

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

Tuesday, October 29, 1957

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

Prayer by the Rev. Mr. Victor Musk of Augusta.

The journal of yesterday was read and approved.

(Off Record Notices)

The SPEAKER: The Chair would like to recognize the presence in the gallery of the House of a group of high school students from Sabatius under the guidance of Donald Lupolt and Sarah Smalley. On behalf of the House the Chair extends to you ladies and gentlemen a most hearty and cordial welcome. (Applause)

The SPEAKER: At this time the Chair would note a vacancy on the Committee on State Government created by the resignation of Mr. Totman of Bangor, and to fill that vacancy on the State Government Committee the Chair will appoint the gentleman from Kennebunk, Mr. Emmons.

**Paper from the Senate
Tabled and Assigned to Later
in Today's Session**

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is directed to hold forthwith a public hearing or public hearings which shall ascertain the current progress of Federal Interstate Highway planning and construction in Maine.

They are directed to study any and all phases of the problem to the end that the interest of the entire state may best be served by the Federal Interstate System.

The Committee shall make a full and complete report of its finding and recommendations to the recessed session of this Special Session or to any Special Session next following (S. P. 631)

Came from the Senate read and passed.

In the House, the Order was read. (On motion of Mr. Bragdon of Perham, tabled until later in today's session pending passage in concurrence.)

**Petitions, Bills and Resolves
Requiring Reference**

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Judiciary

Bill "An Act relating to Municipal Zoning Boards of Appeal" (H. P. 1116) (Presented by Mr. Earles of South Portland)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Rollins of Belfast, it was

ORDERED, that Mr. Latno of Old Town be excused from attendance during his illness.

AND BE IT FURTHER ORDERED that the Clerk of the House be directed to send flowers, also express to him the regrets of the members of the House that he is ill, together with their hopes for his speedy recovery.

On motion of Mr. Fuller of South Portland, it was

ORDERED, the Senate concurring, that a Joint Special Committee consisting of three (3) on the part of the Senate and seven (7) on the part of the House, with the President of the Senate and the Speaker of the House serving as ex officio members be appointed by the respective presiding officers to review Chapter 364 of the Laws of 1957 (the "Sinclair" bill). The Committee shall report at either the next Special Session or any recessed session of this Special Session on such revisions to Chapter 364 as they may deem appropriate.

The Committee shall proceed in its work with the aid and assistance of the Department of Education, the Attorney General's Department and such other interested groups as it may deem appropriate, with the objective of presenting such

changes of amendments as may be required to accomplish an improved law.

The Committee members may be reimbursed for actual expenses entailed in their interim study and such expenses shall be charged to the legislative appropriation. (H. P. 1115)

Sent up for concurrence.

The SPEAKER: In pursuance to the order just passed, the Chair will appoint on the part of the House the following seven members to that Committee:

Messrs. FULLER of South Portland
HANCOCK of York
HATHAWAY of Columbia Falls
FRAZIER of Lee
ERVIN of Houlton
Miss CORMIER of Rumbford
Mr. ELWELL of Brooks

On motion of Mr. Call of Cumberland, it was

ORDERED, that Mr. Pierce of Bucksport be excused from attendance today and that the members of the House extend their sympathy to Mr. Pierce on the death of his mother.

AND BE IT FURTHER ORDERED that the Clerk of the House be directed to send flowers and to hand an attested copy of this Order to Mr. Pierce.

On motion of Mrs. Smith of Falmouth, it was

ORDERED, that Mr. Hendsbee of Madison and Mr. Foss of Chapman be excused from attendance because of illness.

On motion of Mr. Ross of Bath, it was

ORDERED, that Norman Gosline of Gardiner serve as acting Page in the House during this Special Session.

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

The SPEAKER: At this time the Chair recognizes the presence in the House of the gentleman from Ban-

gor, Mr. Stanley, and will instruct the Clerk to record Mr. Stanley's presence at this session.

The SPEAKER: At this time the Chair would also like to recognize the presence in the gallery of the House of a group of eighth grade pupils of Mount Merici Academy of Waterville, Maine and eighth grade pupils of the Sacred Heart School of Waterville, Maine, all in charge of the Ursuline Nuns. On behalf of the House the Chair wishes you all a most happy and profitable visit. (Applause)

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

Mr. DUMAIS: Mr. Speaker, I hope to present two bills and move their submission to the House.

The SPEAKER: The gentleman from Lewiston, Mr. Dumais, requests that he be permitted to present two bills out of order and under suspension of the rules. The Chair must advise the House that under suspension of the rules the acceptance of these bills must be approved by the vote of two-thirds of the members. The Clerk will read the title of the first bill.

The CLERK: Bill "An Act to Authorize Issuance of Bonds in the Amount of Twenty-two Million Dollars for Bonus to Maine Veterans of World War II and Korean Campaign and Providing Revenue Therefor."

The SPEAKER: The motion before the House is the question of the suspension of the rules which must have the approval of two-thirds of the members. Will all those who favor suspending the rules for the acceptance of this bill please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Fifteen having voted in the affirmative and ninety-six having voted in the negative, the motion did not prevail.

The SPEAKER: The Clerk will read the title of the second bill.

The CLERK: "Resolve Proposing an Amendment to the Constitution to Provide for a Bonus for Maine

Veterans of World War II and the Korean Campaign.”

The SPEAKER: The motion before the House is the question of the suspension of the rules which requires the approval of two-thirds of the members. Will those who favor the suspension of the rules for the acceptance of this resolve please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fourteen having voted in the affirmative and one hundred having voted in the negative, the motion did not prevail.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first tabled and today assigned matter, Senate Joint Order relative to Cloture, Senate Paper 629, tabled on October 28 by the gentleman from Cumberland, Mr. Call, pending passage.

The Chair recognizes that gentleman.

Mr. CALL: Mr. Speaker, I now move that it be taken from the table and I move its passage.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Call, that this order receive passage.

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

Mr. CHILDS: Mr. Speaker, I have a House Amendment I would like to offer. I assume I would do it before the matter was passed. There has been an order reproduced which is upon your desks and the reading of it is that the order would be amended by inserting after the second line after the words “unanimous consent” the words “in both branches”. The purpose of this order I believe is self-explanatory. If the order was passed as it now stands, as I understand it, it would mean that you are only requiring unanimous consent to go into one branch, and then it would automatically go to the other branch, and my feeling is in order to tighten these rules up and make positive that the only matters that are going to be discussed are the ones which the Governor has recommended and so

forth and the leaders have recommended, I offer House Amendment “A” and move its adoption.

House Amendment “A” was read by the Clerk as follows:

HOUSE AMENDMENT “A” to Senate Joint Order, S. P. 629, Relative to Consideration of Bills and Resolves.

Amend said Order by inserting in the 2nd line thereof, after the words “unanimous consent”, the words “in both branches”

House Amendment “A” was adopted.

The SPEAKER: Is it now the pleasure of the House that this Joint Order relative to Cloture shall receive passage in concurrence as amended?

The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I just rise to ask a question. This joint order if passed means that nothing can be entered without unanimous consent, am I correct?

The SPEAKER: The Chair will instruct the Clerk to read the order as amended.

(Joint Order as amended was read by the Clerk)

The SPEAKER: Does the gentleman consider his question answered?

Mr. ROLLINS: Mr. Speaker, the question in my mind is this. This special session I understand may be recessed, we will not adjourn without day, but we will recess. That being the case would that order hold on the recess of this same session? Would the next meeting of this session be held and bound by that order that everything would have to be unanimous consent?

The SPEAKER: The Chair will advise the gentleman from Belfast, Mr. Rollins, that if this cloture order is passed and if the legislature recesses to a day certain, the cloture order passed today will carry over to the next convening. The legislature at that time can rescind or revoke the present cloture order and pass a new one according to its wishes.

Mr. ROLLINS: Thank you, Mr. Speaker, that answers my question.

The SPEAKER: The Chair recognizes the gentleman from Lewiston. Mr. Dumais.

Mr. DUMAIS: Mr. Speaker and Members of the House: I would like to be informed. You have a cloture rule but I have submitted two bills and it has to go to the whole assembly before it is approved or rejected. Now if the cloture rule was in effect, I would not have presented my bills. The cloture rule was not in effect and therefore I felt that the legislature proceeded under the same by-laws that we had in the regular session. I probably have been misinformed on this, but I thought by presenting my two bills that they would be read and accepted, that I didn't have to take a defeat so quickly. I probably have been misinformed, but according to my way of thinking, and probably I am wrong, I don't say I am right. I would like to be told by someone that knows just if I did have to submit to this whole House, therefore I knew that my bill would not have a chance to pass if it had to be submitted to the whole House. I thought that I could submit my bill as well as the ones that were submitted here yesterday before the cloture rule.

The SPEAKER: The Chair will undertake to explain to the gentleman from Lewiston, Mr. Dumais. There are two primary ways in which bills may be introduced according to the recognized rules of procedure and the rules of this House. One is by the usual procedure of putting the bills in the "hopper" and having them go through the Committee of Reference of Bills and then appear on the floor of the House for approval of the reference, which was not done in your case. The other way is to offer bills from the floor of the House under suspension of the rules, and to suspend the rules requires the approval of two-thirds of the members, which was followed in your case this morning and the procedure which was followed was strictly according to the rules of the House.

Mr. DUMAIS: Mr. Speaker, I was told by the Research Committee that there was no "hopper", that I could not put my bills in the "hopper".

The SPEAKER: Perhaps the Speaker should substitute for the word "hopper", the word "Clerk's Office".

The motion before the House is the question of the passage of the Senate Joint Order relative to cloture as amended. Is the House ready for the question? Will all those who favor the passage of this order as amended, please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair now lays before the House item number two under tabled and today assigned matter, Bill "An Act relating to Area Directional Signs", Senate Paper 634, tabled on October 28 by the gentleman from Buxton, Mr. Bruce, pending reference in concurrence.

Thereupon, on motion of Mr. Bruce of Buxton, the Bill was referred to the Committee on Highways in concurrence on a viva voce vote.

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

Mr. ROSS: Mr. Speaker, to expedite proceedings I ask unanimous consent that all matters acted on this morning that require Senate concurrence be sent forthwith to the Senate after the House has completed its action.

The SPEAKER: Is there objection to all matters being acted upon this morning being sent forthwith to the Senate? The Chair hears none and it is so ordered.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, I have an order I would like to present with the unanimous consent of the House. It is an order of clarification on some of our statutes today.

The SPEAKER: Out of order and under suspension of the rules the gentleman from Freeport, Mr. Crockett, requests permission to introduce an order at this time. Is there objection?

(Cry of "Yes")

The SPEAKER: The unanimous consent requested is denied and the order cannot be introduced.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Since we have one matter that is tabled and later assigned in today's session, and since I don't know whether or not the proponents are ready yet, I am going to suggest that we recess, but before then I would call to the attention of the members of the House the first Research Committee report which you have just received from the present Research Committee. I am calling this to your attention because on the very first page inside it gives the members of the present Research Committee, and the matter under consideration is a matter that may go before the Research Committee, and those of you who don't know who are on the Committee, you can find it in this document.

House at Ease

Called to order by the Speaker.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: In order that all of us may have more time to study this amendment which I may wish to offer, I now move that we take from the table—I haven't got it here.

The SPEAKER: The Chair will read the order to which the gentleman from Perham refers.

(The Speaker read the Senate Joint Order relative to Public Hearings on Federal Interstate Highway planning and construction, Senate Paper 631).

The SPEAKER: The Chair understands that the gentleman from Perham, Mr. Bragdon, who tabled this order and specially assigned it for later in today's session, now removes this order from the table.

Mr. BRAGDON: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen, in order that this body may have more time to study the amendment which I may offer later, I now move this order be tabled until tomorrow morning.

The SPEAKER: The question now before the House is on the motion of the gentleman from Perham, Mr. Bragdon, that this order be tabled and specially assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed and the Order was so tabled.

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a group of seventh and eighth grade pupils from Lovell, Maine in charge of some of their teachers and Mr. Merle Jones, the school Superintendent. At this time the Chair extends to you on behalf of the House a most hearty welcome and we are sorry we are about to adjourn but we are glad to have you with us anyway. (Applause)

The SPEAKER: The Chair recognizes the presence in the House of the gentleman from Livermore Falls, Mr. Kinch, and the gentleman from Belgrade, Mr. Bartlett, who were not present yesterday, and the Chair will direct the Clerk to record their presence.

Mr. BARTLETT: Mr. Speaker?

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Bartlett.

Mr. BARTLETT: I wish to say to the House that I was here yesterday. I answered the roll call yesterday.

The SPEAKER: The Clerk will correct the situation.

The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker, I notice that the gentleman from Sanford, Mr. Desmarais, is now in his seat. He was not present at yesterday's session.

The SPEAKER: The Chair recognizes the presence of the gentleman from Sanford, Mr. Desmarais, and will instruct the Clerk to correct the records accordingly.

On motion of Mr. Ross of Bath,
Adjourned until ten o'clock tomorrow morning.