

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

Tuesday, April 19, 1955

Senate called to order by the President.

Prayer by the Rev. Harvey Ammerman of Augusta.

Journal of yesterday read and approved.

**Papers from the House
House Reports**

**Majority—Ought Not to Be Adopted
Minority—Ought to Be Adopted**

From the Committee on Liquor Control on "Joint Resolution Memorializing Congress to Pass Legislation Outlawing Alcoholic Beverage Advertising Over the Air." (H. P. 837) (L. D. 1198)

In the House, Minority Report read and accepted.

In the Senate on April 14, Majority report read and accepted in non-concurrence.

Comes from the House, adhered.

In the Senate, on motion by Mr. Boucher of Androscoggin, that Body voted to adhere.

Bill "An Act Providing for Reappointment of Active Retired Justices." (S. P. 157) (L. D. 351)

In Senate on March 23, passed to be engrossed as amended by Committee Amendment A.

Comes from the House, Committee Amendment A indefinitely postponed and bill passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Reid of Kennebec, the bill and accompanying papers were laid upon the table pending consideration.

Bill "An Act Relating to Legislative Research Committee (S. P. 446) (L. D. 1238)

In Senate on April 6, passed to be engrossed as amended by House Amendment A (Filing No. 304) in non-concurrence.

In the Senate, on motion by Mr. Sinclair of Somerset, that Body voted to insist on its former action and ask for a Committee of Conference.

Bill "An Act Relating to Insects and Diseases of Trees." (S. P. 515) (L. D. 1408)

In Senate on April 5, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 255) in non-concurrence.

In the Senate, on motion by Mr. Butler of Franklin, the bill and accompanying papers were laid upon the table pending consideration.

"Resolve in Favor of Leroy Foster of Amherst." (S. P. 427) (L. D. 1443)

In Senate on April 12, passed to be engrossed.

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Dunham of Hancock, the resolve was laid upon the table pending consideration.

Joint Order

WHEREAS: In the Hall of Flags on the second floor of the State House there is maintained an exhibit of historic Maine battle flags, and

WHEREAS: this exhibit is viewed daily by visitors to the State House, including many groups of school pupils who are studying Maine history, and

WHEREAS: with few exceptions these flags do not bear any signs or other identifying and explanatory markings for the benefit and edification of the public, now therefor be it

ORDERED: the Senate concurring, that the Superintendent of Buildings be hereby requested to place on, or near, each flag a sign that will briefly inform the public as to the history of such flag. (H. P. 1202)

Comes from the House, read and passed.

In the Senate, read and passed in concurrence.

**House Committee Reports
Leave to Withdraw**

The Committee on Natural Resources on Bill "An Act Relating to Forest Fire Control for Certain Territory Under Maine Forestry District. (H. P. 1186) (L. D. 1449) reported that the same be granted Leave to Withdraw.

The Committee on Taxation on Bill "An Act Relating to Markup on State Liquor." (H. P. 78) (L. D. 75) reported that the same be granted Leave to Withdraw.

The same Committee on Bill "An Act Relating to Sales Tax on Isolated Sales of Motor Vehicles." (H. P. 612) (L. D. 660) reported that the same be granted Leave to Withdraw.

The same Committee on Bill "An Act Providing for an Admission Tax." (H. P. 939) (L. D. 1042) reported that the same be granted Leave to Withdraw.

The same Committee on Bill "An Act Relating to Sales Tax on Containers and Packaging Materials." (H. P. 943) (L. D. 1046) reported that the same be granted Leave to Withdraw.

The same Committee on Bill "An Act to Clarify and Amend the Sales and Use Tax Law as Respects Manufacturers." (H. P. 1049) (L. D. 1224) reported that the same be granted Leave to Withdraw.

The same Committee on Bill "An Act Repealing Exemption of Coal, Oil and Wood Under Sales and Use Tax Law." (H. P. 1082) (L. D. 1265) reported that the same be granted Leave to Withdraw.

Which reports were severally read and accepted in concurrence.

Ought Not to Pass

The Committee on Agriculture on Bill "An Act Relating to Packaging and Marketing of Rabbit Meat." (H. P. 1089) (L. D. 1272) reported that the same Ought not to pass.

The same Committee on Bill "An Act Relating to Licenses for Buyers and Sellers of Rabbits." (H. P. 1090) (L. D. 1273) reported that the same Ought not to pass.

The Committee on Business Legislation on Bill "An Act Relating to Fire Alarms for Certain Buildings." (H. P. 407) (L. D. 454) reported that the same Ought not to pass.

The Committee on Claims on "Resolve in Favor of Phyllis Libby of Nobleboro." (H. P. 774) reported that the same Ought not to pass.

The Committee on Highways on Bill "An Act Relating to Permits to Haul Farm Products Over Certain Highways." (H. P. 351) (L. D. 389)

reported that the same Ought not to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Closed Time on Deer on Frye Island, Cumberland County." (H. P. 777) (L. D. 860) reported that the same Ought not to pass.

The same Committee on Bill "An Act Relating to Bounty on Bobcats." (H. P. 1066) (L. D. 1254) reported that the same Ought not to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Appointment of Corporation Counsel and All Board Members in City of Lewiston." (H. P. 1072) (L. D. 1267) reported that the same Ought not to pass.

The Committee on Natural Resources on Bill "An Act Creating a Maine Rivers Authority." (H. P. 1096) (L. D. 1279) reported that the same Ought not to pass.

The Committee on Public Utilities on Bill "An Act Relating to Exemptions from Regulation of Motor Carriers." (H. P. 931) (L. D. 1037) reported that the same Ought not to pass.

The Committee on Retirements and Pensions on "Resolve Providing for State Pension for Josephine Tregembo of Hallowell." (H. P. 720) reported that the same Ought not to pass.

The Committee on Sea and Shore Fisheries on Bill "An Act Clarifying Certain Sea and Shore Fisheries Laws on Quahogs." (H. P. 937) (L. D. 1040) reported that the same Ought not to pass.

The Committee on Taxation on Bill "An Act Increasing Excise Taxes on Malt Liquors." (H. P. 766) (L. D. 842) reported that the same Ought not to pass.

The Committee on Towns and Counties on Bill "An Act Increasing Salary of Register of Deeds of Northern Registry, Aroostook County." (H. P. 566) (L. D. 614) 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 "Resolve Closing Little Jim Pond in Franklin and Somerset Counties to Fishing Ex-

cept Fly Fishing." (H. P. 260) (L. D. 244) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to the Hunting of Wild Turkeys." (H. P. 1104) (L. D. 1295) reported that the same Ought to pass.

The Committee on Labor on Bill "An Act Relating to Additional Contributions by Employers Under Employment Security Law" (H. P. 963) (L. D. 1089) reported that the same Ought to pass.

The Committee on Public Utilities on Bill "An Act Amending the Charter of the Saco Sanitary District." (H. P. 929) (L. D. 1058) 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 — N.D.

The Committee on Labor on Bill "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 1070) (L. D. 1258) reported the same in New Draft (H. P. 1189) (L. D. 1452) same title, and that it Ought to pass.

Comes from the House, Report accepted and the bill passed to be engrossed as amended by House Amendment A (Filing 278)

In the Senate, on motion by Mr. Farris of Kennebec, the bill and accompanying papers were laid upon the table pending acceptance of the committee report.

The Committee on Public Utilities on Bill "An Act Relating to Advice of Public Utilities Commission to Towns Concerning Water and Sewerage Systems." (H. P. 755) (L. D. 836) reported the same in New Draft (H. P. 1197) (L. D. 1466) under the same Title, and that it Ought to pass.

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

Ought to Pass as Amended

The Committee on Business Legislation on Bill "An Act Relating to

Real Estate Brokers and Salesmen." (H. P. 179) (L. D. 186) reported that the same Ought to pass as A amended by Committee Amendment A. (Filing 279)

Comes from the House, Committee Amendment A indefinitely postponed and the bill passed to be engrossed as amended by House Amendment A (Filing 303)

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

The Committee on Judiciary on Bill "An Act Relating to Checking Speed of Motor Vehicles by Electrical Devices." (H. P. 109) (L. D. 117) reported that the same Ought to pass as Amended by Committee Amendment A.

Comes from the House, report accepted, subsequently bill indefinitely postponed.

In the Senate, on motion by Mr. Jamieson of Aroostook, the Ought to pass; report was accepted in non-concurrence; the bill read once, Committee Amendment A was read and adopted and the bill as amended was tomorrow assigned for second reading.

The Committee on Public Utilities on Bill "An Act to Incorporate the New Gloucester Water District." (H. P. 930) (L. D. 1059) reported that the same Ought to pass with Committee Amendment A (Filing No. 287)

The same Committee on Bill "An Act Creating the Eagle Lake Water and Sewer District." (H. P. 1111) (L. D. 1302) reported that the same Ought to pass with Committee Amendment A (Filing No. 284)

Which reports were 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.

Majority—OTP
Minority—ONTP

The Majority of the Committee on Liquor Control on Bill "An Act Relating to Local Option for Sale of Malt Liquor by Part-time Hotels." (H. P. 441) (L. D. 487) reported that the same Ought to pass.

(Signed)

Senators:

BOUCHER of Androscoggin
CARPENTER of Somerset
CRABTREE of Aroostook

Representatives:

PIERCE of Bucksport
CHARLES of Portland
COTE of Lewiston
DOSTIE of Winslow

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

(Signed)

Representatives:

CHRISTIE of Presque Isle
RICH of Charleston
ANTHOINE of Windham

Comes from the House, Majority report accepted and the bill passed to be engrossed.

In the Senate, on motion by Mr. Dunham of Hancock, the bill and accompanying papers were laid upon the table pending acceptance of either report.

Order

On motion by Mr. Weeks of Cumberland,

ORDERED that the Reverend Howard O. Hough, minister of the First Parish Radio Church of America in Portland, be invited to officiate as Chaplain of the Senate on the morning of April 20, 1955.

Which was read and passed.

Senate Committee Reports
Ought Not to Pass

Mr. Hall from the Committee on Inland Fisheries and Game on Bill "An Act Authorizing the Establishment of Private Game Preserves." (S. P. 476) (L. D. 1345) reported that the same Ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass—as Amended

Mr. Hillman from the Committee on Labor on Bill "An Act Amending the Maine Employment Security Law as to Disqualifications for Benefits." (S. P. 412) (L. D. 1181) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted, the bill read once, and on motion by Mr. Jamieson of Aroostook, was laid upon the table pending adoption of Committee Amendment A.

Mr. Butler from the Committee on Natural Resources on Bill "An Act Relating to Interstate Water Pollution Control." (S. P. 450) (L. D. 1242) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once. Committee Amendment A was adopted without reading and the bill as amended was 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 Increasing Salaries of Certain Officers of Lincoln County." (H. P. 125) (L. D. 128)

Bill "An Act Relating to Compensation of Councillors of Town of Van Buren." (H. P. 236) (L. D. 215)

Bill "An Act Relating to the Salary of the County Attorney of Hancock County." (H. P. 459) (L. D. 494)

Bill "An Act to Increase the Salary of the Judge of Western Hancock Municipal Court." (H. P. 857) (L. D. 943)

Bill "An Act Increasing the Salaries of the Judge and Recorder of Ellsworth Municipal Court." (H. P. 949) (L. D. 1052)

Bill "An Act Increasing Salary of County Treasurer of Hancock County." (H. P. 1083) (L. D. 1244)

Bill "An Act Providing for a Contingent Account for Androscoggin County." (H. P. 1139) (L. D. 1336)

Bill "An Act to Provide Fire Protection for Milton Township, Oxford County." (H. P. 1170) (L. D. 1405)

"Resolve in Favor of Chester Fredericks of Norridgewock." (H. P. 183) (L. D. 1457)

(On motion by Mr. Low of Knox, tabled pending passage to be engrossed.)

"Resolve in Favor of Marcus Mitchell, of Temple." (H. P. 872) (L. D. 1458)

Bill "An Act Relating to Change of Purposes of Domestic Mutual Insurance Companies." (H. P. 1194) (L. D. 1461)

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

House — as Amended

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

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

Senate

Bill "An Act Relating to Execution for Attorney's Fees in Divorce Proceedings." (S. P. 218) (L. D. 559)

Bill "An Act Relating to Assaults on Officers by Convicts." (S. P. 370) (L. D. 1066)

"Resolve Proposing an Amendment to the Constitution Extending Pardon Powers of Governor and Council to Offenses of Juvenile Delinquency." (S. P. 429) (L. D. 1188)

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

Sent down for concurrence.

Senate — as Amended

Bill "An Act Relating to Appointment of Special Deputy Sheriffs." (S. P. 250) (L. D. 682)

(On motion by Mr. Reid of Kennebec, tabled pending passage to be engrossed.)

Bill "An Act Relating to Possession of Firearms by Felons." (S. P. 337) (L. D. 901)

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 resolve.

Bill "An Act Relating to Fee for Permits Granted by Board of Harbor Commissioners for Harbor of Portland." (S. P. 82) (L. D. 171)

Bill "An Act Relating to Condemnation Proceedings by Water Districts." (S. P. 332) (L. D. 896)

Bill "An Act Relating to Regulation of Railroads by Public Utilities Commission." (S. P. 378) (L. D. 1074)

Bill "An Act Relating to Approval of Dog Shelters." (S. P. 469) (L. D. 1312)

Bill "An Act Repealing Certain Law Relating to Contents of Certificates of Organization of Telegraph, Telephone, Gas and Electric Companies." (S. P. 523) (L. D. 1428)

Bill "An Act Relating to Clerk Hire and Increasing Salary of the Recorder of the Westbrook Municipal Court." (S. P. 526) (L. D. 1430)

Bill "An Act to Increase the Salary of the Recorder of the Northern Aroostook Municipal Court." (H. P. 458) (L. D. 493)

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 Cumberland Municipal Court." (H. P. 630) (L. D. 670)

Bill "An Act Increasing Clerk Hire for Office of Register of Probate in Knox County." (H. P. 689) (L. D. 757)

Bill "An Act Displaying Names of Owners and Lessees on Truck Tractors." (H. P. 972) (L. D. 1098)

Bill "An Act Increasing Salary of Judge of Probate of Knox County." (H. P. 1055) (L. D. 1230)

Which bills were severally passed to be enacted.

Resolve Relating to Use of Seines in Medomak River, Lincoln County." (S. P. 307) (L. D. 812)

Which resolve was finally passed.

Orders of the Day

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 21st tabled and

unassigned matter, (H. P. 751) (L. D. 832) House Reports from the Committee on Liquor Control on Bill "An Act Relating to Employment by Liquor Licensees of Persons with Liquor Law Convictions," Majority Report "Ought to pass," Minority Report "Ought not to pass," tabled by that Senator on March 30th pending acceptance of either report; and on further motion by the same Senator the Senate voted to accept the minority "Ought not to pass" report in concurrence.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 59th tabled and unassigned matter, (H. P. 661) (L. D. 737) House Report "Ought to pass" from the Committee on Inland Fisheries and Game on "Resolve Regulating Ice Fishing for Trout in St. Croix Lake, Aroostook County," tabled by that Senator on April 14th pending acceptance of report; and on further motion by the same Senator the Senate voted to accept the "Ought to pass" report of the committee, and the resolve was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table Bill "An Act Relating to Insects and Diseases of Trees," (S. P. 515) (L. D. 1408) tabled by that Senator earlier in today's session; and on further motion by the same Senator the Senate voted to reconsider its action whereby the bill was passed to be engrossed. House Amendment "A" was read by the Secretary and adopted in concurrence and the bill was passed to be engrossed as amended in concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table bill "An Act Providing for Reappointment of Active Retired Justices." (S. P. 157) (L. D. 351) tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table Senate Reports from the Committee on Judiciary; Majority Report Ought to Pass; Minority Report Ought not to pass on Bill "An Act Relating to Incurable Insanity as a Cause for which Divorce may be Granted (S. P. 79) (L. D. 178) tabled by that Senator on March 17 pending acceptance of either report.

Mr. WEEKS of Cumberland: Mr. President and Members of the Senate: All of you recognize this measure as being highly controversial, and I call your specific attention to the fact that Senator Silsby is not here and he did sign the minority report. When I came down this week I hoped that possibly we could get it off the calendar and get some action on it one way or another. Of course I do not know how the members feel and I have not attempted to find out. What I did have in mind — it may meet with your approval and it may not — was that possibly we might find out what people are thinking. Consequently if it would be the disposition of the Senate to accept the majority report and let it pass along one or two steps without prejudicing anyone's rights to oppose it at any time then there may be debate on it at some future step. I personally would favor that procedure and would like to have the rest of the Senate go along if you would. At no time do I want to prevent Senator Silsby or anyone else from saying what they feel about this bill. I do not know whether that is a proper suggestion. In other words, my idea is that we would not be debating it on more than one occasion. With that idea in mind, I move the acceptance of the majority "Ought to pass" report of the committee. By the way, I will state that I checked with Senator Dunham and he feels that Senator Silsby would not object if it is agreeable to the rest of the Senate.

Mr. BOUCHER of Androscoggin: Mr. President, I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the Senate accept

the majority "Ought to pass" report of the committee. The Senator from Androscoggin, Senator Boucher, has asked for a division. Is the Senate ready for the question?

As many as are in favor of the motion of the Senator from Cumberland, Senator Weeks, that the Senate accept the majority "Ought to pass" report of the committee will rise and stand until counted.

A division was had.

Eighteen having voted in the affirmative and nine in the negative, the motion prevailed and the majority "Ought to pass" report of the committee was accepted. The bill was thereupon given its first read-

ing and tomorrow assigned for second reading.

The PRESIDENT: On behalf of the Senate, the Chair notes in the gallery a group of youngsters from Whitefield School, accompanied by Mrs. Neota Fowls Grady, former Representative in the House. Very nice to have you visit with us. We hope you enjoy your day at the State House and we hope that after the session you will come down and become acquainted with us. Thank you again for coming.

On motion by Mr. Farris of Kennebec:

Adjourned until tomorrow morning at ten o'clock.