

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

Tuesday, April 7, 1959

Senate called to order by the President.

Prayer by Rev. Lawrence Littlehale of Gardiner.

On motion by Mr. Lewis of Somerset, Journal of Friday last read and approved.

The PRESIDENT: The Chair at this time would like to call to the attention of the Senate the presence of a very distinguished visitor from another state in our great union.

We are privileged this morning to have a gentleman visiting us who is a legislator in his native state of Arizona. He is Chairman of the the Committee on Highways and majority floor leader in his state legislature.

At this time the Chair would ask the Sergeant-at-Arms to escort Senator "Dick" Adams of Phoenix, Arizona to the rostrum. (Applause, members rising)

The PRESIDENT: The Chair is going to ask Senator Adams if he would care to say a few words of greeting from the State of Arizona.

Mr. ADAMS: Thank you, Mr. President and members of the Senate. It is indeed a pleasure to be here with you and say a few words of greeting from the State of Arizona. I had no idea I was going to be afforded this privilege this morning and I certainly have not prepared anything. I have been speaking to one or two of the Senators and have been discussing some of the differences between our states and some of the ways that they are the same. I think one of the differences in Arizona is that we have a twenty-eight man Senate and twenty-seven of them are Democrats and one Republican, which is a little different from Maine. We have an eighty man House and there are twenty-five Republicans and fifty-five Democrats in the House. The reason that I say there are similarities, at least in political trends is that in Arizona we have a two and a half to one registration of Democrats and we turned around and elected a Republican Governor and a Republican United States Senator this time while Maine elected a Democratic Governor and a Demo-

cratic United States Senator, so we offset each other there.

I think something else that rather amused or amazed some of the senators is our committee system that we use. Out of four or five hundred pieces of legislation that are introduced annually only about sixty or seventy reach the floor for debate. Most of our bills are killed in committee. A bill is referred to three or four committees and a majority of the committee must favor the bill before it can be passed out, and it might clear three committees whereby they cannot get a majority on the fourth committee to pass it out and it is still there, so we do not have nearly the amount of debate that you all do.

I was trying to think of something else that rather amused me. Oh yes. We have annual sessions, sixty-day sessions, and we get out in sixty days because that is when our pay stops. Our pay is on a sixty-day basis, so we go in, get our work done and go home and come back next year.

The thing that I am particularly impressed with in Maine is your women. I came back here to pick up a wife and I will marry a girl from Readfield in the next few days. Thank you. (Applause, members rising)

The PRESIDENT: On behalf of the Senate the Chair wants to thank Senator Adams for being with us here today and for the fine message he has brought. Also the Chair would like to acknowledge the fact that the Senator from Aroostook, Senator Briggs brought it to the Chair's attention and we thank him for doing so.

Papers from the House

Bill, "An Act Relating to Licensing and Safety in Operation of Boats." (S. P. 79) (L. D. 151)

The Senate on April 2 voted to insist on former action whereby the bill was referred to the Committee on Inland Fisheries and Game.

Comes from the House, that body having insisted upon its former action whereby the bill was referred to the Committee on Judiciary, now asks for a Committee of Conference.

In the Senate, on motion by Mr. Carpenter of Somerset, the Senate voted to insist on its former action and to join in the Committee of

Conference; and the President appointed as Senate members of such Conference, Senators: Carpenter of Somerset, Briggs of Aroostook and Hillman of Penobscot.

House Committee Reports Leave to Withdraw

The Committee on Transportation on Bill, "An Act Relating to Weight of Certain Commercial Vehicles." (H. P. 779) (L. D. 1097) reported that same be granted Leave to Withdraw.

The same Committee on Bill, "An Act Regulating Trucks Stopped on Highways to Load Pulpwood." (H. P. 840) (L. D. 1191) reported that same be granted Leave to Withdraw.

Which reports were read and accepted in concurrence.

Ought Not to Pass

The Committee on Judiciary on Bill, "An Act Relating to the Reporting of Divorces to State Registrar of Vital Statistics." (H. P. 296) (L. D. 443) reported that the same Ought not to pass.

The Committee on Transportation on Bill, "An Act Relating to Age of Applicants for Motor Vehicle Driver's License." (H. P. 374) (L. D. 532) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Single Axle-Weight Tolerance for Motor Vehicles Carrying Bulk Wood Flour." (H. P. 458) (L. D. 664) reported that the same Ought not to pass.

(On motion by Mr. Cole of Waldo, tabled pending acceptance of the report.)

Which reports were severally read and accepted in concurrence.

The Committee on Taxation on Bill, "An Act Exempting Hospital Thrift Shops from Sales Tax." (H. P. 700) (L. D. 1000) reported that the same Ought not to pass.

Comes from House, bill substituted for report and passed to be engrossed.

In the Senate, on motion by Mr. Willey of Hancock, the bill was laid upon the table pending acceptance of the report.

Ought to Pass

The Committee on Labor on Bill, "An Act Relating to Penalties Under

Employment Security Law." (H. P. 757) (L. D. 1075) reported that the same Ought to pass.

The Committee on Natural Resources on Bill, "An Act Classifying Certain Surface Waters in Maine." (H. P. 504) (L. D. 717) reported that the same Ought to pass.

The Committee on Retirements and Pensions on "Resolve Providing a Pension for Miss Avis Robertson of Belfast." (H. P. 669) (L. D. 961) reported that the same Ought to pass.

The Committee on Towns and Counties on Bill, "An Act Relating to Funds Appropriated for School Physicians." (H. P. 703) (L. D. 1003) 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.

The Committee on Retirements and Pensions on recommitted Bill, "An Act Relating to Retirement Benefits Under the Maine State Retirement System." (H. P. 627) (L. D. 874) reported that the Original Bill (H. P. 171) (L. D. 245) Under title: "An Act Relating to Retirement Benefits for Teachers With Fifteen Years of Service." Ought to pass.

Comes from House, report accepted and bill passed to be engrossed as amended by House Amendment A (Filing No. 152)

In the Senate, the Ought to pass report on the original bill was read and accepted in concurrence and the bill read once; House Amendment A was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

Ought to Pass — as amended

The Committee on Election Laws on Bill, "An Act Relating to Voting Machines for Elections." (H. P. 873) (L. D. 1247) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 148)

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 — OTP
Minority — ONTP

The Majority of the Committee on Claims on "Resolve in Favor of Grand Falls Hospital, Grand Falls, New Brunswick." (H. P. 483) (L. D. 701) reported that the same Ought to pass.

(Signed)

Senator

FOURNIER of York

Representatives:

HUGHES of St. Albans
CURTIS of Bowdoinham
KENNEDY of Milbridge
MATHEWS of Berwick
JOHNSON of Stockholm
GALLANT of Eagle Lake
DUFOR of Old Town

The Minority of the same Committee on the same subject matter, reported that the resolve Ought not to pass.

(Signed)

Senators:

WEEKS of Cumberland
PARKER of Piscataquis

Comes from the House, Majority Report accepted and the bill passed to be engrossed.

In the Senate: Mr. Parker of Piscataquis moved that the Senate accept the Minority report "Ought not to pass" in non-concurrence.

Mr. FOURNIER of York: Mr. President and members of the Senate: I favor this Resolve in favor of Grand Falls Hospital, Grand Falls, New Brunswick to reimburse them for the hospitalization of Philip Theriault due to an automobile accident he had in 1957.

Mr. Theriault was close to the border of New Brunswick when the accident happened. His wife and four children were seriously hurt, one of the boys had a kidney removed, the daughter received a broken back and the wife was seriously hurt. Mr. Theriault received on account of that particular accident the sum of \$7000 from the insurance company. He used eight thousand dollars of his own which he had in the bank to pay for some of these bills, and also he sold his home in order to pay some of these bills. Some of these bills also were incurred in a Connecticut hospital,

which bills are also unpaid and a resolve which was introduced for that purpose has been withdrawn since. Mr. Theriault at present is living in Hamilton with a selectman who is charging him no fee. In order to work, Mr. Theriault has to cross the border, and he is unable to cross the border because he owes this money to the Grand Falls hospital. We understood in the committee that if he crosses the border there is a warrant for his arrest, so he will be unable to work until this bill is paid.

Mr. Theriault appeared before the committee asking for this amount of money which I thought was fair. I hope that when the vote is taken you will vote against the motion of the Senator from Piscataquis, Senator Parker.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I accept as true everything that the Senator from York Senator Fournier has said so far as his presentation is concerned, that this dire event did happen to a very fine citizen in our community in the State of Maine. The only thing I can say is that as a matter of principle I can find no basis on which I can agree with him as a matter of law or even as a matter of equity. Apparently his accident does not fit into any of the categories of the Health and Welfare Department. It is a problem which calls for sympathetic consideration, and if I could find the slightest basis to go along with the Senator from York, Senator Fournier, I would be very happy to do so, but, as a matter of principle, I must insist that the motion of the Senator from Piscataquis, Senator Parker, is the only one I can agree with.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the Senate accept the minority "Ought not to pass" report of the committee in non-concurrence. As many as are in favor of the motion of the Senator from Piscataquis, Senator Parker, that the minority "Ought not to pass" report of the committee be accepted will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the minority "Ought not to pass" report of the

committee was accepted in non-concurrence.

Sent down for concurrence.

Senate Committee Reports Ought to be Adopted

Mr. Farley from the Committee on Veterans and Military Affairs on Joint Resolution Memorializing Congress to Equalize Retirement Benefits for Retired Members of the Armed Forces Who Retired Prior to June 1, 1958, (S. P. 434) reported that same Ought to be adopted.

Which report was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Stilphen from the Committee on Highways on "Resolve to Provide Funds for Land Acquisition and Plans for State Highway Office Building." (S. P. 203) (L. D. 542) reported that the same Ought not to pass.

Mr. Woodcock from the Committee on Judiciary on Bill, "An Act Relating to Witnesses' Privilege in Gambling and Lottery Cases." (S. P. 213) (L. D. 552) reported that the same Ought not to pass.

Mrs. Lord from the Committee on Public Health on Bill, "An Act Relating to Barber Apprentices, Barber Instructors and Barber Shop Licenses." (S. P. 405) (L. D. 1173) reported that the same Ought not to pass.

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

The same Senator from the same Committee on Bill, "An Act Increasing Fees for Licenses of Eating and Lodging Places." (S. P. 278) (L. D. 740) reported that the same Ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Cole from the Committee on Business Legislation on Bill, "An Act Relating to Capital Shares of Insurance Corporations." (S. P. 363) (L. D. 1046) reported that the same Ought to pass.

Mr. Stilphen from the Committee on Highways on Bill, "An Act Relating to Relocating Facilities in

Federal Aid Interstate Highway Projects." (S. P. 410) (L. D. 1194) reported that the same Ought to pass.

Mr. Weeks from the Committee on Judiciary on Bill, "An Act Relating to Fiduciary's Transactions by Check." (S. P. 375) (L. D. 1102) reported that the same Ought to pass.

Mr. Bates from the Committee on Public Health on Bill, "An Act Increasing Fees for Plumbing Permits." (S. P. 347) (L. D. 974) reported that the same Ought to pass.

Mr. Lewis from the same Committee on Bill, "An Act Relating to Qualifications of Applicants for Registration as Licensed Physicians or Surgeons." (S. P. 395) (L. D. 1139) 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—N.D.

Mr. Martin from the Committee on Legal Affairs on Bill, "An Act Relating to Pensions for Widows and Children of Deceased Policemen of the City of Lewiston." (S. P. 173) (L. D. 417) reported same in New Draft (S. P. 444) Under Same Title, and that it Ought to pass.

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

Second Readers

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

House

Bill, "An Act Relating to the Inspection of Motor Vehicles." (H. P. 780) (L. D. 1098)

Which was read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

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

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

House — as amended

Bill, "An Act Relating to Type of Lights on School Buses." (H. P. 330) (L. D. 477)

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

Senate

Bill, "An Act Relating to Driver Education." (S. P. 185) (L. D. 428)

Bill, "An Act Relating to Warrants on Sales and Use Tax Assessments." (S. P. 231) (L. D. 614)

Bill, "An Act Relating to Examination by Judge into Causes of Criminal Character of Prisoners." (S. P. 379) (L. D. 1105)

Bill, "An Act Authorizing Informations at Terms of Court in Cumberland County." (S. P. 380) (L. D. 1106)

Bill, "An Act Increasing Payments to Penobscot County Law Library." (S. P. 392) (L. D. 1136)

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

Sent down for concurrence.

Senate — as amended

Bill, "An Act Providing Mandatory Jail Sentence for Second Offense of Driving Under the Influence." (S. P. 329) (L. D. 905)

Bill, "An Act Relating to the Pine-land Hospital and Training Center and the Commitment of the Insane." (S. P. 330) (L. D. 906)

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

Sent down for concurrence.

Enactors

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

Bill, "An Act Relating to Town Meetings of Sanford." (H. P. 12) (L. D. 21)

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 Relating to Operation of Farm Trucks." (H. P. 459) (L. D. 665)

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

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

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

Bill, "An Act Increasing Salary of Mayor of City of Lewiston." (S. P. 336) (L. D. 912)

Which bills were severally passed to be enacted.

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

(On motion by Mr. Rogerson of Aroostook, the resolve was laid upon the Special Appropriation Tables pending final passage.)

Emergency

Bill, "An Act Amending the Charter of the City of Biddeford." (H. P. 842) (L. D. 1163)

Which bill, being an emergency measure, and having received the affirmative vote of 24 members of the Senate, and 2 opposed was passed to be enacted.

Bill, "An Act Relating to Licenses for Pari Mutuel Harness Horse Racing." (H. P. 911) (L. D. 1283)

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

Orders of the Day

The President laid before the Senate the first tabled and especially assigned matter being bill, "An Act Relating to Area Directional Signs" (S. P. 436) (L. D. 1284) tabled on April 2 by the Senator from Cumberland, Senator Charles, pending motion by Senator Noyes of Franklin to Indefinitely Postpone House Amendment A; and that Senator yielded to the Senator from Franklin, Senator Noyes.

Mr. Noyes of Franklin was granted permission of the Senate to withdraw his motion to indefinitely postpone House Amendment A; and on further motion by the same Senator, the Senate voted to recede and concur with the House.

Mr. CHARLES of Cumberland: Mr. President, am I in order at this time to present an amendment?

The PRESIDENT: The Chair would inform the Senator from Cumberland, Senator Charles, that in order to present an amendment, the Senate would have to reconsider its action whereby the bill was passed to be engrossed. Does the Senator wish to take that action?

Thereupon, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, and the same Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Which amendment was adopted, and the bill as amended was passed to be engrossed in non-concurrence. Sent down for concurrence.

The President laid before the Senate the second tabled and especially assigned matter being "Resolve to Reimburse the City of Portland for Support of Joseph A. and Madelon E. Glidden." (H. P. 788) (L. D. 1120) tabled on April 2 by the Senator from Cumberland, Senator Weeks pending motion by Senator Parker of Piscataquis to Indefinitely Postpone; and on motion by Mr. Weeks of Cumberland, the Resolve was indefinitely postponed in concurrence.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table bill, "An Act Relating to the Bank Commissioner, Advisory Committee and Department Regulations." (S. P. 228) (L. D. 611) tabled by that Senator on March 19 pending passage to be enacted; and that Senator yielded to the Senator from Cumberland, Senator Charles.

Mr. CHARLES of Cumberland: Mr. President, I now desire to amend this bill to return the term of office to be served by the Banking Commissioner from six to four years. In other words, the bill as written would give him six years and the amendment would give him four.

I further intend to amend the bill to provide that we take advantage of the Federal Small Loans Business Administration provisions whereby private enterprise may enter into agreements to loan money to institutions and to help small business to obtain funds to operate their

business. The amendment is apparently necessary to take advantage of the provisions. I therefore submit Senate Amendment A to L. D. 611 and move its adoption.

On motion by Mr. Charles of Cumberland, the rules were suspended and the Senate voted to reconsider its action whereby the bill was passed to be engrossed; the same Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Which amendment was read and adopted and the bill as amended was passed to be engrossed in non-concurrence.

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

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, I attended an event in my home city of Bangor on Saturday which I believe deserves state wide recognition. This event was the concert given by the all-state Festival group. The orchestra, chorus and band are made up of outstanding music students in the public schools from all over Maine. The concert was not only a rare treat musically, but I was more than impressed by the comments made by the guest conductors in regard to the high standard of discipline and courtesy shown by the students. One of the conductors said "As long as we have this type of young person and can give him the opportunity to develop his talents we need not fear delinquency." These students, the parents, teachers and friends who worked tirelessly to promote this annual event should be highly commended and I would like to say further that it had one of the largest audiences I have ever seen in the Bangor auditorium. It certainly was a great credit to the State of Maine.

The PRESIDENT: On behalf of the Senate, the Chair thanks Senator Hillman of Penobscot for his comments.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Reports from the Committee on Legal Affairs; Majority Report "Ought not to pass"; Minority Report "Ought to

pass" on bill, "An Act Relating to Gas Masks for Fire Departments" (S. P. 171) (L. D. 415) tabled by that Senator on March 26 pending motion by Senator Martin of Kennebec to accept the Majority report; Mr. Boucher of Androscoggin moved the pending question and the Majority "Ought not to pass" report was accepted.

Sent down for concurrence.

On motion by Mr. Dow of Lincoln, the Senate voted to take from the table bill, "An Act Relating to Open Season on Fisher in Certain Counties." (H. P. 606) (L. D. 866) tabled by that Senator on March 27 pending passage to be engrossed.

Mr. DOW of Lincoln: Mr. President and members of the Senate: It seems to me that if we pass this bill it would cost the State of Maine quite a bit of money. At the present time the State pays a bounty of fifty cents apiece on porcupine. In the year ending June 30, 1957 the State paid \$40,981 in porcupine bounties. In the year ending June 30, 1958 the State paid \$28,187 in porcupine bounties.

Now a fisher, commonly called a "fisher cat" is the only animal that will attack and kill a porcupine. It is the only enemy that a porcupine has and it is the only natural means that we have of keeping the porcupine population down. Fishers, contrary to their name, do not eat fish; they eat porcupine. In areas where fisher cats abide you will find little or no porcupine.

Now my point is just this: It seems rather inconsistent to me that we pay out good money for porcupine bounties while at the same time we attempt to open a further season on fisher cats who do this job for free.

If anyone is interested in just how a fisher cat goes about killing a porcupine I think I can tell you that too. But, because it does seem inconsistent, I would like to move, Mr. President, that this bill be indefinitely postponed.

Mr. CARPENTER of Somerset: Mr. President, if it is in order, before a vote is taken, if the good Senator from Lincoln, Senator Dow, would put on a demonstration of just how a porcupine is killed I would appreciate it.

Mr. DOW of Lincoln: Mr. President, before I explain how a fisher cat kills a porcupine I would like to add also that it is commonly known that fishers never become overpopulated. When they get too thick in an area two things happen: either they move to another area where there are more porcupines or else they eat each other and they never become too numerous.

The way a fisher kills a porcupine: he waits until the porcupine goes up a tree and the fisher goes up the tree only he crawls on the under side of the limb and the porcupine is on the upper side of the limb, and with four very sharp front teeth he literally unzips the porcupine from stem to stern. (Laughter)

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: In the process of giving my accord to the Senator from Lincoln, Senator Dow, now that he has gotten way out on the limb with the fisher, I might suggest that there is just one little point which he did not make which I think is very important. The most important thing in regulating wild-life populations is their food supply, and that is a very vital thing in wild-life management. He has explained that quite adequately, I think. If people would be a little bit more conscious of that I think we would probably have a lot less need for efforts that are rather unsuccessful for controlling predators.

I did want to take just one little bit of exception to one feature of the remarks of the Senator from Lincoln, Senator Dow. He stated that the fisher was the only animal that would attack the porcupine. I have had a fine setter dog in years past and he was one other animal that would, with much misguidance, attack porcupine and he always caused a great deal of consternation.

I think that Senator Dow has made a very capable presentation and has done a good service in his attempt to preserve a nominal open season on fisher without any extension of it and allowing the fisher population to migrate into areas where its principal food is most prevalent and thereby relieve, somewhat at least, the problem of por-

cupine's or hedgehog's damage to agricultural crops.

Mr. CARPENTER of Somerset:

Mr. President, in view of the fact that this is really quite a serious bill, I would like to have further time to study it and I move that it lie on the table.

A viva voce vote being had, the motion did not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Dow, that the bill be indefinitely postponed.

A viva voce vote being had, the motion prevailed and the bill was

indefinitely postponed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair has been informed that the Piscataquis County Community Band will be in the State House tomorrow morning at 9:30 on the second floor, and will render some band selections. The Chair would urge all members of the Senate to try to be present and to enjoy the music of this fine aggregation.

On motion by Mrs. Lord of Cumberland,

Adjourned until tomorrow morning at ten o'clock.