

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

Wednesday, April 10, 1957

Senate called to order by the President.

Prayer by Rev. Richard Hulbert of Hallowell.

On motion by Mr. Dunn of Kennebec, Journal of yesterday read and approved.

Papers from the House

Resolve Authorizing the State Forest Commissioner to Convey Certain Lands and Right of Way in Augusta to Cumberland Securities Corporation. (S. P. 307) (L. D. 804)

In Senate, April 2, passed to be engrossed as amended by Committee Amendment A (Filing No. 143)

Comes from House, passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (Filing No. 164) in non-concurrence.

In the Senate, on motion by Mr. Butler of Franklin, the Senate voted to recede and concur.

**House Committee Reports
Leave to Withdraw**

The Committee on Business Legislation on Bill, "An Act to Establish a Fund for Fire Fighters." (H. P. 499) (L. D. 711) reported that the same be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Preference in State Purchases for Products Raised or Manufactured in Maine." (H. P. 832) (L. D. 1188) reported that the same be granted Leave to Withdraw.

The Committee on Natural Resources on "Resolve Authorizing the Study of Feasibility of Creating Sugarloaf National Park." (H. P. 723) (L. D. 1027) 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 State Government on Bill, "An Act Relating to the Practice of Public Accountancy." (H. P. 952) (L. D. 1353) reported that the same Ought not to pass.

Which report was read and accepted in concurrence.

Ought to Pass

The Committee on Claims on "Resolve to Reimburse Estate of Harriet B. W. Chalfant for Certain Inheritance Taxes Paid State." (H. P. 682) (L. D. 971) reported that the same Ought to pass.

(On motion by Mr. Silsby of Hancock, tabled pending consideration of the report.)

The Committee on Welfare on Bill, "An Act Relating to Transfer of Public Assistance Recipients Between States." (H. P. 798) (L. D. 1130) reported that the same Ought to pass.

The same Committee on Bill, "An Act Authorizing Certain Members of the Penobscot Tribe to Borrow Money." (H. P. 801) (L. D. 1133) reported that the same Ought to pass.

(On motion by Mr. Low of Knox, tabled pending consideration of the report.)

The same Committee on Bill, "An Act Permitting Caucus for Penobscot Indians." (H. P. 888) (L. D. 1256) reported that the same Ought to pass

The same Committee on Bill, "An Act Relating to Income from Sale of Timber on Indian Township." (H. P. 962) (L. D. 1361) reported that the same Ought to pass

The same Committee on Bill, "An Act Defining Adult Child in Old Age Assistance, Aid to the Blind and Aid to the Disabled." (H. P. 976) (L. D. 1375) reported that the same Ought to pass

The same Committee on "Resolve Authorizing Use of Passamaquoddy Trust Funds for Housing." (H. P. 961) (L. D. 1360) reported that the same Ought to pass

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

Ought to Pass—N.D.—New Title

The Committee on Welfare on "Resolve Authorizing Henry L. Barker to Pay Certain Monies to Credit of Penobscot Indian Fund." (H. P. 303) (L. D. 399) reported same in New Draft (H. P. 1041) (L. D. 1474) Under New Title: "Resolve Authorizing Henry L. Barker to Pay Certain Moneys to the Department of Health and Welfare." and that it Ought to pass

Which report was read and accepted in concurrence, the bill in New Draft read once and tomorrow assigned for second reading.

Ought to Pass—as amended

The Committee on Judiciary on Bill, "An Act Relating to Dumping Rubbish and Bottles on Highways from Motor Vehicles." (H. P. 709) (L. D. 1015) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 161)

The Committee on Welfare on Bill, "An Act Relating to Elections in Penobscot and Passamaquoddy Tribes of Indians." (H. P. 559) (L. D. 786) reported that the same Ought to pass as amended by Committee Amendment A (Filing 163)

Which reports were read and accepted in concurrence and the bills read once. Committee Amendments A were read and adopted in concurrence and the bills read once. Committee Amendments A were read and adopted in concurrence, and the bills as so amended were tomorrow assigned for second reading.

Majority—OTP Minority—ONTTP

The Majority of the Committee on Highways on "Resolve Authorizing State Highway Commission to Study Desirability of Bridge Across Saco River." (H. P. 460) (L. D. 653) reported that the same Ought to pass. (Signed)

Representatives:

TURNER of Auburn
HIGGINS of Scarborough
ELWELL of Brooks
DENBOW of Lubec
CARTER of Etna
NADEAU of Biddeford
GRAVES of Mt. Desert

The Minority of the same Committee on the same subject matter reported that the resolve Ought not to pass.

(Signed)

Senators:

PARKER of Piscataquis
COLE of Waldo
FERGUSON of Oxford

In the House, Majority Report accepted and resolve passed to be engrossed.

In the Senate on motion by Mr. Parker of Piscataquis the resolve

and accompanying papers were laid upon the table pending consideration of the reports and the resolve was especially assigned for later in today's session.

Orders

On motion by Mr. Davis of Cumberland

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is directed to study and to report its conclusions and recommendations to the 99th Legislature on the question concerning the freedom of access to state, county and municipal records and proceedings, whether administrative, judicial or legislative in nature.

The Committee shall particularly concern itself with the freedom of access that may or may not be available to accredited news gathering organizations. (S. P. 521)

On motion by Mr. Low of Knox, the Order was tabled pending passage.

Senate Committee Reports

Mr. Butler from the Committee on Judiciary on Bill, "An Act Relating to Employees of Maine Maritime Academy Receiving Federal Social Security Benefits." (S. P. 51) (L. D. 82) reported that same be referred to the Committee on Retirements and Pensions.

Which report was read and accepted and the bill was referred to the Committee on Retirements and Pensions.

Sent down for concurrence.

Leave to Withdraw

Mr. Low from the Committee on Taxation on Bill, "An Act Exempting Commercial Aircraft Engaged in Geologic Exploration from Excise Taxes." (S. P. 458) (L. D. 1306) reported that the same be granted Leave to Withdraw.

Which report was read and accepted.

Sent down for concurrence.

The PRESIDENT: The Chair at this time notes the presence in the Senate Chamber of a group of young men and women from Jefferson School, accompanied by their Principal, Mrs. Edna Parlin. On behalf of the Senate, young men and young

women, we welcome you to our session. Every one of us for the rest of the day as long as you are still here, will devote ourselves to you with the hope that you will have a pleasant and successful day. Thank you very much for coming.

Ought Not to Pass

Mr. Silsby from the Committee on Claims on Resolve in Favor of Evonne J. Rollins of West Gardiner. (S. P. 432) (L. D. 1185) reported that the same Ought not to pass

Mr. Butler from the Committee on Judiciary on Bill, "An Act Relating to Lien for Inheritance Taxes." (S. P. 302) (L. D. 799) reported that the same Ought not to pass

The same Senator from the same Committee on Bill, "An Act Relating to Alternative Jail Sentences in Default of Payment of Fines or Costs." (S. P. 388) (L. D. 1084) reported that the same Ought not to pass, as covered by other Legislation.

Mr. Low from the Committee on Taxation on Bill, "An Act Relating to Definition of Retail Sale Under Sales Tax Law." (S. P. 69) (L. D. 116) reported that the same Ought not to pass

(On motion by Mr. Reed of Aroostook, tabled pending consideration of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Silsby from the Committee on Claims on Resolve to Reimburse the Town of Houlton for Pauper Supplies (S. P. 293) reported that the same Ought to pass.

The same Senator from the Committee on Judiciary on Bill, "An Act Relating to Enlarging Public Cemeteries." (S. P. 238) (L. D. 639) reported that the same Ought to pass

Mr. Woodcock from the same Committee on Bill, "An Act Relating to the Taxation of General Powers of Appointment." (S. P. 304) (L. D. 801) reported that the same Ought to pass

Mr. Boucher from the Committee on Taxation on Bill, "An Act Relating to Exemption of Volunteer Fire Departments from Sales Tax." (S. P. 79) (L. D. 136) reported that the same Ought to pass

Mrs. Lord from the Committee on Towns and Counties on Bill, "An Act Relating to Time of Payment of Fees for Clerks of the Judicial Courts." (S. P. 58) (L. D. 88) reported that the same Ought to pass

Mr. Farley from the same Committee on Bill, "An Act Relating to Expending Aroostook County Funds for Ricker College." (S. P. 224) (L. D. 567) reported that the same Ought to Pass

The same Senator from the same Committee on Bill, "An Act Relating to Appointment of Deputy County Treasurers." (S. P. 225) (L. D. 568) reported that the same Ought to pass

Mrs. Lord from the same Committee on Bill, "An Act Relating to Stenographic Services in Cases before Referees." (S. P. 377) (L. D. 1000) reported that the same Ought to pass

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

Ought to Pass—N.D.—New Title

Mr. Charles from the Committee on Legal Affairs on Bill, "An Act Relating to Compensation of Mayor and Councilmen of City of Biddeford." (S. P. 436) (L. D. 1233) reported same in New Draft (S. P. 522) (L. D. 1484) with New Title: "An Act Relating to Raising Compensation of Mayor and Councilmen of City of Biddeford." and that it Ought to pass.

Which report was read and accepted, the bill in New Draft read once and tomorrow assigned for second reading.

Second Readers

The Committee on Bills in Second Reading reported the following bills and resolves:

House

Bill, "An Act Relating to Appointment of Indian Constables." (H. P. 558) (L. D. 785)

Bill, "An Act Relating to the Maine Unitarian Association." (H. P. 657) (L. D. 938)

Bill, "An Act Relating to Number of Councilors and Members of Superintending School Committee in Town of Fort Fairfield." (H. P. 1038) (L. D. 1469)

Bill, "An Act Relating to Indian Voting." (H. P. 1039) (L. D. 1470)

"Resolve in Favor of Henry E. Littlefield of Belfast." (H. P. 1011) (L. D. 1471)

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

House—as Amended

Bill, "An Act Relating to Membership of Certain Teachers in State Retirement System." (H. P. 483) (L. D. 673)

"Resolve in Favor of Mrs. Elwood Gerry of North Yarmouth." (H. P. 928) (L. D. 1316)

"Resolve in Favor of Sidney Bragdon of New Gloucester for Damage by Escapees from Pownal State School." (H. P. 204) (L. D. 1472)

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

Senate

Bill, "An Act Relating to County or Municipal Capital Reserve Funds." (S. P. 229) (L. D. 572)

Bill, "An Act to Permit Blanket Accident and Sickness Insurance for Newsboys, Sport Teams and Campers." (S. P. 405) (L. D. 1138)

Bill, "An Act Relating to Municipal Accounting and Audit." (S. P. 517) (L. D. 1475)

Bill, "An Act Relating to Time for Accounting for Fees by Registers of Probate." (S. P. 518) (L. D. 1476)

Bill, "An Act Relating to Educational Aid and Reorganization of School, Administrative Units." (S. P. 515) (L. D. 1478)

(On motion by Mr. Low of Knox, tabled pending passage to be engrossed and especially assigned for later in today's session.)

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

Sent down for concurrence.

Enactors

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

Bill, "An Act Relating to Disorderly Conduct." (H. P. 611) (L. D. 858)

Bill, "An Act Relating to Fees of Conservators." (S. P. 301) (L. D. 798)

Bill, "An Act Designating a Certain Road as 'Mt. Katahdin Trail.'" (S. P. 325) (L. D. 821)

Bill, "An Act Creating the Town of Milbridge School District." (S. P. 420) (L. D. 1179)

(On motion by Mr. Brown of Washington, tabled pending passage to be enacted.)

Bill, "An Act Relating to Removal of Persons from Service in Department of Inland Fisheries and Game." (S. P. 503) (L. D. 1412)

"Resolve Authorizing Aeronautics Commission to Determine State Needs for Airports." (H. P. 688) (L. D. 977)

Which bills were severally passed to be enacted and the resolve finally passed.

Orders of the Day

The Chair laid before the Senate, House Report from the Committee on Highways; Majority Report ought to pass, Minority Report ought not to pass, on "Resolve Authorizing State Highway Commission to Study Desirability of Bridge Across Saco River" (H. P. 460) (L. D. 653) tabled earlier in today's session by the Senator from Piscataquis, Senator Parker, pending consideration of the reports.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, when this bill came before the Highway Committee, it was given very careful consideration. On the evidence presented by the proponents, many of us were left in doubt as to the real need at this time for a study costing at least ten thousand dollars for this proposed bridge.

I do not wish to go into this at any great length but I will simply say this, that we on the committee who signed the ought not to pass report did so because we felt that this was not the correct time or the proper time or that this survey was really needed at this time. We do believe that if traffic increases to the point in some future years so that this may be needed, we who signed the ought not to pass report would be the first to vote for it. However, at this time we do not

feel that it is necessary and I move that the minority ought not to pass report be accepted.

Mr. FARLEY of York; Mr. President and members of the Senate: I heartily concur with the Senator from Sebec, Senator Parker. The citizens of Biddeford and a great many of the city government and businessmen in Saco are opposed to this bridge for the reason they are looking forward to a program that will be of benefit to the citizens of Biddeford and Saco. I will vote along with the gentleman from Sebec, Senator Parker.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sebec, Senator Parker, that the minority "Ought not to pass" report of the committee be accepted. Is this the pleasure of the Senate?

The motion prevailed and the minority "Ought not to pass" report of the committee was accepted in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, bill, "An Act Relating to Educational Aid and Reorganization of School Administrative Units." (S. P. 515) (L. D. 1478) tabled earlier in today's session by the Senator from Knox, Senator Low pending passage to be engrossed.

Mr. LOW of Knox; Mr. President and members of the Senate: We have before us now L. D. 1478, which is a new draft of L. D. 1089. I would like briefly to tell you what the changes in the new draft consist of.

In the first place it provides for towns that receive many tuition pupils and other towns that have considerable federal impact. Both of these classes of towns were hurt by the formula which has been referred to as a "gross to gross" and "net to net." Frankly a mistake was made, I believe, and a gross figure was used instead of a net figure to develop a percentage. That obviously is unfair and has been changed so that now a net figure is used against a net figure, which takes care of the troubles in the towns which are enumerated. The new draft makes available to the larger cities, which cannot be expected to form a district, cities like

Portland, Bangor and Lewiston, the same percentage of building aid as they would receive under the new formula.

When we considered the total possible cost of buildings in the State we included all the buildings, not just the buildings of towns that might form districts. Therefore it seems reasonable and within the capacity of the State to give such towns as Lewiston, Bangor and Portland the same percentage of aid in school building as they will receive under the general formula.

The new draft provides for a public hearing on all annual school budgets. That was meant to be included in the original bill and somehow it didn't get in. Of course it should be in. It establishes a possible procedure for accepting federal aid for school building if it ever materializes. And, lastly, it makes it easier and distinctly possible for any of the existing school districts to join in an administrative district.

This legislature has been flooded in the last few weeks by propaganda which complains specifically about two points. The first is that the school district board can dictate where any child shall be boarded for educational purposes. This has been the law for at least forty years in the same form it is in there now. Of course it has been changed so that the district board handles the matter instead of the town board. That has been part of our law for a long, long time, and there is no change in this bill.

Furthermore, complaint has been made that if taxes are not paid the sheriff can come in and seize your properties. As far as I know, that has been in the law for a hundred years, ever since we formed counties in the State of Maine. There is nothing new in this bill in that respect.

I am one of those who is perfectly willing to have reasonable criticisms; but when in an open meeting the sponsors of this bill, of whom I am one, are accused of rank socialism, of insincerity, of bordering on communistic thinking, when a pamphlet is published which says we are doing an unchristian thing, gentlemen, then I have to get up and express my contempt for such tactics.

I believe this is a bill which will provide better education for Maine children, but, even so, I recognize that no bill could be possibly conceived which would suit every town, so, wisely, I think, all the provisions of this bill are permissive. No town must join a district if it does not want to. We simply provide a method for doing so, because we believe that through these reorganized districts we will help fundamentally and in a great measure education in Maine.

Mr. President, there is at least one technical change in this bill, and therefore I have to ask that it be tabled until tomorrow for the purpose of making that change.

The PRESIDENT: The Senator from Knox, Senator Low, moves that the bill and accompanying papers be laid on the table pending passage to be engrossed. Is this the pleasure of the Senate?

The motion prevailed and the bill and accompanying papers were so tabled.

Mr. Dow of Lincoln was granted unanimous consent to address the Senate.

Mr. DOW: Mr. President and members of the Senate: I agree with the remarks made by the Senator from Knox, Senator Low. It has been my experience to know that individuals who continually oppose state or federal aid to education are for the most part the same people who are always striving to obstruct appropriations for and the progress of education at the local level. If decisions for the progress of education were left wholly to those who are always crying "Wolf" I am afraid we would have no educational system at all.

The PRESIDENT: The Chair at this time notes in the gallery a group of youngsters from Norridgewock along with my good friend, Mr. Hatfield. On behalf of the Senate we welcome you all here and dedicate ourselves to making this a pleasant and productive day for your observation of State government. Thank you very much for coming down and visiting us. (Applause)

Mr. CARPENTER of Somerset: Mr. President, I would like to inquire if L. D. 63 is in the possession of the Senate?

The PRESIDENT: The Chair will state that L. D. 63 is in possession of the Senate having been recalled from the engrossing department by joint order. The Chair would also note that L. D. 64 is in possession of the Senate having been recalled by the same joint order.

Thereupon, on motion by Mr. Carpenter of Somerset, the rules were suspended and the Senate voted to reconsider its action whereby it passed to be engrossed bill "An Act to Incorporate the Town of Moose River," (H. P. 61) (L. D. 63) and the same Senator presented Senate Amendment A to Committee Amendment A to the bill, and moved its adoption.

Which amendment was adopted in non-concurrence, without reading, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Carpenter of Somerset, the rules were suspended and the Senate voted to reconsider its action whereby it passed to be engrossed bill, "An Act to Incorporate the Town of Jackman" (H. P. 60) (L. D. 64) and the same Senator presented Senate Amendment A to Committee Amendment A to the bill, and moved its adoption.

Which amendment was adopted in non-concurrence, without reading, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. PARKER of Piscataquis was granted unanimous consent to address the Senate.

Mr. PARKER: Mr. President and members of the Senate, tomorrow evening at seven o'clock, in the Hall of the House, there will be held a joint session of the House and Senate to discuss the highway program. We hope we will have attendance there of every member of the Senate regardless of party. This is a non partisan meeting the purpose of which is to acquaint every member of the legislature with the highway program that we will be able to formulate under the revenue that is with us as of now, and whether or not we shall propose to have additional revenue for the federal inter-

state highway system. It is an opportunity for everyone to ask questions and we certainly hope you will all be there at seven o'clock tomorrow night.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table bill, "An Act Relating to Membership in Maine State Retirement System of Maine National Guard Employees," (S. P. 286) (L. D. 745) tabled by that Senator on March 28 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table bill, "An Act Permitting Town of Naples to Construct Wharf," (H. P. 378) (L. D. 631) tabled by that Senator on March 13 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Silsby of Hancock,

Adjourned until tomorrow morning at ten o'clock.