

# 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 31, 1949

The Senate was called to order by the President.

Prayer by the Reverend William T. Bennett of Richmond.

Journal of yesterday read and approved.

**From the House**

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

(In the Senate on March 11th, passed to be engrossed.)

Comes from the House, report accepted in concurrence, and subsequently the bill was indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Williams of Penobscot the Senate voted to insist on its former action taken on March 11 and ask for a Committee of Conference.

Bill "An Act Relating to Fees of Deputy Sheriffs." (S. P. 121) (L. D. 142)

In the Senate, on March 29th passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, recommended to the Committee on Salaries and Fees in non-concurrence.

In the Senate, on motion by Mr. Baker of Kennebec, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator, the bill was recommitted to the Committee on Salaries and Fees in concurrence.

**House Committee Reports**

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Hunting and Fishing Licenses for Certain Persons," (H. P. 284) (L. D. 80) reported that the same ought not to pass.

The same Committee on "Resolve Regulating Fishing in Moosehead Lake in the County of Piscataquis," (H. P. 1140) (L. D. 600) reported that leave be granted to withdraw the same.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Forest Commissioner to Convey Land in Plantation of Molunkus," (H. P. 1199) (L. D. 593) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

The Committee on Taxation on Bill "An Act Relating to Excise Tax in Lieu of Personal Property Tax on Aircraft," (H. P. 1806) (L. D. 1147) reported the same in a new draft, (H. P. 2021) (L. D. 1407) under the same title and that it ought to pass.

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

The Committee on Inland Fisheries and Game on "Resolve to Open Perry Pond, Aroostook County, to Ice Fishing," (H. P. 1393) (L. D. 726) reported the same in a new draft, (H. P. 2019) (L. D. 1405) under a new title, "Resolve to Open Plunkett Pond, Aroostook County, to Ice Fishing," and that it ought to pass.

Which report was read and accepted in concurrence, and the bill in new draft and under a new title was read once and tomorrow assigned for second reading.

The Committee on Legal Affairs on Bill "An Act Relating to the Use of the Public Schools and Highways and to the Power of Cities and Towns to Install Parking Meters," (H. P. 1509) (L. D. 816) 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.

**Senate Committee Reports**

Mr. Edwards from the Committee on Banks and Banking on Bill "An

Act Permitting the Declaration of Graduated Dividends by Savings Banks," (S. P. 389) (L. D. 705) reported that the same ought not to pass.

Mr. Larrabee from the Committee on Claims on "Resolve in Favor of Lee S. Fellows, of Port Jervis, New York," (S. P. 70) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve in Favor of Basil A. Strout, of Saugus, Massachusetts," (S. P. 72) reported that the same ought not to pass.

Mr. Smart from the same Committee on "Resolve in Favor of Abraham Krasker, of Jamaica Plains, Massachusetts," (S. P. 45) reported that the same ought not to pass.

Mr. Varney from the same Committee on "Resolve in Favor of Fred E. Jenks, of Peaks Island," (S. P. 71) reported that the same ought not to pass.

(On motion by Mr. Allen of Cumberland, tabled pending acceptance of the report.)

The same Senator from the same Committee on "Resolve in Favor of Mrs. Ethel M. Rodigross, of Newburyport, Massachusetts," (S. P. 69) reported that the same ought not to pass.

Mr. Barnes from the Committee on Judiciary on Bill "An Act Relating to Actions for Injuries Causing Immediate Death," (S. P. 577) (L. D. 1240) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to Responsibility of Parents and Guardians for Crimes of Minors," (S. P. 547) (L. D. 1167) reported that the same ought not to pass.

Mr. Baker from the Committee on Legal Affairs on Bill "An Act Relating to a Department of Buildings," (S. P. 594) (L. D. 1265) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Creating a Recreation Director for the City of Lewiston," (S. P. 580) (L.

D. 1242) reported that leave be granted to withdraw.

The same Senator from the same Committee on Bill "An Act Relating to Removal of Town Managers," (S. P. 548) (L. D. 1169) reported that leave be granted to withdraw the same.

Mr. Ela from the Committee on Judiciary on Bill "An Act Relating to Responsibility of Parents and Guardians for Torts of Minors," (S. P. 546) (L. D. 1168) reported that the same ought not to pass.

Mr. SLOCUM of Cumberland: Mr. President, this bill was introduced at the request of a number of people who felt that there should be some way of collecting from parents for damage done to property by minors. The hearing was held and none of these interested parties appeared. However, it would seem that from the information I gleaned from the members of the committee, something in the future should be done to protect the innocent taxpayer from the damage caused to their property by irresponsible minors. An ethical parent, of course, does take care of such damage when it has been done by their children.

At this time, I believe that no further action should be taken and I move that the Senate accept the "Ought Not to Pass" report of the committee.

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

Sent down for concurrence.

Mr. Ward from the same Committee on Bill "An Act Relating to Lawful Use of Force," (S. P. 431) (L. D. 782) reported that the same ought to pass.

Mr. SLOCUM of Cumberland: Mr. President, this is the famous "spank" bill so-called. It came out at the committee hearing that parents and guardians have the right to chastise children, and that teachers stand in the position of loco parentis during school hours and do have a right of corporal punishment. It was the opinion of the committee if I interpreted it

correctly that this was unnecessary legislation as that is the law today even though it may be common law.

Since it is the law, then of course it is unnecessary that we again put it on the statutes and I move the acceptance of the "Ought Not to Pass" report of the committee.

The motion prevailed and the "Ought Not to Pass" report was accepted.

Sent down for concurrence.

Mr. Batchelder from the same Committee on Bill "An Act to Create an Industrial Safety Code Commission," (S. P. 379) (L. D. 645) reported that the same ought not to pass.

(On motion by Mr. Haskell of Pencbscot, the bill and accompanying papers were laid upon the table pending acceptance of the report, and especially assigned for Tuesday, April 5.)

The same Senator from the same Committee on Bill "An Act to Increase the Salary of the Mayor of the City of Saco," (S. P. 276) (L. D. 449) reported that the same ought not to pass as it is covered by other legislation.

The same Senator from the same Committee on Bill "An Act Relating to Financing Community School Districts," (S. P. 407) (L. D. 744) reported that the same ought not to pass.

Mr. Edwards from the same Committee on Bill "An Act Relating to Possession of Chattel Property," (S. P. 435) (L. D. 789) reported that the same ought not to pass.

Mr. Noyes from the Committee on Motor Vehicles on Bill "An Act Designating the Counties of Maine on Motor Vehicle Registration Plates," (S. P. 583) (L. D. 1251) reported that leave be granted to withdraw.

(On motion by Mr. Noyes of Hancock, tabled pending acceptance of the report.)

Mr. Haskell from the Committee on Salaries and Fees on "Resolve Relating to the Salary of the Clerk of Courts in Knox County," (S. P. 146) reported that leave be granted

to withdraw as covered by other legislation.

Mr. Collins from the same Committee on Bill "An Act Relating to the Salary of the Clerk of Courts of Androscoggin County," (S. P. 524) (L. D. 1056) reported that the same ought not to pass.

Mr. Baker from the Committee on Temperance on Bill "An Act Relating to Limitation of Liquor Licenses by Towns," (S. P. 494) (L. D. 954) reported that the same ought not to pass.

(On motion by Mr. Hopkins of Kennebec, tabled pending acceptance of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Allen from the Committee on Motor Vehicles on Bill "An Act Relating to Trucks Transporting Pulp, Slabs and Logs," (S. P. 613) (L. D. 1333) reported the same in a new draft (S. P. 641) under the same title, and that it ought to pass.

Which report was read and accepted, and the bill in new draft laid upon the table for printing under the joint rules.

Mr. Greeley from the Committee on Counties on Bill "An Act Relating to County Jail Costs for Certain Violations," (S. P. 500) (L. D. 1001) reported that the same ought to pass.

Mr. Batchelder from the Committee on Legal Affairs on Bill "An Act Relating to State Owned Cars," (S. P. 489) (L. D. 1173) reported that the same ought to pass.

Mr. Edwards from the same Committee on Bill "An Act Relating to Investigation of Fire Hazards and Causes of Fires," (S. P. 391) (L. D. 706) reported that the same ought to pass.

Mr. Batchelder from the same Committee on Bill "An Act Extending the Period for Which the Board of Finance in the City of Waterville is Established," (S. P. 459) (L. D. 911) reported that the same ought to pass.

Mr. Collins from the Committee on Salaries and Fees on Bill "An

Act Relating to Clerk Hire in Office of Clerk of Courts, Androscoggin County," (S. P. 508) (L. D. 1007) 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. Haskell from the Committee on Salaries and Fees on Bill "An Act Increasing the Salary of the Judge of the Gardiner Municipal Court," (S. P. 277) (L. D. 450) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

Which report was read and accepted and the bill was given its first reading. The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 450: Amend said bill by striking out the underlined figures '\$1800' in the 5th line thereof and inserting in place thereof the underlined figures '\$1500'."

Which amendment 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 Salary of Register of Deeds and Clerk Hire in Office of Register of Deeds, Androscoggin County," (S. P. 440) (L. D. 791) reported that the same ought to pass as amended by Committee Amendment A enclosed herewith.

Which report was read and accepted and the bill was given its first reading. The Secretary read Committee Amendment A.

"Committee Amendment A to L. D. 791. Amend said bill by striking out all of Section One. Further amend said bill by striking out in the first line of Section 2, the underlined words, 'Section 2'."

Which amendment 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 Relat-

ing to the Salary of the Register of Probate and Clerk Hire in Office of Register of Probate in Androscoggin County," (S. P. 554) (L. D. 1177) reported that the same ought to pass as amended by Committee Amendment A enclosed herewith.

Which report was read and accepted and the bill was given its first reading. The Secretary read Committee Amendment A.

"Committee Amendment A to L. D. 1177: Amend said bill by striking out after the enacting clause and before the headnote, 'Section 1.' Further amend said bill by striking out all of Section 2 thereof."

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

Mr. Smart from the Committee on Temperance on Bill "An Act Relating to Certificate of Approval for Brewers," (S. P. 531) (L. D. 1061) 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 L. D. 1061. Amend said bill by striking out in the 5th and 6th lines the underlined words 'including contracts and dealings with wholesalers'."

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

The Majority of the Committee on Towns on Bill "An Act Relating to Use of Excise Tax on Motor Vehicles," (S. P. 325) (L. D. 517) reported that the same ought not to pass.

(Signed)

Senators:

McKUSICK of Piscataquis  
GOODWIN of York  
GREELEY of Waldo

## Representatives:

MERRILL of Stetson  
 TAYLOR of Lyman  
 PULLEN of Oakland  
 CHUTE of Harrison  
 DUNHAM of Ellsworth  
 MARTIN of Eagle Lake

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed)

## Representative:

BENN of Smyrna

Mr. McKUSICK of Piscataquis: Mr. President, I move that the Senate accept the Majority Report "Ought Not to Pass".

Thereupon, on motion by Mr. Brewer of Aroostook, the bill and accompanying papers were laid upon the table pending motion by the Senator from Piscataquis, Senator McKusick to accept the Majority Report.

**Passed to be Engrossed**

"Resolve Regulating Fishing in Whetstone Pond, in the County of Piscataquis." (H. P. 465) (L. D. 1402)

"Resolve Regulating Fishing in Pcrter Lake." (H. P. 747) (L. D. 289)

Bill "An Act Relating to Public Health Nursing Service." (H. P. 853) (L. D. 323)

"Resolve Opening Upper and Lower Macwahoc Lakes, Aroostook County, to Ice Fishing." (H. P. 1392) (L. D. 725)

Bill "An Act Relating to Closed Season on Deer in Town of Islesboro." (H. P. 1471) (L. D. 834)

"Resolve Regulating Fishing in Moosehead Lake in the County of Piscataquis." (H. P. 1480) (L. D. 880)

"Resolve, Opening Leighton Brook, Hancock County, to All Fishing." (H. P. 1487) (L. D. 844)

Bill "An Act to Effect a Change in the Experience Rating Record Provisions of the Unemployment Compensation Law." (H. P. 1626) (L. D. 937)

"Resolve Opening Deer Pond, in the Town of Hollis, York County,

to Fishing." (H. P. 1826) (L. D. 1152)

Bill "An Act Relative to Open Season on Beaver." (H. P. 2018) (L. D. 1403)

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

"Resolve Closing the Tributaries to Great Moose Pond to Fishing." (H. P. 1483) (L. D. 840)

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

Bill "An Act to Construct a Bridge between Old Town and Indian Island." (S. P. 638) (L. D. 1409)

Sent down for concurrence.

"Resolve that the Legislative Research Committee Make a Special Study of Youth Problems." (S. P. 637) (L. D. 1408)

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

(On motion by Mr. Slocum of Cumberland, tabled pending passage to be engrossed.)

**Enactors**

Bill "An Act Relating to State Registered Bonds." (H. P. 1493) (L. D. 854)

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

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

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

Bill "An Act Relating to Public and Private Cemeteries." (S. P. 369) (L. D. 586)

Bill "An Act Relating to Town Dumps." (S. P. 412) (L. D. 749)

Bill "An Act Relating to the Practice of Optometry." (S. P. 453) (L. D. 797)

Bill "An Act Relating to Powers of Inland Fish and Game Wardens as Coastal Wardens." (S. P. 501) (L. D. 1002)

Bill "An Act Relating to York County Law Library." (S. P. 520) (L. D. 1054)

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

#### Orders of the Day

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table Senate Report "Ought to Pass" with Committee Amendment 'A' from the Committee on Temperance on Bill, An Act to Provide for the Creation of a Liquor Research Commission (S. P. 470) (L. D. 922) tabled by that Senator on March 25th pending consideration of the report; and on further motion by the same Senator, the report of the committee was accepted and the bill was given its first reading.

The Secretary read Committee Amendment "A":

"Committee Amendment 'A' to Bill, An Act to Provide for the Creation of a Liquor Research Commission (S. P. 470) (L. D. 922) Amend said bill by inserting in the twelfth line after the word 'determine' the words 'and recommend'. Further amend said bill by striking out in the next to the last line the figures '5,000' and inserting in place thereof the figures '10,000'."

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

On motion by Mr. Bowker of Cumberland, the Senate voted to

take from the table Bill, An Act to Appropriate Moneys for the Expenditures of the State Government for the Fiscal Year Ending June 30, 1949 (H. P. 1110) (L. D. 536) tabled by that Senator on March 28th pending enactment.

This being an emergency measure, a division of the Senate was had.

Twenty-five having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Cobb of Oxford, the Senate voted to take from the table House Report "Ought Not to Pass as Covered by Other Legislation" from the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Relating to Education (H. P. 1697) (L. D. 1020) tabled by that Senator on March 30th 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. Savage of Somerset, the Senate voted to take from the table Resolve Reimbursing Certain Towns for Losses Incurred During Forest Fires of 1947 (S. P. 569) (L. D. 1234) tabled by that Senator on March 30th pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Sleeper of Knox

Adjourned until tomorrow morning at ten o'clock.