

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

SENATE

Tuesday, January 22, 1957

Senate called to order by the President.

Prayer by Rev. Victor P. Musk of Augusta.

On motion by Mr. Cole of Waldo, Journal of Thursday, January 17, read and approved.

House Papers

“Resolve Appropriating Funds for a State Police Garage at Augusta.” (H. P. 44) (L. D. 79)

Which was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill, “An Act Relating to Time Limit for Adjusting and Paying Fire Losses.” (H. P. 45) (L. D. 78)

Which was referred to the Committee on Business Legislation in concurrence.

“Resolve to Reimburse the Town of Orrington for Support of Family of Perley Maroney, State Paupers.” (H. P. 64)

“Resolve in Favor of Martin Brothers of Van Buren.” (H. P. 65)

“Resolve Reimbursing Town of Bristol for Certain Pauper Claims.” (H. P. 46) (L. D. 77)

Which were severally referred to the Committee on Claims in concurrence.

“Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years.” (H. P. 48) (L. D. 76)

Which was referred to the Committee on Constitutional Amendments in concurrence.

“Resolve Regulating Fishing for White Perch in China Lake, Kennebec County.” (H. P. 50) (L. D. 74)

“Resolve Regulating Fishing in Magalloway River and its Tributaries, Oxford County.” (H. P. 49) (L. D. 75)

Which were referred to the Committee on Inland Fisheries and Game in concurrence.

Bill, “An Act Relating to Indebtedness of Dover-Foxcroft School District.” (H. P. 51) (L. D. 73)

Bill, “An Act Relating to Indebtedness of Dover-Foxcroft School District.” (H. P. 51) (L. D. 73)

Bill, “An Act Amending the Charter of the City of Gardiner.” (H. P. 52) (L. D. 72)

Bill, “An Act Relating to the Operation of Bicycles and Play Vehicles.” (H. P. 53) (L. D. 71)

Which were severally referred to the Committee on Legal Affairs, in concurrence.

Bill, “An Act Authorizing County of Somerset and Bingham Water District to Enter into Contract for Fire Protection in Concord Township.” (H. P. 55) (L. D. 69)

Bill, “An Act to Create the Bangor Water District.” (H. P. 54) (L. D. 70)

Which were referred to the Committee on Public Utilities in concurrence.

“Resolve Providing for an Increase in State Pension for Marion Hilton of St. Albans.” (H. P. 57) (L. D. 67)

“Resolve Providing for State Pension for Beverly Ann Archer of Rumford.” (H. P. 56) (L. D. 68)

Which were referred to the Committee on Retirements and Pensions in concurrence.

Bill, “An Act Relating to Setting Lobster Traps Near Weirs.” (H. P. 58) (L. D. 66)

Which was referred to the Committee on Sea and Shore Fisheries in concurrence.

Bill, “An Act to Incorporate the Town of Moose River.” (H. P. 61) (L. D. 63)

Bill, “An Act to Incorporate the Town of Jackman.” (H. P. 60) (L. D. 64)

Bill, “An Act to Increase the Salary of Recorder of Kennebec Municipal Court.” (H. P. 59) (L. D. 65)

Which were severally referred to the Committee on Towns and Counties in concurrence.

The PRESIDENT: The Chair thanks the Senator from Somerset, Senator Sinclair, for calling the attention of the Chair to the presence in the Senate Chamber of four young men from Maine Central Institute. Each of these four young men had

an active part in Boys State and they are over here to observe the two branches of the legislature in action. I would ask the Sergeant-at-Arms and the Assistant Sergeant-at-Arms each to take two of the boys and escort them to the rostrum.

Thereupon, the Sergeant-at-Arms and the Assistant Sergeant-at-Arms escorted to the rostrum Michael McCready, Dale Hersey, William Dean and Stephen Files, all of Pittsfield.

(Applause, Senate members rising.)

Senate Papers

The following bills and resolves were received, and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Appropriations and Financial Affairs
Mr. Low of Knox presented
"Resolve Establishing a Theodore Roosevelt Centennial Commission of Maine." (S. P. 62)

Mr. Sinclair of Somerset presented
Bill, "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959." (S. P. 63)

The same Senator presented
Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959." (S. P. 64)

The same Senator presented
Bill, "An Act to Appropriate Monies for Capital Improvements and Construction of State Government and for other purposes for the Fiscal years Ending June 30, 1958 and June 30, 1959." (S. P. 65)

Which were severally referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

Highways

Mr. Ferguson of Oxford presented
Bill, "An Act to Correct Inconsistencies in State Highway Laws." (S. P. 66)

Mr. Parker of Piscataquis presented

Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30,

1958 and June 30, 1959." (S. P. 68)

Which were referred to the Committee on Highways and ordered printed.

Sent down for concurrence.

Judiciary

Mr. Ferguson of Oxford presented
Bill, "An Act to incorporate the General Finance Co." (S. P. 67)

Which was referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

Taxation

Mr. Reed of Aroostook presented
Bill, "An Act Relating to Definition of Retail Sale Under Sales Tax Law." (S. P. 69)

Which was referred to the Committee on Taxation and ordered printed.

Sent down for concurrence.

Welfare

Mr. Ferguson of Oxford presented
Bill, "An Act to Reimburse Certain Municipalities for General Pauper Relief." (S. P. 70)

Which was referred to the Committee on Welfare and ordered printed.

Sent down for concurrence.

Orders

Mr. Lessard of Androscoggin presented the following order and moved its passage:

ORDERED that the Citizens Committee on the Survey of State Government be granted the use of the Senate Chamber for a hearing on Tuesday, January 29 at 2 p.m.

Which order received a passage.

Mr. Brown of Washington presented the following order and moved its passage:

ORDERED, the House concurring, that there be paid to George Stevens, Jr., representative of the Pas-samaquoddy tribe of Indians, and John Nelson, representative of the Penobscot tribe of Indians, on account of compensation, the sum of one hundred dollars each plus mileage.

Which order received a passage.
Sent down for concurrence.

Orders of the Day

The PRESIDENT: The Chair would call the attention of the Senate to an error on the printed calendar. The first tabled matter was tabled by the Senator from Hancock, Senator Silsby pending motion of the Senator from Cumberland, Senator Charles that the bill be referred to the Committee on Business Legislation.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table bill, "An Act Repealing Certain Laws Relating to Foreign Banking Corporations and Loan and Building Associations" (S. P. 52) tabled by that Senator on January 17 pending motion by the Senator from Cumberland, Senator Charles, that the bill be referred to the Committee on Business Legislation.

The PRESIDENT: The Chair is of the opinion that the motion of the Senator from Cumberland, Senator Charles, that the Senate reconsider its action whereby the bill was referred to the Committee on Judiciary, was accepted by the Senate. It is the opinion of the Chair that the pending question is on the motion of the Senator from Cumberland, Senator Charles, that the bill be referred to the Committee on Business Legislation. Will the Senator accept that correction?

Mr. SILSBY of Hancock: Yes, Mr. President.

Mr. CHARLES of Cumberland: Mr. President, I desire to concur with the decision of the Committee on Reference of Bills and therefore withdraw my motion.

Thereupon, the bill was referred to the Committee on Judiciary.

Sent down for concurrence.

The PRESIDENT: With some hesitation, the Chair would like to take advantage of the relatively short session and make a few comments which the Chair hopes will be constructive and which relate to the Chair's impressions of Senate operations over quite a few sessions.

We have several members new to this branch; we have several members with no prior service in either branch of the Legislature, and I would hope that each member of the Senate will take these comments in

the spirit in which I will try to give them and not to interpret the remarks of the Chair as in any way officious. I think the most orderly way to discuss our procedure in here might be to present at least the intent of the more important Senate Rules.

The first rule relates to the time of opening our sessions. It will be the purpose of the Chair to come into the Senate Chamber a few minutes before the stated hour so that the Senate may be opened promptly at ten or whatever may be the convening hour.

The second matter relates to your method of addressing the Chair. The Chair is more guilty than any other Senator and will probably continue to be so in recognizing a Senator before he addressed the Chair. This the Chair will do when it is perfectly obvious that the Senator is the only member interested in the motion to be made. However, as the session continues and we have Senate debate, the Chair would like to remind the members that the Chair will at all times recognize the Senator who first says, "Mr. President." If Senator "A" stands up well ahead of Senator "B" and Senator "B" is the one who first says, "Mr. President," he will be the one to be recognized. Often this is of importance in debate and often the Chair may be misunderstood, but the Chair will follow, as consistently as he can, the provision of this Senate Rule.

The Chair would also note that the rules provide, whether it is the Chair or a Senator who is referring to another Senate member, that the reference must be by his name and his County.

The Chair would also note that Joint Rule 5 gives to the Chair the right and privilege of inviting any member of the Senate to take his place at the rostrum. The Chair invites each of you to take advantage of that provision in the Rules. Your Senate associates and the Chair have full confidence that each one of you can take what I believe to be the easiest spot in the Senate, up here with this hammer. It is good experience, and I welcome any Senator, at any time, telling me he would like to come up here, and I would enjoy coming down and sitting with you.

The question of putting votes should be clearly understood. If the Chair assumes that a motion will have unanimous acceptance, he will normally say, "Is this the pleasure of the Senate?" and declare the vote. Now the Chair will try to hold the gavel up there long enough so that if any Senator has any doubt he should say, "No." The Chair will then ask for a voice vote. After that has been taken and the Chair determines which side he thinks prevailed, remember that any Senator who has the least doubt of the correctness of the Chair's interpretation of the voice vote may ask for a division but must ask for the division prior to the final down swing of the gavel. It requires no vote; you will simply rise and say, "Mr. President, I ask for a division." and the Chair will ask for a rising vote. The Chair would remind you, too, of your constitutional right on any division on any subject to ask for a roll call. It requires one-fifth of those members present to order the roll call. The Chair would hope that no Senator at the end of this session will feel that the Chair has failed to give every opportunity to have a division on any question where he wants a division.

The Chair would also remind you that the Senate Rules provide that we shall have unlimited debate but that no Senator shall speak more opportunity to have a division on any other Senator. That simply means that having spoken once, the Chair, if he is alert, will not recognize that speaking Senator so long as another Senator wishes to address the Chair on the same subject. It becomes much more comfortable if each Senator recognizes the spirit of the Rule.

One of the most difficult tasks of the presiding officer of either branch is the ruling on the germaneness of an amendment. The general rule relating to germaneness provides first that no amendment to any private and special law can be introduced as an amendment which has the effect of a general law. That very rarely happens, but I predict that three or four times through this session amendments will be ordered, the germaneness at which will be questioned. If any Senator be-

lieves that the amendment is not germane and does effect a substantial change in the intent of the bill or resolve before the Senate, he should rise to a point of order and question the germaneness of the amendment. The Chair must then rule, and the ruling of the Chair can be upset by the majority of the Senate after debate. The Chair always hopes he will not be faced with germaneness questions, because they are, as all of us know who have been here several sessions, difficult to rule upon.

The most difficult thing to discuss, because it does not have specific coverage in the rule, is the matter of Senate courtesy. I have had the privilege of listening to, I think, fifteen or twenty legislative bodies in the eastern and middle part of the country. I have never seen a legislative body with more dignity and kindness and courtesy than the Maine Senate. I think the reason for that is that over a period of years there have been enough returning members to carry on almost all of its historical courtesies. I think the basic courtesy is the willingness and desire on the part of each member of the Senate to tell such of his Senate associates as may be interested in a bill of his intentions, whether it be tabling or debate or whatever may be that Senator's conviction relating to a bill. There is no place in the Senate procedure where the Golden Rule will reap to you any more benefit than the courtesy of telling your potential opponents what your intentions are upon a bill. With respect to tabling that is not always possible. If you arrive in the Senate Chamber and you do not have time to go over the calendar and you suddenly see something on the calendar you want tabled, have no hesitancy whatsoever in tabling it; but if prior to the session you see something that you question, it is courteous to go to the member, because the motion to table is not debatable; you are not privileged to explain to the Senate or to the other member why you are tabling it, and the Chair will try to be rather firm on the rule that prohibits debate on a tabling motion; but more times than not you do have the opportunity to go to the Chair-

man of the other Committee or the sponsor of the bill and tell him your intentions. As the session goes along, we will have debates on many subjects. It is not always possible, nor is it practical, to confide to the sponsor your intention to try to kill the bill or to upset an ought not to pass report, but where it is possible and you do it, that same Senator will extend the same courtesy to you and the Senate will be a much more comfortable body if all of us try to do it.

I think the summary of what I hope will be received in the spirit in which it is given is that each one of you should hope not only for sound constructive action, but you should aid to the point that once this session is over, every one of us will have thirty-two good friends who have enjoyed mutual treatment that is fair and kindly. The Chair again apologizes and gives as an excuse the fact this was a short session, and the Chair will promise his best efforts to make this the kind of session that all members will remember as one of kindness and courtesy.

The Senate is proceeding under Orders of the Day.

Mr. SILSBY of Hancock: Mr. President, may I ask a question if it is in order? I have tried to absorb your address on the rules and it is a mast-

erpiece, but I would like to go further on Rule 10 as to the right of the mover which has always bothered me and still does.

Thereupon, Mr. Silsby of Hancock was granted unanimous consent to address the Senate.

Mr. SILSBY: Mr. President, I refer to Rule 10 which states in part "nor more than once to the exclusion of any other Senator, without leave of the Senate, if objection is made, unless he be the mover of the matter under debate."

The PRESIDENT: The Chair will go back to the ruling of Senator George Varney, former Senate President. Senator Varney, as I observed him, apparently with the unanimous consent of the Senate, followed the general proposition that if Joint Rule 10 did not provide for it, Senate courtesy did provide that the original speaker would let every other Senator make comments.

I recognize that if a point of order were raised Joint Rule 10 would be invoked and the Senator from Hancock would be upheld.

On motion by Mr. Rogerson of Aroostook

Adjourned until tomorrow morning at ten o'clock.