

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

Thursday, February 26, 1959

Senate called to order by the President.

Prayer by Rev. John Brett Fort of Bangor.

On motion by Mr. Martin of Kennebec, Journal of yesterday read and approved.

Order

On motion by Mr. Woodcock of Penobscot, 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, March 3, at ten o'clock in the forenoon." (S. P. 344)

The PRESIDENT: The Chair notes in the Senate Chamber the presence of two children of one of our members, and at this time would ask the Sergeant - at - Arms to escort Herbert and Susan Charles to the rostrum. (Applause, members rising.)

The PRESIDENT: The Chair also notes in the Senate Chamber the presence of a former distinguished member of this Body accompanied by his wife, and at this time the Chair would ask the Sergeant - at - Arms to escort former Senator Hall and Mrs. Hall to the rostrum. (Applause, members rising.)

The PRESIDENT: The Chair would also note that in addition to the other visitors we have one young man accompanying his Dad, the Senator from Lincoln, Senator Dow, and I am sure the Senate would like me to acknowledge his presence. (Applause)

Paper from the House

Bill, "An Act Relating to License Plates for Disabled or Paraplegic Veterans." (H. P. 229) (L. D. 319)

The Senate on February 24, accepted in non-concurrence Majority Report (Ought not to pass) from the Committee on Transportation.

Comes from the House, that body having insisted upon its former action whereby the Minority Report (Ought to pass) was accepted and

the bill passed to be engrossed, now asks for a Committee of Conference.

In the Senate, on motion by Mr. Cole of Waldo, the Senate voted to insist on its former action and join in a Committee of Conference. The Chair appointed as Senate members of such Committee, Senators: Cole of Waldo, Parker of Piscataquis, Dunn of Kennebec.

House Papers

"Resolve in Favor of James G. Bicknell." (H. P. 614) (L. D. 832)
Which was referred to the Committee on Claims in concurrence.

Bill, "An Act Authorizing Registration of Voters by Affidavit Registration." (H. P. 615) (L. D. 833)

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

Bill, "An Act Providing Area Directional Signs for Bath Area." (H. P. 616) (L. D. 834)

Which was referred to the Committee on Highways in concurrence.

Bill, "An Act Relating to Hunting Deer with Bow and Arrow in Islesboro, Waldo County." (H. P. 620) (L. D. 838)

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

Bill, "An Act Increasing Payment to Washington County Law Library." (H. P. 617) (L. D. 835)

Which was referred to the Committee on Judiciary in concurrence.

"Resolve Creating a Committee to Study Problem of Imported Labor." (H. P. 618) (L. D. 836)

Which was referred to the Committee on Labor in concurrence.

Bill, "An Act Enlarging Territorial Limits of West Paris Village Corporation." (H. P. 619) (L. D. 837)

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

"Resolve Providing for Pensions for Loomis and Emma Deane of Fort Fairfield." (H. P. 625) (L. D. 893)

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

Bill, "An Act Increasing Salaries of Judge of Calais Municipal Court and Judge and Recorder of Western Washington Municipal Court." (H. P. 623) (L. D. 891)

Bill, "An Act Increasing Salaries of Certain County Officers of Washington County." (H. P. 624) (L. D. 892)

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

Bill, "An Act Relating to Definition of Gross Weight Under Motor Vehicle Law." (H. P. 621) (L. D. 889)

Bill, "An Act Relating to Application of Splash Guard Law for Certain Trucks." (H. P. 622) (L. D. 890)

Which were referred to the Committee on Transportation in concurrence.

House Committee Reports Leave to Withdraw

The Committee on Legal Affairs on Bill, "An Act Relating to Licensing for Beano." (H. P. 164) (L. D. 239) reported that the same be granted Leave to withdraw.

Which report was read and accepted in concurrence.

Ought Not to Pass

The same Committee on Bill, "An Act Relating to the Licensing Authority of Town of Old Orchard Beach." (H. P. 524) (L. D. 759) reported that the same Ought not to pass.

Which report was read and accepted in concurrence.

Ought to Pass

The Committee on Agriculture on Bill, "An Act to Clarify the Maine Commercial Feed Law." (H. P. 230) (L. D. 341) reported that the same Ought to pass.

The Committee on Business Legislation on Bill, "An Act Defining Blanket Accident and Sickness Insurance with Respect to Schools." (H. P. 275) (L. D. 407) reported that the same Ought to pass.

The Committee on Education on Bill, "An Act to Authorize the Municipalities of Cornish, Hiram, Limerick, Newfield, Parsonsfield and Porter to Form a School Administrative District." (H. P. 427) (L. D. 633) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Authorize the Municipalities of Brownville and Milo to Form a School Administrative District." (H.

P. 462) (L. D. 680) reported that the same Ought to pass.

The Committee on Natural Resources on Bill, "An Act Permitting Pushaw Boat Club, Inc. to Erect a Dam Across Pushaw Stream." (H. P. 311) (L. D. 458) reported that the same Ought to pass.

The same Committee on "Resolve Authorizing Forest Commissioner to Lease Site on Indian Township to Northeastern Construction Company." (H. P. 170) (L. D. 244) reported that the same Ought to pass.

The same Committee on "Resolve Authorizing the State Forest Commissioner to Convey Certain Land in Kennebec County." (H. P. 312) (L. D. 459) reported that the same Ought to pass.

The Committee on State Government on Bill, "An Act Changing Name of Inland Fish and Game Wardens to Conservation Officers." (H. P. 253) (L. D. 364) reported that the same Ought to pass.

(On motion by Mr. Carpenter of Somerset, tabled pending acceptance of the report.)

THE PRESIDENT: The Chair at this time would like to call attention to the presence in the Senate Chamber of the son of one of our most esteemed members. This gentleman I understand does not want to appear because of a bit of physical incapacity at this time, but we would certainly like to have him just stand in recognition. I would like to present Jean Charles Boucher, Jr. son of Senator Jean Charles Boucher of Androscoggin County. (Applause)

The same Committee on Bill, "An Act Clarifying the Laws Relating to the Department of Finance and Administration." (H. P. 319) (L. D. 466) reported that the same Ought to pass.

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

Ought to Pass — as amended

The Committee on Education on Bill, "An Act to Authorize the Municipalities of Deer Isle and Stonington to Form a School Administra-

tive District." (H. P. 143) (L. D. 199) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 23)

The same Committee on Bill, "An Act to Authorize the Municipalities of Greenville, Monson, Shirley and Willimantic to Form a School Administrative District." (H. P. 186) (L. D. 278) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 24)

The Committee on Legal Affairs on Bill, "An Act Relating to Amount of Property Held by West Oxford Agricultural Society." (H. P. 307) (L. D. 454) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 28)

The same Committee on Bill, "An Act to Change the Title of Road Commissioner of the Town of Kittery and to Enlarge His Duties." (H. P. 359) (L. D. 518) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 27)

Which reports were severally read and accepted in concurrence and the bills read once. Committee Amendments A were read and adopted in concurrence, and the bills as so amended were tomorrow assigned for second reading.

Ought to Pass — N.D.

The Committee on Agriculture on Bill, "An Act Relating to License Fees for Seeing-Eye Dogs." (H. P. 335) (L. D. 495) reported same in New Draft (H. P. 626) (L. D. 848), under New Title; Bill, "An Act Relating to License Fees for Trained Guide Dogs." and that it Ought to pass.

The Committee on Retirements and Pensions on Bill, "An Act Relating to Retirement Benefits for Teachers With Fifteen Years of Service." (H. P. 171) (L. D. 245) reported same in New Draft (H. P.) (L. D. 874) under New Title; Bill, "An Act Relating to Retirement Benefits Under the Maine State Retirement System." and that it Ought to pass.

(On motion by Mr. Noyes of Franklin, recommitted to the Committee on Retirements and Pensions in non-concurrence; sent down for concurrence.)

Which reports were read and accepted in concurrence, the bills in

New Draft read once and tomorrow assigned for second reading.

Senate Papers

The following bills were transmitted by the Director of Legislative Research, pursuant to Joint Order (S. P. 47)

Education

Mr. Hunt of Kennebec presented Bill, "An Act Relating to Reapportionment of School Directors of School Administrative Districts." (S. P. 345)

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

Sent down for concurrence.

Labor

The same Senator presented Bill, "An Act Permitting Injured Employee Under Workmen's Compensation Act to Choose Physician from Panel Named by Employer." (S. P. 346)

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

Sent down for concurrence.

The PRESIDENT: At this time the Chair would like to call the attention of the Senate to the fact that we have here in the Senate Chamber today two daughters of the Senator from Kennebec, Senator Hunt; and the Chair would ask the Sergeant-at-Arms to escort to the rostrum Fay and Marsha Hunt. (Applause, members rising.)

Legal Affairs

Mr. Bates of Penobscot presented Bill, "An Act Increasing Fees for Plumbing Permits." (S. P. 347)

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

Sent down for concurrence.

Liquor Control

Mr. Weeks of Cumberland presented Bill, "An Act Relating to Duties of State Liquor Inspectors." (S. P. 348) (L. D.)

Which was referred to the Committee on Liquor Control and ordered printed.

Sent down for concurrence.

State Government

Mr. Bates of Penobscot presented Bill, "An Act Increasing Salary of Secretary of State." (S. P. 349)

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

Sent down for concurrence.

Towns and Counties

Mr. Briggs of Aroostook presented Bill, "An Act Relating to Duties of Municipalities Concerning Dutch Elm Disease." (S. P. 350)

Mr. Dow of Lincoln presented Bill, "An Act Increasing Salaries of County Commissioners of Lincoln County." (S. P. 351)

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

Sent down for concurrence.

Orders

On motion by Mr. Bates of Penobscot,

ORDERED, that the Governor's Advisory Committee on Education be granted use of the Senate Chamber for a meeting on Saturday, March 14th.

Which was read and passed.

Mr. CHARLES of Cumberland: Mr. President, at this time I request unanimous consent to introduce a bill and to speak on it very briefly.

The PRESIDENT: The Senator from Cumberland, Senator Charles requests that he be allowed to introduce a bill notwithstanding the cloture date. Is there objection to the Senator's request?

Mr. CHARLES: Mr. President and members of the Senate: A short time ago I was approached, after the cloture date, by some constituents of mine in Cumberland County to try to do what I could to introduce a bill that would permit paraplegics to hunt from stationary automobiles. At the present time those who are in this condition are handicapped in enjoying this great outdoor sport in the State of Maine, because of their transportation facilities, in hunting in the woods. These folks are not asking for sympathy in any way whatsoever and very much desire to proceed in regular channels of legislation to be exempted from the rule forbidding them to hunt from stationary automobiles.

At this time I present this bill for your consideration.

"Bill an Act permitting Paraplegics to hunt from Stationary Motor Vehicles"

Which bill was received by unanimous consent.

Senate Committee Reports

Leave to Withdraw

Mrs. Lord from the Committee on Towns and Counties on Bill, "An Act Relating to Compensation of Medical Examiners for View Without Autopsy." (S. P. 242) (L. D. 635) reported that same be granted Leave to withdraw.

Which report was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Weeks from the Committee on Judiciary on Bill, "An Act Concerning Liability of Parents for Damage by Children." (S. P. 58) (L. D. 91) reported that the same Ought not to pass.

(On motion by Mrs. Lord of Cumberland, tabled pending acceptance of the report.)

Mr. Lessard from the same Committee on Bill, "An Act Relating to Incorrigible Inmates of Reformatory for Men." (S. P. 81) (L. D. 153) reported that the same Ought not to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Arrest Without a Warrant for Misdemeanors." (S. P. 206) (L. D. 545) reported that the same Ought not to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Cheating by False Pretenses." (S. P. 208) (L. D. 547) reported that the same Ought not to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Questioning and Detaining Criminal Suspects and Searching for Weapon." (S. P. 210) (L. D. 549) reported that the same Ought not to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Hearing Without Delay for Person Arrested." (S. P. 211) (L. D. 550) reported that the same Ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Bates from the Committee on Education on Bill, "An Act to Authorize the Municipalities of Avon, Kingfield, Madrid, New Portland, Phillips and Strong to Form a School Administrative District." (S. P. 262) (L. D. 675) reported that the same Ought to pass.

Mr. Lessard from the Committee on Judiciary on Bill, "An Act Relating to Payments of Bank Accounts of Deceased Persons." (S. P. 163) (L. D. 389) reported that the same Ought to pass.

Mr. Weeks from the same Committee on Bill, "An Act Relating to Legal Suits in Name of Assignor." (S. P. 163) (L. D. 384) reported that the same Ought to pass.

Mr. Woodcock from the same Committee on Bill, "An Act Relating to Audience or Reader Participation in Radio, Television or Newspaper Amusements or Games." (S. P. 115) (L. D. 265) reported that the same Ought to pass.

(On motion by Mr. Weeks of Cumberland, tabled pending first reading.)

The same Senator from the same Committee on Bill, "An Act Relating to Payments to Lincoln County Law Library" (S. P. 189) (L. D. 485) reported that the same Ought to pass.

Mr. Charles from the Committee on Legal Affairs on Bill, "An Act Providing for Limited Electrician's Licenses for Specific Installations." (S. P. 193) (L. D. 489) reported that the same Ought to pass.

Mr. Boucher from the Committee on Liquor Control on Bill, "An Act Relating to Definition of Liquor Under Liquor Laws." (S. P. 28) (L. D. 8) reported that the same Ought to pass.

Mr. Willey from the same Committee on Bill, "An Act Relating to Excise Taxes on Malt Beverages Sold to Vessels of Foreign Registry." (S. P. 175) (L. D. 419) reported that the same Ought to pass.

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

Bills in Second Reading

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

House

Bill, "An Act Relating to Survivor Benefits and Budget Estimates Under Maine State Retirement System." (H. P. 217) (L. D. 308)

Bill, "An Act Relating to Special Town Meetings in Kittery." (H. P. 248) (L. D. 359)

"Resolve in Favor of the Town of Howland." (H. P. 107) (L. D. 163)

"Resolve Regulating Fishing in Jackson Pond, Piscataquis County." (H. P. 112) (L. D. 167)

"Resolve Regulating Taking of Smelts in Center Brook, Piscataquis County." (H. P. 194) (L. D. 286)

"Resolve Prohibiting the Use of Live Fish as Bait in B Pond, Piscataquis County." (H. P. 197) (L. D. 289)

"Resolve Regulating Fishing in Moosehead Lake, Piscataquis County." (H. P. 200) (L. D. 292)

"Resolve Regulating Fishing in Sawyer Pond, Piscataquis County." (H. P. 201) (L. D. 293)

"Resolve Regulating Fishing in the West Branch of Pleasant River, Piscataquis County." (H. P. 202) (L. D. 294)

"Resolve Regulating Fishing in Lily Lake, Washington County." (H. P. 289) (L. D. 436)

"Resolve in Favor of C. A. Mason of Gorham." (H. P. 280) (L. D. 847)

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

House — as amended

Bill, "An Act Regulating Taking of Alewives in Town of Orland." (H. P. 123) (L. D. 173)

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

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

"Resolve Regulating the Fishing in Dead Pond, Washington County." (H. P. 152) (L. D. 229)

"Resolve Regulating Fishing in Peep Lake, Washington County." (H. P. 153) (L. D. 230)

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

Senate

Bill, "An Act Relating to Clerical Assistance for Justices of the Superior Court." (S. P. 100) (L. D. 218)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills and resolves:

Bill, "An Act Relating to Travel Allowance for Members of the Legislature." (H. P. 16) (L. D. 25)

(On motion by Mr. Rogerson of Aroostook, placed on the Special Appropriations table pending enactment.)

Bill, "An Act Relating to Gas Cartridges for Woodchuck Control and Rodenticide for Orchard Mouse Control." (H. P. 87) (L. D. 134)

Bill, "An Act Relating to Power of Municipal Courts to Issue Real Estate Attachments." (H. P. 159) (L. D. 236)

Bill, "An Act Increasing Payments to Somerset County Law Library." (S. P. 98) (L. D. 216)

Bill, "An Act Increasing Payments to Franklin County Law Library." (S. P. 99) (L. D. 217)

Which bills were severally passed to be enacted.

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

"Resolve Closing Shin Ponds, Upper and Lower, Penobscot County, to Ice Fishing." (H. P. 62) (L. D. 100)

"Resolve Regulating Ice Fishing in Hot Pond, Penobscot County." (H. P. 63) (L. D. 101)

"Resolve Regulating Fishing in Grace Pond, Somerset County." (H. P. 65) (L. D. 102)

"Resolve Regulating Smelt Fishing in Coffee Pond, Cumberland County." (H. P. 67) (L. D. 105)

"Resolve Opening Sebago Lake, Cumberland County, to Taking Smelts." (H. P. 89) (L. D. 136)

"Resolve in Favor of Lawrence Babb of Augusta." (S. P. 51) (L. D. 84)

"Resolve Repealing Provision for Compilation of Certain Decisions of Supreme Judicial Court." (S. P. 101) (L. D. 219)

Which resolves were severally Finally Passed.

Emergency

Bill, "An Act Permitting Municipalities to Raise Money for Buildings of Certain Academies." (H. P. 11) (L. D. 20)

Which bill, being an emergency measure, and having received the affirmative vote of 25 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act to Create a School Administrative District in the Town of Vinalhaven." (H. P. 387) (L. D. 570)

Which bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act to Create a School Administrative District in the Town of North Haven." (H. P. 388) (L. D. 571)

Which bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Relating to Municipal Borrowing." (S. P. 252) (L. D. 584)

Which bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

Emergency

"Resolve Providing Funds for Conservation Education." (H. P. 90) (L. D. 137)

Which resolve, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was Finally Passed.

Orders of the Day

On motion by Mr. Dow of Lincoln, the Senate voted to reconsider its action taken earlier in today's session whereby it assigned for second reading on the next legislative day, the following two bills: Bill, "An

Act to Authorize the Municipalities of Cornish, Hiram, Limerick, Newfield, Parsonsfield and Porter to Form a School Administrative District." (H. P. 427) (L. D. 633) and bill, "An Act to Authorize the Municipalities of Brownville and Milo to Form a School Administrative District." (H. P. 462) (L. D. 680); and on further motion by the same Senator, the rules were suspended, the bills were given a second reading and passed to be engrossed in concurrence.

On motion by Mr. Bates of Penobscot, the Senate voted to reconsider its action taken earlier in today's session whereby Bill "An Act Increasing Fees for Plumbing Permits. (S. P. 347) was referred to the Committee on Legal Affairs.

Mr. BATES: Following congress with the Chairman of the Committee on Public Health and the Chairman of the Committee on Legal Affairs, I now move that this item be referred to the Committee on Public Health.

The motion prevailed and the bill was referred to the Committee on Public Health, ordered printed and sent down for concurrence.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the table (S. P. 226) Bill, "An Act Creating a Committee to Study Establishment of Vocational Facilities for the Mentally Ill and Retarded," which was tabled by that Senator on February 11th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent down for concurrence.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the table (S. P. 227) Bill, "An

Act Creating a Committee to Study Establishment of a Residential Treatment Center for Emotionally Disturbed Children," which was tabled by that Senator on February 11th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent down for concurrence.

The PRESIDENT: The Chair would at this time announce to the Senate that in agreement with the members in the other body commencing next week we will start a four-day session with sessions on Tuesday, Wednesday and Thursday at ten o'clock and a session on Friday at one o'clock.

The Chair would also mention that there are still twenty-two bills and resolves in the office of the Director of Legislative Research which are there at the request of members of the Senate. We have cut the number down substantially from the last report, but I pass that on to you that there is that number awaiting picking up and signing by the members of the Senate.

On motion by Mr. Pierce of Hancock, the Senate voted to take from the table the 14th tabled and unassigned matter, (S. P. 56) (L. D. 89) "Resolve, Providing that the Legislative Research Committee Study the Creation of a District Court System for Lower Courts," which was tabled on February 19th by that Senator pending final passage; and on further motion by the same Senator the resolve was placed on the special appropriations table.

On motion by Mr. Woodcock of Penobscot,

Adjourned until 10:00 A.M. next Tuesday.