

# 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 30, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Ondon P. Stairs of Gardiner.

Journal of yesterday read and approved.

**Joint 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, April 3rd, 1951 at ten o'clock in the morning. (S. P. 524)

Sent down for concurrence.

**From the House**

Bill "An Act Repealing Advisory Committee on State Budget." (S. P. 363) (L. D. 877)

(In Senate, on March 28th passed to be engrossed.)

Comes from the House, recommitted to the Committee on Legal Affairs in non-concurrence.

In the Senate, on motion by Mr. Weeks of Cumberland, recommitted to the Committee on Legal Affairs in concurrence.

The Committee on Business Legislation on Bill "An Act Relating to Transfer of Corporate Stock," (H. P. 805) (L. D. 478) reported that the same ought not to pass.

The Committee on Claims on "Resolve in Favor of Ivan M. and Arthur Scott of Waldoboro," (H. P. 373) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Bradbury Brothers of Bridgewater," (H. P. 450) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of Howard M. Irish, of Hartford," (H. P. 876) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of Solomon M. Blanchard of Falmouth," (H. P. 1565) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of

Pownal," (H. P. 253) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of Edmund P. Skillin, of Freeport," (H. P. 1632) reported that leave be granted to withdraw the same.

The Committee on Liquor Control on Bill "An Act Relating to Billboard Liquor Advertising," (H. P. 1024) (L. D. 583) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Liquor Licenses in Unincorporated Places," (H. P. 1025) (L. D. 584) reported that the same ought not to pass.

The Committee on Welfare on "Resolve Providing for State Pension for Adrien Albert of Sinclair," (H. P. 1387) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

The Committee on Natural Resources on "Resolve, Permitting the Building of a Fish Pond in Chapman," (H. P. 1369) (L. D. 960) reported that the same ought to pass.

The same Committee on Bill "An Act to Designate Certain Waters of the Dead River as Flagstaff Lake," (H. P. 1124) (L. D. 696) reported that the same ought to pass.

The Committee on Public Health on Bill "An Act Relating to Fluoride in Public Water Supplies," (H. P. 1280) (L. D. 819) reported that the same ought to pass.

The same Committee on Bill "An Act to Change the Law Relating to Apothecaries," (H. P. 545) (L. D. 310) reported that the same ought to pass.

The same Committee to which was recommitted Bill "An Act Relating to Employed Persons in Paper Mills," (H. P. 328) (L. D. 188) reported that the same ought to pass.

The Committee on Taxation on Bill "An Act Relating to the Excise Tax on Certain Types of Oleomargarine," (H. P. 657) (L. D. 366) 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 Natural Resources to which was recommitted "Resolve, Authorizing a Tax and Cutting Practice Committee," (H. P. 1027) (L. D. 586) reported the same in a new draft (H. P. 1672) (L. D. 1240) under the same title and that it ought to pass.

Which report was read and accepted in concurrence and the resolve in new draft read once and tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs on "Resolve, Appropriating Moneys to Effectuate Salary Plan for State Employees," (H. P. 804) (L. D. 477) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Inland Fisheries and Game on Bill "An Act Relating to the Breeding and Raising of Mink," (H. P. 628) (L. D. 351) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Special Dog Training and Field Trial Areas," (H. P. 630) (L. D. 352) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Smelt Fishing," (H. P. 1309) (L. D. 862) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Sea and Shore Fisheries on Bill "An Act Regulating the Dragging for Scallops in Harrington River and Pleasant River, Washington County," (H. P. 1446) (L. D. 1042) 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 and resolve read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills and resolve as amended were tomorrow assigned for second reading.

Bill "An Act to Incorporate the Jay School District." (H. P. 1670) (L. D. 1241)

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

Bill "An Act Relating to Motor Vehicle Excise Taxes of Persons in Unorganized Territory." (H. P. 1671) (L. D. 1242)

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

#### **Referred to Committees**

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

#### **Highways**

Mr. Palmer of Lincoln presented "Resolve in Favor of the Town of Nobleboro." (S. P. 525)

Sent down for concurrence.

#### **Judiciary**

Mr. Leavitt of Cumberland presented Bill "An Act Relating to Retirement of Firemen Under Maine State Retirement Law." (S. P. 526)

The same Senator presented Bill "An Act Relating to the Greater Portland Public Development Commission." (S. P. 527)

(Each ordered printed.)

Sent down for concurrence.

#### **First Reading of a Printed Bill**

Bill "An Act Relating to Baxter State Park." (S. P. 521) (L. D. 1243)

Which was read once and tomorrow assigned for second reading.

#### **Senate Committee Reports**

Mr. Leavitt from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Salaries of the Members of the Industrial Accident Commission," (S. P. 222) (L. D. 497) reported that the same ought not to pass as it is covered by other legislation.

Mr. Barnes from the Committee on Judiciary on "Memorial to Congress, Petitioning for Amendments to the Federal Wage and Hour Regulations Relating to Part-time Home Workers in the Needlecraft Industry," (S. P. 315) (L. D. 716) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve Proposing an Amendment to the Constitution Changing the Qualifications for Voting," (S. P. 322) (L. D. 722) re-

ported that the same ought not to pass.

Mr. Haskell of Cumberland from the same Committee on Bill "An Act Relating to Bartardy Proceedings," (S. P. 100) (L. D. 157) reported that the same ought not to pass as it is covered by other legislation.

The same Senator from the same Committee on "Resolve Authorizing Expenditure of Certain Moneys in Possession of Bangor State Hospital," (S. P. 336) (L. D. 752) reported that the same ought not to pass.

(On motion by Mr. Crosby of Franklin, tabled pending acceptance of the report.)

Mr. Collins from the Committee on Labor on Bill "An Act Relating to Compensation Benefits Under the Workmen's Compensation Law," (S. P. 126) (L. D. 234) reported that the same ought not to pass.

Mr. Weeks from the Committee on Legal Affairs on Bill "An Act Relating to Lotteries," (S. P. 502) (L. D. 1213) reported that the same ought not to pass.

Mr. Haskell of Penobscot from the Committee on Legal Affairs on Bill "An Act Relating to Building Codes," (S. P. 479) (L. D. 1141) reported that the same ought not to pass.

Mr. Boyker from the Committee on Transportation on Bill "An Act Relating to the Licensing of Antique Motor Vehicles," (S. P. 365) (L. D. 879) reported that the same ought not to pass.

Mr. LEAVITT of Cumberland: Mr. President, I move that the bill be substituted for the report.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, this bill fathered by my good friend and colleague from Cumberland, Senator Leavitt, relates to the licensing of antique motor vehicles. I will be frank and say that when I first saw the bill, I could not see anything too much the matter with it but after our committee looked into the matter a bit, all ten of us were in unanimous agreement that the bill should be reported unfavorably.

There are several reasons and we certainly would be the last ones to discourage a collection of antique motor vehicles, which is a worthy hobby in this day of rapidly chang-

ing styles and tempo. The fact remains that it is a hobby, strictly a hobby and a very expensive hobby. Because it is a hobby and because of the fact that there are various other regulations which would serve to open the door, serve as a wedge in the changing of our regulations on the registration of motor vehicles, for example special registration plates bearing the initials V. M. C. I will admit there is one legislature which has special plates but there are other groups using the highways, other types of vehicles who would also be interested for example, in item seven of the bill, a special plate—doctors, nurses, wireless operators and other categories who for one reason or another would expect to have special registration plates if such were issued.

Two states as I understood in public hearing, Massachusetts and Michigan have introduced such legislation. Other states, I think, have adopted similar legislation. I think in Connecticut—if I am wrong I can be corrected—it has been rejected.

Because it is a hobby, because it seems to us to be opening the door, we felt that the bill should be reported ought not to pass at this time. We are in sympathy with the problems of the owners of these machines. We questioned at length the means with which they are on the highways now. They try to leave the highways before dark because of course they can't meet specifications for lights and they don't go fast enough so that the brakes are a problem but because of the principle facts that it is a hobby and involves special files, registration offices and special plates not granted to other groups and because we felt that it might open the door to those other groups to introduce that type of legislation, and looking upon it in that light, we reported it unfavorably and naturally I hope the Senate will uphold the unanimous report of the committee.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, we are passing bills, safety bills, for our highways. This bill has to do with antique motor vehicles 25 years old or older, used for exhi-

bition purposes only, and we are trying to protect our Senator from Rockland, Senator Sleeper from any more mishaps which might come to him and we are in favor of passing this out ought not to pass.

Mr. LEAVITT of Cumberland: Mr. President, I have heard some very fine arguments before in my life. I think the arguments on this bill have more or less reached a peak. This is a hobby, frankly. These people get these automobiles, find them around in different barns, find them where people have put them away and almost forgotten that they have them. They take them and restore them to the peak of efficiency of the automobile at the time it was made. They probably put these cars on the road twice a year. Whenever they go on the road they go under more or less strict supervision. They go in parades where they must probably crawl down the street at the magnificent speed of three or four miles an hour.

And so these people have asked the State of Maine if, whereas they would only use these cars once in a while, never going out into Sunday traffic — none of this hazardous stuff they are talking about, — they have said "Whereas we just want to be able to get these cars from one point to another for an exhibition, we do not feel that we should pay a tax on so much horsepower, so much for weight, and so forth, as if we were driving these cars 30, 40, 50, or 60 miles an hour over the roads the most of the time." They have asked, because they had a hobby, would we allow them legally to have these cars on the road for these short periods without charging them the full registration fee.

They would just as soon take a regular plate, if it is such a terrible ordeal for somebody to put these initials on a special plate, but they felt where they were not paying the full fee that the State would want to put a special designation on them, more or less in line with the plates which are on my car at the present time. I don't know as they made any great to-do about the cost of initials or having a special type of plate.

The entire argument against this —well, I won't say it, because I love

my colleague beside me and I won't say anything that would seem to detract from the eloquence of his speech. But I do wish the Senate would go along with me in helping these people who own these antique cars. I hope my motion will prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Leavitt, that the bill be substituted for the report.

A viva voce vote being doubted, a division of the Senate was had.

Four having voted in the affirmative and fifteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Allen of Cumberland, the "ought not to pass" report of the Committee was accepted.

Sent down for concurrence.

Mr. Leavitt from the Committee on Appropriations and Financial Affairs on "Resolve Providing Funds for Maintenance at Teachers Colleges and Normal Schools," (S. P. 224) (L. D. 499) reported that the same ought to pass.

Mr. Collins from the Committee on Labor on Bill "An Act Amending the Voluntary Apprenticeship Law," (S. P. 458) (L. D. 1072) reported that the same ought to pass.

Mr. Ela from the Committee on Legal Affairs on "Resolve Authorizing the Trustees of the Town of Houlton School District to Convey Land to the Inhabitants of the Town of Houlton," (S. P. 480) (L. D. 1143) reported that the same ought to pass.

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

#### Passed to be Engrossed

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

Bill "An Act Relating to the Protection of Alewives in East Machias River in the Town of East Machias." (H. P. 1065) (L. D. 645)

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

Bill "An Act Closing Certain Clam Flats in Lubec, Washington County." (H. P. 1444) (L. D. 1040)

Bill "An Act Relating to Schooling of Children of Parents Who Reside on State-owned Property." (H. P. 1471) (L. D. 1083)

Bill "An Act Relating to Salaries of Trustees of Community School Districts." (H. P. 1484) (L. D. 1091)

"Resolve Relating to Closed Season for White Perch in Echo Lake, Kennebec County." (H. P. 1534) (L. D. 1127)

"Resolve Regulating Fishing in Province Lake, York County." (H. P. 1538) (L. D. 1131)

"Resolve Limiting the Catch of Trout or Salmon in Adams Pond in the Town of Boothbay." (H. P. 1541) (L. D. 1134)

"Resolve Closing Three Mile Pond to Ice Fishing." (H. P. 1614) (L. D. 1174)

"Resolve Relating to Catching of White Perch in Pushaw Lakes, Penobscot County." (H. P. 1616) (L. D. 1176)

"Resolve Closing Pleasant Lake and Its Tributaries to Dipping or Netting of Smelts." (H. P. 1667) (L. D. 1237)

"Resolve Closing Certain Ponds in Dedham and Bucksport, in Hancock County, to Fishing." (H. P. 1668) (L. D. 1238)

Bill "An Act Relating to Representations of the State House in Liquor Advertising." (H. P. 1669) (L. D. 1239)

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

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

On motion by Mr. Haskell of Cumberland, tabled pending passage to be engrossed.

Bill "An Act Relating to Deposit of Potatoes into Waters of the State." (S. P. 417) (L. D. 977)

Bill "An Act Exempting Navy Clubs from Taxation." (S. P. 419) (L. D. 979)

Bill "An Act Relating to the Transmission of Television Signal by Wire." (S. P. 489) (L. D. 1169)

Which were severally read a second time and passed to be engrossed. Sent down for concurrence.

Bill "An Act to Clarify Certain Provisions of Motor Vehicle Law." (S. P. 72) (L. D. 78)

Bill "An Act Relating to the Trustees of the University of Maine." (S. P. 515) (L. D. 1234)

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

Sent down for concurrence.

#### Enactors

Bill "An Act Amending the Charter of the City of Rockland." (H. P. 1179) (L. D. 734)

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

"Resolve, in Favor of the Maine Historical Society." (H. P. 794) (L. D. 1224)

Bill "An Act Authorizing the Trustees of the University of Maine to Operate a College of Medicine." (S. P. 268) (L. D. 607)

Bill "An Act Relating to Interest of Madawaska Territory School Fund." (S. P. 291) (L. D. 650)

"Resolve, Appropriating Moneys for Replacement and Conversion of Certain Elevators at the Bangor State Hospital." (S. P. 293) (L. D. 652)

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

Which bills were severally passed to be enacted and resolves finally passed.

#### Emergency Measures

Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Department of Labor and Industry Due to Insufficient Appropriations." (S. P. 266) (L. D. 605)

Which bill being an emergency measure, and having received the affirmative vote of 23 members of the Senate, and none opposed, was passed to be enacted.

"Resolve, for the Laying of the County Taxes for the Years Nineteen Hundred Fifty-one and Nineteen Hundred Fifty-two." (H. P. 1659) (L. D. 1228)

Which bill being an emergency measure and having received the affirmative vote of 23 members of the Senate, and none opposed, was passed to be enacted.

#### From the House (Out of Order)

Bill "An Act for the Assessment of a State Tax for the Year Nine-

teen Hundred Fifty-One and for the Year Nineteen Hundred Fifty-Two." (H. P. 1675)

Bill "An Act Relating to Tax of Intangibles by Authority of Article XXXVI of the Constitution of Maine." (H. P. 1676)

Came from the House referred to the Committee on Taxation.

In the Senate, referred to the Committee on Taxation in concurrence.

#### Orders of the Day

On motion by Mr. McKusick of Piscataquis, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Welfare on Bill, An Act Liberalizing Old Age Assistance (H. P. 173) (L. D. 104) tabled by that Senator on March 22nd pending acceptance of the report; and on further motion by the same Senator the "Ought Not to Pass" report of the committee was accepted, in non-concurrence.

Sent down for concurrence.

Mr. MARSHALL of York: Mr. President, I would like to inquire if bill, An Act to Create the Veazie Sewer District (H. P. 1208) (L. D. 766) is in the possession of the Senate.

The PRESIDENT: The Chair will inform the Senator that the bill is in the possession of the Senate having been recalled by joint order from the Engrossing Department, the bill having passed to be engrossed by both branches as amended by Committee Amendment A.

Mr. MARSHALL: Mr. President, I move that the Senate reconsider its former action whereby the bill was passed to be engrossed in concurrence.

The motion to reconsider prevailed and the same Senator presented Senate Amendment A and moved its adoption: "Amend said bill by striking out the third sentence from the end of Section 15 thereof and inserting in place thereof the following sentence: This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election

provided that the total number of votes cast for and against the acceptance of this act equals or exceeds twenty percent of the number of voters on said check list."

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

Sent down for concurrence.

On motion by Mr. Crosby of Franklin, the Senate voted to reconsider its action taken earlier in today's session whereby Resolve for the Laying of the County Taxes for the Years 1951 and 1952 (H. P. 1659) (L. D. 1228 was finally passed as amended by Senate Amendment A.

Mr. CROSBY: Mr. President, I now move the indefinite postponement of Senate Amendment A.

Mr. BOUCHER of Androscoggin: Mr. President, since this amendment has already passed in the Senate I would like to make just one word of explanation. I realize that, as I have been informed, that this must pass today so I know that any attempt to have this matter straightened out with the other Body is impossible. I am satisfied that I have done my duty about the proposed amendment and I am very much satisfied and appreciative of all that the members of the Senate have done in concurring with me in doing it. I think I cannot be blamed for what was done in the other Body. They will have to take the responsibility for that. Therefore, Mr. President, I will go along with the motion for indefinite postponement of the amendment.

The motion prevailed, Senate Amendment A was indefinitely postponed in concurrence.

This being an emergency measure, a division of the Senate was had.

Twenty-two having voted in the affirmative and none opposed, the resolve was finally passed.

On motion by Mr. Crosby of Franklin

Adjourned until Tuesday, April 3rd, 1951, at ten o'clock in the forenoon.