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

Friday, March 11, 1949

The Senate was called to order by the President.

Prayer by the Reverend John Donovan of Augusta.

Journal of yesterday read and approved.

Order

On motion by Mr. Haskell of Penobscot, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 15, 1949, at eleven o'clock in the forenoon. (S. P. 617)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

From the House

Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the State Park Commission Due to Insufficient Appropriations." (H. P. 1931) (L. D. 1307)

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

Bill "An Act to Validate the Acts of the Woodlawn Memorial Cemetery Association and to Authorize the Transfer to and Acceptance by the City of Brewer of that Association's Cemetery and Trust Funds." (H. P. 1933) (L. D. 1308)

Which was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Increase the Borrowing Capacity of the Town of Norridgewock School District." (H. P. 1934) (L. D. 1309)

Bill "An Act to Provide Civil Service Rights to the Chief of Police and the Fire Chief of the City of South Portland." (H. P. 1935) (L. D. 1310)

"Resolve Authorizing Town of Harpswell to Fill Certain Waters for Road." (H. P. 1936) (L. D. 1311) Which were severally referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Incorporate the Town of Sebago School District (H. P. 1946) (L. D. 1318)

Comes from the House, having been received by unanimous consent and subsequently referred to the Committee on Legal Affairs.

In the Senate:

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, this bill was introduced, as has been stated, by unanimous consent in the other branch, and the sponsor of this piece of legislation merely asked me, out of courtesy, to call to your attention one or two matters about the bill. He has conferred with the Chairman of the Legal Affairs Committee, and this bill in no way delays our parliamentary procedure. The people in the town of Sebago spent most of their time in town meeting considering the problem of the elementary school situation there and in their neighboring town of Baldwin. very generous donor is matching their funds for consolidating the schools in that town and it was passed in their town meeting.

Therefore we trust that the Senate will concur with the House in allowing the introduction of the bill at this time and I so move.

Thereupon, the bill was received by unanimous consent, and referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to Sirens on Motor Vehicles Used by Deputy Sheriffs," (H. P. 1938) (L. D. 1312)

Which was referred to the Committee on Motor Vehicles in concurrence.

Bill "An Act Relating to the Salary of the Judge of the South Portland Municipal Court." (H. P. 1941) (L. D. 1314)

Which was referred to the Committee on Salaries and Fees in concurrence.

Bill "An Act Relating to Clam, Quahog and Mussel Flats." (H. P. 1942) (L. D. 1313)

Bill "An Act Relating to the Digging of Clams in the Town of South Bristol." (H. P. 1943) (L. D. 1315)

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

Bill "An Act Relating to Tax on Gasoline Used for Aeronautical Purposes." (H. P. 1944) (L. D. 1316)

Which was referred to the Committee on Taxation in concurrence

Bill "An Act Relating to Unfair Methods of Competition and Practices in the Business of Insurance." (H. P. 1937) (L. D. 1317)

Which was referred to the Committee on Mercantile Affairs and Insurance in concurrence.

Bill "An Act Relating to the New Portland-South Portland Bridge on Route 1."

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

Bill "An Act Relating to Ballots in Elections." (S. P. 47) (L. D. 29)

(In the Senate, on February 23rd, passed to be engrossed as amended by Committee Amendment "A".)

Comes from the House, recommitted to the Committee on Judiciary in non-concurrence.

In the Senate, on motion by Mr. Ward of Penobscot, the Senate voted to reconsider its former action taken on February 23 and the bill was recommitted to the Committee on Judiciary in concurrence.

House Committee Reports

The Committee on Legal Affairs on Bill "An Act to Incorporate the Topsham School District," (H. P. 1309) (L. D. 686) reported that the same ought not to pass.

Comes from the House, recommitted to the Committee on Legal Affairs.

In the Senate, on motion by Mr Ward of Penobscot, the Senate voted to recommit the bill to the Committee on Legal Affairs in concurrence.

The Committee on Public Utilities on Bill "An Act Relating to the State Police," (H. P. 1528) (L. D. 859) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in McGrath and Ellis Ponds, in the County of Kennebec," (H. P. 1047) (L. D. 529) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Damage to Rabbits by Dogs or Wild Animals," (H. P. 1297) (L. D. 680) reported that the same ought to pass.

Which report was accepted and the bill was given its first reading.

Mr. BOUCHER of Androscoggin: Mr. President, I move that this bill and accompanying papers be laid upon the table so that I may examine and determine whether the dogs or the rabbits are being hurt.

Thereupon the bill and accompanying papers were laid upon the table pending assignment for second reading.

The same Committee on Bill "An Act Relative to the Possession of Partridge and Pheasants," (H. P. 987) (L. D. 418) reported that the same ought to pass.

The same Committee on Bill "An Act Relative to Possession of Moose and Caribou," (H. P. 1034) (L. D. 519) reported that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Other Purposes for Which Cities and Towns May Raise Money," (H. P. 1508) (L. D. 815) reported that the same ought to pass. The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Taking of Clams, Sand-worms and Blood-worms in Hancock," (H. P. 67) (L. D. 26) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Commercial Fishing Licenses," (H. P. 193) (L. D. 65) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Inspection of Fish," (H. P. 370) (L. D. 130) reported that the same ought to pass.

The same Committee on Bill "An Act Regulating the Shucking of Shellfish," (H. P. 371) (L. D. 131) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Taking of Clams in Cobscook River in the Town of Edmunds," (H. P. 602) (L D. 185) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Digging of Clams in the Town of Vinalhaven," (H. P. 760) (L. D. 296) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Digging of Clams in the Town of St. George," (H. P. 761) (L. D. 297) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Digging of Clams in the Town of North Haven," (H. P. 762) (L. D. 298) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Canning of Quahogs," (H. P. 765) (L. D. 301) reported that the same ought to pass

The same Committee on Bill "An Act Relating to Lobster and Crab Fishing Licenses," (H. P. 766) (L. D. 302) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Digging of Clams in the Town of Owl's Head," (H. P. 857) (L. D. 326) 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 Public Utilities on Bill "An Act to Amend the Charter of the Freeport Sewer District," (S. P. 1069) (L. D. 475) reported that the same ought to pass as amended by Committee Amendment A.

Comes from the House, passed to be engrossed as amended by Committee Amendment A as amended by House Amendment A thereto and as amended by House Amendment A to the bill.

In the Senate, the report was read and accepted and the bill was given its first reading. House Α Amendment to Committee Amendment A was read and adopted in concurrence; Committee Amendment A as amended by House Amendment A thereto was read and adopted in concurrence; Amendment A to the bill was read and adopted in concurrence; and on motion by Mr. Savage of Somerset, the rules were suspended and the bill as amended by Committee Amendment A as amended by House Amendment A thereto, and further amended by Amendment A to the bill was given its second reading and passed to be engrossed in concurrence.

Bill "An Act Relating to Rental for the Calais Municipal Court." (H. P. 1693)

Comes from the House, leave granted to withdraw the same.

In the Senate, leave was granted to withdraw the bill in concurrence.

Referred to Committee

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

Agriculture

Mr. Greeley of Waldo presented Bill "An Act Repealing Portions of the Bang's Disease Law." (S. P.

(Ordered printed.) Sent down for concurrence.

Legal Affairs

Mr. Baker of Kennebec presented by request, Bill "An Act Providing for a Standard of Electrical In-stallations." (S. P. 619) (Ordered printed.)

Sent down for concurrence.

Military Affairs

Mr. Savage of Somerset presented Memorial to the Congress of the United States in Opposition to Federalization of the National Guard." (S. P. 620)

Sent down for concurrence.

State Lands and Forest Preservation

Mr. Ward of Penobscot presented Bill "An Act Relating to Katahdin Wild Life Sanctuary." (S. P. 621)

Mr. Sleeper of Knox presented

"Resolve Authorizing the State Tax Assessor to Convey Certain Land to Eunice Winslow of Rockland." (S. P. 622)

(Each ordered printed.) Sent down for concurrence.

Order

On motion by Mr. Crosby of Franklin, it was

ORDERED, that the Rev. Glenn B. Faucett of Farmington. Maine. be invited to officiate as Chaplain of the Senate on Tuesday, March 22nd.

Senate Committee Reports

Mr. Ward from the Committee on Judiciary on Bill "An Act Relating to Transfer of Convicts from Prison to State Reformatory for Men," (S. P. 426) (L. D. 786) reported that leave be granted to withdraw the same as it is covered by other legislation.

Which report was read and accepted.

Sent down for concurrence.

The same Senator from the same Committee on Bill "An Act Relating to Permits to Cut Logs," (S. P. 262)

(L. D. 393) reported that the same ought not to pass.

(On motion by Mr. Batchelder of York, tabled pending consideration.)

Mr. Barnes from the same Committee on Bill "An Act Relating to Juvenile Records," (S. P. 428) (L. D. 784) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

The same Senator from the same Committee on Bill "An Act Relating to Assistant County Attorneys for Cumberland County," (S. P. 206) (L. D. 269) reported that the same ought not to pass.

(On motion by Mr. Allen of Cumberland, tabled pending considera-

Mr. Ela from the same Commit-"Resolve Proposing on Amendment to the Constitution to Limit the Indebtedness on Municipalities by Public or Quasi-Municipal Corporations to Fifteen Per Cent of the Last Regular Valuation of a City or Town," (S. P. 307) (L. D. 500) reported that the same ought not to pass.

(On motion by Mr. Ela of Somerset. tabled pending consideration.)

Mr. Bowker from the Committee on Appropriations and Financial Affairs on "Resolve Appropriating Moneys to Aid Deficits of Public and Private Hospitals," (S. P. 478) (L. D. 942) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve Providing for a Multi-Purpose Building at the Oak Grove School," (S. P. 397) (L. D. 735) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Appropriating Moneys for Board and Care of Neglected Children," (S. P. 31) (L. D. 6) reported that the same ought not to pass.

(On motion by Mr. Williams of Penobscot, tabled pending considerWhich reports were severally read and accepted.

Sent down for concurrence.

Mr. Savage from the Committee on Appropriations and Financial Affairs on "Resolve Providing for Completion of Medical and Surgical Building at the Augusta State Hospital," (S. P. 157) (L. D. 225) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve to Establish Working Capital for Institutional Farms," (S. P. 477) (L. D. 941) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve to Provide for a Pollen and Fungus Survey of Maine," (S. P. 385) (L. D. 649) reported that the same ought to pass.

Mr. Ela from the Committee on Judiciary on Bill "An Act Relating to Parolees from Reformatory for Men," (S. P. 427) (L. D. 785) reported that the same ought to pass.

Mr. Ward from the same Committee on Bill "An Act Relating to Paroled and Discharged Prisoners from State Prison," (S. P. 429) (L. D. 783) reported that the same ought to pass.

Mr. Batchelder from the Committee on Public Utilities on Bill "An Act to Amend the Charter of the Southwest Harbor Water Company," (S. P. 120) (L. D. 141) reported that the same ought to pass.

Mr. Noyes from the same Committee on Bill "An Act Relating to Compensation of Trustees of the Grey Water District," (S. P. 463) (L. D. 915) 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.

Mr. Brown from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to Consignment of Fish, Lobsters and Shellfish," (S. P. 194) (L. D. 247) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill was given its

first reading. The Secretary read Committee Amendment A.

"Committee Amendment A to S. P. 194, L. D. 247. An Act Relating to Consignment of Fish, Lobsters and Shellfish.

Amend said bill by inserting before the enacting clause thereof, the following:

'Emergency preamble. Whereas, lobsters from Canada consigned to Maine dealers to be reconsigned to persons in other states are subject to seizure if not conforming to the laws of the state of Maine; and

Whereas, such lobsters would be shipped to other states via Maine by airplane or boat under the present law; and

Whereas, it is necessary that Maine people be allowed to transport such lobsters by truck into other states providing the provisions of this legislation are met; and

Whereas, many people will lose much revenue unless this legislation is enacted; 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 adding at the end thereof, the following:

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

On motion by Mr. Leavitt of Cumberland, the bill and accompanying papers were laid upon the table pending adoption of the amendment.

Passed to be Engrossed

"Resolve in Favor of Procuring Testimonials for the Purpose of Marking the Unmarked Graves of the Soldiers of the Revolutionary War." (H. P. 18) (L. D. 1260)

"Resolve in Favor of the Maine Historical Society." (H. P. 811) (L. D. 1261)

Bill "An Act Relating to the

Corinna Water District." (H. P. 854) (L. D. 324)

"Resolve in Favor of Knox Memorial Association, Inc. for Support and Maintenance of 'Montpelier.'" (H. P. 1338) (L. D. 1262) Bill "An Act Relating to Maine

Forestry District Taxes." (H. P. 1586) (L. D. 908)

Bill "An Act Assigning Counsel in Cases Punishable by Improvement." (H. P. 1922) (L. D. 1263)

Bill "An Act Permitting Public Library Corporations and Maine Municipal Association to Participate in State Employees Retirement System." (H. P. 1923) (L. D. 1264)

Which were severally read a second time and passed to be en-

grossed in concurrence.

Bill "An Act Relating to Transfer of Certificates of Motor Vehicles for Hire." (H. P. 660) (L. D. 217)

Bill "An Act Amending the Charter of the Milo Water District." (H. P. 661) (L. D. 218)

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

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

Bill " An Act Relating to Terms of Court in Aroostook County." (S. P. 433) (L. D. 787)

Bill "An Act Relating to the Atlantic Sea Run Salmon Commission." (S. P. 124) (L. D. 145)

"Resolve to Repeal Clam Cleansing Research." (S. P. 237) (L. D. 35Ĭ)

Bill "An Act to Aid Small Woodland Owners." (S. P. 542) (L. D. 1182)

Bill "An Act Relating to Expenses of Recommitment of Patients to the State Hospital." (S. P. 444) (L. D. 796)

Bill "An Act Relating to Forest Fighter Pay and Aid to Towns in Controlling Forest Fires." (S. P. 556) (L. D. 1179)

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

Sent down for concurrence.

Bill "An Act Relating to Applications for Liquor Licenses." (S. P. 449) (L. D. 799)

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

(On motion by Mr. Crosby of Franklin, tabled pending passage to be engrossed.)

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

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

Sent down for concurrence.

Orders of the Day

On motion by Mr. Leavitt of Cumberland the Senate voted to take from the table Bill, An Act Relating to Consignment of Fish, Lobsters and Shellfish (S. P. 194) (L. D. 247) tabled by that Senator earlier in today's session pending adoption of Committee Amendment "A", and on further motion by the same Senator, Committee Amendment "A" was adopted and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Batchelder of York the Senate voted to take from the table Bill, An Act Relating to Permits to Cut Logs (S. P. 262) (L. D. 393) tabled by that Senator earlier in today's session pending acceptance of the committee report.

On motion by Mr. Barnes of Aroostook the bill was recommitted to the Committee on Judiciary.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, Bill, An Act Relating to Damage to Rabbits by Dogs or Wild Animals (H. P. 1297) (L. D. 680) tabled by that Senator earlier in today's session pending assignment for second reading.

Mr. BOUCHER: Mr. President and members of the Senate, having satisfied myself that these are not the racing dogs of Senator Boutin's after wild rabbits, I move this bill be assigned for second reading.

The motion prevailed and the bill was tomorrow assigned for second reading.

Mr. Batchelder of York was granted unanimous consent to address the Senate.

Mr. BATCHELDER: Mr. President and members of the Senate, yesterday I tabled several School District bills and perhaps it might be well that I make some explanation of why it was done. At the present time we have some 70 school bills for consideration before this legislature. Now, these bills call for various amounts of money from \$15,000 up to \$1,000,000. At the present time our Constitution provides for a five percent debt limit for these towns for the various matters they might want to borrow money for. Now, these various bills call for sums anywhere from four percent up to thirty-three percent of their valuation. This is in addition to the present Constitutional debt limit of five percent. The Committee has been more or less disturbed as to how far in these times we should let these towns go in creating these districts and putting the additional obligation on its For that particular purpose we have some bills before this legislature and possibly there may be money made available by the State to the various towns. there is pending in Congress a bill to provide some grants to go back to these towns. I think many towns have created these districts expecting they may have funds available through the Federal government or from the State and possibly would not want to go this far in creating these districts. I am going to move shortly that these bills which I tabled be recommitted back to the Committee on Legal Affairs. There is one town which has articles in its town warrant which they will vote on at the coming election Monday and I will make a different motion on that bill.

On motion by Mr. Batchelder of York, the Senate voted to take from the table Bill, An Act to Incorporate the Town of Machias School District (H. P. 1900) (L. D. 1225) tabled by that Senator on March 10th pending passage to be engrossed; and on further motion by the same Senator, the bill was recommitted to the Committee on Legal Affairs.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table, Bill, An Act to Incorporate the Town of Orono High School District (H. P. 1901) (L. D. 1224) tabled by that Senator on March 10th pending passage to be engrossed; and on further motion by the same Senator the bill was recommitted to the Committee on Legal Affairs.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table, Bill, An Act to Incorporate the Town of Whitefield School District (H. P. 1173) (L. D. 629) tabled by that Senator on March 10th pending passage to be enacted; and on further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed, and the bill was recommitteed to the Committee on Legal Affairs.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table, Bill, An Act to Incorporate the Town of Monroe School District (H. P. 1256) (L. D. 561) tabled by that Senator on March 10th pending passage to be enacted. On further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed, and the bill was recommittee to the Committee on Legal Affairs.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table, Bill, An Act to Create the Town of Windsor School District (H. P. 1675) (L. D. 929) tabled by that Senator on March 10th pending passage to be enacted. On further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed, and the bill was recommitted to the Committee on Legal Affairs.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table, Bill, An Act to Create the Town of Orland School District (H. P. 1712) (L. D. 1014) tabled by that Senator on March 10th pending passage to be enacted. On further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed, and the bill was recommitted to the Committee on Legal Affairs.

Sent down for concurrence.

On motion by Mr. Bachelder of York, the Senate voted to take from the table Bill, An Act to Create the Phippsburg School District (S. P. 310) (L. D. 503) tabled by that Senator on March 10th pending passage to be enacted; and on further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed, and the bill was recommitted to the Committee on Legal Affairs.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table Bill, An Act to Incorporate the Town of Norway School District (S. P. 311) (L. D. 504) tabled by that Senator on March 10th pending passage to be enacted; and on further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed, and the bill was recommitted to the Committee on Legal Affairs.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table Bill, An Act to Incorporate the Town of Hartland School District (H. P. 1175) (L. D. 630) tabled by that Senator on March 10th pending passage to be enacted.

Mr. BATCHELDER: Mr. President, this is a bill which I understand they are to vote on at their town meeting Monday. In this particular bill they are asking to create a district in the amount of \$100,000. At the present time the town has \$799,000 valuation and has a dept at the present time of \$9,000 and their dept limit under the Constitution is \$40,000. If this district is created they would be bonding themselves for an additional amount of 12.51 percent. As I understand it, this town at the present has an item of about \$14,-000 set aside for the purpose of this school district and that would automatically bring them under the ten percent debt limit. In view of that fact I think this should pass to be enacted at this time so they may have an opportunity to vote on it next Monday as it is an emergency measure.

This being an Emergency Measure A division of the Senate was had. Twenty-four having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Varney of Washington, the Senate voted to recede from its former action whereby it assigned for second reading S. P. 194, L. D. 247, bill An Act Relating to Consignment of Fish, Lobsters, and Shellfish and on further motion by the same Senator, the rules were suspended and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin. the Senate voted to take from the table bill, An Act Relating to Compensation for State Board of Arbitration and Conciliation (S. P. 193) (L. D. 246) tabled by that Senator on March 10 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. McKusick of Piscataquis Adjourned until Tuesday, March 15, 1949 at eleven o'clock in the

forenoon.