

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 28, 1951

The Senate was called to order by the President.

Prayer by the Reverend Arthur B. Squires of Hallowell.

Journal of yesterday read and approved.

From the House

The Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Leeds School District," (H. P. 755) (L. D. 444) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Penalties for Violation of Outdoor Advertising Law," (H. P. 750) (L. D. 440) reported that the same ought to pass.

The same Committee on Bill "An Act to Incorporate the Town of Buxton School District," (H. P. 650) (L. D. 389) reported that the same ought to pass.

The same Committee on Bill "An Act to Provide for a Town Manager Form of Government for the Town of Rumford," (H. P. 540) (L. D. 325) reported that the same ought to pass.

The same Committee on Bill "An Act to Repeal the Act Creating the Rumford Falls Village Corporation," (H. P. 541) (L. D. 326) reported that the same ought to pass.

The same Committee on Bill "An Act to Amend the Charter of the City of Ellsworth School District," (H. P. 644) (L. D. 385) reported that the same ought to pass.

The Committee on Public Utilities on Bill "An Act to Extend the Rights, Powers, and Privileges of the Penobscot Valley Water Commission," (H. P. 547) (L. D. 298) reported that the same ought to pass.

The same Committee on Bill "An Act to Extend the Charter of the Eliot Water District," (H. P. 1061) (L. D. 641) 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.

The Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Trenton School District," (H. P. 646) (L. D. 386) reported that

the same ought to pass as amended by Committee Amendment "A."

The same Committee on Bill "An Act to Create the Limestone School District," (H. P. 747) (L. D. 452) reported that the same ought to pass as amended by Committee Amendment "A."

The same Committee on Bill "An Act to Incorporate the Town of Howland School District," (H. P. 748) (L. D. 439) reported that the same ought to pass as amended by Committee Amendment "A."

The same Committee on Bill "An Act to Incorporate the Town of Frenchville School District," (H. P. 754) (L. D. 443) reported that the same ought to pass as amended by Committee Amendment "A."

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.

"Resolve in Favor of Dr. Arnold W. Moore, of Augusta." (H. P. 1362)

Which was referred to the Committee on Claims in concurrence.

Bill "An Act Relating to Teachers' Tenure," (H. P. 1303) (L. D. 896)

Bill "An Act Relating to Subjects to be Taught in Public Schools." (H. P. 1339) (L. D. 914)

Bill "An Act Granting Additional Powers to Portland University." (H. P. 1340) (L. D. 915)

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

Bill "An Act Relating to Designation of Through Ways by Highway Commission." (D. P. 1341) (L. D. 916)

Bill "An Act Relating to Controlled Access Highways." (H. P. 1342) (L. D. 971)

"Resolve in Favor of the Town of Blanchard." (H. P. 1365)

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

Bill "An Act Relating to Trappers' Licenses." (H. P. 1343) (L. D. 918)

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

Bill "An Act Prohibiting Possession of Lights in Woods While in Possession of Firearms." (H. P. 1344) (L. D. 919)

On motion by Mr. Ela of Somerset, tabled pending reference to a committee.

Bill "An Act Relating to Inheritance Taxes." (H. P. 1313) (L. D. 883)

Bill "An Act Establishing a State-wide Probation System." (H. P. 1319) (L. D. 884)

Bill "An Act Relating to the Financial Responsibility Law." (H. P. 1345) (L. D. 920)

Bill "An Act Relating to Undischarged Real Estate Mortgages." (H. P. 1346) (L. D. 921)

Bill "An Act Relating to Disclosure Hearings." (H. P. 1347) (L. D. 922)

Bill "An Act Relating to the Recorder of the Brewer Municipal Court." (H. P. 1348) (L. D. 923)

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

Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation." (H. P. 1322) (L. D. 885)

Bill "An Act to Amend the Workmen's Compensation Act as to Waiting Period and Compensation Benefits." (H. P. 1323) (L. D. 886)

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

Bill "An Act Creating the Bangor Recreation Center." (H. P. 1320) (L. D. 933)

Bill "An Act Enlarging the Powers of Wiscasset Academy." (H. P. 1324) (L. D. 887)

Bill "An Act Permitting Roller Skating on Sunday." (H. P. 1349) (L. D. 924)

Bill "An Act Relating to License Fees for Harness Horse Racing." (H. P. 1350) (L. D. 925)

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

Bill "An Act Relating to Entertainment in Licensed Premises." (H. P. 1325) (L. D. 888)

Bill "An Act Relating to Sales of Liquor to Minors." (H. P. 1326) (L. D. 889)

Bill "An Act Prohibiting Location of Licensed Premises for the Sale of Liquor Along Turnpikes." (H. P. 1351) (L. D. 926)

Which were severally referred to the Committee on Liquor Control in concurrence.

Bill "An Act Relating to Sanitary Facilities for Certain Places." (H. P. 1328) (L. D. 891)

Which was referred to the Committee on Public Health in concurrence.

Bill "An Act Relating to Head and Rear Lights on Railroad Cars." (H. P. 1352) (L. D. 927)

Bill "An Act Relating to Windshields and Tops on Railroad Cars." (H. P. 1353) (L. D. 928)

Bill "An Act to Incorporate the Stockton Springs Water District." (H. P. 1354) (L. D. 929)

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

Bill "An Act Relating to the Conservation of Clams in Washington County." (H. P. 1329) (L. D. 892)

Bill "An Act Repealing Law on Interstate Transportation of Lobsters." (H. P. 1330) (L. D. 893)

Bill "An Act Relating to Number of Lobster Traps." (H. P. 1355) (L. D. 930)

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

Bill "An Act Relating to Taxation of Bottled Gas Equipment." (H. P. 1331) (L. D. 894)

Bill "An Act Relating to Taxation of Boats." (H. P. 1356) (L. D. 931)

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

Bill "An Act Relating to Fire Protection Tax in Unorganized Territory." (H. P. 1327) (L. D. 890)

Bill "An Act Relating to Special Deputy Sheriffs in Cumberland County." (H. P. 1357) (L. D. 932)

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

"Resolve Providing for State Pension for Mrs. Blanche Dyer, of Belfast." (H. P. 1376)

"Resolve Providing for State Pension for Mrs. Edith Woodard, of Springfield." (H. P. 1377)

"Resolve Providing for State Pension for Mary Ann Begert, of Lewiston." (H. P. 1378)

"Resolve Providing for State Pension for Elizabeth Kavanagh, of Lewiston." (H. P. 1379)

"Resolve Providing for State Pension for Mrs. Lovina Brush, of Unity." (H. P. 1380)

"Resolve Providing for State Pension for Donald M. Laughlin, of Plantation No. 33." (H. P. 1381)

"Resolve Providing for State Pension for Mrs. Nellie Kimball, of Albion." (H. P. 1382)

"Resolve Providing for State Pension for John Melanson, of Old Town." (H. P. 1383)

"Resolve Providing for State Pension for Mrs. Agnes Melanson, of Old Town." (H. P. 1384)

"Resolve Providing for an Increase in State Pension for Miss Lillian M. Sterling, of Hallowell." (H. P. 1385)

"Resolve Providing for State Pension for Alfred Pelletier, of Madawaska." (H. P. 1386)

"Resolve Providing for State Pension for Adrien Albert, of Sinclair." (H. P. 1387)

Bill "An Act Relating to By-Laws by Penobscot Tribe of Indians." (H. P. 1332) (L. D. 895)

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

SUPREME JUDICIAL COURT
STATE OF MAINE

February 23rd, 1951

Honorable Chester T. Winslow
Secretary of the Senate
Augusta, Maine

Dear Chester:

I enclose herewith a draft and arrangement of the Constitution, prepared pursuant to Chapter 29 of the Resolves of 1949 or the 65th Amendment to it, a report thereon addressed to the Legislature, and a copy of my letter of this date to the Superintendent of Public Printing calling his attention to a printer's error on Page 4 of the printed document, which has been corrected with a pen. This is forwarded to you in the belief that you are the proper officer through whom

the report and draft should be transmitted to the Legislature.

Very sincerely yours,

HAROLD H. MURCHIE
Chief Justice.
(S. P. 424)

On motion by Mr. Haskell of Cumberland, the communication and accompanying papers were received and severally referred to the Committee on Judiciary.

Sent down for concurrence.

STATE HIGHWAY COMMISSION
STATE OF MAINE
Augusta

February 27, 1951

The Honorable President
of the Senate
The Honorable Speaker
of the House
Ninety-fifth Legislature

Dear Sirs:

We are transmitting herewith the "Bangor-Brewer Bridge Report" for your consideration.

Very truly yours,

STATE HIGHWAY
COMMISSION
Lucius D. Barrows
Chief Engineer
(S. P. 425)

Which was read and ordered placed on file.

Sent to the House.

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

February 27, 1951.

Hon. Chester T. Winslow
Secretary of the Senate
State House
Augusta, Maine

Sir:

The House of Representatives today accepted the resignation of Mr. Delahanty of Lewiston as a member of the Joint Standing Committee on Legal Affairs, and the Speaker appointed Mr. Delahanty to fill the vacancy in the Committee on Judiciary caused by the recent resignation as a member of the House of Representatives of Mr. Muskie of Waterville.

The Speaker also today appointed Mr. Thomas of Waterville to fill

the vacancy in the Joint Standing Committee on Legal Affairs.

Respectfully,

HARVEY R. PEASE
Clerk of the House.

Which was read and ordered placed on file.

Referred to Committees

The following bills were transmitted by the Director of Legislative Research pursuant to Joint Orders S. P. 138 and S. P. 265, and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Education

Mr. Ela of Somerset presented Bill "An Act Relating to Secondary School Tuition." (S. P. 406)

(Ordered printed.)

Sent down for concurrence.

Highways

Mr. Barnes of Aroostook presented Bill "An Act Relating to Regulation of Posts and Wires." (S. P. 407)

Mr. Marshall of York presented Bill "An Act Relating to Location of Public Utility Structures." (S. P. 408)

(Each ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Haskell of Cumberland presented Bill "An Act Relating to Place of Taxation of Personal Property." (S. P. 409)

Mr. Barnes of Aroostook presented Bill "An Act Relating to Admission to the Bar for Time of War or National Emergency." (S. P. 410)

The same Senator presented Bill "An Act Relating to Trespassing on Commercial or Residential Property." (S. P. 411)

The same Senator presented Bill "An Act Relating to Support of Paupers by Kindred." (S. P. 412)

The same Senator presented Bill "An Act Relating to Legitimacy of Children." (S. P. 413)

(Each ordered printed.)

Sent down for concurrence.

Liquor Control

Mr. Noyes of Hancock presented Bill "An Act Relating to Liquor

Licenses in Unorganized Territory." (S. P. 415)

(Ordered printed.)

Sent down for concurrence.

Legal Affairs

The same Senator presented Bill "An Act to Create the Flander's Bay Community School District." (S. P. 414)

(Ordered printed.)

Sent down for concurrence.

Natural Resources

Mr. Boyker of Oxford presented Bill "An Act Relating to Acquisition of National Forests." (S. P. 416)

Mr. Brewer of Aroostook presented Bill "An Act Relating to Deposit of Potatoes into Waters of the State." (S. P. 417)

(Each ordered printed.)

Sent down for concurrence.

Public Health

Mrs. Kavanagh of Androscoggin presented Bill "An Act Relating to Distribution of Antitoxin in Emergencies." (S. P. 418)

(Ordered printed.)

Sent down for concurrence.

Taxation

Mr. Larrabee of Sagadahoc presented Bill "An Act Exempting Navy Clubs from Taxation." (S. P. 419)

(Ordered printed.)

Sent down for concurrence.

Towns and Counties

Mr. Barnes of Aroostook presented Bill "An Act Relating to the Salary of the Sheriff of Aroostook County." (S. P. 420)

Mr. Savage of Somerset presented Bill "An Act Increasing Salary of Treasurer of Somerset County." (S. P. 421)

Mr. Boucher of Androscoggin presented Bill "An Act Relating to Salaries of County Officers of Androscoggin County." (S. P. 422)

(Each ordered printed.)

Sent down for concurrence.

Veterans and Military Affairs

The same Senator presented Bill "An Act Relating to Town, County and State Officials in Military Service." (S. P. 423)

(Ordered printed.)

Sent down for concurrence.

**First Reading
of a Printed Bill**

Bill "An Act to Apportion Representatives to Congress." (S. P. 386) (L. D. 912)

Which was read once and tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act to Amend the Charter of Continental Mills." (H. P. 447) (L. D. 276)

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

"Resolve Proposing an Amendment to the Constitution changing the Tenure of Office of the Governor to Four-Year Terms." (S. P. 34) (L. D. 17)

"Resolve Closing Certain Ponds in York County to Fishing." (S. P. 159) (L. D. 335)

"Resolve Regulating Fishing in the Brook Between West Richardson Pond and the Pepper Pot in the County of Oxford." (S. P. 181) (L. D. 396)

"Resolve Relating to Ice Fishing in Speck Ponds in Oxford County." (S. P. 183) (L. D. 394)

"Resolve Regulating Fishing in Lincoln Plantation, County of Oxford." (S. P. 215) (L. D. 467)

Bill "An Act Relating to Number of Catch of Certain Fish." (S. P. 231) (L. D. 502)

"Resolve Dividing the State into Executive Councillor Districts." (S. P. 367) (L. D. 866)

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

Sent down for concurrence.

Bill "An Act Relating to Non-Profit Medical Service Plans." (S. P. 46) (L. D. 56)

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. Allen of Cumberland, the Senate voted to take from the table bill, An Act Relating to Transporting Children in Open Trucks (S. P. 290) (L. D. 629) tabled by that Senator on February 15, pending first reading.

Mr. ALLEN of Cumberland: Mr. President and members of the Sen-

ate, I rise in a contradictory light to the committee and committee report on this item. I have talked with other members of the committee and we feel that although we have tried to take care of the problem which is genuinely a problem, statewide, we have not been able to do so.

Briefly, in a very few words, let me explain the reason why this bill, An Act Relating to Transporting Children in Open Trucks, was introduced into the legislature. We have had many cases statewide in all our 16 counties, of accident caused by passengers being carried in the part of a truck that is designed for carrying freight. All of us who have ever ridden as kids in the back end of a truck know that when the truck goes over a jolt, it isn't exactly secure. We have had an increased ratio of accidents in Maine, topped off last summer by a rather spectacular accident in Mattawamkeag in which four children were killed and thirty-six injured. The Governor issued a statement, as did Chief McCabe of the state police saying they were very much concerned with this problem and hoped that perhaps through the legislature or some other means, a way might be found to combat this problem and therefore, because of that situation, and because of the recommendation of these two state officials, I filed in the legislature, this Senate Paper to try and take care of the problem.

We discussed it in committee very thoroughly and finally sent it out in new draft, and it is my opinion that the new draft does not answer the problem. It seems, at least at the moment, that we have been unable to draft legislation with which to meet this problem, which is an urgent one.

I am hoping that perhaps through education on this subject and funds which I hope will be appropriated in increasing amounts, we may be able to do something about this problem. Therefore, with a great deal of sorrow I would like to bury this bill and I move the indefinite postponement of the measure.

The motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

Mr. TABB of Kennebec was granted unanimous consent to address the Senate.

Mr. TABB of Kennebec: Mr. President and members of the Senate I know that perhaps you are wondering why I asked for this privilege. I am hearing and reading statements in the newspapers as others have in the past, but I assure you I am not rising to speak on that subject.

However, there has been an event taken place amongst us on which I believe the Senate should be enlightened so we all may enjoy the great happiness that has come to one of our Senators; namely, the President of our Senate. On last Saturday he became the grandfather of a beautiful baby girl and I feel that this Senate should rise and congratulate him on this occasion.

The Senators rose and applauded.

Mr. Haskell of Kennebec was granted unanimous consent to address the Senate.

Mr. HASKELL of Kennebec: Mr. President and members of the Senate, I make this brief statement only because of the short time we have taken up this morning, and it relates to the work of the Apportionment Committee.

If I may briefly bring the Senate up to date, the committee has met and organized. Each member of the legislature has in his possession, I hope, the 1950 Bureau of Census data and there will be in the regular list of committee hear-

ings, a notice that the committee will meet at eight o'clock next Tuesday night, hoping to hear from members of the legislature and others who are interested, such evidence as they may wish to present to the committee that may indicate accuracies or inaccuracies with respect to the several cities and towns in the state as listed in that census bureau tabulation.

I am sure the committee is very hopeful that those who have convictions that there are inaccuracies with respect to their communities or their areas, will give to the committee the benefit of their calculations so that we may start with what the legislature at least believes is somewhere near a reasonably accurate population figure.

The purpose for which I rise is principally to urge you to take a little interest in the matter and help the committee to get what we hope will be a reasonably accurate statement from which to work.

The PRESIDENT: The Chair notes in the balcony the presence of the boys who the Chair believes come from Boothbay Harbor High School. We are very glad to have them with us and we hope that they will have some information of interest which they can take back to their class.

On motion by Mr. Palmer of Lincoln.

Adjourned until tomorrow morning at ten o'clock.