

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

VOLUME II

1951

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, April 27, 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.

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 Rouse adjourn, they adjourn to meet on Monday, April 30th, 1951, at three-thirty o'clock in the afternoon, Eastern Standard Time. (S. P. 563)

Sent down for concurrence.

From the House

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

(In Senate, on April 25th, the Minority Report "Ought Not to Pass" was accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the Majority Report, Ought to Pass in a new draft (H. P. 1725) (L. D. 1280) under the same title was accepted, and the bill in new draft passed to be engrossed, and now asks for a Committee of Conference.

In the Senate, on motion by Mr. Ela of Somerset, the Senate voted to insist and join.

Bill "An Act Relating to the Salary of the Mayor of the City of Lewiston." (S. P. 313) (L. D. 664)

(In Senate, on April 10th, passed to be engrossed as amended by Committee Amendment "A" and as amended by Senate Amendment "A.")

Comes from the House, Senate Amendment A indefinitely postponed, and the bill passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.

(In the Senate, on motion by Mr. Collins of Aroostook, tabled pending consideration.)

The Committee on Inland Fisheries and Game on Bill "An Act

Relating to Guides," (H. P. 1004) (L. D. 592) reported that leave be granted to withdraw the same as it is covered by other legislation.

The Committee on Judiciary on "Resolve Increasing Retirement Allowance of Albert F. Barnes of Belfast," (H. P. 1623) (L. D. 1182) reported that the same ought not to pass.

The same Committee on "Resolve Increasing Retirement Benefits for George H. Woodbury of Belgrade," (H. P. 1640) (L. D. 1204) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Laura B. Sanborn, of Kents Hill," (H. P. 1548) (L. D. 1109) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Highways on Bill "An Act Relating to Designation of Through Ways by Highway Commission," (H. P. 1341) (L. D. 916) reported that the same ought to pass.

The same Committee on "Resolve, Designating Bridge at Burnham as Burnham Memorial Bridge," (H. P. 1611) (L. D. 1171) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on "Resolve Opening Meduxnekeag Lake to Ice Fishing for Certain Fish," (H. P. 1010) (L. D. 597) reported that the same ought to pass.

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

The Committee on Highways on Bill "An Act Relating to Fines for Overloaded Trucks," (H. P. 461) (L. D. 281) reported the same in a new draft (H. P. 1779) (L. D. 1317) under the same title, and that it ought to pass.

The same Committee on "Resolve, Authorizing a Reclassification of Highways," (H. P. 970) (L. D. 757) reported the same in a new draft (H. P. 970) (L. D. 1318) under the same title, and that the same ought to pass.

The Committee on Judiciary on Bill "An Act to Confer the Right of Eminent Domain upon Wiscasset Water Company," (H. P. 239) (L. D. 135) reported the same in a new draft (H. P. 1781) (L. D. 1319) under the same title, and that it ought to pass.

Which reports were severally read and accepted in concurrence, and the bills and resolve in new draft read once, and tomorrow assigned for second reading.

The Committee on Agriculture on Bill "An Act Relating to Dealers in Livestock," (H. P. 1398) (L. D. 1011) reported that the same ought to pass as amended by Committee Amendment "A." (Amendment Filing No. 166)

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Salary of Justices of the Supreme Judicial and Superior Courts," (H. P. 1657) (L. D. 1229) reported that the same ought to pass as amended by Committee Amendment "A." (Amendment Filing No. 300)

The Committee on Highways on Bill "An Act Providing for Construction of Roadside Picnic Areas," (H. P. 72) (L. D. 34) reported that the same ought to pass as Amended by Committee Amendment "A." (Amendment Filing No. 301)

The Committee on Judiciary on Bill "An Act to Incorporate Town Finance Corporation," (H. P. 319) (L. D. 185) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Public Loan Corporation of Portland," (H. P. 742) (L. D. 428) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Public Loan Corporation of Bangor," (H. P. 743) (L. D. 429) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Public Loan Corporation of Lewiston," (H. P. 744) (L. D. 430) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An

Act to Incorporate the Exchange Finance Corporation," (H. P. 1052) (L. D. 632) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Rumford Finance Co., Inc.," (H. P. 1111) (L. D. 691) 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.

The Majority of the Committee on Taxation on Bill "An Act Imposing a Gross Income Tax," (H. P. 779) (L. D. 455) reported that the same ought not to pass.

(signed) Senators:

WIGHT of Penobscot
NOYES of Hancock
ALLEN of Cumberland

Representatives:

SINCLAIR of Pittsfield
CARTER of Bethel
DOW of Falmouth
LOW of Rockland
DUQUETTE of Biddeford
CHASE of Cape Elizabeth

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed) Representative:

ROLLINS of Greenville

Comes from the House, the Majority Report read and accepted.

In the Senate, the Majority Report "Ought Not to Pass" was accepted in concurrence.

Joint Order:

ORDERED, the Senate concurring, that H. P. 1070, L. D. 604, bill, An Act Relating to Greeley Institute be recalled from the engrossing department to the House.

Comes from the House having been read and passed.

In the Senate, read and passed in concurrence.

First Reading of a Printed Bill

Bill "An Act Relating to Regulation of Posts and Wires." (S. P. 560) (L. D. 1345)

Which bill was read once, and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Christensen from the Committee on Highways on Bill "An Act to Authorize the Issuance of Bonds on Behalf of the State of Maine for the Purpose of Building State Highways," (S. P. 270) (L. D. 609) reported the same in a new draft (S. P. 564) under the same title, and that it ought to pass.

(On motion by Mr. Palmer of Lincoln, the bill was laid upon the table pending acceptance of the report; and the bill was ordered printed.)

Mr. Haskell of Cumberland from the committee on Judiciary on Bill "An Act Relating to Powers of Attorney General," (S. P. 517) (L. D. 1236) reported the same in a new draft (S. P. 565) under the same title, and that it ought to pass.

On motion by Mr. Haskell of Cumberland, the report was read and accepted and under suspension of the rules was given its two several readings, passed to be engrossed and sent forthwith to the House.

Mr. Noyes from the Committee on Public Utilities to which was recommitted Bill "An Act relating to Private Carriers in Operating Motor Trucks for Hire," (S. P. 441) (L. D. 1004) reported the same in a new draft (S. P. 566) under the same title, and that it ought to pass.

Which report was read and accepted, and the bill in new draft laid upon the table for printing under Joint Rule No. 10.

Mr. Weeks from the Committee on Legal Affairs on Bill "An Act to Amend the Charter of the Town of Baileyville," (S. P. 538) (L. D. 1275) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act to Create the Flander's Bay Community School District," (S. P. 414) (L. D. 975) reported that the same ought to pass.

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

The Majority of the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Legal Length of Lobsters," (S. P. 260) (L. D. 557) reported that the same ought not to pass.

(signed) Senator:

BROWN of Washington

Representatives:

STEVENS of Boothbay

BARTON of Vinalhaven

CLAPP of Brooklin

KNAPP of Yarmouth

HANSON of Machiasport

BUCKNAM of Whiting

LITTLEFIELD of Kennebunk

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(signed) Senators:

SLEEPER of Knox

LARRABEE of Sagadahoc

On motion by Mr. Larrabee of Sagadahoc, the bill and accompanying papers were laid upon the table pending acceptance of either report.

Passed to be Engrossed

Bill "An Act Relative to Use Fuel Tax." (H. P. 332) (L. D. 191)

"Resolve for Development of State Park Facilities." (H. P. 1125) (L. D. 697)

Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation." (H. P. 1734) (L. D. 1203)

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

Bill "An Act Relating to Motor Vehicles Following Fire Apparatus and Crossing Fire Hose." (H. P. 1038) (L. D. 603)

Mr. ELA of Somerset: Mr. President, I move that the Senate reconsider its action whereby it adopted House Amendment A and in explanation I will say that if that is done, I will then offer Senate Amendment A to that amendment. I have checked with the Chairman of Transportation and he offers no objection to that procedure.

Thereupon the adoption of House Amendment A was reconsidered.

The Secretary read Senate Amendment A to House Amendment A:

Senate Amendment A to House Amendment A to L. D. 603.

"Amend said amendment by striking out the paragraph designated Section 109-A and inserting in place thereof the following paragraph: 'Section 109-A. Following Fire Apparatus Prohibited. The driver of any motor vehicle shall not follow any fire apparatus driving in response to a fire alarm closer than 500 feet.'"

Which amendment was adopted, House Amendment A as amended by Senate Amendment A was adopted in non-concurrence, and the bill as so amended was passed to be engrossed in non-concurrence. Sent down for concurrence.

Bill "An Act Creating a Sewer System for Town of Winthrop." (H. P. 1629) (L. D. 1188)

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

Sent down for concurrence.

Bill "An Act Relating to Initiative and Referendum in the City of South Portland." (S. P. 70) (L. D. 76)

"Resolve Providing Funds to Augment Institutional Appropriations." (S. P. 292) (L. D. 651)

Bill "An Act Revising the Laws Relating to Outdoor Advertising Signs." (S. P. 326) (L. D. 728)

Bill "An Act Relating to Salaries of County Officers of Androscoggin County." (S. P. 422) (L. D. 982)

Bill "An Act Relating to Retirement of Firemen Under Maine State Retirement Law." (S. P. 526) (L. D. 1253)

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

Sent down for concurrence.

Bill "An Act to Authorize the Building of a Road Across Massacre Pond, in Scarborough." (H. P. 61) (L. D. 27)

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

Sent down for concurrence.

Emergency Measure

Bill "An Act Imposing a Sales and Use Tax." (H. P. 1695) (L. D. 1273)

On motion by Mr. Crosby of Franklin, tabled pending enactment.

Orders of the Day

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table House Report Ought not to Pass from the Committee on Appropriations and Financial Affairs on Resolve Proposing an Amendment to the Constitution to Change the Term of Office of Treasurer of State (H. P. 1073) (L. D. 686) tabled by that Senator on April 13 pending motion by the Senator from Kennebec, Senator Tabb that the Resolve be substituted for the report.

Mr. BREWER of Arostook: Mr. President, this bill came out of the Appropriations Committee with the Unanimous Ought Not to Pass Report. I do want to say that it is a bill which allows the Treasurer of State who is now limited to a six-year term to perpetuate his office, provided he has the consent of the Legislature. We had three bills pertaining to the Treasurer—one that would do away with the office entirely and another one that would involve an amendment to the constitution to accomplish that purpose and this one here that would perpetuate the office with the consent of the Legislature.

This, too, involves a constitutional amendment. We felt that, possibly, no change should be made at this time. I think many of you are cognizant that under the code law there is no setup for the State Treasurer, but under the Constitution it does provide that there must be a State Treasurer. So, under this setup, the duties of the Treasurer aren't too exacting and the arguments that I feel against the Treasurer perpetuating himself in office are the following:

In the first place, I feel that if he did stay in office year after year, that there would be cause for many of the banks to feel that there was discrimination as to where these deposits were made in the various And of course, as you know, the Treasurer has the responsibility

and custody of investments of millions, not only dollars but also the bonds. And we do feel that although that practice has never officially come to light that special consideration were given to different banks and different investments, that such a thing could arise with the man staying there too long.

Now the bill, in itself, wasn't written too well. It relates to Article V, part fourth, a simple one sentence section which says, "The treasurer shall be chosen biennially, at the first session of the legislature, by joint ballot of the senators and representatives in convention but shall not be eligible more than six years successively," and then that resolve would strike out the words, "But shall not be eligible more than six years successively." So that any treasurer, if he had the legislative vote, as I have pointed out, could serve as long as he lived.

Now, I will agree that we have other executive heads such as the Secretary of State, the Commissioner of Agriculture, the State Auditor and several others that have no specifications as to the time they will serve. Nevertheless, I would call to your attention that this particular office has been set up this way for 130 years and I know that there has been considerable lobbying done on this bill and the one thing that has surprised me—I am rather amused. I can't think of any head of a department that could lobby and not cause any more comment. In fact, I couldn't think of any other one that suddenly there wouldn't be reverberations in the Legislature and possibly go off in the top of the capitol dome. But nevertheless, this didn't happen in this particular case. I am not criticizing, but I am amused at the results.

So, I say, I believe that we did consider these three bills and so I move that the Ought Not to Pass Report of the Committee be accepted.

The PRESIDENT The Chair will state that the pending question is on the motion of the Senator from Kennebec, Senator Tabb to substitute the bill for the Ought Not to Pass Report of the Committee.

Mr. BREWER of Aroostook: Well then, Mr. President, I move that the bill be not substituted for the Report.

Mr. WARD of Penobscot: Mr. President, I would just like to say a word in support of the motion of the Senator from Kennebec, Senator Tabb. Prior to the adoption of the Code, perhaps there were good reasons for this limitation. Since the adoption of the Code, personally, I see no reason for it. So far as I know, it is the only office in the State that has such a limitation. And if the State Legislature sees fit to continue the office and not adopt a constitutional amendment which would eliminate it, then I see no reason for continuing this particular limitation.

So far as perpetuating himself in office, the Treasurer of State is elected every two years by the members of the Legislature and it is entirely up to them whether the man shall hold office one term or longer and I hope that the motion of the Senator from Kennebec prevails.

Mr. BROGGI of York: Mr. President, will you let me know what the prevailing motion is?

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Tabb, that the resolve be substituted for the Ought Not to Pass report of the committee. Is the Senate ready for the question?

A viva voce vote being doubted.

A division of the Senate was had.

Seventeen having voted in the affirmative and ten opposed.

The motion to substitute prevailed.

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

Mr. HASKELL of Penobscot: Mr. President, at the conclusion of a few very brief comments, I will offer Senate Amendment "A" to this constitutional resolve and before I make a motion that the amendment be adopted, I will explain it.

The resolve as written has a title, "Resolve Proposing An Amendment to the Constitution to change the Term of Office of the Treasurer of State." Personally, I don't

believe that is what the intent of the resolve is. I believe the intent is better expressed by these words, "Resolve Proposing an Amendment to the Constitution to Remove the Provision That the Treasurer Shall not Be Eligible to More Than Six Years Successively in office," I believe that because we are not changing the term of office, it will still remain two years. The second section of the amendment is technical only in that the original resolve was drawn to tie in with the present constitution.

The Second section of this amendment will remove the words that refer to the 27th Amendment to the Constitution which is written out Murchie version. That is purely technical. The important section of the amendment changes the question. The question in the original bill again asks the people to vote on the question of changing the term of office. We have been criticized rather frequently in this session by the Senator from Knox, Senator Sleeper, that we put up these questions and they are confusing. So, this suggests the following question:

"Shall the constitution be amended as proposed by a resolution of the legislature to remove the provision that the Treasurer shall not be eligible more than six years successively?"

I can state to the Senate that the person most interested in the measure agrees that that is more objectively stated and I can further tell the Senate that I had special permission of the Senator from Kennebec, Senator Tabb, to go out and have that amendment drawn and brought in here to be offered. I now offer the amendment.

The Secretary read the amendment: Senate Amendment A to L. D. 686. "Amend said Resolve by striking out the title and inserting in place thereof the following. 'Resolve Proposing an Amendment to the Constitution to Remove Provisions that the Treasurer shall not be Eligible More than Six Years Successively.'

"Further amend said resolve by striking out the third paragraph thereof and inserting in place thereof the following paragraph. 'Section

1. Treasurer shall be chosen biannually at the first session of the legislature by joint ballot of the Senators and Representatives in convention."

"Further amend said resolve by striking out the third paragraph from the end and inserting in place thereof the following paragraph. 'Shall the Constitution be amended as proposed by Resolution of the legislature to remove the provisions that the Treasurer shall not be eligible more than six years successively?'"

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

The PRESIDENT: The Chair would remind the Senate that as of today we have eighty-eight matters on the table.

The Chair will appoint as Senate conferees on the Committee of Conference on bill, An Act Relating to Driving Deer, Senators Ela, Smart and Wight.

On the disagreeing action of the two branches on bill, An Act Relative to Fishing Contests, the Chair will appoint Senators Ela, Smart and Tabb.

On motion by the Senator from Cumberland, Senator Allen, the Senate voted to take from the table House Report Ought to Pass As Amended by Committee Amendment A, from the Committee on Transportation on Recommitted Bill, An Act Relating to Signals for Stopping and Turning Motor Vehicles (H. P. 93) (L. D. 38) tabled by that Senator on April 26 pending acceptance of the report; and on further motion by the same Senator, House Amendment A was adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Sleeper of Knox, the Senate voted to take from the table bill, An Act Relating to Taxation of Bottled Gas Equipment (H. P. 1331) (L. D. 894) tabled by that Senator on April 16 pending adoption of Committee Amendment A.

Mr. SLEEPER of Knox: Mr. President, I tabled this matter so

as to investigate the amendment. I had felt that it might be placing a special tax upon that type of heating equipment. I find however, that the measure merely clarifies the location of the bottled gas equipment, stipulating the place where that equipment can be attached. I now feel that any objection I had to the legislation has been removed and I therefore move

the pending question and that the bill go through the regular channels.

Thereupon, Committee Amendment A was adopted and the bill tomorrow assigned for second reading.

On motion by Mr. Ward of Penobscot

Adjourned until Monday, April 30, 1951 at 3:30 o'clock in the afternoon, Eastern Standard Time.