

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

Friday, May 3, 1957

Senate called to order by the President.

Prayer by Rev. Theodore Euson of Hallowell.

On motion by Mr. Reed of Aroostook,

Journal of yesterday read and approved.

Order

On motion by Mr. Low of Knox, out of order and under suspension of the rules,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, May 7th, in the forenoon. (S. P. 557)

Which was read and passed.

Sent forthwith to the House.

Subsequently, the foregoing Order was returned from the House, having been read and passed in concurrence.

Papers from the House Joint Order

ORDERED, The Senate concurring, that Bill, "An Act Creating the Maine Commercial Feed Law" (H. P. 254) (L. D. 352) be recalled from the Engrossing Department to the House for the purpose of re-consideration." (H. P. 1079)

Which was read and passed in concurrence.

Bill, "An Act Relating to Opening Obstructions in Waters to Maintain Fish Life." (H. P. 999) (L. D. 1427)

In House on April 30, bill substituted for Ought not to pass report and committed to the Committee on Inland Fisheries and Game.

In Senate, ONTP Report accepted in non-concurrence.

Comes from House, that body having insisted on its former action, now asks for a Committee of Conference.

On motion by Mr. Butler of Franklin, the Senate voted to adhere.

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

In Senate, May 1, passed to be engrossed as amended by Commit-

tee Amendment A and as amended by Senate Amendment A, in non-concurrence.

Comes from House, passed to be engrossed as amended by Committee Amendment A (Filing No. 171) and as amended by Senate Amendment A (Filing No. 307) and as amended by House Amendment A (Filing No. 313) in non-concurrence.

In the Senate, on motion by Mr. Parker of Piscataquis, the Senate 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, April 18, passed to be engrossed as amended by Committee Amendment A.

Comes from House, passed to be engrossed as amended by Committee Amendment A (Filing No. 226) and as amended by House Amendment A (Filing No. 281) in non-concurrence.

In the Senate, on motion by Mr. Rogerson of Aroostook, the Senate voted to recede and concur.

House Committee Reports Ought Not to Pass

The Committee on Retirements and Pensions on "Resolve in Favor of Mabelle K. Toole of Bangor." (H. P. 389) (L. D. 520) reported that the same Ought not to pass.

Comes from House, resolve substituted for report and passed to be engrossed.

In the Senate:

Mr. DAVIS of Cumberland: Mr. President, I move that the Ought not to pass Report be accepted.

Thereupon, on motion by Mr. Hillman of Penobscot, the Bill and Reports were tabled pending motion by Mr. Davis to accept the Ought not to pass Report.

The Committee on Towns and Counties on Bill, "An Act Relating to Payment of Expenses of Lewiston Municipal Court." (H. P. 152) (L. D. 190) reported that the same Ought not to pass.

Comes from House, bill substituted for report, House Amendment A (Filing No. 289) adopted, and bill as so amended passed to be engrossed.

In the Senate, on motion by Mr. Wyman of Washington, the Bill was substituted for the report and read once; House Amendment A was read and adopted and the Bill as amended tomorrow assigned for second reading.

The Committee on Claims on "Resolve in Favor of John W. Parker of Braintree, Massachusetts." (H. P. 500) (L. D. 712) reported that the same Ought not to pass.

The Committee on Judiciary on Bill, "An Act to Apportion Damages Due to Contributory Negligence." (H. P. 607) (L. D. 854) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Qualifications for Admission to Practice Law." (H. P. 655) (L. D. 936) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Time for Recording Conditional Sale Agreements." (H. P. 944) (L. D. 1337) reported that the same Ought not to pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Industrial Development in City of Bangor." (H. P. 983) (L. D. 1407) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Judiciary on Bill, "An Act Relating to Consents in Adoptions." (H. P. 776) (L. D. 1109) reported that the same Ought not to pass.

Comes from the House, report and Bill Indefinitely Postponed.

In the Senate, Indefinitely Postponed in concurrence.

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Knox Memorial Association, Inc. for Support and Maintenance of 'Montpelier.'" (H. P. 28) (L. D. 41) reported that same be granted Leave to Withdraw.

The Committee on Judiciary on Bill "An Act Relating to Appeals from Decisions of Municipal Planning and Zoning Boards." (H. P. 875) (L. D. 1243) reported that same be granted Leave to Withdraw as covered by other legislation.

Which reports were read and accepted in concurrence.

The PRESIDENT: The Chair at this time notes the presence in the Senate Chamber of another attractive Senate wife and the Chair would request the two Senators from York County to escort Mrs. Andrew Fournier to the rostrum.

This was done amid the applause of the Senate, the members rising.

Ought to Pass

The Committee on Retirements and Pensions on Bill "An Act Providing for Disability Retirement Under State Police Retirement System." (H. P. 326) (L. D. 443) reported that the same Ought to pass.

The Committee on Towns and Counties on Bill "An Act to Increase Clerk Hire for Probation Officers in Androscoggin County." (H. P. 1008) (L. D. 1434) reported that the same Ought to pass.

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

Ought to Pass — N.D. — New Title

The Committee on Business Legislation on Bill "An Act Relating to Countersignature on Insurance Policies by Resident Agents." (H. P. 873) (L. D. 1241) reported same in New Draft (H. P. 1072) (L. D. 1539), with new Title: "An Act Relating to Countersignature by Resident Agents on Insurance Policies." 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. — same title

The Committee on Legal Affairs on Bill "An Act Granting a New Charter to the Town of Old Orchard Beach." (H. P. 4755) (L. D. 686) reported same in New Draft (H. P. 1073) (L. D. 1538) same title, and that it Ought to pass.

The Committee on Public Utilities on Bill "An Act Relating to Systems of Water Supply." (H. P. 755) (L. D. 1069) reported same in New Draft (H. P. 1074) (L. D. 1543) Under the 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 Business Legislation on Bill "An Act Relating to Licensing of Special Insurance Brokers." (H. P. 1014) (L. D. 1444) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 284)

The Committee on Judiciary on Bill "An Act Relating to False Reports of Deposit of Bombs or Other Infernal Devices." (H. P. 938) (L. D. 1331) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 254)

The Committee on Labor on Bill "An Act Relating to Employer's Contribution Rate Under Employment Security Law." (H. P. 815) (L. D. 1158) reported that the same Ought to pass with Committee Amendment A (Filing No. 285)

The Committee on Towns and Counties on Bill, "An Act Relating to Permissive Closing of County Offices on Saturday." (H. P. 445) (L. D. 621) reported that the same Ought to pass with Committee Amendment A (Filing No. 298)

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.

Communications

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

May 2, 1957

Honorable Chester T. Winslow
Secretary of the Senate
98th Legislature

Sir:

The Speaker of the House today appointed the following Conferees on the part of the House on the disagreeing actions of the Two Branches of the Legislature on:

Bill, "An Act Relating to Salaries of Superintendents of Schools," (H. P. 639) (L. D. 906)

Messrs: FULLER of South Portland
MATHIESON of Montville

Miss CORMIER of Rumford

Bill, "An Act Relating to Apprentice Lobster Fishing Licenses." (S. P. 137) (L. D. 274)

Messrs. BAIRD of North Haven
ANDREWS of Jonesboro
BREWSTER of Wells

Bill, "An Act Relating to Closed Time on Deer in Certain Counties," (S. P. 280) (L. D. 739)

Messrs: CARVILLE of Eustis
ROSS of Brownville
HARRIS of Greenville

Respectfully,

HARVEY R. PEASE
Clerk of the House

Which was read and placed on file.

Joint Order

On motion by Mr. Charles of Cumberland

ORDERED, the House concurring that H. P. 752, L. D. 1066, "An Act Relating to Death on Duty of Members of Portland Police Department." be re-called to the Senate from the legislative files. (S. P. 559)

Which was read and passed.
Sent down for concurrence.

Senate Committee Reports Leave to Withdraw

Mr. Low from the Committee on Retirements and Pensions on "Resolve Providing for State Pension for Elizabeth Francoeur of Lewiston." (S. P. 512) (L. D. 1439) reported that same be granted Leave to Withdraw

Which report was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Parker from the Committee on Highways on recommitted Bill, "An Act Relating to Area Directional Signs on Turnpikes." (S. P. 340) (L. D. 919) reported that the same Ought not to pass

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

Mr. Butler from the Committee on Judiciary on Bill, "An Act Relating to Statements to Ministers, Priests and Rabbis as Privileged Communications." (S. P. 387) (L.

D. 1083) reported that the same Ought not to pass

Mr. Butler from the Committee on Judiciary on Bill, "An Act Relating to Appointment and Fees of Registrars of Probate." (S. P. 464) (L. D. 1345) reported that the same Ought not to pass.

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

The same Senator from the same Committee on Bill, "An Act Relating to Change of Residence of Voter." (S. P. 476) L. D. 1382) reported that the same Ought not to pass

Mr. Davis from the Committee on Retirement and Pensions on Bill, "An Act Relating to Restoration to Service on Part-Time Basis Under State Retirement System." (S. P. 491) (L. D. 1399) reported that the same Ought not to pass

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

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

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

Ought to Pass

N. D. — New Title

Mr. Silsby from the Committee on Judiciary on Bill, "An Act Repealing Prima Facie Provisions of Unfair Sales Act." (S. P. 28) (L. D. 19) reported same in New Draft (S. P. 555) (L. D. 1551) Under New Title:

"An Act Relating to the Unfair Sales Act." 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.

Mr. Silsby from the Committee on Judiciary on Bill, "An Act Creating Office of Hearing Examiner under Liquor Law." (S. P. 487) (L. D. 1393) reported same in New Draft (S. P. 553) with recommendation

that same be recommitted 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 — as amended

Mr. Martin from the Committee on Public Utilities on Bill, "An Act Relating to Fluoridation of Public Water Supplies." (S. P. 466) (L. D. 1379) reported that the same Ought to pass with Committee Amendment A

Mr. Pike from the Committee on State Government on Bill, "An Act Relating to Membership in State Board of Education." (S. P. 481) (L. D. 1336) reported that the same Ought to pass as amended by 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 — N. D. Minority — ONTP

The Majority of the Committee on Constitutional Amendments on "Resolve Proposing an Amendment to the Constitution Abolishing Offices of Judge and Register of Probate as Constitutional Offices." (S. P. 296) (L. D. 793) reported same in New Draft (S. P. 556) (L. D. 1552) Under New Title: "Resolve Proposing an Amendment to the Constitution Providing for the Appointment of Judges of Probate by the Governor, with the Advice and Consent of the Council." and that it Ought to pass.

(Signed)

Senators:

LORD of Cumberland
HURLEY of Kennebec

Representatives:

BEYER of Cape Elizabeth
TEVANIAN of Portland
EMMONS of Kennebunk
BRODERICK of Portland
BEANE of Augusta
HANCOCK of York

The Minority of the same Committee on the same subject matter,

reported that the resolve Ought not to pass.

(Signed)

Senators:

BUTLER of Franklin
WOODCOCK of Penobscot
WYMAN of Washington

Representatives:

EARLES of South Portland
BROWNE of Bangor
WALKER of Auburn
CURTIS of Bowdoinham

On motion by Mr. Martin of Kennebec, tabled pending consideration of the reports.

Mr. Butler of Franklin was granted unanimous consent to address the Senate.

Mr. BUTLER: Mr. President and members of the Senate: In respect to the item which we have just tabled, I would like to explain the bill briefly so that you may consider it over the week-end.

The PRESIDENT: May the Chair note the absence of the Senator from Hancock, Senator Silsby, the sponsor of the bill?

Mr. BUTLER: Mr. President, I do note the absence of the Senator, and I am only trying to facilitate a better knowledge of the bill on the part of the Senate, with the full approbation of the Senator from Hancock, Senator Silsby.

This bill as originally presented called for the offices of Register of Probate and Judge of Probate, which under the Constitution are not elected by the people, for that to be abolished entirely and to have them appointed. The new draft calls simply for the appointment of the Judge of Probate by the Governor with the consent of the Council. It still leaves it as a constitutional amendment. Those who felt that the Constitution should stay as it is voted in respect to the "Ought not to pass" report, that is that nothing should be done, that we should leave the matter exactly in its status quo. The new draft is entirely, as I understand, in concert with the sponsor of the original draft as presented to the committee.

So over the week-end please give your consideration to what those call for, so that when we vote upon it you will be better prepared to do so. I thank you.

Majority — OTP

Minority — ONTP

The Majority of the Committee on State Government on Bill, "An Act Relating to Appointment of Commissioner of Education." (S. P. 480) (L. D. 1385) reported that the same Ought to pass.

(Signed)

Senators:

ROGERSON of Aroostook
LESSARD of Androscoggin

Representatives:

ROSS of Bath
WALSH of Brunswick
CHILDS of Portland
ELWELL of Brooks

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

(Signed)

Senator

PIKE of Oxford

Representatives:

WADE of Auburn
TOTMAN of Bangor
BRAGDON of Perham

Mr. LESSARD of Androscoggin: Mr. President, I move the acceptance of the Majority Ought to pass Report.

Thereupon, on motion by Mr. Pike of Oxford, the Bill and Reports were tabled pending the motion by Mr. Lessard of Androscoggin.

Second Readers

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

Senate

Bill, "An Act Relating to Funeral Expenses in Aid to the Blind and Aid to the Disabled." (S. P. 114) (L. D. 271)

Bill, "An Act Relating to Payments by Town of Northport to Northport Village Corporation." (S. P. 260) (L. D. 699)

Bill, "An Act Relating to Crediting Railroad Tax on Books of State." (S. P. 426) (L. D. 1209)

Bill, "An Act Increasing Compensation for Members of Board of Dental Examiners." (S. P. 483) (L. D. 1391)

Bill, "An Act Relating to Disposition of License Fees in the Bee Industry." (S. P. 510) (L. D. 1451)

Bill, "An Act Relating to Rehabilitation and Preservation of Covered Bridges." (S. P. 554) (L. D. 1545)

"Resolve Charging off Funds Advanced to Maine State Office Building Authority." (S. P. 171) (L. D. 450)

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

Sent down for concurrence.

Senate — as amended

"Resolve Amending Resolve for Memorial for Honorable Percival P. Baxter of Portland." (S. P. 39) (L. D. 56)

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

Sent down for concurrence.

Bill, "An Act Relating to Payments by Town of Northport to Northport Village Corporation." (S. P. 260) (L. D. 699)

Which bill was read a second time.

Mr. Cole of Waldo presented Senate Amendment A and moved its adoption.

Which amendment was adopted and the bill as amended was tomorrow assigned for second reading.

The PRESIDENT: The Chair at this time notes the presence in the Senate Chamber of one of Maine's truly most distinguished citizens, a jurist whose integrity and ability is known throughout the east; and the Chair would ask the Assistant Sergeant-at-Arms to escort former Chief Justice Raymond Fellows to the rostrum. (Applause, members rising)

EX-CHIEF JUSTICE RAYMOND FELLOWS: I say "hello", and you may be seated.

Enactors

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

Bill, "An Act Relating to Aid to Public and Private Hospitals." (H. P. 382) (L. D. 511)

Bill, "An Act Providing for Short Form Record of Civil Cases." (H. P. 544) (L. D. 771)

Bill, "An Act Relating to Repairs of Roads in Unorganized Territory and Deorganized Towns." (H. P. 599) (L. D. 846)

Bill, "An Act to Create the Fal-mouth Sewer District." (H. P. 669) (L. D. 950)

Bill, "An Act Repealing Certain Limitations in Hunting with Bow and Arrow." (H. P. 898) (L. D. 1284)

Bill, "An Act Licensing Pin Ball Machines." (H. P. 904) (L. D. 1390)

Bill, "An Act Creating the Mars Hill Utility District." (H. P. 985) (L. D. 1409)

Bill, "An Act Relating to Duties of the Aeronautics Commission." (H. P. 1040) (L. D. 1473)

Bill, "An Act Creating an Interstate Compact on Mental Health." (S. P. 127) (L. D. 340)

Which bills were passed to be enacted.

Emergency

Bill, "An Act to Incorporate the Northport School District in Northport." (H. P. 749) (L. D. 1063)

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

Mr. CHARLES of Cumberland: Mr. President, I would like to inquire if the Senate is in possession of L. D. 1034?

The PRESIDENT: The Chair would state that the bill is in the possession of the Senate having been held at the request of the Senator from Cumberland, Senator Charles.

Thereupon, on motion by Mr. Charles of Cumberland, the Senate voted to reconsider its action where-by it passed to be engrossed bill, "An Act Relating to Rental of Westbrook Municipal Court" (730) L. D. 1034) and the same Senator presented Senate Amendment A and moved its adoption.

Which amendment was adopted and the bill as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. BRIGGS of Aroostook: Mr. President, I would like to inquire if L. D. 740 is in the possession of the Senate?

The PRESIDENT: The Chair will state that L. D. 740 is in the possession of the Senate having been recalled by Joint Order.

Thereupon, on motion by Mr. Briggs of Aroostook, bill, "An Act Relating to Closed Time on Deer in Certain Counties" (S. P. 281) (L. D. 740) was recommitted to the Committee on Inland Fisheries and Game 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 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 May 1 pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table bill, "An Act Relating to Investment of Municipal Trust Funds." (H. P. 342) (L. D. 473) tabled by that Senator on March 21 pending enactment; and on further motion by the same Senator the bill was passed to be enacted.

The President laid before the Senate the first tabled and especially assigned matter being bill, "An Act Relating to Lights on Rear of Trucks," (S. P. 546) (L. D. 1532) tabled by the Senator from Aroostook Senator Reed on May 1, pending passage to be engrossed; and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed and unassigned.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table the 5th tabled and unassigned matter, "Resolve, Designating New Bridge to Span Jonesport Reach from the Town of Jonesport to the Town of Beals as 'Jonesport-Beals Bridge' ", (S. P. 175) (L. D. 454) which was tabled by that Senator on March 14th, pending final pas-

sage; and on further motion by the same Senator the resolve was finally passed.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table the 32nd tabled and unassigned matter, Bill, "An Act Relating to Pledging Securities by Banking Institutions in which State Funds are Deposited," (H. P. 893) (L. D. 1279) which was tabled by that Senator on April 18th pending passage to be enacted.

Mr. BUTLER: Mr. President and members of the Senate: This is a new bit of legislation not only for the State of Maine but for the entire New England States, relating to the pledging of securities by institutions which may be having deposits from the State, and securities, and in view of the uncertainty of the entire legislation and in view of the fact that many of the banks which already have such deposits are not able to comply with the purpose of the act, I move the indefinite postponement of this bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the bill be indefinitely postponed in non-concurrence.

A viva voce vote being taken, the motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin,

Recessed until 1:30 P. M.

After Recess

Senate called to order by the President.

Additional Paper from House Conference Committee Report

The Special Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Educational Aid and Reorganization of School Administrative Units." (S. P. 515) (L. D. 1478)

Reported that the House recede and concur with the Senate in the adoption of Senate Amendment B and the indefinite postponement of House Amendments D, E, F and I and adopt Conference Amendment

A (submitted with this report) and pass bill to be engrossed as amended by Senate Amendments A and B, and House Amendments A, B, C and G and Conference Amendment A;

Comes from the House, Conference Committee report accepted and bill passed to be engrossed as amended by Senate Amendments A and B; House Amendments A, B, C and G; and Conference Amend-

ment A, in accordance with the Conference Committee report.

In the Senate, on motion by Mr. Low of Knox, the Conference Committee report was read and accepted in concurrence, and the Senate voted to recede and concur.

On motion by Mr. Low of Knox

Adjourned until Tuesday next at ten o'clock in the morning.