

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

Friday, March 2, 1951.

The Senate was called to order by the President.

Prayer by the Rev. Wesley U. Riedel of Augusta.

Journal of yesterday read and approved.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Haskell of Cumberland, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 6th, 1951, at eleven o'clock in the morning. (S. P. 450)

Sent down for concurrence.

From the House

Bill "An Act to Incorporate the Town of York School District" (S. P. 50) (L. D. 60)

(In the Senate on February 27th, passed to be engrossed as amended by Committee Amendment "A")

Comes from the House, passed to be engrossed as amended by Committee Amendment A as amended by House Amendment A thereto.

In the Senate, on motion by Mr. Marshall of York, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and to further reconsider its action whereby Committee Amendment A was adopted.

The Secretary read House Amendment A to Committee Amendment A:

"Amend said amendment by striking out all of the second paragraph thereof which reads as follows: 'Further amend said bill by striking out the figures "\$250,000" in the 5th line of Section 4 and by inserting in place therein the figures "\$350,000".'"

Which amendment was adopted in concurrence; Committee Amendment A as amended by House Amendment A was adopted in concurrence, and the bill as amended by Committee Amendment A as amended by House Amendment A thereto, was passed to be engrossed in concurrence.

The Committee on Public Utilities on Bill "An Act to Amend the

Charter of the Brunswick Sewer District," (H. P. 164) (L. D. 95) reported that the same ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and accepted in concurrence, the bill was given its second reading, House Amendment A was read and adopted in concurrence, and the bill was tomorrow assigned for third reading.

The Committee on Business Legislation to which was recommitted Bill "An Act Relating to Group Accident, Sickness and Life Insurance," (H. P. 69) (L. D. 33) reported that leave be granted to withdraw the same.

The Committee on Judiciary on Bill "An Act Relating to Sales of Estates of Deceased Non-residents," (H. P. 530) (L. D. 292) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Rights of Inheritance of Children or Their Issue Omitted in Will of Parents," (H. P. 534) (L. D. 303) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Rules of Descent," (H. P. 529) (L. D. 291) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the Appointment of Trustee in Voluntary Trusts," (H. P. 531) (L. D. 293) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Descent of Real Estate in Divorce," (H. P. 532) (L. D. 294) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Liability of Relatives to Support Inmates of Certain Institutions," (H. P. 433) (L. D. 254) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act to Provide a Council-Manager Charter for the Town of Wells," (H. P. 751) (L. D. 453) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to the Building of Wharves and Fish Weirs in De-organized Towns," (H. P. 434) (L.

D. 260) reported that leave be granted to withdraw the same.

The Committee on Natural Resources on Bill "An Act to Retire Wallagrass Plantation from Participation in the Forestry District," (H. P. 435) (L. D. 255) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

The Majority of the Committee on Liquor Control on Bill "An Act Relating to Sales of Liquor to Minors," (H. P. 848) (L. D. 487) reported that the same ought to pass.

(signed)

Senators: TABB of Kennebec
DENNETT of York

Representatives:

BROWN of Robbinston
MARCH of Bridgton
ALBERT of Augusta
CHASE of Whitefield
WOOD of Webster

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Senator: BOUCHER of Androscoggin

Representatives:

DOSTIE of Winslow
PIERCE of Bucksport

Comes from the House, the Majority Report read and accepted, and the bill passed to be engrossed.

In the Senate:

Mrs. KAVANAGH of Androscoggin: Mr. President, I move that the Senate accept the Majority Report of the Committee.

Mr. BOUCHER of Androscoggin: Mr. President, I move that the bill and accompanying papers be laid upon the table pending the motion of the Senator from Androscoggin, Senator Kavanagh.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had.

Six having voted in the affirmative and thirteen opposed, the motion to table did not prevail.

A viva voce vote being had, the motion of the Senator from Androscoggin, Senator Kavanagh prevailed, the Majority "Ought to Pass" report of the committee was read and accepted in concurrence,

the bill was given its first reading and tomorrow assigned for second reading.

"Resolve Reimbursing the Town of Camden for Burial expenses for Harrie May Fish." (H. P. 1404)

Which was referred to the Committee on Claims in concurrence.

"Resolve in Favor of the Town of Hartland." (H. P. 1405)

Bill "An Act Relating to Contracts for Highway Construction and Maintenance." (H. P. 1390) (L. D. 984)

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

Bill "An Act Relating to Fees of Registers of Probate for Filing Wills and Administrations." (H. P. 1391) (L. D. 985)

Bill "An Act Relating to Facsimile Signatures upon Corporate Obligations." (H. P. 1392) (L. D. 986)

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

Bill "An Act Relating to the Digging of Shellfish and Marine Worms in the Town of Yarmouth." (H. P. 1395) (L. D. 987)

Bill "An Act Relating to the Digging of Clams in the Town of Wells." (H. P. 1394) (L. D. 988)

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

Bill "An Act Creating a Committee to Study the Broadening of State Tax Base." (H. P. 1211) (L. D. 775)

Which was referred to the Committee on Taxation in concurrence.

"Resolve Providing for an Increase in State Pension for Jennie Mower, of Belfast." (H. P. 1451)

"Resolve Providing for an Increase in State Pension for Victor Gardner, of Veazie." (H. P. 1452)

"Resolve Providing for an Increase in State Pension for Nellie Estes, of Lewiston." (H. P. 1453)

"Resolve Providing for an Increase in State Pension for Edith Carver, of Gardiner." (H. P. 1454)

"Resolve Providing for an Increase in State Pension for Eli

Gaudette, Jr., of Rumford." (H. P. 1456)

"Resolve Providing for State Pension for Miss Viola Michaud, of Eagle Lake." (H. P. 1457)

"Resolve Providing for State Pension for Edith Langdon, of Bath." (H. P. 1458)

"Resolve Providing for an Increase in State Pension for Harold Varney, of Houlton." (H. P. 1459)

"Resolve Providing for State Pension for Mrs. Ina Lovejoy, of New Portland." (H. P. 1460)

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. Reid of Kennebec presented Bill "An Act Relating to Group Life Insurance." (S. P. 451)

(Ordered printed)

Sent down for concurrence.

Education

Mr. Palmer of Lincoln presented Bill "An Act to Provide for the Approval of Degree-granting Institutions by the State Board of Education." (S. P. 452)

(On motion by Mr. Haskell of Cumberland, tabled pending reference to a committee.)

Highways

Mr. Larrabee of Sagadahoc presented Bill "An Act Amending the Controlled Access Highway Law." (S. P. 453)

(Ordered printed)

Sent down for concurrence.

Inland Fisheries and Game

Mr. Smart of Hancock presented Bill "An Act Relating to Taking Animals and Birds for Scientific Purposes." (S. P. 454)

(Ordered printed)

Sent down for concurrence.

Judiciary

Mr. Haskell of Penobscot presented Bill "An Act Relating to Order of Offices Printed on Ballots." (S. P. 455)

Mr. Noyes of Hancock presented "Resolve Proposing an Amendment

to the Constitution to Amend the Initiative Referendum Provision." (S. P. 456)

(Each ordered printed)

Sent down for concurrence.

Labor

Mr. Reid of Kennebec presented Bill "An Act to Clarify the Employment Security Law." (S. P. 457)

The same Senator presented Bill "An Act Amending the Voluntary Apprenticeship Law." (S. P. 458)

(Each ordered printed)

Sent down for concurrence.

Legal Affairs

The same Senator presented Bill "An Act Relative to Itinerant Photographers." (S. P. 459)

(Ordered printed)

Sent down for concurrence.

Transportation

Mr. Noyes of Hancock presented Bill "An Act Relating to Penalties for Violation of Truck Weight." (S. P. 460)

(Ordered printed.)

Sent down for concurrence.

Towns and Counties

Mr. Weeks of Cumberland presented Bill "An Act to Authorize Cities and Towns to Accept Grants from Federal Government." (S. P. 461)

(Ordered printed)

Sent down for concurrence.

Welfare

Mr. Reid of Kennebec presented "Resolve Providing for State Pension for Leslie McGee, of Randolph." (S. P. 462)

Mr. McKusick of Piscataquis presented "Resolve Providing for an Increase in State Pension for Mary Alice Grant, of Greenville." (S. P. 463)

Mr. Sleeper of Knox presented "Resolve Providing for an Increase in State Pension for Oliver Lovejoy, of Rockland." (S. P. 464)

Sent down for concurrence.

Order

On motion by Mr. Fuller of Oxford, it was

ORDERED that one thousand additional copies of Senate Paper 263, Legislative Document 551, An Act Providing for General Purpose Educational Aid to Cities, Towns,

Plantations and Community School Districts be printed.

Senate Committee Reports

Mr. Ward from the Committee on Judiciary on Bill "An Act Limiting Trustee of Wages," (S. P. 162) (L. D. 337) reported that the same ought not to pass.

Mr. Ela from the Committee on Legal Affairs on Bill "An Act Permitting Trustees of Robert W. Traip Academy to Issue Bonds," (S. P. 168) (L. D. 340) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted.

Sent down for concurrence.

Mrs. Kavanagh from the Committee on Public Health on Bill "An Act Relating to the Practice of Optometry," (S. P. 86) (L. D. 112) reported the same in a new draft (S. P. 465) under the same title, and that it ought to pass.

Mr. Haskell of Cumberland from the Committee on Towns and Counties on Bill "An Act Relating to Estimates for Taxes by County Commissioners," (S. P. 122) (L. D. 213) reported the same in a new draft (S. P. 466) under the same title, and that it ought to pass.

Which reports were severally read and accepted, and the bills laid upon the table for printing pursuant to Joint Rule No. 10.

Mr. Broggi from the Committee on Education on Bill "An Act Relating to Renewal of Certificates by Certain Teachers," (S. P. 157) (L. D. 330) reported that the same ought to pass.

Mr. McKusick from the same Committee on Bill "An Act Authorizing the Trustees of the University of Maine to Operate a College of Medicine," (S. P. 268) (L. D. 607) reported that the same ought to pass.

(On motion by Mr. Barnes of Aroostook tabled pending assignment for second reading.)

Mr. Haskell of Penobscot from the Committee on Legal Affairs on Bill "An Act to Ratify the Organization of Calvinistic Baptist Church and Society in Eastport and to Change Its Corporate Name," (S. P. 275) (L. D. 614) reported that the same ought to pass.

Mr. Marshall from the Committee on Public Utilities on Bill "An Act Creating a Sewer District in the Town of York," (S. P. 136) (L. D. 243) reported that the same ought to pass.

Mr. Barnes from the same Committee on Bill "An Act to Extend the Rights, Powers and Privileges of the Passamaquoddy District Authority," (S. P. 277) (L. D. 616) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Amending the Charter of Portland Gas Light Company," (S. P. 338) (L. D. 754) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Definition of Steam Railroad in Public Utility Law," (S. P. 106) (L. D. 162) 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. Ward from the Committee on Judiciary on Bill "An Act Relating to Recording of Judgments of Writs of Error," (S. P. 149) (L. D. 267) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was accepted and the bill read once.

The Secretary read Committee Amendment A:-

Committee Amendment A to L. D. 267. "Amend said bill adding the following underlined sentence at the end thereof: 'If the judgment in the criminal case was rendered by a judge of a municipal court or trial justice as aforesaid, the certified copy of the record of the judgment rendered upon the writ of error issued upon such judgment shall be transmitted to and recorded by the judge or recorder of such municipal court or trial justice in the manner aforesaid.'"

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

Mr. Barnes from Committee on Public Utilities on Bill "An Act Relating to Street Openings by

Public Utility Corporations," (S. P. 170) (L. D. 344) 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. 344. "Amend said bill by inserting at the beginning of the first paragraph thereof after the enacting clause the following: 'Section 1.' Further amend said bill by adding thereto the following: 'Section 2. R. S. Chapter 46, Sec. 18E. Section 18-E of chapter 46 of the Revised Statutes as enacted by Section 2 of chapter 252 of the Public Laws of 1947 is hereby amended to read as follows:'—

Thereupon, on motion by Mr. Barnes of Aroostook, Committee Amendment A was adopted without further reading and the bill as so amended was tomorrow assigned for second reading.

Mr. Marshall from the same Committee on Bill "An Act to Incorporate the Kittery Sewer District," (S. P. 171) (L. D. 345) reported that the same ought to pass as amended by Committee Amendment "A".

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

Committee Amendment A to L. D. 345. "Amend said bill by striking out in the 7th line from the end the word 'district' and inserting in place thereof the word 'town'."

Which amendment was adopted.

Mr. Marshall of York presented Senate Amendment A and moved its adoption; and on further motion by the same Senator, Senate Amendment A was adopted without reading, and the bill as amended by Committee Amendment A and as further amended by Senate Amendment A was tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act Relating to Greely Institute." (H. P. 1070) (L. D. 604)

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

Sent down for concurrence.

Bill "An Act Relative to Game Preserve, Limington, Hollis and Waterboro." (H. P. 629) (L. D. 380)

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

Bill "An Act Relating to Exemption of Parsonages from Taxation." (H. P. 1389) (L. D. 934)

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

Bill "An Act Relating to Certified Seed." (S. P. 23) (L. D. 13)

"Resolve Proposing an Amendment to the Constitution to Liberalize Limitation of Municipal Indebtedness." (S. P. 69) (L. D. 75)

Bill "An Act Relating to Salary of Council in City of South Portland." (S. P. 71) (L. D. 77)

Bill "An Act Relating to State Aid to Certain Education Institution." (S. P. 95) (L. D. 150)

Bill "An Act Relating to Joint Tenancies in Corporate Securities." (S. P. 148) (L. D. 268)

Bill "An Act Relating to the Development Credit Corporation of Maine." (S. P. 267) (L. D. 606)

Bill "An Act Relating to Salaries of Members of Council of the City of Rockland." (S. P. 289) (L. D. 628)

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

Sent down for concurrence.

Bill "An Act Relating to Vacations for Members of the Fire Department of the City of Lewiston." (S. P. 123) (L. D. 212)

"Resolve Regulating Fishing in Upper Dam Pool, County of Oxford." (S. P. 184) (L. D. 393)

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

Sent down for concurrence.

Orders of the Day

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Haskell of Cumberland

Adjourned until Tuesday, March 6, 1951 at eleven o'clock in the forenoon.