

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

1951

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Thursday, January 11, 1951

The Senate was called to order by the President.

Prayer by the Reverend Alfred J. N. Henriksen of Augusta.

Journal of yesterday read and approved.

Order**(Out or Order)**

On motion by Mr. Crosby of Franklin, 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, January 16, 1951, at 4:30 o'clock in the afternoon. (S. P. 30)

Sent down for concurrence.

From the House

"Resolve in Favor of Christian M. Jenson of Westbrook." (H. P. 11)

"Resolve in Favor of Oscar Pinette, of Portland." (H. P. 12)

"Resolve in Favor of Ralph Cooper, of Buckfield." (H. P. 13)

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

"Resolve in Favor of the City of Presque Isle." (H. P. 14)

"Resolve in Favor of the City of Presque Isle." (H. P. 15)

"Resolve in Favor of the Town of Industry." (H. P. 16)

"Resolve in Favor of the Town of New Vineyard." (H. P. 17)

"Resolve in Favor of the Town of Strong." (H. P. 18)

"Resolve in Favor of the Town of Phillips." (H. P. 19)

"Resolve in Favor of the Town of Weld." (H. P. 20)

"Resolve in Favor of the Town of Lisbon." (H. P. 21)

"Resolve in Favor of the Town of Boothbay." (H. P. 22)

"Resolve in Favor of the Town of Boothbay." (H. P. 23)

"Resolve in Favor of the Town of Boothbay Harbor." (H. P. 24)

"Resolve in Favor of the Town of Southport." (H. P. 25)

"Resolve in Favor of the Town of Boothbay." (H. P. 26)

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

"Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election." (H. P. 1) (L. D. 2)

Which was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Incorporate the Town of Phillips School District." (H. P. 5) (L. D. 1)

Which was referred to the Committee on Legal Affairs in concurrence.

"Resolve Providing for State Pension for Mrs. Eva Goodwin, of Lisbon Falls." (H. P. 34)

"Resolve Providing for State Pension for Irene Dorothy Ferrence, of Lisbon Falls." (H. P. 35)

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

Referred to Committees

The following bills and resolves were received, and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Business Legislation

Mr. Allen of Cumberland presented Bill "An Act Relating to Corporate Donations to Charity." (S. P. 31)

The same Senator presented Bill "An Act Relating to the Government Employees Credit Union of Maine." (S. P. 32)

(Each ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Tabb of Kennebec presented Bill "An Act Relating to Liens on Insurance Policies for Hospitals." (S. P. 33)

Mr. Allen of Cumberland presented "Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms." (S. P. 34)

(Each ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Reid of Kennebec presented Bill "An Act Relating to the Town

of Winthrop School District." (S. P. 35)

Mr. Noyes of Hancock presented Bill "An Act to Incorporate the Stonington School District." (S. P. 36)

The same Senator presented Bill "An Act to Incorporate the Deer Isle School District." (S. P. 37)

(Each ordered printed.)

Sent down for concurrence.

Towns and Counties

Mr. Weeks of Cumberland presented Bill "An Act Relating to Membership of the Emergency Municipal Finance Board." (S. P. 39)

(Ordered printed.)

Sent down for concurrence.

Orders

On motion by Mr. Crosby of Franklin, it was

ORDERED, that the Committee on Claims be granted the use of the Senate Chamber for public hearings each Tuesday during the session, starting January 16, 1951; and it was further

ORDERED, that the Committee on Ways and Bridges be granted the use of the Senate Chamber for public hearings each Wednesday during the session, starting January 17, 1951.

On motion by Mr. Leavitt of Cumberland, it was

ORDERED, the House concurring, that one thousand additional copies of the Senate and House Register be printed. (S. P. 29)

Sent down for concurrence.

On motion by Mr. Haskell of Cumberland, it was

ORDERED, that the Secretary of the Senate be directed to provide each Senator, who has not previously received one from either the Senate or the House of Representatives, with a copy of the 1944 Revised Statutes.

Mr. Crosby of Franklin presented the following Order and moved its passage:

ORDERED, the House concurring, that no bill for private or special legislation be received by this legislature after one o'clock on the afternoon of Wednesday, February 7, 1951, and that no other

bill or resolve be received by this legislature after one o'clock on the afternoon of February 14, 1951, except by unanimous consent in the body in which it is introduced, and it is further

ORDERED, that any bill or resolve which shall be received in either body of this legislature by unanimous consent after the times above set shall stand referred to the Ninety-sixth Legislature if unanimous consent for its reception is not given in the other body in concurrence. This order shall not apply to bills reported by any joint standing or joint select committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Ninety-fifth Legislature; and it is further

ORDERED, that the Secretary of the Senate shall cause a copy of this order to be published in all the daily and weekly papers of the state, commencing February 1, 1951, and continuing up to and including February 14, 1951. (S. P. 38)

Mr. ELA of Somerset: Mr. President, I request information from the Chair as to the proper time to offer an amendment to an Order; whether before or after passage?

The PRESIDENT: The Chair will rule that the proper time to present such an amendment is now.

Mr. ELA: Mr. President, I offer an amendment to this Order changing the date in the 4th line from Wednesday, February 7, 1951 to Thursday, February 1, 1951 and in the 6th line, striking out the words February 14 and inserting in place thereof, February 8; and in the next to the last line of the Order, striking out the words February 1 and inserting in place thereof, January 25; and in the last line, striking out the words February 14 and inserting in place thereof, February 8.

In support of that amendment I would point out that this may be the only feasible, sensible way to shorten the legislative session which we may have, without unduly denying the people the right to properly consider legislation. In previous sessions we have had dates corresponding to these dates which I propose in this amendment. That length of time, I believe, would

give the members sufficient time to prepare their bills. The Revisor of Statutes informs me that he is not unduly burdened at the present time, and I think there is no reason to believe he cannot prepare all legislation submitted to him.

Many states require all legislation to be introduced before their legislatures convene. I certainly hope that the members will favorably consider this amendment and I feel that it will do no harm but should do a lot of good toward shortening the session.

Mr. LEAVITT of Cumberland: Mr. President, I move that the Order and accompanying amendment be laid upon the table.

A viva voce vote being had

The motion to table did not prevail.

Mr. NOYES of Hancock: Mr. President, I have not an amendment prepared, but I would offer an oral amendment if I may, that this February 14 date which Senator Ela changed in his amendment should appear in the paper at an earlier date. I voted to support Senator Leavitt's motion to table the order with that thought in mind. I wonder if it would not be good judgment on our part to let the people know further in advance, the closing dates for reception of bills and resolves.

Mr. CROSBY of Franklin: Mr. President, I move that the Order introduced by me, and the amendment thereto, be indefinitely postponed. In support of that motion I would say that it seems much better to have a new order printed that will be less confusing, and the new order will incorporate the amendment offered by the Senator from Somerset, Senator Ela.

The motion prevailed and the Order was indefinitely postponed.

Mr. ELA of Somerset presented the following Order and moved its passage:

ORDERED, the House concurring, that no bill for private or special legislation be received by this Legislature after 1 o'clock on the afternoon of Thursday, February 1, 1951, and that no other bill or resolve be received by this Legislature after 1 o'clock in the afternoon of Thurs-

day, February 8, 1951, except by unanimous consent in the Body in which it is introduced; and it is further

ORDERED, that any bill or resolve which shall be received in either body of this legislature by unanimous consent after the times above set shall stand referred to the Ninety-sixth Legislature if unanimous consent for its reception is not given in the other body in concurrence. This order shall not apply to bills reported by any joint standing or joint select committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Ninety-fifth Legislature; and it is further

ORDERED, that the Secretary of the Senate shall cause a copy of this order to be published in all the daily and weekly papers of the state, commencing Thursday, January 18, 1951, and continuing up to and including Thursday, February 8, 1951. (S. P. 41)

A viva voce vote being had

The motion prevailed and the Order received a passage.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, it was

ORDERED, the House concurring, that a Joint Select Committee consisting of seven members on the part of the Senate to be appointed by the President of the Senate, and sixteen members on the part of the House to be appointed by the Speaker of the House, be appointed to consider the apportionments and assignments of Councillor Districts, Senatorial Districts, and Districts for Representatives to the Legislature, as well as such matters as relate to the apportionment and assignment of Congressional Districts, and report to this Legislature by bill or otherwise. (S. P. 40)

The President appointed:

Senators: HASKELL of Penobscot

MARSHALL of York

SLEEPER of Knox

CHRISTENSEN

of Washington

CROSBY of Franklin

ELA of Somerset

LEAVITT of Cumberland

Sent down for concurrence.

Mr. SLEEPER of Knox: Mr. President, I would like to state a point.

The PRESIDENT: The Senator may state his point.

Mr. SLEEPER: Mr. President and members of the Senate, in the interest of Senate harmony I would like to explain why I shouted out that lone "No." I didn't do it to make trouble or to be smart. I did it because I feel that the Order should not have passed, and I didn't want to take the time of the Senate in a long debate; but we all know it is useless to pass these cloture rules and then have the Revisor of Statutes given a lot of bills at the last minute.

We know this does not shorten the length of the session. We know that in Massachusetts, for example, all bills must be introduced before the legislature even convenes, and the Massachusetts legislature sits in session through July and August. That is the reason I voted "No," because I think the citizens of this state are entitled to any service they can get from this legislature and most of them feel that at any time the legislature is in session they should be entitled to bring in their problems and have us attempt to solve them. And I don't think we have a right to say, "Get them in by such and such a date; we are your masters, not your servants; if you don't get them in we will act on them in two years or four years or six years." That is why I hollered, "No," Mr. President, because I feel the order was an idle gesture and I still think we should have plenty of time to introduce bills and the Revisor of Statutes should have plenty of time to make them up. I apologize for my unseemly vote.

Mr. BOYKER of Oxford: Mr. President in answer to the Senator from Knox, Senator Sleeper, I would like to say this: If it is the

purpose of this legislature to shorten our session, of which I heartily approve, I feel that we should support this amendment offered by the Senator from Somerset, Senator Ela, and give to the citizens of the State of Maine a happy surprise in this our great national emergency.

On motion by Mrs. Kavanagh of Androscoggin, it was

ORDERED, that a message be sent to the House of Representatives proposing a convention of both branches of the Legislature to be held forthwith in the Hall of the House for the purpose of extending to his Excellency, the Governor, Frederick G. Payne, an invitation to attend the Convention and make such communication as pleases him.

The Secretary delivered the message and subsequently reported that he had performed the duty assigned to him.

Subsequently a message was received from the House by Mr. Pease its Clerk, concurring in the proposition for a joint convention for the purpose of extending an invitation to his Excellency, Governor Frederick G. Payne, to attend the Convention and make such communication as pleases him.

The Senate retired to the Hall of the House of Representatives where a joint convention was formed.

(For proceedings of Joint Convention see House Report.)

In the Senate

The Senate was called to order by the President.

On motion by Mr. Crosby of Franklin

Adjourned until Tuesday, January 16, 1951 at 4:30 o'clock in the afternoon.