

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Special Sessions

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

October 28, 1957

January 13, 1958

May 6, 1958

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Tuesday, October 29, 1957

Senate called to order by the President.

Prayer by Rev. Horace E. Colpitts of Augusta.

On motion by Mr. Bailey of Sagadahoc, Journal of yesterday read and approved.

**Appropriations
and Financial Affairs**

Bill, "An Act Clarifying Administrative Procedure for Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island." (H. P. 1111) (L. D. 1616)

"Resolve Appropriating Moneys for Spruce Budworm Control." (H. P. 1113) (L. D. 1619)

"Resolve in Favor of Armory Project for Battery D, 703rd Anti-Aircraft Battalion (H. P. 1120) (L. D. 1629)

"Resolve Relating to Passamaquoddy Trust Funds for Housing." (H. P. 1112) (L. D. 1618)

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

Judiciary

Bill, "An Act Relating to Definition of School Buses." (H. P. 1117) (L. D. 1624)

Bill, "An Act Relating to Penalties on Maine Turnpike." (H. P. 1118) (L. D. 1626)

Which were referred to the Committee on Judiciary in concurrence.

Sea and Shore Fisheries

Bill, "An Act Relating to Revocation and Suspension of Licenses under Sea and Shore Fisheries Law." (H. P. 1119) (L. D. 1623)

Which was referred to the Committee on Sea and Shore Fisheries in concurrence.

Taxation

Bill, "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control." (H. P. 1114) (L. D. 1620)

Which was referred to the Committee on Taxation in concurrence.

The PRESIDENT: The Chair would now note that the seventeen bills and resolves presented to you on arrival here yesterday have now been severally referred to the recommended committees and technically, if not physically, are in the hands of the committees preparatory to this afternoon's public hearings.

The Chair might also express a personal hope that following the committee hearings this afternoon the committees of interest will find it possible to have their executive sessions and make their committee reports to the respective branches this afternoon or this evening if at all possible. If the committee reports may be turned in to the House and Senate offices this afternoon or this evening they will be on the calendar tomorrow morning for concurrent or nonconcurrent action on the reports of the committees.

The Senate may be at ease.

At Ease

Communication

OPINION

OF THE JUSTICES OF THE SUPREME JUDICIAL COURT GIVEN UNDER THE PROVISIONS OF SECTION 3 OF ARTICLE VI OF THE CONSTITUTION

QUESTION PROPOUNDED BY THE SENATE IN AN ORDER DATED OCTOBER 28, 1957 ANSWERED OCTOBER 29, 1957

ANSWER OF THE JUSTICES To the Honorable Senate of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answer to the question propounded on October 28, 1957.

QUESTION: Would Senate Paper 620, Legislative Document Number 1614, "An Act to Create the Maine Industrial Building Authority", if enacted by the Legislature in its present form, be constitutional? ANSWER: We answer in the affirmative.

Our Constitution reads in Section 14-A as follows:

“SECTION 14-A. For the purpose of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial and manufacturing enterprises within the state, the legislature by proper enactment may insure the payment of mortgage loans on the real estate within the state of such industrial and manufacturing enterprises not exceeding in the aggregate \$20,000,000 in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the state at such times and in such amounts as it may determine to make payments insured as aforesaid.”

On examination of Senate Paper 620, Legislative Document Number 1614, we are of the view that the means chosen are reasonably adapted to carry out the purposes of Section 14-A of the Constitution and are otherwise constitutional.

Dated at Augusta, Maine, this 29th day of October, 1957.

Respectfully submitted:

ROBERT B. WILLIAMSON
DONALD W. WEBBER
ALBERT BELIVEAU
WALTER M. TAPLEY, JR.
FRANCIS W. SULLIVAN
F. HAROLD DUBORD

Which was read and placed on file.

Papers from the House

Bill, “An Act Relating to Municipal Zoning Boards of Appeal.” (H. P. 1116)

Which was referred to the Committee on Judiciary in concurrence.

Joint Order

Cloture - (S. P. 629)

In Senate, October 28, read and passed.

Comes from the House, read and passed as amended by House Amendment A.

In the Senate, on motion by Mr. Silsby of Hancock, the Senate voted to recede and concur.

Joint Order

ORDERED, the Senate concurring, that a Joint Special Committee consisting of three (3) on the part of the Senate and seven (7)

on the part of the House, with the President of the Senate and the Speaker of the House serving as ex officio members be appointed by the respective presiding officers to review Chapter 364 of the Laws of 1957 (the “Sinclair” bill). The Committee shall report at either the next Special Session or any recessed session of this Special Session on such revisions to Chapter 364 as they may deem appropriate.

The Committee shall proceed in its work with the aid and assistance of the Department of Education, the Attorney General’s Department and such other interested groups as it may deem appropriate, with the objective of presenting such changes or amendments as may be required to accomplish an improved law.

The Committee members may be reimbursed for actual expenses entailed in their interim study and such expenses shall be charged to the legislative appropriation.

Comes from the House read and passed.

The Speaker appointed as members on the part of the House:

Representatives:

FULLER of South Portland
HANCOCK of York
HATHAWAY of Columbia Falls

FRAZIER of Lee
ERVIN of Houlton
CORMIER of Rumford
ELWELL of Brooks

In the Senate, the Joint Order was read and passed in concurrence.

The PRESIDENT: The Chair would now note that the seventeen bills and resolves which were printed and on your desks when you arrived here, together with the two matters received in both branches in concurrence, namely a bill referred to Judiciary relating to the Appeal Board, and a bill introduced by the Senator from Somerset, Senator Carpenter, relating to certain highway signs, are each in the possession of the committee. The hearing schedules have been announced and they are on the board in the corridor. The Chair is very hopeful that the hearings that will be held this afternoon may be followed up by committee reports so that they

may be journalized in the respective branches tomorrow.

The Chair would also note that his office and the Secretary's office will be very pleased to assist such committees as may desire it in the matter of typing of jackets, if that will help expedite your work, sincerely hoping that before the journal is sent to the K. J. tonight it will contain a committee report on each of the nineteen matters. If that is accomplished, both branches having adopted the cloture order, it would seem that except for the joint order relating to highways there would reasonably be no other matters to come before this special

session, that we could meet tomorrow morning to consider these committee reports, have unlimited debate and opportunity to amend all bills in both branches and head toward a reasonably prompt adjournment, as both branches wish, of this special session.

Again the Chair urges executive sessions, because holding up one bill may mean holding up the rest of the eighteen bills.

On motion by Mr. Low of Knox,
Adjourned until 10:00 A.M. tomorrow.