

# 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

**SENATE**

Wednesday, February 11, 1959

Senate called to order by the President.

Prayer by Rev. Harvey F. Ammerman of Augusta.

On motion by Mr. Hunt of Kennebec,

Journal of yesterday read and approved.

The PRESIDENT: The Chair notes in the Senate Chamber the presence of a very distinguished gentleman of the State of Maine, the President of the University of Maine, Dr. Lloyd Elliott. Accompanying Dr. Elliott is a former distinguished and highly respected member of this Body. At this time the Chair would ask the Sergeant at Arms to escort Dr. Elliott and the Hon. Samuel Collins of Caribou to the rostrum.

(Applause; members rising.)

The PRESIDENT: The Chair at this time would like to recognize in the Senate Chamber the presence of the commercial class of Erskine Academy in China Maine. These twelve girls are accompanied by Miss Hancock, daughter of Representative Hancock of Nobleboro.

It gives me a great deal of pleasure on behalf of the Senate to welcome you here. We hope that you will benefit by observing the procedures here and that some day that you will desire to emulate the ones who are now occupying these chairs, and likewise represent your area in the Maine Senate. We are privileged to have you here.

(Applause.)

**House Papers**

Bill, "An Act Providing for the Construction of Service Buildings at the University of Maine in Orono." (H. P. 337) (L. D. 497)

Bill, "An Act Providing for Enlarging and Extending the Sewer System at the University of Maine in Orono." (H. P. 338) (L. D. 498)

Bill, "An Act Providing for an Executive Secretary for the Highway Safety Committee." (H. P. 369) (L. D. 536)

"Resolve Appropriating Moneys for Regional Television Films to Pro-

mote the Recreational Industry." (H. P. 339) (L. D. 499)

"Resolve Appropriating Moneys for Booklets Promoting Maine's Recreational Industry." (H. P. 340) (L. D. 500)

"Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry." (H. P. 341) (L. D. 501)

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

Bill, "An Act to Incorporate the Berwick Finance Company." (H. P. 343) (L. D. 503)

Bill, "An Act Relating to Disposition of Income on Unclaimed Deposits in Defunct Savings Banks." (H. P. 344) (L. D. 504)

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

Bill, "An Act Relating to Minimum Salaries of Elementary School Principals." (H. P. 346) (L. D. 505)

Which was referred to the Committee on Education in concurrence.

"Resolve Opening Sebasticook River, Somerset, Waldo and Kennebec Counties to Ice Fishing." (H. P. 347) (L. D. 506)

"Resolve Regulating Fishing in Long Pond, Franklin County." (H. P. 348) (L. D. 507)

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

Bill, "An Act Revising Laws Relating to Financial Responsibility." (H. P. 349) (L. D. 508)

Bill, "An Act Relating to Notification by Secretary of State in Motor Vehicle Cases." (H. P. 350) (L. D. 509)

Bill, "An Act Relating to Appeals in Workmen Compensation Cases." (H. P. 351) (L. D. 510)

Bill, "An Act Relating to Impoundment of Certain Motor Vehicles Involved in Accidents." (H. P. 352) (L. D. 511)

Bill, "An Act Changing Name of Recorders of Municipal Courts to Associate Judges." (H. P. 353) (L. D. 512)

Bill, "An Act to Provide for the Observance of Legal Holidays." (H. P. 354) (L. D. 513)

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

Bill, "An Act Relating to Application of Workmen's Compensation Act to Certain Employers." (H. P. 355) (L. D. 514)

Bill, "An Act Relating to Costs of Witness and Attorney Fees Under Workmen's Compensation Act." (H. P. 356) (L. D. 515)

Which were referred to the Committee on Labor in concurrence.

Bill, "An Act Relating to Management and Powers of the Farmington Village Corporation." (H. P. 357) (L. D. 516)

Bill, "An Act Permitting Town of Fort Kent to Raise Money for Boarding Home for Aged." (H. P. 358) (L. D. 517)

Bill, "An Act to Change the Title of Road Commissioner of the Town of Kittery and to Enlarge His Duties." (H. P. 359) (L. D. 518)

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

Bill, "An Act Prohibiting the Use of X-ray Shoe-fitting Machines." (H. P. 360) (L. D. 519)

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

Bill, "An Act to Incorporate the Eastport Water District." (H. P. 315) (L. D. 462)

Bill, "An Act Relating to Compensation of Commissioners of Waterville Sewerage District." (H. P. 361) (L. D. 520)

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

"Resolve Providing Aid to Albina W. Farrell of Gardiner." (H. P. 362) (L. D. 521)

"Resolve Providing for Pension of Louise Gagnon of Fairfield." (H. P. 363) (L. D. 522)

"Resolve to Provide Retirement Credit for Gerald Douglas Cushing of Wilton." (H. P. 364) (L. D. 523)

Which were severally referred to the Committee on Retirements and Pensions in concurrence.

Bill, "An Act Relating to Dragging for Scallops in Bagaduce River and Bay in Hancock County." (H. P. 365) (L. D. 524)

Bill, "An Act Relating to Protection of Weirs." (H. P. 366) (L. D. 525)

Bill, "An Act Relating to Definition of Fish Weirs." (H. P. 367) (L. D. 526)

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

Bill, "An Act to Provide for Participation in Maine Employment Security by the State and Political Subdivisions." (H. P. 317) (L. D. 464)

Bill, "An Act Relating to Terms of Office and Compensation of the Aeronautics Commission." (H. P. 368) (L. D. 527)

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

Bill, "An Act Relating to Time of Filing Reports by Retailers Under Sales Tax Law." (H. P. 370) (L. D. 528)

Which was referred to the Committee on Taxation in concurrence.

Bill, "An Act Relating to County Parking Areas." (H. P. 324) (L. D. 471)

Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorney of Cumberland County." (H. P. 325) (L. D. 472)

(On motion by Mr. Farley of York, tabled pending reference to a committee and especially assigned for later in today's session.)

Bill, "An Act Changing Name of Clerk Appointed by Register of Deeds to Deputy Register of Deeds." (H. P. 326) (L. D. 4743)

Bill, "An Act Increasing Clerk Hire and Salaries of County Officers of Cumberland County." (H. P. 328) (L. D. 475)

Bill, "An Act Increasing Salary of Judge of Ellsworth Municipal Court." (H. P. 371) (L. D. 529)

Bill, "An Act Increasing the Salary of the Judge of the Livermore Falls Municipal Court." (H. P. 372) (L. D. 530)

Bill, "An Act Relating to Salaries of Judge and Recorder of Biddeford Municipal Court." (H. P. 373) (L. D. 531)

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

Bill, "An Act Relating to Speed of Certain Commercial Vehicles." (H. P. 331) (L. D. 478)

Bill, "An Act Relating to Age of Applicants for Motor Vehicle Driver's License." (H. P. 3744) (L. D. 532)

Bill, "An Act Relating to Speed of Motor Vehicles." (H. P. 375) (L. D. 533)

Bill, "An Act Relating to Speed of Motor Vehicles on the Interstate System." (H. P. 376) (L. D. 534)

Bill, "An Act Relating to Speed of Motor Vehicles on the Maine Turnpike." (H. P. 377) (L. D. 535)

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

**House Committee Reports  
Ought to Pass — N. D.**

The Committee on Legal Affairs on Bill, "An Act to Create a Mount Desert Island Regional School District." (H. P. 163) (L. D. 182) reported same in New Draft (H. P. 426) (L. D. 481) under the same title, and that it Ought to pass.

Comes from House, report accepted, House Amendment A (Filing No. 12) adopted, and bill as so amended passed to be engrossed.

In the Senate, the report was read and accepted and the bill read once; House Amendment A was read and adopted and on motion by Mr. Stilphen of Knox the rules were suspended, the bill was read a second time and passed to be engrossed in concurrence.

**Ought to Pass**

The Committee on Judiciary on Bill, "An Act Relating to Sale or Mortgage of Real Estate of Husband Under Guardianship." (H. P. 57) (L. D. 79) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Transmittal of Divorce Abstracts by Clerk of Court." (H. P. 91) (L. D. 138) reported that the same Ought to pass.

The Committee on Legal Affairs on Bill, "An Act to Repeal Incorporation of the Fryeburg Village Fire Corporation." (H. P. 95) (L. D. 142) reported that the same Ought to pass.

The same Committee on Bill, "An Act Increasing Indebtedness of the Town of Bar Harbor School District." (H. P. 165) (L. D. 183) re-

ported that the same Ought to pass.

The Committee on Public Utilities on Bill, "An Act Extending the Territory of Brunswick Sewer District." (H. P. 13) (L. D. 22) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Extend the Territorial Limits of the Dover and Foxcroft Water District." (H. P. 96) (L. D. 143) 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 Legal Affairs on Bill, "An Act Relating to Chairman of Superintending School Committee of City of Portland." (H. P. 72) (L. D. 110) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 9)

The same Committee on

Bill, "An Act Relating to Salary of Members of Superintending School Committee of City of Portland." (H. P. 119) (L. D. 174) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 10)

(On motion by Mrs. Lord of Cumberland, tabled pending acceptance of the report.)

Which reports were read and accepted in concurrence and the bills read once. Committee Amendment A were read and adopted in concurrence, and the bills as so amended were tomorrow assigned for second reading.

**Senate Papers**

**Referred to Committees**

**Appropriations and Financial Affairs**

Mr. Dow of Lincoln presented Bill, "An Act Providing for the Construction of a College of Education Building at the University of Maine in Orono." (S. P. 224)

Mr. Hunt of Kennebec presented Bill, "An Act Establishing Secondary Area Vocational Schools." (S. P. 225)

(Referred to the Committee on Appropriations and Financial Affairs and, subsequently on motion by Mr. Hunt of Kennebec, reference reconsidered and the bill laid upon the table pending reference.)

Mr. Rogerson of Aroostook presented Bill, "An Act Creating a Committee to Study Establishment of Vocational Facilities for the Mentally Ill and Retarded." (S. P. 226)

(On motion by Mr. Rogerson of Aroostook, tabled pending reference to a committee.)

The same Senator presented Bill, "An Act Creating a Committee to Study Establishment of Residential Treatment Centers for Emotionally Disturbed Children." (S. P. 227)

(On motion by Mr. Rogerson of Aroostook tabled pending reference to a committee.)

Which were severally referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

#### Business Legislation

Mr. Charles of Cumberland presented Bill, "An Act Relating to the Bank Commissioner, Advisory Committee and Department Regulations." (S. P. 228)

Mr. Cole of Waldo presented Bill, "An Act to Amend the Act Incorporating the Maine Indemnity Company." (S. P. 229)

Mr. Ross of Sagadahoc presented Bill, "An Act Relating to Bank Records." (S. P. 230)

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

Sent down for concurrence.

#### Judiciary

Mr. Weeks of Cumberland presented Bill, "An Act Relating to Warrants on Sales and Use Tax Assessments." (S. P. 231)

Mr. Martin of Kennebec presented Bill, "An Act Relating to Determination of Damages Caused by Taking of Land for Highway Purposes." (S. P. 232)

Mr. Stilphen of Knox presented "Resolve Relating to Determination of Damages Caused by Taking of Land for Highways Purposes." (S. P. 233)

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

Sent down for concurrence.

#### Labor

Mr. Charles of Cumberland presented Bill, "An Act Providing Special Disability Compensation for

Members of Organized Police Departments." (S. P. 234)

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

Sent down for concurrence.

#### Legal Affairs

Mr. Weeks of Cumberland presented Bill, "An Act Relating to Distribution and Sale of Publications Depicting Crime and Torture." (S. P. 249)

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

Sent down for concurrence.

#### Retirements and Pensions

Mr. Martin of Kennebec presented "Resolve Providing Retirement Benefit Increase for Miles McLaughlin of Augusta." (S. P. 235)

The same Senator presented "Resolve Providing Retirement Benefit Increase for George P. Campbell of Augusta." (S. P. 236)

Which were referred to the Committee on Retirements and Pensions and ordered printed.

Sent down for concurrence.

#### State Government

Mr. Stilphen of Knox presented Bill, "An Act to Reimburse Town of Thomaston for Loss of Tax Revenue." (S. P. 237)

Mr. Weeks of Cumberland presented Bill, "An Act Relating to Definition of In-State Bidder in State Bids." (S. P. 238)

The same Senator presented Bill, "An Act Relating to Procedure in State Construction Contracts." (S. P. 239)

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

Sent down for concurrence.

#### Towns and Counties

Mr. Martin of Kennebec presented Bill, "An Act Increasing Salaries of Certain County Officers of Kennebec County." (S. P. 241)

Mr. Pierce of Hancock presented Bill, "An Act Relating to Compensation of Medical Examiners for View Without Autopsy." (S. P. 242)

Mr. Ross of Sagadahoc presented Bill, "An Act Increasing Salaries of County Officers of Sagadahoc County." (S. P. 243)

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

Sent down for concurrence.

#### Transportation

Mr. Weeks of Cumberland presented Bill, "An Act Relating to Transit Registration Plates for Construction Contractors." (S. P. 240)

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

Sent down for concurrence.

The following Bills were transmitted by the Director of Legislative Research, pursuant to Joint Order (S. P. 47)

#### Appropriations and Financial Affairs

Mr. Ross of Sagadahoc presented Bill, "An Act Relating to Construction of a Building for Maine Employment Security Commission." (S. P. 244)

Mr. Weeks of Cumberland presented Bill, "An Act Relating to Powers of Board of Trustees of Maine Maritime Academy." (S. P. 245)

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

Sent down for concurrence.

#### Legal Affairs

Mr. Charles of Cumberland presented Bill, "An Act Providing Ferry Service Between Mainland and Islands in Casco Bay, Cumberland County." (S. P. 246)

Mr. Ross of Sagadahoc presented Bill, "An Act to Enlarge Powers and Purposes of Trustees of Diocesan Funds in Episcopal Diocese of Maine." (S. P. 247)

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

Sent down for concurrence.

#### Towns and Counties

The same Senator presented Bill, "An Act Increasing Salaries of Judge and Recorder of Bath Municipal Court." (S. P. 248)

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

Sent down for concurrence.

#### Orders

On motion by Mr. Ross of Sagadahoc

ORDERED, the House concurring, that the President of the Senate, the Speaker of the House, and the Senate and House Chairmen of the Joint Committee on Welfare and of the Joint Committee on Public Health be authorized and directed to engage a professional consulting firm for a pilot study for the purpose of effecting reductions in operating costs and determining the efficiency of the Health and Welfare Department. The result of this study shall be reported to the 99th Legislature not later than April 15, 1959. The expenses of this study shall not exceed \$3,000 and shall be taken from the legislative appropriation. (S. P. 250)

On motion by Mr. Lessard of Androscoggin, tabled pending passage.

On motion by Mr. Woodcock of Penobscot

ORDERED, the House concurring, that the President of the Senate, the Speaker of the House, and the Senate and House Chairmen of the Joint Committee on Highways be authorized and directed to engage a professional consulting firm for a pilot study for the purpose of effecting reductions in operating costs and determining the efficiency of the Highway Department. The results of this study shall be reported to the 99th Legislature not later than April 15, 1959. The expenses of this study shall not exceed \$4,000 and shall be taken from the legislative appropriation. (S. P. 251)

Mr. LESSARD of Androscoggin: Mr. President, I move that this order lie on the table, and I would like to state in support of my motion that as far as this order and the order preceding it that it is not our purpose, so far as myself and the party are concerned, to table it because we are not in favor of the proposed study or the purposes of the study. However, it has come to our attention that there is an appropriation called for of \$4000 from the legislative appropriation. Now that would necessarily come from an appropriation which I understand at this time is

pretty near operating in the red, and it might result, if this money was appropriated in perhaps deficit spending which would require a special appropriation bill later on and which should be given consideration by the Governor. I also would like to further study the order to find out the extent of the investigation and whether this investigation, or study rather, should perhaps be more complete, and perhaps to consider the necessity of it at this time in view of the fact that the citizens committee and the PAS is considering consolidation of the departments, which would perhaps take in this very study directed by this order.

The PRESIDENT: The Chair would mention that while he appreciates the comments of the Senator from Androscoggin, Senator Lessard, that a motion to table is not debatable, and the Chair feels that he should convey that information to the Senate.

Mr. LESSARD: I am sorry, Mr. President. I should have asked for unanimous consent to address the Senate.

The motion prevailed and the Order was laid upon the table pending passage.

#### Order

On motion by Mr. Stilphen of Knox

ORDERED, that the Secretary of the Senate be directed to send flowers and expression of sympathy to John S. Parker, Assistant Sergeant at Arms of the Senate.

Which Order received a passage.

#### Senate Committee Report Ought to Pass - N.D.

Mr. Martin from the Committee on Legal Affairs on Bill, "An Act Relating to Municipal Borrowing." (S. P. 102) (L. D. 221) reported same in New Draft (S. P. 252) under same title, and that it Ought to pass.

Which report was read and accepted, the bill in New Draft read once and tomorrow assigned for second reading.

The Committee on Bills in the Second Reading reported the following Bills:

#### House

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

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

#### Senate

Bill, "An Act Relating to Sale of Butter and Margarine Under Weights and Measures Law." (S. P. 20) (L. D. 1)

Bill, "An Act Relating to Deficiency Appropriation for State Treasury." (S. P. 49) (L. D. 82)

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

Bill, "An Act Regulating Horse and Ox Pulling Contests." (S. P. 223) (L. D. 537)

(On motion by Mr. Hillman of Penobscot, referred to the Committee on Agriculture.)

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

Sent down for concurrence.

#### Emergency Measures

"Resolve Appropriating Moneys to Provide for Necessary Expert Assistance in Regulation of Rates" (S. P. 77) (L. D. 126)

Which resolve being an emergency measure and having received 20 affirmative votes in the Senate, was passed to be enacted.

#### Orders of the Day

On motion by Mr. Wyman of Washington, the Senate voted to take from the table Joint Order Relative to State Employee Salary Lists (H. P. 334) tabled by that Senator on February 5 pending passage; and on further motion by the same Senator, the Order was passed in concurrence.

On motion by Mr. Martin of Kennebec, the Senate voted to reconsider its action taken earlier in today's session whereby it referred to the Committee on Judiciary Bill, "An Act to Provide for the Observance of Legal Holidays." (H. P. 354) (L. D. 513)

Mr. MARTIN of Kennebec: Mr. President and members of the Senate, the Committee on Legal Affairs



has another bill similar to this and I have conferred with Senator Weeks of Cumberland. He has no objection to having this bill referred to the Committee on Legal Affairs and I so move.

The motion prevailed and the bill was referred to the Committee on Legal Affairs in non-concurrence.

Sent down for concurrence.

On motion by Mr. Farley of York, the Senate voted to take from the table Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorney of Cumberland County." (H. P. 325) (L. D. 472) tabled by that Senator earlier in today's session pending reference to a committee.

Mr. FARLEY of York: Mr. President and members of the Senate: This matter was laid on the table not in any sense of injustice to any member from the Cumberland County delegation, but, as a member of the Committee, I wish to state that it is not clear in my mind that salary increases to the county attorneys belong to the Committee on Towns and Counties. The salaries of the County Attorneys are paid from the Attorney General's budget. If you will take your budget book and go to Page 99 you will see that the budget for 1960-61 allocated to the Attorney General is \$60,550. All salaries of the county attorneys are paid out of that budget, nothing out of the county budget. In my own county we have one coming which will be added onto what I have seen here. In this way we could put the Attorney General's budget out of order to the extent of possibly five or six thousand dollars. I personally would like to see this go to the Appropriations Committee inasmuch as the Attorney

General has to appear there with his request for budget for the ensuing two years. I do not think it is fair to the members of the Towns and Counties Committee to require them to get into a direct budget for a department.

I move that this be referred to the Committee on Appropriations and Financial Affairs.

Mr. WOODCOCK of Penobscot: Mr. President, I move that this matter be laid upon the table.

The motion prevailed and the bill was laid upon the table pending motion by Mr. Farley of York that it be referred to the Committee on Appropriations and Financial Affairs.

The PRESIDENT: Under Orders of the Day, the Chair would like to take this opportunity to say that he, in company with our Assistant Secretary of the Senate, Waldo Clark visited our good friend and colleague, Clarence Parker, at his residence in Augusta yesterday. We wish to report that Senator Parker seems to be recuperating very nicely. His spirit is good and he is keeping abreast of all the activities in the Senate, thanks to the staff and the press and radio and TV. He asked specifically for us to convey to all of his colleagues here in the Maine Senate his deepfelt gratitude and appreciation for all of the kindnesses and cards and gifts that have been sent to him. It is with a great deal of pleasure that I pass on this information from our good friend and colleague, Senator Parker.

On motion by Mr. Noyes of Franklin

Adjourned until tomorrow afternoon at one o'clock.