

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

1959
and
SPECIAL SESSION
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Friday, June 12, 1959

Senate called to order by the President.

Prayer by Rev. Alton E. Maxwell of Augusta.

Reading of Journal of yesterday.

House Committee Report Ought Not to Pass

The Committee on Appropriations and Financial Affairs on "Resolve Providing for Moneys for Mars Hill Utility District to Construct Sewage Treatment Facilities for Town of Mars Hill." (H. P. 628) (L. D. 920) reported that the same ought not to pass.

In the House, report accepted.

In the Senate, report accepted in concurrence.

On motion by Mr. Woodcock of Penobscot

Recessed to the sound of the gong.

After Recess

The Senate was called to order by the President.

Communication-Out of Order

State of Maine
Office of the Clerk
Augusta

Honorable Chester T. Winslow
Secretary of the Senate
99th Legislature

Sir:

The Speaker of the House today appointed the following House members to serve on the Legislative Research Committee:

Messrs.

WADE of Auburn
EMMONS of Kennebunk
BRAGDON of Perham
Miss CORMIER of Rumford

Messrs.

BROWN of Ellsworth
EARLES of South Portland
CURTIS of Bowdoinham

Respectfully,

HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

Communication-Out of Order

State of Maine
HOUSE OF REPRESENTATIVES
Office of the Clerk
Augusta

June 11, 1959

Honorable Chester T. Winslow
Secretary of the Senate
99th Legislature

Sir:

The Speaker of the House today appointed the following members of the House to the Committee to Investigate Election Expenditures.

Messrs.

CASWELL of New Sharon
KNIGHT of Rockland
PITTS of Harrison

Respectfully,

(Signed)

HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

Out of Order Committees of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Permitting Injured Employee under Workmen's Compensation Act to Choose Physician from Panel Named by Employer." (S. P. 346) (L. D. 973)

Reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 909) (L. D. 1378)

Reported that they are unable to agree.

Which reports were read and accepted.

Sent down for concurrence.

Out of Order Ought to Pass—N. D.

The Committees on Education, and Appropriations and Financial Affairs, jointly, on recommitted Bill, "An Act to Clarify Procedure for Reorganization of School Admini-

strative Units." (H. P. 894) (L. D. 1263) report the same in 3rd new draft.

(H. P. 981) (L. D. 1394) under same title, and that it "Ought to Pass.

In House, report accepted and bill in 3rd New Draft passed to be engrossed.

In the Senate, the report was accepted in concurrence and the bill read once; under suspension of the rules, the bill was read a second time and on motion by Mr. Woodcock of Penobscot, was tabled pending passage to be engrossed, and especially assigned for later in the day.

Pursuant to Section 2, Article 12, Chapter 314 of the Public Laws of 1942, the Chair designated the Senator from Lincoln, Senator Dow, as Maine Legislative Member of the Atlantic States Marine Fisheries Compact.

On motion by Mr. Woodcock of Penobscot,

Recessed until this afternoon at two o'clock.

After Recess

The Senate was called to order by the President.

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

Bill, "An Act to Make Valid the Incorporation of School Administrative Districts Nos. 1, 2, 3, 4, 5 and 6." (S. P. 285) (L. D. 747)

Comes from the House, indefinitely postponed.

In the Senate, on motion by Mr. Cole of Waldo, the Senate voted to recede and concur.

Bond Issue Authorization

Bill, "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$10,000,000 Bonds of the State of Maine for the Financing Thereof." (H. P. 108) (L. D. 181)

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I rise to speak on this bill. I would like to point out, first of all, that some two years ago we

created a Bureau of Public Improvements as a part of our state government. The purpose of the creating of that bureau was to systematize for us the construction of properties in the State of Maine. It was for the purpose of having that expert advice of architects and engineers who would give to us that information which would be necessary for an orderly construction program.

The PRESIDENT: The Chair would interrupt the Senator momentarily and ask if he would kindly approach the rostrum.

The Chair would state that since the bond authorization act endorsements are not in accordance on the copy the Chair will declare a brief recess until the matter is cleared up.

Recess

Called to order by the President.

The PRESIDENT: The Chair would state that the matter under consideration is Bill, "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$24,000,000 Bonds of the State for Financing Thereof."

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: In view of the fact that I have started hemorrhaging again and the fact that I am not feeling too good, and in view of the fact we have had a caucus in the meantime in the middle of the confusion, and it is reasonable to assume what has been decided, although I have not been actually told, I am not going to continue this debate except to make one point: That here is a department of government that has disregarded the Bureau of Public Improvements, they have disregarded what the bill was established for, they have gone over their heads and have come directly to the legislature. If every other department of government was to be allowed to disregard the Bureau of Public Improvements and come directly to the legislature, then I say that we have wasted a lot of money and time. This surely is setting a pattern, and any other department from now on can circumvent the Bureau of Public Im-

provements and come to the legislature and set out their construction ideas, and I say that perhaps to this bill should be added a repealing clause whereby we will do away with the Bureau of Public Improvements completely and let the departments do as they did in the past and come to the legislature.

Mr. BATES of Penobscot: Mr. President, without prolonging this, but also because I too believe firmly in the Bureau of Public Improvements and because I happen to know personally that the University of Maine has for years conducted its own program but now operates along with the Bureau of Public Improvements in its construction program, I do state that it is my honest conviction that the University of Maine will work with the Bureau of Public Improvements in this situation if the money is provided for it to have the funds to build this housing for students and for faculty members.

I refer you to Section 10 of L. D. 181, which is the legislative document which is the document before us, in which it states "No action shall be taken or liability incurred under this act unless and until the electors of the State of Maine shall have ratified the issuance of bonds in behalf of the state at such time and in such amounts as set forth in this act for the purpose of constructing university housing and paying notes heretofore issued for such purpose."

What it means by "as set forth in this act" is written out in two other places in the act where it says "bonds shall be issued in such amounts as have been proven necessary under the direction of the board of trustees of the University with the approval of the Governor and Council."

Having had some experience on the Council, I can assure you that these requests, providing the money does become available through referendum, these requests then come in to the Governor and Council and the Governor and Council will demand that the opinion and the approval of the Bureau of Public Improvements must be forthcoming. Therefore I interpret this a little differently; that the Uni-

versity of Maine in anticipation perhaps that this money might become available, did not go to the Bureau of Public Improvements at this time but has written into the document a very specific provision that they will be going through the usual channels when and if the money is provided for them through a referendum of the voters.

Mr. DOW of Lincoln: Mr. President and members of the Senate: I too will be able to shorten my talk on this, but I would just like to say that the purpose, of course, of this bond issue is for dormitories which are very badly needed at the University of Maine, and because of lack of dormitory space we are turning away our own Maine boys and girls by the hundreds because we cannot put them up. Part of the dormitory space that is now being used at the University are old wooden shacks that were put up during the war on a temporary basis with a life expectancy of five years and they are now in their sixteenth year. In the past year they have had four fires there, they are very unsafe and it is a wonder that there has not been a tragedy occur there. Whereas the University felt that it needed the \$24,000,000 bond issue, we have cut it down to \$10,000,000 and I feel that is a very fair figure to finally arrive at and one which is workable.

The method of paying for this bond issue, as you know, will be from the rentals of the dormitories and therefore will be self-liquidating, and I am very much in hope that we will be able to do this much to help the University of Maine provide living quarters for those hundreds of boys and girls of our own state which we now have to turn away.

This being a bond authorization, and in accordance with the Constitution a two-thirds vote of the Senate being required for enactment,

A division of the Senate was had.

Twenty having voted in the affirmative and nine opposed; twenty being more than two-thirds, the bill was passed to be enacted.

Mr. Wyman of Washington presented Joint Order relative to creating an interim committee to stu-

dy the salary system at the county level.

On motion by Mrs. Lord of Cumberland, the Joint Order was laid upon the table pending passage.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 3rd tabled item, being bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 403) (L. D. 1171) tabled by that Senator on May 29 pending passage to be enacted; and on further motion by the same Senator, the Senate voted to suspend the rules and to reconsider its action whereby the bill was passed to be engrossed.

The same Senator presented Senate Amendment C, and moved its adoption.

Which amendment was adopted without reading.

Mr. Noyes of Franklin presented Senate Amendment D and moved its adoption.

Mr. HUNT of Kennebec: Mr. President, I would like to request through the Chair that someone give a brief explanation of Senate Amendment D.

The PRESIDENT: The Senator from Kennebec, Senator Hunt requests through the Chair that some Senator give an explanation of Senate Amendment D. Any Senator who wishes may do so.

Mr. NOYES of Franklin: Mr. President, Senate Amendment D which I have just presented, is in effect, the same as L. D. 1261. It calls for an economic survey of the State of Maine, a survey which would include all of the economic structure of the State of Maine, all of the facets of our economy, including industrial, agricultural, recreational and the fisheries industry, all matters such as natural resources, labor, transportation and things of that sort. It is very similar and almost identical to the wording of L. D. 1261. It is the same survey which has been discussed and for which the appropriation has already been set aside in the amount of fifty thousand dollars, which is in the supplemental budget.

Mr. HUNT of Kennebec: I would like to ask through the Chair if any

Senator can give a brief explanation of the previous amendment.

The PRESIDENT: The Senator from Kennebec, Senator Hunt, requests through the Chair an explanation from any Senator of Senate Amendment C.

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate: Senate Amendment C was submitted to take care of technical difficulties which had arisen after the act relating to the use of draggers in Penobscot Bay and the act relating to the use of draggers in Sheepscot Bay had been finally passed by this legislature and signed by the Governor. It was a technical change required by some action we took in regard to the Sea and Shore Fisheries law and is purely procedural.

Thereupon, Senate Amendment D was adopted.

On motion by Mr. Woodcock of Penobscot, L. D. 1171 as amended was passed to be engrossed in non-concurrence and ordered sent forthwith to the House.

Enactor — Out of Order

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bill:
EMERGENCY

Bill, "An Act Relating to Tax on Transient Rentals." (H. P. 962) (L. D. 1364)

In House, indefinitely postponed. Motion to reconsider lost.

In the Senate, on motion by Mr. Hillman, the Senate voted to recede and concur.

House Report—Out of Order Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Sales Tax on Motor Vehicles Traded In." (H. P. 179) (L. D. 250)

Reported that they are "Unable to Agree."

In House, report accepted.

In the Senate, the report was accepted in concurrence.

At this point, it was ordered that all papers acted upon and ready for House action, be sent forthwith to the House.

**Paper from the House
(Out of Order)**

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

Bill, "An Act Amending the Maine Housing Authorities Act." (H. P. 967) (L. D. 1373)

Which bill was passed to be enacted.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table Bill, "An Act to Clarify Procedure for Reorganization of School Administration Units" (L. D. 1394 tabled by that Senator earlier in today's session; and that Senator yielded to the Senator from Cumberland, Senator Charles.

Mr. Charles of Cumberland presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Mr. DOW of Lincoln: Mr. President and members of the Senate, this amendment puts back into the Sinclair Act what the majority, at least, of the Education Committee took out. It has to do with municipalities having 700 or more students in their high school. To make everything perfectly clear, this is how it is under the present Sinclair act: Funds are available to towns who wish to consolidate with the exception of municipalities having 700 or more in their high school they get Sinclair Act funds for the construction of their school buildings without consolidating.

Now the original Jacobs report, the study made by the Jacobs Company, never included cities of any size to receive Sinclair Act funds or building aid funds without consolidation. The purpose of the Sinclair Act was to bring about consolidation of school districts; the purpose was to help the poor towns provide an education for their children and bring that level of education up nearer to that provided by richer towns. Now the 700 was included when the Sinclair Act was passed because it was necessary to include cities having 700 or more in order to get passage of the act, therefore that concession was made.

Now here is an example of what happened. The town of Cape Elizabeth, stuck out there on the cape, is not in a position geographically to align with other towns and consolidate and thereby become eligible for Sinclair Act funds, but South Portland, their neighbor, does qualify for Sinclair Act funds because they have over 700 students. That example can be found up and down the State of Maine, practically the whole length of it. Eight cities can get from 18 to 24 per cent of construction funds while such towns as Brunswick cannot get any, Rockland cannot get any, Bath cannot get any, Saco and Biddeford cannot get any, Rumford, Fort Fairfield and Skowhegan cannot get any; and I could go on naming about forty other towns of that size who cannot get any. In fact, no one can get any Sinclair Act funds except by consolidation, with the exception of these eight cities which have 700 or more students.

It is in these large cities that the great amount of money is going to be spent for school buildings. They are the ones that are going to build million dollar school buildings, and therefore they are going to get the lion's share of Sinclair Act funds under the act as it is now. Who knows how many million dollars it is going to run into in the next few years?

There has been mention of the fact that some cities already have construction under way or have contracts signed for construction. I am sure that any city or municipality that has 700 students and does not have to consolidate to get the funds will be taken care of where they have contracts of any building construction under way. That would only be fair, before any such act went into effect to cut off funds in that area.

Now I would just like to ask: How can the giving of the lion's share of Sinclair Act construction funds to eight municipalities having over 700 be justified? So I will take my seat and listen to the cities cry.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate, I am not going to cry but I come from a school where when

you make an agreement you like to stick to it.

I am very sympathetic with the arguments presented by the Senator from Lincoln, Senator Dow, and I will certainly support whatever aid can possibly be given to these schools under the act. However, it is very difficult sometimes when you make an agreement like you did two years ago to place all of our higher enrollment schools into a classification where they meet certain financial obligations which they have to meet every year and to be disqualified now. I am afraid we would enter into a bad financial situation and cause complications. Therefore I urge that we return this provision in the act where it was originally, and when the vote is taken I request a division.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, a few days ago we had an act before us called the Letourneau bill. This said that this figure on enrollments in high schools for one municipality to qualify should be reduced from 700 to 300. This would have qualified the city of Bath in Sagadahoc County, and they would have received many thousands of extra dollars. At that time I had calls from the superintendent of schools, from teachers, from the entire Board of Education and the entire city council telling me that I must vote for that. I certainly had no desire to incur their wrath but I told them I certainly would not in my conscience vote for such legislation even if my city was going to receive much aid. I would not go along with any such idea which would be the eventual ruination of the Sinclair Act, and in the final analysis I don't believe that any one city should have this type of aid, because it was not the intent of the original law. That purpose was to help the towns who were willing to consolidate.

The 700 figure was a figure arbitrarily set as a political maneuver to effect enactment of the Sinclair Law. Why did they set such an arbitrary figure as 700? Why did they not make it 600 or 500 or 400? I certainly do not favor any figure so set even though it would affect my town. I am against any of this principle that a town should re-

ceive on its own this type of money because it is certainly not going along with the principle that the town should be willing to consolidate.

The other day a Senator friend of mine from a large town came to me when the Letourneau bill was coming before this Senate and he said, "We certainly cannot lower that figure to 300 because it would be disastrous to our entire program." I said that I certainly agreed with him even though it affected my city and I said I was delighted that he felt that way because in that light he must feel as I that they should strike out the entire figure of 700 and he said, "No, that is entirely different; that affects my city."

I certainly do not see the logic in such reasoning. I believe it is unfair. I believe it is unsound. I believe it is selfish and I believe it is taking money away from a deserving town, and I move indefinite postponement of this amendment.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate, I am standing here and I am proud to say that I was one of the members of the Education Committee, that signed the Letourneau bill. My reason for doing that I think I stated the other day, that I felt if you were going to give those schools over 700 the equal amounts of money or a percentage of money under the Sinclair Law, certainly those coming in between should have a fair share of the money.

I would like to say to the good Senator from Lincoln that he said that the cities would be taking the lion's share. Well, possibly they would be taking the lion's share, but also the cities would be paying the lion's share. Certainly it doesn't make any difference to me where the children come from. There is a good deal larger percentage coming from the cities than there are from the smaller towns and certainly those children need the education or the facilities to get an education just as much as those in a smaller town. Now I am not up here speaking against the smaller town or against the Sinclair Act. I am just trying to point out

that a small town joining with a city — now I happen to be a small town country fellow and I know what it would have meant to me at the time I was going to school, if I had had to join a city. It would have probably played havoc with the way I received my education. I feel that these small towns joining together will get along fine, but I feel that when you bring the small town or two small towns into the city, it does have psychological effect on the students and I will have to go along with the Senator from Cumberland, Senator Charles. Thank you.

Mr. FARLEY of York: Mr. President and members of the Senate: Although we have been arguing back and forth for quite a while I like to look at the Sinclair Act in a broadminded way. Talking about mathematics, if you want to grab some figures you can take Kennebunk, North Berwick, and some other little towns, and if you get them in it would be nice, but if you set it at 300 you couldn't get them in either, so I think that is a waste of the Sinclair bill.

When we talk about construction we want to bear this in mind too: Years ago under the property tax we paid seven and a half per cent to the State of Maine to run the State of Maine and the cities took care of the smaller towns and in return they got a small amount for educational purposes, but since the program of the sales tax was enacted in 1951 when the appropriations were doubled we are getting more under the Sinclair Act in our community. We are receiving close to forty-eight or forty-nine thousand dollars, and I think we are getting our share under the Sinclair law, and I am still going to vote against the gentleman from Sagadahoc County.

The PRESIDENT: The pending question is on the motion of the Senator from Sagadahoc, Senator Ross, that Senate Amendment A be indefinitely postponed.

Mr. ROSS of Sagadahoc: Mr. President, I request a division.

A division of the Senate was had.

Six having voted in the affirmative and twenty-two opposed, the motion did not prevail.

Thereupon, Senate Amendment A was adopted and the bill was passed to be engrossed in non-concurrence and ordered sent forthwith to the House.

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table the 1st table item being House Report from the Committee on Appropriations and Financial Affairs: Ought not to pass, on "Resolve, Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry." (H. P. 341) (L. D. 501) tabled by that Senator on April 27 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted in concurrence.

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table Joint Order relative to interim committee to study salary system at county level; tabled by that Senator earlier in today's session pending passage; and on further motion by the same Senator, the Joint Order received a passage and on motion by Mr. Wyman of Washington was ordered sent forthwith to the House.

On motion by Mr. Woodcock of Penobscot,

Recessed until tonight at eight o'clock.

After Recess

The Senate was called to order by the President.

House Reports — Out of Order Committees of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on JOINT ORDER Relative to Legislative Research Committee to Study Insurance Companies. (H. P. 852) reported that they are "Unable to Agree."

Which report was read and accepted in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on bill, "An Act Increasing Salary of

Members of the Legislature" (H. P. 15) (L. D. 24) reported:

That the House recede from its action whereby the Bill was passed to be engrossed as amended by House Amendment A; recede from its action whereby the House adopted House Amendment A, and indefinitely postpone the amendment, and pass the Bill to be engrossed without amendment; that the Senate recede from its action whereby the Bill was indefinitely postponed, substitute the Bill for the Report and pass the Bill to be engrossed without amendment in concurrence.

Comes from the House, that body having rejected the report, asked new Committee of Conference and instructed Committee to report that the Bill be passed to be engrossed as amended by House Amendment A.

In the Senate, on motion by Mr. Woodcock of Penobscot, the Committee of Conference report was rejected and the Senate requested a new Committee of Conference; the Chair named as Senate Conferees to said Committee:

Senators:

HILLMAN of Penobscot
ROSS of Sagadahoc
LESSARD of Androscoggin

Enactor—Out of Order

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bill.

Bill, "An Act Appropriating Monies to Effectuate Pay Plan for State Employees." (S. P. 505) (L. D. 1387)

On motion by Mr. Rogerson of Aroostook, the bill was placed upon the Special Appropriations Table pending enactment.

Paper from the House Out of Order

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 403) (L. D. 1171)

Comes from the House, passed to be engrossed as amended by Committee Amendment A and Senate Amendments A, B and C in non-concurrence.

(Senate Amendment D indefinitely postponed.)

In the Senate, on motion by Mr. Woodcock, of Penobscot, the Senate voted to recede and concur.

Mr. HILLMAN of Penobscot: Mr. President, I would like to ask if L. D. 1364 is in the possession of the Senate.

The PRESIDENT: The Chair would state that it is, having been held at the request of the Senator from Penobscot, Senator Hillman.

Thereupon, on motion by Mr. Hillman of Penobscot, the Senate voted to reconsider its action of yesterday whereby it indefinitely postponed Bill, "An Act Relating to Tax on Transient Rentals" (L. D. 1364); and on further motion by the same Senator, the bill was laid upon the table pending enactment.

The PRESIDENT: The Chair would state that having checked with the leaders in the House, there appears to be little likelihood that there will be any appreciable amount of papers forthcoming this evening.

Further checking with the leaders of both parties in the House, they apparently wish that the legislature continue to drive for adjournment, and would like to work tomorrow.

On motion by Mr. Woodcock of Penobscot

Adjourned until tomorrow morning at ten o'clock.