

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

Wednesday, March 9, 1949

The Senate was called to order by the President.

Prayer by the Reverend David Hickland of Gardiner.

Journal of yesterday read and approved.

From the House

Bill "An Act Relating to Aviation." (H. P. 1862) (L. D. 1259)

Which was referred to the Committee on Aeronautics in concurrence.

Bill "An Act Relating to the Tax on Commercial Fertilizer." (H. P. 1903) (L. D. 1268)

Which was referred to the Committee on Agriculture in concurrence.

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

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

"Resolve in Favor of the Town of Bowdoin." (H. P. 1905)

Which was referred to the Committee on Claims in concurrence.

"Resolve Providing for a Fish Screen at Outlet of Taylor Pond in the City of Auburn, in the County of Androscoggin." (H. P. 1908) (L. D. 1272)

Which was referred to the Committee on Inland Fisheries and Game in concurrence.

Bill "An Act Relating to Welfare Claims Against Estates." (H. P. 1910) (L. D. 1273)

Which was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Create the Town of Belgrade School District." (H. P. 1876) (L. D. 1254)

Bill "An Act to Incorporate the Town of Sidney School District." (H. P. 1877) (L. D. 1255)

Bill "An Act to Create the Mount Desert Island Secondary Community School District." (H. P. 1911) (L. D. 1274)

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

"Resolve Providing for State Pension for Frank M. Gilmore of Bangor." (H. P. 1912)

Which was referred to the Committee on Pensions in concurrence.

Bill "An Act to Incorporate the Bluehill Water District." (H. P. 1885) (L. D. 1256)

Bill "An Act to Incorporate the Boothbay Harbor Sewer District." (H. P. 1913) (L. D. 1275)

Bill "An Act to Incorporate the Boothbay Harbor Water and Sewer District." (H. P. 1914) (L. D. 1276)

Which were severally referred to the Committee on Public Utilities in concurrence.

Bill "An Act Relating to Protection of Weirs." (H. P. 1915) (L. D. 1277)

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

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

Which was referred to the Committee on State Lands and Forest Preservation in concurrence.

Bill "An Act to Create the Maine Highway District and Maine School District." (H. P. 1917) (L. D. 1279)

Which was referred to the Committee on Taxation in concurrence.

Bill "An Act to Provide for a One-Man State Liquor Commission." (H. P. 1918) (L. D. 1280)

Bill "An Act to Regulate the Sale of Wine." (H. P. 1919) (L. D. 1281)

Bill "An Act Relating to Eligibility of Certain Fraternal Organizations for Liquor Licenses." (H. P. 1920) (L. D. 1282)

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

“Resolve to Continue Construction of International Highway.” (H. P. 1921) (L. D. 1283)

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

“Resolve Providing for State Pension for Marie Aube, of Lewiston.” (H. P. 1928)

Which was referred to the Committee on Pensions in concurrence.

House Committee Reports

The Committee on Appropriations and Financial Affairs on “Resolve in Favor of the University of Maine for Buildings,” (H. P. 1027) (L. D. 459) reported that the same ought to pass.

The same Committee on Bill “An Act Relating to Funds of the Examining Board of Chiropractic Examination and Registration,” (H. P. 1573) (L. D. 896) reported that the same ought to pass.

The Committee on Judiciary on Bill “An Act Relating to the Care of Cemetery Lots,” (H. P. 1155) (L. D. 608) reported that the same ought to pass.

The Committee on Legal Affairs on Bill “An Act Relating to the Licenses of Buildings for Dancing Purposes,” (H. P. 1402) (L. D. 762) reported that the same ought to pass.

The Committee on Mercantile Affairs and Insurance on Bill “An Act Relating to the Powers of Insurance Companies,” (H. P. 1405) (L. D. 752) reported that the same ought to pass.

The same Committee on Bill “An Act Liberalizing the Beneficiary in Limitation on Fraternal Insurance,” (H. P. 582) (L. D. 180) reported that the same ought to pass.

The Committee on Temperance on Bill “An Act Relating to Liquor License Fees,” (H. P. 1325) (L. D. 639) reported that the same ought to pass.

The Committee on Taxation on Bill “An Act Relating to Payments to Maine Forestry District in Lieu of Taxes for Lands Within Indian Township,” (H. P. 1585) (L. D. 907) reported that the same ought to pass.

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

The Committee on Legal Affairs on Bill “An Act to Incorporate the Town of Orono High School District,” (H. P. 1166) (L. D. 624) reported the same in a new draft (H. P. 1901) (L. D. 1224) under the same title and that it ought to pass.

The same Committee on Bill “An Act to Incorporate the Town of Machias School District,” (H. P. 362) (L. D. 125) reported the same in a new draft (H. P. 1900) (L. D. 1225) under the same title, and that it ought to pass.

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

The Committee on Salaries and Fees on Bill “An Act Relating to Licenses Issued by Boxing Commission,” (H. P. 758) (L. D. 295) reported that the same ought to pass as amended by Committee Amendment “A” submitted herewith.

Which report was read and accepted in concurrence and the bill read once; Committee Amendment “A” was read and adopted in concurrence and the bill as amended was 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:

Agriculture

Mr. Brewer of Aroostook presented Bill “An Act Defining Agri-

cultural Fair Associations and Societies." (S. P. 601)

(Ordered printed.)

Sent down for concurrence.

Appropriations and Financial Affairs

Mr. Leavitt of Cumberland presented "Resolve Providing for a Men's Dormitory at Gorham State Teachers' College." (S. P. 602)

Mr. Crosby of Franklin presented "Resolve Providing for a Classroom and Library Building at Farmington State Teachers' College." (S. P. 603)

Mr. Allen of Cumberland presented "Resolve Appropriating Monneys for Promotion of Highway Safety." (S. P. 604)

Mr. Noyes of Hancock presented "Resolve for School Construction Assistance." (S. P. 605)

Mr. Collins of Aroostook presented Bill "An Act Appropriating Monneys for Anticipated Overdrafts in the State Treasury Due to Insufficient Appropriations." (S. P. 606)

Mr. Brewer of Aroostook presented Bill "An Act Appropriating Monneys for Anticipated Overdrafts in the Racing Commission Due to Insufficient Appropriations." (S. P. 607)

(Each ordered printed.)

Sent down for concurrence.

Education

Mr. McKusick of Piscataquis presented Bill "An Act Relating to Conveyance or Board of Children." (S. P. 608)

The same Senator presented Bill "An Act Relating to State Assistance for Supervision." (S. P. 609)

Mr. Leavitt of Cumberland presented Bill "An Act Relating to School Attendance." (S. P. 610)

(Each ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Barnes of Aroostook presented Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945 and 1947." (S. P. 611)

(Ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Sleeper of Knox presented "Resolve Authorizing Board of Registration of Medicine to Issue License to Stanley Beckerman of Belgrade." (S. P. 612)

(Ordered printed.)

Sent down for concurrence.

Motor Vehicles

Mr. Noyes of Hancock presented Bill "An Act Relating to Trucks Transporting Pulp, Slabs and Logs." (S. P. 613)

(Ordered printed.)

Sent down for concurrence.

Ways and Bridges

Mr. Baker of Kennebec presented Bill "An Act Increasing Pensions of Retired Members of the State Police." (S. P. 614)

(Ordered printed.)

Sent down for concurrence.

First Reading of a Printed Bill

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

Which was read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Edwards from the Committee on Banks and Banking on Bill "An Act Relating to Retiring Allowances or Life Insurance for Officers and Employees of Savings Banks," (S. P. 399) (L. D. 737) reported that the same ought to pass.

Mr. Ela from the Committee on Inland Fisheries and Game on Bill "An Act Relative to Hunting and Fishing Licenses," (S. P. 297) (L. D. 491) reported that the same ought to pass.

Mr. Bowker from the same Committee on Bill "An Act Relating to Motor Vehicle Damage by Protected Wild Animals or Birds," (S. P. 296) (L. D. 490) reported that the same ought to pass.

Mr. Sleeper of Knox from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Taking of Clams in Town of Phippsburg," (S. P. 323) (L. D. 515)

reported that the same ought to pass.

Mr. Larrabee of Sagadahoc from the same Committee on Bill "An Act Relating to State Owned Cars for Department of Sea and Shore Fisheries," (S. P. 123) (L. D. 144) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Lobster and Crab Fishing Licenses for Veterans," (S. P. 106) (L. D. 110) reported that the same ought to pass.

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

Passed to be Engrossed

Bill "An Act Granting Additional Powers to the Ogunquit Village Corporation." (H. P. 1000) (L. D. 431)

Bill "An Act Repealing the Incorporation of the Town of Orono School District." (H. P. 1167) (L. D. 594)

Bill "An Act to Incorporate the Town of Otisfield School District." (H. P. 1169) (L. D. 625)

Bill "An Act Relating to Duties of the State Auditor." (H. P. 1403) (L. D. 763)

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

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

Bill "An Act to Incorporate the Town of Corinth School District." (H. P. 1259) (L. D. 558)

Which was read a second time, and passed to be engrossed as amended by Committee Amendment A in concurrence.

Bill "An Act Creating a Merit Award Board to Encourage and Reward Efficiency and Economy in State Government." (S. P. 537) (L. D. 1069)

Bill "An Act Relating to Maine Real Estate Commission and Brok-

ers' Licenses and Fees." (S. P. 591) (L. D. 1248)

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

Sent down for concurrence.

Bill "An Act Amending the Charter of Maine Public Service Company." (S. P. 175) (L. D. 235)

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 were severally read a second time and passed to be engrossed as amended.

Sent down for concurrence.

The PRESIDENT: At this time, the Chair notes the presence in the Senate of a class in government of Gardiner High School. In behalf of the Senate, the Chair welcomes them and hopes they will take something back with them of benefit to the class as a whole.

Orders of the Day

Mr. HOPKINS of Kennebec: Mr. President, I would like to inquire if L. D. 338, An Act Relating to Motor Vehicle Excise Tax for Amputee Veterans is in the possession of the Senate?

The PRESIDENT: The Chair will state that the bill is in the possession of the Senate.

Thereupon, on motion by Mr. Hopkins of Kennebec, the Senate voted to reconsider its former action taken on March 8 whereby the bill as amended by House Amendment B was passed to be engrossed; and on further motion by the same Senator, the Senate voted to reconsider its action whereby House Amendment B was adopted.

Mr. Hopkins of Kennebec presented Senate Amendment A to House Amendment B to Legislative Document 338 and moved its adoption.

"Senate Amendment A to House Amendment B to L. D. 338. Amend said amendment by striking out the underlined word 'not' in the 7th line

of the underlined paragraph thereof."

Mr. HOPKINS of Kennebec: Mr. President, in explanation, may I say to the Senators that there appeared to be a defect in House Amendment B as it was adopted yesterday, in that it contained a double negative. This amendment is to correct House Amendment B.

Thereupon, Senate Amendment A to House Amendment B was adopted, House Amendment B as amended by Senate Amendment A was adopted, and on motion by Mr. Slocum of Cumberland, the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Bowker of Cumberland, the Senate voted to take from the table bill, An Act Appropriating Moneys for Child Welfare Services (S. P. 286) (L. D. 487) tabled by that Senator on March 8 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary on bill, An Act Relating to Neglect of Children (S. P. 305) (L. D. 499) tabled by that Senator on March 4 pending consideration of the report; and on further motion by the same Senator, the "Ought Not to Pass" report was accepted.

Sent down for concurrence.

On motion by Mr. Cobb of Oxford, the Senate voted to take from the table Senate Report "Ought Not to Pass" as Covered by Other Legislation, from the Committee on Judiciary on bill, An Act Relating to the Permission of Water Districts and Other Quasi-Municipal Corporations to become Members of the State Employees' Retirement System, (S. P. 405) (L. D. 742) tabled by that Senator on March 4 pending consideration of the report;

and on further motion by the same Senator, the "Ought Not to Pass" report was accepted.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary on Bill, An Act Relating to Compulsory Voting (S. P. 308) (L. D. 501) tabled by that Senator on February 25th pending consideration of the report.

Mr. LEAVITT of Cumberland: Mr. President, first I wish to thank the Senator from Penobscot, Senator Haskell, for putting this bill on the table for me in my absence and also waiting until such time as I felt like talking on the subject. I think this morning perhaps would be a good time to talk about this matter.

While it is not absolutely impossible, as has been proven, to overturn a report from a committee as powerful as the Committee on Judiciary, I realize to try to turn over this report would be a difficult matter. Therefore, I do not intend to try to overturn the report. As soon as I get through talking I shall move for acceptance of the "Ought Not to Pass" report. However, I would like to explain to this Senate just what I am trying to get at.

In this State only about 50 per cent of those above 21 who are eligible to vote are even registered. That percentage carries not only in the big cities, of which we have very few, but out in rural districts. We have elections where less than 20 per cent of those registered, vote. Even in our presidential elections we have less than 70 per cent who vote.

I am concerned in getting these people to vote, to get them to register and vote, and it is not a concern of myself alone.

There have been a great many studies made. I have a book here devoted entirely to non-voting in the United States, studies of what should be done and how non-voting can be corrected. There are two thoughts on this subject. One is

that we must educate the people, yet the study of non-voting shows that educated people are the people who stay away from the polls to the greatest extent. Of course, we admit when we talk about the educated people we are talking about people educated in certain lines and perhaps these people have failed to study Civics and Government and allied subjects, so they do not know what a serious thing our government is. Each vote, although a small thing in itself, is like a snowflake. Snowflakes make drifts and only by everybody voting will we have a democratic government and a satisfactory government.

When we meet people on the street, as we all do every day, who say to us, "I do not like what you are doing in Augusta. I don't like the people who are elected. The people elected are all a bunch of crooks"—you meet them every day in the week. When you come back and say to them, "Who did you vote for?" they say "I didn't vote. It doesn't make any difference. There is no sense in my voting."

It seems to me some attempt should be made to bring to the attention of the people of Maine that people are not voting and that it is a dangerous situation. I don't know any way to educate the people. We have tried it in Maine for 120 or 130 years. We have not got very far in education. There are certain countries where they put in what they call "compulsory voting" laws, and in these countries they accept the principle that a vote is not only a duty but an obligation to citizenship, and in these countries, such as Australia, Belgium and Switzerland they have these laws which say "It is your duty to vote and it is your obligation just the same as it is your obligation to bear arms in the event you are invaded." We are all conscious of the fact the next invasion of the United States will not be an invasion from outside but an invasion from inside, Fifth Column, changes in ideology, minorities cap-

turing different states in voting places.

Everybody admits—and I have talked with a great many people in England—that they would not have a socialist government if the people had voted. But there is a lethargy in England which has allowed this country to go for socialistic government. In Russia they have 190 million people controlled by a very small minority of less than 10 to 11 million people. How was it done? By organization—the Fifth Column working inside until a small group captured the country.

You say that cannot happen here. We hope it cannot but if people in this country continue to keep away from the polls consistently as they are apparently doing at the present time, it may happen here and that is the reason I presented this bill.

I will admit if I cannot convince ten men of the mental acumen that we have on the Judiciary Committee that this is a good bill, trying to convince this body is an impossibility, but nevertheless I want to bring to your attention that we have a serious situation and something, some day, has got to be done about it. I just hope that what I have done will add to what Senator Spear of Cumberland did in 1927 and 1929 when he had similar bills here. I hope that sometime in the dim future before something goes wrong, someone can come here in my place and offer a bill which we will have brains enough to pass.

Thereupon, on motion by Mr. Leavitt of Cumberland, the "Ought Not to Pass" report of the Committee was accepted.

Sent down for concurrence.

On motion by Mr. Ela of Somerset, 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 Providing Authority to the Legislature to Require Compulsory Voting, (S. P. 261) (L. D. 392) tabled by that Senator on March 4 pending consideration of the report.

Mr. LEAVITT of Cumberland: Mr. President, this is a companion bill put into the legislature because I had an idea that if the Judiciary committee did consider this bill which I have just moved to have rejected, they might find that they thought the bill was unconstitutional and needed a constitutional amendment. This bill was put in as a companion to overcome that question. Where the first bill has died, this bill should also die and so I move that the Senate accept the "Ought Not to Pass" report.

The motion prevailed and the Senate accepted the "Ought Not to Pass" report of the committee.

Sent down for concurrence.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table bill, An Act Relating to Motor Vehicle Excise Tax for Amputee Veterans (H. P. 862) (L. D. 338) tabled by that Senator earlier in today's session pending passage to be engrossed.

Mr. SLOCUM of Cumberland: Mr. President, I believe the Senator from Kennebec, Senator Hopkins, should be commended in finding an inadvertent double negative and correcting that language in the bill. The bill is, I believe, now properly worded to accomplish

the end that we all desire, and I move that the bill as amended be passed to be engrossed.

The motion prevailed, and the bill was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, bill An Act Relating to State Police Barracks in the County of Penobscot (S. P. 65) (L. D. 48) recalled by Joint Order (S. P. 600) from the office of the Governor.

Thereupon, on motion by Mr. Haskell of Penobscot, the bill was laid upon the table pending consideration.

The President laid before the Senate, Resolve Relating to Impounded Bank Accounts of Certain Trust Funds (S. P. 111) (L. D. 136) recalled by Joint Order (S. P. 600) from the office of the Governor.

Thereupon, on motion by Mr. Haskell of Penobscot, the bill was laid upon the table pending consideration.

On motion by Mr. Goodwin of York

Adjourned until tomorrow morning at ten o'clock.