

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, March 24, 1949.

The Senate was called to order by the President.

Prayer by the Rev. Chauncey D. Wentworth of Augusta.

Journal of yesterday read and approved.

From the House

"Resolve Providing for State Pension for Louise J. Gray of Orland." (H. P. 2010)

"Resolve Providing a State Pension for Victor Mitchell of Etna." (H. P. 2009)

Which were received by unanimous consent, and referred to the Committee on Pensions in concurrence.

Bill "An Act Relating to Taxation of Personal Property." (H. P. 2004) (L. D. 1387)

Which was received by unanimous consent, and referred to the Committee on Taxation in concurrence.

House Committee Reports

The Committee on Judiciary on Bill "An Act Relating to Notice in the Small Claims Law," (H. P. 1633) (L. D. 986) reported that the same ought not to pass.

Comes from the House, recommitted to the Committee on Judiciary.

In the Senate, on motion by Mr. Barnes of Aroostook, the Senate voted to recede and concur with the House in the recommitment of the bill to the Committee on Judiciary.

The Committee on Appropriations and Financial Affairs on "Resolve, in Favor of the Town of Limestone," (H. P. 416) (L. D. 149) reported that leave be granted to withdraw the same.

The Committee on Claims on "Resolve in Favor of the Town of Woodland," (H. P. 1366) (L. D. 719) reported that leave be granted to withdraw the same.

The same Committee on "Resolve in Favor of the Town of Garland," (H. P. 1828) reported that leave be granted to withdraw the same.

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Bounty on Bobcat, Loupcervier and Canada Lynx," (H. P. 1264) (L. D. 664) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relative to Bounty on Foxes, in the County of Aroostook," (H. P. 1262) (L. D. 667) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relative to Restricting Trapping on Streams and Water Courses," (H. P. 1479) (L. D. 838) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relative to Bounty on Bobcat, Loupcervier and Canada Lynx in the County of Aroostook," (H. P. 1265) (L. D. 665) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relative to Closed Season on Deer without Horns," (H. P. 1775) (L. D. 1114) reported that leave be granted to withdraw the same.

The Committee on Interior Waters on Bill "An Act Relating to the Sanitary Water Board and the Acceptance of the Provisions of the Water Pollution Control Act," (H. P. 1469) (L. D. 807) reported that leave be granted to withdraw the same.

The Committee on Judiciary on Bill "An Act Relating to Pauper Settlement," (H. P. 1829) (L. D. 1154) reported that leave be granted to withdraw the same.

The Committee on Claims on "Resolve, in Favor of Joseph J. Sholik, of Methuen, Massachusetts," (H. P. 25) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to the Augusta Game Preserve," (H. P. 1774) (L. D. 1113) reported that the same ought not to pass.

The same Committee on Bill "An Act Relative to Jefferson and Whitefield Game Preserve," (H. P. 1135) (L. D. 543) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Hunting of Deer in Washington County," (H. P. 827) (L. D. 312) reported that the same ought not to pass.

The same Committee on "Resolve Closing Sandy Stream Pond in T. 3, R. 9, Piscataquis County to all Fishing," (H. P. 289) reported that the same ought not to pass.

The same Committee on Bill "An Act Relative to Bounty on Bears," (H. P. 1263) (L. D. 663) reported that the same ought not to pass.

The same Committee on "Resolve Regulating Fishing in St. Croix River, in the County of Washington," (H. P. 1138) (L. D. 545) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Permitting Adoption of Person in County Where Person Lives," (H. P. 1830) (L. D. 1155) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Limitation of Actions for Injuries to Persons and Property," (H. P. 1781) (L. D. 1120) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Omission from Will of Child Given in Adoption," (H. P. 1833) (L. D. 1158) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Transfer of Corporate Stock," (H. P. 1048) (L. D. 464) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to a Revolving Fund to Satisfy Judgments from Motor Vehicle Accidents," (H. P. 1722) (L. D. 1079) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Suspension of Licenses Under Financial Responsibility Law," (H. P. 1721) (L. D. 1078) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Liability of Personal Sureties on Probate Bonds," (H. P. 1399) (L. D. 730) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Descent of Real Estate in Divorce," (H. P. 1835) (L. D. 1160) reported that the same ought not to pass.

The same Committee on Bill "An Act Providing for the Study, Treatment and Care of Alcoholics," (H. P. 476) (L. D. 151) reported that the same ought not to pass, as it is covered by other legislation.

The same Committee on Bill "An Act Relating to Temporary Judges for Municipal Courts," (H. P. 1632) (L. D. 985) reported that the same ought not to pass.

The same Committee on "Resolve, Proposing an Amendment to the Constitution to Empower the Legislature to Authorize the Issuance of State Bonds for any Purpose Stated in the Constitution," (H. P. 1570) (L. D. 884) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to licenses to Sell Real Estate of Surviving Husband or Wife," (H. P. 1630) (L. D. 983) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act Relating to Fees of Wholesalers and Sub-Jobbers of Cigarettes and Tobacco Products," (H. P. 1542) (L. D. 819) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Certain Data in Possession of State Tax Assessor," (H. P. 1809) (L. D. 1133) reported that the same ought not to pass.

The Committee on Towns on Bill "An Act to Provide for the Surrender by Kingsbury Plantation of Its Organization," (H. P. 1168) (L. D. 595) reported that the same ought not to pass.

The same Committee on Bill "An Act to Provide for the Surrender by Brighton Plantation of Its Organization," (H. P. 374) (L. D. 134) reported that the same ought not to pass.

The same Committee on Bill "An Act Changing the Town of Wellington to a Plantation," (H. P. 1671) (L. D. 978) reported that the same ought not to pass.

The same Committee on Bill "An Act Annexing Certain Land to Brighton Plantation in Somerset County," (H. P. 947) (L. D. 388) reported that the same ought not to pass.

The same Committee on Bill "An Act to Authorize the Town of York to Construct a Public Wharf," (H. P. 834) (L. D. 331) 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 Regulating Fishing in Royal River, in the County of Cumberland," (H. P. 1397) (L. D. 729) reported that the same ought to pass.

The same Committee on "Resolve, Closing Rocky Pond and Johnson Pond in Knox County to Ice Fishing," (H. P. 1046) (L. D. 463) reported that the same ought to pass.

The same Committee on "Resolve, Relating to Fishing in Rocky Pond and Johnson Pond in Knox County," (H. P. 1045) (L. D. 462) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Revocation of License on Conviction of Hunting While Intoxicated," (H. P. 1773) (L. D. 1112) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Night Hunting of Skunks and Raccoons," (H. P. 1628) (L. D. 981) reported that the same ought to pass.

The same Committee on Bill "An Act Relative to Transportation of Fish, Game and Fur-Bearing Animals by Airplane," (H. P. 744) (L. D. 286) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Discovery of Property of Deceased Persons," (H. P. 1834) (L. D. 1159) reported that the same ought to pass.

The same Committee on Bill "An Act Validating Certain Recorded Mortgage Discharges," (H. P. 1832) (L. D. 1157) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Election to Certain Town Offices," (H. P. 1784) (L. D. 1123) reported that the same ought to pass.

The Committee on Taxation on Bill "An Act Relating to Tax Stamp Discounts in Cigarette and Tobacco Products Law," (H. P. 1541) (L. D. 818) reported that the same ought to pass.

The Committee on Ways and Bridges on "Resolve in Favor of the Town of Kennebunk," (H. P. 102) (L. D. 1377) 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 Appropriations and Financial Affairs on "Resolve in Favor of State Military Defense Commission," (H. P. 812) (L. D. 309) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Non-Resident and Alien Trapping Licenses," (H. P. 1293) (L. D. 676) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Relative to Bounty on Bears," (H. P. 1261) (L. D. 662) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which reports were severally read and accepted in concurrence, and the bills and resolves read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as so amended were tomorrow assigned for second reading.

The Committee on Legal Affairs on Bill "An Act Relating to the Right of Eminent Domain for Municipalities for Recreational Purposes," (H. P. 1510) (L. D. 808) 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.

First Reading of Printed Bills

"Resolve in Favor of the Town of East Millinocket." (S. P. 258) (L. D. 1386)

Which resolve was read once. Committee Amendment "A" was read:

"Amend said bill by striking out after the word 'the' in the 6th line, the following words, 'funds of the Department of Institutional Service,' and inserting in place thereof the following, 'general funds of the state'."

Committee Amendment "A" was adopted, and the resolve as so amended was tomorrow assigned for second reading.

Bill "An Act Relative to Extending Hunting Season on Deer," (S. P. 630) (L. D. 1385)

Which bill was read once, and tomorrow assigned for second reading.

Senate Committee Reports

The Committee on State School for Boys, State School for Girls, and State Reformatories on "Resolve Permitting Socony-Vacuum Oil Company, Incorporated, to Lay a Pipeline Across Property of the State School for Girls in Hallowell and Property of the Augusta State Hospital in Augusta," (S. P. 216) (L. D. 278) reported that the same ought to pass.

Which report was read and accepted, the bill read once, and tomorrow assigned for second reading.

Mr. Collins from the Committee on Salaries and Fees on Bill "An Act Relating to Clerk Hire in the Office of Register of Deeds, Southern District, Aroostook County,"

(S. P. 363) (L. D. 580) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Salary of the County Attorney of York County," (S. P. 266) (L. D. 396) reported that the same ought to pass.

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

Mr. Collins from the Committee on Salaries and Fees on Bill "An Act Relating to the Presque Isle Municipal Court," (S. P. 465) (L. D. 918) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

Committee Amendment "A" to S. P. 465, L. D. 918, Bill "An Act Relating to the Presque Isle Municipal Court."

Amend said Bill by inserting after the enacting clause thereof and before the headnote, the following: 'Sec. 1.'

Further amend said Bill by striking out in the 6th line thereof the underlined figure "\$1,500" and inserting in place thereof the underlined figure '\$1,250'.

Further amend said Bill by adding at the end thereof a new section, as follows:

"Sec. 2. P. & S. L., 1917, c. 145, amended. The 4th sentence of the 3rd paragraph of that part designated "Sec. 1." of chapter 58 of the private and special laws of 1945, which amended chapter 145 of the private and special laws of 1917, is hereby amended to read as follows: 'His duties shall include such duties as are performed by clerks of the superior court, so far as applicable and he shall draft all criminal warrants.'"

Which report was read and accepted and the bill read once.

Committee Amendment A was adopted and the bill as so amended was tomorrow assigned for second reading.

The same Senator from the same Committee on Bill "An Act Relating

to the Salaries of the Clerk of Courts and Deputy Clerk of Courts of Penobscot County," (S. P. 438) (L. D. 793) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith:

"Amend said bill by striking out the underlined figures \$3,300 in the eighth line thereof and inserting in place thereof the underlined figures \$3,200.

"Further amend said bill by striking out the underlined figures \$2,500 in the ninth line thereof and inserting in place thereof the underlined figures \$2,400."

Which report was read and accepted and the bill read once.

Committee Amendment A was adopted and the bill as so amended was tomorrow assigned for second reading.

The same Senator from the same Committee on Bill "An Act Relating to the Salaries of the Judge of Probate and Register of Probate, Franklin County," (S. P. 320) (L. D. 513) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith:

"Amend said bill by striking out all of section three thereof."

Mr. CROSBY of Franklin: Mr. President, I would like to move the indefinite postponement of this amendment, and in explanation I would say that some of you older members on the Salaries and Fees Committee will recall that two years ago we had a little difficulty in adjusting our salary bill and because of that the present county officers are working for the same salary they received four years ago. Now this fall, the first of December, I wrote the county commissioners and the other county officials and suggested that if they had any adjustments in salaries to be made they get together before the Legislature convened. They did call a meeting and invited the delegation in and didn't seem to have too much trouble in adjusting their difficulties, and at that time the county

commissioners sent these salaries recommendations to me, and they felt because of the trouble they had two years ago and the fact that these county officers had not received any salary increase that these increases should be made retroactive to January 1st. I realize that the Salaries and Fees Committee have the policy of not reporting out any retroactive salary increases but I feel that this is one case where perhaps an exception to the rule might be justified.

Mr. COLLINS of Aroostook: Mr. President, I would just like to explain the attitude of the Committee on Salaries and Fees with respect to this amendment. The retroactive date was in a number of bills and the committee did not think that it was good legislation to have salaries on a retroactive basis. However, the fact was not emphasized at the hearing and we do know that the statements that have been made by Senator Crosby are entirely true and I do not believe that the committee would have any objections if the retroactive was reinstated.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Crosby, that the amendment be indefinitely postponed.

Thereupon the amendment was indefinitely postponed and the bill was read once and tomorrow assigned for second reading.

Bill "An Act Relating to Damage

The same Senator from the same Committee on Bill "An Act Relating to the Salaries of Various County Officers of Franklin County," (S. P. 321) (L. D. 514) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith:

"Amend said bill by striking out all of section eight thereof."

Mr. CROSBY: Mr. President, I move that Committee Amendment be indefinitely postponed. The same explanation applies to all three of these bills.

Committee Amendment A was indefinitely postponed.

Thereupon, the bill was read once and tomorrow assigned for second reading.

The same Senator from the same Committee on Bill "An Act Relating to the Salary of the Judge of the Franklin Municipal Court," (S. P. 319) (L. D. 512) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith:

"Amend said bill by striking out section two thereof."

On motion by Mr. Crosby of Franklin Senate Amendment A was indefinitely postponed.

Thereupon the bill was given its first reading and tomorrow assigned for second reading.

The Committee on Legal Affairs, on "Bill, An Act to Amend the Westport, Wiscasset Bridge District" (S. P. 460) (L. D. 912) reported that the same ought to pass as amended by Committee Amendment "A".

"Committee Amendment 'A' to S. P. 460, L. D. 912, Bill, An Act to Amend the Westport-Wiscasset Bridge District.

"Amend said Bill by striking out all of the underlined 1st sentence of that part designed 'Sec. 6-B' and inserting in place thereof the following underlined sentence:

"The county of Lincoln is hereby authorized to guarantee unconditionally the payment of interest upon any bonds issued by the district pursuant to section 4 or section 12 hereof and to pledge its full faith and credit for the payment of the interest on any of such bonds so issued by the district; provided, however, that such guarantee shall not be extended for a period longer than 50 years from the date of issue of the bonds first issued by the district and guaranteed by the county of Lincoln; provided, further, that the county commissioners for the said county of Lincoln are hereby authorized to assess a tax to the towns of Westport and Wiscasset in said county of Lincoln for 33 1/3% of any sums the county of

Lincoln is obligated to pay pursuant to its guarantee under this section; and all moneys which shall be raised for the purposes named in this act for which the county may lawfully raise money shall be assessed in the amount of 33 1/3% upon the taxable polls and estates embraced within the towns of Westport and Wiscasset by the assessors of Westport and Wiscasset in the same manner as is provided by law for the assessment of town and county taxes."

The report of the Committee was accepted, Committee Amendment A was read and adopted and the bill as so amended was tomorrow assigned for second reading.

Passed to be Engrossed

The Committee on Bills in the Second Reading reported the following Bills and Resolves:

"Resolve Reducing the Daily Bag Limit on Trout, in the County of Aroostook." (H. P. 1042) (L. D. 526)

"Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court." (H. P. 1497) (L. D. 853)

Bill "An Act Relating to State Registered Bonds." (H. P. 1498) (L. D. 854)

Bill "An Act Relating to Liens on Vehicles, Aircraft or Component Parts Thereof, and Parachutes." (H. P. 1780) (L. D. 1119)

Bill "An Act to Permit the Town of Kennebunkport to Take Advantage of a Proposed Government Project." (H. P. 1782) (L. D. 1121)

Bill "An Act Relating to Slash, Brush and Debris Disposal." (H. P. 1991) (L. D. 1376)

(On motion by Mr. Williams of Penobscot, tabled pending passage to be engrossed.)

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

Bill "An Act Relating to Roadside Protection." (H. P. 1888) (L. D. 1206)

On motion by Mr. Ela of Somerset the bill was laid upon the table pending passage to be engrossed.

Enactors

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

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

Bill "An Act Relating to Licenses Issued by Boxing Commission." (H. P. 758) (L. D. 295)

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 of Quahogs." (H. P. 765) (L. D. 301)

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

Bill "An Act Relating to the Corinna Water District." (H. P. 854) (L. D. 324)

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)

Bill "An Act Relating to Illegal Marriage and Annulment Thereof." (H. P. 1162) (L. D. 614)

Bill "An Act Relative to Fishing Licenses." (H. P. 1288) (L. D. 672) to Rabbits by Dogs or Wild Animals." (H. P. 1297) (L. D. 680)

Bill "An Act to Provide Reciprocal Comity for the Collection of Taxes." (H. P. 1302) (L. D. 682)

Bill "An Act Relating to Sirens on Automobiles Operated by Fire Inspectors." (H. P. 1310) (L. D. 657)

Bill "An Act Relating to Investment of Sinking Funds." (H. P. 1363) (L. D. 716)

Bill "An Act Relating to the County Law Library of Penobscot County." (H. P. 1489) (L. D. 846)

Bill "An Act Relating to Acquisition or Loss of Pauper Settlement by Dependent Children." (H. P. 1495) (L. D. 851)

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

Bill "An Act to Extend the Territorial Limits of the Dover and Foxcroft Water District." (H. P. 1658) (L. D. 966)

Bill "An Act to Extend the Rights, Powers and Privileges of the Penobscot Valley Water Commission." (H. P. 1661) (L. D. 969)

Bill "An Act Relating to Powers of Industrial or Morris Plan Banks." (H. P. 1958) (L. D. 1334)

"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, Closing East Pond Stream to All Fishing." (H. P. 654) (L. D. 1305)

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

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

"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 Lobster and Crab Fishing Licenses for Veterans." (S. P. 16) (L. D. 110)

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

Bill "An Act Relating to State Owned Cars for Department of Sea and Shore Fisheries." (S. P. 123) (L. D. 144)

Bill "An Act Appropriating Moneys for Child Welfare Services." (S. P. 286) (L. D. 487)

(On motion by Mr. Williams of Penobscot, tabled pending passage to be enacted.)

Bill "An Act Relating to Motor Vehicle Damage by Protected Wild Animals or Birds." (S. P. 296) (L. D. 490)

Bill "An Act Relative to Hunting and Fishing Licenses." (S. P. 297) (L. D. 491)

Bill "An Act Relating to the Taking of Clams in Town of Phippsburg." (S. P. 323) (L. D. 515)

Bill "An Act Relating to Retiring Allowances or Life Insurance for Officers and Employees of Savings Banks." (S. P. 399) (L. D. 737)

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

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

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

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)

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

(On motion by Mr. Williams of Penobscot, tabled pending passage to be enacted.)

Bill "An Act to Establish and Define the Civil Liability of Radio Broadcasters Relative to Libel." (S. P. 559) (L. D. 1183)

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

Bill "An Act Relating to Maine Real Estate Commission and Brokers' Licenses and Fees." (S. P. 591) (L. D. 1248)

"Resolve in Favor of the University of Maine for General Operations." (S. P. 98) (L. D. 104)

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

"Resolve Authorizing the Treasurer of State to Convey Certain Land to the Town of Houlton." (S. P. 377) (L. D. 643)

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

(On motion by Mr. Brewer of Aroostook, tabled pending passage to be enacted.)

Emergency

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

Which bill being an emergency measure, and having received the affirmative vote of 25 members of the Senate and none opposed, was passed to be enacted.

Emergency

Bill "An Act Authorizing the Forest Commissioner to Take Necessary Means to Control Forest Insects and Diseases." (H. P. 1741) (L. D. 1095)

Which bill being an emergency measure, and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

Emergency

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

Which bill being an emergency measure, and having received the affirmative vote of 26 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 Creating a State Lottery Commission", (H. P. 1843) (L. D. 1164) tabled by that Senator on March 8th, pending reference.

Mr. BATCHELDER of York: Mr. President, this bill provides for the creating of a State Lottery Commission. In the past it has been the custom to send such bills to the

Legal Affairs Committee. The Committee on Reference of Bills assigned this bill to the Committee on Military Affairs. After talking with the Committee on Reference of Bills, I believe this bill should go to the Legal Affairs Committee, and I so move at this time.

Thereupon, the bill was referred to the Committee on Legal Affairs in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table House Report "Ought to Pass" from Committee on Motor Vehicles on Bill "An Act Relating to Motor Vehicle Registration Number Plates" (H. P. 364) (L. D. 127) tabled by that Senator on March 23rd, pending motion by Mr. Barnes of Aroostook to Indefinitely Postpone.

Mr. NOYES of Franklin: Mr. President, my position on this bill is no different today than it was yesterday. I hope that the motion to indefinitely postpone prevails.

Mr. WARD of Penobscot: Mr. President, I am not too interested in this bill, but inasmuch as it was reported to us unanimously "Ought to Pass" from the Committee on Motor Vehicles, I made some inquiry yesterday concerning the matter. It is my understanding that there was no opposition expressed to this measure before the Committee which heard the bill. I am further informed that the proponents of the bill discussed this matter with the Secretary of State or somebody in the Secretary of State's office and no opposition was expressed there to the measure. There is no particular opposition so far as funds are concerned from the Highway Department. In a number of towns, or some towns at least, the town manager happens to be the collector of automobile excise taxes, and inasmuch as under our present law it is necessary that all automobiles be registered before March 1st, consequently during the month of February while they are busy closing the town books and getting their town

report ready, and preparing the warrant for the annual town meeting, they experience considerable confusion due to the fact that people are coming in and registering their motor vehicles. It is their thought if this was put forward one more month it would eliminate all this confusion and be of considerable assistance to them.

The question was raised as to the assessing of the personal property tax on April 1st in the event the excise tax was not paid. Under the provisions of this bill, you would be obliged to pay your excise tax before the first of April. Consequently I hope the motion to indefinitely postpone will not prevail.

Mr. WILLIAMS of Penobscot: Mr. President and members of the Senate, when I originally tabled this bill it was to find out what it actually did. Yesterday I asked a few questions. Apparently we have the answers this morning from my good friend, the Senator from Penobscot, Senator Ward. I am inclined to agree that maybe in a few towns in the State of Maine where the town manager performs the whole function of government that there may be some argument. I talked with one of those gentlemen yesterday and he said "In my particular case, I close my books on January 10th, so by the time the last of February comes about I am all through closing my books and it makes no difference to me." I have heard that the Maine Municipal Association endorsed this bill. I spoke to their Executive Secretary yesterday and he said that was not the fact; the bill was brought up at their legislative meeting and they decided to take no action as they thought it would damage as many if not more than it would help. There was one town manager, who happens to be the town manager of the sponsor of this bill, who favored this particular act.

In the matter of a small town, it would be very damaging because their town meetings are held during the month of March. If it was on the first Monday of March it might be all right because their new of-

ficers would be in and be placed before the rush of excise tax payments were made. A great many of our towns hold their town meetings the second, third and even the fourth Monday. In that case they have a change of officers during that period. It would damage that group of towns very much and that is a large number of towns.

I have checked with the tax collectors in several of our cities and to them it makes no difference; it is a continuous operation with them.

In the matter of the excise tax, I think Senator Ward admitted it would have a damaging effect. Under the property tax law every automobile, like any other personal property, if the excise tax is not paid by April 1st, it must be carried on the books and assessed. That means later on the excise tax would be paid and then there would be an abatement or a refund from the general property tax funds, which would make a lot of bookkeeping, and a big difficulty with the town officials and with the payer of the tax.

In the matter of tractors, any tractor that the excise tax is not paid by April 1st, must be assessed at the property tax level. After that time it cannot be paid, and the fact there could not be an excise tax paid on them would have a damaging effect.

I am sorry I did not appear before the committee against this bill. Being on Appropriations every afternoon, like many of the rest of you, we cannot check every bill going through.

I feel very strongly that this is not a good bill. If we put it over to April 1st, I think with these objections the next session might ask to have it May 1st, and you might even lose a year on the registration fees.

The matter of the Secretary of State's office, I checked with them and they said it was immaterial to them. If the Legislature wanted to do it, they could collect the registration fees at any time. One member of the Highway Commission told

me very strongly he did not favor it but he did not want to appear at the hearing against the bill.

For those reasons, I hope the motion of the Senator from Aroostook, Senator Barnes, prevails.

Mr. NOYES of Hancock: Mr. President, I recognize that some towns might be assisted if this change were made. However, a very small percentage of our towns and cities are on the town manager form of government. Of our four hundred ninety three municipalities, only thirty have a population of over five thousand. The State of Maine consists largely of small towns and I believe that this bill would cause a change in their administration of the excise tax. For illustration, many of the towns close their books on March 1st, and they have a town meeting on the third Monday of March, and the change in the excise tax collections would certainly cause some confusion.

I repeat, I hope the motion for indefinite postponement will prevail.

Mr. WARD of Penobscot: Mr. President, this appears to be a measure which will not cost any city or town any money one way or the other regardless of what we do.

In connection with the collection of excise taxes and the assessment of the personal property tax, this bill clearly states that the tags on any motor vehicle will be good until April 1st, which necessarily means that in order to continue the operation of your automobile you have to pay your automobile excise tax sometime during the latter part of March and get your receipt and get it into the Secretary of State's office and get your plates back before April 1st, before you can continue to operate your vehicle. I see no difficulty on that score or any confusion between the excise tax and assessment of the personal property tax on vehicles or tractors.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Aroostook, Senator Barnes,

that the bill be indefinitely postponed.

Thereupon the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

From the House

(Out of Order)

Bill "An Act Enlarging the Powers of the West Paris Village Corporation." (H. P. 1957) (L. D. 1332)

(In the Senate on March 17th passed to be engrossed in concurrence.)

Comes from the House, engrossing reconsidered, House Amendment "A" adopted, and the bill as amended passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Batchelder of York, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, House Amendment A was read and adopted in concurrence and the bill as so amended

was passed to be engrossed in concurrence.

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)

(In the Senate on March 16th, passed to be engrossed as amended by House Amendment "A" in concurrence.)

Comes from the House, engrossing reconsidered; House Amendment "B" read and adopted, and the bill as amended by House Amendment "A" and by House Amendment "B" passed to be engrossed in non-concurrence.

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

On motion by Mr. Denny of Lincoln

Adjourned until tomorrow morning at 10 o'clock.