

# 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**

Monday, April 4, 1949.

The Senate was called to order by the President.

Prayer by the Rev. Ondon C. Stairs of Gardiner.

Journal of Friday, April 1, 1949 read and approved.

**Order**  
**(Out of Order)**

On motion by Mr. Haskell of Penobscot it was

ORDERED, the House concurring, that to expedite legislative consideration of general fund appropriations and revenue measures, one or more members of the Committee on Appropriations and Financial Affairs in each branch of the Legislature be requested to present to their respective branches on Wednesday, April 6th, a brief summary of the General Fund Appropriation bill and related subjects, with such comments as they may wish to make. (S. P. 649)

**From the House**

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

(In the Senate on March 23rd passed to be engrossed.)

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

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 Relating to Exemptions from Regulation of Motor Carriers." (H. P. 1583) (L. D. 905)

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

Comes from the House, engrossing reconsidered, House Amendment "A" adopted, passed to be

engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Noyes of Hancock, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

Mr. NOYES of Hancock: Mr. President, I move that the Senate adopt House Amendment A.

The Secretary read House Amendment A.

Mr. NOYES of Hancock: Mr. President, in explanation of this amendment, the bill which we have under consideration amends the law that was passed some twelve years ago by which carriers of certain products were allowed to travel a distance of 40 miles from their place of business. There was nothing in that 40 miles that said it should be measured by highway or by air, and there is a considerable difference in mileage by air and mileage by highway. This bill defines the distance as measured by highway. When we measure 40 miles by highway it is shorter than 40 miles by air and someone has come along with the suggestion that the 40 be changed to 60 and I concur with that suggestion.

Thereupon, House Amendment A was adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

Bill "An Act to Incorporate the Town of South Thomaston School District." (H. P. 486) (L. D. 161)

(In the Senate on February 16 passed to be engrossed as amended by Committee Amendment A in concurrence.)

Comes from the House, engrossing reconsidered, and recommitted to the Committee on Legal Affairs 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, and on further motion by the same Senator, the bill was recommitted to the Committee on Legal Affairs in concurrence.

### House Committee Reports

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Bounty on Foxes," (H. P. 1266) (L. D. 666) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report and referred to the Committee on Agriculture.

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

The Committee on Judiciary on Bill "An Act Permitting Continuance of Service of State Employees Reaching Seventy Years of Age," (H. P. 1925) (L. D. 1285) 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. Ward of Penobscot, the bill was recommitted to the Committee on Judiciary in concurrence.

The Committee on Library on "Resolve for the Purchase of Two Hundred Copies of 'The Length and Breadth of Maine'," (H. P. 927) (L. D. 1375) reported that the same ought to pass.

Comes from the House, the report read and accepted and subsequently recommitted to the Committee on Library.

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

The Committee on Judiciary to which was recommitted "Joint Resolution Proposing a Constitutional Convention of the United States or Amendments to the Constitution of the United States Relating to Strengthening the United Nations and Limited World Federal Government," (H. P. 994) (L. D. 425) reported that the same be adopted as amended by Committee Amendment "A"

Which report was read and accepted in concurrence; Committee Amendment A was read and adop-

ted in concurrence, and the Resolution as so amended was adopted in concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Fishways," (H. P. 1472) (L. D. 835) reported that the same ought not to pass.

The same Committee on "Resolve, Regulating Fishing in Portage Lake, in the County of Aroostook," (H. P. 1144) (L. D. 604) reported that the same ought not to pass.

The Committee on Motor Vehicles on Bill "An Act Relating to School Buses," (H. P. 1789) (L. D. 1137) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Judiciary on Bill "An Act to Validate the Acts of the Woodlawn Memorial Cemetery Association and to Authorize the Transfer to and Acceptance by the City of Brewer of that Association's Cemetery and Trust Funds," (H. P. 1933) (L. D. 1308) reported that the same ought to pass.

The same Committee on "Resolve, Proposing an Amendment to the Constitution to Empower the Legislature with the Consent of the People to Authorize the Issuance of State Bonds for any Purpose Stated in the Constitution," (H. P. 1571) (L. D. 885) reported that the same ought to pass.

The Committee on Legal Affairs on "Resolve Authorizing Town of Harpswell to Fill Certain Waters for Road," (H. P. 1936) (L. D. 1311) reported that the same ought to pass.

The same Committee on Bill "An Act to Provide Civil Service Rights to the Chief of Police and the Fire Chief of the City of South Portland," (H. P. 1935) (L. D. 1310) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Fire Escapes," (H. P. 1926) (L. D. 1286) reported that the same ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to Clerk Hire in County Offices in

Sagadahoc County," (H. P. 316) (L. D. 96) reported that the same ought to pass.

(On motion by Mr. Larrabee of Sagadahoc, tabled pending acceptance of the report.)

The Committee on Temperance on Bill "An Act Relating to Retail Store Malt Liquor Licenses," (H. P. 1858) (L. D. 1195) reported that the same ought to pass.

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

The Committee on Temperance on Bill "An Act Relating to Selling Liquor Near National Soldiers' Home," (H. P. 946) (L. D. 387) reported the same in a new draft (H. P. 2024) (L. D. 1413) under a new title, Bill "An Act Relating to Selling Liquor Near Togus Hospital," and that it ought to pass.

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

The Committee on Judiciary on Bill "An Act Relating to Establishing Boundaries of State Highways," (H. P. 1873) (L. D. 1213) reported that the same ought to pass as amended by Committee Amendment "A."

The Committee on Legal Affairs on Bill "An Act Relating to Entertainment and Recreation on Sunday," (H. P. 1506) (L. D. 813) reported that the same ought to pass as amended by Committee Amendment "A."

The same Committee on Bill "An Act Relating to the Bulk Sales Act," (H. P. 1505) (L. D. 812) reported that the same ought to pass as amended by Committee Amendment "A."

The Committee on Motor Vehicles on Bill "An Act Relating to Dealer's Registration," (H. P. 1515) (L. D. 890) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Judge of the Bangor Municipal Court," (H. P. 1194) (L. D. 597) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

The same Committee on Bill "An Act Relating to Salary of Judge and Clerk Hire of the Municipal Court of Waterville," (H. P. 941) (L. D. 382) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

The same Committee on Bill "An Act Relating to the Salary of the Clerk of Courts in Sagadahoc County," (H. P. 757) (L. D. 294) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

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

#### First Reading of a Printed Bill

Bill "An Act Relating to Trucks Transporting Pulp, Slabs and Logs." (S. P. 641) (L. D. 1415)

Which was read once, and on motion by Mr. Cobb of Oxford, the bill was laid upon the table pending assignment for second reading.

#### Senate Committee Reports

Mr. Larrabee from the Committee on Claims on "Resolve in Favor of Byard E. Libbey, of Shrewsbury, Massachusetts," (S. P. 160) reported that the same ought not to pass.

Mr. Smart from the same Committee on "Resolve in Favor of Mrs. Hazel Johnson, of Brooklyn, New York," (S. P. 163) reported that the same ought not to pass.

Mr. Varney from the Committee on Pensions on "Resolve Providing for an Increase in State Pension for Grace Booth, of Fryeburg," (S. P. 381) reported that leave be granted to withdraw as applicant is dead.

Mr. Crosby from the Committee on Ways and Bridges on "Resolve Authorizing Highway Commission to Designate Route No. 197 as a State Highway," (S. P. 585) (L. D. 1243) reported that leave be granted to withdraw the same.

Which reports were read and accepted.

Sent down for concurrence.

Mr. McKusick from the Committee on Pensions on "Resolve in Favor of Mabelle K. Toole, of Bangor," (S. P. 263) reported the same in a new draft (S. P. 646) under the same title, and that it ought to pass.

The same Senator from the Committee on Education on Bill "An Act Relating to School Attendance," (S. P. 610) (L. D. 1301) reported the same in a new draft (S. P. 647) under the same title, and that it ought to pass.

Mr. Leavitt from the same Committee on Bill "An Act to Provide Financial Assistance to Cities and Towns in the Construction of School Buildings," (S. P. 422) (L. D. 831) reported the same in a new draft (S. P. 648) under the same title, and that it ought to pass.

Which reports were severally read and accepted and the bills and resolve in new draft were laid upon the table for printing under the joint rules.

Mr. McKusick from the Committee on Pensions on "Resolve in Favor of Frank F. McGinley, of Ed-dington," (S. P. 632) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve Granting a Pension to Ethel S. Dick, of Gardiner," (S. P. 36) reported that the same ought to pass.

Mr. Varney from the same Committee on "Resolve in Favor of Milton A. Philbrook, of Westbrook," (S. P. 140) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve in Favor of Merlin C. Joy, of Clinton," (S. P. 139) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve in Favor of Ralph L. Hunt, of Thomaston," (S. P. 141) reported that the same ought to pass.

Which reports were severally read and accepted, and the resolves laid upon the table for printing under the joint rules.

Mr. Savage from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Allocation of Moneys by Governor and Council," (S. P. 66) (L. D. 47) reported that the same ought to pass.

Mr. McKusick from the Committee on Education on Bill "An Act Creating the State Board of Education," (S. P. 294) (L. D. 488) reported that the same ought to pass.

Mr. Bowker from the Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Spencer Lake in Somerset County," (S. P. 203) (L. D. 266) reported that the same ought to pass.

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

Mr. Savage from the Committee on Appropriations and Financial Affairs on "Resolve Providing for Completion of Dairy Barn at Augusta State Hospital," (S. P. 159) (L. D. 227) 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. 227. Amend said resolve by striking out all after the words, 'the sum of' in the second line, and inserting in place thereof the following '\$10,000 for the construction of two silos at the Augusta State Hospital'."

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

Mr. Leavitt from the Committee

on Education on Bill "An Act Creating a State Commission of Nursing Attendant Education," (S. P. 269) (L. D. 442) 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. 442. Amend said bill by striking out in the 14th, 15th, and 16th lines, the underlined words, '**a business or professional member not a practitioner of the healing arts to be appointed by the Governor**' and inserting in place thereof the underlined words '**and a member of the Maine Osteopathic Association designated by the Association**'.

Further amend said bill by striking out in the 19th and 20th lines the underlined words, '**one of whom shall be a member appointed by the Governor**'.

Further amend said bill by striking out the underlined word '**hospitals**' in the 4th line of that part designated Section 190-A and inserting in place thereof the underlined words, '**institutions and agencies**'.

Further amend said bill by striking out the words 'unappropriated surplus of the' in the 3rd and 4th lines from the end thereof."

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

Mr. Barnes from the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945 and 1947" (S. P. 611) (L. D. 1319) 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. 1319. Amend said bill by striking out all of Section 50 thereof.

Further amend said bill by renumbering Sections 51 to 140 inclusive, to be Sections 50 to 139, inclusive."

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

#### Passed to be Engrossed

"Resolve Authorizing the Commissioner of Inland Fisheries and Game to Convey the Interest of the State in Certain Land in Township 10, S. D." (H. P. 1694) (L. D. 1028)

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

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

Resolve Proposing an Amendment to the Constitution to Set Forth the Duty of the State and the Towns Towards Education." (H. P. 1572) (L. D. 886)

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

Sent down for concurrence.

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

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

Bill "An Act Relating to State Aid for Academies." (S. P. 345) (L. D. 571)

Bill "An Act Relating to State Scholarships for Normal School and Teachers' College Students." (S. P. 481) (L. D. 944)

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

Sent down for concurrence.

"Resolve in Favor of Atlantic Sea Run Salmon Commission." (S. P. 322) (L. D. 939)

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

Sent down for concurrence.

#### Orders of the Day

On motion by Mr. Slocum of Cumberland the Senate voted to take from the table bill, An Act Relating to the Atlantic Sea Run Salmon Commission, (S. P. 124) (L. D. 145), tabled by that Senator on April 1, pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table Resolve for the Purchase of Two Hundred Copies of "The Length and Breadth of Maine" (H. P. 927) (L. D. 1375) tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator the resolve and accompanying papers were recommitted to the Committee on Library in concurrence.

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on State Lands and Forest Preservation on Resolve Authorizing the State Tax Assessor to Convey Certain Land to Eunice Winslow of Rockland. (S. P. 622) (L. D. 1338) tabled by that Senator on March 30 pending consideration of the report; and on further motion by the same Senator the resolve and accompanying papers were recommitted to the Committee on State Lands and Forest Preservation.

Sent down for 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 Claims on Resolve in Favor of Fred E. Jenks of Peaks

Island. (S. P. 71) tabled by that Senator on March 31 pending consideration of the report; and on further motion by the same Senator the Ought Not to Pass report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Allen of Cumberland the Senate voted to take from the table bill, An Act Relating to Traffic Control Signals (H. P. 2011) (L. D. 1394) tabled by that Senator on April 1 pending passage to be enacted, and that Senator presented Senate Amendment A and moved its adoption:—

"Senate Amendment A to H. P. 2011, L. D. 1394, bill, An Act Relating to Traffic Control Signals. Amend said bill by striking out all of Paragraph C at the end thereof.

"Further amend said bill by adding at the end thereof a new subsection VI to read as follows: 'VI. Red and yellow (pedestrian signal). While the red and yellow lenses are illumined together, drivers shall not enter the intersection and the intersection shall be reserved for the exclusive use of pedestrians.'"

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

Sent down for concurrence.

On motion by Mr. Hopkins of Kennebec the Senate voted to take from the table House Report "Ought to Pass" in New Draft Under Same Title from the Committee on Judiciary on bill, An Act Relating to Qualifications of Voters in Primary Elections. (H. P. 1492) (L. D. 848) tabled by that Senator on March 17 pending consideration of the report; and on further motion by the same Senator the report of the committee was accepted, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. McKusick of Piscataquis

Adjourned until tomorrow morning at ten o'clock.