

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, May 1, 1957

Senate called to order by the President

Prayer by Rev. Ernest B. Johnson of Hallowell.

On motion by Mr. Pike of Oxford, Journal of Yesterday read and approved.

The PRESIDENT: The Chair at this time notes the presence in the Senate Chamber of Maine's Broiler Queen. She was chosen Broiler Queen the middle of July last summer and was crowned with that distinctive honor by Governor Muskie. She is a telephone operator up in Skowhegan, and she certainly adds charm and grace to this chamber just as she added charm and grace as Broiler Queen. It is a great pleasure for me to ask the Sergeant-at-Arms to escort the attractive young lady—yes, and the Secretary too — to the rostrum. Miss Diane Wing.

Thereupon Miss Diane Wing, Maine Broiler Queen, was escorted to the rostrum by the Secretary of the Senate and the Sergeant-at-Arms amid the applause of the Senate, the members rising.

Miss DIANE WING: Mr. President, members of the Senate and visitors: It is a great pleasure and an honor being here today to represent the broiler industry, one of the major industries in the economy of the State of Maine. I am proud of being chosen as Queen. (Applause)

Papers from the House

Bill, "An Act Relating to Mortgage Loans by Savings Banks." (S. P. 406) (L. D. 1139)

In Senate, April 18, passed to be engrossed as amended by Committee Amendment A (Filing 223)

Comes from House, passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (Filing 287) in non-concurrence.

In the Senate, on motion by Mr. Pike of Oxford, the Senate voted to recede and concur.

"Resolve Opening Certain Brooks and Tributaries in Somerset County to Fishing." (S. P. 386) (L. D. 1082)

In Senate, Majority Report Ought

to pass accepted and resolve passed to be engrossed.

Comes from House, Minority Report Ought not to pass accepted in non-concurrence.

In the Senate, on motion by Mr. Carpenter of Somerset, the Senate voted to adhere.

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

In Senate, April 11, passed to be engrossed as amended by Senate Amendment A (Filing No. 189)

Comes from House, passed to be engrossed as amended by Senate Amendment A, and as amended by House Amendments A (Filing No. 248), B (Filing No. 249), C (Filing No. 250), D (Filing No. 277), E (Filing No. 278), F (Filing No. 282), G (Filing No. 283), I (Filing No. 291) in non-concurrence.

In the Senate, on motion by Mr. Low of Knox, tabled pending consideration.

Bill, "An Act Relating to Legal Length of Lobsters." (S. P. 422) (L. D. 1181)

In Senate April 25, passed to be engrossed as amended by Committee Amendment A (Filing No. 267)

Comes from House, passed to be engrossed as amended by House Amendment A (Filing No. 288) in non-concurrence.

In the Senate, on motion by Mr. Brown of Washington, the Senate voted to recede and concur.

Bill, "An Act Relating to Election and Salaries of Council Members of City of Portland." (H. P. 10) (L. D. 9)

In House, Majority Report (Ought to pass as Amended by Committee Amendment A (Filing No. 247) accepted.

In Senate, April 26, Minority Report (Ought not to pass) accepted, in non-concurrence.

Comes from House—Adhered.

In the Senate, on motion by Mrs. Lord of Cumberland, the Senate voted to adhere.

House Committee Reports Leave to Withdraw

The Committee on Towns and Counties on Bill, "An Act Providing

for Clerk Hire for Fort Fairfield Municipal Court." (H. P. 396) (L. D. 526) reported that same be granted Leave to Withdraw.

Which report was read and accepted in concurrence.

Ought Not to Pass

The Committee on Judiciary on Bill, "An Act Relating to Opening Obstructions in Waters to Maintain Fish Life." (H. P. 999) (L. D. 1427) reported that the same Ought not to pass.

Comes from House, bill committed to the Committee on Inland Fisheries and Game.

In the Senate, on motion by Mr. Silsby of Hancock, the ought not to pass report was accepted in non-concurrence.

Sent down for concurrence.

The Committee on Labor on Recommended Bill, "An Act Relating to Workmen's Compensation Act." (H. P. 747) (L. D. 1061) reported that the same Ought not to pass.

Comes from House, report and bill indefinitely postponed.

In the Senate, report and bill indefinitely postponed in concurrence.

The Committee on Business Legislation on Bill, "An Act Relating to Retaliatory Provisions of Insurance Law." (H. P. 894) (L. D. 1280) reported that the same Ought not to pass

Which reports were read and accepted in concurrence.

Ought to Pass

The Committee on Towns and Counties on Bill, "An Act Increasing Salary of Selectmen of Town of Mount Desert." (H. P. 169) (L. D. 216) reported that the same Ought to pass

The same Committee on Bill, "An Act Relating to Rental of Westbrook Municipal Court." (H. P. 730) (L. D. 1034) reported that the same Ought to pass

The same Committee on Bill, "An Act Relating to Special Town Meetings in Town of Winslow." (H. P. 915) (L. D. 1276) reported that the same Ought to pass

Which reports were severally read and accepted, in concurrence, the

bills read once and tomorrow assigned for second reading.

Ought to Pass—N.D.

The Committee on Transportation on Bill, "An Act Relating to Splash Guards for Motor Trucks." (H. P. 40) (L. D. 53) reported same in New Draft (H. P. 1010) (L. D. 1414) Under the same title, and that it Ought to pass

Comes from House, report accepted and bill passed to be engrossed as amended by House Amendments B (Filing 196) and D (Filing 286)

In the Senate, on motion by Mr. Cole of Waldo, tabled pending consideration of the report.

The Committee on Judiciary on Bill, "An Act Relating to Certain Penalties for Motor Vehicle Violations." (H. P. 129) (L. D. 167) reported same in New Draft (H. P. 1067) (L. D. 1527) Under the same title, 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—N.D.—New Title

The Committee on Transportation on Recommended Bill, "An Act Relating to Reciprocal Agreements Concerning Operation, Regulation and Taxation of Motor Vehicles." (H. P. 863) (L. D. 1226) reported same in New Draft (H. P. 1068) (L. D. 1528), with New Title:

"An Act Relating to Reciprocal Agreements with New Hampshire Concerning Zonal Operation of Commercial Vehicles in Intra-state Commerce." 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.

The Committee on Judiciary on Bill, "An Act Relating to Date of State Convention." (H. P. 945) (L. D. 1338) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 274)

Which reports were severally read and accepted 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 New Draft—New Title**Minority—ONTP**

The Majority of the Committee on Transportation on Bill, "An Act Increasing Fees for Motor Vehicle Inspections and Stickers." (H. P. 98) (L. D. 128) reported that the same Ought to pass in New Draft with New Title: "An Act Relating to the Inspection of Motor Vehicles." (H. P. 1071) (L. D. 1534)

(Signed)

Senators:

ROGERSON of Aroostook
HALL of York

Representatives:

BEYER of Cape Elizabeth
ALLEN of Chelsea
KELLY of Rumford
HERSEY of Fort Fairfield
STILPHEN of Rockland

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

(Signed)

Senator:

COLE of Waldo

Representatives:

JACQUES of Lewiston
TOTMAN of Bangor

Comes from the House reports and Bill indefinitely postponed.

In the Senate, on motion by Mr. Rogerson of Aroostook, indefinitely postponed in concurrence.

**Senate Committee Reports
Ought Not to Pass**

Mr. Low from the Committee on Taxation on Bill, "An Act Relating to Inheritance Taxes on Property Passing to Brothers and Sisters." (S. P. 316) (L. D. 813) reported that the same Ought not to pass

The same Senator from the same Committee on Bill, "An Act Increasing Exemptions for Certain Beneficiaries Under Inheritance Tax Law." (S. P. 492) (L. D. 1400) reported that the same Ought not to pass

Which reports were read and accepted.

Sent down for concurrence.

Ought to Pass—N.D.—New Title

Mr. Silsby from the Committee on Judiciary on Bill, "An Act Establishing a State Probation and Parole

System." (S. P. 83) (L. D. 193) reported same in New Draft (S. P. 552) (L. D. 1542) under New Title: "An Act Creating a State Administered Probation and Parole Law." and recommend that same be re-committed to the Committee on Judiciary.

Which report was read and accepted, and the bill recommitted to the Committee on Judiciary.

Sent down for concurrence.

Ought to Pass—N.D.—same title

Mr. Silsby from the same Committee on recommitted Bill, "An Act Amending the Rules of Descent." (S. P. 300) (L. D. 797) reported same in New Draft (S. P. 551) under same title, 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.

Ought to Pass—as amended

Mr. Carpenter from the Committee on Inland Fisheries and Game on recommitted "Resolve Opening Pineo Pond, Town of Deblois, Washington County, to Fly Fishing Only." (S. P. 298) (L. D. 795) reported that the same Ought to pass as Amended with Committee Amendment A.

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

Majority—OTP in N.D.**Minority—OTP**

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Payments by Town of Northport to Northport Village Corporation same in New Draft (S. P. 550) (L. D. 1541) under same title, and that it Ought to pass.

(Signed)

Senator:

MARTIN of Kennebec

Representatives:

CHILDS of Portland
BRUCE of Buxton
HATHAWAY

of Columbia Falls
COTE of Lewiston
QUINN of Bangor

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

(Signed)

Senators:

REED of Aroostook
CHARLES of Cumberland

Representatives:

SMITH of Falmouth
MAXWELL of Winthrop

On motion by Mr. Cole of Waldo, tabled pending consideration of the reports.

Second Readers

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

House

Bill, "An Act Relating to Signs on School Buses." (H. P. 734) (L. D. 1038)

Bill, "An Act Relating to Burial Expenses for Honorably Discharged Soldiers and Sailors." (H. P. 926) (L. D. 1315)

"Resolve Authorizing the Forest Commissioner to Convey Loon Island to Mrs. Anna Fowler and Julius Peterson." (H. P. 140) (L. D. 178)

"Resolve in Favor of Procuring Testimonials for the Purpose of Marking the Unmarked Graves of the Soldiers of the Revolutionary War." (H. P. 302) (L. D. 397)

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

House—as Amended

Bill, "An Act Providing for Single Tax Assessor and Board of Assessment Review for City of Waterville." (H. P. 946) (L. D. 1339)

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

Senate

Bill, "An Act Relating to Lights on Rear of Trucks." (S. P. 546) (L. D. 1532)

(On motion by Mr. Reed of Aroostook, the bill was laid upon the table pending passage to be engrossed; especially assigned for Friday, May 3.)

Bill, "An Act Relating to Equipment of Rail Track Motorcars Used

by Railroad Transport Employees." (S. P. 531) (L. D. 1498)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be engrossed.)

Bill, "An Act Relative to Salaries and Clerk Hire of Municipal Courts." (S. P. 547) (L. D. 1537)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be engrossed.)

Senate—as Amended

Bill, "An Act Relating to the Use of Public Ways and Parking Areas Maintained by the State at the Seat of Government." (S. P. 148) (L. D. 348)

Bill, "An Act to Create a State Committee on Mental Health." (S. P. 534) (L. D. 1505)

Bill, "An Act Relating to Construction of a Building for Maine Employment Security Commission." (S. P. 538) (L. D. 1508)

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 and resolves:

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)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be enacted.)

Bill, "An Act Relating to Jurisdiction of Trial Justices in Towns of Kittery and York." (H. P. 684) (L. D. 973)

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

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

Bill, "An Act Revising the Law Relating to Peaceful Uses of Atomic Energy." (S. P. 478) (L. D. 1383)

Bill, "An Act Relating to Crimes Committed on the Maine Turnpike." (S. P. 530) (L. D. 1497)

"Resolve, Regulating Taking of Smelts in Valley Brook, Cumberland County." (H. P. 90) (L. D. 124)

“Resolve, in Favor of John F. Choate of Winslow.” (H. P. 549) (L. D. 776)

Which bills were passed to be enacted and the resolves finally passed.

Emergency

Bill, “An Act to Incorporate the North Yarmouth Water District.” (S. P. 472) (L. D. 1351)

Which bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Emergency

Bill, “An Act Amending Law on Inspection of Record of Clerks of Courts.” (H. P. 1055) (L. D. 1501)

Which bill, being an emergency measure and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Orders of the Day

The President laid before the Senate the first tabled and especially assigned matter being bill, “An Act Creating the Lake Christopher Game Management Area, Oxford County,” (H. P. 504) (L. D. 714) tabled on April 30 by the Senator from Kennebec, Senator Martin pending passage to be enacted; and the same Senator presented Senate Amendment B and moved its adoption.

Which under suspension of the rules, engrossing was reconsidered, the amendment was adopted without reading and the bill as amended by Conference Committee Amendment A and Senate Amendment B was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table Bill, “An Act Relating to Educational Aid and Reorganization of School Administrative Units,” (S. P. 515) (L. D. 1478) which was tabled by that Senator earlier in today’s session pending consideration.

Mr. MARTIN of Kennebec: Mr. President, I move that the Senate resolve itself into a committee of the whole for the purpose of discussing the major educational bill. I further

move that the proceedings of the Committee of the Whole be off the record, and I also move that the Committee of the Whole be an executive session.

The PRESIDENT: The Senator from Kennebec, Senator Martin, moves that the Senate resolve itself into a committee of the whole and moves that the proceedings be off record and be executive in character. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: The Chair will express to our guests his regret that occasion requires it, but will note that following the committee of the whole such action as is concluded in the committee of the whole will be formalized without benefit of executive session. The Chair will ask the Senator from Kennebec, Senator Martin, to act as Chairman of the committee of the whole.

The Senate then resolved itself into a committee of the whole.

The Senate was called to order.

On motion by Mr. Low of Knox, the Senate voted to take from the table bill, “An Act Relating to Educational Aid and Reorganization of School Administrative Units.” (S. P. 515) (L. D. 1478) tabled by that Senator earlier in today’s session pending consideration.

On further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its action whereby the bill was passed to be engrossed; and on further motion by the same Senator, House Amendment I was indefinitely postponed in non-concurrence, and House Amendment G was adopted in concurrence.

Mr. Low of Knox moved the indefinite postponement of House Amendment F in non-concurrence.

Mr. Boucher of Androscoggin requested a division.

A division of the Senate was had.

Twenty-six having voted in the affirmative and three opposed, the motion prevailed and House Amendment F was indefinitely postponed in non-concurrence.

Mr. Low of Knox moved the indefinite postponement of House Amendment E.

Mr. Boucher of Androscoggin requested a division.

A division of the Senate was had. Twenty-four having voted in the affirmative and five opposed, the motion prevailed and House Amendment E was indefinitely postponed in non-concurrence.

Mr. Low of Knox moved the indefinite postponement of House Amendment D in non-concurrence.

Mr. Boucher of Androscoggin requested a division.

A division of the Senate was had.

Twenty-four having voted in the affirmative and four opposed, the motion prevailed and House Amendment D was indefinitely postponed in non-concurrence.

Thereupon, on further motion by the same Senator, House Amendments C, B and A were adopted in concurrence.

The same Senator then presented Senate Amendment B which was adopted without reading and the bill, as amended by Senate Amendments A and B, House Amendments A, B, and G, was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the table Bill, "An Act Creating a Highway Safety Committee," (H. P. 974) (L. D. 1374) tabled by that Senator on April 23 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

The Secretary read the amendment.

Mr. ROGERSON of Aroostook: Mr. President in support of my motion and in explanation of the amendment, I would say that the amendment has been submitted to the Committee on Highway Safety and has been unanimously approved by that group. The amendment came about as a result of an oversight. The committee felt that the Committee on Highway Safety could not function on the appropriation which was in the appropriation bill. This appropriation was to supplement that and to enable them to function.

Thereupon Senate Amendment A was adopted and the bill as amend-

ed was passed to be engrossed in non-concurrence.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table Bill, "An Act Imposing a Tax on Dry Beans." (H. P. 486) (L. D. 730) tabled by that Senator on April 23 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

Mr. PARKER of Piscataquis: Mr. President, to support the amendment I have offered, I want to say that I have cleared this with the sponsor of the bill. He agrees that this spells out a little more clearly the intent of the bill and so far as I know, there is no objection to it from anyone in the bean industry.

Thereupon, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Bill, "An Act Relating to Display of Maine Alcoholic Beverage Products in State Liquor Stores." (S. P. 543) (L. D. 1525) tabled by that Senator on April 26 pending assignment for second reading; and on further motion by the same Senator, the rules were suspended, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table House Committee Report of the Committee on Transportation on Bill, "An Act relating to Splash Guards for Motor Trucks, (H. P. 40) (L. D. 53) reporting same in New Draft (H. P. 1010) (L. D. 1414) under the same title, and that it "Ought to pass," which report was tabled by that Senator earlier in today's session.

Mr. COLE of Waldo: Mr. President, the members of the Transportation Committee reported out this bill, L. D. 1414, with three exceptions: 1. Trucks with a gross registered weight of 14,000 pounds or less. That in effect does not require

farm trucks to have splash guards. 2. Dump trucks while working on construction or reconstruction projects in the area under construction. That is, dump trucks that are working in construction we felt it was almost impossible to equip these types of trucks with splash guards, therefore we felt that they too should be exempt. 3. Truck trailer while not hauling a trailer or semi-trailer. As you probably know, most truck tractors are built so that it is almost impossible to equip them with splash guards, and the only way you could possibly do it would be by welding on additional pieces of metal to attach mudflaps to; and while they are attached to the trailer they too would have to come off again, so we felt in committee that they too should be exempt.

Now House Amendment "D", filing 286, does away with all these exemptions with the exception of House Amendment "B" which does include fire equipment. It would seem to me that it would be very unfair to require these small farm

trucks, dump trucks and truck-tractors to be required to have these mud-flaps.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the Senate accept the "Ought to pass" report of the committee. Is this the pleasure of the Senate?

The motion prevailed and the "Ought to pass" report of the committee was accepted and the bill was given its first reading.

On further motion by Mr. Cole, House Amendment "D" was indefinitely postponed in non-concurrence.

The same Senator then moved adoption of House Amendment "B" House Amendment "B" was read by the Secretary and adopted in concurrence, and the bill was assigned for second reading on the next legislative day.

On motion by Mr. Low of Knox,

Adjourned until 10:00 a.m. tomorrow.