

# 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 22, 1959

Senate called to order by the President.

Prayer by Rev. Benjamin Hammond of Milbridge.

On motion by Mr. Bates of Penobscot,

Journal of yesterday read and approved.

The President: At this time the Chair would like to welcome to the Senate Chamber a group of visitors including 8th grade boys and girls from Glenburn, Maine, accompanied by instructor Mrs. John Leland and other ladies from Glenwood. We appreciate your being here this morning at this session of the Maine Senate and extend to you a very cordial and hearty welcome to the State House this morning.

**Order**

Out of order and under suspension of the rules, Mr. Woodcock of Penobscot presented the following order and moved its passage:

ORDERED, that the grandson of Senator Parker of Piscataquis, Donald Towne, a student of the Harland A. Ladd School of Sebec, be permitted to act as Assistant Page of the Senate for the remainder of today's session.

The order was read and passed.

The PRESIDENT: The Chair will ask the Sergeant-at-Arms to escort Mr. Donald Towne to his position for the remainder of today's session. (Applause, members rising)

**Papers from the House**

Bill, "An Act Appropriating Monies for Acquisition of Land at Androskoggin Lake for Park Purposes." (S. P. 187) (L. D. 483)

In Senate on April 17, recommitted to the Committee on Appropriations and Financial Affairs.

Comes from the House, Indefinitely Postponed in non-concurrence.

In the Senate:

Mr. MARTIN of Kennebec: Mr. President, this bill was to create a park in central Maine, and there probably is a need for such a park. However, the citizens of Wayne at

a special town meeting voted two to one that they did not want the park in that area. Your Committee on Appropriations felt, I believe, the same way. Therefore I move that the Senate recede and concur with the House.

The motion to recede and concur prevailed and the bill was indefinitely postponed in concurrence.

**House Committee Reports  
Ought Not to Pass**

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season for Hunting Moose." (H. P. 192) (L. D. 284) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Establishing Limited Open Season on Moose." (H. P. 748) (L. D. 1067) reported that the same Ought not to pass.

The Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Lobster Fishing in Waters Adjacent to Criehaven, Knox County." (H. P. 837) (L. D. 1188) reported that the same Ought not to pass.

The Committee on Taxation on Bill, "An Act Increasing the Tax on Spirituous and Vinous Liquor." (H. P. 671) (L. D. 963) reported that the same Ought not to pass.

(On motion by Mr. Willey of Hancock, tabled pending acceptance of the report.)

The same Committee on Bill, "An Act Increasing Excise Tax on Malt Liquor Imported into State." (H. P. 773) (L. D. 1091) reported that the same Ought not to pass.

(On motion by Mr. Willey of Hancock, tabled pending acceptance of the report.)

Which reports were severally read and accepted in concurrence.

**Ought to Pass**

The Committee on Appropriations and Financial Affairs on "Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans." (H. P. 135) (L. D. 193) reported that the same Ought to pass.

The same Committee on "Resolve to Reimburse Old Town School Department for Tuition for Children Living on Indian Island."

(H. P. 435) (L. D. 641) reported that the same Ought to pass.

The Committee on Judiciary on Bill, "An Act Providing for Uniform Act for Simplification of Fiduciary Security Transfers." (H. P. 750) (L. D. 1068) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Appeal from County Commissioners in Eminent Domain for Location of Schools." (H. P. 810) (L. D. 1148) reported that the same Ought to pass.

The Committee on Natural Resources on "Resolve Authorizing the Maine Defense Commission to Convey Certain Land in Fort Kent." (H. P. 817) (L. D. 1155) 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 Appropriations and Financial Affairs on Bill, "An Act Authorizing Construction of Dock in Town of Lincolnville." (H. P. 743) (L. D. 1062) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 212)

(On motion by Mr. Cole of Waldo, the report was read and accepted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.)

The same Committee on Bill, "An Act Providing for a State Tuberculosis Annex to Community General Hospital in Fort Fairfield." (H. P. 890) (L. D. 1259) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 211)

(On motion by Mrs. Lord of Cumberland, tabled pending acceptance of the report.)

The same Committee on "Resolve to Aid Settlement of Refugees in Maine." (H. P. 105) (L. D. 161) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 213)

The Committee on Highways on Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Fifteen Million Dollars on Behalf of the State of Maine for the Purpose of Building State Highways." (H. P. 418) (L. D. 602) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 208)

The Committee on Inland Fisheries and Game on "Resolve Opening Long Lake, Aroostook County, to Smelt Fishing." (H. P. 720) (L. D. 1025) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 201)

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

The Committee on Legal Affairs on Bill, "An Act Relating to Time of Elections for City of Portland." (H. P. 398) (L. D. 581) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 210)

(On motion by Mrs. Lord of Cumberland, tabled pending acceptance of the report.)

Which reports were severally read and accepted and the bills and resolves read once. Committee Amendments A were read and adopted, and the bills and resolves as so amended were tomorrow assigned for second reading.

The Committee on State Government on Bill, "An Act Relating to Awarding Contracts for State Construction." (H. P. 905) (L. D. 1274) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 176)

In House, report and bill Indefinitely Postponed.

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

Majority — ONTP  
Minority — OTP

The Majority of the Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Inlet Brook, Oxford County." (H. P.

718) (L. D. 1023) reported that the same Ought not to pass.

(Signed)

Senator

HILLMAN of Penobscot

Representatives:

WHEATON of Princeton

DODGE of Guilford

MOORE of Casco

MONROE of Monroe

HARRIS of Greenville

CARVILLE of Eustis

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

(Signed)

Senators:

BRIGGS of Aroostook

CARPENTER of Somerset

Representative

DUDLEY of Enfield

In House, Majority Report accepted.

In the Senate, on motion by Mr. Hillman of Penobscot, the bill and accompanying papers were laid upon the table pending acceptance of either report and the bill was especially assigned for tomorrow.

**Majority — ONTP**

**Minority — OTP**

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to the Van Buren Hospital District." (H. P. 400) (L. D. 583) reported that the same Ought not to pass.

(Signed)

Senators:

MARTIN of Kennebec

CHARLES of Cumberland

Representatives:

GOOD of Sebago

HUTCHINSON of Carthage

TRUMBULL of Fryeburg

BROWN of Cape Elizabeth

LINNELL

of South Portland

KELLAM of Portland

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

(Signed)

Senator

MacDONALD of Oxford

Representative

COTE of Lewiston

In House, Majority Report accepted.

In the Senate, on motion by Mr. Martin of Kennebec, the Majority ought not to pass report was accepted in concurrence.

**Majority — ONTP**

**Minority — OTP**

The Majority of the Committee on State Government on "Resolve Proposing an Amendment to the Constitution to Eliminate the Office of Treasurer of State." (H. P. 883) (L. D. 1257) reported that the same Ought not to pass.

(Signed)

Senators:

ROSS of Sagadahoc

HILLMAN of Penobscot

Representatives:

WADE of Auburn

SANBORN of Gorham

SMITH of Exeter

DENNETT of Kittery

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

(Signed)

Senator

LESSARD of Androscoggin

Representatives:

PLANTE

of Old Orchard Beach

COYNE of Waterville

BARNETT of Augusta

In House, reports and resolve Indefinitely Postponed.

In the Senate:

Mr. HILLMAN of Penobscot: Mr. President, I move that the reports and the resolve be indefinitely postponed in concurrence.

Thereupon, on motion by Mr. Lessard of Androscoggin, the bill and reports were laid upon the table pending motion by Mr. Hillman to indefinitely postpone.

**Senate Committee Report**

**Ought to Pass — N.D.**

Mr. Thurston from the Committee on Highways on recommended "Resolve Appropriating Moneys to Preserve Covered Bridges." (S. P. 272) (L. D. 734) reported same in New Draft (S. P. 463) as a Bill, under New Title: "An Act Relating

to Covered Bridges” 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 and resolves:**

**House**

Bill, “An Act to Authorize the Construction of a Bridge Across the Passagassawaukeag River.” (H. P. 146) (L. D. 202)

Bill, “An Act Relating to Taxation of Household Furniture.” (H. P. 449) (L. D. 655)

Bill, “An Act Relating to Standards of Quality in Egg Grading Law.” (H. P. 527) (L. D. 762)

Bill, “An Act Increasing Borrowing Capacity of Ashland Water and Sewer District.” (H. P. 836) (L. D. 1187)

Bill, “An Act Amending the Charter of the Topsham Sewer District.” (H. P. 846) (L. D. 1209)

Bill, “An Act Relating to Permit Before Examination for Applicant to Practice Barbering.” (H. P. 927) (L. D. 1309)

Bill, “An Act Permitting Municipalities to Appropriate Moneys to Aid Conventions.” (H. P. 925) (L. D. 1307)

“Resolve Regulating Fishing in Wadleigh Pond, Piscataquis County.” (H. P. 199) (L. D. 291)

“Resolve Regulating Fishing in Horne Pond, Limington, York County.” (H. P. 584) (L. D. 831)

“Resolve Regulating Fishing in Part of West Branch of Penobscot River, Piscataquis County.” (H. P. 585) (L. D. 832)

“Resolve Closing Second Great Brook Lake, Washington County, to Ice Fishing.” (H. P. 831) (L. D. 1182)

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

**House — as amended**

Bill, “An Act Relating to Rental of Northern Cumberland Municipal Court.” (H. P. 17) (L. D. 26)

Bill, “An Act Permitting Ferry Service for Long Island Plantation.” (H. P. 55) (L. D. 77)

Bill, “An Act Relating to Use of Power Boats in Hunting Waterfowl.” (H. P. 715) (L. D. 1020)

“Resolve Permitting Ice Fishing in Certain Ponds in Androscoggin and Kennebec Counties.” (H. P. 550) (L. D. 785)

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

**Senate**

Bill, “An Act Relating to Investment of Certain Charitable Trust Funds.” (S. P. 462) (L. D. 1315)

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

Sent down for concurrence.

**Senate — as amended**

Bill, “An Act to Incorporate the East Boothbay Water District.” (S. P. 319) (L. D. 881)

“Resolve Opening Waters in Lincoln County to Taking of Salt Water Smelts.” (S. P. 311) (L. D. 857)

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 resolves:**

Bill, “An Act Relating to Inheritance Taxation of Jointly Owned Property.” (H. P. 245) (L. D. 356)

Bill, “An Act Relating to Mortgages for Future Advances.” (H. P. 640) (L. D. 931)

Which bills were passed to be enacted.

“Resolve Appropriating Moneys for LP Gas Prover for State Sealer of Weights and Measures.” (H. P. 271) (L. D. 403)

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

“Resolve in Favor of Ernest S. Stone of Garland.” (H. P. 635) (L. D. 927)

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

**Emergency**

Bill, "An Act Relating to Westbrook Parking Authority." (H. P. 249) (L. D. 360)

Which bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

**Emergency**

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

Which bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

**Emergency**

Bill, "An Act Relating to Construction of a Building for Maine Employment Security Commission." (S. P. 244) (L. D. 627)

Which bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed 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 Qualifications for Examination for Registered Pharmacists." (H. P. 215) (L. D. 306) tabled on April 21 by the Senator from Oxford, Senator MacDonald, pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the Special Appropriations Table H. P. 911, L. D. 1283, Bill "An Act Relating to Licenses for Pari Mutuel Harness Horse Racing," which was previously tabled by that senator.

Mr. ROGERSON: Mr. President, I now yield to the Senator from Cumberland, Senator Charles.

On motion by Mr. Charles of Cumberland, under suspension of the rules, the Senate voted to reconsider its previous action where-

by this bill was passed to be engrossed.

Mr. CHARLES: Mr. President and members of the Senate: For your information, this relates to L. D. 1283, Bill, "An Act Relating to Licenses for Pari Mutuel Harness Horse Racing. The section in which I am interested at the present time was brought to my attention by Mr. Taylor, who is President of the Maine Horsemen's Association. These are the people who participate in harness racing in our State. The portion which he brought to my attention was in Section 2, identified as Chapter 86, Paragraph 11. As amended by this bill it would remove from the statute the present provisions for night harness racing. I have a statement here which was issued to me by Mr. Taylor which I would like to read for the information of the Senate.

"Legal opinion states because there is no other law specifically stating track qualifications this bill will apply to all tracks holding night racing at all times throughout the season. Myself, the horsemen, certain tracks and several top harness racing officials feel this law must not be repealed if Maine racing is to go forward in step with our neighboring states. These regulations covered in this paragraph are actually necessary requirements if Maine tracks are to in any way meet specifications of good racing for the public as well as the horsemen. We request your approval of this amendment that this may be adopted and given immediate passage."

In order to comply with that request from the horsemen, I present Senate Amendment A and move its adoption.

The Secretary read the amendment.

Mr. STILPHEN of Knox: Mr. President and members of the Senate, it appears that this racing bill that we have before us here deals practically only with one track as far as the part that is being cut out is concerned. In restoring it by this amendment it would cut out night racing at all tracks other than this one as I understand it. I therefore move indefinite postponement of this amendment.

Mr. CHARLES of Cumberland: Mr. President, I ask for a division.

A division of the Senate was had.

Twenty-five having voted in the affirmative and 3 opposed, the motion to indefinitely postpone Senate Amendment A prevailed.

Thereupon, the bill was passed to be engrossed, in concurrence.

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

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table the 75th tabled matter being House Report from the Committee on Agriculture: "Ought to pass" on bill, "An Act Revising Laws Relating to Slaughterhouses." (H. P. 636) (L. D. 979) tabled by that Senator on April 17 pending acceptance of the report; and on further motion by the same Senator, the report was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

The PRESIDENT: At this time the Chair notes in the Senate Chamber the presence of the very attractive wife of one of our distinguished members, the wife of the Senator from Washington, Senator Wyman. We are glad to welcome her here this morning, and the Chair will ask the Sergeant-at-Arms to escort Mrs. Wyman to the rostrum. (Applause, members rising)

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table the 79th tabled matter being, bill, "An Act Relating to Taxation on Sparkling Wines." (H. P. 821) (L. D. 1159) tabled by that Senator on April 17 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the

table the 21st tabled matter being, Senate Report from the Committee on Transportation: "Ought not to pass" on bill, "An Act Relating to Bumpers on Commercial Vehicles." (S. P. 396) (L. D. 1140) tabled by that Senator on March 19 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted.

On motion by Mr. Thurston of Oxford, the Senate voted to take from the table the 76th tabled matter being House Report from the Committee on Judiciary: "Ought to pass" on bill, "An Act Relating to Discrimination at Places of Public Resort or Amusement" (H. P. 560) (L. D. 846) tabled by that Senator on April 17 pending acceptance of the report; and that Senator moved the pending question.

Thereupon, on motion by Mr. Dow of Lincoln, the bill was laid upon the table pending motion by Mr. Thurston to accept the committee report.

The PRESIDENT: At this time, in behalf of the members of the Senate and staff, the Chair would like to thank young Donald Towne, the grandson of the Senator from Piscataquis, Senator Parker, for performing very admirable service as Page pro tem here this morning. I am sure that the Senate joins me in extending a round of applause to young Donald Towne. (Applause)

The PRESIDENT: The Chair once again reminds the members of the Senate that next Monday, April 27th, we have a 4:00 P.M. session, and this Friday the session will be at 1:00 P.M.

On motion by Mr. Boucher of Androscoggin,

Adjourned until ten o'clock tomorrow.