

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

1955

DAILY KENNEBEC JOURNAL
Augusta, Maine

SENATE

Wednesday, February 16, 1955

The Senate was called to order by the President.

Prayer by the Rev. Eugene E. Crommett of Hallowell.

Journal of yesterday read and approved.

House Papers

Bill "An Act relating to Funeral Expenses for Recipients of Old Age Assistance." (H. P. 571) (L. D. 631)

Bill "An Act relating to Compensation of Hospitals Out of State." (H. P. 572) (L. D. 632)

"Resolve in Favor of the Town of New Gloucester." (H. P. 573) (L. D. 633)

"Resolve in Favor of the Town of Stoneham." (H. P. 574) (L. D. 634)

"Resolve Authorizing Commissioner of Education to Purchase for the State, Land in Gorham." (H. P. 575) (L. D. 635)

Which were severally referred to the Committee on Appropriations and Financial Affairs in concurrence.

"Resolve to Reimburse the City of Portland for the Support of John Arthur Chase, Having No Settlement in the State." (H. P. 576) (L. D. 636)

"Resolve to Reimburse Leonard and Alta M. Mitchell, Owners, of Palmyra, and the Merchant's National Bank, Mortgagees, of Bangor for Damages to Real Estate." (H. P. 577) (L. D. 637)

"Resolve to Reimburse Ralph W. McKay of Bucksport." (H. P. 578) (L. D. 638)

"Resolve in Favor of Floral Grange of Bucksport." (H. P. 579) (L. D. 639)

"Resolve in Favor of the Town of Swan's Island." (H. P. 580) (L. D. 640)

"Resolve in Favor of the Town of Bingham." (H. P. 581) (L. D. 641)

Which were severally referred to the Committee on Claims in concurrence.

"Resolve Designating Certain Bridge in Oxford County as 'Martin Memorial Bridge.'" (H. P. 586) (L. D. 642)

"Resolve Designating 'The Squire Rangeley Trail.'" (H. P. 587) (L. D. 643)

"Resolve Designating Part of Green Lake Road as State Aid Highway." (H. P. 588) (L. D. 644)

Which were severally referred to the Committee on Highways in concurrence.

Bill "An Act to Authorize the Issuance of Bonds in the Amount of Thirty Million Dollars on Behalf of the State of Maine for the Purpose of Building State Highways." (H. P. 626) (L. D. 666)

Bill "An Act Increasing the Tax on Gasoline." (H. P. 627) (L. D. 667)

Which were referred to the Committee on Highways and Taxation, jointly, in concurrence.

Bill "An Act Relating to Open Season for Hunting with Bow and Arrow in York County." (H. P. 589) (L. D. 645)

Bill "An Act Increasing Bounty on Bobcats in Washington County." (H. P. 590) (L. D. 646)

Bill "An Act relating to Closed Time on Rabbits in Somerset County." (H. P. 591) (L. D. 647)

Bill "An Act relating to Removal of Bear Bounty in Oxford County." (H. P. 592) (L. D. 648)

Which were severally referred to the Committee on Inland Fisheries and Game in concurrence.

Bill "An Act relating to the Rockland Municipal Court." (H. P. 616) (L. D. 624)

Bill "An Act relating to Power to Hold Property by Corporations Without Capital Stock." (H. P. 593) (L. D. 649)

Bill "An Act Eliminating Voting a Straight Party Ticket in Elections." (H. P. 594) (L. D. 650)

Bill "An Act relating to Unlicensed Dogs." (H. P. 595) (L. D. 651)

Bill "An Act relating to Standard Time." (H. P. 596) (L. D. 652)

Bill "An Act relating to Reports of Drivers of Vehicles Involved in Accidents." (H. P. 597) (L. D. 653)

Bill "An Act relating to Penalty for Operating After Suspension of License to Operate Motor Vehicle." (H. P. 598) (L. D. 654)

Bill "An Act relating to Trespass on Certain Buildings." (H. P. 599) (L. D. 655)

"Resolve Authorizing Alfred Howard, Sr., and Ethel M. Howard of Moscow to Sue the State of Maine." (H. P. 600) (L. D. 656)

Which were severally referred to the Committee on Judiciary in concurrence.

Bill "An Act relating to a State Labor Relations Law." (H. P. 625) (L. D. 630)

Which was referred to the Committee on Labor in concurrence.

Bill "An Act to Incorporate the Gouldsboro School District." (H. P. 618) (L. D. 625)

Bill "An Act to Incorporate the Town of Mechanic Falls School District." (H. P. 619) (L. D. 626)

Bill "An Act to Create the Brunswick Parking Authority." (H. P. 622) (L. D. 628)

Bill "An Act relating to Issuing Bonds in Emergencies in City of Saco." (H. P. 617) (L. D. 663)

Bill "An Act Increasing Amount of Bonds of Town of Litchfield School District." (H. P. 621) (L. D. 664)

Which were severally referred to the Committee on Legal Affairs in concurrence.

"Resolve Authorizing the Commissioner of Education to Convey a Portion of the Edmunds Township School Lot in Washington County." (H. P. 601) (L. D. 657)

Which was referred to the Committee on Natural Resources in concurrence.

Bill "An Act relating to Financing by Brunswick Sewer District." (H. P. 623) (L. D. 629)

Which was referred to the Committee on Public Utilities in concurrence.

Bill "An Act relating to Creditable Service Under Maine State Retirement System." (H. P. 604) (L. D. 658)

"Resolve Providing for State Pension for Hazel M. Kimball of Etna." (H. P. 676)

"Resolve Providing for State Pension for Lillian M. Dennis of Saco." (H. P. 677)

"Resolve Providing for State Pension for Ray Taggett of St. Francis Plantation." (H. P. 678)

"Resolve Providing for an Increase in State Pension for Minnie Henderson of St. Francis Plantation." (H. P. 679)

"Resolve Providing for an Increase in State Pension for Ray Morris of St. Francis Plantation." (H. P. 680)

"Resolve Providing for an Increase in State Pension for Eddie Ouellette of St. Francis Plantation." (H. P. 681)

"Resolve Providing for State Pension for Edmund C. Ryder of Brownville." (H. P. 682)

"Resolve Providing for State Pension for Garnet Shaw of Dyer Brook." (H. P. 683)

Which were severally referred to the Committee on Retirements and Pensions in concurrence.

Bill "An Act relating to Taking, Having in Possession and Selling Oysters." (H. P. 611) (L. D. 659)

Which was referred to the Committee on Sea and Shore Fisheries in concurrence.

Bill "An Act relating to Sales Tax on Isolated Sales of Motor Vehicles." (H. P. 612) (L. D. 660)

Which was referred to the Committee on Taxation in concurrence.

Bill "An Act Providing for an Additional Medical Examiner for Aroostook County." (H. P. 613) (L. D. 661)

Bill "An Act Empowering Cumberland County Commissioners to Raise Money for Roads in Pownal." (H. P. 624) (L. D. 665)

Which were referred to the Committee on Towns and Counties in concurrence.

Bill "An Act relating to Dealer and Transit Motor Vehicle Registration." (H. P. 615) (L. D. 623)

Bill "An Act relating to Instruction Permits to Drive Motor Vehicles." (H. P. 614) (L. D. 662)

Which were referred to the Committee on Transportation in concurrence.

House Papers Received by Unanimous Consent

Bill "An Act relating to Term of Office of Town Clerk of Fort Fairfield." (H. P. 629) (L. D. 669)

Bill "An Act relating to the Board of Finance of the City of Lewiston." (H. P. 631) (L. D. 671)

Which were received by unanimous consent and referred to the Committee on Legal Affairs in concurrence.

"Resolve Providing for State Pension for Lewis Brown of Standish." (H. P. 694)

"Resolve Providing for State Pension for Nellie E. Perkins of Charleston." (H. P. 695)

"Resolve Providing for an Increase in State Pension for Lloyd Arnold of Randolph." (H. P. 698)

Which were severally received by unanimous consent and referred to the Committee on Retirements and Pensions in concurrence.

Bill "An Act Increasing Clerk Hire and Salary of the Judge of the Franklin Municipal Court." (H. P. 628) (L. D. 668)

Bill "An Act to Increase the Salary of the Judge of the Northern P. 630) (L. D. 670)

Bill "An Act relating to Salary of the Recorder and to Clerk Hire in Waldo County Municipal Court." (H. P. 632) (L. D. 672)

Which were severally received by unanimous consent and referred to the Committee on Towns and Counties in concurrence.

House Committee Reports Ought Not to Pass

The Committee on Judiciary on Bill "An Act Prohibiting Subversive Activity." (H. P. 20) (L. D. 35) reported that the same Ought not to pass.

The same Committee on Bill "An Act Clarifying the Law relating to Travel over Construction Projects." (H. P. 105) (L. D. 113) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

Ought to Pass

The Committee on Claims on "Resolve in Favor of The Richmond,

Maine, Camp Grounds of the Church of the Nazarene." (H. P. 91) (L. D. 102) reported that the same Ought to pass.

Mr. LOW of Knox: Mr. President, this is the first of about a dozen claims by various people for damages done to them by escapees from various state institutions. All told, those claims will approximate ten to fifteen thousand dollars. This one here is about \$1394. The committee reported this claim out "Ought to Pass," with some misgivings. You can either argue that the boys who escaped are wards of the state and the state is responsible for them and should pay for the damage which they do, or you can equally well argue that in the case of a father whose boys went and did damage that he would be responsible and would have to pay for damage which they did.

In voting on this measure I think we ought to realize we are establishing a precedent for these other claims, and if we vote for this one we ought to expect to vote for all the other ones. In order that we may have a little time to think on this, I move that this bill be tabled and especially assigned for next Tuesday.

The PRESIDENT: The Senator from Knox, Senator Low, moves that this bill and accompanying papers be laid upon the table and be especially assigned for Tuesday next. Is this the pleasure of the Senate?

The motion prevailed and the resolve was laid upon the table pending acceptance of the report.

The Committee on Highways on Bill "An Act Correcting Appropriations for State Aid and Bridge Act Apportionments to Conform with New State Valuations." (H. P. 97) (L. D. 105) reported that the same Ought to pass.

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

The Committee on Transportation on Bill "An Act relating to Gross Weight of Trucks, Tractors, Etc." (H. P. 133) (L. D. 134) reported that the same Ought to pass.

Comes from the House, report accepted and the bill passed to be engrossed as amended by House Amendment "A". (Filing No. 15)

In Senate, report was read and accepted in concurrence and the bill read once. House Amendment "A" was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

Ought to Pass, as amended

The Committee on Highways on Bill "An Act relating to Expenditure of Town Road Improvement Funds." (H. P. 41) (L. D. 52) reported that the same Ought to Pass As Amended by Committee Amendments "A" and "B" (Filing Nos. 11 and 12).

Which report was read and accepted in concurrence and the bill read once. Committee Amendments "A" and "B" were read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

The same Committee on "Resolve Designating Part of U. S. Route No. 1 in Maine as Narraguagus Highway." (H. P. 99) (L. D. 107) reported that the same Ought to pass As Amended by Committee Amendment "A". (Filing No. 10).

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 amended was tomorrow assigned for second reading.

Communication

STATE OF MAINE
DIRECTOR OF LEGISLATIVE
RESEARCH
Augusta

February 15, 1955

Honorable Chester T. Winslow
Secretary of the Senate
97th Legislature
State House
Augusta, Maine

Dear Sir:

I submit herewith, in accordance with Senate Paper 25, a list of all Resolves and Acts, other than those for private legislation, which are in

the process of preparation in my office.

Very truly yours,

(Signed) SAMUEL H. SLOSBERG
Director

Which was read and ordered placed on file.

The PRESIDENT: The Chair will note that the list of bills in the office of the Director of Research, is printed in the House Calendar.

Senate Papers

The following bills and resolves were referred to the following committees, having been transmitted from the Director of Legislative research, pursuant to Joint Order:

Appropriations and Financial Affairs

Mr. Fuller of Oxford presented Bill "An Act to Reactivate a State Committee on Aging." (S. P. 282)

Which was referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

Inland Fisheries and Game

Mr. Boyker of Oxford presented "Resolve Regulating Ice Fishing in Twitchell Pond, Oxford County." (S. P. 283)

The same Senator presented "Resolve Regulating Fishing in Broken Bridge Pond, Oxford County." (S. P. 284)

Which were referred to the Committee on Inland Fisheries and Game and ordered printed.

Sent down for concurrence.

Judiciary

Mr. Reid of Kennebec presented Bill "An Act Declaring Lawful Certain Rules and Regulations Promulgated by State Departments." (S. P. 289)

Mr. Martin of Kennebec presented Bill "An Act relating to Possession of Operator's License When Operating Motor Vehicle." (S. P. 285)

Mr. Reid of Kennebec presented Bill "An Act relating to Duties of Drivers of Motor Vehicles Involved in Accidents." (S. P. 286)

The same Senator presented Bill "An Act relating to Prior Convictions in Operating Motor Vehicles Under Influence of Liquor." (S. P. 287)

Which were severally referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

Public Utilities

Mr. Butler of Franklin presented Bill "An Act to Amend the Charter of Phillips Electric Light and Power Company." (S. P. 288)

Which was referred to the Committee on Public Utilities and ordered printed.

Sent down for concurrence.

Order

On motion by Mr. Fuller of Oxford

ORDERED, that the Reverend T. G. Momes of Fryeburg be invited to officiate as Chaplain of the Senate on the morning of February 23, 1955.

Senate Committee Reports Ought to Pass

Mr. Weeks from the Committee on Judiciary on Bill "An Act relating to Embezzling by Certain Public Officers." (S. P. 36) (L. D. 26) reported that the same Ought to pass.

Mr. Jamieson from the Committee on Highways on Bill "An Act Relating to Roadside Picnic Areas." (S. P. 62) (L. D. 89) reported that the same Ought to pass.

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

Sent down for concurrence.

Second Readers

The Committee on Bills in the Second Reading reported the following Resolve and Bills:

House

"Resolve Designating Fore River Bridge in Cumberland County and The Veterans Memorial Bridge." (H. P. 55) (L. D. 61)

Bill "An Act Correcting Appropriations for Snow Removal to Conform with New State Valuation." (H. P. 98) (L. D. 106)

Bill "An Act relating to Eligibility for Aid for Veterans and Their Dependents." (S. P. 31) (L. D. 41)

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

House, as amended

Bill "An Act relating to Free Fishing Licenses to Residents 75 Years of Age." (H. P. 101) (L. D. 109)

Which was read a second time and on motion by Mr. Hillman of Penobscot, was laid upon the table pending passage to be engrossed.

Senate

Bill "An Act to Allocate Money from the General Highway Fund for State Aid Construction." (S. P. 63) (L. D. 90)

Bill "An Act relating to Transfer of Certain Property to Lincoln County Cultural and Historical Association." (S. P. 85) (L. D. 174)

Bill "An Act relating to Fees of Deputy Sheriffs in Attendance at Court." (S. P. 86) (L. D. 175)

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

Sent down for concurrence.

Enactors

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

Emergency

Bill "An Act to Increase the Borrowing Capacity of the Town of Gray School District." (H. P. 154) (L. D. 154)

Which bill, being an emergency measure, and having received the affirmative vote of 29 members of the Senate and none opposed was passed to be enacted.

Orders of the Day

The PRESIDENT: The Chair now lays before the Senate H. P. 107, L. D. 115 House Report Ought to pass as amended by Committee Amendment "A" from Committee on Judiciary on Bill "An Act relating to Right of Way for Police and Fire Vehicles and Ambulances," tabled on February 15, 1955 by the Senator from Kennebec, Senator

Reid, and especially assigned for this legislative day.

The Chair recognizes the Senator from Kennebec, Senator Reid.

Mr. REID of Kennebec: Mr. President, this is a bill relating to sirens on police cars, department trucks, emergency repair vehicles and ambulances.

The present law reads that police, fire department trucks, emergency repair vehicles and ambulances when operated in response to call shall have the right of way, and on the approach of any such vehicle the driver of any other vehicle shall immediately draw his vehicle as nearly as practicable to the right-hand curb.

The present bill proposes to change that on the theory that drivers of motor vehicles ought to move over whether or not the ambulance or police car, as the case may be, is approaching it; in other words if it comes from any direction. And so the bill proposes to amend it by saying "on the approach of any such vehicle from any direction and when such vehicle is sounding a siren or displaying emergency lighting devices."

The committee was at a loss to understand how the approach from any direction could apply to lighting devices because they naturally could not be seen except on approach; and for that and other reasons they amended the bill only to include the necessity of moving over when you heard a siren from any direction and when such vehicle is sounding a siren, and reported the bill "ought to pass" with Committee Amendment "A". The other branch added an amendment which says "provided however that operators of such vehicles shall approach intersections with due care."

After that amendment it occurred to the Committee that that sponsor was in favor of the ambulances and police cars whereas the amendment seems to favor the motorist; and therefore a conversation was had with the sponsor, and I am at liberty to say that he was under a misapprehension in respect to this suggested amendment. I therefore propose to move that the "Ought to pass as amended by Committee Amendment 'A'" report be ac-

cepted, and if it is accepted to move the indefinite postponement of House Amendment 'A' in non-concurrence.

Mr. President, I move the acceptance of the Committee report "Ought to pass as amended by Committee Amendment 'A'".

Thereupon, the ought to pass as amended report of the committee was accepted in concurrence and the bill read once; on motion by Mr. Reid of Kennebec, House Amendment "A" was read and indefinitely postponed, Committee Amendment A was read and adopted and the bill as amended by Committee Amendment A was tomorrow assigned for second reading.

The PRESIDENT: The Chair notes in the gallery a group of young men and women from Westbrook High School. It is my pleasure to welcome you to the legislature and we hope you enjoy our sessions. We hope you will visit with us and let us show you the courtesy of the state house so that you can take back with you a little better understanding of your state government. We are very glad to have you here.

On motion by Mr. Low of Knox, the Senate voted to take from the table Resolve in Favor of Gordon M. Stewart of Paris, Administrator, d.b.n.c.t.a. of the Estate of Eva M. Elliot, Late of Otisfield, Deceased (S. P. 29) (L. D. 18) tabled by that Senator on February 15 pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed.

Sent down for concurrence.

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

Mr. WEEKS of Cumberland: Mr. President and Senators, during the month of December, 1954, there appeared in the Gannett publications, a series of editorials under the general heading of "Modernizing the Legislature." There were twenty-one of these editorials, each with their individual heading, dealing with "Research," "For Better Laws," "Reapportionment," "The

House is Too Big," and other subjects of serious importance to all of us and the people of the State of Maine. Mr. Dwight Sergeant, chief editorial writer of the Gannett papers, is the one who prepared editorials after a long period of research and study, and they represent very solemn and cautious and serious thinking.

These editorials have now been assembled in a pamphlet and the Senate and House have been sup-

plied with them. The Sergeant-at-Arms has them over on his desk. I call this to your attention so that you may avail yourselves of the opportunity to pick up one of these and because I believe there is some very, very good reading for all of us in them. Thank you.

On motion by Mr. Fuller of Oxford,

Adjourned until tomorrow afternoon at one-thirty o'clock.