

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

Thursday, February 24, 1949

The Senate was called to order by the President.

Prayer by the Reverend Martin Storms of Gardiner.

Journal of yesterday read and approved.

From the House

"Resolve in Favor of Hampden Academy." (H. P. 1622)

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

"Resolve in Favor of the Town of Garland." (H. P. 1589)

"Resolve in Favor of Augusta General Hospital." (H. P. 1590)

"Resolve in Favor of Sisters' Hospital, of Waterville." (H. P. 1591)

"Resolve in Favor of George P. Duffy of Benedicta." (H. P. 1592)

"Resolve in Favor of Truman Sleeper, of Sherman Mills." (H. P. 1593)

"Resolve in Favor of Milliken Memorial Hospital, of Island Falls." (H. P. 1594)

"Resolve in Favor of Pearl Heath, of Sherman Mills." (H. P. 1595)

"Resolve to Reimburse Town of Crystal." (H. P. 1596)

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

"Resolve Providing for State Pension for Fred Oliver, of Ludlow." (H. P. 1597)

"Resolve Providing for Pension for John Dickey, of Smyrna." (H. P. 1598)

"Resolve Providing for State Pension for Lelida Wright LeBaron, of Rome." (H. P. 1599)

"Resolve Providing for State Pension for Walter S. Hoyt, of Fayette." (H. P. 1600)

"Resolve Providing for State Pension for Cyrias Marquis, of Hamlin Plantation." (H. P. 1601)

"Resolve Providing for State Pension for Mary Hendrickson, of Caswell Plantation." (H. P. 1602)

"Resolve Providing for State Pension for Tom Michaud of Caswell Plantation." (H. P. 1603)

"Resolve Providing for State Pension for Ferdinand Pelkey, of Caswell Plantation." (H. P. 1604)

"Resolve Providing for State Pension for Ralph A. Smith, of Bath." (H. P. 1605)

"Resolve Providing for a State Pension for Harold Bragg of Monmouth." (H. P. 1606)

"Resolve Providing for State Pension of William McGowan, of Reed Plantation." (H. P. 1607)

"Resolve Providing for a Pension for Burchard Higgins of Mapleton." (H. P. 1608)

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

"Resolve in Favor of the Town of Trenton." (H. P. 1609)

"Resolve in Favor of the Town of Trenton." (H. P. 1610)

"Resolve in Favor of the Town of Hersey." (H. P. 1611)

"Resolve in Favor of the Town of Sherman." (H. P. 1612)

"Resolve in Favor of the Town of Crystal." (H. P. 1613)

"Resolve in Favor of the Town of Bancroft." (H. P. 1614)

"Resolve in Favor of the Town of Jay." (H. P. 1615)

"Resolve in Favor of the Town of Newport." (H. P. 1616)

"Resolve in Favor of the Town of Southwest Harbor." (H. P. 1617)

"Resolve in Favor of the Town of Lamoine." (H. P. 1618)

"Resolve in Favor of Long Island Plantation." (H. P. 1619)

"Resolve in Favor of the Town of Swans Island." (H. P. 1620)

Which were severally referred to the Committee on Ways and Bridges in concurrence.

House Committee Reports

The Committee on Inland Fisheries and Game on "Resolve, Opening Horseshoe Pond in West Gardiner to Ice Fishing," (H. P. 466) reported that leave be granted to withdraw the same.

The same Committee on "Resolve Closing Messalonskee Lake and

Tributaries in Kennebec County to the Taking of Smelts," (H. P. 469) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Deer Hunting in Stonington and Deer Isle," (H. P. 569) (L. D. 170) reported that the same ought not to pass.

The same Committee on "Resolve Closing Little Pond in the Town of Rome to Ice Fishing," (H. P. 473) reported that the same ought not to pass.

The same Committee on "Resolve Regulating Ice Fishing in Messalonskee Lake in the Town of Oakland, Belgrade and Sidney, Kennebec County," (H. P. 471) reported that the same ought not to pass.

The same Committee on "Resolve, Closing Hatchery Brook in the Town of Belgrade to All Fishing," (H. P. 470) reported that the same ought not to pass.

The same Committee on Bill "An Act Relative to Game Preserve on Monroe Island," (H. P. 464) (L. D. 169) reported that the same ought not to pass.

The same Committee on "Resolve, Regulating Ice Fishing in Salmon and McGraw Ponds in the Towns of Oakland and Belgrade," (H. P. 472) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act to Establish the Vinalhaven Municipal Court," (H. P. 748) (L. D. 290) reported that the same ought not to pass.

(On motion by Mr. Sleeper of Knox, tabled pending acceptance of the report.)

The same Committee on Bill "An Act Relating to Curfew," (H. P. 656) (L. D. 210) reported that the same ought not to pass.

The Committee on Motor Vehicles on Bill "An Act Relating to Light on Certain Motor Vehicles," (H. P. 1311) (L. D. 636) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Inland Fisheries and Game on "Resolve Closing Kennebago Stream to All Fishing,"

(H. P. 746) (L. D. 288) reported that the same ought to pass.

The Committee on Judiciary on "Resolve Relating to Transfer of Certain Records of State Employees' Retirement System," (H. P. 706) (L. D. 252) reported that the same ought to pass.

The same Committee on Bill "An Act Changing Name of Retirement System to 'Maine State Retirement System'", (H. P. 704) (L. D. 250) reported that the same ought to pass.

The same Committee on Bill "An Act Granting Certain Powers to the Hancock County Trustees of Public Reservations," (H. P. 655) (L. D. 209) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Uniform Act on Interstate Compromise of Death Taxes," (H. P. 359) (L. D. 122) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Uniform Act on Interstate Arbitration of Death Taxes," (H. P. 358) (L. D. 121) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to North Knox Agricultural and Horticultural Society," (H. P. 576) (L. D. 174) reported that the same ought to pass.

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

Referred to Committees

The following bills and resolves were received and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Appropriations and Financial Affairs

Mr. Noyes of Hancock presented Bill "An Act Relating to Lamoine Naval Coaling Station." (S. P. 499) (Ordered printed.)

Sent down for concurrence.

Counties

Mr. Sleeper of Knox presented Bill "An Act Relating to County

Jail Costs for Certain Violations." (S. P. 500)

(Ordered printed.)
Sent down for concurrence.

Inland Fisheries and Game

Mr. Sleeper of Knox presented Bill "An Act Relating to Powers of Inland Fish and Game Wardens, as Coastal Wardens." (S. P. 501)

(Ordered printed.)
Sent down for concurrence.

Judiciary

Mr. Boucher of Androscoggin presented Bill "An Act Requiring Owners of Motor Vehicles to Furnish Security for Their Civil Liability on Account of Damage Caused by Their Motor Vehicles." (S. P. 502)

Mr. Batchelder of York presented Bill "An Act Relating to Power of Certain Corporations to Hold Property." (S. P. 503)

(Each ordered printed.)
Sent down for concurrence.

Labor

Mr. Boucher of Androscoggin presented Bill "An Act Relating to Compensation for Specified Injuries Under the Workmen's Compensation Law." (S. P. 504)

(Ordered printed.)
Sent down for concurrence.

Legal Affairs

Mr. McKusick of Piscataquis presented Bill "An Act Relating to Elevators, Power-Driven Dumb-Waiters and Moving Stairways." (S. P. 505)

(Ordered printed.)
Sent down for concurrence.

Pensions

Mr. Boucher of Androscoggin presented "Resolve Providing for State Pension for Paul Paquette of Lewiston." (S. P. 506)

The same Senator presented "Resolve Providing for State Pension for Gladys Guimond, of Auburn." (S. P. 507)

Sent down for concurrence.

Salaries and Fees

Mr. Boutin of Androscoggin presented Bill "An Act Relating to

Clerk Hire in Office of Clerk of Courts, Androscoggin County." (S. P. 508)

(Ordered printed.)
Sent down for concurrence.

Sea and Shore Fisheries

Mr. Brown of Washington presented "Resolve Regulating Smelt Fishing in Dennys River in Washington County." (S. P. 509)

Mr. Sleeper of Knox presented Bill "An Act Relating to Interstate Shipment of Shellfish." (S. P. 510)

(Each ordered printed.)
Sent down for concurrence.

Temperance

Mr. Barnes of Aroostook presented

Bill "An Act Relating to Liquor Licenses in Unincorporated Places." (S. P. 511)

Mr. Baker of Kennebec presented, by request,

Bill "An Act Relating to Sale of Malt Liquor by Trade Name." (S. P. 512)

(Each ordered printed.)
Sent down for concurrence.

Ways and Bridges

Mr. Greeley of Waldo presented "Resolve in Favor of the Town of Morrill." (S. P. 513)

Sent down for concurrence.

First Reading of a Printed Bill

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)

Which bill was read once and on motion by Mr. Barnes of Aroostook was laid upon the table pending assignment for second reading.

Senate Committee Reports

Mr. Bower from the Committee on Appropriations and Financial Affairs on "Resolve Providing for Furnishing and Operating Two New Dormitories at the Pownall State School," (S. P. 232) (L. D. 346) reported that the same ought to pass.

Mr. Leavitt from the Committee on Education on Bill "An Act Re-

lating to Duty of Superintendent of Schools Concerning Habitual Truants," (S. P. 344) (L. D. 570) reported that the same ought to pass.

Mr. Edwards from the same Committee on Bill "An Act Relating to Apportionments from School Funds," (S. P. 130) (L. D. 192) reported that the same ought to pass.

Mr. McKusick from the same Committee on Bill "An Act Authorizing Northern Conservatory of Music to Confer Degrees," (S. P. 306) (L. D. 572) 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 Relating to Dog License Fees." (H. P. 324) (L. D. 115)

Bill "An Act Relating to the Inheritance Tax." (H. P. 1566) (L. D. 771)

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

Bill "An Act Relating to the Federal Employees' Credit Union of Maine." (S. P. 80) (L. D. 69)

Bill "An Act Relating to Increases of Capital Stock." (S. P. 208) (L. D. 355)

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

Bill "An Act Relating to Sirens on Automobiles of Department of Inland Fisheries and Game." (S. P. 172) (L. D. 232)

Bill "An Act Relating to Inactive Savings Deposits in Banks." (S. P. 222) (L. D. 342)

Bill "An Act Relating to Fees of Guardians for Adults, and Conservators." (S. P. 226) (L. D. 343)

Bill "An Act Enlarging the Territory of the Parsonsfield-Kezar Falls Village Corporation." (S. P. 275) (L. D. 448)

Bill "An Act to Create the Phippsburg School District." (S. P. 310) (L. D. 503)

Bill "An Act to Incorporate the Town of Norway School District." (S. P. 311) (L. D. 504)

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

Sent down for concurrence.

Enactors

Bill "An Act to Incorporate the Town of Exeter School District." (H. P. 363) (L. D. 126)

Bill "An Act Relating to Financing Community School Districts." (H. P. 482) (L. D. 157)

Bill "An Act Relating to Liens for Architects and Engineers." (H. P. 579) (L. D. 177)

Bill "An Act Relating to Fees of Secretary of State." (H. P. 601) (L. D. 184)

Bill "An Act Relating to the Water Supply of Boothbay Harbor." (H. P. 659) (L. D. 213)

Bill "An Act Relating to the Rockland School District." (H. P. 709) (L. D. 255)

Bill "An Act Relating to the Issuance of Dealer's Registration." (H. P. 1252) (L. D. 555)

(On motion by Mr. Allen of Cumberland, tabled pending passage to be enacted.)

Bill "An Act to Provide for Authorization of Issues of Stocks, Bonds or Notes by Public Utilities and Railroads." (S. P. 59) (L. D. 35)

Bill "An Act Relating to Fares Between the Westerly End of Peaks Island and Portland." (S. P. 119) (L. D. 140)

Bill "An Act Excluding Television for Use in Motor Vehicles." (S. P. 173) (L. D. 231)

Bill "An Act Relating to Chief Inspector of Utilities." (S. P. 176) (L. D. 234)

Bill "An Act Relating to Caboose-cars Used by Railroads." (S. P. 192) (L. D. 245)

Bill "An Act to Provide the Time for Filing Monthly Reports Relating to the Use of Fuel Tax." (S. P. 280) (L. D. 455)

Emergency Measures

Bill "An Act to Incorporate the Town of Bingham School District." (H. P. 657) (L. D. 211)

Which bill being an emergency measure and having received the affirmative votes of 30 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act to Incorporate the Town of North Yarmouth School District." (H. P. 1254) (L. D. 556)

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act Relating to Suspension of Public Utility Rates." (S. P. 177) (L. D. 233)

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Batchelder of York, the Senate voted to take from the table Bill, An Act Providing for Veteran Bonus Fund for World War II Veterans and to Provide Moneys Therefor by Running Horse Races (H. P. 1579) (L. D. 902) tabled by that Senator on February 23rd pending reference; and on further motion by the same Senator the bill was referred to the Committee on Legal Affairs in concurrence.

On motion by Mr. Haskell of Penobscot, the Senate recessed for five minutes.

After Recess

The Senate was called to order by the President.

Order

(Out of order)

On motion by Mr. Edwards of Oxford, it was

ORDERED that there be printed 500 additional copies of S. P. 422, L. D. 831, An Act to Provide Financial Assistance to Cities and Towns in the Construction of School Buildings.

From the House

(Out of Order and under suspension of the rules)

Emergency Measure

Bill "An Act to Relieve Towns of Maintenance of State and State Aid Highways" (S. P. 454) (L. D. 770)

Mr. BOUCHER of Androscoggin: Mr. President, I would like to say that I intend to make a motion, after I have said what I want to say to the Senate. When this bill was put through this Senate a few days ago under the guise of relief for towns I did not oppose the bill believing it was exactly what the title claimed it was, a relief for the towns only. After hearing discussion on the bill in the other Chamber, I find that we are facing an emergency tax measure. I am opposed to an emergency tax measure. I have been opposed to any emergency tax measure. I don't believe it is proper for any legislature to take away from the citizens of the state their right to repeal the imposition of a tax. I do not come from a small town. I come from a small city in comparison with larger cities but there are in the county of Androscoggin twelve small towns, and fairly good sized towns, who have supported me and I feel I represent them as well as the two cities in Androscoggin County. But I do not believe that any citizen of Androscoggin County or any citizen of the state of Maine desires to remove the right of citizenship from any other citizens of the state.

I believe that the best way to make laws, or to enforce laws, is the American way of doing it, the democratic way of doing it, by letting the people inform us what they desire. In this case we do not even give them a chance to inform us but we are trying to tell them and we are trying to push down their throats something they can't even repeal. I can't see the emergency at this time. The law that is now in effect, the tax law, will stay on the books of the state until September 1950 if my understanding is right. The emergency which has been claimed for this bill is said to

be caused by the annual town meetings which will be held in the very near future. Some money will be available for 1949 and some money will be available and collected for 1950, for three quarters of the year 1950, and if a town, maybe in 1950, finds that this law is not in force or has been repealed by referendum, then they can act accordingly.

Great stress has been put on to the emergency of this bill. I want you Senators to understand that if there were no emergency clause on this bill I would vote for it. I do not care for that emergency, I despise it, because I don't believe, in my own conscience at least, that there is an emergency. My understanding of an emergency is something created, most of the time an act of God, which happens very suddenly and which you have to face and relieve immediately. I don't believe that the State of Maine is in that position. I don't believe that the highway department is in that position either. I have traveled over the roads and by-roads of the State of Maine for the best part of my life. I have seen great improvements in the last 25 years on the roads in Maine. I will grant you that through the war years nothing could be done but we have started to improve our roads the last few years and I am in favor of paying as you go for improving those roads and giving the citizens of Maine good roads but I am opposed to trying to do something behind their

backs, when they have no chance to express their opinions, and make them like it.

I do claim there is no emergency and for that reason I shall vote against this bill, and for that reason only. If the emergency clause were taken away I would vote for the passage of the bill and the town relief in the bill, because I believe that the relief given to those towns, the improvement of roads, warrants the keeping of the tax. That is the way I should explain it to the people who sent me here or the way I would attempt to explain it, but I couldn't explain to them my voting for doing away with that God given right of appeal that they have if they don't like a law. Therefore, Mr. President, I move that this bill be laid upon the table.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that this bill be laid upon the table. Is the Senate ready for the question?

A viva voce being had

The motion to table did not prevail.

Thereupon, this bill being an emergency measure,

A division of the Senate was had.

Twenty-seven having voted in the affirmative and four opposed, the bill was passed to be enacted.

On motion by Mr. Boucher of Androscoggin

Adjourned until tomorrow morning at ten o'clock.