

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, February 5, 1959

Senate called to order by the President.

Prayer by Father Dougherty of Augusta.

On motion by Mr. Fournier of York,

Journal of yesterday read and approved.

On motion by Mr. Bates of Penobscot, out of order and under suspension of the rules:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, February 10, at ten o'clock in the forenoon. (S. P. 186)

Which was read and passed.
Sent down for concurrence.

The PRESIDENT: The Chair notes in the Senate Chamber the presence of another attractive and gracious wife of one of our esteemed Senate members. At this time the Chair will ask the Sergeant-at-Arms to escort Mrs. Carpenter, wife of the Senator from Somerset, to the Rostrum.

(Applause, members rising.)

Paper from the House

JOINT ORDER (S. P. 146) Relative to Mileage Allowance for Chaplains.

In Senate on February 3, read and passed.

Comes from House, referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the Senate, on motion by Mr. Wyman of Washington, the Senate voted to recede and concur.

Joint Order

ORDERED, the Senate concurring, that the State Controller supply for use of the Legislature two hundred copies of a list of State Employees with their salaries as of December 31, 1958, and be it further

ORDERED, that said list be distributed, one to each member of the Senate, House and Council; two to the Executive; one to the Secretary of the Senate; one to the Clerk of the House; and the balance to the State Librarian for exchange purposes. (H. P. 334)

On motion by Mr. Wyman of Washington, tabled pending passage.

House Papers

Bill, "An Act to Clarify the Maine Commercial Feed Law." (H. P. 230) (L. D. 341)

Which was referred to the Committee on Agriculture in concurrence.

Bill, "An Act Providing for the Construction of a Women's Physical Education Building at the University of Maine in Orono." (H. P. 231) (L. D. 342)

"Resolve Appropriating Moneys for Vocational Education Institute in Presque Isle." (H. P. 232) (L. D. 343)

"Resolve Authorizing Use of Passamaquoddy Trust Funds for Housing." (H. P. 233) (L. D. 344)

Which were severally referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill, "An Act to Incorporate the 'Allied Loan Co.'" (H. P. 234) (L. D. 345)

Bill, "An Act Relating to Examination for Real Estate Broker's or Salesman's License." (H. P. 235) (L. D. 346)

Which were referred to the Committee on Business Legislation in concurrence.

"Resolve in Favor of Edmund D. Schorr of Kittery." (H. P. 236) (L. D. 347)

"Resolve in Favor of Town of Woolwich for Aid to Henry Ehler." (H. P. 237) (L. D. 348)

"Resolve in Favor of Leonore A. Kenniston of Amherst." (H. P. 238) (L. D. 349)

"Resolve in Favor of C. A. Mason of Gorham." (H. P. 280)

Which were severally referred to the Committee on Claims in concurrence.

Bill, "An Act Changing the Date of the Primary Election." (H. P. 239) (L. D. 350)

Which was referred to the Committee on Election Laws in concurrence.

Bill, "An Act Relating to Open Season for Fishing on Brooks and Streams in Cumberland County." (H. P. 240) (L. D. 351)

“Resolve Regulating Fishing in North Pond, Town of Sumner, Oxford County.” (H. P. 241) (L. D. 352)

Which were referred to the Committee on Inland Fisheries and Game in concurrence.

Bill, “An Act Relating to Limitation of Financial Responsibility Law.” (H. P. 242) (L. D. 353)

Bill, “An Act Relating to Valuation of Inter Vivos Transfers of Property for Inheritance Tax Purposes.” (H. P. 243) (L. D. 354)

Bill, “An Act to Clarify the Inheritance Tax Law.” (H. P. 244) (L. D. 355)

Bill, “An Act Relating to Inheritance Taxation of Jointly Owned Property.” (H. P. 245) (L. D. 356)

Bill, “An Act Increasing Payments to Hancock County Law Library.” (H. P. 246) (L. D. 357)

Bill, “An Act Relating to Pauper Settlement of Patients and Employees of Central Maine Sanatorium.” (H. P. 247) (L. D. 358)

Which were severally referred to the Committee on Judiciary in concurrence.

Bill, “An Act Relating to Special Town Meetings in Kittery.” (H. P. 248) (L. D. 359)

Bill, “An Act Relating to Westbrook Parking Authority.” (H. P. 249) (L. D. 360)

Which were referred to the Committee on Legal Affairs in concurrence.

Bill, “An Act Authorizing Forest Commissioner to Convey Interest of the State in Chase Island.” (H. P. 250) (L. D. 361)

Which was referred to the Committee on Natural Resources in concurrence.

Bill, “An Act to Incorporate the South Berwick Water District.” (H. P. 251) (L. D. 362)

Which was referred to the Committee on Public Utilities in concurrence.

Bill, “An Act Relating to Taking of Clams, Quahogs and Clam Worms in Town of Phippsburg.” (H. P. 252) (L. D. 363)

Which was referred to the Committee on Sea and Shore Fisheries in concurrence.

Bill, “An Act Changing Name of Inland Fish and Game Wardens to Conservation Officer.” (H. P. 253) (L. D. 364)

Which was referred to the Committee on State Government in concurrence.

Bill, “An Act Relating to the Amount of the Annual Excise Tax on Railroads.” (H. P. 254) (L. D. 365)

Bill, “An Act Relating to Excise Tax on House Trailers” (H. P. 255) (L. D. 366)

Which were referred to the Committee on Taxation in concurrence.

Bill, “An Act Increasing the Salary of the County Attorney of Hancock County” (H. P. 226) (L. D. 321)

Bill, “An Act Relating to Territorial Distribution of and Increasing Number of Medical Examiners of Somerset County” (H. P. 256) (L. D. 367)

Bill, “An Act Permitting Municipalities to Enter into Collective Bargaining Contracts with Labor Unions” (H. P. 257) (L. D. 368)

Which were referred to the Committee on Towns and Counties in concurrence.

House Committee Reports Ought to Pass

The Committee on Business Legislation on

Bill, “An Act Permitting Savings Banks to Act as Collection Agent” (H. P. 22) (L. D. 45)

The same Committee on

Bill, “An Act Relating to Special Limitations for Mortgage Loans for Real Estate Sold by Savings Banks” (H. P. 54) (L. D. 76) reported that the same Ought to pass.

The Committee on State Government on

Bill, “An Act Relating to Fees of Board of Registration for Architects” (H. P. 76) (L. D. 114) reported that the same Ought to pass.

Which reports were severally read and accepted in concurrence, the bills read once and tomorrow assigned for second reading.

Ought to Pass - as amended

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 that the same Ought to pass.

Which report was read and accepted in concurrence, Committee Amendment A was read and adopted in concurrence, and the resolve as so amended was tomorrow assigned for second reading.

**Senate Papers
Referred to Committees
Appropriations and Financial Affairs**

Mr. Martin of Kennebec presented Bill, "An Act Appropriating Monies for Acquisition of Land at Androscoggin Lake for Park Purposes" (S. P. 187)

Which was referred to the Committee on Appropriations and Financial Affairs and ordered printed.
Sent down for concurrence.

Highways

Mr. Fournier of York presented Bill, "An Act Creating an Unfair Sales Act" (S. P. 179)

Which was referred to the Committee on Business Legislation and ordered printed.

Sent down for concurrence.

Mr. Stilphen of Knox presented Bill, "An Act Clarifying Name of Federal Law Relating to Federal Highway Funds" (S. P. 188)

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

Sent down for concurrence.

Judiciary

Mr. Dow of Lincoln presented Bill, "An Act Relating to Payments to Lincoln County Law Library." (S. P. 189)

Mr. Martin of Kennebec presented Bill, "An Act Relating to Tax Appeals." (S. P. 190)

Mr. Stilphen of Knox presented Bill, "An Act Relating to Town Dumps." (S. P. 191)

Which were severally referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

Legal Affairs

Mr. Rogerson of Aroostook presented Bill, "An Act Relating to Authority of Sigma Kappa Sorority to Hold Property." (S. P. 192)

Mr. Wyman of Washington presented Bill, "An Act Providing for

Limited Electrician's Licenses for Specific Installations." (S. P. 193)

Which were referred to the Committee on Legal Affairs and ordered printed.

Sent down for concurrence.

Sea and Shore Fisheries

Mr. Coffin of Cumberland presented Bill, "An Act Relating to Use of Draggers in Sheepscot Bay." (S. P. 194)

Which was referred to the Committee on Sea and Shore Fisheries and ordered printed.

Sent down for concurrence.

Towns and Counties

Mr. Coffin of Cumberland presented Bill, "An Act Permitting Municipalities to Provide Educational Scholarships." (S. P. 196)

Mr. Martin of Kennebec presented Bill, "An Act Relating to County Office Space of State Probation-Parole Officers." (S. P. 197)

Mr. Stilphen of Knox presented Bill, "An Act Increasing Salaries of County Officers of Knox County." (S. P. 198)

The same Senator presented Bill, "An Act Increasing Salary of Judge of Rockland Municipal Court." (S. P. 199)

Which were severally referred to the Committee on Towns and Counties and ordered printed.

Sent down for concurrence.

Senate Committee Reports

The Committee on Judiciary on a Petition of Robert H. Mottram to the 99th Maine State Legislature filed under Article 1, Section 15 of the State Constitution, (S. P. 65) 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:

LESSARD of Androscoggin
WOODCOCK of Penobscot

Representatives:

KNIGHT of Rockland
EMMONS of Kennebunk
BERMAN of Auburn
EARLES of South Portland
BEANE of Augusta
COX of Dexter
CARON of Biddeford

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Weeks from the Committee on Judiciary on

Bill, "An Act Relating to Persons Qualified to Serve as Jurors." (S. P. 57) (L. D. 90) reported that the same Ought to pass.

Mr. Woodcock from the same Committee on

"Resolve Providing that the Legislative Research Committee Study the Creation of a District Court System for Lower Courts." (S. P. 56) (L. D. 89) reported that the same Ought to pass.

Which reports were read and accepted, the bill and resolve read once and tomorrow assigned for second reading.

Passed to Be Engrossed House

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)

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

Which were severally read a second time and passed to be engrossed in concurrence.

House - as amended

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

Which was read a second time and passed to be engrossed, as amended, in concurrence.

Senate

Bill, "An Act Relating to Age Eligibility of Firemen and Policemen of City of Saco." (S. P. 42) (L. D. 40)

Bill, "An Act Relating to Issuance of Motor Vehicle Operators' Licenses." (S. P. 75) (L. D. 125)

Which were read a second time and passed to be engrossed.

Sent down for concurrence.

Enactors

Emergency Measures

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

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate was passed to be enacted.

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

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate was passed to be enacted.

Orders of the Day

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table bill, "An Act Permitting Municipalities to Raise Money for Buildings of Certain Academies." (S. P. 11) (L. D. 20) tabled by the Senator on February 3 pending first reading; and on further motion by the same Senator, the bill was given its first reading and tomorrow assigned for second reading.

The PRESIDENT: The Chair recognizes in the Senate Chamber the presence of another attractive and gracious wife of one of our members, and at this time the Chair would ask the Sergeant-at-Arms to escort Mrs. Bates, the wife of the Senator from Penobscot, Senator Bates, to the rostrum.

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

Mr. BRIGGS: Mr. President, for the possible benefit of some of the new members and for the benefit

of committee chairmen who are not perhaps very well oriented yet, much as I dislike rising to question the capable reference of bills, all of us knowing that it is administered and looked over by persons of unusual competence, I will say that as my Committee on Natural Resources today set out to tentatively advertise some bills before that committee we noticed one of those bills to be L. D. 304, H. P. 213, entitled "An Act Relating to Local Option," concerning a certain liquor question.

Now you all know that this Committee on Natural Resources has to deal with quite a few problems relating to pollution during the course of the session, but I am not sure that this is one that would properly be within the bounds of the committee. I thought it would be worth

while to call that to the attention of the other members. Thank you.

The PRESIDENT: The Chair would ask the Senator from Aroostook, Senator Briggs, to approach the rostrum.

At Ease

The PRESIDENT: The Chair would inform the Senate, with reference to the remarks by Senator Briggs of Aroostook, that, in reference to the question of reference of this bill, we have discovered it is a printer's error and Senator Briggs need not be concerned about Natural Resources being polluted with this bill.

On motion by Mr. Bates of Penobscot,

Adjourned until 10:00 a.m. Tuesday, February 10th.