

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, February 3, 1959

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Lawrence A. Littlehale of Gardiner.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1960 and June 30, 1961 (S. P. 89) (L. D. 207)

Resolve Providing for Biographical Sketches of Maine Composers (S. P. 90) (L. D. 208)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act relating to Capital Stock of Rumford Bank and Trust Company" (S. P. 91) (L. D. 209)

Came from the Senate referred to the Committee on Business Legislation.

In the House, referred to the Committee on Business Legislation in concurrence.

From the Senate:

Bill "An Act Regulating Open Season on Deer by Zones" (S. P. 92) (L. D. 210)

Resolve Regulating Fishing in Heald Pond, Somerset County (S. P. 93) (L. D. 211)

Resolve Regulating Fishing in Cusuptic River, Franklin County (S. P. 94) (L. D. 212)

Resolve relating to Stocking of Rangeley and Mooselookmeguntic Lakes with Rainbow Trout and Togue (S. P. 95) (L. D. 213)

Resolve Regulating Fishing in Bemis Stream, Franklin County (S. P. 96) (L. D. 214)

Resolve Closing Dodge Pond Stream, Franklin County, to all

Fishing and Smelting (S. P. 97) (L. D. 215)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate:

Bill "An Act Increasing Payments to Somerset County Law Library" (S. P. 98) (L. D. 216)

Bill "An Act Increasing Payments to Franklin County Law Library" (S. P. 99) (L. D. 217)

Bill "An Act relating to Clerical Assistance for Justices of the Superior Court" (S. P. 100) (L. D. 218)

Resolve Repealing Provision for Compilation of Certain Decisions of Supreme Judicial Court (S. P. 101) (L. D. 219)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate:

Bill "An Act relating to Employment of Minors under 18 Years of Age." (S. P. 102) (L. D. 220)

Came from the Senate referred to the Committee on Labor.

In the House, referred to the Committee on Labor in concurrence.

From the Senate:

Bill "An Act relating to Municipal Borrowing" (S. P. 103) (L. D. 221)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act to Change the Name of Dickson Island, Franklin County, to Persian Island" (S. P. 104) (L. D. 222)

Came from the Senate referred to the Committee on Natural Resources.

In the House, referred to the Committee on Natural Resources in concurrence.

From the Senate:

Resolve Proposing an Amendment to the Constitution Changing the

Tenure of Office of Sheriff to Four-Year Terms (S. P. 105) (L. D. 223)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

From the Senate:

Bill "An Act Increasing Number of Medical Examiners in Somerset County" (S. P. 106) (L. D. 224)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

From the Senate:

Bill "An Act relating to Color of Private School Buses" (S. P. 107) (L. D. 225)

Came from the Senate referred to the Committee on Transportation.

In the House, referred to the Committee on Transportation in concurrence.

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Age of Admission to State Hospitals" (S. P. 36) (L. D. 34)

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Value of Property Held by Portland Yacht Club" (S. P. 27) (L. D. 7)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Bill read twice and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Create a Commission to Commemorate the Centennial of the American Civil War" (H. P. 124) (L. D. 179) which was

referred to the Committee on State Government in the House on January 27.

Came from the Senate referred to the Committee on Veterans and Military Affairs in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act to Clarify the Maine Commercial Feed Law" (H. P. 230) (Presented by Mr. Brockway of Milo)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Providing for the Construction of a Women's Physical Education Building at the University of Maine in Orono" (H. P. 231) (Presented by Mrs. Harrington of Patten)

(Ordered Printed)

Resolve Appropriating Moneys for Vocational Educational Institute in Presque Isle (H. P. 232) (Presented by Mrs. Christie of Presque Isle)

(Ordered Printed)

Resolve Authorizing Use of Passamaquoddy Trust Funds for Housing (H. P. 233) (Presented by Mr. Wheaton of Princeton)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Incorporate the "Allied Loan Co." (H. P. 234) (Presented by Mr. Caron of Biddeford)

(Ordered Printed)

Bill "An Act relating to Examination for Real Estate Broker's or Salesman's License" (H. P. 235) (Presented by Mr. Walter of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

Claims

Resolve in Favor of Edmund D. Schorr of Kittery (H. P. 236) (Presented by Mr. Dennett of Kittery) (Ordered Printed)

Resolve in favor of Town of Woolwich for Aid to Henry Ehler (H. P. 237) (Presented by Mr. Reed of Woolwich) (Ordered Printed)

Resolve in favor of Leonore A. Kenniston of Amherst (H. P. 238) (Presented by Mr. Young of Gouldsboro) (Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Changing the Date of the Primary Election" (H. P. 239) (Presented by Mr. Jalbert of Lewiston) (750 copies Ordered Printed) Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to Open Season for Fishing on Brooks and Streams in Cumberland County" (H. P. 240) (Presented by Mr. Brown of Cape Elizabeth) (Ordered Printed)

Resolve Regulating Fishing in North Pond, Town of Sumner, Oxford County (H. P. 241) (Presented by Mr. Parsons of Hartford) (Ordered Printed) Sent up for concurrence.

Judiciary

Bill "An Act relating to Limitation of Financial Responsibility Law" (H. P. 242) (Presented by Mr. Dennett of Kittery) (Ordered Printed)

Bill "An Act relating to Valuation of Inter Vivos Transfers of Property for Inheritance Tax Purposes" (H. P. 243) (Presented by Mr. Earles of South Portland) (Ordered Printed)

Bill "An Act to Clarify the Inheritance Tax Law" (H. P. 244) (Presented by same gentleman) (Ordered Printed)

Bill "An Act relating to Inheritance Taxation of Jointly Owned Property" (H. P. 245) (Presented by same gentleman) (Ordered Printed)

Bill "An Act Increasing Payments to Hancock County Law Library" (H. P. 246) (Presented by Mr. Graves of Mount Desert) (Ordered Printed)

Bill "An Act relating to Pauper Settlement of Patients and Employees of Central Maine Sanatorium" (H. P. 247) (Presented by Mr. Lemelin of Fairfield) (Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Special Town Meetings in Kittery" (H. P. 248) (Presented by Mr. Dennett of Kittery) (Ordered Printed)

Bill "An Act relating to Westbrook Parking Authority" (H. P. 249) (Presented by Mr. Porell of Westbrook) (Ordered Printed) Sent up for concurrence.

Natural Resources

Bill "An Act Authorizing Forest Commissioner to Convey Interest of the State in Chase Island" (H. P. 250) (Presented by Mr. Maddox of Vinalhaven) (Ordered Printed) Sent up for concurrence.

Public Utilities

Bill "An Act to Incorporate the South Berwick Water District" (H. P. 251) (Presented by Mr. Mathews of Berwick) (Ordered Printed) Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act relating to Taking of Clams, Quahogs and Clam Worms in Town of Phippsburg" (H. P. 252) (Presented by Mr. Reed of Woolwich) (Ordered Printed) Sent up for concurrence.

State Government

Bill "An Act Changing Name of Inland Fish and Game Wardens to Conservation Officers" (H. P. 253) (Presented by Mr. Brown of Cape Elizabeth) (Ordered Printed) Sent up for concurrence.

Taxation

Bill "An Act relating to Excise Tax on House Trailers" (H. P. 255) (Presented by Mr. Clark of Scarborough)

(Ordered Printed)
Sent up for concurrence.

Bill "An Act relating to the Amount of the Annual Excise Tax on Railroads" (H. P. 254) (Presented by Mr. Whiting of Skowhegan by request)

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whiting.

Mr. WHITING: Mr. Speaker, the words "by request" have been inadvertently added to this bill. I wish that they be removed.

The SPEAKER: The gentleman wishes to advise the House that the words "by request" were inadvertently added to the bill and wishes that they be removed. Is there objection? The Chair hears none.

The motion prevailed.
(750 copies Ordered Printed)
Sent up for concurrence.

Towns and Counties

Bill "An Act relating to Territorial Distribution of and Increasing Number of Medical Examiners of Somerset County" (H. P. 256) (Presented by Mr. Cahill of Moscow)

(Ordered Printed)
Bill "An Act Permitting Municipalities to Enter into Collective Bargaining Contracts with Labor Unions" (H. P. 257) (Presented by Mr. Couture of Lewiston)

(Ordered Printed)
Sent up for concurrence.

On motion of the gentlewoman from Presque Isle, Mrs. Christie, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Orders

On motion of Mr. Plante of Old Orchard Beach, it was

ORDERED, that Mr. Porell of Westbrook be excused from attendance for the duration of his illness.

On motion of Mr. Call of Cumberland, it was

ORDERED, that Rev. Valton Morse of the Congregational Church, Cumberland Center, be invited to

officialiate as Chaplain of the House on Wednesday, February 18, 1959.

On motion of Mrs. Smith of Fal-mouth, it was

ORDERED, that Mr. Edmunds of Fort Fairfield be excused from attendance this week because of business.

House Reports of Committees Ought to Pass Printed Bills

Mr. Hughes from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act Permitting Savings Banks to Act as Collection Agent" (H. P. 22) (L. D. 45)

Mr. Shepard from same Committee reported same on Bill "An Act relating to Special Limitations for Mortgage Loans for Real Estate Sold by Savings Banks" (H. P. 54) (L. D. 76)

Mr. Dennett from the Committee on State Government reported same on Bill "An Act relating to Fees of Board of Registration for Architects" (H. P. 76) (L. D. 114)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Sanborn from the Committee on State Government on Resolve Amending the Resolve Authorizing the Commissioner of Finance and Administration to Convey Certain Land of the State in York County (H. P. 47) (L. D. 67) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 47, L. D. 67, Resolve, Amending the Resolve Authorizing the Commissioner of Finance and Administration to Convey Certain Land of the State in York County.

Amend said Resolve by striking out the words "Commissioner of Finance and Administration" in the title and inserting in place thereof the words "Forest Commissioner".

Further amend said Resolve by striking out the underlined words "**Commissioner of Finance and Ad-**

ministration" in the 4th line and inserting in place thereof the underlined words 'Forest Commissioner'.

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Passed to Be Engrossed

Bill "An Act relating to Town Meetings" (H. P. 29) (L. D. 49)

Bill "An Act relating to Return of Writs in York County" (H. P. 37) (L. D. 57)

Bill "An Act relating to Terms of the Superior Court in York County" (H. P. 38) (L. D. 58)

Bill "An Act Increasing Payments to York County Law Library" (H. P. 39) (L. D. 59)

Resolve Designating Bridge in York Harbor as "Marshall Bridge" (H. P. 30) (L. D. 50)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed and sent to the Senate.

Amended Bill

Bill "An Act relating to Residence of Chief of Police of Ogunquit Village Corporation" (H. P. 42) (L. D. 62)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Orders of the Day (Off Record Remarks by the Speaker)

On motion of Mr. Wade of Auburn, the House voted to take from the table the first tabled and unassigned matter, Resolve Regulating Fishing in North Pond, Oxford County, House Paper 204, tabled on January 29 by that gentleman pending reference.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Wade.

Mr. WADE: Mr. Speaker, on behalf of the gentleman from Hartford, Mr. Parsons, I now ask leave to withdraw this Resolve as it is covered by other legislation.

The SPEAKER: The gentleman from Auburn, Mr. Wade, requests leave to withdraw. Is there objection? The Chair hears none.

The motion prevailed and the Resolve was withdrawn.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Couture.

Mr. COUTURE: Mr. Speaker, I present an Order and move its passage.

The SPEAKER: Out of order and under suspension of the rules the gentleman from Lewiston, Mr. Couture, presents an Order and moves its passage. The House may be at ease and on the return of the Clerk, the Clerk will read the Order.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Couture.

Mr. COUTURE: Mr. Speaker, I wish to withdraw the Order and another one will be presented tomorrow similar to this.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, wishes to withdraw the order which he presented without reading. Is there objection? The Chair hears none.

The motion prevailed.

The following papers from the Senate were received out of order and under suspension of the rules:

Report of the Committee on Education on Bill "An Act to Authorize the Addition of the Town of Brooks to School Administrative District No. 3" (S. P. 52) (L. D. 85) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 52, L. D. 85, Bill. "An Act to Authorize the Addition of the Town of Brooks to School Administrative District No. 3."

Amend said Bill by striking out the last 2 paragraphs before the "Agreement for the Town of Brooks

to Join School Administrative District No. 3" and inserting in place thereof the 3 following paragraphs:

"The agreement shall not be binding upon either administrative unit until the approval of each Article to be voted upon by each administrative unit shall have been accepted by a majority vote of those voting in each administrative unit on each Article that the administrative unit is required to vote upon.

Upon a finding of the Maine School District Commission of the acceptance of the administrative units, the Commission shall issue a new certificate of organization for School Administrative District No. 3, which shall supersede the original certificate and be filed in the same manner as the original certificate.

The time for preparing the annual school budget of School Administrative District No. 3 is extended to March 1, 1959, and the time for holding the District budget meeting is extended to March 15, 1959.'

Committee Amendment "A" was adopted in concurrence and under suspension of the rules, on motion of Mr. Mathieson of Montville, the Bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

Report of the Committee on Education on Bill "An Act to Authorize the Addition of the Town of Jackson to School Administrative District No. 3" (S. P. 53) (L. D. 86) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 53, L. D. 86, Bill, "An Act to Authorize the Addition of the Town of Jackson to School Administrative District No. 3."

Amend said Bill by striking out the last 2 paragraphs before the "Agreement for the Town of Jackson to Join School Administrative District No. 3" and inserting in place thereof the 3 following paragraphs:

"The agreement shall not be binding upon either administrative unit until the approval of each Article to be voted upon by each administrative unit shall have been accepted by a majority vote of those voting in each administrative unit on each Article that the administrative unit is required to vote upon.

Upon a finding of the Maine School District Commission of the acceptance of the administrative units, the Commission shall issue a new certificate of organization for School Administrative District No. 3, which shall supersede the original certificate and be filed in the same manner as the original certificate.

The time for preparing the annual school budget of School Administrative District No. 3 is extended to March 1, 1959, and the time for holding the district budget meeting is extended to March 15, 1959.'

Committee Amendment "A" was adopted in concurrence and under suspension of the rules, on motion of Mr. Mathieson of Montville, the Bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

On motion of Mr. Chapman of Gardiner,

Adjourned until ten o'clock tomorrow morning.