

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, March 18, 1949.

The Senate was called to order by the President.

Prayer by the Reverend J. N. Henriksen 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 22nd, 1949 at eleven o'clock in the forenoon. (S. P. 628)

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 Relating to Filing of Accounts in Estates Upon Petition of Sureties on Bonds." (H. P. 1979) (L. D. 1361)

Bill "An Act Relating to Summation Arguments by Counsel in Criminal Cases." (H. P. 1980) (L. D. 1362)

Bill "An Act Relating to Rules of Descent." (H. P. 1981) (L. D. 1363)

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

Bill "An Act to Provide for a Council-Manager Form of Government for the City of Westbrook." (H. P. 1983) (L. D. 1364)

Bill "An Act to Revise the Charter of the City of Westbrook." (H. P. 1984) (L. D. 1365)

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

"Resolve in Favor of Harry Day, of Etna." (H. P. 1987)

Which was referred to the Committee on Claims in concurrence.

Bill "An Act Relating to Taking Clams in Town of Friendship." (H. P. 1669)

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

"Resolve in Favor of the Town of Cumberland." (H. P. 1995)

"Resolve in Favor of the Town of Cumberland." (H. P. 1996)

"Resolve in Favor of the City of Gardiner." (H. P. 1992)

Which were severally received by unanimous consent and referred to the Committee on Ways and Bridges in concurrence.

Joint Order Relative to Salary List of State Employees. (H. P. 1986)

Comes from the House, passed, as amended by House Amendments "A", and "B".

In the Senate, on motion by Mr. Haskell of Penobscot, the bill and accompanying papers were laid upon the table pending consideration.

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

(In the Senate on March 9th, passed to be engrossed in concurrence.)

Comes from the House, having been recommitted to the Committee on Legal Affairs in non-concurrence.

In the Senate, on motion by Mr. Haskell of Penobscot, the Senate voted to reconsider its former action taken on March 9 whereby the bill was passed to be engrossed, and the bill was recommitted to the Committee on Legal Affairs in concurrence.

Bill "An Act to Incorporate the Town of Winthrop School District." (H. P. 1258) (L. D. 559)

(In Senate on March 8th, passed to be engrossed as amended by Committee Amendment "A" in concurrence.)

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

In the Senate, on motion by Mr. Haskell of Penobscot, the Senate voted to reconsider its former action taken on March 8 whereby the

bill was passed to be engrossed; and on further motion by the same Senator, the bill was recommitted to the Committee on Legal Affairs in concurrence.

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

(In the Senate, on March 9th, passed to be engrossed as amended by Committee Amendment "A" in concurrence.)

Comes from the House, recommended to the Committee on Legal Affairs in non-concurrence.

In the Senate, on motion by Mr. Haskell of Penobscot, the Senate voted to reconsider its former action taken on March 9 whereby the bill was passed to be engrossed; and on further motion by the same senator, the bill was recommitted to the Committee on Legal Affairs in concurrence.

The Committee on Judiciary 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.

(In Senate on March 15th, report read and accepted.)

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

In the Senate, on motion by Mr. Allen of Penobscot, the Senate voted to recede from its former action taken on March 15 whereby the report of the Committee was read and accepted; and on further motion by the same Senator, the bill was recommitted to the Committee on Judiciary.

The Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election," (H. P. 51) (L. D. 14) reported that the same ought not to pass.

Comes from the House, bill substituted for the report, and subsequently indefinitely postponed.

In the Senate, the "Ought Not to Pass" report was accepted.

House Committee Reports

The Committee on Appropriations and Financial Affairs on "Resolve Authorizing State of Maine to Purchase Armory at Lewiston," (H. P. 1864) (L. D. 108) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Providing Vocational Rehabilitation for Sanatoriums," (H. P. 1863) (L. D. 1207) reported that leave be granted to withdraw the same.

The Committee on Legal Affairs on Bill "An Act to Create the Town of Belgrade School District," (H. P. 1879) (L. D. 1254) reported that leave be granted to withdraw the same.

The Committee on Library on "Resolve for the Purchase of One Hundred Copies of 'The History of Sumner and Hartford,'" (H. P. 1511) reported that leave be granted to withdraw the same.

The Committee on State Lands and Forest Preservation on Bill "An Act Relating to Conservation of Christmas Trees," (H. P. 1889) (L. D. 1217) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Portable Sawmills," (H. P. 1738) (L. D. 1092) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve Providing for Certain Construction at the Bangor State Hospital," (H. P. 632) (L. D. 1350) reported that the same ought to pass.

(On motion by Mr. Brewer of Aroostook, tabled pending acceptance of the report.)

The Committee on Claims on "Resolve in Favor of Frank D. Hiller, of Orland," (H. P. 454) (L. D. 1349) reported that the same ought to pass.

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

Referred to Committee

The following bill was received and on recommendation by the Committee on Reference of Bills was referred to the following committee:

State Hospitals

Mr. Williams of Penobscot presented Bill "An Act Establishing Infirmaries at the State Hospitals." (S. P. 629)

(Ordered printed.)

Sent down for concurrence.

First Reading of a Printed Bill

Bill "An Act to Appropriate Monies for the Expenditure of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1950 and June 30, 1951."

Which was read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Haskell from the Committee on Taxation on Bill "An Act Relating to an Excise Tax on Flying Machines," (S. P. 368) (L. D. 585) reported that leave be granted to withdraw the same as it is covered by other legislation.

Mr. Ward from the Committee on Judiciary on 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) (L. D. 1003) reported that the same ought not to pass.

(On motion by Mr. Haskell of Penobscot, tabled pending consideration of the report.)

Mr. Barnes from the same Committee on Bill "An Act Relating to Telephones for Members of the State Police," (S. P. 523) (L. D. 1051) reported that the same ought not to pass.

(On motion by Mr. Slocum of Cumberland, tabled pending consideration of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Ward from the Committee on Judiciary on Bill "An Act Relating

to the Practice of Optometry," (S. P. 453) (L. D. 797) reported that the same ought to pass.

Mr. Ela from the same Committee on Bill "An Act Relating to Payment to York County Law Library," (S. P. 520) (L. D. 1054) reported that the same ought to pass.

Mr. Goodwin from the Committee on Towns on Bill "An Act Relating to Public and Private Cemeteries," (S. P. 369) (L. D. 586) reported that the same ought to pass.

Mr. McKusick from the same Committee on Bill "An Act Relating to Town Dumps," (S. P. 412) (L. D. 749) 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 to Appropriate Monies for the Expenditures of the State Government for the Fiscal Year Ending June 30, 1949." (H. P. 1110) (L. D. 536)

"Resolve in Favor of the Town of Trenton." (H. P. 1610) (L. D. 1343)

Bill "An Act Relating to Bond Issues of the City of Portland." (H. P. 1645) (L. D. 997)

"Resolve in Favor of the City of Calais." (H. P. 1708) (L. D. 1344)

Bill "An Act Relating to Amending Complaints and Indictments in Matters of Substance." (H. P. 1965) (L. D. 1339)

Bill "An Act Relating to Retirement of Justices of the Superior and Supreme Judicial Courts." (H. P. 1967) (L. D. 1341)

Bill "An Act Amending the Limestone School District." (H. P. 1978)

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

Bill "An Act Relative to Fishing Licenses." (H. P. 986) (L. D. 417)

Bill "An Act Relating to the Houlton Water Company." (H. P. 1070) (L. D. 476)

"Resolve to Provide for a Fish Screen at Hot Brook Lake, in the County of Aroostook." (H. P. 1486) (L. D. 843)

Bill "An Act Relating to the Department of Electrical Appliances of the City of Portland." (H. P. 1699) (L. D. 1022)

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

Bill "An Act Relating to Shelters or Tents on Maine Forestry Department Public Camp Sites and Luncheon Grounds." (S. P. 526) (L. D. 1060)

Bill "An Act Relating to Mill Privileges, Dam Sites and Flowage Rights." (S. P. 527) (L. D. 1059)

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

Sent down for concurrence.

Bill "An Act to Clarify the State Library Law." (S. P. 171) (L. D. 230)

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

Sent down for concurrence.

Enactors

Bill "An Act Liberalizing the Beneficiary Limitation on Fraternal Insurance." (S. P. 582) (L. D. 180)

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

Bill "An Act Relating to Funds of the Examining Board of Chiropractic Examination and Registration." (H. P. 1573) (L. D. 896)

Bill "An Act Assigning Counsel in Cases Punishable by Imprisonment." (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)

Bill "An Act Relating to Advisory Committee on Budget." (S. P. 52) (L. D. 32)

Bill "An Act Relating to the Madison Water District and the Anson Water District." (S. P. 26.) (L. D. 38)

Bill "An Act Relating to County and Local Agricultural Societies." (S. P. 63) (L. D. 46)

Bill "An Act Amending the Charter of the Skowhegan Water Company." (S. P. 213) (L. D. 275)

Bill "An Act Relating to Railroad Crossing Signs." (S. P. 214) (L. D. 276)

"Resolve in Favor of the Town of Freeman." (S. P. 196) (L. D. 1066)

"Resolve to Repeal State Pension for Myrtle Ingalls of Anson." (S. P. 229) (L. D. 1065)

"Resolve to Repeal State Pension for Joseph Duperry of Fairfield." (S. P. 230) (L. D. 1064)

"Resolve to Repeal State Pension for Fred Jacques of Van Buren." (S. P. 231) (L. D. 1063)

"Resolve in Favor of the Central Maine Sanatorium, at Fairfield." (S. P. 417) (L. D. 777)

(On motion by Mr. Savage of Somerset, tabled pending final passage.)

Bill "An Act Relating to Process Against Unauthorized Insurers." (S. P. 432) (L. D. 926)

Resolve, Providing for Purchase and Installation of Heating Equipment at the State School for Boys." (S. P. 419) (L. D. 776)

(On motion by Mr. Savage of Somerset, tabled pending final passage.)

Which bills were severally passed to be enacted, and resolves were finally passed.

Emergency Measures

Bill "An Act Authorizing the Trustees of the University of Maine to Convey Certain Land in the City of Old Town and in Town of Chapman." (S. P. 149) (L. D. 205)

Which bill being an emergency measure, and having received the affirmative vote of 22 members of the Senate, and none opposed, was passed to be enacted.

Bill "An Act Relating to Motor Vehicle Excise Tax for Amputee Veterans." (H. P. 862) (L. D. 338)

Which bill being an emergency measure, and having received the affirmative vote of 22 members of the Senate, and none opposed, was passed to be enacted.

Bill "An Act Relating to Motor Vehicle Licenses for Amputee Veterans." (H. P. 929) (L. D. 402)

Which bill being an emergency measure, and having received the affirmative vote of 22 members of the Senate, and none opposed, was passed to be enacted.

Bill "An Act Relating to Maine Forestry District Taxes." (H. P. 1586) (L. D. 908)

(On motion by Mr. Savage of Somerset, tabled pending passage to be enacted.)

"Resolve Providing Funds to Augment Institutional Appropriations," (S. P. 418) (L. D. 775)

(On motion by Mr. Brewer of Aroostook, tabled pending final passage.)

Bill "An Act to Amend the Charter of the Freeport Sewer District." (H. P. 1069) (L. D. 475)

Which bill being an emergency measure, and having received the affirmative vote of 22 members of the Senate, and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table Bill, An Act Relating to Boards of Registration (H. P. 1759) (L. D. 1031) tabled by that Senator on March 17th pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table Bill, An Act Relating to Boards of Registration (S. P. 536) (L. D. 1067) tabled by that Senator on March 17th pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

Mr. ELA of Somerset: Mr. President, I would like to inquire if Senate Paper 348, Legislative Document 574, "Resolve Appropriating Money to Improve the Approach to

the Fish Way at Aroostook Falls" is in the possession of the Senate?

The PRESIDENT: The Chair will state the bill is in the possession of the Senate, having been held at the request of the Senator from Somerset, Senator Ela.

Mr. ELA: Mr. President, I now move we reconsider our action of yesterday whereby this resolve was finally passed. In explanation of this, I will say there appears to be an error which needs correction. I have checked with the sponsor of the bill, Senator Collins, and he agrees the correction is necessary. I will later offer an amendment to correct the error.

The motion to reconsider final passage prevailed.

Thereupon, on further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

Mr. Ela presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to S. P. 348, L. D. 574, 'Resolve Appropriating Money to Improve the Approach to the Fish Way at Aroostook Falls'. Amend said Resolve by striking out all after the title and inserting in place thereof the following: 'Resolves, 1947, c. 146, amended. Resolved: That chapter 146 of the resolves of 1947 be, and hereby is, amended by adding at the end thereof a new paragraph to read as follows: 'All unexpended balances shall not lapse until June 30, 1951, but shall remain a continuing carrying account until June 30, 1951.'"

Senate Amendment "A" was adopted, and the resolve as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. McKusick of Piscataquis, the Senate voted to take from the table Bill, An Act Relating to State Aid for Community Schools (S. P. 626) tabled by that Senator on March 17th pending reference.

Mr. MCKUSICK: Mr. President, I tabled that bill yesterday in or-

der to move that it be referred to the Committee on Legal Affairs. Although its title would seem to imply it was an educational bill, it does concern matters which would seem to be better handled by the Committee on Legal Affairs. It is simply an act making some changes and additions to the school bill passed by the legislature two years ago. The original bill was handled by the Committee on Legal Affairs and the changes in the bill are more or less of a legal nature. I have talked with some of the members of the Committee on Reference of Bills and they agree that is the committee to which it should go. I move the bill be referred to the Committee on Legal Affairs.

The motion prevailed and the bill was referred to the Committee on Legal Affairs, and ordered printed.
Sent down for concurrence.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table Bill, An Act Relating to Retirement Fund of State Employees in Armed Forces (H. P. 584) (L. D. 189) tabled by that Senator on March 10th pending enactment; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table Bill, An Act Relating to Reemployment Rights of State Employees in Armed Forces (H. P. 585) (L. D. 190) tabled by that Senator on March 10th pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Brewer of Aroostook, the Senate voted to take

from the table House Report from the Committee on Appropriations and Financial Affairs on Resolve Providing for Certain Construction at the Bangor State Hospital (H. P. 632) (L. D. 1350) tabled by that Senator earlier in today's session pending acceptance of the committee report; and on further motion by the same Senator, the report of the committee was accepted in concurrence, the resolve was given its first reading and tomorrow assigned for second reading.

Mr. SLEEPER of Knox: Mr. President, I have permission of Senator Baker to take from the table the forty-second unassigned matter.

Thereupon, the Senate voted to take from the table Bill, An Act Re-Establishing Prohibition (H. P. 1975) (L. D. 1351) tabled by Mr. Baker of Kennebec on March 17th pending reference.

Mr. SLEEPER: Mr. President, the title of this bill and the thing it will attempt to establish is so obviously out of step with everything in line with the State, and in order to expedite our adjournment and save as much money as possible for the State in not thrashing around with windmills, I move this bill be indefinitely postponed.

The motion prevailed, and the bill was indefinitely postponed, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot

Adjourned until Tuesday, March 22 at eleven o'clock in the forenoon.