

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, January 14, 1958

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

Prayer by the Rev. Mr. Douglas H. Robbins of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Orders:

ORDERED, the House concurring, that three hundred fifty copies of the Legislative Record for this Special Session convened on January 13, 1958, 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 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. 660)

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 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. 661)

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. 662)

ORDERED, the House concurring, that the Director of Legislative Research be and hereby is directed to have printed 1,500 copies of a bill titled, "Uniform Commercial Code", draft of which is in his possession. He is furthermore directed to deliver to the Maine State Bar Association and such other State organizations as may be interested in giving State-wide distribution to a draft of this bill preparatory to consideration at the next regular session. The expense of such printing shall be charged to legislative expense (S. P. 663)

ORDERED, the House concurring, that Joint Rule 1 be amended by deleting therefrom the words, "on correctional institutions" and adding thereto the words, "on election laws". This amendment shall be effective January 1, 1959 (S. P. 664)

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is directed to study the question of enforcement proceedings related to the Use Tax; not by way of limitation, the Committee is specifically directed to study the question of Use Tax collection from receivers or shippers of consumer goods delivered to Maine users from out-of-state sources of supply.

If in the opinion of the Committee corrective legislation is desirable in the Sales and Use Tax statutory provisions, the Committee shall so report to the next regular session of the Legislature by bill, resolve or otherwise (S. P. 665)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

From the Senate:

Bill "An Act relating to Cost of Relocating Utility Services of Towns" (S. P. 657) (L. D. 1656)

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 relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units" (S. P. 658) (L. D. 1637)

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 relating to Directional Signs at the Falmouth Spur, So Called" (S. P. 654) (L. D. 1658)

Bill "An Act Allocating Eight Hundred and Fifty Thousand Dollars from the Highway Bond Issue Proceeds to Highway Construction for the Fiscal Year 1958-1959" (S. P. 656) (L. D. 1657)

Came from the Senate referred to the Committee on Highways.

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

From the Senate:

Bill "An Act Regulating Fishing in Reclaimed Waters" (S. P. 655) (L. D. 1659)

Bill "An Act relating to Rules and Regulations of Department of Inland Fisheries and Game" (S. P. 659) (L. D. 1669)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

The SPEAKER: The Chair at this time recognizes the presence in the rear of the House of the Senate President, the Honorable Robert N. Haskell, and would invite the Senate President to join the Speaker on the rostrum. The Sergeant-at-Arms will escort Mr. Haskell to the rostrum.

Thereupon, the Honorable Robert N. Haskell was escorted to the rostrum by the Sergeant-at-Arms amid applause of the House, members rising.

From the Senate:

Bill "An Act relating to Libera-

tion of Convicts Unable to Pay Fine or Costs" (S. P. 645) (L. D. 1660)

Bill "An Act relating to Municipal Borrowing in Anticipation of Taxes" (S. P. 653) (L. D. 1661)

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. 648) (L. D. 1662)

Bill "An Act Amending the Charter of the City of Biddeford" (S. P. 649) (L. D. 1663)

Bill "An Act to Ratify and Make Valid the Incorporation of the Winter Harbor School District" (S. P. 650) (L. D. 1664)

Bill "An Act Creating a Planning and Zoning Board for the City of Lewiston" (S. P. 651) (L. D. 1665)

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 Wesserunnett Lake" (S. P. 647) (L. D. 1666)

Came from the Senate referred to the Committee on Natural Resources.

In the House, referred to the Committee on Natural Resources in concurrence.

From the Senate:

Bill "An Act relating to Survivor Benefits for Local Participating Districts under Retirement Law" (S. P. 646) (L. D. 1667)

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 relating to Loans by Franklin County" (S. P. 652) (L. D. 1668)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

Orders

On motion of Mr. LaCasce of Fryeburg, it was

ORDERED, that Mrs. Harriman of Lovell be excused from attendance for the remainder of this special session because of business.

Orders of the Day

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

Mr. Broderick of Portland was granted unanimous consent to address the House.

Mr. BRODERICK: Mr. Speaker and Members of the House: I have a bill here which relates to retirement benefits of certain members of the Portland Police Force. This bill in effect is corrective legislation, that is correcting the legislation which this body passed last spring, and in effect it spells out what the legislative intent was last spring relative to certain retirement benefits for the members of the Portland Police Department not coming under the State Retirement System. This bill up to date has rather a peculiar history. This bill was in the Director of Legislative Research's office over two weeks ago and as you people are aware there were approximately sixty-three bills which passed into Mr. Slosberg's office, thirty-two of which through the Committee on Reference of Bills — I will refer to it as the screening committee for these purposes here — thirty-two of which of the obvious bills were recommended to go in without the necessity of unanimous consent. This particular bill was never presented to this committee for consideration as all sixty-three of those bills were.

I tried to trace this bill from Mr. Slosberg's office. He told me he was in possession of it some two weeks ago and that it along with the rest of the bills had been sent up to the office of the President of the Senate. I contacted certain of the

leadership to inquire further as to what happened. Ultimately I was told that the reason this bill was not submitted for consideration was that it was of a controversial nature. I asked for further explanation as to why this bill was controversial and as to who was contacted, and I was told that the City Manager of the City of Portland, Mr. Julian Orr, had expressed an opinion that this bill was indeed controversial.

To my knowledge no member of the Portland delegation has any objection to this corrective legislation. My question at this time to this House is whether or not I sit in this seat here, 85, or whether or not the City Manager of the City of Portland sits in it.

Inasmuch as this bill has not had the consideration that the other sixty-three bills have had, and inasmuch as there is no objection to my knowledge by any member of the Portland delegation, I would at this time like to ask unanimous consent for the introduction of this bill without reference to committee.

The SPEAKER: The Chair understands the gentleman from Portland, Mr. Broderick, now requests unanimous consent to introduce a bill notwithstanding the Cloture Order. The Clerk will read the title of the bill.

The CLERK: Bill "An Act relating to City of Portland Employee Retirement Benefits."

The SPEAKER: Does the Chair hear objection to the introduction of this bill notwithstanding the Cloture Order? The Chair hears objection and the bill is not introduced.

Mr. Smith of Portland was granted unanimous consent to address the House.

Mr. SMITH: Mr. Speaker and Members of the Special Session: This bill has been tossed around quite a bit. I know it is a law that should go on the books. It is for the working class, and if no consideration at this special session, I wish the 99th Legislature would consider very much this bill for the working people of this State. Thank you very much.

The SPEAKER: The gentleman from Portland, Mr. Smith, requests

unanimous consent to introduce a bill notwithstanding the Cloture Order. The Clerk will read the title of the bill.

The CLERK: Bill "An Act Establishing Minimum Wages for Employees".

The SPEAKER: Does the Chair hear objection to the introduction of this bill notwithstanding the Cloture Order? The Chair does hear objection; the bill is not introduced.

Mr. Pierce of Bucksport was granted unanimous consent to address the House.

Mr. PIERCE: Mr. Speaker, I have no prepared speech. During the last session a bill was introduced by the gentlewoman from Kittery, Mrs. Burnham, that pertained to liquor. This is controversial. I am about to ask unanimous consent to introduce a bill, but not yet.

The bill does pertain to the sale of liquor to minors. I have not had time in the last twenty-four hours to properly analyze the procedure under which the bill introduced by the gentlewoman from Kittery did take place but, within the last twenty-four hours in the corridors of this State House and through letters that have been shown me, there is a distinct demand for the bill that I shall later introduce. Under the law of the State of Maine liquor is defined as containing one per cent or more alcohol by volume. The bill put in by the gentlewoman from Kittery, Mrs. Burnham, attempted to prohibit the sale of near beer and the bill attempted to define what was near beer. The Committee on Liquor Control reported it out and, I am quoting from memory, eight-two or seven-three ought not to pass. Possibly you can remember that I did reverse my decision having voted against the bill.

In studying the matter I find that there not only is a state-wide demand, but there is a trend throughout the country to prohibit the sale of this material. It is impossible or rather it was impossible for the committee to define near beer. We did have a Committee of Conference. The Committee of Conference did report out the feelings of both this body and the other body in a bill prohibiting this stuff. There was a technical miswording in the Com-

mittee of Conference Report and as we know you cannot amend a Committee of Conference Report. In an attempt to prohibit the sale of this so-called near beer to children, in an attempt to prohibit the sale on Sundays, nights, I am about to introduce a bill. It is a very simple bill. It merely defines—it merely changes the definition of liquor under the State of Maine to conform with the definition of liquor under the Federal Government.

In case this bill is not received in this body or in place elsewhere, I have just been in consultation with the United States Government, Department of Internal Revenue, and in case this bill is defeated and in case any of you ladies and gentlemen want to prohibit this sale, you call United States Treasury, Tax Division, 55 Tremont Street, in case this bill should be defeated, then the Federals will have to operate. But my bill is so much more effective, so much simpler. Under the present laws the enforcement division cannot prohibit the sale of this so-called near beer because it is under the one per cent; the sheriffs cannot do it, the state police cannot do it, nobody can do it except the Federals, and there are very, very few federal men. It is so much easier to merely accept this bill defining liquor. I believe under the procedure the Clerk is supposed to read the title of the bill. I will read the bill.

Mr. CALL of Cumberland: Mr. Speaker?

Mr. PIERCE: "Liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption, which contains one per cent,—that is under the State law. My bill strikes out the words "one per cent" and inserts the words "one-half of one per cent". It is a very simple bill and it will accomplish the purpose which I believe is demanded by the people of the State of Maine. I present a bill and move its consideration, the Cloture rule notwithstanding.

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, requests unanimous consent to introduce a bill notwithstanding the Clo-

ture Order. The Clerk will read the title of the bill.

The CLERK: Bill "An Act relating to Definition of Liquor under Liquor Laws."

The SPEAKER: Does the Chair hear objection to the introduction of this bill notwithstanding the Cloture Order? Does the gentleman object?

Mr. CALL: No sir, I would like to ask a question.

The SPEAKER: The gentleman is out of order at this time. The Chair will restate the question. Does the Chair hear objection to the introduction of this bill notwithstanding the Cloture Order? The Chair does hear objection; the bill is not admitted.

The SPEAKER: At this time the Chair would recognize the presence in the House of the gentleman from Biddeford, Mr. Duquette, the gentleman from Madison, Mr. Hendsbee, and the gentleman from Lewiston, Mr. Rancourt, all of whom were absent when the roll was called yesterday, and the Chair will instruct the Clerk to record them as present at this session and place their names on the rolls.

Out of order and under suspension of the rules, Mr. Walsh of Brunswick presented the following Resolution and moved its adoption:

STATE OF MAINE
HOUSE RESOLUTION

WHEREAS, the members of the House of Representatives of the Ninety-eighth Legislature have learned with profound sorrow of the untimely death of an esteemed colleague, Honorable Alex J. Latno, Representative from Old Town, and a member of the House of Representatives in 1949, 1951, 1953 and 1955;

AND WHEREAS, in his association with the members of this House he was ever honorable and kindly, being highly regarded for his character and sterling qualities of mind and heart;

AND WHEREAS, the members of the House of Representatives sense in his passing a personal loss and a genuine grief;

NOW, THEREFORE, BE IT RESOLVED that the State of Maine mourns the loss of a faithful and

valued public servant, and the members of the House of Representatives lament the departure of an esteemed and trusted friend;

AND BE IT FURTHER RESOLVED, that a copy of these Resolutions be sent to his family.

The Resolution was adopted.

Mr. Rich of Charleston was granted unanimous consent to address the House.

Mr. RICH: Mr. Speaker, during the regular session I introduced a pension resolve in favor of Mrs. Katie M. Libby of my town. A pension of \$25.00 was granted. Since that time it has been found that Mrs. Libby does not get enough to meet her requirements and I would like unanimous consent to introduce a resolve for an increase in that pension.

The SPEAKER: The gentleman from Charleston, Mr. Rich, requests unanimous consent to introduce a resolve notwithstanding the Cloture Order. The Clerk will read the title of the resolve.

The CLERK: "Resolve Providing Increase in State Pension for Katie Libby of Charleston".

The SPEAKER: Does the Chair hear objection to the introduction of this resolve notwithstanding the Cloture Order? The Chair does hear objection and the resolve is not admitted.

Mr. Rankin of Southport was granted unanimous consent to address the House.

Mr. RANKIN: Mr. Speaker, this morning I shall also join the group at the wailing well. On the 31st of October in the morning, by a vote of one hundred two to seventeen, this House defeated a Senate Order which would set up the Committee on Reference of Bills as a screening committee, and yet a screening committee was set up, and for some strange reason the House yesterday backed that committee by one hundred fourteen to twenty-one approximately. I don't know what happened. I had a bill in, been up here for about a month, and I won't apologize for the bill and I won't apologize for those who asked me to put it in. It deals with dragging in the Sheepscot River, and a bill

of similar nature was introduced during the last session and not a single lobsterman showed up in favor of it. I didn't introduce the bill.

After the October session I was requested to introduce a bill closing the Sheepscot River for all dragging during the months of November, December and January, and I asked the lobstermen why they wanted to bring this bill back in. I said, "Why didn't you come to the hearing? No one showed up but the sponsor and the Representative who sponsored it did it by request." They said, "Why, we understood that having signed a petition in the total number of names of around sixty we thought that was sufficient." In other words, they didn't know that a petition does not represent a proxy at a hearing. And because they told me of the extensive damage which had been done to their traps during the months of November and December, I offered to introduce this bill, but I warned them that it probably wouldn't be admitted, and they understand. In fact the fishermen have had rather rough going.

Now at this time it really doesn't matter whether this bill is accepted or not because if the trend of this morning is carried through it will be knocked down, but I should like at this time notwithstanding the Cloture Order to present a bill.

The SPEAKER: The gentleman from Southport, Mr. Rankin, requests unanimous consent to introduce a bill notwithstanding the Cloture Order. The Clerk will read the title of the bill.

The CLERK: Bill "An Act Prohibiting the Use of Draggers in Parts of Sheepscot Bay, Sagadahoc and Lincoln Counties".

The SPEAKER: Does the Chair hear objection to the introduction of this bill notwithstanding the Cloture Order? The Chair does hear objection. The bill is not admitted.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion of Mr. Ross of Bath,
Adjourned until 9:30 o'clock tomorrow morning.