

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, January 16, 1958

Senate called to order by the President.

Prayer by Rev. Douglas H. Robins of Augusta.

On motion by Mr. Hurley of Augusta, Journal of yesterday read and approved.

Senate Committee Report

The Committee on Judiciary on a Petition of Paul N. Dwyer seeking the right to bring a civil suit against the State of Maine. (S. P. 667) reported as follows:

This Legislature recognizes the right of the petitioner in presenting his petition. Under our Constitution our Government is divided in three branches, the Executive, the Legislative and the Judicial. The lack or want of due process of law is entirely within the province of the Judicial branch of our Government.

Until that branch has adjudicated a lack or want of due process, it is unconstitutional for the Legislative branch to either accept or reject the prayer called for in the petition. Accordingly the petition is declined.

(Signed)

Senators:

SILSBY of Hancock
WOODCOCK of Penobscot
BUTLER of Franklin

Representatives:

BROWNE of Bangor
EARLES of South Portland
HANCOCK of York
WALKER of Auburn
BRODERICK of Portland
TEVANIAN of Portland
NEEDHAM of Orono

Which report was read and accepted.

Sent down for concurrence.

Orders of the Day

Mr. LOW of Knox: Mr. President may I ask if L. D. 1644 is in the possession of the Senate?

The PRESIDENT: The Chair would state that the document is in the possession of the Senate, having been held at the request of the Senator from Knox, Senator Low.

Thereupon, on further motion by the same Senator, the Senate voted

to reconsider its action of yesterday whereby it indefinitely postponed Legislative Document 1644.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate: In the interests of speed and not wishing to delay the session, I moved yesterday to concur with the other branch in regard to this bill. I am grateful for the opportunity of speaking to you this morning in relation to the need for consideration of what I think is a very important item coming before this legislature. I would be derelict in my duty if I did not explain to the Senate and report to the Senate the actions of the interim committee that was appointed to study the allocation of space in this State House.

This committee, along with the Bureau of Public Improvements, the Governor and Council, Senate officers and so forth, met many times, went over many plans, went over the needs that we should consider if we were going to prepare for the next legislative session.

I call your attention to the fact that a number of rooms in the new State office building have been occupied by State departments and will not be available as legislative hearing rooms for the next session.

Now this is our State capitol building, and I think every one of us should be very proud of it. We have many, many visitors coming to the State and to this building throughout the year, and, because of the crowded conditions of this building, a number of partitions have been placed here and placed there, and we have been crowded into nooks and corners. I believe you will agree with me when I say we should restore certain parts of this building to the design for which these rooms were originally intended, and your committee had that in mind when we went over the plans for this building.

For example, on the fourth floor of this building we have many, many partitions in some of these rooms that I believe detract a great deal from the attractiveness of the rooms. Now Public Utilities is on the fourth floor. I would like to see and your committee would like to see the third and fourth floors of

this building set aside for the executive and legislative branches of the State government. The committee would like to see the joint standing committees have homes of their own, and we kept that in mind in setting up the plans which many of you have seen and which are on display in the rotunda. We have room in the State office building at the present time for Public Utilities. What I am afraid of is that if we continue without having that space occupied by one of the departments, before too long that space is going to be taken up by other expanding departments and we are just not going to be able to hold it for Public Utilities. There is space available for them now. Part of the space we have anticipated should be used by the Public Utilities is now occupied on a temporary basis. Six months from now or three months from now or a year from now that temporary space could very well be a permanent arrangement and it would be very difficult to make changes.

If the Public Utilities were moved from the fourth floor to the new State office building that would release most of the facilities and space on the fourth floor for hearing rooms for the legislative committees. I think the operation of the legislature would function much more efficiently if these changes could be made.

There are other things that were taken into consideration. There has been a great deal of discussion about the cramped quarters that our executive department uses, and I think you will agree that the quarters are very cramped. There is no question in mind but that we are asking our own Senate staff to carry on their duties in a very limited space. We have one room adjacent to this chamber and there are five desks in there. Now that is not an efficient operation. I think we should give very serious consideration to the need for rearrangement of space, not only to make it more efficient but also to make this building more attractive. There are parts of this building that I am not too proud of and I am sure you are not too proud of some of them.

I hope you will give very serious consideration to the motion I am going to make, which is that we accept Report "A", the "Ought to pass" report of the committee, and I would ask then that we send this bill to the other branch, requesting a committee of conference on the disagreeing action of the two bodies.

Have I made too many motions, Mr. President?

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sinclair, that the Senate adopt Report "A", ought to pass on L. D. 1644.

A viva voce vote being had, the motion prevailed, the ought to pass report, Report A, was accepted in non-concurrence and the bill read once.

The PRESIDENT: The same Senator now moves that the Senate insist on that action and ask for a Committee of Conference.

The motion to insist and ask for a Committee of Conference prevailed.

The PRESIDENT: The same Senator now moves that the bill and accompanying papers be sent forthwith to the House.

The motion prevailed.

The PRESIDENT: The Chair would note that so far as current action in this Body is concerned, there are but two matters that could be handled at this time. Each of these are tabled items; one being a joint order tabled by the Senator from Knox, Senator Low, and the other a bill tabled by the Senator from Androscoggin, Senator Boucher.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, "An Act Relating to Directional Signs at Falmouth Spur So-called" (L. D. 1658) tabled by that Senator on January 15 pending consideration of the report of the Highway Committee that the bill be referred to the next legislature.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, having confidence in the three Senators who served on that Committee, and having confidence

in what they have told me, I move that we accept the report.

The motion prevailed and the report was accepted.

On motion by the same Senator, sent forthwith to the House.

On motion by Mr. Low of Knox, the Senate voted to take from the table Joint Order relative to the price of gas and fuel oil (S. P. 666) tabled by that Senator on January 15 pending motion by the Senator from Lincoln, Senator Dow, that the order receive a passage.

Thereupon, the motion prevailed, the Joint Order received a passage and was sent forthwith to the House.

The PRESIDENT: The Chair would note that that action clears the Senate table and would suggest that unless there is further business to come before this Body, that no action can be taken until the enactors on the House Calendar are received for Senate action.

On motion by Mr. Bailey of Saga-dahoc

Recessed to the sound of the gong.

After Recess

The Senate was called to order by the President.

On motion by Mr. Sinclair of Somers-et, the Senate voted to reconsider its action taken earlier today whereby it voted to send forthwith to the House, Resolve Providing for Legislative Hearing Rooms, Senate Offices and Executive Offices (L. D. 1644) and on further motion by the same Senator, the rules were suspended, the resolve was read a second time and passed to be engrossed.

On further motion by the same Senator, the Senate voted to ask for a committee of conference on the disagreeing action of the two branches on L. D. 1644.

Sent forthwith to the House.

Papers from the House

ORDERED, the Senate concurring, that the Clerk of the House be, and hereby is, authorized and directed to purchase in the name of the State for the Recreation Room located at the Blaine House

4 pool cues, 1 pool bridge and 1 8-ball; the expense of such purchases shall be charged to legislative expense. (H. P. 1148)

Came from the House, read and passed.

In the Senate, read and passed in concurrence.

ORDERED, the Senate concurring, that the Director of Legislative Research is directed to prepare a bill embodying the provisions of House Amendment "B" to S. P. 658, L. D. 1637, Bill, "An Act Relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units" (Filing No. 640) for presentation to the next regular session. (H. P. 1149)

Comes from the House, read and passed.

In the Senate, read and passed in concurrence.

Bill, "An Act Relating to Castle Hill-Chapman-Mapleton Community School District." (S. P. 648) (L. D. 1662)

In Senate on January 15, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 647)

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

Additional Paper from the House: "Resolve Providing for Legislative Hearing Rooms, Senate Offices and Executive Offices." (L. D. 1644)

In the House on January 15 indefinitely postponed.

In the Senate on January 15 indefinitely postponed in concurrence.

On January 16, Senate reconsidered action of indefinite postponement; Report A was accepted and the bill passed to be engrossed in non-concurrence.

Subsequently the Senate voted to insist and ask for a committee of conference.

In the House on January 16, that Body voted to insist and join in the Committee of Conference and the Speaker of the House appointed as House members of said committee;

- Mr. Burnham of Kittery
- Mr. Stanley of Bangor
- Mr. Bean of Winterport.

In the Senate, the President appointed as Senate members of said committee:

Senator Sinclair of Somerset
Senator Davis of Cumberland
Senator Low of Knox.

The PRESIDENT: The Chair would note that there would seem to be little gain by enacting such enactors as are now in the Senate office since the Mapleton bill must be enacted in the House after it is returned from the engrossing department to the House, presumably as soon as the House reconvenes.

On motion by Mr. Low of Knox
Recessed until 1:30 this afternoon.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair has in his possession the final reports of the following committees:

- Appropriations and Financial Affairs
- Education
- Highways
- Inland Fisheries and Game
- Judiciary
- Legal Affairs
- Natural Resources
- Public Utilities
- Retirements and Pensions
- State Government
- Towns and Counties

Which Final Reports were read and accepted.

Communication

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

January 16, 1958

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:

Resolve Providing for Legislative Hearing Rooms, Senate Office and

Executive Offices, (H. P. 1130) (L. D. 1644)

Mrs. BURNHAM of Kittery
Messrs. STANLEY of Bangor
BEAN of Winterport

Respectfully,

HARVEY R. PEASE

HRP-bjl Clerk of the House

Which was read and ordered placed on file.

Enactors

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

1. An Act relating to Liberation of Convicts Unable to Pay Fine or Costs (S. P. No. 645) (L. D. No. 1660)
2. An Act relating to Survivor Benefits for Local Participating Districts under Retirement Law (S. P. No. 646) (L. D. No. 1667)
3. An Act relating to Wesserun- sett Lake (S. P. No. 647) (L. D. No. 1666)
4. An Act Amending the Charter of the City of Biddeford (S. P. No. 649) (L. D. No. 1663)
5. An Act Allocating Eight Hundred and Fifty Thousand Dollars from the Highway Bond Issue Proceeds to Highway Construction for the Fiscal Year 1958-1959 (S. P. No. 656) (L. D. No. 1657)
6. An Act relating to Cost of Relocating Utility Services of Towns (S. P. No. 657) (L. D. No. 1656)
7. An Act relating to Rules and Regulations of Department of Inland Fisheries and Game (S. P. No. 659) (L. D. No. 1669)
8. An Act Clarifying Administrative Procedure for Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island (H. P. No. 1127) (L. D. No. 1640)
9. An Act to Allocate Moneys to Effectuate Salary Plan for Liquor Commission Employees (H. P. No. 1128) (L. D. No. 1641)
10. An Act relating to Loans to Minors for Higher Education (H. P. No. 1146) (L. D. No. 1671)
11. An Act Permitting Town of Madawaska to Raise Money for Nursing Home (H. P. No. 1133) (L. D. No. 1647)

12. An Act to Set Off Part of Town of Benedicta to Town of Sherman (H. P. No. 1134) (L. D. No. 1648)

13. An Act to Ratify and Make Valid the Incorporation of the Hebrew Synagogue Society of Portland, to Change its Name to Congregation Shaarey Tphiloh and for Other Purposes (H. P. No. 1138) (L. D. No. 1652)

14. An Act to Ratify and Confirm the Incorporation of Free Library Association of Kennebunk, of Kennebunk in the County of York (H. P. No. 1139) (L. D. No. 1653)

15. An Act Reimbursing Municipalities for Travel by Police Officers and Constables in Criminal Processes (H. P. No. 1142) (L. D. No. 1655)

16. An Act Appropriating Additional Funds for Relocating Facilities in Federal-Aid Interstate Highway Projects (H. P. No. 1143) (L. D. No. 1643)

17. An Act relating to Planning Board for City of Lewiston (H. P. No. 1147) (L. D. No. 1672)

18. Resolve Directing a Study Related to a Bridge to Chebeague Island (H. P. No. 1140) (L. D. No. 1654)

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

Emergency Measures

19. An Act Providing for the Construction of an Addition to the Central Heating Plant at the University of Maine (H. P. No. 1129) (L. D. No. 1642)

Which bill, being an emergency measure, and having received the affirmative vote of 26 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

20. An Act Appropriating Moneys for Office of Director of Legislative Research (H. P. No. 1132) (L. D. No. 1646)

Which bill, being an emergency measure, and having received the affirmative vote of 26 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.

21. An Act relating to Representation in Legislative District for Town of West Paris (H. P. No. 1136) (L. D. No. 1650)

Which bill, being an emergency measure, and having received the affirmative vote of 27 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.

22. An Act Creating a Five Member Superintending School Committee in the town of Scarborough (H. P. No. 1137) (L. D. 1651) Which bill, being an emergency measure, and having received the affirmative vote of 27 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.

23. An Act relating to Sources of Supply and Purposes of Yarmouth Water District (H. P. No. 1141) (L. D. No. 1638) Which bill, being an emergency measure, and having received the affirmative vote of 27 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.

24. An Act Increasing Payments to Androscoggin County Law Library (H. P. No. 1145) (L.D. No. 1670) Which bill, being an emergency measure, and having received the affirmative vote of 27 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.

25. An Act to Ratify and Make Valid the Incorporation of the Winter Harbor School District (S. P. No. 650) (L. D. No. 1664) Which bill, being an emergency measure, and having received the affirmative vote of 27 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.

26. An Act relating to Loans by Franklin County (S. P. No. 652) (L. D. No. 1668) Which bill, being an emergency measure, and having received the affirmative vote of 27 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.

27. An Act Regulating Fishing in Reclaimed Waters (S. P. No. 665) (L. D. 1659) Which bill, being an emergency measure, and having received the affirmative vote of 27 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.

The PRESIDENT: The Chair at this time would request the Sergeant-at-Arms to escort to the rostrum the Senator from Somerset, Senator Sinclair.

Senator Sinclair of Somerset was thereupon escorted to the rostrum by the Sergeant-at-Arms amid the applause of the Senate.

The PRESIDENT: The Chair in asking the distinguished Senator from Somerset, Senator Sinclair, to preside at this time acknowledges the many hours of hard, conscientious work that he has put into the bill which he should proudly recognize as the "Sinclair Bill." I am sure that the Senate joins me in recognizing the splendid job he has done for this Legislature and the educational system in the State of Maine, and I, Roy, offer my congratulations to you. (Applause)

Senator Sinclair then assumed the Chair as President pro tem.

28. An Act relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units (S. P. No. 658) (L. D. No. 1637) 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.

PRESIDENT pro tem SINCLAIR: Members of the Senate, I take this opportunity to thank each and ev-

ery one of you for the assistance that you have given me in this educational bill, although I realize that there are some who feel that some parts of the bill perhaps may not be in proper form.

I definitely want to pay tribute to Senator Low, the majority floor leader in the House, the Chairman of Committee on Education, who has worked a great deal on this bill. He was very active in the original study that was conducted by the Legislative Research Committee on the Jacobs Bill. During the last session of the Legislature he worked on the joint committee, and I am very pleased with the efforts he has put into this piece of legislation. I am very pleased to count Seth Low as one of my very good friends, not only in regard to this piece of legislation but in my entire service in the legislature. There are many others who deserve a great deal of credit for this bill although I realize that the bill carries my name and that my name has been associated with the bill. I will mention the Department of Education, Dr. Hill, and the Senate President, Senator Haskell, but without naming other individuals, I just want to say I sincerely appreciate the efforts that every one of you people have put into this so-called Sinclair Bill. (Applause)

At this point President Haskell resumed the Chair.

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

Emergency

Bill, "An Act Relating to Castle Hill-Chapman-Mapleton Community School District." (S. P. 648) (L. D. 1662)

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.

On motion by Mr. Boucher of Androscoggin

Recessed until 2:30 this afternoon.

After Recess

The Senate was called to order by the President.

Paper from the House

JOINT ORDER Relative to Committee to study automotive fuel and heating oils. (S. P. 666)

In Senate, Read and passed.

Comes from the House, Indefinitely Postponed in non-concurrence.

In the Senate, on motion by Mr. Dow of Lincoln, the Joint Order was indefinitely postponed in concurrence

**Senate Report
Committee on Conference**

The Committee of Conference on the disagreeing action of the two branches of Legislature on "Resolve Providing for Legislative Hearing Rooms, Senate Offices and Executive Offices." (H. P. 1130) (L. D. 1644) reported that they are unable to agree.

On motion by Mr. Sinclair of Somerset report was read and accepted.

Sent down for concurrence.

**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 Mr. Ross of Bath stating that body had transacted all the business before it and was ready to adjourn without day.

On motion by Mrs. Lord of Cumberland

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 on all matters before them, and are ready to receive any further communications he may be pleased to make. (S. P. 668)

Which was read and passed.

The Chair appointed on the part of the Senate:

Senators:

LORD of Cumberland
BRIGGS of Aroostook
HURLEY of Kennebec

Sent down for concurrence.

Governor Muskie then entered the Senate Chamber amid the applause of the Senate, the members rising.

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

Acts approved	28
Resolves Approved	1
Vetoed presented	0

I do not foresee circumstances which will bring us together again, consequently I would like to take this opportunity to express my personal appreciation to you for the very many kindnesses and courtesies which you have extended to me during your regular session and your two special sessions and my official appreciation to you for the service you have rendered to the people of Maine. As you leave, Mrs. Muskie and I extend to you our very best wishes for the future. Thank you very much.

(Applause, members rising)

The PRESIDENT: Just nine and one half minutes earlier than this motion was made in the October special session, the Chair recognizes the Senator from Piscataquis, Senator Parker.

Thereupon, on motion by Mr. Parker of Piscataquis, at 3:32 P.M. on January 16, 1958 the President of the Senate, the Honorable Robert M. Haskell, declared the Special Session of the Ninety-Eighth Legislature adjourned without day.