

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 15, 1959

Senate called to order by the President.

Prayer by Rev. Roy I. Bohanan, of Rockland.

On motion by Mr. St. Pierre of Androscoggin,

Journal of yesterday read and approved.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber a group of fifty-five members of the senior class at Farmington State Teachers College, accompanied by Professor Gwilyn Roberts and Agnes P. Mantor. It is indeed a pleasure and a privilege on behalf of the Maine State Senate to welcome you young people here this morning, and your instructors. We trust that you will have an enjoyable day here and I am sure that the members of the Maine Senate will do everything they can to make it a pleasant day for you. On behalf of the Senate a cordial welcome to you all.

Mr. Stilphen of Knox presented the following order:

ORDERED that in recognition of Knox Day, the Senate appoint Catherine Henderson of Rockland, Lois Arey of Rockland, from the Color Guard of the Port of Rockland Drum and Bugle Corps and Frances Cain of Camden and Joan Marshall of Camden, cheer leaders of Camden High School.

Which Order received a passage.

The Senate Pages escorted the young ladies to their positions amidst the applause of the Senate, the members rising.

**House Paper Received by
Unanimous Consent**

Bill, "An Act to Incorporate the Town of Wiscasset School District." (H. P. 918) (L. D. 1296)

Mr. DOW of Lincoln: Mr. President and members of the Senate: I realize the lateness of the date for introduction of a bill. However, the Town of Wiscasset has a serious school problem, in fact they are housing part of the grammar school students now in the basement of the high school.

This bill is an enabling act only and involves no legislative appropriation. Wiscasset needs to build a new school, but because of the town debt limit it is unable to do so and borrow the necessary funds without forming a school district. This has nothing to do with an administrative school district formed under the Sinclair Act, but it will not prevent in the future formation of a school district if it seems feasible.

The people of Wiscasset are ready to build a new school plant not only to take care of the needs of the children of Wiscasset but the children in the communities surrounding Wiscasset, so to deny them this enabling legislation would hurt the school children in that area. Therefore, Mr. President and members of the Senate, I plead for your unanimous consent to accept this bill in concurrence.

The PRESIDENT: Is there objection to the reception of this bill? The Chair hears none and the bill is received.

The bill was thereupon referred to the Committee on Legal Affairs in concurrence.

**House Committee Reports
Leave to Withdraw**

The Committee on Judiciary on Bill, "An Act Relating to Freedom of Access to Public Records and Proceedings." (H. P. 40) (L. D. 60) reported that same be granted Leave to Withdraw as covered by other legislation.

The Committee on Legal Affairs on Bill, "An Act Relating to the Recreation Department for City of Lewiston." (H. P. 305) (L. D. 452) reported that same be granted Leave to Withdraw.

The Committee on Veterans and Military Affairs on Bill, "An Act Relating to Veterans Under Maine State Retirement Law." (H. P. 730) (L. D. 1035) reported that same be granted Leave to Withdraw.

Which reports were severally read and accepted in concurrence.

Ought Not to Pass

The Committee on Business Legislation on Bill, "An Act Relating to Multiple Peril Fire Insurance Policies." (H. P. 855) (L. D. 1223)

reported that the same Ought not to pass.

The Committee on Education on Bill, "An Act Relating to Retro-active Construction Aid for Municipalities Joining School Administrative Districts." (H. P. 789) (L. D. 1121) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Budgets of School Administrative Districts." (H. P. 808) (L. D. 1147) reported that the same Ought not to pass.

The Committee on Taxation on Bill, "An Act Increasing Excise Tax on Telephone Companies." (H. P. 774) (L. D. 1092) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Sales Tax on Farm Machinery and Equipment." (H. P. 732) (L. D. 1037) reported that the same Ought not to pass.

The Committee on Veterans and Military Affairs on "Resolve to Compensate William H. Barker of Waterford for Injuries While Training with National Guard." (H. P. 183) (L. D. 276) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Taxation on Bill, "An Act Relating to the Licensing and Distribution of Trading Stamps." (H. P. 272) (L. D. 404) reported that the same Ought not to pass.

Comes from House, report and bill Indefinitely Postponed.

In the Senate, on motion by Mr. Pierce of Hancock, the Senate voted to concur with the House in the Indefinite Postponement of the bill.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber the members of the eighth grade class of Owl's Head Grammar School with their teacher, Ronald Cantara. These young folks are in the Senate Gallery and I am certain that the entire membership of the Maine Senate extends to you young people a very cordial welcome here this morning and we trust that you will enjoy your visit here and each and everyone of us will do everything we can to make it an educational and profitable day for you.

On behalf of the Senate a very cordial welcome to you.

Ought to Pass

The Committee on Appropriations and Financial Affairs on "Resolve Charging Off Funds Advanced for the Purchase, Stocking and Equipping of the Blueberry Experimental Farm." (H. P. 60) (L. D. 98) reported that the same Ought to pass.

The same Committee on "Resolve Authorizing Use of Passamaquoddy Trust Funds for Housing." (H. P. 233) (L. D. 344) reported that the same Ought to pass.

The same Committee on "Resolve Appropriating Moneys for LP Gas Prover for State Sealer of Weights and Measures." (H. P. 271) (L. D. 403) reported that the same Ought to pass.

The Committee on Claims on "Resolve in Favor of Ernest S. Stone of Garland." (H. P. 635) (L. D. 927) reported that the same Ought to pass.

The Committee on Education on Bill, "An Act Relating to Powers of Community School District Trustees." (H. P. 540) (L. D. 775) reported that the same Ought to pass.

The Committee on Judiciary on Bill, "An Act Relating to Inheritance Taxation of Jointly Owned Property." (H. P. 245) (L. D. 356) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Vehicle Entering Stop Intersection." (H. P. 396) (L. D. 579) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Mortgages for Future Advances." (H. P. 640) (L. D. 931) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Negotiable Notes." (H. P. 641) (L. D. 932) reported that the same Ought to pass.

The Committee on State Government on Bill, "An Act to Create the Bureau of Maine Archives." (H. P. 785) (L. D. 1117) 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 Legal Affairs on Bill, "An Act Relating to Westbrook Parking Authority." (H. P. 249) (L. D. 360) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 180)

The same Committee on Bill, "An Act Establishing a Representative Town Government in Town of Scarborough." (H. P. 591) (L. D. 845) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 179)

The Committee on Transportation on Bill, "An Act Relating to Lights on Rear of Certain Trucks." (H. P. 228) (L. D. 318) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 177)

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.

The Committee on Claims on "Resolve in Favor of A. R. Palmer of Litchfield." (H. P. 634) (L. D. 926) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 175)

Comes from the House, report accepted and resolve passed to be engrossed as amended by Committee Amendment A as amended by House Amendment A (Filing No. 183) thereto.

In the Senate, on motion by Mr. Lewis of Somerset, the resolve was laid upon the table pending acceptance of the report.

Majority — OTP as amended
 Minority — ONTP

The Majority of the Committee on State Government on "Resolve Proposing an Amendment to the Constitution as to the Number of Voters Necessary to Approve a Constitutional Amendment." (H. P. 772) (L. D. 1090) reported that the same Ought to pass as amended by Committee Amendment A (Filing 178)

(Signed)

Senators:

HILLMAN of Penobscot
 ROSS of Sagadahoc

Representatives:

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

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

(Signed)

Senator

LESSARD of Androscoggin

Representatives:

PLANTE of
 Old Orchard Beach
 COYNE of Waterville
 BARNETT of Augusta

Comes from the House, reports and resolve Indefinitely Postponed.

In the Senate, on motion by Mr. Hillman of Penobscot, the reports and resolve were Indefinitely Postponed in concurrence.

Senate Papers

ANDERSON-NICHOLS
 & COMPANY

A Co-Ordinated Engineering
 Service

150 Causeway Street
 Boston 14, Mass.

April 13, 1959

The Honorable Senate and House
 of Representatives
 99th Legislature

Gentlemen:

In accordance with the provisions of Joint Order passed in the Senate on February 11, 1959, Senate Paper 250 and in the House of Representatives, February 19, 1959, we hereby transmit to you our Preliminary Procedures Analysis for the Health and Welfare Department.

Sincerely yours,

ANDERSON-NICHOLS &
 COMPANY

(Signed) Herbert J. Brown
 Partner

On motion by Mr. Woodcock of Penobscot, the Communication and accompanying papers were referred to the Committees on Welfare and Public Health jointly.

Sent down for concurrence.

EBASCO SERVICES

Incorporated
 Engineers — Constructors — Business Consultants
 Two Rector Street
 New York 6, N. Y.

April 13, 1959

Ninety-Ninth Legislature
 State of Maine
 Augusta, Maine

Gentlemen:

We submit herewith our report on the Pilot Study of the Maine State Highway Commission.

We wish to express our deep appreciation for the assistance and courtesy rendered to us by the members of the Highway Committee and the Highway Commission whom we contacted in the course of this study. All officials were completely cooperative in working with us to achieve maximum results from the study.

If there should be any questions relating to the report we shall be pleased to discuss them at any time.

Very truly yours,
EBASCO SERVICES INCORPORATED

(Signed) Harvey E. Wolfe
 Senior Industrial Relations Consultant

On motion by Mr. Woodcock of Penobscot, the Communication and accompanying papers were referred to the Committee on Highway.

Sent down for concurrence.

**Senate Committee Reports
 Leave to Withdraw**

Mr. Stilphen from the Committee on Retirements and Pensions on Bill, "An Act Relating to Survivor Benefits for All State Employees." (H. P. 407) (L. D. 1175) reported that same be granted Leave to Withdraw.

Which report was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Dunn from the Committee on Transportation on Bill, "An Act Relating to Transit Registration Plates for Construction Contractors." (S. P. 240) (L. D. 623) reported that the same Ought not to pass.

On motion by Mr. Weeks of Cum-

berland, tabled pending acceptance of the report.

Ought to Pass

Mrs. Lord from the Committee on Towns and Counties on Bill, "An Act Increasing Number of Medical Examiners in Somerset County." (S. P. 106) (L. D. 224) reported that the same Ought to pass.

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

Ought to Pass — N.D.

Mr. Weeks from the Committee on Judiciary on Bill, "An Act Affecting Certain Statutes Relating to Court Process and Procedure and to Kindred Matters." (S. P. 414) (L. D. 1198) reported a New Draft (S. P. 452) under the same title, and that the same be printed (1500 copies) and recommitted for further consideration by the Committee.

Which report was read and accepted and the New Draft ordered printed.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: Possibly you have noted what appears to be a little bit of irregular action in this matter, but it is the only procedure by which we can accomplish the objective. As you notice, it says "Redraft." This is not a committee redraft. We have the measure as introduced earlier in the session for the purpose of adding to it in the nature of a redraft the result of the labors of the committee which is now reforming many of our statutes and removing inconsistencies between many statutes and the Rules of Court. The bill was delivered to us just yesterday and it has around a hundred pages in it. It is very desirable that we have it printed, and this procedure is the only method by which we can have it printed and get it back to the committee next week to have a hearing on it.

With that explanation, I move that the new draft be sent forthwith to the House.

The motion prevailed and the new draft was ordered sent forthwith to the House.

Mr. Wyman from the Committee on Towns and Counties on re-committed Bill, "An Act Relating to Uniforms for Deputy Sheriffs." (S. P. 125) (L. D. 274) reported same in New Draft (S. P. 453) (L. D. 1303) 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.

Majority — OTP
 Minority — ONTP

The Majority of the Committee on State Government on Bill, "An Act Relating to Duties of the Clerk of the House of Representatives." (S. P. 419) (L. D. 1203) reported that the same Ought to pass.
 (Signed)

Senators:

HILLMAN of Penobscot
 ROSS of Sagadahoc
 LESSARD of Androscoggin

Representatives:

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

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

(Signed)

Representatives:

PLANTE of Old Orchard
 COYNE of Waterville
 SANBORN of Gorham

On motion by Mr. Hillman of Penobscot, the Majority Report "Ought to Pass" was accepted, the bill read once and tomorrow assigned for second reading.

THE PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber a group in the gallery from the University of Maine, the class in Social Studies accompanied by Professor Frank Foster. We are also happy to welcome here this morning a group from Brewer High School, the class in U. S. History accompanied by Mrs. Helen Todd. On behalf of the entire membership of the Maine Senate, I certainly want to extend a very cordial welcome to you and we trust that you will have an enjoyable and educational day at the

State Capitol. A hearty welcome to all of you young people.

Second Readers

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

House

Bill, "An Act Relating to Notification by Secretary of State in Motor Vehicle Cases." (H. P. 350) (L. D. 509)

Bill, "An Act to Create a Law Revision Commission" (H. P. 644) (L. D. 935)

House — as amended

Bill, "An Act to Prohibit Excessive Noise from Mufflers on Motor Vehicles." (H. P. 417) (L. D. 601)

Bill, "An Act Prohibiting Certain Lights Along Highways." (H. P. 914) (L. D. 1290)

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

Senate

Bill, "An Act to Enlarge Powers and Purposes of Trustees of Diocesan Funds in Episcopal Diocese of Maine." (S. P. 447) (L. D. 1300)

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

Sent down for concurrence.

Senate — as amended

Bill, "An Act Pertaining to Freedom of Access to Public Records and Proceedings." (S. P. 26) (L. D. 6)

Bill, "An Act Changing the Date of Labor Day to the Second Monday in September." (S. P. 74) (L. D. 124)

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 bill:

Bill, "An Act Relating to License Fees in Fire Prevention Laws." (H. P. 657) (L. D. 949)

Which bill was passed to be enacted.

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 accepted the "Ought not to pass" report of the Committee on Education on Bill, "An Act Relating to Budgets of School Administrative Districts," (H. P. 808) (L. D. 1147) in concurrence; and on further motion by the same senator the bill was tabled pending acceptance of the committee report.

Mr. Stilphen of Knox was granted unanimous consent to address the Senate.

Mr. STILPHEN: Mr. President and fellow members of the Senate: As the only Senator from Knox County I want to thank this Legislature, and the Knox County businessmen, for arranging this "Knox County Day."

All of us have an inborn pride in our State. Probably personal knowledge of the accomplishments of those we represent gives us all an exaggerated idea of the importance of our county to the overall economy of Maine. It is important, therefore, that single counties, representative of Maine's regional activities, visually remind their joint legislative assemblies of their contribution to our economy.

There is a natural tendency to overlook the undramatic man who cleans our streets, tamps our railroad ties, and who daily tends his counters. Public interest in him is forgotten unless things get bad for him.

So it is with the counties, thus it is fitting that the Legislature opens the State House doors to permit counties like Knox to publicize to their state the accomplishments that are the major factor in our common wealth.

Exhibits such as we will see today should cause each of us to recognize that any legislation which retards areas like that of Knox County is more damaging to the good name of any administration than it is to the inherited security of those thousands who stay in Maine to provide themselves a living from our sea, our soil and our vacationland attractions. I am confident that you will recognize, from

the exhibits you will see the Knox County testimony of its pride in sharing our common goal toward increasing stable work and greater use of our natural resources.

I invite each and every one of you to look over our exhibits out in the rotunda as a shining example of what we have to offer. You will see some of our natural resources here before you. (Applause)

The PRESIDENT: Certainly all members of the Senate join the Chair in thanking Senator Stilphen for his fine presentation of the activities in the State House today on Knox County. The Chair has had a chance to look over the exhibits in the rotunda which are a splendid example of products produced in Knox County. Every one of us joins Senator Stilphen in the pride which he has in Knox County.

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

Mr. CHARLES: Mr. President and members of the Senate: Earlier in the session we accepted a report of "Leave to Withdraw" of the Committee on Veterans and Military Affairs on Bill, "An Act Relating to Veterans Under Maine State Retirement Law," (H. P. 730) (L. D. 1035). This bill came before the Committee on Veterans and Military Affairs, and although we did look upon it with a sympathetic eye we could not permit the bill to be reported out "Ought to pass." After mutual discussion, the proper motion given to us was "Leave to withdraw," which was accepted. We did this for the reason that the Committee on Veterans and Military Affairs was desirous of having a study made with relation to granting military leave. It is for this reason that I 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 matter of granting military leave credits toward State retirement benefits for teachers and members of the Maine State Retirement System for service in the armed

forces of the United States irrespective of time of return to such employment following discharge.

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.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table Senate Report from the Committee on Labor, "Ought to pass in new Draft (S. P. 449) (L. D. 1392) under new title: "An Act Relating to Employment of Minors" on Bill, "An Act Relating to Part Time Work Permits for Minors." (S. P. 404) (L. D. 1172) tabled by that Senator on April 14 pending acceptance of the report; and on further motion by the same Senator, the ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table "Resolve Naming Maine Mountains the 'Longfellow Mountains of Maine'" (H. P. 593) (L. D. 839) tabled by that Senator on April 3 pending final passage; and on further motion by the same Senator, the Resolve was finally passed.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table Senate Reports from the Committee on State Government Majority Report, Ought to

pass; Minority Report, Ought not to pass, on Bill, "An Act Relating to Automobile Travel by State Employees." (S. P. 408) (L. D. 1176) tabled by that Senator on April 10 pending acceptance of either report; and on further motion by the same Senator, the Majority Report, "Ought to pass" was accepted, the bill read once and tomorrow assigned for second reading.

The PRESIDENT: The Chair would remind the Senate that present plans call for a ten A.M. session on Friday, April 17. At this time, on behalf of the Senate, it gives me pleasure to thank the four very attractive Knox County pages. I would like to call these young ladies by name and ask them to stand.

This was done amidst the applause of the Senate.

The PRESIDENT: The Chair would like on behalf of the Senate to thank Senator Stilphen of Knox for the little gifts which the pages have just passed around, the attractive souvenirs of Knox County. They are very attractive and I am sure that all of the members will join me in thanking Senator Carl for these mementoes which I am sure the Senators will all keep among the treasured memories of the 99th legislature. (Applause)

On motion by Mr. Stilphen of Knox,

Adjourned until tomorrow morning at ten o'clock.