

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 3, 1957

Senate called to order by the President.

Prayer by Rev. Emilie F. Pitcock of Raymond.

On motion by Mr. Cole of Waldo, Journal of yesterday read and approved.

Papers from the House Joint Order

ORDERED, the Senate concurring, that Resolve Authorizing Attorney General to Investigate Title to Certain Island in B. Pond, Piscataquis County (H. P. 614) (L. D. 861) be recalled from the Legislative Files to the House for the purpose of reconsideration. (H. P. 1035)

Which was read and passed, in concurrence.

Bill, "An Act Relating to Motor Vehicles Emerging from Alley, Driveway or Building." (H. P. 633) (L. D. 748)

In Senate on March 21, passed to be engrossed in concurrence.

Comes from House, engrossed reconsidered and passed to be engrossed as amended by House Amendments A (Filing 133) and B (Filing 134) in non-concurrence.

In the Senate, that Body voted to recede and concur.

Bill, "An Act Relating to the Appointment of a Temporary Deputy Commissioner." (S. P. 375) (L. D. 998)

In Senate on March 20, passed to be engrossed.

Comes from House, recommitted to the Committee on State Government, in non-concurrence.

In the Senate, that Body voted to recede and concur.

Bill, "An Act Relating to a Consultant to Aid Farmers' Cooperatives." (H. P. 1012) (L. D. 1442)

"Resolve Appropriating Moneys for Vocational Educational Institute in Androscoggin County." (H. P. 1013) (L. D. 1443)

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

Bill, "An Act Relating to Licensing of Special Insurance Brokers." (H. P. 1014) (L. D. 1444)

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

Bill, "An Act Permitting Voluntary Admissions and Discharges at Pownal State School." (H. P. 1004) (L. D. 1441)

Bill, "An Act Relating to Publication of Legal Notices in Foreign Language Newspapers." (H. P. 1015) (L. D. 1445)

Which were referred to the Committee on Judiciary in concurrence.

Bill, "An Act Relating to Police Department and Pension System for Employees of City of Westbrook." (H. P. 1016) (L. D. 1446)

Which was referred to the Committee on Legal Affairs in concurrence.

Bill, "An Act Providing for a Sales Tax Across the Board." (H. P. 1017) (L. D. 1447)

Which was referred to the Committee on Taxation in concurrence.

House Committee Reports

The Committee on Taxation on Joint Resolution Memorializing Congress to Oppose Further Increases in Federal Gasoline Tax." (H. P. 728) (L. D. 1032) reported that the same ought to be adopted.

Comes from House, Indefinitely Postponed.

In the Senate, on motion by Mr. Wyman of Washington, indefinitely postponed in concurrence.

Leave to Withdraw

The Committee on Education on Bill, "An Act Revising the Law Relating to Aid for Driver Education." (H. P. 268) (L. D. 364) reported that the same be granted Leave to Withdraw, as covered by other legislation.

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Closed Time on Deer in Franklin County." (H. P. 6) (L. D. 5) reported that the same be granted Leave to Withdraw.

The Committee on Taxation on Bill, "An Act Imposing a Tax on Poultry Producers for Promotional Purposes." (H. P. 628) (L. D. 895)

reported that the same be granted Leave to Withdraw.

The same Committee on Joint Resolution Memorializing Congress to Propose an Amendment to the United States Constitution Relative to Taxes on Incomes, Inheritances and Gifts." (H. P. 882) (L. D. 1250) reported that the same be granted Leave to Withdraw.

Which reports were severally read and accepted in concurrence.

Ought Not to Pass

The Committee on Highways on "Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Androscoggin River." (H. P. 68) (L. D. 95) reported that the same Ought Not to pass.

(On motion by Mr. Boucher of Androscoggin, tabled pending consideration of the report.)

The Committee on Liquor Control on Bill, "An Act Providing Penalty for Sale of Liquor to Certain Persons." (H. P. 666) (L. D. 947) reported that the same Ought Not to pass.

The same Committee on Bill, "An Act Relating to Sunday Sale of Liquor in Hotels." (H. P. 717) (L. D. 1025) reported that the same Ought Not to pass.

The Committee on Taxation on Bill "An Act Relating to Claims Against the State for Taxes Lost to Municipalities by Exemptions." (H. P. 644) (L. D. 911) reported that the same Ought Not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Judiciary on recommitted Bill, "An Act Relating to Delivery of Absent Voting and Physical Incapacity Voting Ballots." (H. P. 130) (L. D. 168) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Disorderly Conduct." (H. P. 611) (L. D. 858) reported that the same Ought to pass.

The same Committee on "Resolve Authorizing Arthur W. Bushey and Alice Bushey, both of Waterville, John Tibbetts, Archie Leeman and Oscar Bradstreet, all of Palermo, to Sue the State of Maine." (H. P. 612) (L. D. 859) reported that the same Ought to pass.

The Committee on Legal Affairs on Bill, "An Act to Increase Borrowing Capacity of Town of Van Buren School District." (H. P. 691) (L. D. 978) reported that the same Ought to pass

The same Committee on Bill, "An Act Amending the Charter of the City of Brewer." (H. P. 880) (L. D. 1248) reported that the same Ought to pass

The Committee on Natural Resources on Bill, "An Act to Amend the Charter of the West Branch Driving and Reservoir Dam Company." (H. P. 785) (L. D. 1118) reported that the same Ought to pass

The same Committee on "Resolve Authorizing a Right of Way for a Pipeline over Land of State School for Boys." (H. P. 480) (L. D. 672) reported that the same Ought to pass

The Committee on Transportation on Bill, "An Act Relating to Binding of Logs, Lumber and Timber." (H. P. 762) (L. D. 1044) reported that the same Ought to pass

The same Committee on "Resolve Authorizing Aeronautics Commission to Determine State Needs for Airports." (H. P. 688) (L. D. 977) reported that the same Ought to pass

Which reports were severally read once and tomorrow assigned for second reading.

Ought to Pass—as amended

The Committee on Highways on "Resolve Designating East Deering Expressway as Charles J. Loring, Jr. Memorial Highway." (H. P. 805) (L. D. 1136) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 135)

Which report was read and accepted in concurrence, and the resolve read once. Committee Amendment A was read and adopted in concurrence, and the resolve as so amended was tomorrow assigned for second reading.

Report A — OTP Report B — ONTP

Five members of the Committee on Judiciary on Bill, "An Act Relating to the Appointment of Clerks of the Judicial Courts by the Chief Justice of the Supreme Judicial

Court." (H. P. 322) (L. D. 439) reported (Report A) that the same Ought to pass

(Signed)
Senator

SILSBY of Hancock
Representatives
BROWNE of Bangor
WALKER of Auburn
NEEDHAM of Orono
HANCOCK of York

Five members of the same Committee on the same subject matter, reported (Report B) that the bill Ought not to pass

(Signed)
Senators:

BUTLER of Franklin
WOODCOCK of Penobscot
Representatives:
TEVANIAN of Portland
BRODERICK of Portland
EARLES of South Portland

Comes from the House, reports and bill Indefinitely Postponed.

In the Senate, on motion by Mr. Silsby of Hancock, the bill and accompanying papers were laid upon the table pending consideration of the reports.

Majority — ONTP
Minority — OTP

The Majority of the Committee on Transportation on Bill, "An Act Relating to Petition for Special License After Convictions for Operating Motor Vehicle Under the Influence." (H. P. 556) (L. D. 783) reported that the same Ought Not to pass. (Signed)

Senators:
ROGERSON of Aroostook
HALL of York
COLE of Waldo

Representatives:
ALLEN of Chelsea
BEYER of Cape Elizabeth
HERSEY of Fort Fairfield
STILPHEN of Rockland
TOTMAN of Bangor
KELLY of Rumford

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass (Signed)

Representative:
JACQUES of Lewiston

Comes from House, Majority Report accepted.

In the Senate, on motion by Mr. Rogerson, the Majority ought not to pass report was accepted in concurrence.

Communication

DEPARTMENT OF STATE
State of Maine
Augusta

April 1, 1957

To the President of the Senate of The Ninety-eighth Legislature:

I have the honor to herewith transmit a certified copy of Senate Joint Resolution No. 25 of the 69th General Assembly of the State of Illinois which was received in this office after the adjournment of the Ninety-seventh Legislature.

(Signed) HAROLD I. GOSS
Secretary of State

Which was read and ordered placed on file.

Senate Committee Reports
Leave to Withdraw

Mr. Silsby from the Committee on Judiciary on Bill, "An Act Repealing Law Requiring Convicts to Give Notes for Fines and Costs." (S. P. 403) (L. D. 1099) reported that the same be granted Leave to Withdraw.

Which report was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Butler from the Committee on Judiciary on Bill, "An Act Relating to Out of Court Proof of Wills." (S. P. 345) (L. D. 923) reported that the same Ought Not to pass.

Mr. Rogerson from the Committee on State Government on "Resolve Declaring the Chinook the Official Dog of Maine." (S. P. 287) (L. D. 746) reported that the same Ought not to pass.

(On motion by Mr. Dow of Lincoln, the resolve was laid upon the table pending consideration of the report, and was especially assigned for later today.)

Which reports were read and accepted.

Sent down for concurrence.

The PRESIDENT: The Chair notes the presence in the Senate Chamber of a group of women of

the Maine Diocesan Catholic Council. On behalf of the Senate we welcome your presence here. We pledge to you our attention during the rest of the day and if any of us here in the Senate can help you to see more of the Senate and the State House we will be very happy. We hope that you will enjoy your day here and receive a better impression of the way your Maine Legislature is run. Thank you very much for coming.

Ought to Pass

Mr. Silsby from the Committee on Judiciary on Bill, "An Act Amending the Rules of Descent." (S. P. 300) (L. D. 797) reported that the same Ought to pass.

Mr. Woodcock from the same Committee on Bill, "An Act Permitting Convicts at State Prison to Attend Funerals Outside." (S. P. 344) (L. D. 924) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Deduction of Sentence of Prisoners in Maine State Prison." (S. P. 343) (L. D. 925) reported the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Increasing Payments to Penobscot County Law Library." (S. P. 371) (L. D. 994) reported that the same Ought to pass.

Mr. Lessard from the Committee on State Government on Bill, "An Act Establishing Columbus Day as a Legal Holiday." (S. P. 411) (L. D. 1144) reported that the same Ought to pass.

Mr. Pike from the same Committee on Bill, "An Act Related to Press Facilities in the State House." (S. P. 431) (L. D. 1184) reported that the same Ought to pass.

Which reports were severally read and accepted, the bills and resolves read once and tomorrow assigned for second reading.

Second Readers

The Committee on Bills in Second Reading reported the following Bills:

Bill, "An Act to Eliminate Inspection of Motorcycles." (H. P. 557) (L. D. 784)

Bill, "An Act Relating to Fees of the Attorney General." (H. P. 823) (L. D. 1166)

Bill "An Act Relating to Restoration to Service Under State Retirement System." (H. P. 858) (L. D. 1221)

Which were severally read a second time and passed to be engrossed in concurrence.

House—as Amended

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)

Which were read a second time and passed to be engrossed, as amended, in concurrence.

Senate

Bill, An Act Relating to Purpose and Aid for Driver Education." (S. P. 278) (L. D. 737)

Bill, "An Act Transferring Portland Junior College to the University of Maine." (S. P. 323) (L. D. 819)

Bill, "An Act Relating to Approval of Institutions Granting Associate Degrees." (S. P. 354) (L. D. 960)

Bill, "An Act Exempting Bunkering Oil from Sales Tax." (S. P. 358) (L. D. 964)

Which were severally read a second time and passed to be engrossed. Sent down for concurrence.

Senate—as amended

Bill, "An Act to Incorporate the Northeastern Corporation." (S. P. 322) (L. D. 818)

Bill, "An Act Relating to Sale of Unused School Buildings in Unorganized Territory." (S. P. 353) (L. D. 959)

Bill, "An Act Relating to Employment Offices." (S. P. 513) (L. D. 1404)

Which were severally read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills:

Bill, "An Act Relating to the Appointment of the State Humane Agents." (H. P. 392) (L. D. 423)

Bill, "An Act Relating to Partial Closing of Banks on Saturdays." (H. P. 589) (L. D. 838)

Bill, "An Act Relating to Duties and Reimbursement for the Reporter of Decisions." (H. P. 609) (L. D. 856)

(On motion by Mr. Sinclair of Somerset, this bill was placed on the Special Appropriations Table pending enactment.)

Bill, "An Act to Change the Name of the Town of North Kennebunkport, York County, to Arundel." (H. P. 576) (L. D. 836)

Bill, "An Act Relating to the Disposition of Fees of the Auburn Municipal Court." (H. P. 577) (L. D. 887)

Bill, "An Act Relating to Applications for Aid to the Blind." (H. P. 675) (L. D. 956)

Bill, "An Act Relating to Adjustment of Losses by Certain Non-resident Insurance Adjusters." (H. P. 679) (L. D. 968)

Bill, "An Act Relating to Installations of Certain Gas Burning Appliances." (H. P. 959) (L. D. 1318)

Bill, "An Act Relating to Registration of Podiatrists." (S. P. 86) (L. D. 196)

Bill, "An Act Increasing Price Adjustment Maximum for Support of Debtors in Jail." (S. P. 267) (L. D. 705)

Which bills were severally passed to be enacted.

Emergency Measure

Bill, "An Act to Amend and Supplement the Charter of the Rockland Port District and the Charter of the City of Rockland." (H. P. 960) (L. D. 1319)

Which bill, being an emergency measure, and having received the affirmative vote of 31 members of the Senate, was passed to be enacted.

The PRESIDENT: The Chair notes several groups of guests this morning, including the 8th grade from the Garret Schenck School of Anson accompanied by their Principal, Kenneth Taylor and the eighth grade of Otisfield Central Grade School with Mrs. Stella Edwards and

also the eighth grade students from Raymond, Naples, and Casco.

The Chair takes this opportunity of thanking you youngsters for being here. Every one of us will try to make your day worthwhile and the Chair will ask if there is objection to the Chair explaining off the record our Senate procedures for the benefit of our guests. The Chair hears no objection.

Orders of the Day

The PRESIDENT: The Chair lays before the Senate the first tabled and specially assigned matter, being S. P. 287, L. D. 746, "Resolve Declaring the Chinook the Official Dog of Maine," which was tabled earlier in today's session by the Senator from Lincoln, Senator Dow, and the Chair recognizes that Senator.

Mr. DOW of Lincoln: Mr. President and members of the Senate: Before we dispose of this resolve I would like to have the Senate know that the purpose of this resolve was not to decide which is the best dog or which is the best breed of dogs.

The PRESIDENT: May the Chair ask the Senator's pardon and request that, particularly for the benefit of our guests this morning, the Senator from Lincoln, Senator Dow, read the bill?

Mr. DOW: "Resolve Declaring the Chinook the Official Dog of Maine. Resolved, that the Chinook be and hereby is declared the official dog of Maine."

Mr. President, I am leading up to a motion, but I would like to precede that with a few remarks.

This resolve was not to decide which is the better breed of dog but rather to give recognition to the only dog that is exclusive to our State of Maine and one that has brought a great deal of fame and publicity to our State.

The Chinook has been featured in nine national magazines, including the Saturday Evening Post, True Magazine, Outdoor Life; and I learned last night that the staff of Time Magazine is on its way to Waldoboro also to do a story on the Chinook dog.

Every year thousands of out-of-state visitors stop at the Chinook

Kennels. Last year 11,000 people by actual count who were visitors to the kennels signed the guest book. This has been going on every year. People from as far away as Seattle, Washington, Colorado, Arizona, Michigan, Wisconsin and other states across the country have written me that it was the Chinook that first brought them to Maine and that now they look forward to returning to our beautiful state. No-where else in the world can you get a pure-bred Chinook dog.

I assume that the committee feels that Maine does not need a State Dog. I wonder why it needs a State Bird? What has the chickadee ever done for the State of Maine? It is certainly not exclusive to Maine, while the Chinook is. I believe the Chinook should be recognized for this vast amount of good will and publicity it has promoted without costing the State a cent; therefore, Mr. President, I move that the resolve be substituted for the "Ought not to pass" report of the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Lincoln, Senator Dow, that the resolve be substituted for the "Ought not to pass" report of the committee.

Mr. ROGERSON of Aroostook: Mr. President, when the vote is taken I request a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Lincoln, Senator Dow, that the resolve be substituted for the "Ought not to pass" report of the committee. The Senator from Aroostook, Senator Rogerson, requests a division.

As many as are in favor of the motion of the Senator from Lincoln, Senator Dow, that the resolve be substituted for the "Ought not to pass" report of the committee will rise and stand until counted.

A division was had.

The PRESIDENT: The Chair votes for the motion. The vote in favor of the motion is 11; those opposed 22, therefore the motion fails.

Mr. DOW of Lincoln: Mr. President, this resolve having accom-

plished in part the purposes for which it was introduced, I now move the acceptance of the committee report.

The PRESIDENT: The Senator from Lincoln, Senator Dow, now moves that the Senate accept the "Ought not to pass" report of the committee. Is this the pleasure of the Senate?

The motion prevailed and the "Ought not to pass" report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Ferguson of Oxford, the Senate voted to take from the table Senate Report from the Committee on Transportation; Majority report ought to pass, Minority report ought not to pass, on Bill, "An Act Relating to Weight Tolerances for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts" (S. P. 90) (L. D. 200) tabled by that Senator on April 2 pending consideration of the reports; and on further motion by the same Senator, the bill was recommitted to the Committee on Transportation.

Sent down for concurrence.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table "Resolve Opening Pineo Pond, Town of Deblois, Washington County, to Fly Fishing Only." (S. P. 298) (L. D. 795) tabled by that Senator on March 19 pending passage to be engrossed.

Mr. CARPENTER of Somerset: Mr. President and Members of the Senate: I might explain briefly why this particular bill has been on the table so long. We have been waiting for a ruling from the particular department here in the building regarding the proper rules and regulations for which this resolve is meant and we have not had that ruling. This morning I had an opportunity to meet with two of the Associate Justices of the Superior Court in the Augusta House and they informed me that under a proper redraft this bill should meet the rigid test of the Supreme Court of the United States. Therefore I move that this resolve be recommitted back to the Committee.

Mr. PRESIDENT: The Senator from Somerset, Senator Carpenter, moves that the resolve be recommitted to the Committee on Inland Fisheries and Game. Is this the pleasure of the Senate?

The motion prevailed and the resolve was recommitted to the Com-

mittee on Inland Fisheries and Game.

Sent down for concurrence.

On motion by Mr. Sinclair of Somerset,

Adjourned until ten o'clock tomorrow morning.