

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Special Sessions*

OF THE

*Ninety-Eighth Legislature*

OF THE

STATE OF MAINE

October 28, 1957

January 13, 1958

May 6, 1958

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**HOUSE**

Monday, October 28, 1957

This being the day designated in the proclamation of the Governor for the meeting of the Ninety-eighth Legislature in extra session, the members of the House of Representatives assembled in their hall at four o'clock in the afternoon and were called to order by the Speaker.

Prayer was offered by the Rev. Mr. Dwain Evans of Augusta.

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

The following Proclamation:

**STATE OF MAINE  
PROCLAMATION  
BY THE GOVERNOR**

WHEREAS, it appears advisable that the Legislature of this State should meet in special session for the following purposes:

To implement the constitutional amendment authorizing use of the State's credit to guarantee industrial building loans.

To consider any other legislation to promote the general welfare of the State.

NOW, THEREFORE, I, EDMUND S. MUSKIE, Governor of the State of Maine, by virtue of the power vested in me as Governor, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Monday, the twenty-eighth day of October, 1957 at four o'clock in the afternoon in order to receive such communication as may then be made to them and to consider and determine on such measures as in their judgment will best promote the welfare of the State.

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine, this nineteenth day of September in the year of our Lord One Thousand Nine Hundred and Fifty-seven, and of the Independence of the United States of Amer-

(SEAL)

ica, the One Hundred and Eighty-second.

By the Governor:

(Signed) EDMUND S. MUSKIE  
**Governor**

(Signed) HAROLD I. GOSS  
Secretary of State

A true copy.

Attest:

(Signed) PAUL A. MacDONALD  
Deputy Secretary of State

The Proclamation was read by the Clerk and ordered placed on file.

The Clerk thereupon called the roll of the House. 137 members answered to their names and accordingly a quorum was found to be present.

Those who were absent were Messrs. Baird, Day, Desmarais, Foss, Hanscomb, Hendsbee, Hoyt, Kinch, LaCasce, Latno, Letourneau, Stanley, Totman and Walsh.

There were fourteen vacancies.

At this time, a message was received from the Senate, borne by Senator Sinclair of Somerset, informing the House that a quorum was present and that the Senate was ready to transact such business as might properly come before it.

On motion of Mr. Ross of Bath, it was

ORDERED, that a Committee of seven be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

The Chair appointed the following members to the committee:

- Messrs. ROSS of Bath
- CHILDS of Portland
- QUINN of Bangor
- BEAN of Winterport
- FILWELL of Brooks
- NADEAU of Biddeford
- EDWARDS of Raymond

Subsequently Mr. Ross for the Committee reported that it had attended to the duty assigned to it.

On motion of Mr. Wade of Auburn, it was

ORDERED, that a message be conveyed to the Senate that a

quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Thereupon, Mr. Hancock of York was designated by the Speaker to convey the message to the Senate and he subsequently reported that he had performed the duty assigned him.

The SPEAKER: At this time the Chair would recognize the presence in the rear of the Hall of the House of our lately lamented majority floor leader, Mr. Totman. (Applause)

The following Communication:

DEPARTMENT OF STATE  
STATE OF MAINE  
AUGUSTA

October 28, 1957

To Harvey R. Pease, Clerk of the House of Representatives of the Ninety-eighth Legislature:

In compliance with Section 1 of Chapter 10 of the Revised Statutes, I hereby report that there are two vacancies in the House of Representatives, as follows:

Honorable Sherman F. Baird, representing the class towns of Isle-au-Haut, North Haven, Saint George, Vinalhaven and Matinicus Isle Plantation, who resigned as of May 30, 1957 and Honorable James C. Totman, representing the city of Bangor, who resigned as of September 17, 1957.

Copies of these resignations are submitted herewith.

Respectfully,

(Signed)

HAROLD I. GOSS  
Secretary of State

The Communication was read and ordered placed on file, and the names stricken from the rolls of the House.

At this time, a message was received from the Senate, borne by its Secretary, proposing a Joint Convention to be held forthwith in the Hall of the House of Representatives for the purpose of listening to an address by His Excellency, Honorable Edmund S. Muskie, Governor of Maine.

The Clerk was charged with and conveyed a message to the Senate informing that body that the House concurred in the proposal for a Joint Convention.

The Clerk subsequently reported that he had delivered the message with which he was charged.

On motion of Miss Cormier of Rumford, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

House at Ease

The Senate then entered the Hall of the House and a Joint Convention was formed.

In Convention

President Haskell of the Senate in the Chair.

On motion of Mr. Low of Knox, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Edmund S. Muskie, Governor, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that Committee on the part of the Senate:

Senators:

LOW of Knox  
SINCLAIR of Somerset  
BOUCHER of Androscoggin

and on the part of the House:

Representatives:

ROLLINS of Belfast  
CHRISTIE of Presque Isle  
WADE of Auburn  
TURNER of Auburn  
JONES of South Portland  
ELWELL of Brooks  
CORMIER of Rumford

Subsequently, Senator Low for the Committee reported that the Committee had discharged the duty assigned to it, and that the Governor was pleased to say that he would attend forthwith.

Thereupon, His Excellency Edmund S. Muskie, Governor, the Governor's Council and the Heads of

Departments were announced by Lt. Robert Packard of the Maine Air National Guard and entered the Hall of the House of Representatives amid applause, the audience rising, and the Governor addressed the Convention as follows:

#### The Message

Mr. President and Members of the 98th Legislature:

May I, first of all, take this opportunity to welcome you back to Augusta. You have gathered here for serious and constructive purposes, and they will occupy a great deal of your time and thought. At the same time, the occasion gives us all an opportunity to renew old friendships and to enjoy the companionship which is one of the attractions of the service in which we are engaged. Mrs. Muskie and I have looked forward to it and we join in extending to you a warm and cordial welcome.

#### Industrial Building Authority

As you know, this special session was called for the purpose of implementing the will of the people of Maine, as expressed in the special election of September 9th, when they approved the constitutional amendment authorizing use of the State's credit to guarantee industrial building loans. This purpose will have the highest priority on the agenda of business which you will be asked to consider.

Legislation designed to implement such an amendment was introduced at the regular session of this Legislature for the purpose of illustrating the plan which the sponsors had in mind and as a guide for you and the voters of Maine in the evaluation of the merits of the amendment. It seems fair to suggest, therefore, that approval of the amendment by the people indicates approval of the principles embodied in Legislative Document 640, "An Act to Create the Maine Industrial Building Authority."

Accordingly, that Document is the basis for the legislation which will be introduced at this special session. Many hours of work and study have been applied to it by appropriate agencies of State Government and by interested citizens who have given freely of their time and talents.

The latter group included legislators and a broad cross section of our citizenry. It was not their intent to usurp the function which is properly yours. Rather, it was their intent to be of assistance to you by preparing, for your consideration, legislation which would, technically as well as substantively, serve the purposes which, in their best judgment, were approved by the people. At their final group meeting, here in Augusta, a substantial majority endorsed the Bill which has been placed on your desks.

I will not take the time now to discuss the Bill in detail. Presumably, you have all received a copy in the mail. Fundamentally, it is the same Bill which you had an opportunity to study last winter. Essentially, its purpose is to provide a tool which should be of great assistance in the development and expansion of industry within the State and in attracting new industry to Maine from outside our borders. Its assumption is that, in order to accomplish this purpose, we must stimulate the flow of capital into the construction of modern industrial buildings. As I pointed out in my inaugural address last January, the shortage of local equity capital in our communities and the impact of national money policies will seriously reduce our industrial expansion potential unless we take some such positive action. In my judgment, the Bill before you is an important step in the right direction. We should do no less.

#### Additional Legislation

Whenever a session of the Legislature is convened, it is to be expected that many proposals for legislative action will be suggested by agencies of State Government as well as by interested individuals and groups. Such has been the case in this instance. Many meritorious proposals have been suggested.

However, bearing in mind the fact that a special session, by its very nature, is not as effective a forum as a regular session for the long and deliberate consideration of an unlimited agenda, and bearing in mind the additional fact that you have been convened during a season of the year which finds most of you

bushy engaged in your private pursuits, I have consulted at some length and in some detail with legislative leaders of both Parties relative to those matters which I should formally place before you. As a result of those discussions, I have limited such matters to the following:

1. Legislation designed to implement referendum proposals which were approved on September 9th.

2. Legislation required to correct or improve upon legislation enacted at the regular session of this Legislature if such is to be fully operative within its intent.

3. One other pressing matter, apparently of a non-controversial nature, which should be given prompt attention, if at all possible.

#### Island Ferries

In the first group, I have already discussed the Industrial Building Authority Act.

In the same category, I recommend the following legislation, designed to implement more effectively the purpose of the Island Ferry Bond Issue which was approved by the people:

1. Authorization of preliminary surveys of the traffic and other aspects of the proposed ferry service, and appropriation of the sum of \$35,000.00 for this purpose. Such action will enable the Maine Port Authority to proceed with and complete preliminary preparations for the project without issuing bonds for such a relatively minor expenditure.

2. Clarification of legislation, enacted at the regular session of the Legislature, relative to procedural methods and the administration of such ferry service, particularly as they relate to the establishment and operation of such service, including tolls.

#### Corrective Legislation

In the second category of recommended legislation, without suggesting any particular priorities, I present the following for your consideration:

1. **Omnibus Bill:** The Director of Legislative Research, in his analysis of Acts enacted at the regular session of this Legislature, has found that many of those Acts created in-

consistencies and technical errors which suggest uncertainties and confusions in interpreting legislative intent. The Omnibus Bill, so-called, is presented in order that such uncertainties may be resolved.

No practical purpose would be served by a detailed discussion of this voluminous Bill at this time. However, I should make specific reference to one item in order to insure that all of you will be aware of it.

On March 10, 1958, the people will have an opportunity to approve or disapprove certain increases in highway user fees which were enacted at the regular session. I am sure we all recognize their right to make the final decision and will abide by it. However, in the event they should give their approval to the increases, a question has been raised as to whether the increases would be effective subsequent to the calendar year 1958 as the legislation is now phrased. To eliminate the uncertainty thus suggested, the Omnibus Bill contains corrective legislation designed to implement the people's will, however expressed on March 10, 1958, by making it effective, not only for the calendar year 1958 but subsequent thereto. The legislation is offered because it expresses what appears to have been the intent in the first instance.

2. **Indian Housing:** At the regular session, the Legislature authorized the Department of Health and Welfare to use \$100,000.00 of the Passamaquoddy Indian Tribe Trust Fund to provide new housing for the reservations at Pleasant Point and Peter Dana Point, and made provision for the return of that sum to the Trust Fund from certain receipts which normally accrue to the tribe. The Trust Fund is invested in bonds of the United States of America. Because of prevailing market conditions, sale or redemption of the bonds now, using the best selection possible, would result in a total loss to the Trust Fund in excess of \$10,000.00.

It is proposed that the General Fund buy \$100,000.00 of bonds from the Trust Fund at par, and that the Trust Fund re-purchase the bonds from the General Fund out of receipts which accrue to the tribe from the sale of timber on Indian Township. These receipts are estimated

to be between \$5,000.00 and \$10,000.00 annually. Sale of the bonds to the General Fund would avoid the loss to the General Fund of the interest on the bonds, which it now receives, as well as the loss in the principal of the Trust Fund.

**3. Administration of Probation and Parole Law:** At the regular session, the Legislature authorized the establishment of a state probation and parole system. The Probation and Parole Board, in the course of its work to implement the law, finds it necessary to recommend amendments which will give the Board more maneuverability and flexibility in dealing with probationers. Without such amendments, the law may well become inoperative. The suggested changes are not extensive and will not change the basic structure of the law but relate largely to more effective and efficient administration.

**4. The Sinclair Bill:** You are undoubtedly aware of recent developments and the general nature of problems raised relative to the administration of this law, which is so important to the future of education in Maine. It would be premature to present these problems to you until the legal and technical experts have completed their analysis and recommendations. Corrective legislation will be drafted and presented for your earliest possible consideration.

In the meantime, it is considered wise to present, for your approval, legislation authorizing payment to municipalities of the subsidies provided in the law, as computed by the Department of Education, and payable in December of this year.

The principal problem which you will be asked to consider at a later date relates to the delegation of your legislative authority to the School District Commission. The Legislature cannot delegate all its authority to an administrative agency. Whenever it authorizes a program to be administered by such an agency, it must set up standards and limitations which are reasonably specific for the guidance of the agency and the protection of the public. Such standards and limitations are not always easy to define, even for lawyers. Our immediate task is to try to define them, in the Sinclair Bill, in order

to implement the purposes of the Act in situations which can be anticipated by and included in the legislation.

It is suggested that you may wish to name a joint committee of the Senate and the House to work with the School District Commission, the Department of Education, municipal officials, and other interested citizens in the performance of this task. In that way you will be in close touch with developments affecting the delegation of your legislative authority and be in a position to deal with them more effectively when they are placed formally before you in a subsequent special session or any recessed session of this Special Session.

**5. Motor Vehicle Laws:** At the regular session, the Legislature enacted a new maximum speed law. In order that the law may be enforced with maximum effectiveness, it is desirable that certain provisions be clarified and strengthened and possible constitutional objections eliminated. Appropriate amendments will be introduced. It is desirable also that amendments be considered to strengthen the law relating to measuring the speed of motor vehicles by radar, the law relating to fines for speeding on the Maine Turnpike, and the law relating to definition of school buses. The importance of safety on our highways is such as to justify prompt consideration of and action on these various matters.

**6. Revocation or Suspension of Licenses Under Sea and Shore Fisheries Law:** Until August 28th of this year, upon a third conviction of a licensee of a violation of any Sea and Shore Fisheries Law, it was mandatory that the license be suspended for a period of one year. At the regular session, this Legislature provided that such suspension shall be within the discretion of the Commissioner of Sea and Shore Fisheries. However, there is no provision for suspension for less than one year. In other words, there must now be suspension for one year or no suspension at all. It is recommended that, because circumstances and the gravity of violations do vary, the Commissioner, after a

third offense, have the authority to suspend licenses for any period not to exceed one year.

**7. Maine State Retirement Law:** You are asked to consider three relatively minor amendments. The first relates to the Survivor Benefit Program which was approved at the regular session, and provides, in effect, that employee contributions shall start on August 28th of this year, when the law became effective, rather than on July 1st. The second, entirely technical, does not change any existing pension, and only expresses the obvious legislative intent. The third removes an inequity by reducing the time required to regain survivor benefit eligibility by an employee who may be out of regular employment and on a disability allowance.

**8. Armory Project for Battery D, 703rd Anti-Aircraft Battalion:** This project, to be located in Rockland, was included in the capital construction program recommended to you at the regular session. It was eliminated from the program authorized by you because the City of Rockland was not in a position to provide the necessary matching funds.

The State Military Defense Commission is of the firm belief that future Congressional action will be such as to deprive the State of the generous matching program currently available. In the hope that local funds, from some source, may somehow be found while Federal funds are available, it is recommended that the necessary State funds be provided at this time.

**9. Castle Hill-Chapman-Mapleton Community School District:** It is imperative that this district be enabled to rebuild its high school, which has been destroyed by fire. The district was created in 1947 and its borrowing capacity was increased at the regular session this year. However, assistance is still required, and it is proposed that the participating towns be permitted to contribute additional capital to the district and to permit the district to negotiate with the Maine School Building Authority.

### Spruce Budworm Control

In the third category of recommended legislation, I present the following for your consideration:

A severe outbreak of the spruce budworm, infesting about 300,000 acres, has developed in northern Maine and should be controlled in the spring of 1958. The cost of control measures is estimated at \$1.00 per acre. Federal funds are available to cover 25 per cent of the cost; and it is suggested that the State and private owners share the remaining cost equally. Legislation appropriating the necessary funds to cover the State's share will be introduced. It will be necessary also to increase the tax on the unorganized territory within the Maine Forestry District by 1½ mills, for one year only, to provide the funds to be contributed by private owners.

Legislative Documents covering these several matters have been prepared and placed on your desks. I would like to call your attention to the summary statements which have been attached to each. Their purpose is to provide a clear, concise statement of the intent of each piece of legislation for your guidance. I know that the legislative leaders who have arranged for them would appreciate getting your reaction as to their usefulness.

### Highway Program

It seems timely to refer to one other matter which has no direct relationship to recommended legislation, and that is the programming for construction of the Interstate Highway System in Maine.

In my Budget Message of last January you will find the following statement with reference to the importance of an integrated network of highways to the future of the entire State:

“ . . . the functional concept is a useful one and has sufficient validity to drive home the point that each of these systems is important to the progress and prosperity of every area of the State and to all segments of our economy. Accordingly, they should be planned, constructed, and maintained as an integrated network.”



"It follows that our emphasis, at all times, must be such as to assure, insofar as possible, the maximum improvement and utility of the entire network; and that this objective cannot be realized if we neglect any part of it."

It is a factual statement that the State Highway Commission endorsed that policy at the time and still does. Understandably, there can be honest differences of opinion as to its application in specific circumstances. It is common sense that such differences should be and can be resolved only when there is a clear understanding of the actual facts by all concerned.

There is no disagreement, to my knowledge, with the proposition that every citizen of Maine is directly concerned in the programming of construction and is entitled to know what is being planned and the alternatives. Accordingly, the State Highway Commission, in a communication to you today, will volunteer to cooperate fully by providing pertinent information on this subject to the Legislative Research Committee, or such other committee as you may designate. Such committee would be in a position to follow the progress of the program, to advise the Commission relative to it, to inform the public with respect to it, and to thereby assist in expediting the construction of the integrated highway system which is so vital to us all. The program should, of course, be such as to appeal to the common sense of the majority of our people; and that common sense should be given an opportunity to play upon the facts in an atmosphere devoid of emotionalism or partisanship. The objectives are too important, and our resources are too limited, to be distorted or strained by any other approach.

This message has been longer than I first expected it would be. However, I have tried to gear it to the needs of the moment, and to your convenience as best I could judge it. It is now in your hands and I can do no more than to offer my services and the services of my staff as well as of the executive branch as they may be useful to you in your deliberations.

At the conclusion of the address, the Governor, accompanied by his Council and the Heads of Departments, then retired amid the applause of the Convention, the audience rising.

Thereupon, the purposes for which the Convention was assembled having been accomplished, the Convention was dissolved, and the Senate retired to its chamber, amid the applause of the House, the members rising.

#### In the House

The House was called to order by the Speaker.

#### Messages and Documents

The following Communication:  
STATE HIGHWAY COMMISSION  
STATE OF MAINE  
AUGUSTA

October 28, 1957.

Honorable Robert N. Haskell  
President of the Senate  
Honorable Joseph T. Edgar  
Speaker of the House

Gentlemen:

The Maine State Highway Commission respectfully suggests concurrent consideration at the special session of the 98th Legislature of such action as you may wish to take to accomplish a thorough legislative review of the Commission's plans relating to the Federal Interstate Highway System in Maine.

The Commission's recommendations covering this phase of our activities were first announced in a press release on December 20, 1956. You will undoubtedly recall that the Commission's plans for the construction of the Interstate System in Maine were subject to rather exhaustive legislative consideration during your regular session and apparently had at least majority legislative approval.

The Commission recognizes the right of any individual or group of individuals or any local area of interest to be critical of its plans. Such a right is an inherent part of our democratic form of government. On the other hand, the Legislature has by statute placed in the Maine State Highway Commission certain responsibilities in connection with the expenditure of highway funds.

We wish to be certain that the Commission is discharging those responsibilities in the matter of the construction of the Interstate System in Maine in a satisfactory and acceptable manner.

While the Commission has no wish to appear presumptuous to the extent of attempting to prescribe legislative procedures, we are hopeful that you may assist us in the discharge of our responsibilities to the Legislature and the taxpayers of the State by designating a legislative group to review our plans relating to the Federal Interstate Highway System in Maine.

The Commission is thoroughly convinced that the plans for construction of the Interstate System which it announced in December 1956 and which it has been following since that date in as expeditious a manner as possible are correct and based on factual data which can be readily supported. Our sole purpose in suggesting a legislative review of these plans is to provide a means for a committee of the Legislature to review these plans to the extent that all concerned may have another opportunity to become convinced of the soundness of the Commission's approach to this problem. Assuming that the Legislature does designate a legislative committee, such committee would be in a position to follow the progress of the program, to advise the Commission relative to it, to inform the public with respect to it, and to thereby assist in expediting the construction of the integrated highway system.

Respectfully yours,

Maine State Highway  
Commission

David H. Stevens, Chairman  
Clarence S. Crosby, Member  
Harold B. Emery, Member  
By (Signed) David H. Stevens  
David H. Stevens, Chairman

The Communication was read and ordered placed on file.

#### **Petitions, Bills and Resolves Requiring Reference**

The following Bills and Resolves were received and were referred to the following Committees:

#### **Appropriations and Financial Affairs**

Bill "An Act Clarifying Administrative Procedure for Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island" (H. P. 1111) (L. D. 1616) (Presented by Mr. Ellwell of Brooks)

(Ordered Printed)

Resolve Appropriating Moneys for Spruce Budworm Control (H. P. 1113) (L. D. 1619) (Presented by Mr. Bragdon of Perham)

(Ordered Printed)

Resolve in favor of Armory Project for Battery D, 703rd Anti-Aircraft Battalion (H. P. 1120) (L. D. 1629) (Presented by Mr. Stanley of Bangor)

(Ordered Printed)

Resolve relating to Passamaquoddy Trust Funds for Housing (H. P. 1112) (L. D. 1618) (Presented by Mr. Wheaton of Princeton)

(Ordered Printed)

Sent up for concurrence.

#### **Judiciary**

Bill "An Act relating to Definition of School Buses" (H. P. 1117) (L. D. 1624) (Presented by Mr. Broderick of Portland)

(Ordered Printed)

Bill "An Act relating to Penalties on Maine Turnpike" (H. P. 1118) (L. D. 1626) (Presented by Mr. Browne of Bangor)

(Ordered Printed)

Sent up for concurrence.

#### **Sea and Shore Fisheries**

Bill "An Act relating to Revocation and Suspension of Licenses under Sea and Shore Fisheries Law" (H. P. 1119) (L. D. 1628) (Presented by Mr. Rankin of Southport)

(Ordered Printed)

Sent up for concurrence.

#### **Taxation**

Bill "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control" (H. P. 1114) (L. D. 1620) (Presented by Mr. Besse of Clinton)

(Ordered Printed)

Sent up for concurrence.

#### **Paper from the Senate: (Out of Order)**

The following paper from the Senate was taken up out of order and

under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that unless received by unanimous consent, the only bills and resolves to be considered at this Special Session, shall be those designated Legislative Documents No. 1614 to 1650, inclusive.

This Order shall not refer to such bills or resolves as are intended only to facilitate the business of the Special Session (S. P. 629)

Came from the Senate read and passed.

In the House, read and by unanimous consent ordered returned to the Senate for a possible clerical correction.

#### Orders

On motion of Mr. Turner of Auburn, it was

ORDERED, that Mr. Hanscomb of South Portland and Mr. LaCasce of Fryeburg be excused from attendance during this special session because of illness.

On motion of Mr. Ross of Bath, it was

ORDERED, that the use of the hall of the House be granted to the Committee on State Government tomorrow afternoon, October 29, beginning at 1:30 o'clock, for the purpose of a Committee hearing on Senate Paper 620, Legislative Document 1614, Bill "An Act to Create the Maine Industrial Building Authority".

#### Papers from the Senate (Out of Order)

The following papers from the Senate were taken up out of order and under the suspension of the rules:

From the Senate:

Resolve Authorizing Preliminary Surveys of Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island, and Operational Expenses of Advisory Committee (S. P. 622) (L. D. 1617)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act Providing for Payment of the 1957 Education Subsidies to Municipalities" (S. P. 628) (L. D. 1622)

Came from the Senate referred to the Committee on Education.

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

From the Senate:

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 621) (L. D. 1615)

Bill "An Act Clarifying Probation Procedure under Probation and Parole Law" (S. P. 623) (L. D. 1621)

Bill "An Act relating to Speed of Motor Vehicles" (S. P. 624) (L. D. 1625)

Bill "An Act relating to Measuring Speed of Motor Vehicles by Radar" (S. P. 626) (L. D. 1623)

Came from the Senate referred to the Committee on Judiciary.

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

From the Senate:

Bill "An Act relating to Castle Hill-Chapman-Mapleton Community School District" (S. P. 627) (L. D. 1630)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act relating to Contribution and Eligibility of Survivor Benefits and Membership of Certain Teachers under Maine State Retirement Law" (S. P. 625) (L. D. 1627)

Came from the Senate referred to the Committee on Retirements and Pensions.

In the House, referred to the Committee on Retirements and Pensions in concurrence.

From the Senate:

Bill "An Act to Create the Maine Industrial Building Authority" (S. P. 620) (L. D. 1614)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that three hundred and fifty copies of the Legislative Record for this Special Session of 1957, convened on October 28, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; and be it further

ORDERED, that three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the Departments, under the direction of the Document Clerk (S. P. 630)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that free telephone service be provided for each member and officer of the Senate and House to the number of fifteen (15) calls of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified by the Secretary of the Senate and the Clerk of the House, respectively; the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates; and be it further

ORDERED, that free telegraph service be provided to the number of five messages of reasonable length, from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card, to be certified by the Secretary of the Senate and Clerk of the House; the cost of this service to be paid to Western Union Telegraph Company at regular tariff rates (S. P. No. 632)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House be directed to furnish to each member and officer of the Senate and House, a copy of the State newspaper each morning during the present Special Session of the Legislature (S. P. 633)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

#### Tabled and Assigned

From the Senate: The following Order:

ORDERED, the House concurring, that unless received by unanimous consent, the only bills and resolves to be considered at this Special Session, shall be those designated Legislative Documents No. 1614 to 1630, inclusive.

This Order shall not refer to such bills or resolves as are intended only to facilitate the business of the Special Session (S. P. 629)

Came from the Senate read and passed.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: Because I do not thoroughly understand the effect of this order, I would like an opportunity to table it until I can get that information.

The SPEAKER: Does the Chair understand the gentleman to specifically assign it?

Mr. BRAGDON: I would assign it anytime I can get the information I want. Possibly if I could approach the Chair I might get that.

The SPEAKER: The gentleman may approach the rostrum.

(Conference at rostrum)

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I find I am willing to withdraw my motion to table this cloture order. Would it be advisable for me to make my explanation at this time or will you give me an opportunity later to do so?

The SPEAKER: The gentleman may proceed at this time, if he wishes.

Mr. BRAGDON: Mr. Speaker, my only reason for tabling this was that I might be sure that I have an opportunity to have considered a feature that was in the matter that had been discussed earlier today. I find that we will not be barred by its cloture and that tomorrow morning a Senate order will be before us, and that I will then propose to take care of the situation by an amendment to that order. I think that will clear me, and I understand I am not barred by the cloture order.

The SPEAKER: That is correct. For the benefit of the House the Chair will explain that the cloture order if passed does not preclude the introduction of orders. It precludes only the introduction of bills and resolves except those received by unanimous consent.

The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I rise for the purpose of a parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. CHILDS: If an order is introduced which directs a particular department to do a particular act or not to do a particular act, is such an order in order?

The SPEAKER: The Chair will advise the gentleman from Portland, Mr. Childs, that his inquiry does not in any way pertain to any matter now before the House, but the Chair will go further and state that by order you cannot direct a department to do anything which the statute under which it operates says it cannot do.

Mr. CHILDS: Mr. Speaker, may I then make the inquiry again, would such an order be in order? You cannot direct them to do something and there is an order presented, it is actually a motion in writing, therefore is such an order in order? Is it valid? Could we pass upon it?

The SPEAKER: Does the gentleman find it necessary to have his question answered immediately?

Mr. CHILDS: No I don't.

The SPEAKER: The Chair would request the gentleman from Port-

land, Mr. Childs, after the session is over this afternoon to seek an answer to his question. Is that agreeable to the gentleman?

Mr. CHILDS: Mr. Speaker, it is perfectly agreeable with me. I also hope it is agreeable with Mr. Bragdon, the gentleman from Perham.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker and Members of the House: As we have discussed this very lengthily today and not to leave us holding the bag here on this parliamentary procedure, I now move this order be tabled until tomorrow morning.

The SPEAKER: The gentleman from Cumberland, Mr. Call, moves that the cloture order read by the Clerk be tabled and specially assigned for tomorrow morning. The Chair will order a division.

Will those who favor the tabling of the cloture order until tomorrow please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy-four having voted in the affirmative and forty-four having voted in the negative, the motion prevailed.

#### Tabled and Assigned

From the Senate:

Bill "An Act relating to Area Directional Signs" (S. P. 634)

Came from the Senate, in that body received by unanimous consent, referred to the Committee on Highways and ordered printed.

In the House:

The SPEAKER: The Chair will explain to the House that since the Senate has already passed the cloture order, unanimous consent for the reception of this bill was required in the Senate, but since the cloture order has not as yet passed in the House, it requires merely the majority consent to receive this bill.

The Chair recognizes the gentleman from Bingham, Mr. Shaw.

Mr. SHAW: Mr. Speaker, I feel there perhaps should be some clarification in regard to the introduction of this particular piece of legislation. It was sponsored in the other

branch by the Senator from my district, and it pertains to an act relating to directional signs, and I think it is Chapter 267 of the present statutes, and I wasn't fully prepared to speak on this at this time. During the last session we passed this act establishing eight major recreational areas in the State. Now as near as I can remember it was the responsibility of the Highway Department to post these signs along the turnpike and they would be maintained by the Turnpike Authority, and inadvertently Route 201, the entire route from Augusta through to the Canadian boundary, the direct route through to Quebec, was omitted, and this would correct that particular error. That was the intent of the introduction of this particular piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Stilphen.

Mr. STILPHEN: Mr. Speaker, point of inquiry relative to this matter. If it is received at this time without being received by unanimous consent and this order which is on the table receives passage specifying that any legislation cannot be acted on other than those specified, would this bill then have to have unanimous consent?

The SPEAKER: The Chair will advise the gentleman, no. Does the gentleman consider his question answered?

Mr. STILPHEN: May I pose this supposition then, that any piece of legislation may at this moment be introduced without unanimous consent and the order would have no effect upon it?

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

Mr. ROSS: Mr. Speaker, may I approach the rostrum?

The SPEAKER: The gentleman from Bath, Mr. Ross, may approach the rostrum.

(Conference at rostrum)

The SPEAKER: The question now before the House is the reference of the bill which has been received from the Senate, Bill "An Act relating to Area Directional Signs". It comes from the Senate referred

to the Committee on Highways. Is it the pleasure of the House to concur in the reference of this bill to the Committee on Highways?

Mr. BRUCE of Buxton: Mr. Speaker?

The SPEAKER: Does the gentleman rise to the question?

Mr. BRUCE: I have a question.

The SPEAKER: The gentleman may proceed.

Mr. BRUCE: Mr. Speaker, would a motion to table the reference to Committee of that particular bill be in order at this time?

The SPEAKER: It would be in order.

Mr. BRUCE: I so move.

The SPEAKER: The question now before the House is the motion of the gentleman from Buxton, Mr. Bruce, that this bill be tabled and specially assigned until tomorrow morning. This motion is not debatable. The only part debatable is the question of assignment. Will those who favor the tabling of this bill please say aye; those opposed, no.

A viva voce vote being doubted, A division of the House was had. Seventy-nine having voted in the affirmative and thirty having voted in the negative, the motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: Mr. Speaker and Members of the House: I rise to make a motion. I think everyone here is somewhat confused. We are here on some very important legislation. There have been motions made to table; there have been parliamentary questions brought up, is an order an order. I think possibly the gentleman could have answered his own question. I know I couldn't, but I would have liked to have had the question answered, and I was going to ask a subsequent question, can an order become a bill? I think apparently some are possibly either tired or confused and I now move that we adjourn until 10:00 a.m. tomorrow morning so we can clear the deck a little bit and know exactly where we are. I want to follow the leadership of both parties, I want to do what is right, and we are absolute-

ly and thoroughly confused. I am right now, and I have been around here a long time. I therefore move that we adjourn until 10:00 a.m. tomorrow morning.

On motion of Mr. Jalbert of Lewiston,

Adjourned until ten o'clock tomorrow morning.