

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

VOLUME II

1959  
and  
SPECIAL SESSION  
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**HOUSE**

Friday, May 22, 1959

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

Prayer by the Rev. Mr. Horace Colpitts of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate  
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Licensing of Horse and Ox Pulling Contests." (S. P. 433) (L. D. 1280) reporting that they are unable to agree.

(Signed)

Senators:

DOW of Lincoln  
HILLMAN of Penobscot  
ST. PIERRE of Androscoggin

—Committee on part of Senate.

Representatives:

HILTON of Anson  
CHAPMAN of Norway  
JEWELL of Monticello

—Committee on part of House.

Came from the Senate read and accepted.

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

**Senate Reports of Committees  
Recommended to  
Committee on Labor**

Report of the Committee on Labor on Bill "An Act relating to Workmen's Compensation Insurance (S. P. 37) (L. D. 35) reporting legislation inexpedient at this time. Recommend that subject matter be referred to Legislative Research Committee.

Came from the Senate with the Report and Bill recommended to the Committee on Labor.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker and Members of the House: As a matter of information, this item and the following item, we are asking that they be recommended to the Committee on Labor so that both

bills may be referred to the same Committee for future study. It will not take any time.

Thereupon, the Report and Bill were recommended to the Committee on Labor in concurrence.

Report of the Committee on Labor on Bill "An Act Relating to Second Injury Fund and Vocational Rehabilitation under Workmen's Compensation Act" (S. P. 393) (L. D. 1137) reporting that it be referred to an interim Committee to study the subject matter and report to the 100th Legislature; said Committee to consist of 5 members, to be appointed by the President of the Senate and the Speaker of the House as follows: 2 members from the Industrial Accident Commission, 1 member from Industry, 1 member from Labor and 1 member from Insurance; and that the sum of \$1000 be appropriated from the General Fund of the State for the expenses of said Committee.

Came from the Senate with the Report and Bill recommended to the Committee on Labor.

In the House, the Report was read and the Report and Bill recommended to the Committee on Labor in concurrence.

**Non-Concurrent Matter**

Resolve Creating a Tax Policy Advisory Committee (H. P. 131) (L. D. 189)

Which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 24.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

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

**Non-Concurrent Matter**

Bill "An Act Repealing Bounty on Bobcat, Loupcervier and Canada Lynx" (S. P. 133) (L. D. 328) on which the House accepted the Majority "Ought not to pass" Report of the Committee on Inland Fisheries and Game in non-concurrence on March 11.

Came from the Senate with that body voting to insist on its former

action whereby the Minority "Ought to pass" Report was accepted and the Bill passed to be engrossed.

In the House: On motion of Mr. Carville of Eustis, the House voted to adhere.

#### Non-Concurrent Matter

Resolve Opening Portage Lake, Aroostook County, to Ice Fishing for Smelts (H. P. 875) (L. D. 1249) on which the House insisted on April 22 on its former action whereby the Minority "Ought to pass" Report of the Committee on Inland Fisheries and Game was accepted and the Bill passed to be engrossed.

Came from the Senate indefinitely postponed in non-concurrence.

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

#### Non-Concurrent Matter

Bill "An Act relating to Restricting Certain Trustee Process until after Judgment" (H. P. 116) (L. D. 171)

Which was passed to be engrossed in the House on April 10.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Kellam of Portland, the House voted to insist on its former action and request a Committee of Conference.

#### Non-Concurrent Matter

##### Tabled Until Later in Today's Session.

Joint Order Relative to Legislative Research Committee to Study Insurance Companies (H. P. 852) which was read and passed in the House on March 11.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Cote of Lewiston, tabled pending further consideration until later in today's session.

From the Senate: The following Orders:

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, directed to study and to report to the 100th Legislature on the feasibility of permitting State of Maine employees to receive Federal Social Security Benefits (S. P. 432)

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study mobile banking for the purpose of determining community needs for mobile banking services in the State and the impact of furnishing such services upon present banking operations, practices and procedures; and be it further

ORDERED, that the Committee report the results of its study to the 100th Legislature (S. P. 450)

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study the matter of granting military leave credits toward state retirement benefits to teachers and members of the Maine State Retirement System for service in the Armed Forces of the United States irrespective of the time of return to such employment following discharge; and be it further

ORDERED, that the Committee report the results of its study to the 100th Legislature (S. P. 454)

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study unfair sales and marketing practices adversely affecting the sale of commodities in commerce, with particular attention to the impact of such practices upon business in the State, the need, if any, for corrective unfair sales legislation and the manner by which any controlling law may be adequately enforced; and be it further

ORDERED, that the Committee report the results of its study to the 100th Legislature (S. P. 489)

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, directed to study the economic aspects of the Maine herring fishery, to determine how this resource may be best utilized to the advantage of the State and its inhabitants; and be it further

ORDERED, that the Committee shall make such report or reports and recommendations as it concludes, to the 100th Legislature (S. P. 497)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

### Orders

On motion of Mrs. Smith of Falmouth, it was

ORDERED, that Mr. Barnett of Augusta be excused from attendance today and Monday because of business.

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

The SPEAKER: At this time the Chair will appoint the following Conferees on the part of the House on the disagreeing action of the two branches on S. P. 264, L. D. 677, Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail": the gentleman from South Portland, Mr. Earles, the gentlewoman from Portland, Mrs. Hendricks, and the gentleman from Portland, Mr. Healy.

The Chair would also appoint the following Conferees on the part of the House on the disagreeing action of the two branches on H. P. 843, L. D. 1206, Bill "An Act to Create a Parking Commission for City of Lewiston": the gentleman from Lewiston, Mr. Jalbert, the gentleman from Lewiston, Mr. Cote, and the gentleman from Fryeburg, Mr. Trumbull.

### Third Reader Indefinitely Postponed

Bill "An Act Establishing Columbus Day as a Legal Holiday" (S. P. 416) (L. D. 1200)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Linnell.

Mr. LINNELL: Mr. Speaker and Members of the House: With respect to this item, as a member of the Legal Affairs Committee I was present at the hearing and of course this matter was advertised in the newspapers and yet at the hearing not a single proponent from the

general public appeared. As a matter of fact, if my memory serves me correct, there were present in support of this bill, a member of this House and a member of the other branch, and no more. It would thus seem to me that there is little or no public interest in this particular bill to say nothing of support. I don't see as it accomplishes a great deal and I therefore move that the item be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from South Portland, Mr. Linnell, that this bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, whereas there was a large interest in this bill and it proved it by the vote, there is such a small majority here this morning, I now move that this be tabled until Tuesday next.

The SPEAKER: The question now before the House is the motion of the gentleman from Cumberland, Mr. Call, that this bill be tabled and specially assigned for Tuesday next pending the motion of the gentleman from South Portland, Mr. Linnell, that the bill be indefinitely postponed. Will those who favor the tabling motion please say aye; those opposed, no.

A viva voce vote being doubted a division of the House was had.

Thirty-four having voted in the affirmative and fifty-four having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker and Members of the House: I will be very, very brief. I think the gentleman, my colleague from South Portland, Mr. Linnell, mentioned the fact that there weren't too many people at the hearing. I have been in the Legal Affairs hearing chambers on many occasions, especially during the controversial Portland bills with regard to school committees and the council vote by districts and there were very, very few people except those who were interested in it as far as the public

was concerned, so I should think that would be no barometer as to whether or not there was support or not.

I would call the attention of this House to two years ago when this same bill was brought up and the hall of the hearing room was jammed. There was a lot of support for the bill. Now what does that prove? It didn't pass two years ago. I would hope that this body would go along with the vote that they went along with yesterday and pass it for enactment.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from South Portland, Mr. Linnell, that Bill "An Act Establishing Columbus Day as a Legal Holiday" be indefinitely postponed. The Chair will order a division.

Will those who favor the motion to indefinitely postpone please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Fifty having voted in the affirmative and forty-six having voted in the negative, the motion to indefinitely postpone did prevail.

Bill "An Act Reactivating the State Committee on Aging" (S. P. 492) (L. D. 1370)

Resolve Opening Portland Lake in Aroostook County to Ice Fishing for Salmon and Trout (S. P. 114) (L. D. 264)

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

#### Amended Bills

Bill "An Act to Revise the Inland Fish and Game Laws" (S. P. 205) (L. D. 544)

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

#### Third Reader Tabled and Assigned

Bill "An Act Relating to Outdoor Advertising Devices on the

Interstate System" (S. P. 401) (L. D. 1169)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Kilroy.

Mrs. KILROY: Mr. Speaker, in regard to this item five, I have an amendment to this bill now being prepared and due to the fact there are so few here today, I move this bill be tabled and assigned for Tuesday next.

The SPEAKER: The gentlewoman from Portland, Mrs. Kilroy, moves that this bill be tabled and specially assigned for Tuesday, May 26, pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 403) (L. D. 1171)

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 Senate Amendments "A" and "B" and sent to the Senate.

#### Passed to Be Enacted

An Act to Enact Private and Special Laws Related to the Revision of the General Laws Concerning Sea and Shore Fisheries (H. P. 176) (L. D. 257)

An Act Relating to Pauper Settlement of Patients of Central Maine Sanatorium (H. P. 247) (L. D. 358)

An Act Providing for a State Committee on Natural Resources (H. P. 966) (L. D. 1372)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

On motion of Mrs. Hendricks of Portland, the House voted to reconsider its action whereby on May 21st it passed to be engrossed Bill "An Act Amending the Maine Housing Authorities Act," House Paper 967, Legislative Document 1373.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, there is an amendment being prepared by the Attorney General and the gentleman from Sanford, Mr. Desmarais, is absent, so I would like to table this until Tuesday next.

Thereupon, the Bill was tabled pending passage to be engrossed and specially assigned for Tuesday May 26.

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned 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," House Paper 108, Legislative Document 181, tabled on May 21 by the gentleman from Lee, Mr. Frazier, pending passage to be engrossed.

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

Mr. COUSINS: Mr. Speaker and Ladies and Gentlemen of the House: I thank the gentleman from Lee, Mr. Frazier, for tabling this while I was absent yesterday. I would just as soon see this bill go along and gets its third reading if that is the pleasure of the House, and I so move.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

The SPEAKER: The Chair now lays before the House item number eight under Non-Concurrent Matters, which was tabled earlier in the day by the gentleman from Lewiston, Mr. Cote and specially assigned for later in today's session, being Joint Order Relative to Legislative Research Committee to Study Insurance Companies, House Paper 852, which was read and passed in the House on March 11 and now comes from the Senate indefinitely postponed in non-concurrence.

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

Mr. COUTURE: Mr. Speaker and Members of the House: I have been working hard on this matter that we had received here about the insurance companies, on which I have a numerous amount of letters home now. I will now move that we will insist on our former action and ask for a Committee of Conference.

Thereupon, the House voted to insist on its former action and request a Committee of Conference.

(Mr. Kellam of Portland was requested to approach the rostrum.)

The SPEAKER: With respect to item number seven, under Non-Concurrent Matters, the Chair at this time will appoint the following conferees on the part of the House with reference to the disagreeing action of the two branches on Bill "An Act relating to Restricting Certain Trustee Process until after Judgment," House Paper 116, Legislative Document 171: the gentleman from Portland, Mr. Kellam; the gentleman from Auburn, Mr. Berman and the gentleman from South Portland, Mr. Earles.

(Mr. Couture of Lewiston was requested to approach the rostrum.)

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 Monday, May 25, at four o'clock in the afternoon. (S. P. 499)

Came from the Senate read and passed.

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

On motion of Mr. Wade of Auburn,

Adjourned until Monday, May 25, at four o'clock in the afternoon.