

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

Thursday, February 5, 1959

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

Prayer by the Rev. Mr. J. P. Williams of Augusta.

The journal of yesterday was read and approved.

On motion of Mr. Mathieson of Montville, the following Emergency Measures were taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act to Authorize the Addition of the Town of Brooks to School Administrative District No. 3 (S. P. 52) (L. D. 85)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 118 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

Emergency Measure

An Act to Authorize the Addition of the Town of Jackson to School Administrative District No. 3 (S. P. 53) (L. D. 86)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

Papers from the Senate

The following paper from the Senate not on the Advance Journal:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tues-

day, February 10, at ten o'clock in the forenoon. (S. P. 186)

Came from the Senate today read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate:

Bill "An Act Providing for Forest Rehabilitation (S. P. 127) (L. D. 322)

Bill "An Act Providing for a Review of Laws of Department of Institutional Service" (S. P. 128) (L. D. 323)

Bill "An Act Directing a Study of Property Tax Administration" (S. P. 129) (L. D. 324)

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 Inactive Bank Accounts" (S. P. 130) (L. D. 325)

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:

Tabled

Bill "An Act relating to Training of Firemen" (S. P. 131) (L. D. 326)

Came from the Senate referred to the Committee on Education.

In the House: On motion of Mr. Bragdon of Perham, tabled pending reference and unassigned.

From the Senate:

Bill "An Act Pertaining to Discontinuance of Portions of County Roads When Reconstructed" (S. P. 132) (L. D. 327)

Came from the Senate referred to the Committee on Highways.

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

From the Senate:

Bill "An Act Repealing Bounty on Bobcat, Loupcervier and Canada Lynx" (S. P. 133) (L. D. 328)

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 relating to Recording of Eminent Domain Proceedings" (S. P. 134) (L. D. 329)

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 16 Years of Age" (S. P. 135) (L. D. 330)

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 Reimbursement to Forestry Department for Expenses when Forest Management is Practiced on State Lands" (S. P. 136) (L. D. 331)

Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory (S. P. 137) (L. D. 332)

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:

Bill "An Act Providing for Emergency Interim Executive and Judicial Succession" (S. P. 138) (L. D. 333)

Bill "An Act Providing for Emergency Interim Legislative Succession" (S. P. 139) (L. D. 334)

Bill "An Act relating to Emergency Location of Governments for State Political Subdivisions" (S. P. 140) (L. D. 335)

Bill "An Act relating to Emergency Location of State Government" (S. P. 141) (L. D. 336)

Bill "An Act relating to Outstanding Sick Leave for Certain Employees of Department of Institutional Service" (S. P. 142) (L. D. 337)

Resolve Proposing an Amendment to the Constitution to Provide Continuity of Government in Case of Enemy Attack (S. P. 143) (L. D. 338)

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 relating to Property Tax Exemption of Veterans" (S. P. 144) (L. D. 339)

Came from the Senate referred to the Committee on Taxation.

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

From the Senate:

Bill "An Act relating to Appointment of Special Deputy Sheriffs" (S. P. 145) (L. D. 340)

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.

Senate Reports of Committees Ought to Pass

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act to Incorporate Westbrook Investment Corporation of Portland" (S. P. 22) (L. D. 2)

Report of same Committee reporting same on Bill "An Act Permitting Savings Banks to Buy Hospitalization Insurance for Trustees" (S. P. 39) (L. D. 37)

Report of same Committee reporting same on Bill "An Act relating to Investment of Municipal Funds" (S. P. 50) (L. D. 83)

Report of the Committee on Education reporting same on Bill "An Act Accepting from Estate of Nellie E. Fuller Funds for Governor Baxter State School for the Deaf" (S. P. 54) (L. D. 87)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and assigned the next legislative day.

Non-Concurrent Matter

Bill "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$24,000,000 Bonds of the State of Maine for the Financing Thereof" (H. P. 108) (L. D. 181) which was referred to the Committee on Education in the House on January 28.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Cousins.

Mr. COUSINS: Mr. Speaker, I move that the House insist on its action whereby this bill was referred to the Committee on Education.

The SPEAKER: The gentleman from Bangor, Mr. Cousins, moves that the House insist on its action whereby this bill was referred to the Committee on Education on January 28. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: Will all those who favor the motion to insist say, aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Sixty having voted in the affirmative and fifty-four having voted in the negative, the motion prevailed and the House voted to insist on its former action.

Non-Concurrent Matter

Bill "An Act relating to Fluoridation of Public Water Supplies" (H. P. 166) (L. D. 240) which was referred to the Committee on Legal Affairs in the House on January 28.

Came from the Senate referred to the Committee on Public Utilities in non-concurrence.

In the House: On motion of Mr. Brockway of Milo, the House voted to recede and concur with the Senate.

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

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 relating to License Fees for Seeing-Eye Dogs" (H. P. 335) (Presented by Mr. Mathews of Berwick)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Providing for the Expansion of the Steam Plant at the University of Maine in Orono" (H. P. 336) (Presented by Mr. Bacon of Sidney)

(Ordered Printed)

Bill "An Act Providing for the Construction of Service Buildings at the University of Maine in Orono" (H. P. 337) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Providing for Enlarging and Extending the Sewer System at the University of Maine in Orono" (H. P. 338) (Presented by same gentleman)

(Ordered Printed)

Resolve Appropriating Moneys for Regional Television Films to Promote the Recreational Industry (H. P. 339) (Presented by Mr. Brown of Cape Elizabeth)

(Ordered Printed)

Resolve Appropriating Moneys for Booklets Promoting Maine's Recreational Industry (H. P. 340) (Presented by Mr. Caswell of New Sharon)

(Ordered Printed)

Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry (H. P. 341) (Presented by Mr. Crockett of Freeport)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act relating to Report by Licensed Small Loan Agencies" (H. P. 342) (Presented by Mr. Emmons of Kennebunk)

(Ordered Printed)

Bill "An Act to Incorporate the Berwick Finance Company" (H. P. 343) (Presented by Mrs. Hanson of Lebanon)

(Ordered Printed)

Bill "An Act relating to Disposition of Income on Unclaimed Deposits in Defunct Savings Banks" (H. P. 344) (Presented by Mr. Storm of Sherman)

(Ordered Printed)

Sent up for concurrence.

Claims

Resolve in favor of Malcolm M. Salisbury of Bar Harbor (H. P. 345) (Presented by Mr. Graves of Mount Desert)

Sent up for concurrence.

Education

Bill "An Act relating to Minimum Salaries of Elementary School Principals" (H. P. 346) (Presented by Mr. Ervin of Houlton)

(750 copies Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Resolve Opening Sebasticook River, Somerset, Waldo and Kennebec Counties to Ice Fishing (H. P. 347) (Presented by Mr. Bacon of Sidney)

(Ordered Printed)

Resolve Regulating Fishing in Long Pond, Franklin County (H. P. 348) (Presented by Mr. Maxwell of Jay by request)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Revising Laws Relating to Financial Responsibility" (H. P. 349) (Presented by Mr. Dennett of Kittery)

(1,000 copies Ordered Printed)

Bill "An Act relating to Notification by Secretary of State in Motor Vehicle Cases" (H. P. 350) (Presented by Mr. Call of Cumberland)

(Ordered Printed)

Bill "An Act relating to Appeals in Workmen Compensation Cases" (H. P. 351) (Presented by Mr. Caron of Biddeford)

(Ordered Printed)

Bill "An Act relating to Impoundment of Certain Motor Vehicles Involved in Accidents" (H. P. 352)

(Presented by Mr. Dennett of Kittery)

(Ordered Printed)

Bill "An Act Changing Name of Recorders of Municipal Courts to Associate Judges" (H. P. 353) (Presented by Mr. Miller of Portland)

(Ordered Printed)

Bill "An Act to Provide for the Observance of Legal Holidays" (H. P. 354) (Presented by Mr. Philbrick of Bangor)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act relating to Application of Workmen's Compensation Act to Certain Employers" (H. P. 355) (Presented by Mr. Caron of Biddeford)

(Ordered Printed)

Bill "An Act relating to Costs of Witness and Attorney Fees under Workmen's Compensation Act" (H. P. 356) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Management and Powers of the Farmington Village Corporation" (H. P. 357) (Presented by Mr. Caswell of New Sharon)

(Ordered Printed)

Bill "An Act Permitting Town of Fort Kent to Raise Money for Boarding Home for Aged" (H. P. 358) (Presented by Mr. Cyr of Fort Kent)

(Ordered Printed)

Bill "An Act to Change the Title of Road Commissioner of the Town of Kittery and to Enlarge his Duties" (H. P. 359) (Presented by Mr. Dennett of Kittery)

(Ordered Printed)

Sent up for concurrence.

Public Health

Bill "An Act Prohibiting the Use of X-ray Shoe-fitting Machines" (H. P. 360) (Presented by Mr. Healy of Portland)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act relating to Compensation of Commissioners of Water-

ville Sewerage District" (H. P. 361)
(Presented by Mr. Lane of Water-
ville)

(Ordered Printed)
Sent up for concurrence.

Retirements and Pensions

Resolve Providing Aid to Albina
W. Farrell of Gardiner (H. P. 362)
(Presented by Mr. Chapman of Gar-
diner)

(Ordered Printed)

Resolve Providing for Pension of
Louise Gagnon of Fairfield (H. P.
363) (Presented by Mr. Lemelin of
Fairfield)

(Ordered Printed)

Resolve to Provide Retirement
Credit for Gerald Douglas Cushing
of Wilton (H. P. 364) (Presented
by Mr. Maxwell of Jay)

(Ordered Printed)
Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act relating to Dragging
for Scallops in Bagaduce River and
Bay in Hancock County" (H. P.
365) (Presented by Mr. Walsh of
Verona)

(Ordered Printed)

Bill "An Act relating to Protection
of Weirs" (H. P. 366) (Presented
by Mr. Young of Gouldsboro)

(Ordered Printed)

Bill "An Act relating to Definition
of Fish Weirs" (H. P. 367)
(Presented by same gentleman)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act relating to Terms of
Office and Compensation of the
Aeronautics Commission" (H. P. 368)
(Presented by Mr. Doyle of Caribou)

(Ordered Printed)

Subsequently Tabled

Bill "An Act Providing for an
Executive Secretary for the High-
way Safety Committee" (H. P. 369)
(Presented by Mr. Edwards of Ray-
mond)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act relating to Time of
Filing Reports by Retailers under

Sales Tax Law" (H. P. 370) (Pre-
sented by Mr. Davis of Westbrook)

(Ordered Printed)
Sent up for concurrence.

Towns and Counties

Bill "An Act Increasing Salary of
Judge of Ellsworth Municipal Court"
(H. P. 371) (Presented by Mr.
Graves of Mount Desert)

(Ordered Printed)

Bill "An Act Increasing the Salary
of the Judge of the Livermore Falls
Municipal Court" (H. P. 372) (Pre-
sented by Mr. Kinch of Livermore
Falls)

(Ordered Printed)

Bill "An Act relating to Salaries
of Judge and Recorder of Biddeford
Municipal Court" (H. P. 373) (Pre-
sented by Mr. Plante of Old Orchard
Beach by request)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act relating to Age of
Applicants for Motor Vehicle Driver's
License" (H. P. 374) (Pre-
sented by Mr. Briggs of Portland)

(Ordered Printed)

Bill "An Act relating to Speed of
Motor Vehicles" (H. P. 375) (Pre-
sented by Mr. Earles of South Port-
land)

(Ordered Printed)

Bill "An Act relating to Speed
of Motor Vehicles on the Interstate
System" (H. P. 376) (Presented by
same gentleman)

(Ordered Printed)

Bill "An Act relating to Speed of
Motor Vehicles on the Maine Turn-
pike" (H. P. 377) (Presented by
same gentleman)

(Ordered Printed)

Sent up for concurrence.

House Reports of Committees Ought to Pass Printed Bills

Mr. Graves from the Committee
on Highways reported "Ought to
pass" on Bill "An Act Permitting
Ferry Service for Long Island Plan-
tation" (H. P. 55) (L. D. 77)

Mr. Earles from the Committee
on Judiciary reported same on Bill
"An Act relating to Sale or Mort-
gage of Real Estate of Husband un-
der Guardianship" (H. P. 57) (L.
D. 79)

Mr. Emmons from same Committee reported same on Bill "An Act relating to Transmittal of Divorce Abstracts by Clerk of Court" (H. P. 91) (L. D. 138)

Mr. Good from the Committee on Legal Affairs reported same on Bill "An Act Increasing Indebtedness of the Town of Bar Harbor School District" (H. P. 165) (L. D. 183)

Mr. Trumbull from same Committee reported same on Bill "An Act to Repeal Incorporation of the Fryeburg Village Fire Corporation" (H. P. 95) (L. D. 142)

Mrs. Kilroy from the Committee on Public Utilities reported same on Bill "An Act Extending the Territory of Brunswick Sewer District" (H. P. 13) (L. D. 22)

Mr. Philbrick from same Committee reported same on Bill "An Act to Extend the Territorial Limits of the Dover and Foxcroft Water District" (H. P. 96) (L. D. 143)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment

Mr. Kellam from the Committee on Legal Affairs on Bill "An Act relating to Chairman of Superintending School Committee of City of Portland" (H. P. 72) (L. D. 110) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 72, L. D. 110, Bill, "An Act Relating to Chairman of Superintending School Committee of City of Portland."

Amend said Bill by striking out the underlined words and punctuation in the last and next to the last lines "~~but he shall have no vote and shall serve without compensation.~~" and inserting in place thereof the underlined words and punctuation: 'and he shall have the right to vote only in case of a tie.'

Further amend said Bill by adding at the end thereof the following Referendum:

'Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after

adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the City of Portland at the next regular city election, an appropriate article being inserted in the warrant for such election.

The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question:

"Shall 'An Act Relating to Chairman of Superintending School Committee of City of Portland,' passed by the 99th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect for the purposes hereof on the 2nd Monday in December, 1959, upon its acceptance by a majority of the legal voters at said election; provided the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20 per cent of the total vote for all candidates for Governor cast in said city at the next previous gubernatorial election.

The result of the vote shall be declared by the municipal officers of the City of Portland and due certificate thereof shall be filed by the city clerk with the Secretary of State.

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Mr. Kellam from the Committee on Legal Affairs on Bill "An Act relating to Salary of Members of Superintending School Committee of City of Portland" (H. P. 119) (L. D. 174) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 119, L. D. 174, Bill, "An Act Relating to Salary of Members of Superintending School Committee of City of Portland."

Amend said Bill by striking out in the sixth line thereof the underlined figure "\$400" and inserting in place thereof the underlined figure '\$300'.

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Passed to Be Engrossed

Bill "An Act relating to Payment to Oxford County Law Library" (S. P. 24) (L. D. 4)

Bill "An Act relating to Payments to County Law Library at Rumford" (S. P. 25) (L. D. 5)

Bill "An Act to Allocate Money from the General Highway Fund for State Aid Construction" (S. P. 40) (L. D. 38)

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1960 and June 30, 1961" (S. P. 41) (L. D. 39)

Bill "An Act relating to Compensation of Councillors of Town of Houlton" (H. P. 71) (L. D. 109)

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

Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, I would like to move that we reconsider our action whereby we referred Item 35, Bill "An Act Providing for an Executive Secretary for the Highway Safety Committee", House Paper 369, to the Committee on State Government and ordered it printed. My purpose is to table it until next Tuesday pending reference.

The SPEAKER: With respect to Item 35 under Petitions, Bills and Resolves requiring reference, Bill "An Act Providing for an Executive Secretary for the Highway Safety Committee", the gentleman from Raymond, Mr. Edwards, moves that the House reconsider its action whereby this bill was referred to the Committee on State Government and sent up for concurrence. Is this the pleasure of the House?

The motion prevailed and thereupon the Bill was tabled and specially assigned for next Tuesday, February 10, pending reference and ordered printed.

On motion of the gentleman from Perham, Mr. Bragdon, the House voted to take from the table the fourth tabled and unassigned matter, Senate Joint Order relative to State School for Boys to be studied by Bureau of Public Improvements, Senate Paper 147, tabled on February 4 by that gentleman pending passage in concurrence.

On further motion of the same gentleman, the Joint Order was passed in concurrence.

The gentlewoman from Lebanon, Mrs. Hanson, was granted unanimous consent to address the House.

Mrs. HANSON: Mr. Speaker and Members of the House: The Maine State Federation of Women's Republican Clubs is making copies of May Chapman's "The Story of a Bill." We are doing this to make these copies available for the schools throughout the State of Maine, as we feel that they are a valuable contribution to the study of Government. Copies in reasonable amounts can be obtained from the Clerk's Office here. I think that anyone who would like to take them home to their schools, the principals would appreciate it very much, as I have taken some to my elementary school in Lebanon and the principal said that it was the most useful information on Government that he had ever had in his years of teaching. I think you know the bill, we had it in our school of legislation here the first night. Thank you very much.

On motion of Mr. Clark of Scarborough,

Adjourned until Tuesday, February 10, at ten o'clock in the morning.