

# 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**

Tuesday, March 31, 1959

Senate called to order by the President.

Prayer by Rabbi Morris Bekritsky of Portland.

On motion by Mr. Dunn of Kennebec, Journal of last Friday read and approved.

The PRESIDENT: At this time the Chair would like to call the attention of the Senate to various visiting groups that we have with us this morning. First, from the South Portland High School, the classes in Government and History accompanied by Mr. Jordan Gilmore and Miss Rosella Loveitt. We also have the junior and senior classes of St. Andre's Girls High School of Biddeford, accompanied by Miss Aline Lachance.

To all of these visiting students, on behalf of the Senate, the Chair extends a most cordial and hearty welcome. We hope that this day will be a very enjoyable, profitable and educational one for you. I am sure that every member of this Body will be happy to discuss any aspects of State Government and I hope that you will avail yourselves of this opportunity to have a full and fruitful day. On behalf of the Senate, the Chair extends a hearty welcome to you all.

**Papers from the House**

Bill, "An Act Relating to Taxation of Intangible Personal Property." (H. P. 450) (L. D. 656)

In Senate on March 25th, recommended to the Committee on Taxation in non-concurrence.

Comes from House, that body having Adhered to its former action whereby the Committee Report Ought not to pass was accepted.

In the Senate, on motion by Mr. Hillman of Penobscot, the bill was laid upon the table pending consideration.

Bill, "An Act Relating to Excise Tax on Commercial Trailers." (H. P. 451) (L. D. 657)

In Senate on March 25th, recommended to the Committee on Taxation in non-concurrence.

Comes from the House, that body having Adhered to its former action whereby the Committee Report Ought not to pass was accepted.

In the Senate, on motion by Mr. Willey of Hancock, the Senate voted to recede and concur.

**House Committee Reports Referred to another Committee**

The Committee on Highways on Bill, "An Act Authorizing Construction of Dock in Town of Lincolnville." (H. P. 743) (L. D. 1062) reported that same be referred to the Committee on Appropriations and Financial Affairs.

Which report was read and accepted in concurrence.

**Leave to Withdraw**

The Committee on Highways on Bill, "An Act Relating to Weight of Vehicles Used in Construction Areas." (H. P. 790) (L. D. 1122) reported that same be granted Leave to withdraw.

The Committee on Taxation on Bill, "An Act Relating to Taxation of Certain Construction Machinery and Equipment." (H. P. 510) (L. D. 723) reported that same be granted Leave to withdraw.

Which reports were read and accepted in concurrence.

**Ought to Pass**

The Committee on Legal Affairs on Bill, "An Act Clarifying Authority of Lewiston City Council to Require Financial Reports from Municipal Departments." (H. P. 303) (L. D. 450) reported that the same Ought to pass.

The same Committee on Bill, "An Act Concerning Exit Facilities in Buildings and Other Structures." (H. P. 656) (L. D. 948) reported that the same Ought to pass.

The same Committee on Bill, "An Act Permitting City of Lewiston to Raise Moneys for Aid of Conventions." (H. P. 693) (L. D. 993) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Sick Leave for Members of Fire Department of City of Lewiston." (H. P. 761) (L. D. 1079) reported that the same Ought to pass.

The Committee on Public Utilities on Bill, "An Act Relating to Crossing of Public Ways by Railroads."

(H. P. 766) (L. D. 1084) reported that the same Ought to pass.

The same Committee on Bill, "An Act Amending the Charter of the Bowdoinham Water District." (H. P. 795) (L. D. 1127) 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 Claims on "Resolve in Favor of Edmund D. Schorr of Kittery." (H. P. 236) (L. D. 347) reported that the same Ought to pass as amended by Committee Amendment A (Filing 104)

The same Committee on "Resolve Refunding Motor Vehicle Fees to Certain Canadian Residents." (H. P. 741) (L. D. 1060) reported that the same Ought to pass as amended by Committee Amendment A (Filing 125)

(On motion by Mr. Briggs of Aroostook, tabled pending acceptance of the report.)

The Committee on Legal Affairs on Bill, "An Act Enlarging Territorial Limits of West Paris Village Corporation." (H. P. 619) (L. D. 887) reported that the same Ought to pass as amended by Committee Amendment A (Filing 128)

Which reports were severally read and accepted in concurrence and the bill and resolves read once. Committee Amendments A were read and adopted in concurrence, and the bill and resolves as so amended were tomorrow assigned for second reading.

The same Committee on Bill, "An Act Relating to Employment of City Personnel in City of Lewiston." (H. P. 521) (L. D. 756) reported that the same Ought to pass as amended by Committee Amendment A (Filing 126)

Comes from the House, report accepted and the bill passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (Filing 135)

In the Senate, the report was read and accepted in concurrence, the bill read once; Committee Amendment A was read and adopted in concurrence; House Amendment A

was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

#### Communication

##### State of Maine

House of Representatives  
Office of the Clerk  
Augusta

March 27, 1959

Honorable Chester T. Winslow  
Secretary of the Senate  
99th Legislature

Sir:

The Speaker of the House today appointed the following members of the House to serve on the Commission to Commemorate the Centennial of the Civil War; which Commission was created by Chapter 48 of the Private and Special Laws of 1959:

Messrs. COUSINS of Bangor

EDMUNDS

of Fort Fairfield

DENNISON

of East Machias

MADDOX of Vinalhaven

EARLES of South Portland

PERT of Bath

TARDIFF of Lewiston

BRIGGS of Portland

Respectfully,

(Signed) HARVEY R. PEASE

Clerk of the House

Which was read and ordered placed on file.

#### Senate Committee Reports

##### Ought to Pass

Mr. Charles from the Committee on Business Legislation on Bill "An Act Relating to Powers of Maine Fidelity Life Insurance Company." (S. P. 321) (L. D. 900) reported that the same Ought to pass.

Mr. Lewis from the same Committee on Bill, "An Act Relating to Certification by Automobile Dealers of Mileage of Used Motor Vehicles." (S. P. 354) (L. D. 1047) reported that the same Ought to pass.

Mr. Hunt from the Committee on Public Utilities on Bill, "An Act Relating to Time of Public Utility Commission's Orders Concerning Rate Changes for Freight Transportation." (S. P. 369) (L. D. 1052)

reported that the same Ought to pass.

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

#### Ought to Pass — N.D.

Mr. Ross from the Committee on State Government on Bill, "An Act Revising the Laws Relating to the Bureau of Public Improvements." (S. P. 60) (L. D. 93) reported same in New Draft (S. P. 439) (L. D. 1286) Under the 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.

#### Second Readers

The Committee on Bills in the Second Reading reported the following bills and resolve:

##### House

Bill, "An Act Relating to Operation of Farm Trucks." (H. P. 459) (L. D. 665)

Bill, "An Act Relating to Licenses for Pari Mutuel Harness Horse Racing." (H. P. 911) (L. D. 1283)

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

Bill, "An Act Relating to County Appropriations to Promote Counties." (S. P. 299) (L. D. 823)

Bill, "An Act Relating to Use of Surplus Funds by Counties." (S. P. 300) (L. D. 824)

Bill, "An Act Relating to Cost of Snow Removal on the Interstate System." (S. P. 400) (L. D. 1168)

"Resolve Relating to Ferry Terminals at Islesboro and Lincolnville." (S. P. 367) (L. D. 1050)

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

Sent down for concurrence.

#### Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills and resolve:

Bill, "An Act Relating to Management and Powers of the Farm-

ington Village Corporation." (H. P. 357) (L. D. 516)

Bill, "An Act Relating to Disposition of Unorganized Township Fund." (H. P. 578) (L. D. 825)

Bill, "An Act Relating to Nursing Home in Town of Madawaska." (H. P. 659) (L. D. 951)

Bill, "An Act Entitling Blind Persons Accompanied by Guide Dogs to Certain Accommodations." (H. P. 694) (L. D. 994)

Bill, "An Act Relating to Yearly Timber Cut Reports to Forest Commissioner." (H. P. 725) (L. D. 1030)

Bill, "An Act Relating to Yield Signs on Highways." (H. P. 733) (L. D. 1038)

Bill, "An Act Relating to Display of Lights on Motor Vehicles." (H. P. 734) (L. D. 1039)

Bill, "An Act Relating to Registration of Certain Vehicles Owned by Maine Residents." (H. P. 825) (L. D. 1162)

Bill, "An Act Relating to Superintending School Committee of Town of Freeport." (S. P. 217) (L. D. 556)

Bill, "An Act Relating to Duties of State Liquor Inspectors." (S. P. 348) (L. D. 975)

(On motion by Mr. Lewis of Somerset, tabled pending passage to be enacted.)

Which bills were severally passed to be enacted.

"Resolve Authorizing Commissioner of Inland Fisheries and Game to Convey Certain Land in Fryeburg and Brownfield, Oxford County." (H. P. 664) (L. D. 956)

Which resolve was Finally Passed.

#### Orders of the Day

Mr. Weeks of Cumberland was granted unanimous consent to address the Senate.

Mr. WEEKS: Mr. President and members of the Senate: After a few preliminary remarks more or less in explanation, I will offer an order and move its adoption. My explanation is this: that in your last Legislature in 1957 by Chapter 1959 you conferred upon the Supreme Judicial Court of Maine the power to prescribe rules. Now that is quite a momentous operation. It requires much effort, and probably when it comes out it will involve approximately eighty pages.

Since the adjournment of your last Legislature the committee of the Supreme Court, the Chief Justice and, of course, since this session started, the Judiciary Committee, have been working to get that momentous work in proper form to be enacted by this Legislature.

Now in amending the rules certain statutes of course must be changed. At the beginning of the session we thought we had in the Judiciary Committee a proper vehicle which could be reported out, possibly on a redraft when the finished work was ready for us, on the bill as offered. However, we now discover that although that might be true it would be much better if we had a separate bill specifically dealing with this entire picture: the changing of the rules and the amending of statutes necessary to go along to prevent inconsistencies. Consequently, with that explanation, I will now offer an order which reads as follows: "Ordered, the House concurring, that the joint standing judiciary committee be instructed to originate a new bill"—that is what it is—"empowering the Supreme Judicial Court of Maine to promulgate the Rules of Civil Procedure to take effect not less than six months after their promulgation, and to repeal, amend, modify or

add to such rules after their promulgation." That six months period which I refer to in there is quite important, because if we should report it out with the bill passed in the last Legislature the way it is, the Supreme Court and the committee thought that they might discover a very proper field for amendment later on after the Legislature has adjourned which would make a difficulty which they should have the power to correct after adjournment.

With that explanation I will offer this order and move its passage.

The order was read by the Secretary as follows:

ORDERED, the House concurring: that the Joint Standing Judiciary Committee be instructed to originate a bill empowering the Supreme Judicial Court of Maine to promulgate Rules of Civil Procedure to take effect not less than six months after their promulgation, and to repeal, amend, modify or add to such rules after their promulgation.

The order received passage.

Sent down for concurrence.

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On motion by Mrs. Lord of Cumberland,

Adjourned until ten o'clock tomorrow morning.