

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, April 1, 1959

Senate called to order by the President.

Prayer by Rev. Roger D. Blinn of Gardiner.

On motion by Mr. Farley of York, Journal of yesterday read and approved.

**House Committee Reports
Leave to Withdraw**

The Committee on State Government on "Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Legislators to Four-Year Terms." (H. P. 771) (L. D. 1089) reported that same be granted Leave to Withdraw.

Which report was read and accepted in concurrence.

Ought to Pass

The Committee on Towns and Counties on Bill, "An Act Relating to Indexing of Plans of Townships." (H. P. 775) (L. D. 1093) reported that the same Ought to pass.

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

Ought to Pass — as amended

The Committee on Legal Affairs on Bill, "An Act Relating to License Fees in Fire Prevention Laws." (H. P. 657) (L. D. 949) reported that the same Ought to pass as amended by Committee Amendment A (Filing 134)

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

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber various visiting groups. First, the eighth grade class of the Vassalboro Grammar School, accompanied by the Principal of the Riverside Grammar School, Mrs. Beulah MacDonald, who I might mention is sister to our Assistant Secretary, Waldo Clark. We also have visitors from the Maria Clark

Grammar School of Hallowell, accompanied by the Principal, Mr. C. H. Arber, Mr Wyman a teacher, and parents, Mrs. Snell, Mrs. Ballard, Mrs. Russell and Mrs. Hunt.

To all of you young people and to your instructors, on behalf of the Senate, the Chair extends a cordial welcome. We trust you will find the day enjoyable, educational and profitable and that you will avail yourselves of the opportunity to observe the proceedings of the Senate as we go through the calendar today. It is a real pleasure to have you with us.

Communication

HOUSE OF REPRESENTATIVES
Office of the Clerk
Augusta

March 31, 1959

Honorable Chester T. Winslow
Secretary of the Senate
99th Legislature

Sir:

The Speaker of the House today appointed the following Conferees on the part of the House on the disagreeing actions of the Two Branches of the Legislature on:

Bill, "An Act Regulating Horse and Ox Pulling Contests" (S. P. 48) (L. D. 81)

Messrs. HILTON of Anson
JEWELL of Monticello
CHAPMAN of Norway

Respectfully,

(Signed)

HARVEY R. PEASE
Clerk of the House

Which was read and placed on file.

Senate Committee Report

Report A — OTP
Report B — ONTP

Five members of the Committee on State Government on Bill, "An Act to Reimburse Town of Thomaston for Loss of Tax Revenue." (S. P. 237) (L. D. 620) reported (Report A) that the same Ought to pass.

(Signed)

Senators:

ROSS of Sagadahoc
LESSARD of Androscoggin

Representatives:

WADE of Auburn

SANBORN of Gorham
BARNETT of Augusta

Five members of the same Committee on the same subject matter, reported (Report B) that the same Ought not to pass.

(Signed)

Senator

HILLMAN of Penobscot

Representatives:

SMITH of Exeter
COYNE of Waterville
DENNETT of Kittery
PLANTE of Old Orchard
Beach

Mr. HILLMAN of Penobscot: Mr. President, I move that the Senate accept Report B, "Ought not to pass".

Thereupon, on motion by Mr. Stilphen of Knox, the bill and accompanying papers were laid upon the table pending motion by Mr. Hillman to accept Report B.

Second Readers

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

Bill, "An Act Clarifying Authority of Lewiston City Council to Require Financial Reports from Municipal Departments." (H. P. 303) (L. D. 450)

Bill, "An Act Concerning Exit Facilities in Buildings and other Structures." (H. P. 656) (L. D. 948)

Bill, "An Act Permitting City of Lewiston to Raise Moneys for Aid of Conventions." (H. P. 693) (L. D. 993)

Bill, "An Act Relating to Sick Leave for Members of Fire Department of City of Lewiston." (H. P. 761) (L. D. 1079)

Bill, "An Act Relating to Crossing of Public Ways by Railroads." (H. P. 766) (L. D. 1084)

Bill, "An Act Amending the Charter of the Bowdoinham Water District." (H. P. 795) (L. D. 1127)

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

House — as amended

Bill, "An Act Relating to Employment of City Personnel in City of Lewiston." (H. P. 521) (L. D. 756)

Bill, "An Act Enlarging Territorial Limits of West Paris Village Corporation." (H. P. 619) (L. D. 887)

"Resolve in Favor of Edmund D. Schorr of Kittery." (H. P. 236) (L. D. 347)

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

Senate

Bill, "An Act Relating to Powers of Maine Fidelity Life Insurance Company." (S. P. 324) (L. D. 900)

Bill, "An Act Relating to Certification by Automobile Dealers of Mileage of Used Motor Vehicles." (S. P. 364) (L. D. 1047)

Bill, "An Act Relating to Time of Public Utility Commission's Orders Concerning Rate Changes for Freight Transportation." (S. P. 369) (L. D. 1052)

Bill, "An Act Revising the Laws Relating to the Bureau of Public Improvements." (S. P. 439) (L. D. 1286)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported the following bills and resolves:

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

Bill, "An Act Relating to Hydraulic Brake Fluid for Motor Vehicles." (H. P. 73) (L. D. 111)

Bill, "An Act Relating to Filling Vacancies in Board of School Directors of a School Administrative District." (H. P. 389) (L. D. 572)

Bill, "An Act Closing Great Chebeague Island to Hunting for Snowshoe Hares." (H. P. 638) (L. D. 929)

Bill, "An Act Pertaining to Discontinuance of Portions of County Roads When Reconstructed." (S. P. 132) (L. D. 327)

Bill, "An Act Relating to Town Dumps." (S. P. 191) (L. D. 487)

Bill, "An Act to Clarify the Maine Mining Law." (S. P. 277) (L. D. 739)

Which bills were severally passed to be enacted.

"Resolve Regulating Fishing in Ruffingham Meadow Game Management Area Flowage, Waldo County." (H. P. 497) (L. D. 710)

"Resolve Appropriating Moneys to Preserve Covered Bridges." (S. P. 272) (L. D. 734)

(On motion by Mr. Stilphen of Knox, tabled pending final passage.)

Which resolves were finally passed.

Emergency

Bill, "An Act to Authorize the Municipalities of Carmel, Hermon, Glenburn and Levant to form a School Administrative District. (H. P. 686) (L. D. 986)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table pending passage to be enacted.)

Emergency

Bill, "An Act to Authorize the Municipalities of Bradford, Charleston, Corinth, Hudson and Kenduskeag to Form a School Administrative District." (H. P. 687) (L. D. 987)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table pending passage to be enacted.)

Emergency

"Resolve Regulating Fishing in Washington Pond, Crystal Pond and Alford Lake, Knox County." (H. P. 908) (L. D. 1279)

Which resolve, being an emergency measure, and having received the affirmative vote of 31 members of the Senate, was finally passed.

Orders of the Day

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table bill, "An Act Relating to Taxation of Intangible Personal Property." (H. P. 450) (L. D. 656) tabled by that Senator on March 31 pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur with the House in the acceptance of the Ought not to pass report of the committee.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table House Report from

the Committee on State Government; Majority Report "Ought not to pass", Minority Report "Ought to pass" on bill, "An Act Relating to Term of Office of Department Heads Appointed by Governor." (H. P. 613) (L. D. 873) tabled by that Senator on March 25 pending acceptance of the Majority Report.

Mr. LESSARD of Androscoggin: Mr. President, speaking against the motion which is now before the Senate, made by the good Senator from Penobscot, Senator Hillman, on L. D. No. 873:

At this session there have been presented to the Legislature several proposals in the form of legislation which tend to strengthen the executive of our State, and this is one of the bills which were presented.

This bill states that all departmental heads now appointed by either the Governor or by the Governor with the advice and consent of the Council shall serve at the pleasure of the Governor during his term of office and until their successors are appointed and qualified.

Now in effect what this bill says is that any departmental head who is appointed by the Governor with the consent of the Council, or other departmental heads where it is not necessary to have confirmation by the Council, shall serve throughout the term of the Governor. Now every four years the people of this State go to the polls and select a person to represent them as Governor. This person is charged with responsibilities; he is to be the Chief Executive; he is the man who is responsible for carrying out the laws which we promulgate here as legislators. He is the one who is held responsible; he is the one who is looked to by the people if there are any mistakes made.

Now what do we present to the people? We present to them a situation whereby this very same man whom they elect to the Governorship may have as a department head under him someone who was appointed by a predecessor, someone who perhaps had a different theory of government. Now I do not mean to say "political theory" but perhaps a different theory of government and the administration of government.

Now the very same candidates go before the people on a platform and

they say to him, "If I am elected Governor I will do so and so, I will do such and such," and therefore he puts to the people a theory which he has of the way government should be carried out. If that is true, then we are getting our State Governor, our executive head, closer to the people. I say that this form of proposed legislation is giving back to the people something to which they are entitled, so that they can hold the executive responsible if, during his term of office things do not go in the way they should go. It would be a terrible situation in our national government if we elected a President and he had as a hold-over someone appointed by a previous President in the Commerce Department, Justice Department and other departments. Naturally he puts in men who have the same theory of government and the promulgation of laws that he has.

I do not think that this will do any harm. I am very sorry that this has taken on sort of a partisan aspect. It seems from the report of the committee that they have gone right down the line as Democrats and Republicans. I cannot believe that there are Republicans who feel that there should be a strong executive responsibility. That is what this bill tends to do, to give the executive responsibility so that if anything goes wrong he shall be held liable for it. The people do not look to the department heads, they look to the executive. I think this is good legislation, and for that reason I am against the motion that the "Ought not to pass" report be accepted. When the vote is taken I ask for a division.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: The Committee on State Government looked at this measure very carefully and listened to the proponents and opponents of the measure. We also looked at the Citizens Committee report and we found that they were not in agreement with this measure. It seems that in a bill like this, with the Governor appointing the department heads, that there would be an interim when we would not have actually a department head, and if we did have one he would not be too interested in his position because of the fact that

an appointment would be coming up by the Governor of our State. I certainly feel that if we consider this measure carefully we will conclude that it is not for the good interests of the State of Maine. It should not be termed a bi-partisan measure, as the good Senator from Androscoggin, Senator Lessard, mentioned.

I certainly hope that the motion made by me previously will be adhered to.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate: Briefly, I concur with the Senator from Penobscot, Senator Hillman. I do not believe that department heads should be at the whim every four years of incoming political parties. They say that we will strengthen our form of government by this type of legislation. I personally do not believe that this is either progressive or sound. I think that we are very fortunate in the State of Maine to have the high caliber department heads that we have now under our present system, and to remove them from office just because you have a new man elected and to appoint some of his proponents on a patronage system I certainly believe is the wrong approach. It may be necessary to have a certain amount of patronage in politics. I have never favored it in its entirety, and I think when we allude to it as far as our department heads go we are absolutely wrong, and I concur with Senator Hillman in his motion.

Mr. LESSARD of Androscoggin: Mr. President, I am sorry that the good Senator from Bath, Senator Ross, has intimated that perhaps it is going to be a political patronage proposition. That is not true, and we have our past performance to prove it. In the past four years we have had a Democratic Governor, and I am sure that the good Senator from Sagadahoc will agree with me that most of our department heads, practically all of them, have been reappointed. I am not here to criticize any department heads. I think that we have the finest and will continue to have the finest, but that is not a logical argument against this piece of legislation. I am sure from our own past performance, and when I say "our" I mean our Democratic governor,

that he has kept in office most of our Department heads. However, there may come a time when the theory of a department head does not coincide with that of the executive, either Democrat or Republican, and then I think that because of the responsibility that the Governor has, that the department heads should be on the same term of office that he is, so when the people come to vote for or against a governor that the Governor will be able to say "I do not like this department head and he should get out," and the people can, if anything goes wrong, look to the Governor and not to the department head.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Hillman, that the Senate accept the Majority Report "Ought not to pass" in concurrence and a division has been requested.

A division of the Senate was had.

The PRESIDENT: The Secretary has noted an irregularity in the voting and the Chair will call for a new vote on the motion. The question is on the motion of the Senator from Penobscot, Senator Hillman, that the Senate accept the Majority Report "Ought not to pass".

A division of the Senate was had.

Twenty having voted in the affirmative and eleven opposed, the Report "Ought not to pass" was accepted in concurrence.

On motion by Mr. Ross of Sagadahoc, the Senate voted to take from the table bill, "An Act Relating to Qualifications of Directors of Corporations." (H. P. 114) (L. D. 169) tabled by that Senator on March 27 pending passage to be enacted.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, this specific piece of legislation claims that you do not have to be a stockholder to be a director of a corporation. I had hoped that this

law would apply also to banks and trust companies. In a brief Senate recess last Friday afternoon, no one was able to determine that. Since then I have been in touch with the Bank Commissioner and he tells me that these institutions are specifically covered by the banking laws. Those laws would have to be amended if my purpose was to be accomplished, and to amend this particular bill would not be germane. I am in favor of this bill and I believe it is progressive legislation. I now move that it be passed to be enacted.

The motion prevailed and the bill was passed to be enacted.

On motion by Mr. Bates of Sagadahoc, the Senate voted to take from the table Senate Report from the Committee on Judiciary "Ought to pass" on bill, "An Act Relating to the Pineland Hospital and Training Center and the Commitment of the Insane." (S. P. 330) (L. D. 906) tabled by that Senator on March 24 pending acceptance of the report; and the same Senator moved the pending question.

The motion prevailed, the ought to pass report was accepted in concurrence and the bill read once.

Mr. Weeks of Cumberland presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Mrs. LORD of Cumberland: Mr. President, I would like to have this laid on the table. I have not had a chance to read it and know what it does to the bill. It is my bill.

The motion prevailed and the bill was laid upon the table pending motion by Mr. Weeks of Cumberland to adopt Senate Amendment A.

On motion by Mr. Fournier of York,

Adjourned until tomorrow morning at ten o'clock.