

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

Thursday, October 31, 1957

Senate called to order by the President.

Prayer by Captain William Ash of the Salvation Army, Augusta.

On motion by Mr. Briggs of Aroostook, Journal of yesterday read and approved.

The PRESIDENT: The Senator from Hancock, Senator Silsby, asks unanimous consent to address the Senate relating to the action that he anticipates the Judiciary Committee will take this morning on L. D. 1626, L. D. 1623 and L. D. 1632. Is there objection? The Chair hears none, and the Chair recognizes the Senator from Hancock, Senator Silsby.

Mr. SILSBY: Mr. President and members of the Senate: The Judiciary Committee was somewhat concerned when we passed out the bills L. D. 1623, L. D. 1626 and L. D. 1632 "Ought to pass with Emergency Preamble," but it was our understanding that probably the Legislature would adjourn to a day certain and therefore we went along with the emergency. We now find that the Legislature will probably adjourn without day and therefore we would like to remove the emergency preamble from the three bills I have mentioned, which are the radar bill, turnpike increase in penalty and the zoning bill, because we are fearful it might not qualify with the emergency preamble of our Constitution. Therefore I expect to make a motion that the rules be suspended to the end that we may reconsider the bill before us today in this body on the radar that I might offer an amendment to take off the emergency preamble. I have been informed that the mechanics are all taken care of and it will not delay adjournment one minute.

With those few remarks, I would like to make the motion if it is in order.

The PRESIDENT: The Senator from Hancock, Senator Silsby, asks if there is in the possession of the Senate L. D. 1623. The Chair will state that it is in the possession of the Senate.

On motion by Mr. Silsby of Hancock, the rules were suspended and the Senate voted to reconsider its previous action whereby it passed to be engrossed bill, "An Act Relating to Measuring Speed of Motor Vehicles by Radar." (S. P. 626) (L. D. 1623) and the same Senator presented Senate Amendment A and moved its adoption.

Which amendment was adopted without reading and the bill as amended by Committee Amendment A and Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills and resolves:

Emergency

Bill, "An Act Providing for Payment of the 1957 Education Subsidies to Municipalities." (S. P. 628) (L. D. 1622)

Which bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was Passed to be Enacted; and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

Bill, "An Act Relating to Contributions and Eligibility of Survivor Benefits and Membership of Certain Teachers Under Maine State Retirement Law." (S. P. 625) (L. D. 1627)

Which bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted; and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

Bill, "An Act Relating to Castle Hill-Chapman-Mapleton Community School District." (S. P. 627) (L. D. 1630)

Which bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

ed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

Which Resolve, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was finally passed, and having been signed by the President was by the Secretary presented to the Governor for his approval.

Emergency

Resolve, Authorizing Preliminary Surveys of Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island, and Operational Expenses of Advisory Committee. (S. P. 622) (L. D. 1617)

Which Resolve, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was finally passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Low of Knox, the Senate voted to take from the table Joint Order relative to adjournment tabled by that Senator on October 30 pending passage: and on further motion by the same Senator, the Order was indefinitely postponed.

On motion by Mr. LOW of Knox
ORDERED, the House concurring, that the Reference of Bills Committee of this Legislature is directed to meet at the State House at least ten (10) days prior to the convening date of the next Special Session. They shall give notice to each member of the Legislature of the date and their meeting place. Each member of the House and Senate shall be privileged to present to the Reference Committee any bill or resolve that the member wishes to have considered at the Special Session. The Committee shall consider the request and if, in its opinion, the bill is a proper one for Special Session considera-

tion, then the Committee shall have the bill printed and available on the convening date.

At the date of convening, the Reference Committee shall report its recommendations to the Legislature via Joint Order or otherwise for such action as the Legislature may wish to take.

Nothing in this Order, directly or indirectly, shall in any way serve to deny to any member of the Legislature his rights and privileges with respect to the introduction of bills.

The intent of this Order is to accomplish such preparatory work as may reasonably permit a Special Session to start its formal hearings and debates as soon as may be after the convening date.

Similarly, nothing in this Order shall in any way restrict the Governor with respect to such items as the Governor may wish to present in his Message to the Special Session.

(S. P. 643)

Which was read and passed.

Sent down for concurrence.

The PRESIDENT: The Chair would note that the House Calendar contains all of the remaining enactors and except for the L. D.s referred to in the remarks of Senator Silsby of Hancock, the Chair would expect the bills to be over here shortly. We must then journalize them. The Chair would suggest a motion to recess to the sound of the gong.

On motion by Mr. Low of Knox

Recessed to the sound of the gong.

After Recess

The Senate was called to order by the President.

On motion by Mr. Low of Knox
Recessed until this afternoon at 1:30 o'clock.

After Recess

The Senate was called to order by the President.

Papers from the House

Bill, "An Act Relating to Municipal Zoning Boards of Appeal." (H. P. 1116) (L. D. 1632)

In Senate on October 30, passed to be engrossed as amended by

Committee Amendment A (Filing No. 615) in concurrence.

Comes from the House, passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (Filing No. 631) in non-concurrence.

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

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

In Senate on October 30, passed to be engrossed as amended by Committee Amendment A (Filing No. 613) in concurrence.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 633) in non-concurrence.

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

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills and resolves:

Bill, "An Act Relating to Area Directional Signs." (S. P. 634) (L. D. 1631)

Bill, "An Act Relating to Maine Industrial Building Authority." (S. P. 642) (L. D. 1636)

Which were passed to be enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

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 bill, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted; and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

Bill, "An Act Relating to Speed of Motor Vehicles." (S. P. 624) (L. D. 1625)

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted; and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

Bill, "An Act Relating to Revocation and Suspension of Licenses under Sea and Shore Fisheries Law." (H. P. 1119) (L. D. 1628)

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted; and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

Which bill, being an emergency measure and having received the affirmative vote of 30 members of the Senate, was passed to be enacted; and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 621) (L. D. 1615)

Which bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted; and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

Bill, "An Act Clarifying Probation Procedure Under Probation and Parole Law." (S. P. 623) (L. D. 1621)

Which bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted; and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

Which resolve, being an emergency measure and having received the affirmative vote of 28 members of the Senate, was finally passed; and having been signed by the President was by the Secretary presented to the Governor for his approval.

Emergency

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

Which resolve, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was finally passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair at this time would ask the Senator from Knox, Senator Low, to preside over the Senate as President pro tem.

Mr. Low was thereupon escorted to the rostrum amid the applause of the Senate, the members rising.

Emergency

Bill, "An Act to Create the Maine Industrial Building Authority." (S. P. 620) (L. D. 1614)

Which bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was passed to be enacted; and having been signed by the President, was by the Secretary presented to the Governor for his approval.

President Haskell resumed the Chair.

The PRESIDENT: I think it would be an act of injustice at this point of the legislative record if that record failed to make reference to the contribution that the Senator from Knox, Senator Low, has made over a period of substantially over a year with reference to this bill. I think it fair to state that the Senator from Knox, Senator Low, was substantially respon-

sible for the conception of the bill, and I think it would be fair to state he was substantially responsible for the assembly, and, as the Chair believes and some of the outstanding leaders of the State, in developing the concept; and I would be so bold as to predict that the path laid out by this bill will be subjected to nationwide study and nationwide copying. I believe this day when this bill is signed by the Governor the State of Maine will have adopted what is perhaps the most efficient, the most reasonable, the most sensible, the most workable answer to the proposition that the State participate in industrial development work; and, so far as the Chair is concerned, he points to the Senator from Knox, Senator Low, and gives to him a very substantial part of the credit that goes with this bill, and if any member of the Senate does not concur, he will not rise. (Applause, the entire body rising)

Papers from the House

Joint Order (S. P. 643)—Relative to Committee on Reference of Bills."

In Senate, read and passed.

Comes from House, indefinitely postponed.

(Motion to reconsider, lost.)

In the Senate, that Body voted to recede and concur.

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

Bill, "An Act Relating to Measuring Speed of Motor Vehicles by Radar." (S. P. 626) (L. D. 1623)

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

Bill, "An Act Relating to Municipal Zoning Boards of Appeal." (H. P. 1116) (L. D. 1632)

Which were severally passed to be enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair would note that so far as the Chair knows your action in enacting these bills completes the formal action relating to the legislation presented

to the special session. The Chair would furthermore observe that there will be one or two joint orders relating to advising the Governor of the completion of our efforts, followed presumably, by the appearance of the Governor and, still guessing, it would appear that adjournment without day would be in order and this should be accomplished by four o'clock.

Mr. Low of Knox was granted unanimous consent to address the Senate.

Mr. LOW: Mr. President and members of the Senate: Not quite seventy-two hours ago this special session assembled and since that time we have handled about twenty bills and resolves and several other orders. When we came here the bills were nearly all printed, all the organization work had been done, and it seemed very easy and we have gotten through in a very short time. All this was made possible, gentlemen, by the work of one man who, since this session was determined upon in September, has spent a great deal of his time, days of it, in Augusta, working on the matters which were to come before this session and making sure that everything would go smoothly. I am referring, of course, to the President of the Senate, Robert N. Haskell, who is the man who has done all this work. I would say that he put in at least half of his time for the whole month of October on it, and we all know, by the fact everything is proceeding so smoothly, what a good job he has done. So I am going to propose that we all rise and give him a hand in expression of our appreciation of his work. (Prolonged applause, members rising)

The PRESIDENT: The Chair appreciates those comments. I would not be honest with myself if I did not recite a conviction that that feeling is not universally held in this legislature. I would like to amend the courteous remarks of the Senator from Knox, Senator Low, by noting that the executive branch of the government and its staff certainly put as much or more time into this thing than I did.

When one assumes a position of responsibility one takes upon him-

self the chances of criticism, and one must choose rather clearly between two paths. The first path is to dodge that responsibility and be sure that you will not be the subject of criticism; the other path is to try as honestly and as conscientiously as you can to accept that responsibility, knowing in advance that your efforts will be criticized. It is probably unfortunate, but I am of the disposition of accepting the responsibility and accepting the heartbreaks that go with the criticism for having tried to discharge it. But it is gratifying to know that at least some people recognize that in a venture such as a special session of the legislature, if the work is to be done expeditiously, if the taxpayers are not to be burdened with the additional expense that runs into several thousand dollars a day, someone must make these preparatory efforts.

I regret that an honest, sincere effort to accomplish along more democratic lines that same procedure in the next special session did not have approval. However that may be, this Senate has been very kind to me. I appreciate the manner in which all of you have cooperated with me, and, wherever that criticism may be, I will again in January dedicate myself and my efforts as unsparingly and as unselfishly as I can to have such another special session, and I think that is what we will accomplish. Thank you, Seth, for your kind remarks. (Prolonged applause, members rising)

Out of Order and Under Suspension of the Rules

On motion by Mr. LOW of Knox

ORDERED, that a message be sent to the House of Representatives, informing that body that the Senate has transacted all the business before it, and is ready to adjourn without day.

The President appointed Mr. LOW of Knox to convey the message.

Subsequently, that Senator reported that he had delivered the message with which he was charged.

A message was received from the House of Representatives through Representative Ross, Majority Floor

Leader, stating that body had transacted all the business before it and was ready to adjourn without day.

On motion by Mr. WYMAN of Washington,

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon His Excellency, the Governor, and inform him that both branches of the Legislature have acted upon all matters before them, and are ready to receive any further communications he may be pleased to make. (S. P. 644)

Which was read and passed.

The Chair appointed on the part of the Senate:

Senators: Wyman of Washington, Carpenter of Somerset, Farley of York.

Sent down for concurrence.

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

The Committee retired, and subsequently Mr. Wyman for the Committee reported that the Committee had delivered the message with which it was charged.

At this point, the Governor entered the Senate and was escorted to the Chair.

GOVERNOR MUSKIE: Mr. President and members of the Senate: I herewith submit a tabulation of the results of this first special session of the 98th Legislature:

Acts approved	15
Resolves approved	4
Vetoed presented	0

I would like to take this opportunity to express my appreciation for your expeditious and responsible disposition of various matters which have been placed before you. The people of Maine have reason to be grateful to you for your grasp of the problems and the action which you have taken with respect to them. As you know, if certain legislation, particularly that dealing with powers of the Industrial Building Authority, is to take effect with a minimum of delay it would be necessary for you to adjourn finally at this time. If you should choose to so adjourn for that reason, I take this opportunity to advise you that I shall call another special session to convene in January, 1958, for the purpose of considering amendments to the Sinclair law in accordance with my message to you at the beginning of this session.

May I say in closing that, believe it or not, it has been refreshing to have the corridors buzzing with activity again, and as you disperse to once again take up your private pursuits, Mrs. Muskie and I join in wishing you Godspeed. Thank you. (Applause, members rising) Thereupon, the Governor withdrew.

Thereupon, on motion by Mr. Bailey of Sagadahoc, the President, Robert N. Haskell declared the Special Session of the 98th Legislature adjourned without day at 3:41 P. M.