

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

1955

DAILY KENNEBEC JOURNAL
Augusta, Maine

SENATE

Friday, April 1, 1955

Senate called to order by the President.

Prayer by the Rev. Ernest B. Johnson of Hallowell.

Journal of yesterday read and approved.

Order

On motion by Mr. Reid of Kennebec, out of order and under suspension of the rules:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, April 5, at 10:00 o'clock in the forenoon. (S. P. 517)

Which was read and passed.

Sent down for concurrence.

Subsequently, the foregoing Order was returned from the House, having been read and passed in concurrence.

House Papers

Bill "An Act Relating to Salaries of Council Members of City of Portland." (S. P. 97) (L. D. 228)

In Senate on March 23, passed to be engrossed as amended by Committee Amendment A. (Filing No. 140)

Comes from the House, Committee Amendment A indefinitely postponed. House Amendment A (Filing No. 175) adopted, and the bill passed to be engrossed as amended by House Amendment A, in non-concurrence.

In the Senate, that Body voted to reconsider its former action whereby the bill was passed to be engrossed by Committee Amendment A; Committee Amendment A was then indefinitely postponed in concurrence; House Amendment A was read and adopted in concurrence, and the bill as amended by House Amendment A was passed to be engrossed in concurrence.

House Papers Received by Unanimous Consent

"Resolve in Favor of Bosworth Memorial Association." (H. P. 1167) (L. D. 1402)

Which was received by unanimous consent and referred to the Commit-

tee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Increase the Salary of the Register of Deeds of Somerset County." (H. P. 1168) (L. D. 1403)

Which was received by unanimous consent and referred to the Committee on Towns and Counties in concurrence.

House Committee Reports Ought Not to Pass

The Committee on Claims on "Resolve in Favor of Francis Qualey of Benedicta." (H. P. 703) (L. D. 771) reported that the same Ought not to pass.

Comes from the House, recommended to the Committee on Claims.

In the Senate, the resolve was recommended to the Committee on Claims in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of the Town of Kittery." (H. P. 288) (L. D. 301) reported that the same Ought not to pass.

The same Committee on "Resolve Providing Funds for Operating Pilot Programs in Marine Commercial Fisheries and Maritime Occupations." (H. P. 333) (L. D. 374) reported that the same Ought not to pass.

The Committee on Inland Fisheries and Game on "Resolve Lowering Dam at Sheepscot Pond, Waldo County." (H. P. 900) (L. D. 1008) reported that the same Ought not to pass.

The Committee on Public Health on Bill "An Act Relating to Fee for Licenses for Eating and Lodging Places, Recreational and Overnight Camps." (H. P. 923) (L. D. 1036) reported that the same Ought not to pass.

The Committee on Retirements and Pensions on "Resolve in Favor of R. Clifton Burnell of East Sebago." (H. P. 558) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Hilda Ambrose of Marsdis." (H. P. 602) reported that the same Ought not to pass.

The same Committee on "Resolve in Favor of Mabelle K. Toole of

Bangor." (H. P. 607) reported that the same Ought not to pass.

The same Committee on "Resolve in Favor of Ernest C. Fuller of Bingham." (H. P. 609) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Glendon Hardison of Franklin." (H. P. 791) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Claims on "Resolve in Favor of Kathryn C. Douglas of Augusta." (H. P. 640) (L. D. 717) reported that the same Ought to pass.

The Committee on Education on Bill "An Act Relating to Tuition of Students Living on Chebeague Island, Cumberland County." (H. P. 527) (L. D. 586) reported that the same Ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Funds for Minors Not Having Guardian." (H. P. 746) (L. D. 827) reported that the same Ought to pass.

The Committee on Legal Affairs on Bill "An Act to Amend the Paris Village Corporation." (H. P. 1073) (L. D. 1268) 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.

Ought to Pass—New Draft

The Committee on Judiciary on Bill "An Act Relating to Trespass on Land of Another" (H. P. 428) (L. D. 476) reported the same in a new draft (H. P. 1166) (L. D. 1399) under the same title, and that it Ought to pass.

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

Ought to Pass—as Amended

The Committee on Judiciary on Bill "An Act Relating to Terms of the Superior Court in York County." (H. P. 667) (L. D. 743) reported that the same Ought to pass as

Amended by Committee Amendment A (Filing No. 165)

On motion by Mr. Farley of York, the bill and accompanying papers laid upon the table pending acceptance of the report.

The Committee on Transportation on Bill "An Act Relating to Sirens on Automobiles Operated by Sheriffs, Police and Fire Officials." (H. P. 83) (L. D. 80) reported that the same Ought to pass as Amended by Committee Amendment A. (Filing No. 144)

Comes from the House, report accepted, Committee Amendment A indefinitely postponed, House Amendment A (Filing No. 166) adopted, and the bill passed to be engrossed as amended by House Amendment A.

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

Majority—ONTP

Minority—OTP

The Majority of the Committee on Highways and Taxation, Jointly, on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Thirty Million Dollars on Behalf of the State of Maine for the Purpose of Building State Highways." (H. P. 626) (L. D. 666) reported that the same Ought not to pass.

(Signed)

Senators:

LOW of Knox
PARKER of Piscataquis
JAMIESON of Aroostook
COLE of Waldo
CUMMINGS of Sagadahoc
ALBEE of Cumberland

Representatives:

FERGUSON of Hanover
SANFORD of

Dover-Foxcroft

SEAWARD of Kittery
HANSON of Gardiner
PULLEN of Oakland
CARTER of Etna
DENBOW of Lubec
WILLEY of Ellsworth
HIGGINS of Scarborough

DUNN of Poland
 REED of Fort Fairfield

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass as Amended by Committee Amendment A (Filing No. 148)

(Signed)

Representatives:

NADEAU of Biddeford
 DUQUETTE of Biddeford
 WALSH of Brunswick

Comes from the House, Majority Report Ought not to pass accepted.

In the Senate, the report was read.

Mr. PARKER of Piscataquis: Mr. President, I move that the Majority "Ought not to pass" report of the committee be accepted.

Mr. BOUCHER of Androscoggin: Mr. President, I move that the bill be laid upon the table pending acceptance of either report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the Senate accept the "ought not to pass" report of the committee. The Chair would note that a motion to table is in order if it is tabled pending the motion of Senator Parker.

Mr. REID of Kennebec: Mr. President, is the motion to table now before the Senate?

The PRESIDENT: The motion before the Senate is the motion of the Senator from Piscataquis, Senator Parker, that the Ought not to pass report of the Committee be accepted. The Senator from Androscoggin, Senator Boucher has moved that the bill be laid upon the table pending acceptance of either report. The Chair has noted to Senator Boucher that the order to table would be in order if it is tabled pending motion of the Senator from Piscataquis, Senator Parker that the Ought not to pass report of the committee be accepted.

Mr. BOUCHER: I so move, Mr. President.

The PRESIDENT: The Senator from Androscoggin, Senator Boucher moves that the bill and accompanying papers be laid upon the table pending motion of the Senator from Piscataquis, Senator Parker to

accept the Ought not to pass report of the Committee. Is the Senate ready for the question?

Mr. REID of Kennebec: Mr. President, when the vote is taken on the motion to table, I ask for a division.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher that the bill and accompanying papers lie on the table pending motion by the Senator from Piscataquis, Senator Parker, that the Ought not to pass report of the committee be accepted. The Senator from Kennebec, Senator Reid has requested a division. Is the Senate ready for the question?

A division of the Senate was had.

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

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Piscataquis, Senator Parker that the Senate accept the Majority Ought not to pass report of the committee. Is the Senate ready for the question?

A viva voce vote being had, the motion prevailed and the Majority Ought not to pass report was accepted in concurrence.

Joint Order

ORDERED, the Senate concurring, that there be paid to Indian Representatives, Joseph A. Nicholas of the Passamaquoddy Tribe of Indians, and Francis Ranco of the Penobscot Tribe of Indians, the sum of One Hundred Dollars each, which is the balance due on their compensation. (H. P. 1169)

Which was read and passed in concurrence.

Received by Unanimous Consent

Mrs. Lord of Cumberland presented bill "An Act Relating to Purposes of the Associated Hospital Service of Maine" (S. P. 518)

Which was received by unanimous consent and on motion by the same Senator was referred to the Committee on Public Health, ordered printed and sent down for concurrence.

Mr. Fournier of York presented "Resolve Providing for Refund for Tobacco Tax Stamps" (S. P. 519)

Which was received by unanimous consent and on motion by the same Senator was referred to the Committee on Claims, ordered printed and sent down for concurrence.

Senate Committee Reports Leave to Withdraw

Mr. Silsby from the Committee on Claims on "Resolve in Favor of Page House of Bangor." (S. P. 422) (L. D. 1168) reported that the same be granted Leave to Withdraw.

Mr. Brown from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to Size of Lobsters." (S. P. 459) (L. D. 1290) reported that the same be granted Leave to Withdraw.

Which reports were read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mrs. Lord from the Committee on Public Health on "Resolve Relating to Admittance of Henry Bittues of Augusta to Pownal State School." (S. P. 329) (L. D. 894) reported that the same Ought not to pass.

Mr. Cummings from the Committee on Taxation on Bill "An Act Relating to Exemption of Volunteer Fire Departments from Sales Tax." (S. P. 116) (L. D. 277) reported that the same Ought not to pass.

Mr. Low from the same Committee on Bill "An Act Relating to Tax Refund on Motor Fuel." (S. P. 334) (L. D. 898) reported that the same Ought not to pass.

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

Mr. Albee from the same Committee on Bill "An Act to Exempt from the Sales and Use Tax Water Sold for Home Consumption." (S. P. 352) (L. D. 961) reported that the same Ought not to pass.

(On motion by Mr. Boucher of Androscoggin, tabled pending acceptance of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Lessard from the Committee on Legal Affairs on Bill "An Act Relating to Pensions for Dependents of Deceased Policemen of City of Lewiston." (S. P. 163) (L. D. 357) reported that the same Ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Pensions for Dependents of Deceased Firemen of City of Lewiston." (S. P. 413) (L. D. 1176) reported that the same Ought to pass.

Mr. Martin from the same Committee on Bill "An Act Relating to Approval of Dog Shelters." (S. P. 469) (L. D. 1312) reported that the same Ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Examination of Dog Shelters." (S. P. 470) (L. D. 1313) reported that the same Ought to pass.

Mr. Butler from the Committee on Natural Resources on "Resolve Authorizing Commissioner of Institutional Service to Convey to Portland Water District a Right of Way for a Pipeline from the Falmouth Shore to Mackworth Island in Portland Harbor, Casco Bay." (S. P. 505) (L. D. 1386) reported that the same Ought to pass.

Mr. Farris from the Committee on Towns and Counties on Bill "An Act Increasing the Salary of the Recorder of the Augusta Municipal Court." (S. P. 198) (L. D. 448) reported that the same Ought to pass.

Mr. Farley from the same Committee on Bill "An Act Relating to Charges for Publication of Notices in Waldo County." (S. P. 233) (L. D. 569) reported that the same Ought to pass.

Mr. Farris from the same Committee on Bill "An Act Relating to Payments to Kennebec Law Library." (S. P. 261) (L. D. 689) reported that the same Ought to pass.

Mr. Dunham from the Committee on Welfare on Bill "An Act Relating to Burial Expenses Under Old Age Assistance Laws." (S. P. 419) (L. D. 1180) reported that the same Ought to pass.

(On motion by Mr. Dunham of Hancock, tabled pending acceptance of the report.)

Which reports were severally read and accepted and the bills and re-

solve read once and tomorrow assigned for second reading.

**Ought to Pass—New Draft
Same Title**

Mr. Dow from the Committee on Education on Bill "An Act Relating to Academy Contracts." (S. P. 395) (L. D. 1109) reported the same in a new draft (S. P. 516) (L. D. 1409) under the same title, and that it Ought to pass.

Mr. Butler from the Committee on Natural Resources on "Resolve Authorizing the Forest Commissioner to Convey the Flowage Rights on Matagamon Lake in Township 6, Range 9, W. E. L. S., Piscataquis County, to East Branch Improvement Company." (S. P. 303) (L. D. 811) reported the same in a New Draft (S. P. 514) (L. D. 1407) under the same title, and that it Ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Insects and Diseases of Trees." (S. P. 327) (L. D. 892) reported the same in a new draft (S. P. 515) (L. D. 1408) under the same title, and that it Ought to pass.

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

Mr. Sinclair from the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Compensation of Members of Advisory Committee on Budget." (S. P. 365) (L. D. 1061) reported that the same Ought to Pass as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once.

The Secretary read Committee Amendment A:

COMMITTEE AMENDMENT A to L. D. 1061.

"Amend said bill by striking out in the 2nd line from the end thereof the underlined figure '\$10' and inserting in place thereof the underlined figure '\$15'."

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

Mr. Dow from the Committee on Education on "Resolve Appropriating Money for the Preparation of Educational Materials on Maine for Schools." (S. P. 457) (L. D. 1287) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and the resolve read once. The Secretary read Committee Amendment A:

COMMITTEE AMENDMENT A to L. D. 1287.

"Amend said resolve by striking out in the 2nd line thereof the figures '\$2,500' and inserting in place thereof the figures '\$3,500'."

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

Mr. Martin from the Committee on Legal Affairs on Bill "An Act Relating to Kennel License Fees." (S. P. 467) (L. D. 1310) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once.

The Secretary read Committee Amendment A:

COMMITTEE AMENDMENT A to L. D. 1310.

"Amend said bill by inserting the underlined punctuation and word ' , hunting' after the word 'breeding' in the 4th line thereof.

Further amend said bill by inserting the underlined words 'hunting or' after the word 'of' in the 10th line thereof."

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

The same Senator from the same Committee on bill "An Act Relating to the Keeping of Records by Persons in the Business of Selling Dogs." (S. P. 468) (L. D. 1311) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once.

The Secretary read Committee Amendment A.

COMMITTEE AMENDMENT A to L. D. 1311.

"Amend said bill by striking out that part designated 'Sec. 27' and inserting in place thereof the following: 'Sec. 27. Persons buying or selling dogs to keep record. All persons or kennels engaged in buying or selling dogs must keep record of from whom bought and to whom sold, which record shall be open to inspection by local police officers, humane agents, or the Commissioner of Agriculture or his agent'."

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

Mr. Wyman from the Committee on Towns and Counties on bill "An Act Increasing the Salary of the Judge of the Gardiner Municipal Court." (S. P. 355) (L. D. 964) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once.

The Secretary read Committee Amendment A:

COMMITTEE AMENDMENT A to S. P. 355, L. D. 964.

"Amend said bill by striking out all of the 5th, 6th, and 7th lines thereof and inserting in place thereof the following 'The salary of said judge shall be \$1,800 per year and the same shall be payable quarterly out of the treasury of'."

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

The same Senator from the same Committee on bill "An Act Increasing the Salary of the Recorder of the Gardiner Municipal Court (S. P. 356) (L. D. 965) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once.

The Secretary read Committee Amendment A:

COMMITTEE AMENDMENT A to L. D. 965.

"Amend said bill by striking out all of the 6th, 7th, and 8th lines thereof and inserting in place thereof the following 'annual salary of \$900 and the same shall be payable quarterly from the treasury of'."

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

Mr. Farris from the same Committee on Bill "An Act Providing for Compensation for Members of the Board of Education of the City of Rockland." (S. P. 423) (L. D. 1169) 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 and adopted, and the bill as so amended was tomorrow assigned for second reading.

Second Readers

The Committee on Bills in the Second Reading reported the following bills and resolves:

House

Bill "An Act Setting Off Part of Berwick to South Berwick, York County." (H. P. 545) (L. D. 602)

Bill "An Act Relating to Shipping of Malt Liquor to Maine Wholesalers." (H. P. 674) (L. D. 750)

Bill "An Act Relating to the Incorporation of Saint Johns Lodge, Masons, of South Berwick, Number Fifty-one." (H. P. 806) (L. D. 847)

"Resolve Authorizing Forest Commissioner to Renew Lease to Passamaquoddy Lumber Company." (H. P. 788) (L. D. 871)

Bill "An Act Relating to Donations or Gifts of Money to a Municipality." (H. P. 854) (L. D. 940)

Bill "An Act Creating Voting Places for Indians." (H. P. 910) (L. D. 1018)

Bill "An Act Providing for Excise Tax on House Trailers." (H. P. 1020) (L. D. 1160)

Bill "An Act Providing for a Dam or Tidegate in the Ogunquit River." (H. P. 1031) (L. D. 1203)

Bill "An Act to Incorporate the Exeter School District." (H. P. 1058) (L. D. 1208)

"Resolve in Favor of Amy M. Meister of Otisfield." (H. P. 341) (L. D. 1389)

"Resolve to Reimburse Alexander Belanger of Lewiston for Damages by State Ward." (H. P. 582) (L. D. 1390)

"Resolve in Favor of Fred Kinner of Lewiston." (H. P. 583) (L. D. 1391)

Bill "An Act Permitting Re-opening of Examinations for State Employment by Disabled Veterans." (H. P. 1165) (L. D. 1394)

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

House—as Amended

Bill "An Act Regulating Closing-Out Sales and Similar Types of Sales." (H. P. 297) (L. D. 280)

Bill "An Act Relating to Transportation of Explosives." (H. P. 337) (L. D. 378)

(On motion by Mr. Martin of Kennebec, tabled pending passage to be engrossed.)

Bill "An Act Relating to Delivery of Motor Vehicles Sold by State on Bids." (H. P. 488) (L. D. 533)

Bill "An Act Relating to Preference in State Purchases for Products Raised or Manufactured in State." (H. P. 924) (L. D. 1032)

(On motion by Mr. Jamieson of Aroostook, tabled pending passage to be engrossed.)

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

Senate

"Resolve Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line." (S. P. 72) (L. D. 165)

Bill "An Act Relating to Support of Children at the State Military and Naval Children's Home." (S. P. 90) (L. D. 221)

Bill "An Act Relating to Eligibility for Old Age Assistance." (S. P. 141) (L. D. 333)

"Resolve Providing for Emergency Repairs and Construction at Pownal State School." (S. P. 175) (L. D. 427)

"Resolve Extending Appropriation of Money to Improve the Approach to the Fish Way at Aroostook Falls." (S. P. 213) (L. D. 554)

Bill "An Act Relating to Registration as Voters of Physically Disabled Persons." (S. P. 508) (L. D. 1397)

Bill "An Act Relating to Definition of Tavern Under Liquor Laws." (S. P. 509) (L. D. 1398)

"Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemption of Veterans." (S. P. 513) (L. D. 1404)

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

Sent down for concurrence.

Senate—as Amended

"Resolve in Favor of the Maine Historical Society." (S. P. 55) (L. D. 83)

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

Sent down for concurrence.

Orders of the Day

Mr. MARTIN of Kennebec: Mr. President, may I inquire whether S. P. 332, L. D. 896 is in the possession of the Senate?

The PRESIDENT: The Chair will state that L. D. 896, being "An Act relating to condemnation proceedings by Water Districts," is in the possession of the Senate, having been held at the request of the Senator from Kennebec, Senator Martin. The Chair recognizes the Senator from Kennebec, Mr. Martin.

On motion by the Senator from Kennebec, Senator Martin, the Senate voted to reconsider its action of yesterday whereby it voted to adhere, and on further motion by the same Senator the Senate voted to insist upon its former action.

On motion by Mr. Parker of Piscataquis, the Senate voted to reconsider its action taken earlier in today's session whereby it assigned for second reading tomorrow Resolve in favor of Kathryn C. Douglas of Augusta," (H. P. 640) (L. D. 717) and on further motion by the same Senator the resolve was tabled pending assignment for second reading.

On motion by the Senator from Cumberland, Senator Lord, the Senate voted to take from the table the 34th tabled and unassigned matter Bill "An Act Relating to Compensation and Inspections of State Board of Barbers and Hairdressers," (H.

P. 550) (L. D. 607) tabled on March 29th by that Senator pending passage to be engrossed, and on further motion by the same Senator the resolve was passed to be engrossed in concurrence.

On motion by the Senator from Piscataquis, Senator Parker, the Senate voted to take from the table the 31st tabled and unassigned matter, Senate Report "Ought not to pass" from the Committee on Highways on Bill "An Act Relating to

Legal Services for the State Highway Commission," (S. P. 396) (L. D. 1110) tabled by that Senator on March 24, pending acceptance of the report; and on further motion by the same Senator the "Ought not to pass" report of the committee was accepted. Sent down for concurrence.

On motion by Senator Carpenter of Somerset,

Adjourned until 10:00 a.m. Tuesday, April 5th.