

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

Wednesday, February 7, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Wesley U. Riedel of Augusta.

Journal of yesterday read and approved.

From the House**Joint Order:**

Re Markers or Tags for Number Plates for Members et als. (H. P. 790)

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

The Committee on Business Legislation on Bill "An Act Relating to Group Accident, Sickness and Life Insurance," (H. P. 69) (L. D. 33) reported that the same ought to pass.

Comes from the House recommended to the Committee on Business Legislation.

In the Senate, the bill was re-committed to the Committee on Business Legislation in concurrence.

The Committee on Judiciary on Bill "An Act Relating to Retirement of Teachers," (H. P. 89) (L. D. 35) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Judiciary on Bill "An Act Relating to Neglected Children," (H. P. 156) (L. D. 87) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Election Returns," (H. P. 154) (L. D. 86) reported that the same ought to pass.

The Committee on Transportation on Bill "An Act Relating to Speed of Motor Vehicles," (H. P. 96) (L. D. 41) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Passing Motor Vehicles on Grades," (H. P. 97) (L. D. 42) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Transfer of Certificates of Motor Vehicles for Hire," (H. P. 170) (L. D. 101) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence,

the bills read once and tomorrow assigned for second reading.

Bill "An Act Relating to Fees and Duties of State Sealer of Weights and Measures." (H. P. 674) (L. D. 410)

Which was referred to the Committee on Agriculture in concurrence.

"Resolve Providing for a Men's Dormitory at Gorham State Teachers' College." (H. P. 571) (L. D. 377)

Bill "An Act Appropriating Moneys for Continuation of Civil Defense and Public Safety Agency Due to Insufficient Funds." (H. P. 675) (L. D. 411)

Which were severally referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Relating to Workmen's Compensation for Death of Employee." (H. P. 572) (L. D. 378)

Mr. REID of Kennebec: Mr. President I move that this bill be referred to the Committee on Labor for the reason that it has brothers and sisters already referred to that Committee and I don't want to separate the family.

The motion prevailed and the bill was referred to the Committee on Labor in non-concurrence.

Sent down for concurrence.

Bill "An Act Enlarging the Purposes of Market Square Building Association." (H. P. 678) (L. D. 412)

Which was referred to the Committee on Business Legislation in concurrence.

Bill "An Act Relating to Conveyance of School Children." (H. P. 683) (L. D. 413)

Which was referred to the Committee on Education in concurrence.

Bill "An Act Relating to Combination Highway and Railroad Bridge Across Fore River." (H. P. 684) (L. D. 414)

Bill "An Act Amending the Act Creating the Maine Turnpike Authority." (H. P. 685) (L. D. 4155)

Bill "An Act to Facilitate Extension of the Maine Turnpike." (H. P. 686) (L. D. 416)

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

"Resolve Regulating Fishing in St. Georges and Little Saint Georges Lakes in the County of Waldo." (H. P. 574) (L. D. 381)

Bill "An Act Relating to Open Season for Fishing for Black Bass and Pickerel." (H. P. 627) (L. D. 379)

Bill "An Act Relative to Game Preserve, Limington, Hollis and Waterboro." (H. P. 629) (L. D. 390)

Resolve to Make Lawful the Fishing for Cusk in Long Lake and Sebago Lake, Cumberland County." (H. P. 632) (L. D. 354)

"Resolve Opening Peabody Pond to Ice Fishing for Big Smelts, Pickerel and Other Fish Except Trout and Salmon." (H. P. 633) (L. D. 355)

"Resolve to Remove the Bag Limit and Size Limit on White Perch in Sebago Lake, Songo River, Bay of Naples and Long Lake." (H. P. 634) (L. D. 356)

"Resolve Relating to Flagstaff Pond in the County of Somerset." (H. P. 635) (L. D. 382)

"Resolve Regulating Fishing in Flagstaff Lake, Somerset County." (H. P. 636) (L. D. 357)

Bill "An Act Relative to Complimentary Fishing Licenses for Members of Canadian Immigration Customs Forces." (H. P. 726) (L. D. 417)

Bill "An Act Relative to Fishing Contests." (H. P. 727) (L. D. 418)

Bill "An Act Relating to Transportation of Deer Skins Beyond the Limits of the State." (H. P. 728) (L. D. 433)

Bill "An Act Relating to Open Season on Otter." (H. P. 729) (L. D. 419)

Bill "An Act Relating to Non-Resident and Alien Trapping Licenses." (H. P. 730) (L. D. 420)

Bill "An Act Changing the Date of Open Season on Muskrats." (H. P. 731) (L. D. 421)

Bill "An Act Relating to Use and Possession of Gill Nets in the Fish River Chain of Lakes." (H. P. 732) (L. D. 434)

Bill "An Act Relative to Complimentary Hunting Licenses for Members of Canadian Immigration and Customs Forces." (H. P. 733) (L. D. 422)

"Resolve Regulating Fishing in Horne Pond in the Town of Limington, in the County of York." (H. P. 734) (L. D. 423)

"Resolve Regulating Fishing on Sebago Lake in the County of Cumberland." (H. P. 735) (L. D. 424)

"Resolve Regulating Fishing in the Tributaries to Bemis Stream in the County of Franklin." (H. P. 736) (L. D. 435)

"Resolve Regulating Fishing on Rangeley Stream in the County of Franklin." (H. P. 737) (L. D. 436)

Which were severally referred to the Committee on Inland Fisheries and Game in concurrence.

Bill "An Act Relating to Penalty for Failure to Stop Vehicles on Signal of Fish and Game Wardens." (H. P. 637) (L. D. 358)

Bill "An Act Relating to Qualifications for Admission to Practice Law." (H. P. 638) (L. D. 359)

Bill "An Act Relating to the Reporter of Decisions." (H. P. 639) (L. D. 360)

Bill "An Act Relating to Expenses of Capias Execution in Divorce Cases." (H. P. 640) (L. D. 361)

Bill "An Act to Incorporate the Guardian Finance Co." (H. P. 641) (L. D. 383)

Bill "An Act Relating to Elderly Teachers' Pensions." (H. P. 738) (L. D. 425)

Bill "An Act Relating to Presumption of Death." (H. P. 739) (L. D. 426)

Bill "An Act Relating to East Limington Improvement Society." (H. P. 740) (L. D. 437)

Bill "An Act Relating to Northern Maine General Hospital of Eagle Lake." (H. P. 741) (L. D. 437)

Bill "An Act to Incorporate the Public Loan Corporation of Portland." (H. P. 742) (L. D. 423)

Bill "An Act to Incorporate the Public Loan Corporation of Bangor." (H. P. 743) (L. D. 429)

Bill "An Act to Incorporate the Public Loan Corporation of Lewiston." (H. P. 744) (L. D. 430)

"Resolve in Favor of Lester Munsey, of Bath." (H. P. 745) (L. D. 431)

Bill "An Act Relating to Eastern Maine Orphans' Home." (H. P. 748) (L. D. 438)

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

Bill "An Act Relating to Payment of Wages in Certain Businesses." (H. P. 642) (L. D. 362)

Bill "An Act Amending the Char-

ter of the Town of Dixfield School District." (H. P. 643) (L. D. 384)

Bill "An Act to Ratify and Confirm the Incorporation of First Parish of Freeport." (H. P. 645) (L. D. 363)

Bill "An Act to Incorporate the Town of Trenton School District." (H. P. 646) (L. D. 386)

Bill "An Act to Incorporate the Town of Bar Harbor School District." (H. P. 647) (L. D. 387)

Bill "An Act Amending the Charter of Congregational-Christian Conference of Maine." (H. P. 648) (L. D. 388)

Bill "An Act Repealing Running Horse Racing." (H. P. 649) (L. D. 364)

Bill "An Act to Incorporate the Town of Buxton School District." (H. P. 650) (L. D. 389)

Bill "An Act to Create the Limestone School District." (H. P. 747) (L. D. 452)

Bill "An Act to Incorporate the Town of Howland School District." (H. P. 748) (L. D. 439)

Bill "An Act to Incorporate the Town of Jackson School District." (H. P. 749) (L. D. 432)

Bill "An Act Relating to Penalties for Violation of Outdoor Advertising Law." (H. P. 750) (L. D. 440)

Bill "An Act to Provide a Council-Manager Charter for the Town of Wells." (H. P. 751) (L. D. 453)

Bill "An Act Repealing the Incorporation of the City of Old Town Municipal Building District." (H. P. 752) (L. D. 441)

Bill "An Act Repealing the Incorporation of the City of Old Town High School District." (H. P. 753) (L. D. 442)

Bill "An Act to Incorporate the Town of Frenchville School District." (H. P. 754) (L. D. 443)

Bill "An Act to Incorporate the Town of Leeds School District." (H. P. 755) (L. D. 444)

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

Bill "An Act Relating to Baxter State Park." (H. P. 651) (L. D. 370)

Which was referred to the Committee on Public Buildings and Parks in concurrence.

Bill "An Act Creating the Lubeck Water and Electric District." (H. P. 756) (L. D. 445)

Bill "An Act to Incorporate the Kingfield Water District." (H. P. 757) (L. D. 446)

Bill "An Act to Incorporate the Lisbon Water District." (H. P. 758) (L. D. 454)

Which were severally referred to the Committee on Public Utilities in concurrence.

Bill "An Act Relating to the Releasing or Dumping of Fish." (H. P. 544) (L. D. 369)

(On motion by Mr. Palmer of Lincoln, tabled pending reference to a committee.)

Bill "An Act Relating to the Digging of Shellfish and Marine Worms in the Town of Freeport." (H. P. 652) (L. D. 371)

Bill "An Act Relating to Revocation and Suspension of Sea and Shore Fisheries Licenses." (H. P. 653) (L. D. 372)

"Resolve Regulating the Taking of Clams in the Town of East Machias." (H. P. 654) (L. D. 365)

"Resolve Relating to the Protection of Clams Within the Town of Freeport." (H. P. 655) (L. D. 373)

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

"Resolve Relating to the Use of Purse or Drag Seines in Certain Waters." (H. P. 656) (L. D. 374)

(On motion by Mr. Palmer of Lincoln, tabled pending reference to a committee.)

Bill "An Act Relating to the Excise Tax on Certain Types of Oleomargarine." (H. P. 657) (L. D. 366)

Bill "An Act Imposing a Gross Income Tax." (H. P. 759) (L. D. 455)

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

Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Bridge Repairs." (H. P. 658) (L. D. 367)

Bill "An Act Relating to the Salary of the Deputy Clerk of Courts of Penobscot County." (H. P. 659) (L. D. 375)

Bill "An Act to Increase the Salary of the Judge and Recorder of the Yorkshire Municipal Court." (H. P. 660) (L. D. 368)

Bill "An Act Relating to Review and Alteration of Ward Lines in the City of Lewiston." (H. P. 760) (L. D. 447)

Bill "An Act Relating to the Charter of the City of Bangor." (H. P. 761) (L. D. 448)

Bill "An Act Relating to Salary of Clerk of Courts of York County." (H. P. 762) (L. D. 449)

Bill "An Act Relating to the Salary of the Register of Deeds in Cumberland County." (H. P. 763) (L. D. 450)

Which were severally referred to the Committee on Towns and Counties in concurrence.

Bill "An Act Relating to the Military Law." (H. P. 661) (L. D. 376)

Which was referred to the Committee on Veterans and Military Affairs in concurrence.

Bill "An Act Relating to the Registering of Dogs by the Penobscot Tribe of Indians." (H. P. 769) (L. D. 451)

"Resolve Providing for State Pension for Earle Beaulieu, of Orono." (H. P. 786)

"Resolve Providing for State Pension for Frank LeRoy Weir, of Richmond." (H. P. 787)

"Resolve Providing for State Pension for Helen E. Easler, of Richmond." (H. P. 788)

"Resolve Providing for State Pension for Westley Dow, of Richmond." (H. P. 789)

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

"Resolve in Favor of George Parks of Woodland for Damages to his Automobile Through a Highway Defect." (H. P. 775)

Which was referred to the Committee on Claims in concurrence.

"Resolve in Favor of the Town of Temple." (H. P. 776)

"Resolve in Favor of the Town of Temple." (H. P. 777)

"Resolve in Favor of the Town of Portage Lake." (H. P. 778)

"Resolve in Favor of the Town of Masardis." (H. P. 779)

"Resolve in Favor of the Town of Clifton." (H. P. 780)

"Resolve in Favor of the Town of Otis." (H. P. 781)

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

Bill "An Act Designating Beryllium Poisoning as an Occupational Disease." (H. P. 677) (L. D. 409)

Bill "An Act Designating Silicosis as an Occupational Disease." (H. P. 676) (L. D. 406)

Which were severally referred to the Committee on Labor 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:

Claims

Mr. Noyes of Hancock presented Resolve in Favor of the Town of Aurora." (S. P. 210)

(On motion by Mr. Noyes of Hancock, tabled pending reference.)

Mr. Collins of Arostook presented "Resolve in Favor of Merle Libby, of Caribou." (S. P. 211)

The same Senator presented "Resolve in Favor of Mrs. Gertrude Lister, of Caribou." (S. P. 212)

Mr. Larrabee of Sagadahoc presented "Resolve in Favor of Hollis Leeman, of Woolwich." (S. P. 213)

Sent down for concurrence.

Highways

Mr. Noyes of Hancock presented "Resolve in Favor of the Town of Blue Hill." (S. P. 214)

Sent down for concurrence.

Inland Fisheries and Game

Mr. Fuller of Oxford presented "Resolve Regulating Fishing in Lincoln Plantation, County of Oxford." (S. P. 215)

(Ordered printed)

Sent down for concurrence.

Judiciary

Mr. Dennett of York presented "Resolve Granting a Pension to Alice B. Grant, of Kittery." (S. P. 216)

Mr. Reid of Kennebec presented Bill "An Act to Clarify Certain Pro-

cedures under Maine State Retirement Law." (S. P. 217)
 (Each ordered printed.)
 Sent down for concurrence.

Taxation

Mr. Reid of Kennebec presented Bill "An Act Relating to Inheritance Tax." (S. P. 218)
 (Ordered printed.)
 Sent down for concurrence.

Senate Committee Reports

Mr. Smart from the Committee on Inland Fisheries and Game on "Resolve Authorizing Commissioner of Inland Fisheries and Game to Convey Certain Land in Eastbrook to Edgar S. Gordon," (S. P. 90) (L. D. 143) reported that the same ought to pass.

Mr. Wight from the same Committee on "Resolve Authorizing Commissioner of Inland Fisheries and Game to Convey Certain Land in Eastbrook to Fred A. DeMeyer," (S. P. 89) (L. D. 142) reported that the same ought to pass.

Mr. Dennett from the Committee on Liquor Control on Bill "An Act Relating to Interlocking Interests in Liquor Licenses," (S. P. 85) (L. D. 109) reported that the same ought to pass.

(On motion by Mr. Dennett of York, tabled pending acceptance of the report.)

Mr. Boucher from the same Committee on Bill "An Act Relating to Appeals to Liquor Commission from Decisions of Municipal Officers Disapproving License Applications," (S. P. 83) (L. D. 108) reported that the same ought to pass.

Mr. Tabb from the same Committee on Bill "An Act Relating to Retail Store Liquor License in Unincorporated Places," (S. P. 84) (L. D. 111) reported that the same ought to pass.

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

Mr. Smart from the Committee on Inland Fisheries and Game on bill "An Act Relating to Closed Season on Deer in Swan's Island, Hancock County," (S. P. 48) (L. D. 58) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill read once. The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 58. Amend said bill by striking out in the 6th and 7th line thereof, the underlined words 'and in Town of Swan's Island' and inserting in place thereof the underlined words 'and Swan's Island proper in the Town of Swan's Island.'"

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

Mr. Dennett from the Committee on Liquor Control on Bill "An Act Relating to the Sale of Intoxicating Liquors to Minors," (S. P. 66) (L. D. 66) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill read once. The Secretary read Committee Amendment A:

"Amend said bill by deleting the underlined words 'not be deemed a violator' in the next to the last line and the last line of said bill and inserting in place thereof the underlined words, 'be held not administratively liable.'"

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

Passed to be Engrossed

Bill "An Act Validating a Certain Deed Given by the City of Saco to Saco-Lowell Shops." (H. P. 32) (L. D. 8)

Bill "An Act Permitting Municipalities to Raise Money to Assist Historical Societies." (H. P. 64) (L. D. 30)

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

Bill "An Act Relating to Penalty for Refusal to Work by Persons Dependent upon Towns." (S. P. 57) (L. D. 65)

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. Brewer of Aroostook, the Senate voted to take from the table Joint Order Relative to List of Salaries of State Employees (H. P. 371) tabled by that Senator on January 30 pending motion by the Senator from Cumberland, Senator Allen, that the Order be indefinitely postponed.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I tabled this item, which is a Joint Order, for two reasons; first, the cost of publication and compiling, and secondly, that in the past this salary list has been known to have been used as a scandal sheet.

I tried to talk the members of the House out of asking for this booklet but many of them feel that it is important in their work on committees where salaries have to be taken into consideration, and they felt it was important enough so that if we did kill it in the Senate, they would put through a House Order granting such a privilege.

So rather than antagonize anybody I have taken this matter up with the Senator from Cumberland, Senator Allen, and you will notice that on the original one, the order calls for around 463 copies. We have cut that down to about 250, one for each member of the Senate and House, five each to the Clerk and Secretary, and ten to the library. Previously, the Secretary and Clerk had ten each and the library thirty. Under this setup I believe it won't be used too promiscuously and I now offer Senate Amendment A and move its passage.

The Secretary read the amendment:

"Senate Amendment A to JOINT ORDER Relative to List of Salaries of State Employees (H. P. 371) Amend said order by deleting from the second line thereof the words and figures, 'four hundred sixty-eight (468)' and inserting in place thereof the words and figures, 'two hundred fifty (250).'

Further amend said order by deleting from the 5th line thereof the words and figures 'two (2)' and inserting in place thereof the words

and figures 'one (1)' and from the 7th line thereof the words and figures 'ten (10)' and inserting in place thereof the words and figures 'five (5)' and from the 8th line thereof the words and figures 'thirty (30)' and inserting in place thereof the words and figures 'ten (10).'

Which amendment was adopted.

The PRESIDENT: The pending question before the Senate at this time is the motion of the Senator from Cumberland, Senator Allen, for indefinite postponement of the order.

Mr. BOYKER of Oxford: Mr. President, if the purpose of those who object to this order is in the name of economy, I want to say I am an advocate of economy and there are many ways in our department of state to practice economy. Nothing, it seems to me, is greater or more pleasing a favor to the taxpayers of our state than to take a few dollars of their money to provide for information as to where their money goes.

Who are they who oppose this order? Is it the taxpayers of our state? No. Is it our state employees? No. Our state employees know that in our democratic form of government their salaries are not the same and never will be unless we lead ourselves into a dictator form of government, and government control is not the answer to our state problems. I would like to see this order accepted.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, I rise only to clarify my own position in view of the fact that a week ago Friday, about one-third of the Senate was missing when we discussed this Joint Order, and if possible to withdraw my motion; if not, to recommend that the Senate pass the amended Order, contrary to my original motion before the Senate at this time.

I still feel that this order is not a good idea. I still feel, as I stated a week ago Friday, that it causes a lot of trouble in our state departments, costs the state ten, fifteen, or twenty thousand dollars, if you want to look at it from the point of view of state employee morale, and as I said a week ago Friday, of one hundred copies sold in the clerk's office, ninety were sold to depart-

ment employees. I know in the last two years, people have come to me in Portland and asked to look at my copy or borrow it for the purpose of comparing what they got with what someone else got.

The legislature has always had the opportunity to go down to the proper office in the state house and find out what John Jones or Mary Jones makes. There is nothing secret about the salaries of employees of the State of Maine but when you come to publish them and spread them from one end of the state to the other, I think it is unwise. I think the experience of the legislature in publishing these salaries has been very unfortunate. I regret that we are doing it again this year. I think Senator Brewer has stated the facts very clearly. It is not the most important issue before us and in the amended form I would go along very reluctantly with this order and hope that my motion does not prevail.

The PRESIDENT: Is it the understanding of the Chair that the Senator from Cumberland, Senator Allen, wishes to withdraw his motion?

Mr. ALLEN: Yes, sir I would like to do that.

There being no objection, the motion to indefinitely postpone was withdrawn.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Aroostok, Senator Brewer, that the amended order receive passage. Is this the pleasure of the Senate?

The motion prevailed and the Order as amended received a passage in non-concurrence.

Sent down for concurrence.

On motion by Mr. Palmer of Lincoln, the Senate voted to take from the table bill, "An Act Relating to the Releasing or Dumping of Fish," (H. P. 544) (L. D. 369) tabled by that Senator earlier in today's session pending reference to a committee; and on further motion by the same Senator, the bill was referred to the Committee on Sea and Shore Fisheries in concurrence.

On motion by Mr. Allen of Cumberland

Adjourned until tomorrow morning at ten o'clock.