

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

Friday, April 3, 1959

Senate called to order by the President.

Prayer by Rev. J. P. Williams of Augusta.

On motion by Mr. Lessard of Androscoggin,

Journal of yesterday read and approved.

Order

Out of Order and under suspension of the rules, Mr. Carpenter of Somerset presented the following Order and moved its passage:

ORDERED, that the granddaughters of Senator Miles Carpenter of Somerset, the Misses Ann and Suzy Schoenthaler be permitted to act as Assistant Pages through the remainder of this day's session.

Which Order was read and passed, and the Pages escorted the young ladies to their positions. (Applause, members rising.)

Mr. Woodcock of Penobscot was granted unanimous consent to address the Senate.

Mr. WOODCOCK of Penobscot: It is with deep regret that I stand to pay witness to the death of a close relative of one of our members. Earlier this week in Benton, Maine, Ralph L. Seeley passed away and in his death our own Presiding Officer, the Honorable John H. Reed, lost an uncle.

So it is that on behalf of the Senate of the State of Maine, I wish to offer to the family, friends and particularly to President Reed, our most complete measure of sympathy in this their time of sorrow and grief.

The PRESIDENT: The Chair is most appreciative of the remarks of the Senator from Penobscot, Senator Woodcock, on behalf of the members of the Senate.

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, April 7th, at ten o'clock in the forenoon." (S. P. 443)

Which was read and passed.
Sent down for concurrence.

Papers from the House

Bill, "An Act Relating to Use of Surplus Funds by Counties." (S. P. 300) (L. D. 824)

In Senate on March 31, Passed to be Engrossed.

Comes from the House Passed to be Engrossed as amended by House Amendment A (Filing No. 149) in nonconcurrence.

In the Senate, House Amendment A was read and the Senate voted to recede and concur.

Joint Resolution Memorializing Congress to Equalize Wage Rates Between Boston and Kittery-Portsmouth Naval Shipyards." (H. P. 913) (L. D. 1287)

Which was referred to the Committee on Labor in concurrence.

House Committee Reports Referred to Another Committee

The Committee on Claims on "Resolve in Favor of Town of Danforth." (H. P. 806) (L. D. 1145).

Reports that same be referred to the Committee on Appropriations and Financial Affairs.

Which report was read and accepted in concurrence.

Leave to Withdraw

The Committee on Claims on "Resolve in Favor of Newington Home and Hospital for Crippled Children of Newington, Connecticut." (H. P. 482) (L. D. 700).

Reported that same be granted Leave to Withdraw.

The Committee on Highways on Bill, "An Act Relating to Duties of Municipalities in Snow Removal and Sanding on County Roads and Third Class Highways." (H. P. 744) (L. D. 1063).

Reported that same be granted Leave to Withdraw.

The Committee on Highways on "Resolve Designating Route No. 191 in Washington County as a State Highway." (H. P. 874) (L. D. 1248).

Reported that same be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Relating to Reciprocal Benefit Arrangements Under Employment Security Law." (H. P. 752) (L. D. 1070).

Reported that same be granted Leave to Withdraw.

The Committee on Retirements and Pensions on Recommended "Resolve, Providing for Pensions for Loomis and Emma Deane of Fort Fairfield." (H. P. 625) (L. D. 893)

Reported that same be granted Leave to Withdraw.

Which reports were read and accepted in concurrence.

Ought Not to Pass

The Committee on Claims on "Resolve in Favor of Axel Nelson of Thomaston." (H. P. 807) (L. D. 1146)

Reported that same Ought Not to Pass.

The Committee on Labor on Bill, "An Act Eliminating Waiting Period for Benefits Under Employment Security Law." (H. P. 299) (L. D. 446).

Reported that same Ought Not to Pass.

The same Committee on Bill, "An Act Relating to Definition of Base Period Under Employment Security Law." (H. P. 648) (L. D. 939).

Reported that same Ought Not to Pass.

The Committee on Natural Resources on Bill, "An Act To Create a Water Pollution Abatement Program." (H. P. 662) (L. D. 953).

Reported that same Ought Not to Pass.

(On motion by Mr. Briggs of Aroostook, tabled pending acceptance of the report.)

The Committee on Retirements and Pensions on "Resolve Providing Increase in Pension for Willard J. Leonard of Bangor." (H. P. 595) (L. D. 841).

Reported that same Ought Not to Pass.

The same Committee on "Resolve Providing Retirement Benefit Increase for James H. H. Bodge of South Harpswell." (H. P. 670) (L. D. 962).

Reported that same Ought Not to Pass.

The same Committee on "Resolve, Providing for a Pension for George A. DeWitt of Bradford." (H. P. 698) (L. D. 998).

Reported that same Ought Not to Pass.

(Which report was read and accepted. Subsequently, on motion by

Mr. Hillman of Penobscot, the Senate voted to reconsider its action whereby it accepted the report; and the bill was laid upon the table pending acceptance of the report.)

The same Committee on "Resolve, Providing for State Pension for Paul Tobin of Otisfield." (H. P. 699) (L. D. 999).

Reported that same Ought Not to Pass.

The Committee on Towns and Counties on Bill, "An Act Relating to Compensation of Medical Examiners for View without Autopsy." (H. P. 453) (L. D. 659).

Reported that same Ought Not to Pass.

Which reports were severally read and accepted in concurrence.

The Committee on Retirements and Pensions on "Resolve, to Compensate William H. Barker of Waterford for Injuries While Training with National Guard." (H. P. 183) (L. D. 276).

Reported that same Ought Not to Pass.

Comes from the House referred to the Committee on Veterans and Military Affairs.

In the Senate, the resolve was referred to the Committee on Veterans and Military Affairs in concurrence.

Ought to Pass

The Committee on Election Laws on Bill, "An Act Relating to Time of Enrollment of Voters." (H. P. 858) (L. D. 1226).

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.

The Committee on Transportation on Bill, "An Act Relating to the Inspection of Motor Vehicles." (H. P. 780) (L. D. 1098) reported that the same Ought to Pass.

Comes from the House, report and bill indefinitely postponed.

In the Senate:

Mr. COLE of Waldo: Mr. President and members of the Senate: The Committee on Transportation reported this bill out unanimously "Ought to pass," and we believe

that it is a step forward towards better highway safety.

This bill increases the inspection fee to one dollar, and also increases the fee for the sticker from five cents to ten cents. This money will be set up in the general fund for use by The State Police.

Now this inspection program started way back in 1937, and there has been an attempt in many previous legislatures to change the authority. I have no objection to the Secretary of State being the enforcement officer in regard to this bill. However, I feel that his department does not have the proper authority for enforcement. I believe we will all agree that the inspection stations do need a little more inspection by the proper authorities, and the Secretary of State has not had the time or the force to do it. This particular bill does give the State Police the money to enforce it by increasing the State Police force by several men who will be able to give the inspection stations proper inspection.

I move, Mr. President, that we accept the committee report "Ought to pass."

The "Ought to pass" report of the committee was accepted in non-concurrence and the bill was given its first reading and assigned for second reading on the next legislative day.

Ought to Pass — as amended

The Committee on Transportation on Bill, "An Act Relating to Type of Lights on School Buses." (H. P. 330) (L. D. 477) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 100)

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

Majority — ONTP
 Minority — OTP

The Majority of the Committee on Labor on "Resolve Creating a Committee to Study Problem of Imported Labor." (H. P. 618) (L. D. 886)

reported that the same Ought Not to Pass.

(Signed)

Senators:

BATES of Penobscot
 ROSS of Sagadahoc
 MacDONALD of Oxford

Representatives:

WINCHENPAW
 of Friendship
 HARDY of Hope
 TREWORGY of Orono
 LETOURNEAU of Sanford
 KARKOS of Lisbon
 HANCOCK of Nobleboro

The Minority of the same Committee on the same subject matter, reported that the resolve Ought to Pass.

(Signed)

Representative

MILLER of Portland

In House, Majority Report accepted.

In the Senate, on motion by Mr. Bates of Penobscot, the Majority Report was accepted in concurrence.

Majority — ONTP
 Minority — OTP

The Majority of the Committee on Labor on Bill, "An Act Relating to Waiting Period Under Employment Security Law." (H. P. 609) (L. D. 869) reported that the same Ought Not to Pass.

(Signed)

Senators:

BATES of Penobscot
 ROSS of Sagadahoc
 MacDONALD of Oxford

Representatives:

TREWORGY of Orono
 WINCHENPAW
 of Friendship
 HARDY of Hope
 HANCOCK of Nobleboro

The Minority of the same Committee on the same subject matter, reported that the bill Ought to Pass.

(Signed)

Representatives:

LETOURNEAU of Sanford
 KARKOS of Lisbon
 MILLER of Portland

In House, reports and bill indefinitely Postponed.

In the Senate, on motion by Mr. Bates of Penobscot, the reports and bill were indefinitely postponed in concurrence.

Senate Committee Reports Ought Not to Pass

Mr. Woodcock from the Committee on Judiciary on Bill, "An Act Relating to Tax Appeals." (S. P. 190) (L. D. 486) reported that the same Ought Not to Pass.

Mr. Weeks from the same Committee on Bill, "An Act Changing Name of Norway Municipal Court to Norway-Paris Municipal Court and Its Location." (S. P. 332) (L. D. 908) reported that the same Ought Not to Pass.

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

The same Senator from the same Committee on Bill, "An Act Relating to Penalties for Certain Crimes Against the Person." (S. P. 378) (L. D. 1104) reported that the same Ought Not to Pass.

(On motion by Mr. Martin of Kennebec, tabled pending acceptance of the committee report.)

Mr. Woodcock from the same Committee on "Resolve Authorizing Ronald and Nancy Bradstreet, of Beverly, Massachusetts, to Sue the State of Maine." (S. P. 354) (L. D. 1009) reported that the same Ought Not to Pass.

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

Mr. Cole from the Committee on Transportation on Bill, "An Act Relating to Reciprocity in Registration of Motor Vehicles of Residents of Foreign Countries." (S. P. 421) (L. D. 1205) reported that the same Ought Not to Pass.

(On motion by Mr. Briggs of Aroostook, tabled pending acceptance of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Woodcock from the Committee on Judiciary on Bill, "An Act Relating to Warrants on Sales and Use Tax Assessments." (S. P. 231) (L. D. 614) reported that the same Ought to Pass.

Mr. Weeks from the same Committee on Bill, "An Act Relating to Examination by Judge into Causes of Criminal Character of Prisoners." (S. P. 379) (L. D. 1105) reported that the same Ought to Pass.

The same Senator from the same Committee on Bill, "An Act Authorizing Informations at Terms of Court in Cumberland County." (S. P. 380) (L. D. 1106) reported that the same Ought to Pass.

The same Senator from the same Committee on Bill, "An Act Increasing Payments to Penobscot County Law Library." (S. P. 392) (L. D. 1136) reported that the same Ought to Pass.

Mr. Cole from the Committee on Transportation on Bill, "An Act Relating to Driver Education." (S. P. 185) (L. D. 428) reported that the same Ought to Pass.

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

Ought to Pass — as amended

Mr. Weeks from the Committee on Judiciary on Bill, "An Act Providing Mandatory Jail Sentence for Second Offense of Driving Under the Influence." (S. P. 329) (L. D. 905) 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 Relating to Examination of Insurance Agents and Brokers." (H. P. 133) (L. D. 191)

Bill, "An Act Relating to Protection from Nuclear Loss in Standard Fire Insurance Policy." (H. P. 533) (L. D. 763)

Bill, "An Act Relating to Expendings Aroostook County Funds for Ricker College." (H. P. 777) (L. D. 1095)

Bill, "An Act Relating to Powers and Stock of Development Credit Corporation of Maine." (H. P. 804) (L. D. 1143)

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

House — as amended

Bill, "An Act Relating to Obstructing Windshields of Motor Vehicles." (H. P. 575) (L. D. 808)

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

Senate

Bill, "An Act Relating to Appointment of Special Deputy Sheriffs." (S. P. 145) (L. D. 340)

Bill, "An Act Relating to Duty of Full-Time Municipal Health Officers Concerning Tuberculosis." (S. P. 340) (L. D. 916)

Bill, "An Act Providing for County Bond Issue for Capital Improvements in Androscoggin County." (S. P. 424) (L. D. 1220)

Bill, "An Act Increasing Salaries of Jury Commissioners." (S. P. 441) (L. D. 1288)

Bill, "An Act Relating to Maintenance of Guide-posts by Municipalities." (S. P. 442) (L. D. 1289)

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

Sent down for concurrence.

Senate — as amended

Bill, "An Act Relating to Weekly Benefit for Partial Unemployment." (S. P. 72) (L. D. 122)

(On motion by Mr. Bates of Penobscot, tabled pending passage to be engrossed.)

"Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational and Industrial Park Purposes." (S. P. 178) (L. D. 422)

Mr. HILLMAN of Penobscot: Mr. President, in the absence of Senator Noyes of Franklin, and since there was considerable discussion on this measure at the hearing this morning, I move that this be laid upon the table.

The motion prevailed and the resolve was laid upon the table pending passage to be engrossed.

"Resolve in Favor of a Survivor Benefit Allowance for Otelia M. Race of Guilford." (S. P. 293) (L. D. 817)

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

Sent down for concurrence.

Enactor

The Committee on Engrossed Bills reported as truly and strictly Engrossed, the following resolve:

"Resolve Naming Maine Mountains the 'Longfellow Mountains of Maine.'" (H. P. 593) (L. D. 839)

(On motion by Mr. Carpenter of Somerset, tabled pending final passage.

Orders of the Day

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table 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 April 1 pending adoption of Senate Amendment A; and on further motion by the same Senator, the Amendment was adopted and the bill tomorrow assigned for second reading.

Mr. Woodcock of Penobscot was granted unanimous consent to address the Senate.

Mr. WOODCOCK: Mr. President and members of the Senate: I want to take this opportunity to thank the good Senator from Cumberland, Senator Coffin, for his gracious invitation to participate in his whole quahog chowder which some of us were wise enough to take advantage of earlier today. I understand that Senator Coffin slipped the formula somewhat surreptitiously to some other member of the Senate, so if I wander over to Somerset County I may get a little of that quahog chowder in Skowhegan as well as in Freeport. On behalf of the Senate I do want to thank Senator Coffin very much for the wonderful chowder served to us today. (Applause)

On motion by Mr. Lewis of Somerset, the Senate voted to take from the table bill, "An Act Relating to Duties of State Liquor Inspector." (S. P. 348) (L. D. 975) tabled by that Senator on March 31 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Farley of York, the Senate voted to take from the table bill, "An Act Relating to Definition of Tavern Under Liquor Laws." (H. P. 695) (L. D. 995) ta-

bled by that Senator on April 2 pending passage to be enacted.

Mr. FARLEY of York: Mr. President and members of the Senate: In previous years I voted along with the tavern bill. I still remember the debate upon the question back and forth. We have taverns in my community, and it was my understanding that a tavern was a place where a person could walk in on his way to work or on his way back and have a glass of beer. That seemed to be the debate on the question. That was one of the first new bills I ever voted for in the line of liquor.

Now in our community we do have taverns. One of the objectionable features in regard to beer in our community is that we have the restaurant which is beside the public library which has seats which are right on the main street and it is an eyesore to a great many people of the City of Biddeford. Just below that would be a tavern.

People in my community whom I have talked with have asked me to speak against this. They do not want to see the bill go through and have another row of seats down in front of the window. Three or four of the tavern keepers in our city I have talked to have said they do not care about any stools in the taverns; they do not want to go to the expense of it.

I think I have said enough in regard to it. There is opposition to it in my home town by the clergy and others.

While I am standing I would like to move the indefinite postponement of L. D. 995 and when the vote is taken I ask for a division.

Mr. WILLEY of Hancock: Mr. President, I rise to support the motion of the Senator from York, Senator Farley.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: This bill was heard before the Liquor Control Committee and, as I remember it, there was a majority-minority report of about nine to one.

This question of drinking beer in so-called restaurants, standing or sitting, has gotten to be a very serious problem in the State of Maine. We allow what are called "restaurants." They are not fooling

anybody, because you and I know that they are beer parlors. Under the law we insist that their patrons must sit. I cannot see why in a tavern, which is for men only, there is any objection to there being a stool there and if a man wants to sit on the stool rather than stand up and drink he should be able to do so. I do not think it is any more sinful to drink sitting down than standing up. Personally I think many of our so-called restaurants are taverns anyway, but they serve a mixed clientele. A tavern is for men only.

I voted in favor of the bill. I think it is a good bill. Again I repeat: I cannot see where there is any more sin in a man sitting down on a stool and drinking a glass of beer than there is in his drinking standing up. Again I say that the present tavern law, so-called, is just the opposite of our other laws on beer drinking. Our other laws say that patrons must sit down, they cannot drink it standing up. I would prefer to see them all taverns, because ninety per cent of these so-called restaurants are taverns. I would go along with a rule to have them stand up and drink their beer; but as long as we are going to have a law on our books that says that in restaurants — and I assure you, Mr. President and members of the Senate, that many of them have no food to serve but beer and ale and they would be shocked if you asked them for a meal — as long as their patrons may remain seated I do not see why we should insist that the patrons of taverns must stand up. I think the patrons of a tavern have just as much right to sit on a stool as patrons of some of these so-called restaurants. Therefore I hope that the motion of the Senator from York, Senator Farley, does not prevail.

Mr. WILLEY of Hancock: Mr. President, I rise to correct information given by Senator Boucher of Androscoggin. The committee reported six to four, not nine to one as many reports are.

Mr. WYMAN of Washington: Mr. President, will the Secretary read the committee report.

The Secretary read endorsements on the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Farley, that the bill be indefinitely postponed, and that Senator has requested a division.

A division of the Senate was had.

Nineteen having voted in the affirmative and nine opposed, the motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: At this time the Chair, on behalf of the Senate would like to thank the Misses Ann and Suzy Schoenthaler for their services this afternoon. They have performed efficiently and we also thank Senator Carpenter of Somerset for bringing his two granddaughters here.

On motion by Mr. Woodcock of Penobscot,

Adjourned until Tuesday next at ten o'clock in the morning.