

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, January 15, 1957

The House met according to adjournment and was called to order by the Speaker.

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

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

The SPEAKER: Out of order and under suspension of the rules, the Chair at this time would like to call the attention of the House to the gavel that is being used this morning. This gavel was made by and presented to the Speaker by the gentleman from Brewer, Mr. Lindsay, and the Chair at this time wants to thank Mr. Lindsay and congratulate him on the craftsmanship that he used in the making of this gavel.

I might also remark that judging from the weight of it, where I have been left-handed all my life, after using this I am sure I will be ambidextrous.

Papers from the Senate

From the Senate: The following communication: (S. P. 22)

**STATE OF MAINE
SUPREME JUDICIAL COURT
Augusta**

January 7, 1957

The Honorable Chester T. Winslow
Secretary of the Senate
State House
Augusta, Maine

Dear Mr. Winslow:

On behalf of the Judicial Council, I am delivering herewith their Report to the 98th Legislature made pursuant to the provisions of Chapter 167 of the Resolves of 1955 entitled "Resolve, Requesting Judicial Council to Study Problem of Common Law Pleading and Procedure."

Respectfully yours,

(Signed)

ROBERT B. WILLIAMSON
Chief Justice

Enclosure:

As stated.

Came from the Senate referred to the Committee on Judiciary.

In the House, the communication was read and referred to the Committee on Judiciary in concurrence.

From the Senate:

Bill "An Act to Allocate Money from the General Highway Fund for State Aid Construction" (S. P. 19) (L. D. 1)

Came from the Senate referred to the Committee on Highways.

In the House, referred to the Committee on Highways in concurrence.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Resolve in favor of Knox Memorial Association, Inc. for Support and Maintenance of "Montpelier" (H. P. 28) (Presented by Mr. Winchenpaw of Friendship)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act relating to Fees to be Paid to Insurance Commissioner for Division of Fire Prevention" (H. P. 29) (Presented by Mr. Rollins of Belfast)

(Ordered Printed)

Sent up for concurrence.

Highways

Resolve Designating Part of Route No. 9 as a State Highway (H. P. 30) (Presented by Mr. Higgins of Scarborough)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Burning of Motor Vehicles, Airplanes and Boats" (H. P. 31) (Presented by Mr. Rollins of Belfast)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Explosives and Inflammable Liquids" (H. P. 32) (Presented by Mr. Rollins of Belfast) (Ordered Printed)

Bill "An Act relating to Definition and Installations under Oil Burner Law" (H. P. 33) (Presented by same gentleman) (Ordered Printed)

Bill "An Act to Repeal the Act Creating the Dixfield Village Corporation" (H. P. 34) (Presented by Mr. Thackeray of Mexico) (Ordered Printed)

Bill "An Act relating to Special Town Meetings in Town of Vassalboro" (H. P. 35) (Presented by Mr. Webber of China) (Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act relating to Salary of Executive Secretaries of Electricians Board and Oil Burnermen's Board" (H. P. 36) (Presented by Mr. Rollins of Belfast) (Ordered Printed)

Bill "An Act relating to Administration of Fire Prevention Laws" (H. P. 37) (Presented by same gentleman) (Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act relating to State Liquor Tax" (H. P. 38) (Presented by Mr. Pierce of Bucksport) (Ordered Printed)

Sent up for concurrence.

Towns and Counties

Bill "An Act to Increase the Salary of the Recorder of the Northern Cumberland Municipal Court" (H. P. 39) (Presented by Mr. Haughn of Bridgton) (Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act relating to Splash Guards for Motor Trucks" (H. P. 40) (Presented by Mr. Haughn of Bridgton) (Ordered Printed)

Bill "An Act Revising Law Relating to Dealer and Transit Motor Vehicle Registration" (H. P. 41) (Pre-

sented by Mr. Hersey of Fort Fairfield)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Totman of Bangor, it was

ORDERED, that the use of the hall of the House be granted to the Maine State Bar Association for the afternoon of Thursday, January 31, 1957, after the adjournment of the House on that day.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I present an order and I would like to comment briefly on it before I make a motion.

The order was read by the Clerk as follows:

ORDERED, the Senate concurring, that no bill for private or special legislation be received by this Legislature after 1 o'clock on the afternoon of Thursday, February 7th, 1957, and that no other bill or resolve be received by this Legislature after 1 o'clock on the afternoon of Thursday, February 14th, 1957, except by unanimous consent in the body in which it is introduced; and it is further

ORDERED, that for the purpose of this Order, all bills and resolves which have been filed with the Director of Legislative Research within the time limits herein established shall be considered as received, provided such bills and resolves shall be properly titled and accompanied by sufficient information and data required for their preparation. The Director of Legislative Research shall communicate to the Senate and House, respectively, on the first legislative day following the respective time limits herein established, a list of all bills and resolves in the process of preparation in his office, and shall report to the Secretary of the Senate and Clerk of the House respectively on the first legislative day of each week beginning February 26th a list of bills and resolves remaining in process of completion in his office, together with a second communication which shall show a list of com-

pleted bills ready to be taken by their respective legislative sponsors, and it is further

ORDERED, that any bill or resolve which shall be received in either body of this Legislature by unanimous consent after the times above set shall stand referred to the Ninety-ninth Legislature if unanimous consent for its reception is not given in the other body in concurrence. This order shall not apply to bills reported by any joint standing or joint select committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Ninety-eighth Legislature; and it is further

ORDERED, that the Secretary of the Senate shall cause to be published a summary of the first paragraph of this order in all daily papers in the State at least twice prior to February 7th, 1957. (H. P. 43)

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: I would like to make a few brief remarks of explanation for the new legislators. This is what they call the cloture order. It is an order that sets the final dates for legislation to be received by this body. The dates as suggested therein are February 7 for private and special acts, and all others February 14. Now after February 14 no legislation can be received by this House except by unanimous consent of the body, and that should be kept at a minimum. The Director of Legislative Research on February 26, in other words eight days after it has been ordered that we cease taking bills in, every week will present the Legislature with a list showing the bills he still has in his office and another list showing the bills by specific sponsors. That is something new that has been put in this year so that one person couldn't have a bunch of bills in there and just wait for an advantageous time to bring them all before us. I now move passage of the order.

The SPEAKER: Is it the pleasure of the House that this order receive passage?

The motion prevailed and the order was sent forthwith to the Senate.

On motion of the gentlewoman from Falmouth, Mrs. Smith, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

On motion of Mr. Hatfield of Orlington, it was

ORDERED, that Mr. Hendsbee of Madison, be excused from attendance because of a foot injury received in an accident; and be it further

ORDERED, that the Clerk of the House be directed to express to him the regrets of the members that he is unable to be present, and also their hope for a speedy recovery and that he will be able to return to his duties soon.

Orders of the Day

The SPEAKER: At this time the Chair notes the presence in the Hall of the House of the distinguished President of the Maine Senate, Honorable Robert N. Haskell, and would ask the Sergeant-at-Arms to escort him to the rostrum.

Thereupon the Honorable Robert N. Haskell, President of the Senate of the 98th Legislature, was conducted to the rostrum, amid the applause of the House, the members rising.

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, House Joint Order relative to opinion of Justices on increase in travel allowed to Legislators, presented by the gentleman from Bridgton, Mr. Haughn, and tabled pending passage, and the Chair recognizes that gentleman.

Mr. HAUGHN: Mr. Speaker and Members of the House: Whereas there is a difference of opinion regarding whether we have the right or not to pass on a joint order, that is the reason for this request for a Supreme Court decision, and where I was just informed on the thing, to know whether or not we can proceed on the Joint Order, if tabled for tomorrow, if we agree and this request of the Supreme Court de-

cision is rendered, we would then know how to act on the Joint Order, so at this time taking it off the table I wish to move that this request for a Supreme Court decision receive passage.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker and Members of the House: At this time, without wishing to indicate any personal feelings about the order of tomorrow which is very closely involved with the order which you are being asked now to pass, it seems to me that knowing that there are some members of the House who have mixed feelings on the order which will come off the table tomorrow, solely on the basis of a possible premature decision by sending this opinion to the Justices, I think it would be wise to hold the request of the Justices until tomorrow when we will know if we are in favor of approving the basic order, and therefore, I ask that this order be tabled until tomorrow.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that the order presented by the gentleman from Bridgton, Mr. Haughn, be tabled and specially assigned for tomorrow. The Chair will state that the motion of the gentleman from Bangor, Mr. Totman, has precedence over the motion of the gentleman from Bridgton, Mr. Haughn, and is not debatable. The motion before the House is the motion of the gentleman from Bangor, Mr. Totman, that this order lie on the table and be specifically assigned for tomorrow.

The Chair recognizes the gentleman from Bridgton, Mr. Haughn, but reminds the gentlemen that the motion is not debatable.

Mr. HAUGHN: Mr. Speaker and Members of the House: This is just a point of information. I may be out of order in asking this of our Floor Leader, but I was wondering whether or not he understood me to say that the other tabled bill would be retabled when it came off tomorrow for another week, in other words, pending the Court's decision.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, addresses a question through the Chair to the gentleman from Bangor, Mr. Totman. The gentleman from Bangor may answer if he so chooses.

Mr. TOTMAN: Mr. Speaker, the gentleman from Bangor does understand the situation.

The SPEAKER: The motion before the House is the motion of the gentleman from Bangor, Mr. Totman, that the order presented by the gentleman from Bridgton, Mr. Haughn, lie on the table and be specifically assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The House is proceeding under Orders of the Day. The Clerk will read the notices.

On motion of Mr. Totman of Bangor,

Adjourned until ten o'clock tomorrow morning.