

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, January 21, 1959

Senate called to order by the President.

Prayer by Captain William Ash, Salvation Army, Augusta.

On motion by Mr. Charles of Cumberland,

Journal of yesterday read and approved.

**Papers from the House  
Communication**

State of Maine  
DEPARTMENT OF HEALTH  
AND WELFARE  
Augusta

Indian Island  
Old Town, Maine  
January 9, 1959

To Whom it May Concern:

At the biennial election of officers for the Penobscot Tribe of Indians held the first Tuesday in September 1958, John S. Nelson was duly elected to serve as Representative at the Legislature for the Penobscot Indians.

(Signed) SADIE R. MITCHELL  
Penobscot Indian Supervisor

Which was read and ordered placed on file in concurrence.

**Joint Order**

ORDERED, the Senate concurring, that the members of the 99th Legislature express to the Governor's Council and to Mr. Niran C. Bates, Director of the Bureau of Public Improvements, their deep appreciation for the planning of the parking space which is allotted to them for their personal use.

BE IT FURTHER ORDERED, that the Secretary of the Senate be directed to send to the Chairman of the Council and to Mr. Bates attested copies of this Order. (H. P. 59)

Which was read and passed in concurrence.

"Resolve Relating to Research and Experimental Work in Relation to the Eradication of Aquatic Weeds." (H. P. 20) (L. D. 43)

"Resolve to Purchase One Hundred Copies of 'History of Otisfield.'" (H. P. 21) (L. D. 44)

Which were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill, "An Act Permitting Savings Banks to Act as Collection Agent." (H. P. 22) (L. D. 45)

Which was referred to the Committee on Business Legislation in concurrence.

"Resolve to Reimburse Town of Norway for Aid to Lafayette Waterhouse." (H. P. 23) (L. D. 46)

"Resolve to Reimburse G. A. Paterson Company of Auburn." (H. P. 24) (L. D. 47)

Which were referred to the Committee on Claims in concurrence.

Bill, "An Act Relating to Location of Maine Maritime Academy." (H. P. 28) (L. D. 48)

Which was referred to the Committee on Education in concurrence.

Bill, "An Act Relating to Town Meetings." (H. P. 29) (L. D. 49)

Which was referred to the Committee on Election Laws in concurrence.

"Resolve Designating Bridge in York Harbor as 'Marshall Bridge.'" (H. P. 30) (L. D. 50)

Which was referred to the Committee on Highways in concurrence.

Bill, "An Act Relating to Free Fishing Licenses for Certain Veterans." (H. P. 31) (L. D. 51)

Bill, "An Act Relating to Penalty for Night Hunting." (H. P. 32) (L. D. 52)

Bill, "An Act Permitting Local Option for Sunday Hunting." (H. P. 33) (L. D. 53)

Bill, "An Act Regulating Black Bass Fishing in Belgrade Lakes." (H. P. 34) (L. D. 54)

"Resolve Opening Muddy Pond, Wayne, Kennebec County to Ice Fishing." (H. P. 35) (L. D. 55)

"Resolve Opening Messalonskee Stream, Kennebec County to Ice Fishing." (H. P. 36) (L. D. 56)

Which were severally referred to the Committee on Inland Fisheries and Game in concurrence.

Bill, "An Act Relating to Return of Writs in York County." (H. P. 37) (L. D. 57)

Bill, "An Act Relating to Terms of the Superior Court in York County." (H. P. 38) (L. D. 58)

Bill, "An Act Increasing Payments to York County Law Library." (H. P. 39) (L. D. 59)

Bill, "An Act Relating to Freedom of Access to Public Records and Proceedings." (H. P. 40) (L. D. 60)

Bill, "An Act Permitting Prisoners at County Jails to Attend Funerals Outside." (H. P. 41) (L. D. 61)

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

Bill, "An Act Relating to Residence of Chief of Police of Ogunquit Village Corporation." (H. P. 42) (L. D. 62)

Bill, "An Act Relating to Qualifications for Appointment to Auburn Police and Fire Departments." (H. P. 43) (L. D. 63)

Bill, "An Act Changing Name of the Young Men's Christian Association of Auburn to The Young Men's Christian Association of Auburn-Lewiston." (H. P. 44) (L. D. 64)

Bill, "An Act to Incorporate the Town of Topsfield." (H. P. 45) (L. D. 65)

Which were severally referred to the Committee on Legal Affairs in concurrence.

"Resolve to Increase Retirement Benefit of Clyde P. Walker of Stratton." (H. P. 46) (L. D. 66)

Which was referred to the Committee on Retirements and Pensions in concurrence.

"Resolve Amending the Resolve Authorizing the Commissioner of Finance and Administration to Convey Certain Land of the State in York County." (H. P. 47) (L. D. 67)

Which was referred to the Committee on State Government in concurrence.

Bill, "An Act Increasing the Salary of the Judge of the Norway Municipal Court." (H. P. 48) (L. D. 68)

Bill, "An Act Providing for Clerk Hire for Norway Municipal Court." (H. P. 49) (L. D. 69)

Bill, "An Act Relating to Fees of Registers of Deeds for Mechanical Methods of Recording." (H. P. 50) (L. D. 70)

Bill, "An Act to Increase the Salary of the Register of Deeds of Somerset County." (H. P. 51) (L. D. 71)

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

Bill, "An Act Relating to Requisites for Old Age Assistance." (H. P. 52) (L. D. 72)

Which was referred to the Committee on Welfare in concurrence.

### Referred to Committees Senate Papers

#### Judiciary

PETITION of Robert H. Mottram to the 99th Maine State Legislature, filed under Article 1, Section 15, of the State Constitution. (S. P. 65)

Which was referred to the Committee on Judiciary.

Sent down for concurrence.

#### Agriculture

Mr. Hillman of Penobscot presented

Bill, "An Act Relating to Horse and Ox Pulling Contests." (S. P. 48)

Which was referred to the Committee on Agriculture and ordered printed.

Sent down for concurrence.

#### Appropriations and Financial Affairs

Mr. Martin of Kennebec presented Bill, "An Act Relating to Deficiency Appropriation for State Treasury." (S. P. 49)

Which was referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

#### Business Legislation

The same Senator presented Bill, "An Act Relating to Investment of Municipal Funds." (S. P. 50)

Which was referred to the Committee on Business Legislation and ordered printed.

Sent down for concurrence.

#### Claims

Mr. Martin of Kennebec Presented "Resolve in Favor of Lawrence Babb of Augusta." (S. P. 51)

Which was referred to the Committee on Claims and ordered printed

Sent down for concurrence.

#### Education

Mr. Cole of Walso presented

Bill, "An Act to Authorize the Addition of the Town of Brooks to

School Administrative District No. 3." (S. P. 52)

The same Senator presented Bill, "An Act to Authorize the addition of the Town of Jackson to School Administrative District No. 3." (S. P. 53)

Mrs. Lord of Cumberland presented

Bill, "An Act Accepting from Estate of Nellie E. Fuller Funds for Governor Baxter State School for the Deaf." (S. P. 54)

Which were severally referred to the Committee on Education and ordered printed.

Sent down for concurrence.

#### Inland Fisheries and Game

Mr. Hillman of Penobscot presented

Bill, "An Act Establishing Open Season for Atlantic Sea Run Salmon." (S. P. 55)

Which was referred to the Committee on Inland Fisheries and Game and ordered printed.

Sent down for concurrence.

#### Judiciary

Mr. Lessard of Androscoggin presented

"Resolve Providing that the Legislative Research Committee Study the Creation of a District Court System for Lower Courts." (S. P. 56)

The same Senator presented

Bill, "An Act Relating to Persons Qualified to Serve as Jurors." (S. P. 57)

Mrs. Lord of Cumberland presented Bill, "An Act Concerning Liability of Parents for Damage by Children." (S. P. 58)

Which were severally referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

#### Labor

Mr. Ross of Sagadahoc presented Bill, "An Act Establishing a Minimum Wage." (S. P. 59)

Which was referred to the Committee on Labor and ordered printed.

Sent down for concurrence.

#### State Government

Mr. Lessard of Androscoggin presented

Bill, "An Act Revising the Laws to the Bureau of Public Improvements." (S. P. 60)

Which was referred to the Committee on State Government and ordered printed.

Sent down for concurrence.

#### Towns and Counties

Mr. Cole of Waldo presented Bill, "An Act Relating to Salary of the Judge of Waldo County Municipal Court." (S. P. 61)

The same Senator presented Bill, "An Act Increasing Salaries of County Officers of Waldo County." (S. P. 62)

Mr. Dow of Lincoln presented Bill, "An Act Increasing Salary of Judge of the Lincoln Municipal Court, Lincoln County." (S. P. 63)

The same Senator presented Bill, "An Act Increasing Clerk Hire and Salaries of Certain Lincoln County Officers." (S. P. 64)

Which were severally referred to the Committee on Towns and Counties and ordered printed.

Sent down for concurrence.

#### Orders

On motion by Mr. Brown of Washington

ORDERED, the House concurring, that there be paid to John Nelson, Representative of the Penobscot Tribe of Indians, on account of compensation, the sum of one hundred dollars, plus mileage. (S. P. 66)

Which was read and passed.  
Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot

ORDERED, that the Secretary of the Senate be directed to send flowers to Senator Alton Lessard with expression of our deepest sympathy and hope of a speedy recovery.

Which Order received a passage.

Mr. Martin of Kennebec was granted unanimous consent to address the Senate:

Mr. MARTIN of Kennebec: Mr. President and members of the Senate, as you probably read in the papers, next Wednesday night is the start of the legislative assemblies so-called. They will start next week and be run every two weeks thereafter for seven consecutive dances. The tickets at the present time are

not printed, although they will be here Tuesday. As the older members know, the sale of tickets is on a voluntary basis. You pay five dollars which includes yourself and a dancing partner for the series of dances. The proceeds are used to pay for the dances and at the end, if the Presiding Officer and other members of the staff behave themselves they are usually recognized with an appropriate gift.

I would like to point out to the Senate that the tickets are non-transferable. The citizens of Augusta give the first three dances and if we as legislators give our tickets to citizens outside of this group it means they are not able to raise sufficient funds to pay for their dances, so I would hope that the Senators will conform to the rule of using the tickets themselves and not giving them to outsiders. These tickets will be distributed next Tuesday.

#### Orders of the Day

The PRESIDENT: The Chair would like to take advantage of this relatively brief session to make a few general comments regarding Senate procedure and some of the items under our rules. I am sure all of you probably know that the Registers are now out and there is a great deal of information in this booklet. I would recommend that all of us spend some worthwhile time in going over these rules. For the benefit of some of our new members I am going to make a few brief comments on some of the things I know will be of importance later.

Under Rule 4, I think it is quite important during debate which will, of course, come up in the future that when you refer to another Senator in your debate, this rule calls for addressing him by title and county of residence. This has always been observed in the Senate and I think makes for a fine traditional procedure.

Something that is very important to be cognizant about is voting. This is very important and should be clearly understood. I have noted down that you probably have four different methods here. Ordinarily if the Chair feels that the decision of the Senate will be unanimous he will strike the gavel and unanimo-

ly declare the vote. I will, of course, survey the Senate to see if there are any dissenting opinions, and of course will be happy to recognize anybody who does have a dissenting opinion on the matter in question.

Secondly, we will use the voice vote, and the Chair will try to determine by the Yeas and Nays what the decision of the Senate is. If there is any question, the Chair will of course, call for a division. I would like to emphasize that at any time a Senator may request a division. It is not necessary to have a vote on it, the Senator simply stands up and addresses the Chair and informs the Chair that he would like a division on that particular item under consideration and he certainly will have that division and the Senators will be counted by the Secretary, and the Chair will determine the feeling on that particular vote.

I might also mention that we have the roll-call which can be put into effect at any time by a vote of one-fifth of the members present and the Senators will be called alphabetically. The Secretary and the Assistant Secretary have the names that we can use on those various occasions.

Also Rule 10 refers to unlimited debate which is the rule of the Senate. One thing I would mention is the fact that I will not recognize, not knowingly at least, any Senator twice to the exclusion of another Senator. It simply means that you may speak more than once and it will be the Chair's responsibility to see that every other Senator has an opportunity to be heard on the particular decision which is going to be made on the question before the Senate. I think that is quite important, and, if recognized in spirit, it will work in a very comfortable degree toward efficiency in the operation of the Senate.

The tabling motion, which will soon be taken advantage of, is more or less a matter of courtesy and there are many different merits in using it. It has generally been accepted here as a matter of courtesy in the Senate and we find it has worked in the past effectively. If you want to table an item, table it and check with the Senator who may have an interest in it. We find that by using Senate courtesy it works very fine and it is a prece-

dent which has been well established and well taken and will help make our work more comfortable here in the Senate during this session.

As we proceed on in this session there are certainly going to be many controversial issues which are going to be debated and votes taken. I think by just using this Senate courtesy it is going to work to the advantage of all the Senators here, so, when we conclude the session we will have settled our differences and each one will have felt that it has been a fair session and everybody has had a full opportunity to explain his views, and I certainly

hope and will make every effort as President of the Senate to preside in a manner that will give everyone an equal and a fair opportunity.

I hope you will accept these things in the spirit in which they are given. I just mention them so that you will have some knowledge of the rules and the way that matters in the Senate will be handled.

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On motion by Mr. Thurston of Oxford

Adjourned until tomorrow morning at ten o'clock.