

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

SENATE

Tuesday, February 22, 1949.

The Senate was called to order by the President.

Prayer by the Reverend Albert Lawrence of North Anson.

Journal of Friday, February 18, 1949, read and approved.

From the House

"Resolve Relating to Construction of Airports." (H. P. 1444) (L. D. 802)

Which was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Permitting Counties to Raise Money for Airport Construction." (H. P. 1470) (L. D. 803)

Which was referred to the Committee on Counties in concurrence.

Bill "An Act Relating to the Sanitary Water Board and the Acceptance of the Provisions of the Water Pollution Control Act." (H. P. 1469) (L. D. 807)

Which was referred to the Committee on Interior Waters in concurrence.

Bill "An Act to Amend the Workmen's Compensation Act as to Waiting Period and Compensation Benefits." (H. P. 1490) (L. D. 804)

Bill "An Act Relating to the Workmen's Compensation Act." (H. P. 1502) (L. D. 805)

Bill "An Act Relating to Duty of Department of Labor and Industry Concerning Buildings." (H. P. 1503) (L. D. 806)

Which were severally referred to the Committee on Labor in concurrence.

Bill "An Act Relating to Scope of Purchasing Authority." (H. P. 1504) (L. D. 809)

Bill "An Act Relating to the Bulk Sales Act." (H. P. 1505) (L. D. 812)

Bill "An Act Relating to Entertainment and Recreation on Sunday." (H. P. 1506) (L. D. 813)

Bill "An Act Permitting Basketball on Sunday." (H. P. 1507) (L. D. 814)

Bill "An Act Relating to Other Purposes for Which Cities and Towns May Raise Money." (H. P. 1508) (L. D. 815)

Bill "An Act Relating to the Use of the Public Streets and Highways and to the Power of Cities and Towns to Install Parking Meters." (H. P. 1509) (L. D. 816)

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

Which were severally referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to Shipment of Clams." (H. P. 1535) (L. D. 810)

Bill "An Act Relating to the Packing of Sardines." (H. P. 1536) (L. D. 811)

Which were severally referred to the Committee on Sea and Shore Fisheries in concurrence.

Bill "An Act Relating to Taxation of Organizations Holding Pari Mutuel Racing Meets." (H. P. 1539) (L. D. 817)

Bill "An Act Relating to Tax Stamp Discounts in Cigarette and Tobacco Products Law." (H. P. 1541) (L. D. 818)

Bill "An Act Relating to Fees of Wholesalers and Sub-jobbers of Cigarettes and Tobacco Products." (H. P. 1542) (L. D. 819)

Bill "An Act Relating to the Assessment of Taxes." (H. P. 1543) (L. D. 820)

Bill "An Act Relating to the Assessment of Taxes." (H. P. 1544) (L. D. 821)

Which were severally referred to the Committee on Taxation in concurrence.

Bill "An Act Relating to Local Option Liquor Voting in Unincorporated Places." (H. P. 1545) (L. D. 822)

Bill "An Act Relating to Illegal Importation and Transportation of

Malt Liquor." (H. P. 1546) (L. D. 823)

Bill "An Act Relating to Sale of Malt Liquor and Vinous Liquor in Restaurants." (H. P. 1547) (L. D. 824)

Bill "An Act Relating to Entertainment in Licensed Premises." (H. P. 1548) (L. D. 825)

Bill "An Act Relating to Hearings on Applications for Liquor Licenses." (H. P. 1549) (L. D. 826)

Which were severally referred to the Committee on Temperance in concurrence.

Joint Order

ORDERED, the Senate concurring, that notwithstanding Joint Orders now in effect, any Bill or Resolves providing for a Bonus for Veterans or funds therefor shall be received without requiring unanimous consent if filed with the Secretary of the Senate or Clerk of the House before 12 o'clock noon March 17, 1949.

Which was read and passed in concurrence.

Bill "An Act to Facilitate Voting by Members of the Armed Forces of the United States." (H. P. 1499)

"Resolve, Proposing an Amendment to the Constitution Relative to Elections." (H. P. 1501)

Leave granted to withdraw the same in concurrence.

House Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Pedestrians on Ways" (H. P. 705) (L. D. 251) reported that the House recede and concur with the Senate in referring the bill to the Committee on Motor Vehicles.

Comes from the House, report read and accepted.

In the Senate, the report was read and accepted in concurrence.

The Committee on Legal Affairs on Bill "An Act Relating to Number of Private Detectives," (H. P. 922) (L. D. 374) reported that the same ought to pass.

The same Committee on Bill "An Act to Provide for the Election of a Board of Commissioners of Police for the Town of Sanford," (H. P. 924) (L. D. 376) reported that the same ought to pass.

The Committee on State Lands and Forest Preservation on Bill "An Act to Establish Date for Arbor Day," (H. P. 1006) (L. D. 437) reported that the same ought to pass.

The same Committee on "Resolve Appropriating Money for the Study and Control of the Spruce Budworm," (H. P. 944) (L. D. 385) reported that the same ought to pass.

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

The Committee on Taxation on Bill "An Act Relating to Motor Vehicle Excise Tax for Amputee Veterans," (H. P. 862) (L. D. 338) reported that the same ought to pass.

Which report was read and accepted in concurrence and the bill read once; on motion by Mr. Batchelder of York the rules were suspended and the bill was given its second reading and passed to be engrossed in concurrence.

The Committee on Legal Affairs on Bill "An Act Relating to the Government of the Town of Mount Desert," (H. P. 926) (L. D. 377) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Town of Orrington School District," (H. P. 995) (L. D. 426) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the State Tax Assessor to Convey by Sale Certain Interest of the State in Land with Buildings Thereon in Newcastle, in the County of Lincoln," (H. P. 194) (L. D. 306) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve Authorizing the Forest Commissioner to Lease Certain Land in Washington County to Eastern Pulp Wood Company," (H. P. 499) (L. D. 168) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence, and the bills and resolves read once; Committee Amendments "A" were severally read and accepted in concurrence, and the bills and resolves as so amended were tomorrow assigned for second reading.

Referred to Committees

The following Bills were transmitted by the Director of Legislative Research pursuant to Joint Order, and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Interior Waters

Mr. Slocum of Cumberland presented Bill "An Act Relating to Pollution of Waters of Sebago Lake Used by the Portland Water District." (S. P. 458)

(Ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Hopkins of Kennebec presented Bill "An Act Extending the Period for which the Board of Finance in the City of Waterville is Established." (S. P. 459)

Mr. Denny of Lincoln presented Bill "An Act to Amend the Westport-Wiscasset Bridge District." (S. P. 460)

Mr. Brewer of Aroostook presented Bill "An Act Authorizing the City of Presque Isle to Provide for the Collection and Disposal of Garbage, Refuse and Rubbish and to Assess a Charge Therefor." (S. P. 461)

(Each ordered printed.)

Sent down for concurrence.

Public Buildings and Grounds

Mr. Slocum of Cumberland presented Bill "An Act Relating to Zoning Near State Capitol." (S. P. 462)

(Ordered printed.)

Sent down for concurrence.

Public Utilities

The same Senator presented Bill "An Act Relating to Compensation of Trustees of the Gray Water District." (S. P. 463)

(Ordered printed.)

Sent down for concurrence.

Salaries and Fees

Mr. Collins of Aroostook presented Bill "An Act Relating to the Caribou Municipal Court." (S. P. 464)

Mr. Brewer of Aroostook presented Bill "An Act Relating to the Presque Isle Municipal Court." (S. P. 465)

Mr. Boutin of Androscoggin presented Bill "An Act Relating to the Salary of the Judge of the Lewiston Municipal Court." (S. P. 466)

The same Senator presented Bill "An Act Relating to the Salary of the Clerk and Clerk Hire of the Lewiston Municipal Court." (S. P. 467)

(Each ordered printed.)

Sent down for concurrence.

Sea and Shore Fisheries

Mr. Sleeper of Knox presented Bill "An Act Regulating the Taking of Alewives in Ducktrap Stream in the Town of Lincolnville." (S. P. 468)

(Ordered printed.)

Sent down for concurrence.

State Lands and Forest Preservation

Mr. Crosby of Franklin presented Bill "An Act Providing That the State of Maine May Become a Party to the Northeastern Interstate Forest Fire Compact." (S. P. 469)

(Ordered printed.)

Sent down for concurrence.

Temperance

Mr. Williams of Penobscot presented Bill "An Act to Provide for the Creation of a Liquor Research Commission." (S. P. 470)

(Ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Boucher of Androscoggin presented Bill "An Act Relating to the Superintendent of the Public Works Department of the City of Lewiston." (S. P. 471)

The same Senator presented Bill "An Act Relating to a Planning Board for the City of Lewiston." (S. P. 472)

(Each ordered printed.)

Sent down for concurrence.

Orders

Mr. Allen of Cumberland presented the following Order:

ORDERED the House concurring that the Legislative Research Committee make a complete study of the advisability of state owned and operated stations for the inspection of motor vehicles and that said committee shall report its findings in full to the 95th legislature.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, the problem of state inspection of motor vehicles is a problem which is facing all of us today, a problem which the people of Maine are becoming increasingly aware of as our accident toll mounts from year to year.

Inspection as now carried out in some 1600 private garages in the state is not doing the job adequately. I prepared for introduction in this legislature, a bill calling for the state inspection of motor vehicles in line with the procedure of some other states. This bill would entail a tremendous amount of study by the legislature and it is my belief and the belief of state officials and garage operators throughout the state that there isn't sufficient time for adequately considering in this legislature such a measure, but because we feel that it is of vital importance to our people, we therefore ask you to refer this matter to a research committee for study and report to the next legislature.

I call to your attention that if this order receives passage the study will be carried out under the research appropriation and no extra money will be needed for the study of this subject. It is a worthy cause and I trust it will receive a favorable passage.

Thereupon, the Order received a passage.

Sent down for concurrence.

On motion by Mr. Crosby of Franklin, it was

ORDERED the House concurring, that Senate Paper 93 Legislative Document 356 Resolve in Favor of the Town of Freeman be recalled to the Senate from the office of the Governor, for further consideration.

Senate Committee Reports

Mr. Ela from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Free Hunting and Fishing Permits for Certain Veterans of World War II," (S. P. 202) (L. D. 265) reported that leave be granted to withdraw.

Mr. Ward from the Committee on Judiciary on Bill "An Act Relating to Inheritance Taxes on Life Insurance Policies," (S. P. 102) (L. D. 107) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Barnes from the Committee on Judiciary on "Resolve Relating to Service Retirement Benefits for Airplane Pilots of Maine Forestry District," (S. P. 170) (L. D. 229) reported the same in a new draft (S. P. 473) under a new title, Bill "An Act Relating to Service Retirement Benefits for Airplane Pilots Who are Employed as Such by the State of Maine," and that it ought to pass.

Which report was read and accepted and the bill in new draft laid upon the table for printing under the joint rules.

Mr. Bowker from the Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Marancy Pond, in the County of Hancock," (S. P. 133) (L. D. 195) reported that the same ought to pass.

Mr. Barnes from the Committee on Judiciary on Bill "An Act Re-

lating to Adoption of Neglected Children." (S. P. 209) (L. D. 271) reported that the same ought to pass.

Mr. Ward from the same Committee on Bill "An Act Authorizing Prepayments by the County Treasurer of Somerset County to the Law Library Association for the Purchase of Law Books," (S. P. 204) (L. D. 267) reported that the same ought to pass.

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

Passed to be Engrossed

Bill "An Act to Incorporate the Progressive Loan Co." (H. P. 179) (L. D. 55)

"Resolve to Open Third Debsconeg Lake in T. 1, R. 10 and T. 2, R. 10, Piscataquis County to Ice Fishing." (H. P. 286) (L. D. 693)

Bill "An Act to Incorporate the Dover-Foxcroft School District." (H. P. 837) (L. D. 334)

Bill "An Act to Create the Boothbay Region Community School District." (H. P. 839) L. D. 335)

Bill "An Act Amending the Charter of the Town of Litchfield School District." (H. P. 925) (L. D. 401)

Bill "An Act Relating to Joint Bank Accounts." (H. P. 1438) (L. D. 710)

Bill "An Act to Incorporate the Carroll School District." (H. P. 1439) (L. D. 711)

Bill "An Act to Incorporate the Prentiss School District." (H. P. 1440) (L. D. 712)

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

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

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

Sent down for concurrence.

Orders of the Day

On motion of Mr. Bowker of Cumberland, the Senate voted to take from the table, Bill, An Act Relating to Process Against Unauthorized Insurers (S. P. 432) tabled by the Senator on February 17th pending reference; on further motion by the same Senator, the bill was referred to the Committee on Mercantile Affairs and Insurance.

Sent down for concurrence.

Mr. BOWKER of Cumberland: Mr. President, I'd like to inquire if S. P. 220, L. D. 340 "Resolve Transferring Moneys from the Employees Retirement Fund to the General Fund" is in the possession of the Senate?

The PRESIDENT: The Chair will state that this resolve is in the possession of the Senate, having been held by request of the Senator from Cumberland, Senator Bowker.

Mr. BOWKER: Mr. President and members of the Senate, this particular bill, Resolve Transferring Moneys involves about \$108,000 transferred to the Employees Retirement System and at the meeting of the Executive Committee of the Appropriations Committee it was asked leave that the bill be withdrawn. During the week several matters have come to my attention relative to this measure. I think it is very important. I am going to ask the Senate to reconsider its action whereby this report was accepted, and move that the bill be recommitted to the Committee on Appropriations and Financial Affairs.

Thereupon, the Senate voted to reconsider its action whereby it accepted the "leave to withdraw" report of the Committee; and the resolve was recommitted to the Committee on Appropriations and Financial Affairs.

Sent down for concurrence.

On motion by Mr. Bowker of Cumberland, the Senate voted to take from the table, Senate Report "Ought Not to Pass" from the Committee on Judiciary on Resolve

Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms, (S. P. 35) (L. D. 8) tabled by that Senator on February 15th pending acceptance of the report.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate: Back again in the legislature is a bill for a four-year term for Governor, a bill which has been presented to the legislature for several terms. It is not my intention to make a lengthy speech regarding this legislation. You know and I know the problems that this bill will solve. You and I are aware of the fact that a four-year term for Governor will bring efficiency and economy for the State. A four-year term for Governor will give your chief executive more time in the front office to take care of affairs of State. Instead of a three and a half year term it will give four years. The problem of governing Maine is becoming a big problem, a problem that deserves one hundred percent attention. It also will give the Governor less of a problem from political factions who are demanding of his support on various measures. A four-year term for the chief executive will make him independent of Joe Smith and John Jones who claim he should appoint their friend to such and such an office. It is a measure which is a good government measure. It is introduced solely for that purpose.

This bill has been supported by governors in the past. Governor Sumner Sewall favored it. Governor Hildreth endorsed it in his inaugural address. Governor Payne, in the campaign for governor last fall stated he was in favor of a four-year term for the chief executive of Maine. These men know and they are aware of the problems these men have here in Augusta.

At the public hearing two weeks ago before the Judiciary Committee I presented the case for this bill as I did two years ago. Two years ago this bill came out of the Judiciary Committee "Ought not to

pass" ten to nothing, and in the House of Representatives we overruled the committee report and the House passed the bill for the first time in the history of the State Legislature, that is, it passed one branch of the legislature. Two years ago I appeared before the Committee with the simple three or four points which the bill provides. I admitted to the committee that I was agreeable, if the committee wished, to amend it to take effect in an off-national election year, and I still say today I am willing to amend this legislation. What I am trying to point out is when the Constitution was adopted years and years ago the founders of the State and those who wrote our Constitution didn't expect us to follow along in a horse and buggy stage forever. They expected us to take airplanes as they came and to apply the principles of the Constitution as we went along. To stay static is not to progress.

Gentlemen, the people of Maine would like an opportunity to vote on this bill calling for a four-year term for Governor. That is why it is here and I am asking for its adoption today. It is why at the hearings there were telegrams and letters from prominent citizens of the State. I had letters from President Sills of Bowdoin and others. They say this bill should be considered by the people at this time. In opposition to the bill two years ago there was no one. This time there were two people who claimed they represented no one but themselves, speaking only for themselves, the Communist Party of the State. I do not infer that members of the Communist Party would make strange bedfellows, who have legitimate and good reasons for opposing the bill. I am pointing out that the people of Maine say "We would like a chance to vote for this bill." I say there is certainly reasonable cause for the bill. I present the case. I will not make a lengthy speech because I know you, in your own minds know what you will do at this moment.

I move to substitute the bill for the report of the committee on the

four-year term for Governor of the State. When the vote is taken, Mr. President, I move it be taken by a division.

Mr. BARNES of Aroostock: Mr. President, my only purpose in rising at this time is to set forth the feeling of the committee before which this bill was heard. We have gone along with the law the way it is for over a hundred years and it was the feeling of the committee that unless there was some good reason to put this out to the public to vote on we shouldn't do it. Our founding fathers, when they established our Constitution, felt that no bill should be presented to the public to vote on that was a trial balloon, that it should only be presented when two-thirds of both branches of the legislature felt the change was desired.

What does this bill accomplish? It seems to me that it accomplishes exactly nothing. We elect the governor for a two year term and in my experience we have always given our governors a second term. They don't have to devote too much time from their duties, strenuous though they may be, to electioneering during their first two year term. As far as the second two year term is concerned I think a great majority of our governors are quite busy although they are not running for Governor again. They are running for something else.

So the committee could see no advantage to be gained by the bill. Furthermore, as we do know, it is extremely difficult to get the vote out anyway. We have had several measures before this legislature designed to help get the vote out. I think one of the greatest helps in getting out a large vote is to have a state wide head of the ticket. If we do away with that it would be extremely difficult to get the vote out and this bill would do just that. That is the feeling, of the committee at least, and I am quite sure it is the feeling of most of the members of this body. I hope it is. We do not feel that the bill would accomplish the purpose for which the Senator from Cumberland has argued

and despite the fact that there were some letters and telegrams before the committee they weren't in such number as we felt called for a demand on the part of the people of the State of Maine that this resolve be passed. I hope that the motion of the Senator from Cumberland to substitute the bill for the report will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Allen, that the bill be substituted for the report, and that Senator has asked for a division.

A division of the Senate was had. Thirteen voted in the affirmative and thirteen opposed.

The President: The Chair will state that in past sessions of the Senate, it has been the policy that when a bill is in the original stage and comes to a tie vote, it may well be that the bill should be kept alive for further consideration. This may not be the vote which the bill will receive on final passage. But today, I cast my vote to substitute the bill for the report. Therefore fourteen having voted in the affirmative and thirteen in the negative, the motion to substitute the bill for the report prevails.

Thereupon, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Bowker of Cumberland, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four Year Terms (S. P. 84) (L. D. 72) tabled by that Senator on February 11 pending acceptance of the report; and on motion by Mr. Allen of Cumberland, the "Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

Mr. Haskell of Penobscot was granted unanimous consent to address the Senate.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, at eight o'clock this morning in Mr. Slosberg's office, there were between sixty and seventy bills completely prepared and ready for us to walk into his office, look them over and drop them into the hopper. I think each of us who have bills in his office should drop in each day or so until these bills are all out of there, and get them into the hopper promptly.

Mr. SLOCUM of Cumberland: Mr. President, this is the birthday of

George Washington. I think the least that the Senate can do is to recognize that fact by standing in reverent silence. I therefore move that the Senate take cognizance of the birthday of George Washington by standing in reverent silence in the memory of the Father of our country.

The motion prevailed and the Senators stood in reverent silence.

On motion by Mr. Boutin of Androscoggin

Adjourned until tomorrow morning at ten o'clock.