

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

Tuesday, April 23, 1957

Senate called to order by the President.

Prayer by Rev. Douglas H. Robbins of Augusta.

On motion by Mr. Lessard of Androscoggin, Journal of Friday read and approved.

**Papers from the House
Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Creating the Lake Christopher Game Management Area, Oxford County." (H. P. 504) (L. D. 714) reported (1) That the Senate recede and concur in the indefinite postponement of Senate Amendment A.

(2) That the House and Senate concur in the adoption of Conference Committee Amendment A, (Filing No. 234) and House and Senate pass the bill to be engrossed as amended by Conference Committee Amendment A, in concurrence.

Comes from House, Conference Committee Report accepted and bill passed to be engrossed as amended by Conference Committee Amendment A.

The Senate accepted the Conference Committee Report. Under suspension of the rules, engrossing reconsidered, Senate Amendment A indefinitely postponed, Conference Committee Amendment A adopted, and the bill passed to be engrossed as amended by Conference Committee Amendment A in concurrence.

Bill, "An Act Relating to Reciprocal Agreements Concerning Operation, Regulation and Taxation of Motor Vehicles." (H. P. 863) (L. D. 1226)

In Senate on April 12, Leave to Withdraw report of Committee on Transportation accepted in concurrence.

Recalled to the House from the files by Joint Order (H. P. 1053), comes from the House, recommitted to the Committee on Transportation.

In the Senate, the bill was recommitted to the Committee on Transportation in concurrence.

**House Committee Reports
Leave to Withdraw**

The Committee on Agriculture on Bill, "An Act Relating to Compulsory Vaccination of Calves." (H. P. 578) (L. D. 827) reported that same be granted Leave to Withdraw.

The Committee on Legal Affairs on Bill, "An Act to Increase Borrowing Capacity of City of Calais School District." (H. P. 1002) (L. D. 1430) reported that same be granted Leave to Withdraw.

The Committee on Retirements and Pensions on "Resolve Providing for an Increase in State Pension for Daniel McCurdy of Weeks Mills." (H. P. 859) (L. D. 1222) reported that same be granted Leave to Withdraw.

The Committee on Transportation on Bill, "An Act Relating to Fines and Costs for Overweight of Motor Vehicles." (H. P. 764) (L. D. 1046) reported that same be granted Leave to Withdraw.

Which reports were severally read and accepted in concurrence.

Ought Not to Pass

The Committee on Retirements and Pensions on Bill, "An Act Relating to Retirement of Employee Option Under Maine State Retirement System." (H. P. 617) (L. D. 864) reported that same Ought not to pass

Comes from House, recommitted to the Committee on Retirements and Pensions.

In the Senate, the bill was recommitted to the Committee on Retirements and Pensions in concurrence.

The Committee on Labor on Bill, "An Act Relating to Workmen's Compensation Insurance." (H. P. 902) (L. D. 1288) reported that same Ought not to pass

The Committee on Legal Affairs on Bill, "An Act Relating to Death on Duty of Members of Portland Police Department." (H. P. 752) (L. D. 1066) reported that same Ought not to pass

The Committee on Public Utilities on Bill, "An Act Relating to the Election of Trustees of the Winthrop

Water District." (H. P. 570) (L. D. 880) reported that same Ought not to pass

The same Committee on Bill, "An Act Relating to Legal Voters in York Water District." (H. P. 790) (L. D. 1123) reported that same Ought not to pass

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Inland Fisheries and Game on Bill, "An Act Creating Bartlett's Island, Hancock County, as a Game Management Area." (H. P. 897) (L. D. 1283) reported that same Ought to pass

The same Committee on recommended "Resolve Regulating Taking of Smelts in Valley Brook, Cumberland County." (H. P. 90) (L. D. 124) reported that same Ought to pass

The Committee on Judiciary on Bill, "An Act Authorizing Copying of Volume Six, Oxford County, Western District, Registry of Deeds." (H. P. 828) (L. D. 1170) reported that same Ought to pass

The same Committee on Bill, "An Act Relating to Appointment of Guardians for Adults Residing Out of the State." (H. P. 941) (L. D. 1334) reported that same Ought to pass

The Committee on Retirements and Pensions on "Resolve in Favor of John F. Choate of Winslow." (H. P. 549) (L. D. 776) reported that same Ought to pass

The Committee on Transportation on Bill, "An Act Relating to Examinations and Instruction Permits for Motor Vehicle Licenses." (H. P. 171) (L. D. 218) reported that same Ought to pass

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

Ought to Pass—N. D.

The Committee on Judiciary on Bill, "An Act Repealing Law on Inspection of Records of Clerk of Courts." (H. P. 610) (L. D. 857) reported same in New Draft (H. P. 1055) (L. D. 1501) and Under New Title: "An Act Amending Law on Inspection of Records of Clerks of Courts." and that it Ought to pass.

The same Committee on Bill, "An Act Authorizing Construction of a Breakwater Across Mill Cove, Hancock County." (H. P. 565) (L. D. 875) reported same in New Draft (H. P. 1054) (L. D. 1500) Under same Title, and that it Ought to pass.

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

Ought to Pass—as Amended

The Committee on Judiciary on Bill, "An Act Providing for Short Form Record of Civil Cases." (H. P. 544) (L. D. 771) reported that same Ought to pass as Amended by Committee Amendment A (Filing No. 216)

The same Committee on Bill, "An Act Relating to Jurisdiction of Trial Justices in Towns of Kittery and York." (H. P. 684) (L. D. 973) reported that same Ought to pass as Amended by Committee Amendment A (Filing No. 217)

The Committee on Retirements and Pensions on "Resolve in Favor of George E. Bagnall of Houlton." (H. P. 550) (L. D. 777) reported that same Ought to pass as Amended by Committee Amendment A (Filing No. 215)

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

Senate Committee Reports

Mr. Silsby from the Committee on Judiciary on "Report of the Judicial Council of the State of Maine." reported that same be placed on file.

Which report was read and accepted.

Leave to Withdraw

Mr. Carpenter from the Committee on Inland Fisheries and Game on recommended Bill, "An Act Relating to Definition of Beaver Dams." (S. P. 42) (L. D. 58) reported that same be granted Leave

to Withdraw—Covered by Other Legislation.

Mr. Hall from the same Committee on Bill, "An Act Relating to Closed Season on Deer in Hancock and Washington Counties." (S. P. 446) (L. D. 1263) reported that same be granted Leave to Withdraw.

Mr. Rogerson from the Committee on State Government on Bill, "An Act Revising and Relating to State Personnel Laws." (S. P. 504) (L. D. 1417) reported that same be granted Leave to Withdraw

Which reports were severally read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Briggs from the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Closed Time on Deer in Certain Counties." (S. P. 281) (L. D. 740) reported that same Ought not to pass

Mrs. Lord from the Committee on Public Health on Bill, "An Act Relating to Registration of Nurses." (S. P. 455) (L. D. 1303) reported that same Ought not to pass

(On motion by Mr. Ferguson of Oxford, tabled pending consideration of the report.)

Which reports were read and accepted.

Sent down for concurrence.

Ought to Pass—as Amended

Mr. Hillman from the Committee on Labor on Bill, "An Act Relating to Petition for Review of Incapacity Under Workmen's Compensation Act." (S. P. 162) (L. D. 409) reported that same Ought to pass with Committee Amendment A

Mr. Curtis from the same Committee on Bill, "An Act Relating to Time Limitations for Filing Petitions Under Workmen's Compensation Act." (S. P. 259) (L. D. 697) reported that same Ought to pass with Committee Amendment A

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

**Majority — OTP in N.D.
Minority — ONTP**

The Majority of the Committee on Public Health on Bill, "An Act

Relating to Examinations for Certain Persons to Practice Barbering." (S. P. 246) (L. D. 647) reported same in New Draft (S. P. 539) and that it Ought to pass

(Signed)

Senators:

LORD of Cumberland
BRIGGS of Aroostook
ST. PIERRE

of Androscoggin

Representatives:

ROWE of Limerick
HARRINGTON of Patten
HENDRICKS of Portland
EMERSON of Millinocket
KNAPP of Yarmouth

The Minority of the same Committee on the same subject matter, reported that the bill Ought not to pass

(Signed)

Representatives:

CURTIS of Bowdoinham
COYNE of Waterville

On motion by Mr. Charles of Cumberland, the Majority ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

Second Readers

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

House

Bill, "An Act to Incorporate the Town of West Paris." (H. P. 826) (L. D. 1172)

Bill, "An Act Relating to Bail Provisions in Prosecutions Under Liquor Law." (H. P. 940) (L. D. 1333)

Bill, "An Act Relating to Age of Admission to State Hospitals." (H. P. 1048) (L. D. 1490)

Bill, "An Act Relating to Beano." (H. P. 1051) (L. D. 1494)

Bill, "An Act Relating to Computation of Tax on Telegraph Companies." (H. P. 1052) (L. D. 1495)

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

House—as Amended

Bill, "An Act Relating to Age of Applicants to Pineland Hospital and Training Center." (H. P. 94) (L. D. 125)

Bill, "An Act Imposing a Tax on Dry Beans." (H. P. 486) (L. D. 730)

(On motion by Mr. Parker of Piscataquis, tabled pending passage to be engrossed.)

Bill, "An Act to Establish the Wiscasset Sewerage District." (H. P. 923) (L. D. 1312)

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

Senate

Bill, "An Act Relating to Application for Permits to Operate Motor Vehicles for Profit." (S. P. 309) (L. D. 806)

Bill, "An Act Relating to Grading, Packing and Advertising Apples." (S. P. 532) (L. D. 1502)

Bill, "An Act to Make Allocations from General Highway Fund for the Fiscal Years Ending June 30, 1958 and June 30, 1959." (S. P. 533) (L. D. 1503)

(On motion by Mr. Silsby of Hancock, tabled pending passage to be engrossed.)

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

Sent down for concurrence.

Senate—as Amended

Bill, "An Act Creating the Maine Weights and Measures Law." (S. P. 274) (L. D. 732)

Which was 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 bill:

Bill, "An Act to Create the Westbrook Parking Authority." (H. P. 428) (L. D. 604)

Which bill was passed to be enacted.

Orders of the Day

Mr. ROGERSON of Aroostook: Mr. President, may I inquire if Legislative Document 1374 is in possession of the Senate.

The PRESIDENT: The Chair would state that bill, "An Act Creating a Highway Safety Commit-

tee," (H. P. 974) (L. D. 1374) is in the possession of the Senate, having been held at the request of the Senator from Aroostook, Senator Rogerson, following its passage to be engrossed on April 19, the last legislative day.

Thereupon, on motion by Mr. Rogerson of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Bailey of Sagadahoc, the Senate voted to take from the table House Report ought not to pass from the Committee on Sea and Shore Fisheries on bill, "An Act Prohibiting the Use of Dragners in Part of Sheepscot Bay, Sagadahoc County," (H. P. 627) (L. D. 889) tabled by that Senator on March 27 pending consideration of the report; and on further motion by the same Senator, the ought not to pass report was accepted in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House Report ought to pass as amended by Committee Amendment A from the Committee on Business Legislation on bill, "An Act Relating to Uniform Law for Organization and Supervision of Fraternal Societies," (H. P. 992) (L. D. 1438) tabled by that Senator on April 19 pending consideration of the report; and on further motion by the same Senator, the report was accepted in concurrence, the bill read once, Committee Amendment A adopted without reading and the bill as amended, tomorrow assigned for second reading.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House Report ought to pass as amended by Committee Amendment A from the Committee on Legal Affairs on bill, "An Act Relating to Sick Leave Benefits for Employees of the Department of Public Works of the City of Lewiston," (H. P. 374) (L. D. 504) tabled by that Senator on April 17 pending acceptance of the report;

and on further motion by the same Senator, the ought to pass report was accepted in concurrence and the bill read once; Committee Amendment A was adopted without reading and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. Brown of Washington, the Senate voted to take from the table bill, "An Act Creating the Town of Milbridge School District," (S. P. 420) (L. D. 1179) tabled by that Senator on April 10 pending passage to be enacted, and that Senator yielded to the Senator from Washington, Senator Wyman.

Thereupon, on motion by Mr. Wyman of Washington, the rules were suspended and the Senate voted to reconsider its former action where-by the bill was passed to be engrossed; Mr. Wyman presented Senate Amendment A which was adopted without reading, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table the 13th tabled and unassigned matter, (H. P. 539) (L. D. 766) Bill, "An Act Relating to Closing of Roads in Unorganized Territory by County Commissioners," which was tabled on March 21st by that Senator pending passage to be enacted.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I believe that the purpose of this bill is probably misunderstood and that the necessity for the bill, if any, is slightly misunderstood.

This bill, in substance, gives the County Commissioners the right to petition on their own initiative to hold public hearings to close roads for the winter in unorganized territory. I have examined the statute and I cannot find where there is any provision that requires the County Commissioners to keep roads open or to remove snow during the winter months in unorganized territory. There is a provision that citizens may petition to have a road closed and that the County Commissioners may join with the Highway Commission in keeping certain roads open.

I am fearful that if this legislation should pass we have made it

possible for the County Commissioners on their own initiative to close perhaps certain highways or ways in our townships that are part of through ways connecting other places. I believe it would be a dangerous piece of legislation. Down in my "neck of the woods" so-called, we have the Air Line Road, and it is a connecting route with Calais and the Maritime Provinces, and I should hate to see it possible for the County Commissioners on their own initiative to be able to petition to close that way and they be the judge and jury on the case and on their own petition. I think it would be very dangerous. I do not think that the County Commissioners want any such authority. I think they were laboring under a misapprehension of law, that they were obliged in some places to keep dead-end roads open. I do not think that is the purpose. I would move that the bill be indefinitely postponed.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: If you will read L. D. 766 you will find that the bill says—there are only two lines and I will read them: "The County Commissioners may without petition give notice and hold public hearings to close roads for the winter in unorganized territory." I want to emphasize "may without petition." Then I want to emphasize "they must give notice and hold a public hearing" before closing any of these roads that we are talking about in unorganized territory.

The evidence that was presented to the committee was that we do have some roads in unorganized territory, and, as my good friend, the Senator from Hancock, Senator Silsby, has mentioned, most of them are dead-end roads. Although he may have a point in regard to the Air Line—I had not thought of that—but nevertheless under this bill the County Commissioners may without petition—because many of these roads in unorganized places have no people living on them—give notice and hold public hearings. That was the purpose of the bill. And how can the County Commissioners under the present law without petition have a public hearing? This simply gives the County Commissioners

their authority to call a hearing, and I can see no danger to any road in unorganized territory by the passage of this bill, and I can see where it does give the County Commissioners an opportunity to call a public hearing at which anyone who is interested may attend and state reasons why the road should be closed or should not be closed. I am not afraid of the bill. We gave it a lot of thought in the committee. If this was something that was going to give the County Commissioners authority to immediately close a road without a public hearing, none of us would agree to that; but it just gives them an opportunity to call a public hearing. If there was a motion I would certainly oppose it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the bill be indefinitely postponed.

As many as are in favor of the motion of the Senator from Hancock, Senator Silsby, will say aye; those opposed no.

A viva voce vote being taken, the motion did not prevail.

Mr. Parker of Piscataquis then moved that the bill be passed to be enacted. On motion by Mr. Silsby of Hancock, the bill was tabled pending the motion of Mr. Parker of Piscataquis that the bill be passed to be enacted.

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table House Report from the Committee on Judiciary on bill, "An Act Relating to Discontinued Schoolhouse Lots," (H. P. 362) (L. D. 492); Majority report ought not pass; Minority report ought to pass tabled by that Senator on April 2 pending consideration of the reports; and on further motion by the same Senator, the bill was indefinitely postponed in concurrence.

On motion by Mr. Hall of York

Adjourned until tomorrow morning at ten o'clock.