

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

Thursday, March 24, 1955

The Senate was called to order by the President.

Prayer by the Rev. Horace E. Colpitts of Augusta.

On motion by Mr. Woodcock of Penobscot, Journal of yesterday read and approved.

Order

On motion by Mr. Reid of Kennebec, out of order and under suspension of the rules:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 29, 1955, at 10:00 o'clock in the forenoon. (S. P. 507)

Which was read and passed.

Sent down for concurrence.

Subsequently, the foregoing Order was returned from the House, having been read and passed in concurrence.

House Papers

Bill "An Act Providing for Clean Waters in Maine." (H. P. 1153) (L. D. 1372)

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

House Papers Received by Unanimous Consent

"Resolve Authorizing the State Highway Commission to Construct Certain Roads in Readfield and Mt. Vernon." (H. P. 1155) (L. D. 1373)

Which was received by unanimous consent and referred to the Committee on Highways in concurrence.

Bill "An Act to Incorporate the Orono-Veazie Water District" (H. P. 1156) (L. D. 1374)

Which was received by unanimous consent and referred to the Committee on Public Utilities in concurrence.

House Committee Reports Ought Not to Pass

The Committee on Education on Bill "An Act Relating to Conveyance of School Children." (H. P. 349) (L. D. 387) reported that the same Ought not to pass.

The Committee on Highways on Bill "An Act Repealing the Law Providing for Controlled Access Highways." (H. P. 647) (L. D. 724) reported that the same Ought not to pass.

The Committee on Retirements and Pensions on "Resolve Providing for an Increase in State Pension for Meile Merrill of Liberty." (H. P. 219) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Mrs. Therese Jacques of Van Buren." (H. P. 200) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Wilfreda Cyr of Van Buren." (H. P. 221) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Annette Cyr of Van Buren." (H. P. 222) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for George W. Tuttle, Jr. of Norridgewock." (H. P. 797) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Disposal of Wild Animals." (H. P. 415) (L. D. 462) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to Nonresidents Kindling Fires in Unorganized Territory." (H. P. 419) (L. D. 504) reported that the same Ought to pass.

The same Committee on "Resolve Defining Upper Dam Pool in Township 4 Range 1, Oxford County." (H. P. 474) (L. D. 519) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to Bows for Hunting Carried in Motor Vehicles." (H. P. 532) (L. D. 589) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to Hunting of Partridge and Pheasants." (H. P. 533) (L. D. 590) reported that the same Ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Surrender of Property by Academies." (H. P. 909) (L. D. 1017) reported that the same "Ought to pass."

The same Committee on Bill "An Act Relating to Investment of Municipal Trust Funds." (H. P. 988) (L. D. 1136) reported that the same "Ought to pass."

The Committee on Legal Affairs on Bill "An Act Creating the Baileyville School District." (H. P. 965) (L. D. 1091) reported that the same "Ought to pass."

The same Committee on Bill "An Act Relating to Bonds for Slum Clearance and Redevelopment Authority of Portland." (H. P. 999) (L. D. 1147) reported that the same "Ought to pass."

The Committee on Natural Resources on "Resolve Officially Naming Echo Lake, Penobscot County." (H. P. 1005) (L. D. 1152) reported that the same "Ought to pass."

The Committee on Public Health on Bill "An Act Relating to Age of Apprentice in Practice of Hairdressing and Beauty Culture." (H. P. 753) (L. D. 834) reported that the same "Ought to pass."

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Taking, Having in Possession and Selling Oysters." (H. P. 611) (L. D. 659) reported that the same "Ought to pass."

The same Committee on Bill "An Act Repealing the Act to Regulate the Taking of Smelts in the Waters of Egypt Bay, Franklin Bay, Taunton Bay and River, in the Towns of Hancock, Franklin and Sullivan, Hancock County." (H. P. 721) (L. D. 785) reported that the same "Ought to pass."

The same Committee on Bill "An Act Repealing the Law Closing Certain Clam Flats in Lubec, Washington County." (H. P. 848) (L. D. 934) reported that the same "Ought to pass."

The same Committee on "Resolve Relating to Taking of Smelts from Georges River, Knox County." (H. P. 852) (L. D. 938) reported that the same "Ought to pass."

The Committee on Taxation on Bill "An Act Relating to Inheritance and Estate Tax Law." (H. P. 687) (L. D. 755) reported that the same "Ought to pass."

The same Committee on Bill "An Act Exempting Towns from the Use Fuel Tax." (H. P. 763) (L. D. 839) reported that the same "Ought to pass."

The Committee on Transportation on Bill "An Act Relating to Exemption of Registration Certificates Under Aviation Laws." (H. P. 951) (L. D. 1054) reported that the same "Ought to pass."

The same Committee on Bill "An Act Relating to Permits for Towing Unregistered Motor Vehicles." (H. P. 973) (L. D. 1099) 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 Judiciary on Bill "An Act Relating to Powers of State Fire Inspectors." (H. P. 363) (L. D. 451) reported that the same "Ought to pass" as Amended by Committee Amendment A (Filing 121)

The same Committee on Bill "An Act Relating to Trespass by Cattle and Other Domestic Animals." (H. P. 708) (L. D. 776) reported that the same "Ought to pass" as Amended by Committee Amendment A (Filing 122)

The Committee on Public Health on Bill "An Act Relating to Compensation and Inspections of State Board of Barbers and Hairdressers." (H. P. 550) (L. D. 607) reported that the same "Ought to pass" as Amended by Committee Amendment A (Filing 115)

The Committee on Sea and Shore Fisheries on Bill "An Act Permitting the Digging of Clams in Limits of Biddeford for Bait Only." (H. P. 799) (L. D. 873) reported that the same "Ought to pass" as Amended by Committee Amendment A (Filing 116)

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 amended were tomorrow assigned for second reading.

The Committee on Taxation on Bill "An Act Relating to Taxation of Television Transmitting Equipment in Town Where Situated." (H. P. 722) (L. D. 786) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 117)

Which report was read and accepted and the bill read once; Committee Amendment A was read and adopted in concurrence.

Mr. LOW of Knox: Mr. President, in view of the fact that this is an emergency bill, I move that the rules be suspended and that the bill be given its second reading.

The motion prevailed, the rules were suspended, the bill read a second time and passed to be engrossed in concurrence.

On motion by Mr. Parker of Piscataquis, the Senate voted to reconsider its action taken earlier this morning whereby it accepted the "Ought to pass" report from the Committee on Taxation on Bill "An Act Exempting Towns from the Use Fuel Tax" (H. P. 763) (L. D. 839); and on further motion by the same Senator, the bill was laid upon the table pending acceptance of the report.

Senate Committee Reports Leave to Withdraw

Mr. Reid from the Committee on Judiciary on Bill "An Act Relating to Reserve List for Justices of Supreme Judicial and Superior Courts on Retirement." (S. P. 371) (L. D. 1067) reported that the same be granted Leave to Withdraw.

Which report was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Parker from the Committee on Highways on Bill "An Act Relating to Legal Services for the State Highway Commission." (S. P. 396) (L. D. 1110) reported that the same "Ought not to pass."

On motion by Mr. Parker of Piscataquis, the bill was laid upon the table pending acceptance of the report.

The same Senator from the same Committee on Bill "An Act Relating to Free Tolls over Deer Isle-Sedg-

wick Bridge." (S. P. 323) (L. D. 889) reported that the same "Ought not to pass."

On motion by Mr. Woodcock, the bill was laid upon the table pending acceptance of the report.

Mr. Martin from the Committee on Public Utilities on Bill "An Act Relating to Condemnation Proceedings by Water Districts." (S. P. 332) (L. D. 896) reported that the same "Ought not to pass."

On motion by Mr. Martin, the bill was recommitted to the Committee on Public Utilities.

Sent down for concurrence.

Ought to Pass—New Draft

Mr. Martin from the Committee on Public Utilities on Bill "An Act Relating to Public Hearings for Public Utilities." (S. P. 104) (L. D. 229) reported the same in a new draft (S. P. 506) under the same title, and that it Ought to pass.

Which report was read and accepted and the bill in new draft laid upon the table for printing under Joint Rule No. 10.

Ought to Pass

Mr. Silsby from the Committee on Claims on "Resolve in Favor of Eugene F. Young of South Portland." (S. P. 265) reported that the same Ought to pass.

Which report was read and accepted and the resolve laid upon the table for printing under the Joint Rules.

Mrs. Lord from the Committee on Correctional Institutions on Bill "An Act Relating to Expenses of Persons Committed to State Prison for Safekeeping." (S. P. 392) (L. D. 1106) reported that the same Ought to pass.

Mr. Boyker from the same Committee on Bill "An Act Relating to Trespass Upon Lands Appurtenant to Maine State Prison." (S. P. 393) (L. D. 1107) reported that the same Ought to pass.

Mr. Cummings from the same Committee on Bill "An Act Relating to Authority of and Uniforms for Officers of the Maine State Prison." (S. P. 394) (L. D. 1104) reported that the same Ought to pass.

Mr. Wyman from the Committee on Transportation on Bill "An Act Relating to Use of Dealer or Trans-

it Motor Vehicle Registration Plates." (S. P. 259) (L. D. 688) reported that the same Ought to pass.

Mr. Cole from the same Committee on Bill "An Act Relating to Registration Fees for Certain Motor Vehicles Used for Commercial Purposes." (S. P. 280) (L. D. 696) reported that the same Ought to pass.

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

Ought to Pass—As Amended

Mr. Silsby from the Committee on Claims on "Resolve to Reimburse the Maine General Hospital for Care and Hospitalization of Leland Curtis" (S. P. 243) (L. D. 676) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once.

The Secretary read Committee Amendment A:

COMMITTEE AMENDMENT A to L. D. 676:

"Amend said resolve by striking out in second line in said resolve '\$4,787.31' and inserting therefore '\$3,504.70'."

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

Mr. Weeks from the Committee on Judiciary on bill "An Act Relating to Waiver of Indictment." (S. P. 216) (L. D. 557) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once.

The Secretary read Committee Amendment A:

COMMITTEE AMENDMENT A to L. D. 557.

"Amend said bill by inserting after the underlined word 'court' in the 14th line thereof the following underlined words and punctuation ' , or before any Justice of the Superior Court in vacation,'

Further amend said bill by inserting after the underlined word 'court' in the 21st line thereof the following underlined words and punctuation ' , or any Justice of the Superior Court in vacation.'

Further amend said bill by inserting after the underlined word 'court' in the 27th line thereof the following underlined words and punctuation ' , or any Justice of the Superior Court in vacation,'

Further amend said bill by inserting after the underlined word 'court' in the last line of next to the last paragraph thereof the following underlined words and punctuation ' , or any Justice of the Superior Court in vacation,'"

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

Mr. Reid from the same Committee on bill "An Act to Revise the Law Relating to the State Library." (S. P. 369) (L. D. 1065) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once.

The Secretary read Committee Amendment A:

COMMITTEE AMENDMENT A to L. D. 1065. "Amend said bill by adding the following underlined sentence at the end of the 1st paragraph of Sec. 6 thereof 'copies of said publications distributed or sold to justices and ex-justices of the Supreme Judicial and Superior Courts shall be and remain the personal property of said justices.'

Further amend said bill by inserting after the comma following the underlined word 'reports' in the 5th line of Sec. 8 thereof the following underlined words and punctuation 'and of the advance sheets,'

Further amend said bill by striking out all of the 4th paragraph of Sec. 8 of said bill.

Further amend said bill by striking out in the last line of Sec. 9 of said bill the underlined words and figures 'sections 23 and 25'

Further amend said bill by striking out in 1st line of the last paragraph of Sec. 13 of said bill the underlined words 'the same'."

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

Mr. Lessard from the Committee on Public Utilities on bill "An Act to Extend the Power to Serve to Public Utilities Organized by Special Act of the Legislature." (S. P. 330) (L. D. 895) reported that the same "Ought to pass" as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once. The Secretary read Committee Amendment A:

COMMITTEE AMENDMENT A to L. D. 895.

"Amend said bill by striking from the 4th line thereof the underlined words 'or order.'

Further amend said bill by striking from the 14th line thereof the underlined words 'or ordered.'

Further amend said bill by striking from the 18th line thereof the underlined words 'or order'

Further amend said bill by striking from the 20th line thereof the underlined words 'or order'

Further amend said bill by adding at the end thereof a new underlined sentence to read as follows: 'Nothing in this section shall be construed to apply to common carriers by railroad which are subject to the jurisdiction of the Interstate Commerce Commission.'

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

Second Readers

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

House

Bill "An Act Relating to Study in Out-of-State Schools of Hairdressing and Beauty Culture." (H. P. 754) (L. D. 835)

Bill "An Act Exempting Persons Seventy Years of Age from Poll tax." (H. P. 685) (L. D. 753)

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

House—as Amended

Bill "An Act Relating to Rental from Brewer Municipal Court." (H. P. 234) (L. D. 213)

Bill "An Act Relating to Salary of Judge of Brewer Municipal Court." (H. P. 235) (L. D. 214)

Bill "An Act relating to Permits and Certificates for Motor Vehicle Carriers." (H. P. 377) (L. D. 412)

Bill "An Act Relating to Line Budget for Personal Services, Capital Expenditures and Other Expenses for State Departments." (H. P. 405) (L. D. 452)

Bill "An Act Relating to Open Season on Beaver." (H. P. 421) (L. D. 467)

Bill "An Act Providing for Maintenance of Certain Roads in Baxter State Park." (H. P. 704) (L. D. 772)

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

Senate

Bill "An Act Relating to Time of Preserving Ballots and Check Lists as Public Records." (S. P. 400) (L. D. 1114)

Bill "An Act Relating to Record of Prisoner and Warrant of Commitment Delivered to Warden of State Prison." (S. P. 401) (L. D. 1115)

Bill "An Act relating to Sums Furnished Convict on Discharge from State Prison." (S. P. 402) (L. D. 1116)

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

Sent down for concurrence.

Senate — as Amended

Bill "An Act Relating to Counter-signature on Insurance Policies by Resident Agents." (S. P. 321) (L. D. 887)

Which was 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:

An Act relating to Speed Regulations for Passenger Buses (S. P. 236) (L. D. 572)

An Act relating to Maine Sardine Tax Committee and Suspending Sardine Tax on Certain Cases of Sardines (S. P. 258) (L. D. 687)

An Act Regulating Natural Gas Pipe Lines (S. P. 331) (L. D. 903)

An Act relating to Rabbit Hunting in Oxford, Knox, Franklin, Somers-

set, Penobscot, Piscataquis, Aroostook and York Counties (H. P. 8) (L. D. 7)

An Act Creating a Sewer District in the Town of Kennebunk (H. P. 67) (L. D. 72)

An Act Regulating the Taking of Marine Worms (H. P. 312) (L. D. 289)

An Act Amending the Charter of York Sewer District (H. P. 380) (L. D. 423)

An Act Permitting Municipalities to Raise Money for Christmas Decorations (H. P. 457) (L. D. 492)

Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (H. P. 22) (L. D. 37)

Resolve in favor of the George Green Estate (H. P. 290) (L. D. 303)

Resolve Designating New Bridge at Dresden as "Dresden Memorial Bridge" (H. P. 528) (L. D. 587)

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

Which bills were passed to be enacted and the resolves finally passed.

The PRESIDENT: The Chair at this time notes with some regret the fact that the Welcome-back activities in the State House are concentrated in the House today. However, we do have in the Senate Chamber a distinguished veteran of legislative years, a citizen who has given great grace to this Senate and presided over it with great dignity. I would ask on behalf of the Senate that the Senator from Kennebec, Senator Martin, escort his distinguished father, the Hon. Burleigh Martin to the rostrum to sit with me, if he will please.

The Hon. Burleigh Martin, former President of the Senate, was thereupon escorted to the rostrum by Senator Robert Martin amid the applause of the Senate.

Hon. BURLEIGH MARTIN: Mr. President and gentlemen of the Senate, this is an unexpected pleasure and a rare privilege. I had no idea of even being asked to say a word, but I certainly appreciate the

courtesy of your distinguished President who is doing such splendid work as your presiding officer this winter. May I also individually, as a former President, congratulate each member of the Senate for the splendid work that each one of you has done in this session of the State Senate. Thank you. (Applause)

Emergency

Bill "An Act Providing Additional Facilities at Piscataquis County Court House." (S. P. 336) (L. D. 900)

Which bill, being an emergency measure, and having received the affirmative vote of 26 members of the Senate, and none opposed was passed to be enacted.

Emergency

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

Which bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and none opposed was passed to be enacted.

Emergency

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

Which bill, being an emergency measure and having received the affirmative vote of 27 members of the Senate, and none opposed was passed to be enacted.

Bill "An Act Relating to Biennial Assessment of State Property Taxes." (H. P. 723) (L. D. 787)

On motion by Mr. Cole of Waldo, the bill was laid upon the table pending passage to be enacted.

Orders of the Day

On motion by Mr. Cummings of Sagadahoc, the Senate voted to take from the table House Report from the Committee on Taxation "Ought not to pass" on Bill "An Act Relating to Inheritance Tax Exemptions of Class A." (H. P. 942) (L. D. 1045) tabled by that Senator on March 23 pending acceptance of the report; and on further motion by the same Senator, the "Ought not to

pass" report was accepted in concurrence.

Mr. WEEKS of Cumberland: Mr. President, I rise to inquire if L. D. 1386 is still in the possession of the Senate — "An Act Dealing with granting Authority to the State to Convey a Right of Way to the Portland Water District."

The PRESIDENT: The Chair will state that the document is in the possession of the Senate, having been received in this Body by unanimous consent on the last legislative day and referred to the Committee on Judiciary.

Mr. WEEKS: Mr. President, I now move that the Senate reconsider its action whereby the resolve was referred to the Committee on Judiciary.

Thereupon, the Senate voted to reconsider its former action whereby it referred to the Committee on Judiciary, "R e s o l v e Authorizing Commission of Institutional Service to Convey to Portland Water District a Right of Way for a Pipe Line from the Falmouth Shore to Mackworth Island" (S. P. 505); and on further motion by the same Senator,

the resolve was referred to the Committee on Natural Resources.

Sent down for concurrence.

On motion by Mr. Dow of Lincoln the Senate voted to take from the table bill "An Act Ratifying a Proposed Compact Between the State of Maine and Certain Other States Providing for the Establishment of the New England Board of Higher Education." (H. P. 409) (L. D. 456) tabled by that Senator on March 10 pending passage to be enacted; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and that Senator presented Senate Amendment A and moved its adoption.

Senate Amendment A to L. D. 456. "Amend said bill by striking out in the second line of Section 2 the words 'unappropriated surplus of the'."

Which amendment was adopted and the bill was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin

Adjourned until Tuesday, March 29 at ten o'clock in the morning.