

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, March 18, 1949

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

Prayer by the Rev. Fr. O'Dowd of Augusta.

The journal of the previous session was read and approved.

Papers From the Senate

The following paper from the Senate not 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 22, 1949, at eleven o'clock in the forenoon. (S. P. 628)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

At this point, on motion by Mr. Chase of Cape Elizabeth, the House voted to recess for the purpose of holding an open forum on education.

IN RECESS

AFTER RECESS

The House was called to order by the Speaker.

Papers From the Senate (cont'd)

From the Senate:

Bill "An Act Providing for Run-off Primary Elections" (S. P. 623) (L. D. 1359)

Came from the Senate referred to the Committee on Judiciary.

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

Senate Reports of Committees Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act Relating to Lamoine Naval Coaling Station" (S. P. 499) (L. D. 1000)

Report of the Committee on Inland Fisheries and Game reporting same on Bill "An Act Relating to Powers of Inland Fish and Game Wardens, as Coastal Wardens" (S. P. 501) (L. D. 1002)

Report of the Committee on Taxation reporting same on Bill "An Act Relating to Taxation of Musical Instruments" (S. P. 254) (L. D. 353)

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 with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Resolve Reimbursing Certain Towns for Losses Incurred During Forest Fires of 1947 (S. P. 569) (L. D. 1234) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Resolve passed to be engrossed as amended by Committee Amendment "A".

In the House, Report was read and accepted in concurrence and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to S. P. 569, L. D. 1234, Resolve Reimbursing Certain Towns for Losses Incurred During Forest Fires of 1947.

Amend said bill by adding to the second line before the word "general" the words, 'unappropriated surplus of the.'

Committee Amendment "A" was adopted in concurrence and the Resolve assigned for second reading the next legislative day.

Report of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Hayden Lake, in the County of Somerset

(S. P. 376) (L. D. 642) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Resolve passed to be engrossed as amended by Committee Amendment "A".

In the House, Report was read and accepted in concurrence and the Resolve read once.

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

COMMITTEE AMENDMENT "A"
to S. P. 376, L. D. 642, Resolve Regulating Fishing in Hayden Lake, in the County of Somerset.

Amend said Resolve by striking out in the last line thereof the words "June 1" and inserting in place thereof the words 'June 21st'

Committee Amendment "A" was adopted in concurrence and the Resolve assigned for second reading the next legislative day.

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER

March 17, 1949

Honorable Harvey R. Pease
Clerk of the House of Representatives of the 94th Legislature

Sir:

This is to inform you that S. P. 348—L. D. 574, "RESOLVE, Appropriating Money to Improve the Approach to the Fish Way at Aroostook Falls," which was Finally Passed in the Senate on March 17, 1949, was not presented to the Governor for his approval; it being held at the request of a Senator for further consideration by the Senate.

Very truly yours,
(Signed) Chester T. Winslow
Secretary of the Senate

In the House, read and ordered placed on file.

**Bills and Resolves
Requiring Reference**

The following Bills and Resolves, transmitted by the Director of Legislative 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:

Education

Bill "An Act Relating to Conveyance of Elementary School Pupils" (H. P. 1997) (Presented by Mr. Woodworth of Fairfield)

(1000 Copies Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Pensions for Members of the Police Department of the City of Lewiston" (H. P. 1998) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Bill "An Act to Amend the Charter of the City of Auburn to Provide for Two Councilmen at Large" (H. P. 1999) (Presented by Mr. Williams of Auburn)

(Ordered Printed)

Bill "An Act Amending the Charter of the City of Auburn" (H. P. 2000) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

**State Lands and
Forest Preservation**

Bill "An Act Creating Greater Utilization of Wood Waste and Development of New Products" (H. P. 2001) (Presented by Mr. Brown of Wayne)

(Ordered Printed)

Sent up for concurrence.

Mr. Brown of Unity was granted unanimous consent to address the House.

Mr. BROWN: Mr. Speaker, I simply would like to call the attention of the Members to the pamphlets on their desks this morning showing the breakdown of appropriations by the Appropriations Committee. It also shows the appropriations recommended by the Budget Committee.

ORDERS

Mr. Dostie of Winslow presented the following Order and moved its passage:

WHEREAS, the House is informed of the birth of a baby boy this morning, to Representative Edmund S. Muskie and Mrs. Muskie;

AND WHEREAS, the Members of the House are much pleased and wish to extend their heartiest congratulations to Mrs. Muskie and her husband;

BE IT ORDERED, that the Clerk of the House be directed to send to Mrs. Muskie an attested copy of this Order; together with flowers from the members of the House.

Thereupon, the Order received passage.

**House Reports of Committees
Divided Report**

Majority Report of the Committee on State Lands and Forest Preservation on Bill "An Act Relating to Roadside Protection" (H. P. 1888) (L. D. 1206) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WILLIAMS of Penobscot
COBB of Oxford
CROSBY of Franklin
—of the Senate
WEBBER of Bangor
BROWN of Wayne
BENN of Smyrna
HAYWARD of Machias
LEAVITT of Parsonsfield
SHARPE of Anson
—of the House

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

Report was signed by the following member:

Mr. WILLIAMS of Topsham
—of the House

The Majority "Ought to pass" Report of the Committee was 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. 1888, L. D. 1206, Bill "An Act Relating to Roadside Protection."

Amend said bill by inserting in the 8th line thereof, after the underlined words, "feet of" the underlined words "the nearer side of the wrought portion of"

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

Ought to Pass

Mr. Lackee from the Committee on Ways and Bridges reported "Ought to pass" on Resolve, in Favor of the Town of Kennebunk (H. P. 102)

Report was read and accepted and the Resolve 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 to Permit the Town of Kennebunkport to Take Advantage of a Proposed Government Project" (H. P. 1782) (L. D. 1121)

Mr. McGlauffin from same Committee reported same on Bill "An Act Relating to State Registered Bonds" (H. P. 1498) (L. D. 854)

Mr. Payson from same Committee reported same on Bill "An Act Relating to Liens on Vehicles, Aircraft or Component Parts Thereof, and Parachutes" (H. P. 1780) (L. D. 1119)

Mr. Williams from same Committee reported same on Resolve, Authorizing Completion and Printing of a Digest of the Opinions of the Law Court" (H. P. 1497) (L. D. 853)

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

First Reading of Printed Bills

Bill "An Act relating to Slash, Brush and Debris Disposal" (H. P. 1991) (L. D. 1376)

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

Tabled

Resolve for the Purchase of Two Hundred Copies of "The Length and Breadth of Maine" (H. P. 927) (L. D. 1375)

(Was read once and, on motion by Mr. Palmer of Nobleboro, tabled pending assignment for second reading.)

Passed to be Engrossed

Bill "An Act relating to Pedestrians on Ways" (H. P. 705) (L. D. 251)

Bill "An Act relating to Stop Signs at Multi-entrance Intersections" (H. P. 1406) (L. D. 765)

Bill "An Act relating to Parking in Dangerous Places" (H. P. 1407) (L. D. 766)

Bill "An Act relating to Stop Intersections" (H. P. 1409) (L. D. 768)

Bill "An Act relating to Lights on Motor Vehicles" (H. P. 1514) (L. D. 856)

Bill "An Act to Protect the Blind and Incapacitated Pedestrians on Public Streets and Highways" (H. P. 1728) (L. D. 1083)

Bill "An Act Concerning the Improvement, Protection or Preservation of Shade, Forest or Ornamental Trees" (H. P. 1740) (L. D. 1094)

Bill "An Act Appropriating Monies for Anticipated Overdrafts in the Department of Forestry Due to Insufficient Appropriations" (H. P. 1904) (L. D. 1269)

Bill "An Act relating to Extinguishing Forest Fires by Backfiring" (H. P. 1916) (L. D. 1278)

Resolve for the Development and Improvement of Baxter State Park (H. P. 840) (L. D. 322)

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

Amended Bill

Bill "An Act Providing that the State of Maine may Become a Party to the Northeastern Interstate Forest Fire Compact" (S. P. 469) (L. D. 921)

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.

Tabled

Bill "An Act relating to the Right of Eminent Domain for Municipalities for Recreational Purposes" (H. P. 1510) (L. D. 808)

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

(On motion by Mr. Spear of South Portland, tabled pending passage to be engrossed.)

Orders of The Day

The SPEAKER: The Chair recognizes the gentleman from Topsham, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I ask unanimous consent to introduce a resolve in favor of the town of Phippsburg at this time.

The SPEAKER: The gentleman from Topsham, Mr. Williams, presents a resolve and requests unanimous consent for its introduction. The Clerk will read the title.

The CLERK: (reading) Resolve in Favor of the town of Phippsburg.

The SPEAKER: Is there objection to the reception of the resolve? The Chair hears none and it has been received by unanimous consent.

On motion by Mr. Williams, the resolve was referred to the Committee on Ways and Bridges and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I also request unanimous consent to present a resolve.

The SPEAKER: The gentleman from Baileyville, Mr. Brown presents a resolve and requests unani-

mous consent for its introduction. The Clerk will read the title.

The CLERK: (reading) Resolve in Favor of Lawrence Jenkins of Topsfield.

The SPEAKER: Is there objection to the reception of the resolve? The Chair hears none and the resolve has been received by unanimous consent.

On motion by Mr. Brown, the resolve was referred to the Committee on Claims and sent up for concurrence.

On motion by Mr. Gauvin of Lewiston, the House voted to take from the table the twelfth tabled and unassigned matter, House Divided Report of the Committee on Welfare on Bill, "An Act relating to Age Requirement for Old Age Assistance" (H. P. 320) (L. D. 100) Majority Report "Ought not to pass" and Minority Report "Ought to pass," tabled on March 3rd by that gentleman pending acceptance of either report.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Gauvin.

Mr. GAUVIN: Mr. Speaker and Fellow Members: I introduced a few weeks ago a bill reducing from 65 to 60 the age at which a person would be eligible for old age pension. In my opinion the age of 65 is too old, since, in our century, the human being wears out much faster than fifty years ago, with the advent of the machine. In the past, when work was slower, people could work up to 70 and 75 years of age. but now, with the high speed and skill required, it is impossible for someone to be productive after 60 years of age.

The people of Maine ask for your serious consideration in this matter, and I am sure that this bill meets with the approval of the people interested. Several favorable comments were made to me, and I was encouraged to introduce this bill.

I wish to thank the members of this House for whatever consideration this bill can be given by you.

In closing, I want to introduce the gentleman from Bar Harbor, Mr.

Dufresne, who has a few words to say on this matter.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Dufresne.

Mr. DUFRESNE: Mr. Speaker and Members of the House: Some time ago Mr. Gauvin asked me to talk in favor of this bill that he has introduced. I realize that five years has been dropped off, reducing the age from sixty-five to sixty. However, his idea as he explained it to me at the time was sound, the idea being that many men and women who reach the age of sixty are helpless and incapacitated. This is the sole motive behind the bill, the lowering of the age. I am sympathetic with Mr. Gauvin, and I move that the minority report be accepted.

The SPEAKER: The gentleman from Bar Harbor, Mr. Dufresne, moves that the minority "Ought to pass" report be accepted.

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

Mr. MCCLURE: Mr. Speaker and Members of the House: The problem of our aged is another subject to which we should devote considerable thought. Our aged, during the past two decades, have suffered in many instances. The devaluation of our dollar in its purchasing power and the small interest the aged receive on their money they pay to protect them in their last years—these are a few of the reasons they are asking for old age assistance.

I shall vote to accept the minority report of the committee, "Ought to pass", because I believe it is a step in the right direction to aid those that are worthy.

The SPEAKER: The question before the House is on the motion of the gentleman from Bar Harbor, Mr. Dufresne, that the House accept the minority "Ought to pass" report of the committee.

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

Mr. MCCLURE: Mr. Speaker, when the vote is taken I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Addison, Mr. Lackee.

Mr. LACKEE: Mr. Speaker, I simply want to point out that the committee has no objection to the assistance of old age in any way, but once more I must call your attention to the fact that there is no extra appropriation to cover the expenditure of this bill and it can only be administered at the expense of some other part of that department. If this bill is passed, some other administrative department must suffer. Either the amount now payable to old age must be reduced or something of that sort must be done to cover this expenditure. If it is your opinion that this bill should pass, you should certainly implement it with some appropriation.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Gauvin.

Mr. GAUVIN: Mr. Speaker, this measure is not to be measured in dollars and cents value. The added cost will produce thousands of jobs for people now out of work who will replace the old-age people who become eligible for pensions under my bill. In addition, the State is under obligation to care for its old-age people in industry and commerce today. This cannot be measured in dollars and cents. There are some human values involved here. Let us not blind ourselves to that.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I rise to support the gentleman from Addison, Mr. Lackee, in his remarks, and I would like to go just one step farther.

This bill would require a considerable amount of money. It could run into several millions of dollars. We have been considering tax measures and other measures. I would like to emphasize the fact that the State of Maine is not something separate and apart from the people in the towns and cities

of this State. We are the State. Anyone who votes for this measure, if he recalls the condition of our general fund and the fact that appropriations already exceed existing revenues, should be ready to vote for a substantial tax measure to support it.

I am opposed to the motion to accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker, as a member of the Welfare Committee and endorser of the majority report "Ought not to pass," I want to speak for myself and perhaps for the members who endorsed that "Ought not to pass" report. I, myself, and I feel perhaps every other member who endorsed it, are in sympathy with the bill. We appreciate the fact that men under sixty-five years of age, and sixty sometimes, cannot get employment, but the large amount of money that it would cost to administer this bill makes it prohibitive.

I just want to point out one more thing that has not been mentioned, and that is the fact that the federal government will not participate in any expenditure allowed to citizens under sixty-five years of age. Our present laws take care of the federal contributions.

I hope the motion to accept the minority report will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Bar Harbor, Mr. Dufresne, that the House accept the minority "Ought to pass" report of the committee. The gentleman from Bath, Mr. McClure, has requested that when the vote is taken it be taken by a division. Is the House ready for the question?

As many as are in favor of the motion of the gentleman from Bar Harbor, Mr. Dufresne, that the House accept the minority "Ought to pass" report of the committee will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Nine having voted in the affirmative and sixty-three having voted in the negative, the motion does not prevail. Is it the pleasure of the House to accept the majority "Ought not to pass" report of the Committee.

The motion prevailed, and the majority "Ought not to pass" report of the committee was accepted and sent up for concurrence.

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

The Chair recognizes the gentleman from Fort Kent, Mr. Cyr.

Mr. CYR: Mr. Speaker, I wish to take from the table the ninth unassigned matter, Bill, "An Act relating to Old Age Assistance and Aid to the Blind."

The SPEAKER: The gentleman from Fort Kent, Mr. Cyr, moves to take from the table the 9th tabled and unassigned matter, Bill "An Act relating to Old Age Assistance and Aid to the Blind" (S. P. 125) (L. D. 146) tabled on March 1st by that gentleman, pending third reading. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Cyr.

Mr. CYR: Mr. Speaker, I wish to explain the reason why I put this bill on the table on March 1st. This bill, coming from the Welfare Committee, being a bill that was unanimously passed by the committee, naturally puts me in a precarious position. However, when I placed the bill on the table, it was more in order to discover if there were going to be any benefit derived from the measure, especially for the aged and the blind.

After considerable investigation and inquiries, to this day I have failed to discover any great amount of benefit there would be except to the Welfare, Treasury and Control Departments. Naturally, these departments, which are burdened with the writing of all of these checks, are asking for relief. Now, if there is going to be any benefit by chang-

ing these old age checks from a semi-monthly to a monthly payment, I would suggest that we would include all of the employees of the State, and also ourselves, in this method of payment because I am sure we can stand some benefit.

If, on the other hand, we discover that there is no benefit to be derived from this change—and I understand that not long past the Treasurer undertook to pay the help in this State on a bi-weekly payment plan—and after due consideration and careful analysis, not wishing to pass any reflection on the integrity of the employees of this State, they concluded that it would be much to their advantage if they went back to the weekly payment plan. Therefore, if the employees of this State found out that it was to their benefit to be paid weekly, I cannot conceive how we can reconcile the fact that there is going to be a benefit to the aged by paying them monthly.

Therefore, I would go a little further along the line. Who has been responsible for the increase of the amount of labor placed on the shoulders of the check writers? Surely this could not be attributed to the aged of this State because in the report of the Welfare Department for 1948, if you will study that out a bit, you will discover there was stricken from the lists of recipients of old age and blind assistance something over four thousand people. Therefore, it certainly was not the aged and the blind that caused the over-burden in the Treasurer's Department. So it would seem to me that if we are going to ask for a remedy that we should go along the line that would indicate a remedy for those who caused this over-amount of check writing, and if we are honest with ourselves, we, ourselves, are responsible for it when we are being paid weekly. Possibly, there are other departments of the State, including the Health and Welfare Department, who have been very generous in assigning new help in their departments.

Therefore, it would seem to me, with all of these explanations which I have tried to make here, that it is a measure that would not render any additional service to these aged and blind, except perhaps, to the landlords—that is one phase of it—It was advanced to me by some of the members that the landlords would benefit by it also—they are obliged to collect their rents semi-monthly at the present time. Of course, if these aged people were receiving their checks monthly, they would have to pay their rent for a month at a time. Of course, that is immaterial, but there is a chance that there is an element which perhaps would benefit these aged people, especially when the landlord might be able to devote more attention to the abodes of these old people. Being free and not having to strain his mind about when he was going to receive the next check, he might even go as far as to put in a little paint on some of those walls and a little paper—in fact he might even eradicate some of those insects that have strayed into some of those buildings.

However, leaving aside all of these benefits that would be derived from that, in my opinion I cannot conceive any benefit to these aged people, and especially the blind, by changing the method, and I am sorry to have taken the attitude of being opposed to the report of the committee. However, I make a motion that the matter be indefinitely postponed as unnecessary at this time, and I ask for a division of the House.

The SPEAKER: The gentleman from Fort Kent, Mr. Cyr, moves that Bill "An Act relating to Old Age Assistance and Aid to the Blind", be indefinitely postponed and has requested that when the vote is taken, it be by a division. Is the House ready for the question?

The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker, I am a member of that Welfare Commit-

tee who brought in an "Ought to pass" report. I did not allow the fact that we were assisting the Treasurer of State, in any way to weigh my consideration of this bill. I have discussed this matter with a few recipients of old age assistance in my town and also studied some of the case histories, and I admit it is a very, very small percentage of the recipients in the State of Maine, but it was the opinion of those gentlemen whom I did consult about it that they preferred to have this paid monthly. They felt that although it isn't so—they felt that when they got it monthly, they had more money. That was my only consideration in reporting "Ought to pass". I simply am stating that to defend my position, and I don't feel that perhaps at this time it should be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Fort Kent, Mr. Cyr, that the bill be indefinitely postponed. As many as are in favor of the motion of the gentleman from Fort Kent, Mr. Cyr, that the bill be indefinitely postponed will kindly rise and remain standing while the monitors make and return their count.

A division of the House was had.

Twenty-one having voted in the affirmative and sixty-one having voted in the negative, the motion to indefinitely postpone the bill did not prevail.

Thereupon, the bill had its third reading and was passed to be engrossed in concurrence.

On motion by Mr. McClure of Bath, the House voted to take from the table the fifth tabled and unassigned matter, Bill "An Act relating to Lawful Use of Force" (S. P. 431) (L. D. 782) tabled by that gentleman on February 22 pending reference in concurrence.

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

Mr. McCLURE: Mr. Speaker, the main reason that I tabled this mat-

ter was because I thought it was important enough to bring to the attention of the people, where it had to do with the spanking of our children. I have a child that I am very much in love with, like some of the rest of you, and if it would aid in any way in bringing this matter to your attention that was my only purpose.

I move we concur with the Senate.

The SPEAKER: The gentleman from Bath, Mr. McClure, moves that the bill be referred to the Committee on Judiciary in concurrence. Is this the pleasure of the House?

The motion prevailed and the bill was referred to the Committee on Judiciary in concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. If there be no further business to come before the House, the Clerk will read the notices.

On motion by Mr. Foley of Winterport,

Adjourned until Tuesday, March 22nd, at 11:00 o'clock in the forenoon.