

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, March 15, 1949

The Senate was called to order by the President.

Prayer by the Reverend Elmer Colcord of Gardiner.

Journal of Friday, March 11th, 1949 read and approved.

From the House

Bill "An Act Appropriating Monies for Anticipated Overdrafts in the Department of the Adjutant General Due to Insufficient Appropriations." (H. P. 1947) (L. D. 1320)

Joint Resolution Relating to Consolidation of State Departments." (H. P. 1948) (L. D. 1321)

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

Bill "An Act to Equalize the Educational Load of Municipalities." (H. P. 1949) (L. D. 1322)

Bill "An Act Relating to Reimbursement to Towns for Special Teaching Positions." (H. P. 1950) (L. D. 1323)

Bill "An Act Relating to Secondary School Tuition." (H. P. 1951) (L. D. 1324)

Bill "An Act Relating to School Unions." (H. P. 1952) (L. D. 1325)

"Resolve to Create an Educational Surplus Property Pool." (H. P. 1953) (L. D. 1326)

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

Bill "An Act Relating to Hairdressers and Beauty Culture." (H. P. 1954) (L. D. 1327)

Which was referred to the Committee on Public Health in concurrence.

"Resolve Authorizing the State Normal School and Teachers' College Board to Convey Certain Land in Fort Kent." (H. P. 1955) (L. D. 1328)

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

Bill "An Act Amending the Gasoline Tax Law." (H. P. 1956) (L. D. 1329)

Which was referred to the Committee on Taxation in concurrence.

"Resolve in Favor of the Town of Carmel." (H. P. 1962)

Which was referred to the Committee on Claims in concurrence.

The Committee on State Lands and Forest Preservation on Bill "An Act to Provide Forest Fire Prevention and Control in Unorganized Areas Not in the Maine Forestry District," (H. P. 1887) (L. D. 1205) reported that the same ought to pass as amended by Committee Amendment "A".

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

In the Senate, on motion by Mr. Cobb of Oxford, the report of the committee was accepted in concurrence, and the bill was given its first reading; Committee Amendment A was read and indefinitely postponed in concurrence; House Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

House Committee Reports

The Committee on State Lands and Forest Preservation on Bill "An Act Authorizing the Forest Commissioner to Take Necessary Means to Control Forest Insects and Diseases." (H. P. 1741) (L. D. 1095) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Appointment of Municipal Town Forest Fire Wardens," (H. P. 1538) (L. D. 867) 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 Sea and Shore Fisheries on Bill "An Act Relating

to Taking of Clams in Ogunquit Village Corporation." (H. P. 317) (L. D. 97) reported that the same ought to pass as amended by Committee Amendment "A".

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.

Orders

On motion by Mr. Slocum of Cumberland, it was

ORDERED, that 500 copies of bill, An Act Establishing a State-wide Probation System, H. P. 533, L. D. 1100 be printed.

Mr. Haskell of Penobscot presented the following order and moved its passage:

ORDERED that when the Senate adjourns today, it adjourn to meet on Wednesday, March 16 at 9 o'clock in the forenoon.

Mr. HASKELL of Penobscot: Mr. President, in explanation of this brief order, and urging its passage, I will indicate to the Senate that there will be a joint session tomorrow morning and by meeting at nine o'clock, it probably will give this branch and the other branch ample opportunity to complete the work of the legislative day. We have committee hearings tomorrow afternoon and Thursday and I believe that meeting an hour earlier may pick up another day in our session and that is the reason for the order.

Thereupon, the Order received a passage.

On motion by Mr. Cobb of Oxford, it was

ORDERED that the Reverend William H. Johnson of Rumford be invited to officiate as chaplain of the Senate on March 16, 1949.

Passed to be Engrossed

Bill "An Act Relating to Taking of Clams, Sandworms and Bloodworms in Hancock." (H. P. 67) (L. D. 26)

(On motion by Mr. Noyes of Hancock, tabled pending passage to be engrossed.)

Bill "An Act Relating to Commercial Fishing Licenses." (H. P. 193) (L. D. 65)

Bill "An Act Relating to the Inspection of Fish." (H. P. 370) (L. D. 130)

Bill "An Act Regulating the Shucking of Shellfish." (H. P. 371) (L. D. 131)

Bill "An Act Relating to the Taking of Clams in Cobscook River in the Town of Edmunds." (H. P. 602) (L. D. 185)

Bill "An Act Relating to the Digging of Clams in the Town of Vinalhaven." (H. P. 760) (L. D. 296)

Bill "An Act Relating to the Digging of Clams in the Town of St. George." (H. P. 761) (L. D. 297)

Bill "An Act Relating to the Digging of Clams in the Town of North Haven." (H. P. 762) (L. D. 298)

Bill "An Act Relating to Canning Quahogs." (H. P. 765) (L. D. 301)

Bill "An Act Relative to Lobster and Crab Fishing Licenses." (H. P. 766) (L. D. 302)

Bill "An Act Relating to the Digging of Clams in the Town of Owl's Head." (H. P. 857) (L. D. 326)

Bill "An Act Relative to the Possession of Partridge and Pheasants." (H. P. 987) (L. D. 418)

Bill "An Act Relative to Possession of Moose and Caribou." (H. P. 1034) (L. D. 519)

"Resolve Regulating Fishing in McGrath and Ellis Ponds, in the County of Kennebec." (H. P. 1047) (L. D. 529)

Bill "An Act Relative to Fishing Licenses." (H. P. 1288) (L. D. 672)

Bill "An Act Relating to Damage to Rabbits by Dogs or Wild Animals." (H. P. 1297) (L. D. 680)

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

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

Bill "An Act to Amend the Charter of the Southwest Harbor Water Company." (S. P. 120) (L. D. 141)

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

"Resolve to Provide for a Pollen and Fungus Survey of Maine." (S. P. 385) (L. D. 649)

Bill "An Act Relating to Parolees from Reformatory for Men." (S. P. 427) (L. D. 785)

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

Bill "An Act Relating to Compensation of Trustees of the Gray Water District." (S. P. 463) (L. D. 915)

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

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be engrossed.)

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

Sent down for concurrence.

Orders of the Day

Mr. HASKELL of Penobscot: Mr. President, I would inquire if L. D. 630, H. P. 1175, An Act Relating to the Hartland School District is in possession of the Senate?

The PRESIDENT: The chair will state it is in the possession of the Senate having been recalled by request of the Senator.

Mr. HASKELL: Mr. President, after a brief explanation I will move we reconsider our action whereby this bill was passed to be enacted, and if that motion prevails I will move we reconsider our action whereby it was passed to be engrossed. I will then move that the bill be tabled.

The explanation is this, that we passed to be enacted the Hartland School District bill. It established a potential debt substantially in excess of the yardstick the committee has suggested. The sponsors of the Hartland School District bill will consider an amendment to bring the amount to what they agree is a more reasonable sum. With that ex-

planation I move we reconsider our action whereby we passed the bill to be enacted.

The motion prevailed and the Senate reconsidered its action whereby the bill was passed to be enacted.

On further motion by Senator Haskell, the Senate reconsidered its action whereby the bill was passed to be engrossed in concurrence.

Thereupon, on motion by Mr. Haskell of Penobscot, the bill was laid upon the table pending passage to be engrossed in concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table, Bill, An Act Relating to a State Police Barrack in the County of Penobscot (S. P. 65) (L. D. 48) tabled by that Senator on March 9th pending consideration.

Mr. HASKELL of Penobscot: Mr. President, in explanation of the motion I am about to make I will state that there was some thought that this bill might need an amendment. The interested persons have discussed it at complete length and now agree it does not need that amendment. The bill having been passed to be enacted by the House and signed by the Speaker and having been passed to be enacted by the Senate and signed by the President, I now move the bill be presented to the Governor for his consideration.

The motion prevailed.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Resolve Relating to Impounded Bank Accounts of Certain Trust Funds (S. P. 111) (L. D. 136) tabled by that Senator on March 9th pending consideration.

Mr. HASKELL of Penobscot: Mr. President, this is the second of the matters recalled from the Governor last week and since we are not rushed for time I will impose upon you a rather involved explanation of what happened on this resolve.

It all started when the Penobscot Indians asked that a resolve be put in the legislature restoring their trust funds. That was done by L. D. 49. The report "Leave to Withdraw" was accepted and in its place L. D. 341 was presented to the Committee. It came out "Ought to Pass" and was passed to be enacted in both branches and was signed by the Governor. The difference between 49 and 341 was that 341 picked up certain other small trust funds so that we believed at that time that all those old trust fund losses had been restored by the State.

Now, coming to L. D. 136. Before L. D. 341 was drawn up we found there was \$491 of accumulated earnings mostly salvage and to take advantage of the \$491 we subtracted it from the amount called for in L. D. 341 and passed it. In committee we picked up Committee Amendment "A" when the Treasurer of State called to the committee's attention that there were three other trust funds each of \$2,000 which, in his opinion, should be charged off. After the bill had been passed to be enacted in both branches a question came up concerning one of those trust funds. It goes back to 1857 and from all of the evidence available it is indicated that that particular \$2000 trust fund, known as the Colonel Black fund was probably given to the State in cash and if it was, the State happened to invest it in the stock of some bank that was involved with one of the other trusts where the donor presented his gift in bank stock. The stock turned out to be worthless in the 1933 difficulty. So on the assumption it was the State that invested the Colonel Black fund in this bank stock, there appears to be a moral obligation that the State reestablish the Colonel Black fund. It is a fund for the benefit of the patients at the Augusta State Hospital.

The amendment I will eventually suggest will be to strike from the bill as engrossed, the "Colonel Black Fund \$2,000," and furthermore, resolve to replace the Colo-

nel Black Fund to the amount of \$2,000.

With that explanation I now move we reconsider our action whereby we passed this resolve to be enacted.

The motion prevailed. On further motion by the same Senator, the Senate reconsidered its action whereby the resolve was passed to be engrossed,

On motion by Mr. Haskell, the Senate reconsidered its action whereby it adopted Committee Amendment "A."

Mr. Haskell presented Senate Amendment "A" to Committee Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Committee Amendment 'A' to S. P. 111, L. D. 136, 'Resolve Relating to Impounded Bank Accounts of Certain Trust Funds.' Amend said Amendment by deleting the 7th line thereof which reads 'Colonel Black Fund \$2,000.' Further amend said Amendment by deleting the 10th line thereof which reads '\$6,000' and inserting in place thereof: '\$4,000' and be it further Resolved: That there be, and hereby is, appropriated from the unappropriated surplus of the general fund the sum of \$2,000 to restore the original principal of the trust fund known as the Colonel Black Fund of the Augusta State Hospital."

Senate Amendment "A" to Committee Amendment "A" was adopted.

On further motion by the same Senator, Committee Amendment "A" as amended by Senate Amendment "A" was adopted, and the resolve as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table, Bill, An Act Authorizing Northern Conservatory of Music to Confer Degrees (S. P. 306) (L. D. 572) tabled by that Senator on March 10th pending passage to be enacted, and on fur-

ther motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Public Utilities on Bill, An Act Relating to Continuous Driving of Commercial Motor Vehicles (H. P. 1003) (L. D. 434) tabled by that Senator on March 10th pending consideration of the report, and on further motion by the same Senator, the report of the committee was accepted in concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Public Utilities on Bill, An Act to Provide for the Installation of Head and Rear Lights on Track Motor Cars Operated by Railroads (H. P. 1526) (L. D. 857) tabled by that Senator on March 10th pending consideration of the report, and on further motion by the same Senator, the report of the committee was accepted in concurrence.

On motion by Mr. Allen of Cumberland, 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 Assistant County Attorneys for Cumberland County (S. P. 206) (L. D. 269) tabled by that Senator on March 11th pending consideration of the report; and on further motion by the same Senator, the report of the committee was accepted.

Sent down for concurrence.

Mr. HOPKINS of Kennebec: Mr. President, I would like to inquire if L. D. 942 is in the possession of the Senate?

The PRESIDENT: The Chair will state that the document is in the possession of the Senate having been held at the request of the Senator for reconsideration.

Mr. HOPKINS: Mr. President, I move that the Senate reconsider its action of last Friday whereby it accepted the "Ought Not to Pass" report of the Committee on this resolve, and in support of this motion, I would like to say that because of the large deficit which these hospitals have suffered the last year in connection with the work done for the state, it seems desirable that the legislature have before it a resolve of this kind during the period when we are considering the financial matters pending here.

If this motion which I have made prevails, I shall ask the Senate to table the resolve for a short time in order that we may have it for later action if we so desire.

Thereupon, on motion by the Senator from Kennebec, Senator Hopkins, the Senate voted to reconsider its action whereby it accepted the "Ought Not to Pass" report of the committee; and on further motion by the same Senator, the report and accompanying papers were laid upon the table pending consideration.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table bill, An Act Relative to Sale of Wild Hares and Rabbits (H. P. 353) (L. D. 118) tabled by that Senator on March 10 pending motion of the Senator from Androscoggin, Senator Boucher to indefinitely postpone.

Mr. NOYES of Hancock: Mr. President and members of the Senate, I thank the members of the Senate for the courtesy they extended to me last week in allowing me to table this bill. At that time I was not ready to vote on it. However, after taking it under consideration I feel that I am ready to vote against the motion to indefinitely postpone.

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

A viva voce vote being doubted by the Chair

A division of the Senate was had.

Three having voted in the affirmative and eighteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, the "Ought to Pass" report of the committee was accepted, the bill was given its first reading and tomorrow assigned for second reading.

Mr. Savage of Somerset was granted unanimous consent to address the Senate.

Mr. SAVAGE of Somerset: Mr. President and Members of the Senate, you have before you this morning a report of the Committee on Appropriations and Financial Affairs showing, in summary form, the General Fund estimated revenues for Appropriation under current laws and the resultant effect after applying Appropriations for departments as approved by the Appropriations Committee and pending bills before this legislature. Also attached is a summary of the General Fund Unappropriated Surplus showing bills signed by the Governor, pending bills affecting surplus and the estimated surplus deficit as of March 1, 1949.

Bills pending before this legislature need no explanation from me. However, I would like to explain briefly the committee's recommendations for appropriation for state departments, institutions and agencies in the amount of \$25,473,452 for 1949-1950 and \$26,007,070 for 1950-1951.

We have approved appropriations for the various departments on the basis of need under current laws and have not allowed new services of any consequence. It reflects and provides for the following major services: An estimated increase in

population of some 600 inmates at our 13 institutions, an estimated increase in case load of approximately 1,725 cases in our Department of Health and Welfare, an estimated increase in enrollment of 3,537 pupils and 127 teaching positions in subsidies to cities and towns in our Department of Education, an increased maximum grant to Old Age Recipients from \$40 to \$50 per month which has already been approved by the Governor, an increased maximum grant for board and care of neglected children from \$24 to \$30 per month. It provides for the recommendations of our Governor as itemized in his Budget Message to this legislature, for public and private hospitals in an amount we feel will reimburse these hospitals for approximately 80% of the costs of state cases, for Normal School Teachers which will maintain a salary comparable to salaries now being paid to teachers in other public schools, for the operating of the new buildings at Pownal State School taking care of 344 inmates and 44 employees, for the new building at Bangor State Hospital and 40 inmates and 18 employees and also for the re-opening of the so-called Downs Building at Central Maine Sanatorium, which will take care of 48 inmates and 20 employees, for merit increases to State employees and the continuance of the present \$7.20 cost of living increase now in effect.

This, gentlemen, covers the items of major importance worthy of mention at this time and I wish to emphasize that our approved appropriations do not provide for new services of any consequence and are based on need under current laws.

On motion by Mr. Haskell of Penobscot,

Adjourned until tomorrow morning at nine o'clock.