests for an adequate supply of water from test wells have been unsuccessful and the Ashland Water and Sewer District have been obliged to extend their pipe line to Big Machias Stream; and

Whereas, additional funds are necessary for the installation of this system; and

Whereas, work must be commenced in the spring so that the project will be completed by fall; 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,

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

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

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

#### **First Reading of Printed Bills**

Bill "An Act Enlarging the Powers of the West Paris Village Corporation" (H. P. 1957) (L. D. 1332)

Bill "An Act relating to Powers of Industrial or Morris Plan Banks" (H. P. 1958) (L. D. 1334)

Resolve Authorizing the State Tax Assessors to Convey by Sale Certain Interest of the State in Lands

in the Unorganized Territory (H. P. 1959) (L. D. 1333)

Bills were read twice, Resolve read once, and assigned the next legislative day.

#### **Passed to be Engrossed**

Bill "An Act Appropriating Moneys for Child Welfare Services" (S. P. 286) (L. D. 487)

Bill "An Act to Establish and Define the Civil Liability of Radio Broadcasters relative to Libel" (S. P. 559) (L. D. 1183)

Bill "An Act relating to Maine Real Estate Commission and Brokers' Licenses and Fees" (S. P. 591) (L. D. 1248)

Bill "An Act relating to the Appointment of Municipal Town Forest Fire Wardens" (H. P. 1538) (L. D. 867)

Bill "An Act Authorizing the Forest Commissioner to Take Necessary Means to Control Forest Insects and Diseases" (H. P. 1741) (L. D. 1095)

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

#### **Amended Bills**

Bill "An Act relating to Service Retirement Benefits for Airplane Pilots Who are Employed as Such by the State of Maine" (S. P. 473) (L. D. 925)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Senate Amendment "A" in concurrence.

Bill "An Act relating to Taking of Clams in Ogunquit Village Corporation" (H. P. 317) (L. D. 97)

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

Bill "An Act to Provide Forest Fire Prevention and Control in Unorganized Areas Not in the Maine Forestry District" (H. P. 1887) (L. D. 1205)

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

On motion by Mr. Brown of Wayne, the House voted to reconsider its action of March 10, 1949, whereby Committee Amendment "A" was adopted.

On further motion by the same gentleman, Committee Amendment "A" was indefinitely postponed.

The same gentleman then offered House Amendment "A" and moved its adoption.

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

**HOUSE AMENDMENT "A" to H. P. 1887, L. D. 1205, Bill "An Act to Provide Forest Fire Prevention and Control in Unorganized Areas Not in the Maine Forestry District."**

Amend said Bill by striking out in the 6th line the underlined words **"on a valuation determined by the state tax assessor"** and by adding after the period at the end of said 6th line the following underlined sentence: **"The valuation as determined by the board of equalization and set forth in the statement filed by it as provided by section 65 of chapter 14 shall be the basis for the computation and apportionment of the tax assessed."**

Thereupon, House Amendment "A" was adopted, the Bill was read the third time, passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

#### Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker, at the time I asked for unanimous consent, I thought I was well within my rights and that I would have time. I find, though, in looking the matter up, that we have a bill which is a legislative document which can be brought out of committee in a new draft under a new title and will accomplish our object, so I withdraw my request for unanimous consent to present a new bill.

On motion by Mr. Chase of Cape Elizabeth, the House voted to take

from the table the fifteenth tabled and unassigned matter, House Report "Ought to pass" of the Committee on Appropriations on Bill "An Act relating to Investment of Sinking Funds" (H. P. 1363) (L. D. 716) tabled on March 4th by that gentleman pending acceptance; and, on further motion by the same gentleman the "Ought to pass" report of the committee was accepted, and the bill, having already been printed, was given its two several readings and assigned for third reading the next legislative day.

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

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I ask unanimous consent to reassign the first specially assigned matter from Wednesday, March 16th, to Thursday, March 17th, my reason being, Mr. Speaker,— — —

The SPEAKER: The gentleman, having asked unanimous consent, may not debate the matter.

The gentleman from Lewiston, Mr. Jalbert, asks unanimous consent to change the first specially assigned matter, being Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election. (H. P. 51) (L. D. 14) from its previous special assignment for Wednesday, March 16th, to Thursday, March 17th. Is there objection? The Chair hears none, and the matter has been specially assigned for Thursday, March 17th.

Thereupon, Mr. Jalbert was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, I want to thank the House for its courtesy. My only reason for changing the assignment is because, as you all know, there is to be a hearing on major taxation measures and I thought that we might adjourn a little late. That is my only reason for reassigning the matter for Thursday.



The SPEAKER: If there are no further items of business to come before the House, the Clerk will read the notices.

On motion by Mr. Brown of Wayne,  
Adjourned until Tuesday, March 15th, at 11:00 o'clock in the forenoon.