

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, May 13, 1955

Senate called to order by the President.

Prayer by Rev. Horace E. Colpitts of Augusta.

Journal of yesterday read and approved.

Out of 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 Monday, May 16, 1955. (S. P. 581)

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.

Papers from the House

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

In the Senate on May 11, passed to be engrossed as amended by Committee Amendment A (Filing 137) and as amended by Senate Amendment A (Filing 538) in non-concurrence.

Comes from House, Committee Amendment A indefinitely postponed and bill passed to be engrossed as amended by Senate Amendment A only, in non-concurrence.

In the Senate, on motion by Mr. Chapman of Cumberland, that Body voted to recede and concur.

Bill, "An Act to Amend the Purposes and Powers of Bates Manufacturing Company." (S. P. 238) (L. D. 574)

In Senate on May 11, passed to be engrossed as amended by Senate Amendment A (Filing 535)

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

In the Senate, on motion by Mr. Reid of Kennebec, that Body voted to recede and concur.

Bill, "An Act to Provide Special Disability Compensation for Mem-

bers of Organized Fire Companies." (S. P. 561) (L. D. 1517)

In Senate on May 5, passed to be engrossed.

Comes from House, passed to be engrossed as amended by House Amendment B (Filing 529) in non-concurrence.

In the Senate, on motion by Mr. Weeks of Cumberland, that Body voted to recede and concur.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, requested to study and survey the operation of the Milk Control Law, particularly as it applies to the buying and selling of milk; and be it further

ORDERED, that the Committee report to the next Legislature the result of its study, with such recommendations as it deems appropriate. (H. P. 1253)

On motion by Mr. Low of Knox, tabled pending passage.

**House Committee Reports
Leave to Withdraw**

The Committee on Highways on "Resolve Authorizing a Reclassification of Highways." (H. P. 959) (L. D. 1085) reported that the same be granted Leave to Withdraw.

Which report was read and accepted in concurrence.

Ought to Pass—as Amended

The Committee on Education on Bill "An Act Relating to Apportionment of School Funds on Basis of Pupil Enrollment." (H. P. 292) (L. D. 304) reported that the same Ought to pass as Amended by Committee Amendment A.

On motion by Mr. Low of Knox, tabled pending acceptance of the report.

**Majority—OTP—N.D.—New Title
Minority—ONTP**

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Appeals from Joint Board Decisions." (H. P. 114) (L. D. 122) reported that the same Ought to pass in New Draft (H. P. 1250) (L. D. 1543), under new title: "An Act Relating to Determination

of Damages Caused by Taking of Land for Highway Purposes.”

(Signed)

Senators:

MARTIN of Kennebec
LESSARD of Androscoggin

Representatives:

LORD of Augusta
QUINN of Bangor
FOSTER of Mechanic Falls
MARTIN of Eagle Lake

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

(Signed)

Senator:

WOODCOCK of Penobscot

Representatives:

BRAGDON of Perham
CHILDS of Portland

Comes from the House, Majority Report accepted and the bill in New Draft passed to be engrossed.

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

Majority—ONTP

Minority—OTP—as Amended

The Majority of the Committee on Legal Affairs on Bill “An Act Relating to Greyhound Racing.” (H. P. 1147) (L. D. 1362) reported that the same Ought not to pass.

(Signed)

Senators:

WOODCOCK of Penobscot
MARTIN of Kennebec

Representatives:

BRAGDON of Perham
QUINN of Bangor
THOMAS of Anson
LORD of Augusta

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass, as Amended by Committee Amendment A (Filing No. 365)

(Signed)

Senator:

LESSARD of Androscoggin

Representatives:

FOSTER of Mechanic Falls
MARTIN of Eagle Lake
CHILDS of Portland

Comes from the House, indefinitely postponed.

In the Senate:

Mr. WOODCOCK of Penobscot: Mr. President, I move that the Senate accept the majority ought not to pass report of the committee.

Thereupon, on motion by Mr. Lessard of Androscoggin, the bill and accompanying papers were laid upon the table pending motion by Senator Woodcock of Penobscot, that the Majority “Ought not to pass” report be accepted.

Communication

State of Maine

HOUSE OF REPRESENTATIVES

May 12, 1955

Honorable Chester T. Winslow
Secretary of the Senate
97th Legislature

Sir:

The House voted today to insist on its former actions and join Committees of Conference and Conferees on the part of the House were appointed by the Speaker as follows: On Bill, “An Act Relating to Valuation of Property of Public Utilities for Fixing Rates,” (S. P. 167) (L. D. 364)

Messrs. GILMARTIN of Portland
BERNIER of Waterville
COOK of Portage Lake

On Bill, “An Act relating to Medical Services under the Workmen’s Compensation Act,” (S. P. 560) (L. D. 1516)

Messrs. ROSS of Bath
WALLS of Millinocket
WINCHENPAW

of Friendship

Respectfully,

(Signed) HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

Ought to Pass N.D.—New Title

Mr. Collins from the Committee on Appropriations and Financial Affairs on Bill, “An Act to Place Operating Expenses of Liquor Commission Under General Fund of the State.” (S. P. 119) (L. D. 315) reported that the same Ought to pass in New Draft (S. P. 582) (L. D. 1547) New Title: “An Act relating to the Administration of the State Liquor Commission.”

Which report was read and accepted, the bill in new draft read once and under suspension of the rules, read a second time and passed to be engrossed.

Ought to Pass—as Amended

Mr. Collins from the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys for Supplemental Appropriation for Treasurer of State." (S. P. 176) (L. D. 428) 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 S. P. 176, L. D. 428: "Amend said bill by striking out all of the second paragraph beginning with the words 'Treasury Department' and inserting in place thereof the following: 'Treasury Department.

Personal services 1956-\$2,392.

1956-57-\$2,496

Capital expenditure 1955-56-\$945.' "

Which amendment was adopted and under suspension of the rules, the bill read a second time and passed to be engrossed.

Sent down for concurrence.

The same Senator from the same Committee on Bill "An Act to Appropriate Monies for the Purchase of Salk Vaccine." (S. P. 543) (L. D. 1485) 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. 1485. "Amend said bill by striking out everything after the enacting clause and inserting in place thereof the following: 'Purchase of Salk Vaccine. Appropriation therefor. There is hereby appropriated for the Department of Health and Welfare out of the unappropriated surplus of the general fund of the state, for the purchase of the Salk vaccine, the following sums:

1955-56 — \$60,000

1956-57 — \$15,000

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved'."

Which amendment was adopted and under suspension of the rules, the bill as amended was passed to be engrossed.

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 Payments by Town of Georgetown for MacMahan Island (S. P. 253) (L. D. 694)

An Act relating to Licensing of Auctioneers (H. P. 749) (L. D. 830)

An Act relating to Preference in State Purchases for Products Raised or Manufactured in State (H. P. 924) (L. D. 1032)

An Act relating to Registration Fees for Farm Trucks (H. P. 1179) (L. D. 1419)

An Act relating to the Appointment of the Fire Chief and the Chief of Police of the City of Saco (H. P. 1236) (L. D. 1526)

An Act Increasing Potato Tax and Disposition Thereof. (H. P. 1239) (L. D. 1528)

Which bills were passed to be enacted.

An Act Relating to Education of Physically Handicapped or Exceptional Children (S. P. 147) (L. D. 338)

On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.

An Act Relating to the Salaries of Register of Deeds and Register of Probate; Cumberland County, and Clerk Hire in Office of Register of Deeds (S. P. 278) (L. D. 708)

On motion by Mr. Chapman of Cumberland, tabled pending passage to be enacted.

An Act to Reactivate a State Committee on Aging (S. P. 282) (L. D. 793)

On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.

An Act Creating the Board of Construction Safety Rules and Regulations (S. P. 347) (L. D. 956)

On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.

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

On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.

An Act Relating to Weight of Commercial Vehicles (S. P. 452) (L. D. 1271)

On motion by Mr. Cole of Waldo tabled pending passage to be enacted, and especially assigned for Tuesday, May 17.

An Act Relating to Publication of State Financial Reports (S. P. 473) (L. D. 1342)

On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.

An Act Relating to Operation of Motor Vehicles to Inspection Stations for Inspection (H. P. 129) (L. D. 132)

Mr. COLE of Waldo: Mr. President, this particular bill is a companion bill to L. D. 571, and everything covered in this bill is in L. D. 571. Therefore I move that this bill be indefinitely postponed.

Thereupon, on motion by Mr. Silsby of Hancock, the bill was laid upon the table pending motion by Senator Cole of Waldo that the bill be indefinitely postponed.

An Act Increasing Certain County Salaries in Androscoggin County (H. P. 1050) (L. D. 1225)

On motion by Mr. Collins of Aroostook, tabled pending passage to be engrossed.

An Act Relating to Deception as to Retail Prices of Motor Fuel (H. P. 1219) (L. D. 1495)

On motion by Mr. Butler of Franklin, tabled pending passage to be enacted.

Resolve in Favor of the Northern Maine Sanatorium (S. P. 143) (L. D. 342)

On motion by Mr. Collins of Aroostook, tabled pending final passage.

Resolve in Favor of Portland University (S. P. 316) (L. D. 885)

On motion by Mr. Collins of Aroostook, tabled pending final passage.

Resolve Relating to a Water System for the Penobscot and Passamaquoddy Indians (S. P. 318) (L. D. 884)

On motion by Mr. Collins of Aroostook, tabled pending final passage.

Resolve Authorizing a Survey of State Government (S. P. 441) (L. D. 1233)

On motion by Mr. Collins of Aroostook, tabled pending final passage.

Resolve Designating Road from Fort Kent to Allagash Plantation as a State Road (H. P. 889) (L. D. 997)

On motion by Mr. Butler of Franklin tabled pending final passage.

Resolve Requesting Judicial Council to Study Problem of Common Law Pleading and Procedure (H. P. 989) (L. D. 1137)

On motion by Mr. Collins of Aroostook, tabled pending final passage.

Emergency

Bill, "An Act Providing for Construction of a Women's Dormitory at the University of Maine." (S. P. 144) (L. D. 341)

(On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.)

Bill, "An Act Relating to Vocational Rehabilitation." (H. P. 978) (L. D. 1126)

On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.

Bill, "An Act Relating to Weekly Benefits for Partial Unemployment under Employment Security Law." (H. P. 995) (L. D. 1143)

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 Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 1189) (L. D. 1452)

Which bill, being an emergency measure, and having received the

affirmative vote of members of the Senate, and none opposed was passed to be enacted.

Emergency

“Resolve Providing Pensions for Soldiers and Sailors and Dependents and other Needy Persons.” (H. P. 1240) (L. D. 1529)

On motion by Mr. Collins of Aroostook, tabled pending final passage.

Orders of the Day

Mr. Collins of Aroostook was granted unanimous consent to address the Senate.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, due to the fact that so many of these financial matters are being tabled I thought perhaps a little explanation might be in order for the members of the Senate. It seems only fair in view of the financial situation that before we pass these money bills we should have a complete picture as to the amount of revenue available and then we must make decisions insofar as the general funds go as to those bills which we wish to pass.

In regard to those bills and resolves where the funds are taken from unappropriated surplus, I believe we will be in a position to act on those the first of the week and make our decisions at that time, so that while I realize most of you people know why these bills are being tabled, I thought an explanation of the fact might be in order at this time so that you would not think that all of the bills at least that we are tabling at this time would not have a chance of passage. I am in hopes that by the first of the week we will have a picture as to the revenues of the state will enable us to make an intelligent decision upon this matter.

The President laid before the Senate, the first tabled and especially assigned matter being bill “An Act Relating to Flares, Lanterns and Reflectors for Large Trucks” (H. P. 134) (L. D. 135) tabled by Mr. Martin of Kennebec on May 12 pending passage to be enacted.

Mr. MARTIN of Kennebec: Mr. President, I think my name appears in error on the calendar as being

the Senator who tabled this matter, so I yield to the Senator from Aroostook, Senator Jamieson.

Mr. JAMIESON of Aroostook: Mr. President, I move that the Senate reconsider its action whereby this bill was passed to be engrossed, in order that I may present an amendment.

The motion prevailed and under suspension of the rules 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 passage.

The Secretary read the amendment.

SENATE AMENDMENT “A” to H. P. 134, L. D. 135, Bill “An Act Providing for Flares, etc., for Large Trucks.”

Amend said Bill by striking out all of the 5th and 6th lines thereof and inserting in place thereof the following: ‘highways of the State any truck or truck tractor having a gross weight in excess of 15,000 12,000 pounds’

Further amend said Bill by striking out all of the 4th and 5th lines of section 2 and inserting in place thereof the following: ‘any motor truck or truck tractor having a gross weight in excess of 15,000 12,000 pounds is disabled upon’

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

Sent down for concurrence.

The PRESIDENT: The Chair would note that the two floor leaders have indicated that their hope is that the Senate may adjourn at a reasonable time this morning and they are hopeful that the motion will be made that when we come back next week it will be at two o'clock next Monday afternoon.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table bill “An Act Amending the Maine Employment Security Law as to Disqualifications for Benefits.” (S. P. 412) (L. D. 1181) tabled by that Senator on May 12 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table, "Resolve Designating Road from Fort Kent to Allagash Plantation as a State Road" (H. P. 889) (L. D. 997) tabled by that Senator earlier in today's session pending final passage.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, this item was tabled by myself, Senators, for the purpose of attempting to correlate as we were proceeding, all these road resolves and whereby we were increasing the obligations of the State Highway Commission and state expenses. This apparently bears no cost which looks to appear on its surface, just the simple elimination of a few words. If I had done that which I intended to do, it would have stayed and shown up with the rest of them, but in view of the fact that one of the flowers from that "Garden Spot of Maine" has requested that this be removed as he wishes to return, I am doing it out of deference to him.

Certainly if we could look at what that little Garden Spot of Maine is getting we would realize that being the farmers that they are, green fertilizer is being dumped into their laps, hither, thither and yon, many miscellaneous times. It was on that account that I thought we ought to see how much of that green fertilizer is being accumulated so that we could see just what was being dumped there, underneath that flower garden of Maine, we also see the rock - ribbed, frozen personalities which are so prevalent where flowers bloom, especially if you should up into Skagway and you'd see there the beautiful flowers and yet immediately under the surface, where the sun's rays have not been able to reach, there comes the frozen fridity.

I just wanted a chance to let the sun's rays melt down into that frozen ground so that the warmth could be spread over the rest of the state and appreciate the fertilizer that was being spread, and the rest of the state likewise share in it.

This bill is a beguiling little thing. It simply asks to change the word

from "state aid" to "state highway".

It apparently calls for no money and yet it is going to relieve that group tremendously. You will recall yesterday how I happened to have objected to the investigation of surveying a road eighty miles through the wilderness in that Garden Spot of Maine. That was successfully passed, but there again, through their intemperate nature—there was expressed no desire on their part to assist in paying for it, which perhaps was advisable. And so here too is another case in which they are getting out of paying their share of the traffic and the fertilizer is helping them.

On that account I move indefinite postponement of this measure and request a division.

Mr. JAMIESON of Aroostook: Mr. President I believe that designating this piece of road as a state road for some time will not cost the state a penny. This road will never be built by the state until we have the money to do it with. I hope that the motion of the Senator from Franklin does not prevail and at the same time I want to thank him for taking the resolve off the table because I will not be back on Monday and I appreciate him taking it off.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the resolve be indefinitely postponed. Is the Senate ready for the question?

A division of the Senate was had.

Three having voted in the affirmative and eighteen opposed, the motion did not prevail.

Thereupon, the resolve was finally passed.

On motion by Mr. Butler of Androscoggin, the Senate voted to take from the table bill "An Act Relating to Deception as to Retail Prices of Motor Fuel" (H. P. 1219) (L. D. 1295) tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, this little gem of an act does not seem to do much if you look on to the act itself it is going to

place the price of gasoline on a little panel six by eight inches ostensibly to prevent fraud from being perpetrated upon the unsuspecting public by individuals wishing to sell gasoline, which if enacted by this august Body raises a question as to the true purpose of it.

I am just wondering who is kidding who when it is done. Are we kidding the public or is the public going to be kidded? You can say this is constitutional and you can say it is not constitutional. There are several states which have declared such an act unconstitutional. Massachusetts has declared it as constitutional. So that there will be no affront upon any member of the Senate, may I state that this is not the opinion of the Senator from Franklin, that your Senator from Franklin has discussed this with your Attorney General's office. I am simply making that statement because previously I have not fully disclosed where my legal information came from and it has been raised by them as to the advisability of putting such legislation on our books.

We already have on our books a law which stipulates that the price of gasoline must be of a uniform size. To me this seems much more sensible than to have a little price six by eight inches. A motorist going along the highway is not going to see that particular size half as much as he did under the law which we now have.

It is on that account that it seems to me that this is a little bit of needless, useless, inadvisable legislation. The spirit is there perhaps, but let's see if we do this just how far we are going. We could very easily see if we do this thing with respect to gasoline that we could also pass laws on other things and set the value or the size of the sign correspondingly. This doesn't seem sensible. It doesn't seem advisable. I move that it be indefinitely postponed.

Mr. FARRIS of Kennebec: Mr. President, in view of the fact that two of our Senators, Senator Cummings of Sagadahoc and Senator Albee of Cumberland both on the Business Legislation Committee,—

The PRESIDENT: The Chair would remind the Senator that he

is getting very close to debating a tabling motion.

Mr. FARRIS: Mr. President, I move that this bill lie on the table.

The motion prevailed and the bill was laid upon the table pending motion by the Senator from Franklin, Senator Butler, that the bill be indefinitely postponed.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table bill "An Act Establishing Salaries of Various Department Heads and Commissioners." (S. P. 579) (L. D. 1546) tabled by that Senator on May 12 pending passage to be engrossed.

The Senator from Oxford, Senator Fuller presented Senate Amendment A and moved its adoption.

The Secretary read the amendment.

SENATE AMENDMENT "A" to S. P. 579, L. D. 1546, Bill, "An Act Establishing Salaries of Various Department Heads and Commissioners."

Amend said Bill by inserting after section 13, a new section 13-A, as follows:

"Sec. 13-A. R. S., c. 41, §4, amended. The 1st sentence of section 4 of chapter 41 of the revised statutes is hereby amended to read as follows: "The Board shall appoint a Commissioner of Education whenever a vacancy occurs and fix his salary, not to exceed \$10,000 per year."

(There is hereby appropriated from the general fund the sum of \$834 for the 1955-56 fiscal year and \$1,000 for the 1956-57 fiscal year to carry out the purposes of this section.)"

Which amendment was adopted and the bill as amended by Senate Amendment A was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table An Act Relating to Legislative Research Committee (S. P. 446) (L. D. 1238) tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. COLLINS of Aroostook: Mr. President, I tabled this because I was under the impression that some additional money was involved. I now feel that that is not the case

and on examination of the bill I find there is no appropriation clause attached to it and I believe they can operate under the budget as proposed, so unless there is objection I move the enactment of the measure.

The motion prevailed and the bill was passed to be enacted.

On motion by Mr. Reid of Kennebec

Adjourned until Monday, May 16 at one o'clock in the afternoon, E. S.T.