

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, May 6, 1958

In compliance with a Proclamation of His Excellency, Governor Edmund S. Muskie, the Senators convened in the Senate Chamber at four o'clock in the afternoon, Eastern Standard Time, and were called to order by the President.

Prayer by the Reverend Douglas H. Robbins of Augusta.

The Secretary read the Proclamation:

STATE OF MAINE

Proclamation

By The Governor

WHEREAS, it appears advisable that the Legislature of this State should meet in special session for the following purposes:

To consider problems relating to highway construction and highway finance.

To consider such problems relating to unemployment compensation benefits as may be indicated as a result of studies currently in process.

To consider any other legislation to promote the general welfare of the State.

NOW, THEREFORE, I, EDMUND S. MUSKIE, Governor of the State of Maine, by virtue of the power vested in me as Governor, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta, on Tuesday, the sixth day of May, 1958 at 4:30 o'clock in the afternoon in order to receive such communication as may then be made to them and to consider and determine on such measures as in their judgment will best promote the welfare of the State.

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine, this twenty-fifth day of April in the year of our Lord One Thousand Nine Hundred and Fifty-eight, and of the Independence of the United States

of America, the One Hundred and Eighty-second.
(Seal)

By the Governor:

EDMUND S. MUSKIE

(signed) PAUL A. MacDONALD
Deputy Secretary of State

Which was Read and Ordered
Placed on File.

The roll being called, the following Senators responded to their names:

Bailey, Boucher, Briggs, Brown, Butler, Carpenter, Charles, Cole, Curtis, Davis, Dow, Dunn, Farley, Ferguson, Fournier, Hall, Haskell, Hillman, Hurley, Lessard, Lord, Low, Martin, Parker, Pike, Rogerson, Silsby Sinclair St. Pierre, Willey, Woodcock, Wyman.

Thirty-two Senators having answered to the roll call, the President declared that a quorum was present.

The PRESIDENT: The Chair notes the presence in the Senate Chamber of a distinguished head of State Government whose problems are to a degree responsible for us being here this afternoon, and the Chair would request the Assistant Sergeant-at-Arms to accompany that distinguished department head to the rostrum.

The Hon. Llewellyn Fortier, Chairman, Maine Employment Security Commission, was escorted to the rostrum amid the applause of the Senate.

Orders

(Out of Order)

On motion by Mr. Sinclair of Somerset.

ORDERED, that a message be conveyed to the House of Representatives informing that body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was read and passed.

Mr. Sinclair of Somerset conveyed the message.

On motion by Mr. Low of Knox, ORDERED, that a message be sent to His Excellency, the Governor, informing him that in obedience to his Proclamation a quorum of Senators is assembled in the Sen-

ate Chamber for the consideration of such business as may come before the Senate.

Which was read and passed.

The President appointed to convey the message:
Senators:

LOW of Knox
WOODCOCK of Penobscot
BOUCHER of Androscoggin

The Committee retired and subsequently reported that they had delivered the message with which they were charged.

Subsequently, a message was received from the House of Representatives, through Representative Ross of Bath informing the Senate that a quorum of the Representatives is present for the consideration of such business as may come before that body.

On motion by Mr. Silsby of Hancock

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention to be held forthwith in the Hall of the House for the purpose of extending an invitation to the Governor to attend the Convention and present such communication as he may be pleased to make.

The Secretary conveyed the message.

Subsequently, a message was received from the House of Representatives through Mr. Pease, its Clerk, concurring in the foregoing

The Senate then proceeded to the House of Representatives where a Convention was formed.
proposition for a Joint Convention.

(For Proceedings of the Joint Convention see House Record)

In Senate

The Senate was called to order by the President.

From the House, the following Order:

ORDERED, the Senate concurring, that unless received by unanimous consent in both branches, the only bills to be considered at this special session shall be those designated Legislative Documents 1674, 1675, and 1676.

This order is not intended to prevent the consideration of germane

amendments to the above bills. This order also shall not apply to such bills or resolves as are intended only to facilitate the business of this special session.

In the House, read and passed.
THE PRESIDENT: The Chair would note that this is the cloture order imposing unanimous consent on all bills other than the three which have been printed and which are on your desks. Is it now the pleasure of the Senate that the order receive passage in concurrence?

The order was thereupon passed in concurrence.

Senate Papers

Mr. Parker of Piscataquis presented Bill, "An Act Amending the 1957 General Highway Fund Allocation Act and Providing Matching Funds to Implement the Federal-Aid Highway Act of 1958."

Which was referred to the Committee on Highways and 1500 copies ordered printed.

Sent down for concurrence.

Orders

On motion by Mr. Davis of Cumberland

ORDERED, the House concurring, that three hundred fifty copies of the Legislative Record for this Special Session convened on May 6, 1958, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; and be it further

ORDERED, that three hundred fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the Departments, under the direction of the Document Clerk. (S. P. 670)

Which was Read and Passed.

Sent down for concurrence.

Subsequently, the foregoing Order was returned from the House, having been Read and Passed in concurrence.

On motion by Mr. Farley of York,

ORDERED, that one thousand copies of the Governor's Message be printed.

Which was Read and Passed.

On motion by Mr. Briggs of Aroostook.

ORDERED, the House concurring, that free telephone service be provided for each member and officer of the Senate and House to the number of fifteen calls of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified by the Secretary of the Senate and the Clerk of the House, respectively; the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates; and be it further

ORDERED, that free telegraph service be provided to the number of five messages of reasonable length, from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified by the Secretary of the Senate and Clerk of the House; the cost of this service to be paid to Western Union Telegraph Company at regular tariff rates. (S. P. 671)

Which was read and passed.
Sent down for concurrence.

On motion by Mr. Martin of Kennebec,

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House be directed to furnish to each member and officer of the Senate and House, a copy of the State newspaper each morning during the present Special Session of the Legislature. (S. P. 672)

Which was Read and Passed.
Sent down for concurrence.

Mr. Briggs of Aroostook presented the following order and moved its passage:

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study the problem of trading in potato futures and the effect of such trading on the agricultural economy of Maine; and be it further

ORDERED, that the Committee report the results of its study to the 99th Legislature.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: As the gymnastics in potato futures trading continue unabated on the New York Mercantile Exchange, I am constrained to present this recommendation of referring this problem to the Legislative Research Committee.

I think it is my duty to assure you that the overwhelming majority of persons in Aroostook County are very much in favor of something that would restrict this problem which is having a very drastic effect on the regular orderly marketing of our potato produce. It is a very serious and confounding matter, and I hope that as the Research Committee goes over the problem they will be able to come up with something which will be constructive and which will give us some legitimate relief on the problem.

The PRESIDENT: The question is on the motion of the Senator from Aroostook Senator Briggs, that the order receive passage. The Chair recognizes the Senator from Knox, Senator Low.

On motion by Mr. Low of Knox, the order was tabled pending the motion of the Senator from Aroostook, Senator Briggs, that the order receive passage.

The PRESIDENT: The Chair would note that if there are unanimous consent bills it might be advantageous for the Senate to consider requests for unanimous consent at this time, to the end that having been received, if they are received, they might properly be heard, if they are to be heard, tomorrow afternoon, the Chair furthermore pointing to the difficulty of unanimous consent tomorrow morning with hearings tomorrow afternoon.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I have a resolve which I would request unanimous consent to introduce at this time, authorizing Jim Adams, Inc. to sue the State of Maine.

I would like you to know, as undoubtedly many of you recall, that a claim was filed by Jim Adams, Inc. in the 1955 session which the Claims Committee heard in detail, and I happened to be Chairman that year. Another claim was filed in our last regular session. We members of the Claims Committee felt that we were qualified to dispose of this matter because it is sort of an ex parte affair. What I mean by "ex parte" is that we heard one side. So, as a matter of compromise, in the last session the committee agreed it would authorize Jim Adams, Inc. to sue the State of Maine, and for once and for all have this matter adjudicated by a court of competent jurisdiction. The Jim Adams, Inc. sponsors presented a bill to the Claims Committee. I think I am correct when I say I was probably the only attorney on that committee. We accepted the bill as presented to us. I personally examined it as to whether or not any of the rights of the State would be jeopardized: No. 1, that it would be heard before a jury — and it was authorized that Jim Adams, Inc. sue the State of Maine, and the matter to be heard by three Superior Court Justices.

We believe that the Legislature passed that resolve to the end that the matter might be finally adjudicated, but I now understand that and attorneys for the State find the attorneys for Jim Adams, Inc. there are a few technicalities yet that should be changed. One is a factual matter which they would like to amend, to have it include, in substance, damages for replacing grading on the new toll bridge in Bangor, on which Jim Adams, Inc. suffered by reason of approaches and other matters. They would want to amend it so that damages could be assessed the same as between individuals and so judgement could be levied in the same way.

Now, Mr. President, I present this resolve for those reasons.

The PRESIDENT: The secretary will read the title of the Resolve.

The SECRETARY: "Resolve Authorizing Jim Adams, Inc. to sue the State of Maine."

The PRESIDENT: Is there objection to the reception of the resolve?

The Chair hears objection and the resolve is not received.

Mr. FERGUSON of Oxford: Mr. President, I ask unanimous consent to introduce a bill.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, asks unanimous consent for the introduction of a bill. The Secretary will read the bill by title only:

The SECRETARY: "An Act Closing Certain Fishways and Waters Near Hatcheries and Feeding Stations to Fishings."

Mr. FERGUSON: Mr. President and members of the Senate: This bill has the support of the department biologist, Linwood Bond, who talked this matter over with me some time ago, and the Commissioner of Inland Fisheries and Game called me up at the time the Governor sent out his program for the special session.

Evidently on fishways throughout the State of Maine, as the law reads now, people cannot fish within 150 feet of the dam, and in building the new fishways people are fishing right at the mouth of the fishways. This is a conservation measure. It was not thought of at the time the law was in effect. I think it affects four fishways in the State of Maine, one in Piscataquis, one in Somerset and two in Oxford County. I hope that the Senate will go along in unanimous consent.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, asks unanimous consent for the introduction of Bill, "An Act Closing Certain Fishways and Waters Near Hatcheries and Feeding Stations to Fishing." Is there objection? The Chair hears no objection and the bill is received.

On motion by Mr. Carpenter of Somerset, under suspension of the rules, the bill was given its two several readings, without reference to a committee, ordered printed, passed to be engrossed and sent down for concurrence.

Mr. Briggs of Aroostook was granted unanimous consent to address the Senate.

Mr. BRIGGS; Mr. President and members of the Senate: It is with

regret that I advise you that I received a communication from our colleague, Senator Reed of Aroostook, informing me of his illness at home with the flu. He will probably be unable to attend. I am sure that he regrets this very much, knowing his interest and diligence in legislative matters, and I am sure the members will probably wish to join me in our regrets and best wishes for a speedy recovery.

The PRESIDENT: The Chair would ask the Senator from Aroostook, Senator Briggs, and the Senator from Aroostook, Senator Rogerson, to join in such communication as they may wish to present, expressing the sincere regrets of the Senate and staff.

Mr. LOW of Knox: Mr. President and members of the Senate: The last regular session of this legislature passed a law which provided that all fish must be sold by the pound, not realizing when they did so that lobsters and clams were fish, and it would be no longer possible to sell a lobster at a price or a peck of clams as a peck of clams, but you would have to sell so many pounds of clams and so many pounds of lobsters. I do not believe that was the intent of the people who drew the law.

I ask unanimous consent to introduce a bill which would change the language of the present statute, excluding marine mollusks and crustaceans.

The PRESIDENT: The Senator from Knox, Senator Low, asks unanimous consent for the introduction of a bill. The Secretary will read the bill by title only.

The SECRETARY: "An Act Relating to Definition of Fish Under Weights and Measures Law."

The PRESIDENT: Is there objection to the reception of the bill? The Chair hears no objection and the bill is received.

On motion by Mr. Low of Knox, under suspension of the rules, the bill was given its two several readings without reference to a committee, passed to be engrossed and sent down for concurrence.

Mr. SILSBY of Hancock: Mr. President, I wish to present a bill

correcting certain inconsistencies in the Probation and Parole law. It is purely administrative and it should be enacted for the benefit of county probation officers under our present system.

The PRESIDENT: The Senator from Hancock, Senator Silsby, asks unanimous consent for the introduction of a bill. The Secretary will read the bill by title only.

The SECRETARY: "An Act Correcting Certain Inconsistencies in the Probation and Parole Law."

The PRESIDENT: Is there objection to the reception of the bill? The Chair hears none and the bill is received.

On motion by Mr. Silsby, the bill was ordered printed, and, under suspension of the rules, was given its two several readings without reference to a committee, passed to be engrossed and sent down for concurrence.

The PRESIDENT: The Chair would note that such bills as were received in this branch by unanimous consent must be promptly journalized and sent to the other branch, and, similarly, such bills as were received by unanimous consent in the other branch. The Chair has been informed that the House has accepted eight or ten bills by unanimous consent and are still accepting them, so presumably, allowing time for journalizing them in both branches, it well could be 7:15 before the bills could be handled over there and again handled over here, and there might be merit, if the Senate wishes, in coming back in an hour and a half to consider those bills.

On motion by Mr. Low of Knox,
Recessed until 8:00 p.m.

8:00 P.M.
Called to order by the President.

House Papers Out of Order

Bill, "An Act Relating to Definition of Fish Under Weights and Measures Law." (H. P. 1156)

In the House: Received by unanimous consent.

In the Senate, received by unanimous consent, referred to the Com-

mittee on Agriculture in concurrence and ordered printed.

Bill, "An Act Relating to Borrowing by University of Maine for Construction of Men's Dormitory and Men's Dining Hall." (H. P. 1153)

Which was received by unanimous consent, referred to the Committee on Education, sent up for concurrence, and ordered printed.

In the Senate, Received by unanimous consent, referred to the Committee on Education in concurrence and ordered printed.

Bill, "An Act Relating to Contracts with Federal Government for Aid Under Maine Housing Authorities Act." (H. P. 1161)

Which was received by unanimous consent, referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

In the Senate: Unanimous consent refused.

House Papers

Bill, "An Act Relating to Definition of Employer Under Employment Security Law." (H. P. 1150)

Bill, "An Act Relating to Definition of Base Period Under Employment Security Law." (H. P. 1151)

Came from the House, received by unanimous consent, referred to the Committee on Labor and ordered printed.

In the Senate: Received by unanimous consent, referred to the Committee on Labor in concurrence, 4000 copies ordered printed.

Bill, "An Act to Exclude National Guard and Reserve Pay from Wages Under Employment Security Law." (H. P. 1157)

Came from the House, received by unanimous consent, referred to the Committee on Labor in concurrence, ordered printed.

In the Senate: Received by unanimous consent, referred to the Committee on Labor in concurrence and ordered printed.

Bill, "An Act Eliminating Waiting Period Under Employment Security Law." (H. P. 1162)

Comes from the House, received by unanimous consent, referred to the Committee on Labor, sent up for concurrence and ordered printed.

In the Senate: Unanimous consent refused.

Resolve, Authorizing Commissioner of Institutional Service to Grant Certain Easements on Land of the State Hospital in Bangor. (H. P. 1155)

Comes from the House, received by unanimous consent, referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

In the Senate: Received by unanimous consent, referred to the Committee on Legal Affairs in concurrence and ordered printed.

Bill, "An Act Relating to City of Portland Employee Retirement Benefits." (H. P. 1159)

Comes from the House, received by unanimous consent, referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

In the Senate: Unanimous consent refused.

Bill, "An Act to Incorporate the Limerick Water District." (H. P. 1158)

Comes from the House, received by unanimous consent, referred to the Committee on Public Utilities, sent up for concurrence and ordered printed.

In the Senate: Received by unanimous consent and referred to the Committee on Public Utilities in concurrence.

Bill, "An Act Relating to the Topsham Sewer District." (H. P. 1163)

Comes from the House, received by unanimous consent, referred to the Committee on Public Utilities, sent up for concurrence and ordered printed.

In the Senate: Received by unanimous consent and referred to the Committee on Public Utilities in concurrence.

Bill, "An Act Relating to Qualifications of Deputy Commissioner of Institutional Services." (H. P. 1154)

Comes from the House, received by unanimous consent, referred to the Committee on State Government, sent up for concurrence and ordered printed.

In the Senate: Unanimous consent refused.

Bill, "An Act Providing Fire Protection for Argyle Township, Penobscot County." (H. P. 1160)

Comes from the House, received by unanimous consent, referred to the Committee on Towns and Counties, sent up for concurrence, and ordered printed.

In the Senate: Received by unanimous consent and referred to the Committee on Towns and Counties in concurrence.

Papers from the House

Bill, "An Act Relating to Definition of Fish Under Weights and Measures Law." (S. P. 674)

In Senate, received by unanimous consent, May 6th, under suspension of rules, read twice and Passed to be Engrossed without reference to a committee.

Comes from the House referred to Committee on Agriculture and ordered printed in Non-concurrence.

In the Senate:

Mr. LOW of Knox: Mr. President, in view of the fact we have already concurred with the House on another bill which is exactly the same, I move this bill be indefinitely postponed.

The motion prevailed and the bill was indefinitely postponed in non-concurrence and sent down for concurrence.

Bill, "An Act Closing Certain Fishways and Waters Near Hatcheries and Feeding Stations to Fishing." (S. P. 673)

In Senate on May 6th, received by unanimous consent, under suspension of rules, read twice and Passed to be Engrossed without reference to a committee.

Comes from the House referred to the Committee on Inland Fisheries and Game and ordered printed in non-concurrence.

In the Senate:

On motion by Mr. Low of Knox, voted to recede and concur.

Bill, "An Act Correcting Certain Inconsistencies in the Probation and Parole Law." (S. P. 675)

In Senate on May 6th, received by unanimous consent, under suspension of rules, read twice and Passed to be Engrossed without reference to a committee.

Comes from the House, referred to the Committee on Judiciary and ordered printed in non-concurrence.

In the Senate:

On motion by Mr. Silsby of Hancock, voted to recede and concur.

House Papers

Resolve, Authorizing Ella Braley of Belfast to Sue the State of Maine. (H. P. 1164)

Comes from the House, referred to the Committee on Judiciary, ordered printed.

In the Senate: Unanimous consent refused.

The PRESIDENT: The Chair at this time would ask that the Chairmen of the respective committees having references at this session tonight meet in the office of the President—and the Chair will invite the press—so that there may be concurrence in the matter of time of public hearings for these bills which were not contemplated earlier in this legislative day. The Chair reminds the committees of interest to meet immediately following this session in the office of the President, to arrange for reasonable public notice of the hearings tomorrow afternoon.

On motion by Mr. St. Pierre of Androscoggin,

Adjourned until 10:00 A.M. tomorrow.