

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 14, 1959

Senate called to order by the President.

Prayer by Rev. Victor P. Musk of Augusta.

On motion by Mr. Rogerson of Aroostook,

Journal of last Friday read and approved.

**House Committee Reports
Leave to Withdraw**

The Committee on Judiciary on Bill, "An Act Relating to Appeals in Workman Compensation Cases." (H. P. 351) (L. D. 510) reported that same be granted Leave to Withdraw.

The same Committee on Bill, "An Act to Include Personal Property in Maine Industrial Building Authority Act." (H. P. 897) (L. D. 1266) 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 Restoration of Motor Vehicle Operators' Licenses." (H. P. 691) (L. D. 991) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Service of Processes on Nonresident Employers Under Workmen's Compensation Act." (H. P. 751) (L. D. 1069) reported that the same Ought not to pass.

The Committee on State Government on Bill, "An Act to Provide for Participation in Maine Employment Security by the State and Political Subdivisions." (H. P. 317) (L. D. 464) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Authorizing Aeronautics Commission to Acquire Airports Owned by Municipalities." (H. P. 820) (L. D. 1158) reported that the same Ought not to pass.

The same Committee on "Resolve Relating to Salary Range for Director of the Division of Tuberculosis." (H. P. 409) (L. D. 593) reported that the same Ought not to pass.

The same Committee on "Resolve Proposing an Amendment to

the Constitution Increasing Amount of Credit of State in Loans for Industrial Purposes." (H. P. 901) (L. D. 1270) reported that the same Ought not to pass.

The Committee on Transportation on Bill, "An Act Relating to Lights on Motor Vehicles Used as School Buses." (H. P. 416) (L. D. 600) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill, "An Act Relating to Notification by Secretary of State in Motor Vehicle Cases." (H. P. 350) (L. D. 509) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Create a Law Revision Commission." (H. P. 644) (L. D. 935) reported that the same Ought to pass.

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

Ought to Pass — as amended

The Committee on Transportation on Bill, "An Act to Prohibit Excessive Noise from Mufflers on Motor Vehicles." (H. P. 417) (L. D. 601) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 172)

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.

Ought to Pass — N.D.

The Committee on Highways on Bill, "An Act Prohibiting Certain Lights Along Highways." (H. P. 390) (L. D. 573) reported same in New Draft (H. P. 914) (L. D. 1290) Under the Same Title and that it Ought to pass.

In House, report accepted and bill in New Draft passed to be engrossed as amended by House Amendment A (Filing No. 182)

In the Senate, the report was read and accepted in concurrence the bill read once, House Amendment A read and adopted in con-

currence and the bill as amended, tomorrow assigned for second reading.

Majority — ONTP

Minority — OTP

The Majority of the Committee on Education on Bill, "An Act Relating to Minimum Salaries of Elementary School Principals," (H. P. 346) (L. D. 505) reported that the same Ought not to pass.

(Signed)

Senators:

DOW of Lincoln
BATES of Penobscot
COFFIN of Cumberland

Representatives:

MATHIESON of Montville
ERVIN of Houlton
FRAZIER of Lee
CLARK of Scarborough
HANSON of Lebanon
CORMIER of Rumford

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

(Signed)

Representative

ROWE of Madawaska

In House, Majority Report accepted.

In the Senate, on motion by Mr. Dow of Lincoln, the Majority Report "Ought not to pass" was accepted in concurrence.

Majority — ONTP

Minority — OTP

The Majority of the Committee on Election Laws on Bill, "An Act Authorizing Registration of Voters by Affidavit Registration," (H. P. 615) (L. D. 883) reported that the same Ought not to pass.

(Signed)

Senators:

WOODCOCK of Penobscot
WEEKS of Cumberland

Representatives:

KNAPP of Yarmouth
BROWN of Bangor
DEAN of Buxton
PITTS of Harrison
WESTON of Farmingdale

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

(Signed)

Senator

DUNN of Kennebec

Representatives:

PERT of Bath

CAHILL of Moscow

In House, Majority Report accepted.

In the Senate, on motion by Mr. Woodcock of Penobscot, the Majority Report "Ought not to pass" was accepted in concurrence.

Report A — OTP

Report B — ONTP

Five members of the Committee on Judiciary on Bill, "An Act Relating to Restricting Certain Trustee Process Until After Judgment," (H. P. 116) (L. D. 171) reported (Report A) that the same Ought to pass.

(Signed)

Senator

WOODCOCK of Penobscot

Representatives:

EARLES of South Portland
COX of Dexter
BEANE of Augusta
BERMAN of Auburn

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

(Signed)

Senators:

WEEKS of Cumberland
LESSARD of Androscoggin

Representatives:

EMMONS of Kennebunk
KNIGHT of Rockland
CARON of Biddeford

In House, Report A accepted and the bill passed to be engrossed.

In the Senate, on motion by Mr. Lessard of Androscoggin, the bill and accompanying reports were laid upon the table pending acceptance of either report.

Majority — ONTP

Minority — OTP

The Majority of the Committee on State Government on Bill, "An Act Establishing Minimum Wages of Employees in Public Works by State of Maine," (H. P. 770) (L. D. 1088) reported that the same Ought not to pass.

(Signed)

Senators:

HILLMAN of Penobscot
ROSS of Sagadahoc

Representatives:

SMITH of Exeter
DENNETT of Kittery
BARNETT of Augusta
SANBORN of Gorham
WADE of Auburn

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

(Signed)

Senator

LESSARD of Androscoggin
Representatives:

PLANTE of Old Orchard Beach
COYNE of Waterville

In House, Majority Report accepted.

In the Senate, on motion by Mr. Hillman of Penobscot, the Majority Report "Ought not to pass" was accepted in concurrence.

**Senate Committee Reports
Leave to Withdraw**

Mr. Cole from the Committee on Business Legislation on Bill, "An Act to Amend the Act Incorporating the Maine Indemnity Company." (S. P. 229) (L. D. 612) reported that same be granted Leave to Withdraw.

Mr. Lewis from the same Committee on Bill, "An Act Authorizing Mobile Banking in Maine." (S. P. 389) (L. D. 1133) reported that same be granted Leave to Withdraw.

Mr. Charles from the same Committee on Bill, "An Act Relating to Licensing of Home Party Plan Demonstrators." (S. P. 422) (L. D. 1218) reported that same be granted Leave to Withdraw.

Mr. Willey from the Committee on Taxation on Bill, "An Act Repealing the Tax on Quahogs." (S. P. 298) (L. D. 822) reported that same be granted Leave to Withdraw.

(On motion by Mr. Ross of Sagadahoc, tabled pending acceptance of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Weeks from the Committee on Claims on "Resolve in Favor of Millicent N. Mann and Aetna Insurance Company." (S. P. 390)

(L. D. 1134) reported that the same Ought not to pass.

Mr. Willey from the Committee on Taxation on Bill, "An Act Relating to Inheritance Tax Exemptions for Husband or Wife." (S. P. 29) (L. D. 9) reported that the same Ought not to pass.

(On motion by Mr. MacDonald of Oxford, tabled pending acceptance of the report.)

Mr. Wyman from the same Committee on Bill, "An Act Relating to Liability of Producers for Quahog Tax." (S. P. 297) (L. D. 821) reported that the same Ought not to pass.

Mr. Willey from the same Committee on Bill, "An Act Relating to Definition of Casual Sales Under Sales Tax Law." (S. P. 385) (L. D. 1111) reported that the same Ought not to pass.

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

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass — as amended

Mr. Weeks from the Committee on Judiciary on Bill, "An Act Pertaining to Freedom of Access to Public Records and Proceedings." (S. P. 26) (L. D. 6) 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.

Ought to Pass — N.D.

Mr. MacDonald from the Committee on Labor on Bill, "An Act Relating to Part-time Work Permits for Minors." (S. P. 404) (L. D. 1172) reported same in New Draft (S. P. 449) (L. D. 1302) Under New Title: "An Act Relating to Employment of Minors." and that it Ought to pass.

(On motion by Mr. Parker of Piscataquis, tabled pending acceptance of the report.)

Mr. Martin from the Committee on Legal Affairs on Bill, "An Act to Enlarge Powers and Purposes of Trustees of Diocesan Funds in Episcopal Diocese of Maine." (S.

P. 247) (L. D. 630) reported same in New Draft (S. P. 447) (L. D. 1300) Under Same Title, and that it Ought to pass.

Mr. Fournier from the Committee on Taxation on Bill, "An Act Amending the Gasoline Tax Act with Respect to Aviation Fuel." (S. P. 123) (L. D. 271) reported same in New Draft (S. P. 448) (L. D. 1301) Under Same Title, and that it Ought to pass.

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

Which reports were severally read and accepted, the bills 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 — as amended

Bill, "An Act Relating to Teachers and Other School Personnel for Mentally Retarded Children." (H. P. 142) (L. D. 198)

Bill, "An Act Revising Certain Election Laws." (H. P. 857) (L. D. 1225)

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

Senate

Bill, "An Act Relating to Confering Degrees by Thomas Junior College." (S. P. 111) (L. D. 261)

Bill, "An Act Relating to Expenditures from Aeronautical Fund." (S. P. 149) (L. D. 370)

Bill, "An Act Relating to State Owned Automobiles for Liquor Inspectors." (S. P. 420) (L. D. 1204)

(On motion by Mr. MacDonald of Oxford, tabled pending second reading.)

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

Sent down for concurrence.

Senate — as amended

Bill, "An Act Relating to the Suspension and Revocation of Liquor Licenses." (S. P. 164) (L. D. 385)

Bill, "An Act Relating to Construction of a Building for Maine

Employment Security Commission." (S. P. 244) (L. D. 627)

Bill, "An Act to Authorize the Addition of the Towns of Cushing, Rockport, St. George, Thomaston and Warren to School Administrative District No. 5." (S. P. 291) (L. D. 815)

Which were severally 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 resolves:

Bill, "An Act Relating to Retirement Benefits for Teachers with Fifteen Years of Service." (H. P. 171) (L. D. 245)

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

Bill, "An Act Relating to Funds Appropriated for School Physicians." (H. P. 703) (L. D. 1003)

Bill, "An Act Relating to Penalties Under Employment Security Law." (H. P. 757) (L. D. 1075)

Bill, "An Act Relating to Voting Machines for Elections." (H. P. 873) (L. D. 1247)

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

Bill, "An Act Relating to the Bank Commissioner, Advisory Committee and Department Regulations." (S. P. 228) (L. D. 611)

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

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

Which bills were severally passed to be enacted.

"Resolve Providing a Pension for Miss Avis Robertson of Belfast." (H. P. 669) (L. D. 961)

(On motion by Mr. Rogerson of Aroostook, the resolve was laid on the Special Appropriations Table pending final passage.)

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

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

“Resolve in Favor of George Freyer, Jr. of Covington, Kentucky.” (S. P. 365) (L. D. 1048)

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

“Resolve in Favor of Lena M. Freyer of Covington, Kentucky.” (S. P. 366) (L. D. 1049)

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

Orders of the Day

Mr. Charles of Cumberland was granted unanimous consent to address the Senate.

Mr. CHARLES: Mr. President and members of the Senate: I have two orders which I am going to present this morning but I am going to take them up individually. Both of them have to do with Legislative Research Committee studies. The first one I would like to discuss is a study relative to Mobile Banking, the bill for which was presented by the Senator from Oxford, Senator Thurston. The Committee on Business Legislation took this very seriously and found it did require a considerable amount of research study as to its impact upon the banking system of our State. Therefore, with mutual understanding, we assured the sponsors of this bill that we would do the best we could in committee to try to refer this matter to the Legislative Research Committee. For this reason, I present an order and move its passage.

The Order was read by the Secretary as follows:

ORDERED, the House concurring:

That the Legislative Research Committee be and hereby is authorized and directed to study Mobile Banking for the purpose of determining community needs for mobile banking services in the State and the impact of furnishing such services upon the present banking operations, practices and procedures.

And be it further ordered that the committee report the results of its study to the 100th Legislature.

On motion by Mr. Woodcock of Penobscot, the order was tabled pending motion by Mr. Charles of Cumberland that the order receive passage.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: The Committee on Business Legislation also had under consideration another bill which they desire very much to refer to the Legislative Research Committee. This has to do with L. D. 1218, Bill, “An Act Relating to Licensing of Home Party Plan Demonstrators.” The committee also studied this bill and found it had merit for further consideration, and it desires very much to introduce this order for further consideration. I therefore present this order and move its passage.

The order was read by the Secretary as follows:

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is authorized and directed to study the need for state licensing and regulation of Merchandise Club Demonstrators who solicit orders or make contracts for merchandise sold or supplied by persons or organizations having no regular place of business within the State;

And be it further ordered that the committee report the results of its study to the 100th Legislature.

On motion by Mr. Woodcock of Penobscot, the order was tabled pending passage.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber this morning members of the Harmony High School of Harmony, Maine, accompanied by instructors Mr. Jackins and Mr. Chadbourne. On behalf of the Maine Senate we extend a very hearty and cordial welcome to you young people. We hope that you will enjoy your observations here in the capital today, and I am sure that each and every senator will do his and her utmost to make it a pleasant and educational day for you. (Applause)

On motion by Mr. Charles of Cumberland, the Senate voted to take from the table (S. P. 364) (L. D. 1047) Bill, “An Act Relating to Certification by Automobile Deal-

ers of Mileage of Used Motor Vehicles," which was tabled by that Senator on April 10th pending consideration.

Mr. CHARLES: Mr. President, I yield to the Senator from Aroostook, Senator Rogerson.

Mr. ROGERSON of Aroostook: Mr. President, this measure was one which was directed towards correcting the common evil which is practiced by automobile dealers, the setting back of automobile speedometers. This has had rather a stormy passage, if that is not a misuse of the word, up to this point. It met an untimely end in the other branch and we were able to breathe some life back into it, but again it has struck an obstacle which indicates that this sort of law is not timely. I therefore move the pending question.

The PRESIDENT: The Secretary will read the endorsements on the bill.

The SECRETARY: "In the Senate on April 1st, passed to be engrossed. In the House on April 9th, bill indefinitely postponed in non-concurrence and the motion to reconsider lost."

On motion by Mr. Rogerson of Aroostook, the Senate voted to concur and concur with the House.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table Senate Report from the Committee on Retirements and Pensions "Ought not to pass" on Bill, "An Act Relating to Retirement Benefits for Inland Fish and Game Wardens." (S. P. 418) (L. D. 1202) tabled by that Senator on April 8 pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Charles of Cumberland, the Senate voted to take from the table Bill, "An Act Relative to Trading Stamp Companies." (S. P. 306) (L. D. 852) tabled by that Senator on March 18 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table Senate Reports from the Committee on Legal Affairs: "Report A, Ought to pass; Report B, Ought not to pass" on Bill, "An Act Changing the Date of Labor Day to the Second Monday in September." (S. P. 74) (L. D. 124)

Mr. MARTIN of Kennebec: Mr. President, it is my understanding that the Senator from Oxford, Senator MacDonald, wishes to present an amendment and in order that he may do so, I now move that the Senate accept Report A "Ought to Pass".

The motion prevailed, Report A was accepted and the bill read once.

Mr. MacDonald of Oxford presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Judiciary "Ought not to pass" on Bill, "An Act Changing Name of Norway Municipal Court to Norway-Paris Municipal Court and Its Location" (S. P. 332) (L. D. 908) tabled by that Senator on April 3 pending acceptance of the report; and that Senator yielded to the Senator from Oxford, Senator MacDonald.

On motion by Mr. MacDonald of Oxford, the "Ought not to pass" report was accepted.

Sent down for concurrence.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table Senate Report from the Committee on Judiciary "Ought not to pass" on Bill, "An Act Relating to Penalties for Certain Crimes Against the Person." (S. P. 378) (L. D. 1104) tabled by that Senator on April 3 pending acceptance of the report; and on further motion by the same Senator, the "Ought not to pass" report was accepted.

Sent down for concurrence.

On motion by Mr. Willey of Hancock, the Senate voted to take from

the table House Report from the Committee on Taxation "Ought not to pass" on Bill, "An Act Exempting Hospital Thrift Shops from Sales Tax." (H. P. 700) (L. D. 1000) tabled by that Senator on April 7 pending acceptance of the report; and that Senator yielded to the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and members of the Senate: Your joint committee on Taxation heard this bill and reported it unanimously "Ought not to pass." According to the best information we could get, the bill was introduced because of an unusual situation in one of our municipalities which has a hospital thrift shop. In this case the thrift shop purchased the entire stock of a shopkeeper and when representatives of the Sales Tax Division visited the shop for a routine check they found the new management, in accordance with law, collecting the sales tax on merchandise sold.

At the hearing we asked the proponents of the bill if they felt the thrift shops were losing any sales on account of this tax and the answer was an unqualified no, but they stated that it was a nuisance to collect.

Now, members of the Senate, I ask you: Are we going to exempt this special group? If this bill is passed not one cent of the tax revenue lost will go to help hospitals, and, by their own admission, they will not sell any more merchandise. Therefore I move the indefinite postponement of the bill and accompanying papers.

Mr. ROSS of Sagadahoc: Mr. President, before we vote on indefinite postponement I have two or three questions I would like to ask, through the Chair, of the Senator who just spoke on this matter.

My first question is: How many hospital thrift shops are there in the State? My second question is: How much tax do we collect at the present time.

The PRESIDENT: The Senator from Sagadahoc, Senator Ross, proposes two questions of the Senator from Washington, Senator Wyman. The Senator from Washington, Senator Wyman, may answer if he chooses.

Mr. WYMAN: Mr. President, the first question I cannot answer, and neither can I answer the second one in full. I do know this hospital thrift shop did some fourteen thousand dollars worth of business in less than two years, that they were advertising merchandise for sale not only in their shop but on other premises and directing purchasers there. In other words, they were doing a rather substantial business.

It was like the bill we had two years ago to exempt sales of the American Flag, which certainly was a minor matter; but all of these minor exemptions add up over a period of years to a considerable sum.

Mr. ROSS of Sagadahoc: Mr. President, until I can really find the answers to these two questions, and since I think one of these thrift shops is in my community, I would beg the indulgence of my good friend, the Senator from Washington, Senator Wyman, and move that this item be placed on the table.

The motion prevailed and the bill was tabled pending motion of Mr. Wyman of Washington that the bill and accompanying papers be indefinitely postponed.

On motion by Mr. Noyes of Franklin,

Adjourned until ten o'clock tomorrow.