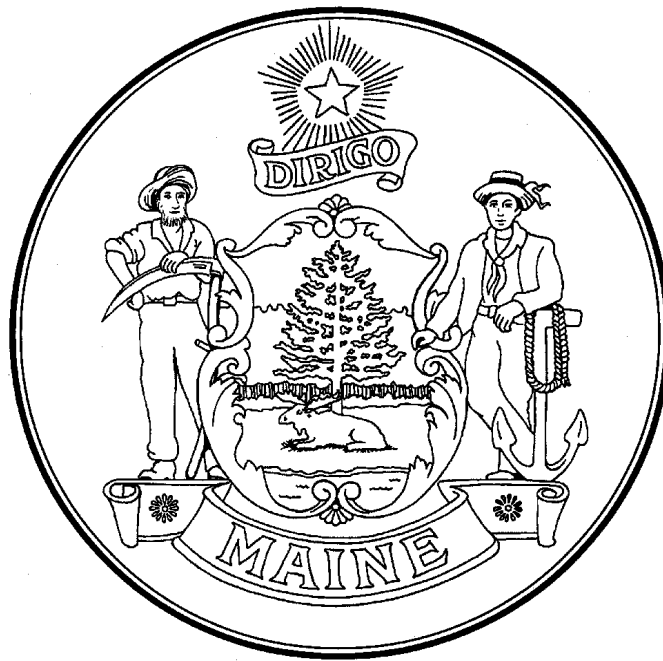


# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Fourth Legislature*

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, March 24, 1949

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

Prayer by the Rev. Mr. Brown of Bucksport.

The journal of the previous session was read and approved.

**Papers from the Senate**  
**Senate Reports of Committees**

Report of the Committee on Indian Affairs on Bill "An Act Relating to Indians" (S. P. 201) (L. D. 281) reporting leave to withdraw.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

**Ought Not to Pass**

Report of the Committee on Indian Affairs reporting "Ought not pass" on Bill "An Act Relating to the Education of Indians on the Indian Reservation" (S. P. 189) (L. D. 242)

Report of same Committee reporting same on Bill "An Act Creating the Division of Indian Affairs" (S. P. 73) (L. D. 52)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

**Ought to be Adopted**

Report of the Committee on Taxation on A Concurrent Resolution Memorializing and Requesting the Congress of the United States to Enact a Bill to Aid the State in the Enforcement of the Cigarette Tax Now Evaded by the Use of the United States Mails (S. P. 595) (L. D. 1266) reporting "Ought to be adopted"

Came from the Senate with the Report read and accepted and the Resolution adopted.

In the House, Report was read and accepted in concurrence and the Resolution adopted in concurrence.

**Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs

reporting "Ought to pass" on Resolve to Establish Working Capital for Institutional Farms (S. P. 477) (L. D. 941)

Report of the Committee on Inland Fisheries and Game reporting same on Bill "An Act Relative to Penalties for Beaver Trapping" (S. P. 349) (L. D. 575)

Report of same Committee reporting same on Bill "An Act Relative to Regulating Hunting, Fishing and Trapping on Game Management Areas" (S. P. 423) (L. D. 780)

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

In the House, Reports were read and accepted in concurrence, the Bills read twice, the Resolve read once and tomorrow assigned.

**Ought to Pass with Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Resolve Providing for Certain Construction at the Central Maine Sanatorium (S. P. 336) (L. D. 567) 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. 336, L. D. 567, Resolve Providing for Certain Construction at the Central Maine Sanatorium.

Amend said Resolve by striking out in the first line thereof the figures "\$80,000" and inserting in place thereof the figures '\$70,000'.

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

Report of the Committee on Taxation on Bill "An Act Relating to

Sub-Jobber of Cigarettes and Tobacco Products" (S. P. 238) (L. D. 352) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

Report was read and accepted in concurrence, and the Bill was read twice.

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

**COMMITTEE AMENDMENT "A"** to S. P. 238, L. D. 352, Bill "An Act Relating to Sub-Jobber of Cigarettes and Tobacco Products."

Amend said Bill by inserting in the 5th line thereof, after the underlined word "license" the following underlined words: 'to be known as a "wholesale dealer's license,"'

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

#### **Senate Divided Report Tabled**

Majority Report of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council (S. P. 260) (L. D. 391) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. **BARNES** of Aroostook  
**WARD** of Penobscot  
**ELA** of Somerset  
—of the Senate  
**WILLIAMS** of Auburn  
**BURGESS** of Rockland  
**PAYSON** of Union  
**SILSBY** of Aurora  
**WOODWORTH** of Fairfield  
**McGLAUFLIN** of Portland

—of the House

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. **MUSKIE** of Waterville  
of the House

Came from the Senate with the Majority Report read and accepted.

(In the House, on motion by Mr. Lacharite of Brunswick, the two reports with accompanying papers were tabled pending acceptance of either report.)

#### **Non-Concurrent Matter**

Bill "An Act to Incorporate the Town of Hartland School District" (H. P. 1175) (L. D. 630) which was passed to be enacted in the House on March 9th and passed to be engrossed as amended by Committee Amendment "A" in the House on March 1st.

Came from the Senate recommended to the Committee on Legal Affairs in non-concurrence.

In the House: The House voted to recede from its action taken on March 9th whereby the Bill was passed to be enacted and further voted to recede from its action of March 1st whereby the Bill was passed to be engrossed and further voted to concur with the Senate in the recommitment of the Bill to the Committee on Legal Affairs.

The **SPEAKER**: The Chair notes at this time the presence in the balcony of the Hall of the House of the Skowhegan Junior High School Ninth Grade Civics Class, which group is in charge of Mr. Wallace Cunningham; also, the Belgrade High School Freshman, Sophomore, Junior and Senior Classes in charge of Mr. Richard H. Howell; and the Eighth Grade of the Frank I. Brown School of South Portland in charge of Mr. Batchelder, Principal, Miss Kenney and Mrs. Stahl. On behalf of the House, we bid you welcome. (Applause)

#### **Orders**

On motion by Mr. Clements of Belfast, it was

**ORDERED**, that Rev. Frank A. Pitman, of Belfast, be invited to officiate as Chaplain of the House on Tuesday, April 19, 1949.

On motion by Mr. Winchenpaw of Friendship, it was

ORDERED, that Rev. William H. Brusby of Friendship be invited to officiate as Chaplain of the House on Friday, April 1, 1949.

The Chair also notes at this time the presence in the balcony of the Hall of the House of the Eighth Grade of the Boothbay Harbor School Social Studies Group in charge of Mrs. Edith Dodge; also there are twenty-five Scouts from Yarmouth in charge of Mr. Anderson. On behalf of the House, we bid these two groups welcome.

At this time, the gentleman from Limestone, Mr. Burgess, assumed the Chair as Speaker pro tem, the Speaker retiring from the Hall.

#### **House Reports of Committees Ought Not to Pass**

Mr. Brown from the Committee on Salaries and Fees reported "Ought not to pass" on Bill "An Act to Increase the Salary of County Commissioners in Penobscot County" (H. P. 1662) (L. D. 970)

Mr. Campbell from same Committee reported same on Bill "An Act Relating to the Salary of the Register of Deeds of Kennebec County" (H. P. 673) (L. D. 219)

Reports were read and accepted and sent up for concurrence.

#### **Tabled**

Mr. Chase from the Committee on Welfare reported "Ought not to pass" on Bill "An Act Relating to the Transfer of the Department of Institutional Service to Department of Health and Welfare" (H. P. 1756) (L. D. 1099)

(On motion by Mr. Jacobs of Auburn, tabled pending acceptance of the committee report.)

Mr. Gates from the Committee on Welfare reported "Ought not to pass" on Bill "An Act Relating to Funeral Expenses for Recipients of Old Age Assistance" (H. P. 1202) (L. D. 618)

Mr. Lackee from same Committee reported same on Bill "An Act

Relating to Aid to Dependent Children" (H. P. 1008) (L. D. 439)

Reports were read and accepted and sent up for concurrence.

#### **Ought to Pass in New Draft**

Mr. Johnson from the Committee on Motor Vehicles on Bill "An Act Relating to Traffic Control Signals" (H. P. 1408) (L. D. 767) reported same in a new draft (H. P. 2011) (L. D. 1394) under same title and that it "Ought to pass"

Mr. Williams from the Committee on Judiciary on Bill "An Act Relating to Procedure on Damages Caused by Location of Highways" (H. P. 1872) (L. D. 1212) reported same in a new draft (H. P. 2012) (L. D. 1395) under same title and that it "Ought to pass"

Reports were read and accepted and the Bills, having already been printed, were read twice under suspension of the rules and tomorrow assigned.

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

Mr. Lackee from the Committee on Welfare reported "Ought to pass" on Bill "An Act relating to Requisites for Old Age Assistance" (H. P. 1552) (L. D. 870)

Mr. Lessard from same Committee reported same on Bill "An Act Relating to Aid to the Blind" (H. P. 1550) (L. D. 868)

Reports were read and accepted and the Bills having already been printed, were read twice under suspension of the rules and tomorrow assigned.

#### **Ought to Pass with Committee Amendment**

Mr. Grant from the Committee on Motor Vehicles on Bill "An Act Relating to Inspection of Motor Vehicles" (H. P. 1516) (L. D. 889) 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. 1516, L. D. 889, Bill "An Act Relating to Inspection of Motor Vehicles."

Amend said Bill by striking out in the 1st line thereof the underlined "Sec. 1."

Further amend said Bill by striking out, in the 4th line of the 3rd paragraph of that part designated Sec. 35, the stricken out figures "5c" and the underlined figures "10c" and inserting in place thereof the figures '5c'

Further amend said Bill by striking out all of section 2 thereof.

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

Mr. Bennett from the Committee on Salaries and Fees on Bill "An Act Relating to the Houlton Municipal Court" (H. P. 1533) (L. D. 864) 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. 1533, L. D. 864, Bill "An Act Relating to the Houlton Municipal Court."

Amend said Bill by inserting after the enacting clause thereof and before the headnote, the following: 'Sec. 1.'

Further amend said Bill by striking out in the 6th line thereof, the underlined figure "\$1,500" and inserting in place thereof the un-

Further amend said Bill by add-derlined figure '\$1,250'.

ing at the end thereof a new section, as follows:

"Sec. 2. P. & S. L., 1911, c. 154 amended. The 4th sentence of the 3rd paragraph of that part designated "Sec. 1." of chapter 63 of the private and special laws of 1945, which amended chapter 154 of the private and special laws of 1911, is

hereby amended to read as follows: 'His duties shall include such duties as are performed by clerks of the superior court, so far as applicable and he shall draft all criminal warrants.'

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

Mr. Bennett from the Committee on Salaries and Fees on Bill "An Act Relating to Clerk Hire in Office of Clerk of Courts in Kennebec County" (H. P. 313) (L. D. 93) 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. 313, L. D. 93, Bill "An Act Relating to Clerk Hire in Office of Clerk of Courts in Kennebec County".

Amend said Bill by striking out all of Sec. 2 thereof.

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

Mr. Bennett from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Recorder of the Waterville Municipal Court" (H. P. 1663) (L. D. 971) 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. 1663, L. D. 971, Bill "An Act Relating to the Salary of the Recorder of the Waterville Municipal Court".

Amend said Bill by striking out in the 5th line the underlined figures "\$1,000" and inserting in place thereof the underlined figures '\$800',

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

Mr. Bennett from the Committee on Salaries and Fees on Bill "An Act Relating to Salary of Register of Probate in Kennebec County" (H. P. 1075) (L. D. 481) 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. 1075, L. D. 481, Bill "An Act Relating to Salary of Register of Probate in Kennebec County".

Amend said Bill by striking out the underlined figures "\$2,500" in the last line thereof and inserting in place thereof the underlined figures '\$2,300'.

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

Mr. Campbell from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Register of Probate of York County" (H. P. 1531) (L. D. 862) 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. 1531, L. D. 862, Bill "An Act Relating to the Salary of the Register of Probate of York County".

Amend said Bill by striking out the underlined figures "\$2,900" in the last line thereof and inserting in place thereof the underlined figures '\$2,500'.

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

Mr. Kent from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Sheriff of Lincoln County" (H. P. 1196) (L. D. 590) 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. 1196, L. D. 590, Bill "An Act Relating to the Salary of the Sheriff of Lincoln County".

Amend said Bill by striking out the underlined figures "\$2,500" in the last line thereof and inserting in place thereof the underlined figures '\$1,800'.

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

#### Passed to be Engrossed

Bill "An Act Relating to Public and Private Cemeteries" (S. P. 369) (L. D. 536)

Bill "An Act Relating to Town Dumps" (S. P. 412) (L. D. 749)

Bill "An Act Relating to the Practice of Optometry" (S. P. 453) (L. D. 797)

Bill "An Act Relating to Payment to York County Law Library" (S. P. 520) (L. D. 1054)

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

#### Tabled

Bill "An Act Relating to Deposits in Fiduciary's Personal Account" (H. P. 1574) (L. D. 897)

(Was reported by the Committee on Bills in the Third Reading and, on motion by Mr. McGlauffin of Portland, tabled pending third reading.)

Bill "An Act to Amend the Charter of the Portland Water District Relative to Time of Filing Nomination Papers" (H. P. 1631) (L. D. 984)

Bill "An Act Relating to Consent to Adoption of Children" (H. P. 2008) (L. D. 1390)

Resolve Proposing an Amendment to the Constitution to Change the Date of Filing Initiated Legislation (H. P. 1568) (L. D. 874)

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.

#### **Tabled and Assigned**

Resolve for the Laying of the County Taxes for the Years Nineteen Hundred Forty-Nine and Nineteen Hundred Fifty (H. P. 2007) (L. D. 1389)

(Was reported by the Committee on Bills in the Third Reading and, on motion by Mr. Nadeau of Biddeford, tabled pending second reading and specially assigned for March 25, 1949.)

On Motion by Miss Cormier of Rumford, House Rule No. 25 was suspended for the remainder of today's session in order to permit smoking.

#### **Amended Bill**

Bill "An Act Relating to Insurance Agents and Brokers" (S. P. 408) (L. D. 745)

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.

At this point, Speaker Haskell resumed the Chair and the gentleman from Limestone, Mr. Burgess, Speaker pro tem, retired to his seat on the floor, amid the applause of the Members.

#### **Passed to be Enacted Emergency Measure**

An Act Relating to Consignment of Fish, Lobsters and Shellfish (S. P. 194) (L. D. 247)

Was reported by the Committee on Engrossed Bills as truly and

strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. One hundred and twelve voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act Relating to the Ashland Water and Sewer District (H. P. 755) (L. D. 292)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. One hundred and twelve voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act to Appropriate Moneys for the Expenditures of the State Government for the Fiscal Year Ending June 30, 1949 (H. P. 1110) (L. D. 536)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members electer to the House being necessary, a division was had. One hundred and thirteen voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure Amended**

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

On motion by Mr. Chapman of Portland, the House voted, under suspension of the rules, to reconsider its former action whereby the bill was passed to be engrossed.



Thereupon, the same gentleman presented House Amendment "A" and moved its adoption.

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

**HOUSE AMENDMENT "A" to H. P. 1957, L. D. 1332, Bill "An Act to Enlarge the Powers of the West Paris Village Corporation."**

Amend said bill by adding at the end of Section 2-A, paragraph (4) the following underlined sentence.

**'Provided, however, nothing herein contained shall be construed as authorizing said village corporation to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized thereto herein or by subsequent act of the legislature.'**

Further amend said bill by adding at the end of Section 2-B, paragraph (8), the following underlined sentence.

**'Provided, however, nothing herein contained shall be construed as authorizing said village corporation to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized thereto herein or by subsequent act of the legislature.'**

Thereupon House Amendment "A" was adopted and the Bill was passed to be engrossed as amended in non-concurrence.

On further motion by Mr. Chapman, the Bill with accompanying papers was sent forthwith to the Senate.

#### **Finally Passed Emergency Measure**

Resolve Providing for Completion of Medical and Surgical Building at the Augusta State Hospital (S. P. 157) (L. D. 225)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an

emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 115 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### **Passed to be Enacted Amended**

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

On motion by Mr. Brown of Wayne, the House voted, under suspension of the rules, to reconsider its former action whereby the Bill was passed to be engrossed.

Thereupon, the same gentleman presented House Amendment "B" and moved its adoption.

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

**HOUSE AMENDMENT "B" 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 inserting after the title and before the enacting clause the following emergency preamble:

**'Emergency preamble.** Whereas, acts and resolves passed by the legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, all property taxes are assessed as of April 1; and

Whereas, it is necessary that such taxes be assessed promptly to provide funds for forest fire prevention and control within the unorganized territory outside the Maine Forestry District; 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 inserting before the period at the

end of the 6th line thereof the following underlined words; '**except that for the years 1949 and 1950 such tax shall be 5 mills**'

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

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

Thereupon, House Amendment "B" was adopted and the Bill was passed to be engrossed as amended in non-concurrence.

On further motion by Mr. Brown, the Bill with accompanying papers was sent forthwith to the Senate.

#### **Passed to be Enacted Tabled**

An Act Relating to Old Age Assistance and Aid to the Blind (S. P. 125) (L. D. 146)

(Was reported by the Committee on Engrossed Bills as truly and strictly engrossed and, on motion by Mr. DeSanctis of Madison, tabled pending passage to be enacted.)

An Act Relating to Paroled and Discharged Prisoners from State Prison (S. P. 429) (L. D. 783)

An Act For State Forest Fire Prevention and Control in Organized Towns (S. P. 528) (L. D. 1058)

An Act Relating to the Penobscot Log Driving Company (S. P. 596) (L. D. 1267)

An Act Relating to Liens on Logs, Lumber or Pulpwood for Advances of Money or Merchandise (S. P. 599) (L. D. 1291)

An Act Relating to Taking of Clams in Hancock (H. P. 67) (L. D. 23)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Tabled**

An Act Relative to Fishing Licenses (H. P. 986) (L. D. 417)

(Was reported by the Committee on Engrossed Bills as truly and

strictly engrossed and, on motion by Mr. Williams of Auburn, tabled pending passage to be enacted.)

An Act Relating to Inspections and Recounts in Municipal Elections (H. P. 1493) (L. D. 849)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Placed on Special Calendar**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed and, at the request of Mr. Brown of Unity, Chairman of the Committee on Appropriations and Financial Affairs, was placed on the Special Calendar.

#### **Tabled**

An Act Relating to Exemptions from Regulation of Motor Carriers (H. P. 1583) (L. D. 905)

(Was reported by the Committee on Engrossed Bills as truly and strictly engrossed and, on motion by Mr. Farley of Biddeford, tabled pending passage to be enacted.)

An Act Relating to Bond Issues of the City of Portland (H. P. 1645) (L. D. 997)

An Act Relating to the Department of Electrical Appliances of the City of Portland (H. P. 1699) (L. D. 1022)

An Act Relating to Amending Complaints and Indictments in Matters of Substance (H. P. 1965) (L. D. 1339)

An Act Amending the Limestone School District (H. P. 1978)

#### **Finally Passed**

Resolve in Favor of Frank D. Miller, of Orland (H. P. 454) (L. D. 1349)

Resolve to Provide for a Fish Screen at Hot Brook Lake, in the County of Aroostook (H. P. 1486) (L. D. 843)

Resolve in Favor of the Town of Trenton (H. P. 1610) (L. D. 1343)

Resolve in Favor of the City of Calais (H. P. 1708) (L. D. 1344)

Resolve Authorizing the State Tax Assessor to Convey by Sale Certain Interest of the State in Lands in the Unorganized Territory (H. P. 1959) (L. D. 1333)

Resolve Relating to Impounded Bank Accounts of Certain Trust Funds (S. P. 111) (L. D. 136)

#### Passed to be Enacted (cont'd)

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)

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

An Act Relating to the Houlton Water Company (H. P. 1070) (L. D. 476)

An Act Relating to Retirement of Justices of the Superior and Supreme Judicial Courts (H. P. 1967) (L. D. 1341)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

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

Mr. BROWN: Mr. Speaker and Members of the House: On your desks this morning you will find a list of all the acts and resolves before the Legislature requiring appropriations and their status as of March 18th.

I wish to call your special attention to L. D. 146, listed on Page 2, "An Act Relating to Old Age Assistance and Aid to the Blind." This act, if it becomes law, will result in saving to the State over \$6000 for each year of the biennium and will reduce the budget by that sum. Also L. D. 234, "An Act Relating to Chief Inspector of Utilities," would be a relief to the State of \$3963 the first year and \$4223 the

second year and would reduce the budget by that sum.

On the last page you will find a summary and the titles of all the appropriations resolves, from which account they come, and also the ones which have been signed by the Governor.

#### Orders of the Day

On motion by Mr. Wight of Bangor, the House voted to take from the table the 14th tabled and unassigned matter, House Report "Ought to pass" in new draft under the same title (H. P. 1977) (L. D. 1393) of the Committee on Public Utilities on Bill "An Act Relating to Street Openings by Public Utility Corporations" (H. P. 1529) (L. D. 869) tabled on March 15 by that gentleman pending acceptance of the report.

On further motion by the same gentleman, the report of the Committee was accepted, and the new draft, having already been printed, under suspension of the rules, the Bill was given its two several readings.

Mrs. Fay of Portland presented House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1977, L. D. 1393, Bill "An Act Relating to Street Openings by Public Utility Corporations."

Amend said Bill by adding at the end thereof a new section as follows:

"Sec. 2. R. S., c. 84, § 115, amended. Section 115 of chapter 84 of the revised statutes, as amended by section 2 of chapter 250 of the public laws of 1945, and by section 1 of chapter 252 of the public laws of 1947, is hereby further amended to read as follows:

"Sec. 115. A record of all permits to be kept; fees for excavation permits. The commissioner of public works, or such officer as the city government may appoint, shall keep a record of all permits granted by him, work done by the city employees excepted. The applicant shall pay to the city treasurer for

every permit for making an excavation within the driveways of any public highway paved with broken stone, concrete, bitulithic, granite block, brick, wood block, sheet asphalt, or other pavements the following fees, for sheet asphalt, wood block, brick, and granite block, all on concrete base, \$6 per square yard; for granite block on gravel base, bitulithic, and concrete, \$3.50 per square yard; for broken stone and other similar pavements, \$2.50 per square yard; for bituminous surface, treated gravel or untreated surface, \$1 per square yard; and for untreated shoulder, 50c per square yard for any amount not exceeding 50 square yards, plus 25c per square yard for any amount exceeding 50 square yards **such fees as shall be established by the municipal officers, such fees not to exceed the reasonable cost of replacement of the excavated pavement.** All such fees paid to the city treasurer shall be regularly accounted for by him in his report to the city government, and shall constitute a special fund for the repaving of said cuts; when such cuts are repaired by the street department, the cost thereof shall be charged to said fund.'"

House Amendment "A" was adopted and the bill was tomorrow assigned for third reading.

On motion by Mr. Campbell of Garland, the House voted to take from the table the third tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act relating to Hunting and Fishing Licenses for Certain Persons" (H. P. 284) (L. D. 80) tabled on February 16th by that gentleman pending acceptance.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, I move that the bill be substituted for the report of the committee. I have an amendment to offer to the bill and I would like to explain first the amendment and also ex-

plain why such a substitution for the report should be made.

The original bill called for a free hunting and fishing license for those over sixty-five. I have stricken out the words "hunting and" in this bill. Originally, from the figures I had given to me from the Department, the bill would have cost somewhere in the neighborhood of \$39,000. By striking out the "hunting" it reduces the expense of the bill to something like \$17,000. These are approximate figures given to me for the calendar year of 1948.

Now, the people of my district have urged that I continue with this bill for this reason: It seems apparent that this Legislature is incapable, or at least the State of Maine is incapable, of passing any concrete old age assistance plan, and so, for that reason, they feel the least we can do for the aged in the State of Maine is to offer them a few of the services as cheaply as possible. This seems to me to be a step in that direction, and I think that we should give them the use of our natural resources after they have reached that age. It seems to me that this particular group has been paying taxes for somewhere near fifty years, and the least we can do is to honor them in the small amount of two dollars when they reach that age.

There is now, from the need angle, something like 13,000 people in the State of Maine on old age assistance. I am going to give a rough estimate that undoubtedly, because of pride or because of lack in the system that we have, there 30,000 who are equally as needy. It is that group that I feel we must look out for, because, although it has been stated by some of the members of the committee that many people over sixty-five are financially capable of paying, in order to have an overall law covering about half of the aged people, I feel we must grant it to everybody, and in granting it to those who can afford it we are simply honoring their age in that amount.

It seems to me that \$17,000 is a pretty small amount in comparison with hundreds of other things we have granted in this Legislature. The fact we have at times shown reluctance to withdraw certain practices which would save us a tremendous amount of money would seem to indicate that economy is a matter of consideration. So I believe we should substitute the bill for the report.

The SPEAKER: The gentleman from Wilton, Mr. Maxwell, moves to substitute the bill for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Bangor, Mr. Wight.

Mr. WIGHT: Mr. Speaker and Members of the House: I just rise to explain the position that was taken by the Committee on Inland Fisheries and Game. As you know, the 93rd Legislature put the Inland Fisheries and Game Department on a self-sustaining basis. It was felt at that time that that was the thing to do, that the people who hunt and fish are the people to support that particular department. A great many of those sixty-five years and older of course are able to buy a hunting and fishing license, and it would seem as if they should do so.

I think that our figures are a little crossed here this morning. I do not know who is right on figures. I was just in the Fish and Game office and they gave me the figure of \$120,000 a year that it would cost the State. I am not sure that that is right, but that is the figure they gave me. I think we should allow this to rest on the table until we find out what the figure is, or I think that this motion should not prevail and that the committee's report should be sustained.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, the figures that I have I obtained from the Department. Now they told me that roughly ten per cent of the revenue from the residents of the

State of Maine came from this particular group. I question that somewhat, myself, but, regardless, I am going on that figure. The over-all amount received by the Department is something in the neighborhood of \$994,000. Two-thirds of that amount comes from non-resident hunting and fishing licenses, and the other third, \$389,000, comes from resident hunting and fishing licenses. Breaking that down, it seems that approximately \$17,000 would be nearer true, certainly, than the \$100,000 which has been stated here.

The SPEAKER: The Chair recognizes the gentleman from Garland, Mr. Campbell.

Mr. CAMPBELL: Mr. Speaker, I think this is a good bill and I hope that the motion of the gentleman from Wilton prevails. It seems to me that with sixty thousand people in this State over sixty-five who are buying fishing licenses that there must be some miscalculation of figures if it is going to cost the State \$120,000. I think that this is the least that we can do to honor the aged people of our State.

I hope the motion will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Wilton, Mr. Maxwell, that the bill be substituted for the report of the committee.

The Chair recognizes the gentleman from Bingham, Mr. Hill.

Mr. HILL: Mr. Speaker, I move that when the vote is taken, it be taken by a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Wilton, Mr. Maxwell, that the bill be substituted for the "Ought not to pass" report of the committee. The gentleman from Bingham, Mr. Hill, has requested a division.

As many as are in favor of the motion of the gentleman from Wilton, Mr. Maxwell, that the bill be substituted for the 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: Forty-seven having voted in the affirmative and

fifty-nine having voted in the negative, the motion does not prevail.

Is it now the pleasure of the House to accept the "Ought not to pass" report of the committee?

Thereupon, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

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On motion by Mr. Martin of Augusta, the House voted to take from the table the 27th tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Giving the Newspapers Access to Records of Vital Statistics" (H. P. 1578) (L. D. 901) tabled on March

23rd by that gentleman pending acceptance of the report; and on further motion by the same gentleman the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

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

If there be no further items of business to come before the House, the Clerk will read the notices.

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On motion by Mr. Bucknam of Whiting,

Adjourned until 10:00 o'clock tomorrow morning.