

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

Monday, May 7, 1951

The Senate was called to order by the President.

Prayer by the Reverend Walter E. Kellison of Augusta.

Journal of Friday, May 4th, 1951, read and approved.

From the House

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Fishing Licenses for Boys' and Girls' Camps," (H. P. 1410) (L. D. 1018) reported that the Senate recede and concur with the House in recommitting the report and Bill to the Committee on Inland Fisheries and Game, and the Committee recommends that the Committee on Inland Fisheries and Game report a New Draft (S. P. 573) a draft of which accompanies this Report.

Which Committee of Conference report was read and accepted.

Bill "An Act Relating to Penalties for Violation of Truck Weight Laws." (S. P. 460) (L. D. 1074)

(In Senate, on April 24th, 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 non-concurrence.

In the Senate, on motion by Mr. Allen of Cumberland, the Senate voted to recede and concur with the House in the engrossing of the bill as amended by Committee Amendment A as amended by House Amendment A thereto.

Bill "An Act Relating to Public Burying-Grounds in Unincorporated Places." (H. P. 1240) L. D. 792)

(In Senate, on May 3rd, indefinitely postponed in non-concurrence)

Comes from the House, enactment and engrossing reconsidered, House Amendment "A" adopted, and the bill as so amended, passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Ela of Somerset, the rules were

suspended and the Senate voted to reconsider its former action whereby the bill was indefinitely postponed; and to further reconsider its action whereby the bill was passed to be engrossed; House Amendment A was read and adopted in concurrence and the bill as amended passed to be engrossed in concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Bulldozing of Streams," (H. P. 1643) (L. D. 1211) reported the same in a new draft (H. P. 1784) (L. D. 1341) under the same title and that it ought to pass.

Comes from the House, passed to be engrossed, as amended by House Amendment "A". (Amendment Filing No. 348)

In the Senate, the report was read and accepted in concurrence, and the bill read once, House Amendment A was read and adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

Bill "An Act relating to Composite Certificates of Organization of Corporations." (H. P. 1796) (L. D. 1365)

Comes from the House, having been received by unanimous consent, read twice under suspension of the rules, and passed to be engrossed, without reference to a committee.

In the Senate, on motion by Mr. Crosby of Franklin, the bill was laid upon the table pending the granting of unanimous consent for its reception.

The Committee on Highways on Bill "An Act Relating to the Operation of Trucks During the Months of December, January and February," (H. P. 1473) (L. D. 1193) reported that the same ought to pass.

The same Committee on "Resolve, in Favor of Indian Island for Construction and Repair of Roads," (H. P. 969) (L. D. 798) reported that the same ought to pass.

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

The Committee on Inland Fisheries and Game on "Resolve Reg-

ulating Open Season for Fishing in Somerset County," (H. P. 1416) (L. D. 1024) reported the same in a new draft, (H. P. 1794) (L. D. 1362) under a new title, "Resolve Regulating Fishing in Somerset County," and that it ought to pass.

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

The Committee on Highways on Bill "An Act to Increase the Salaries of Members of the State Highway Commission," (H. P. 1080) (L. D. 683) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 351)

The same Committee on Bill "An Act Relating to Temporary Loans for Highway Purposes," (H. P. 1258) (L. D. 832) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 353)

The same Committee on Bill "An Act Relating to Installations in Public Highways," (H. P. 1528) (L. D. 1121) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 349)

The same Committee on Bill "An Act Relating to Entrances to Highways," (H. P. 1529) (L. D. 1122) reported that the same ought to pass as amended by Committee Amendment "A" (Amendment Filing No. 352)

The Committee on Inland Fisheries and Game on "Resolve Closing All Tributaries to Lake Moxie, Somerset County, to All Fishing," (H. P. 1612) (L. D. 1172) reported that the same ought not to pass as amended by Committee Amendment "A". (Amendment Filing No. 354)

The Committee on Judiciary to which was recommitted Bill "An Act Amending the Maine Housing Authorities Act," (H. P. 159) (L. D. 90) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 335)

(On motion by Mr. Haskell of Cumberland, tabled pending acceptance of the report.)

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 so amended were tomorrow assigned for second reading.

The Majority of the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Taking of Soft-Shell Clams in Jonesport," (H. P. 62) (L. D. 28) reported the same in a new draft (H. P. 1784) (L. D. 1358) under a new title, Bill "An Act Relating to the Taking of Soft Shelled Clams in Jonesport and Beals," and that it ought to pass.

(signed)

Senators: LARRABEE

of Sagadahoc
SLEEPER of Knox

Representatives:

STEVENS of Boothbay
CLAPP of Brooklin
KNAPP of Yarmouth
BARTON of Vinalhaven
LITTLEFIELD

of Kennebunk

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

(signed)

Senator: BROWN of Washington

Representatives:

BUCKNAM of Whiting
HANSON of Machiasport

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

In the Senate, on motion by Mr. Sleeper of Knox, the bill and accompanying papers were laid upon the table pending acceptance of either report.

Communication

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

May 4, 1951.

Honorable Chester T. Winslow
Secretary of the Senate
95th Legislature

Sir:

The Speaker today appointed the following conferees on the part of the House on the disagreeing action of the two Branches of the

Legislature on the following Bills and Resolve:

On Bill "An Act to Repeal the Charter of the Bay Point Village Corporation." (H. P. 1183) (L. D. 738)

Mrs. MOFFATT of Bath
Messrs. BAILEY of Woolwich
JONES of Bowdoinham

On "Resolve Permitting the Building of a Wharf in Maranacook Lake." (S. P. 556) (L. D. 1314)

Messrs. HANCOCK of Casco
TAYLOR of Norridgewock
MAXWELL of Winthrop

On Bill "An Act Repealing the Merit Award Board." (H. P. 1252) (L. D. 826)

Messrs. BROWN of Wayne
JALBERT of Lewiston
FULLER of Bangor

On Bill "An Act Relative to Fishing Contests." (H. P. 1725) (L. D. 1280)

Messrs. WATSON of Moose
River Pt.
BEARCE of Carbiou
LORD of Norway

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

Messrs. COTE of Lewiston
JALBERT of Lewiston
COUTURE of Lewiston
Respectfully,

HARVEY R. PEASE
Clerk of the House.

Which was read and ordered placed on file.

First Reading of a Printed Bill

"Resolve Expressing Appreciation for Codification of Constitution by Honorable Harold H. Murchie, Chief Justice, of the Supreme Judicial Court." (S. P. 569) (L. D. 1366)

Which was read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Ward from the Committee on Judiciary on Bill "An Act Relating to Right of Way at Rotary Intersections," (S. P. 361) (L. D. 897) reported that the same ought not to pass.

On motion by Mr. Boyker of Oxford, the report was read and accepted.

Sent down for concurrence.

Mr. Ward from the Committee on Judiciary on Bill "An Act Clarifying the Election Laws, (S. P. 101) (L. D. 156) reported that the same ought to pass.

The same Senator from the same Committee to which was recommended Bill "An Act Relating to Time Sales on Motor Vehicles," (S. P. 509) (L. D. 1227) reported that the same ought to pass.

Mr. Barnes from the same Committee on Bill "An Act Relating to Change of Purposes of Corporations Without Capital Stock," (S. P. 344) (L. D. 811) 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 Conditional Sales Agreements" (S. P. 240) (L. D. 510) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once; Committee Amendment A was read:

Committee Amendment A to L. D. 510 "Amend said bill by striking out all of the first sentence after the underlined word 'him' in the 5th line thereof. Further amend said bill by inserting after the underlined word 'agreement' in the 7th line thereof the following underlined words 'without his written authority so to do'".

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

Mr. Haskell of Cumberland from the same Committee on bill "An Act Relating to Definition of 'Average Final Compensation' Under State Employees' Retirement Law," (S. P. 235) (L. D. 506) reported that the same ought to pass as amended by Committee Amendment A.

On motion by Mr. Haskell of Cumberland, the bill and accompanying papers were laid upon the table pending acceptance of the report.

The same Senator from the same Committee on bill "An Act Relating to the Establishment and Use of Common Trust Funds" (S. P. 17) (L. D. 756) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once; Committee Amendment A was adopted without reading and the bill as so amended was tomorrow assigned for second reading.

Mr. Barnes from the same Committee on bill "An Act Relating to the Greater Portland Public Development Commission (S. P. 527) (L. D. 1252) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once; Committee Amendment A was read:

Committee Amendment A to L. D. 1252. "Amend said bill by adding the following Section. Sec. 3. P. & S. L. 1945, C. 123, S. 5, additional. Section 5 of Chapter 123 of the private and special laws of 1945 is hereby amended by adding at the end thereof the following underlined sentence.

"It shall be the policy of the said corporation to establish as rental for the facilities to be leased by it a sum which will be in parity with comparable facilities established by private enterprises so as to prevent any undue competitive condition which would tend to handicap, destroy or put out of business existing competitive comparable facilities."

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

Bill "An Act Regulating the taking of Marine Worms." (H. P. 1131) (L. D. 698)

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

Sent down for concurrence.

"Resolve, in Favor of Charles Norton Pratt, of Leeds." (H. P. 881) (L. D. 1338)

"Resolve, in Favor of Helen G. McShea, of Fort Fairfield." (H. P. 1585) (L. D. 1157)

Bill "An Act Relating to Uniforms for Members of Police Department of the City of Lewiston." (H. P. 1587) (L. D. 1159)

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

Bill "An Act Relating to Certain Structures Used by the Public as Spectators." (H. P. 1651) (L. D. 1221)

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

Orders of the Day

On motion by Mr. Ela of Somerset the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Claims on Resolve in Favor of Waldo F. Weston of Dexter (H. P. 375) tabled by that Senator on April 16th pending consideration.

Thereupon, on motion by Mr. Weeks of Cumberland the Senate voted to recede and concur with the House in the recommitment of the resolve to the Committee on Claims.

On motion by Mr. Crosby of Franklin the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Claims on Resolve to Reimburse Robert Ballard of Hallowell (H. P. 1573) tabled by that Senator on April 26th pending acceptance of the report; and on further motion by the same Senator the resolve was recommitted to the Committee on Claims in concurrence.

On motion by Mr. Broggi of York the Senate voted to take from the table House Reports from the Committee on Taxation, majority report "Ought Not to Pass", minority report "Ought to Pass", on bill, An Act for the Assessment of a State Tax for the Year 1951 and for the Year 1952 (H. P. 1675) (L. D. 1254) tabled by that Senator on April 26th pending acceptance of either report.

Mr. BROGGI: Mr President, I move that this bill be laid to rest and the majority report of the committee be accepted.

The motion prevailed and the majority report "Ought Not to Pass" was accepted.

On motion by Mr. Noyes of Hancock the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Taxation on bill, An Act Relating to Payments to Certain Towns in Lieu of Taxes (H. P. 1134) (L. D. 701) tabled by that Senator on April 26th pending acceptance of the report;

and on further motion by the same Senator the Ought Not to Pass report was accepted, in concurrence.

On motion by Mr. Crosby of Franklin

Adjourned until tomorrow morning at nine o'clock E. S. T.