

# 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**

Monday, May 11, 1959

Senate called to order by the President.

Prayer by Rev. Malcolm A. MacDuffie of Hallowell.

On motion by Mr. Ross of Sadahoc, Journal of last Friday read and approved.

The PRESIDENT: The Chair notes in the Senate Chamber the presence of a former distinguished member of the Maine Senate and a former presiding officer of this Body, and the Chair would ask the Sergeant-at-Arms to escort the Honorable John Ward to the rostrum.

This was done amidst the applause of the Senate, the members rising.

**Papers from the House**

"Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions." (H. P. 849) (L. D. 1212)

In Senate on April 30, passed to be engrossed as amended by House Amendment A (Filing No. 239) in concurrence.

Comes from the House, failed of final passage.

(Failed to receive the two-thirds vote as required by the Constitution.)

In the Senate, on motion by Mr. Hillman of Penobscot, the resolve was indefinitely postponed.

"Resolve Opening Wilson Lake, Franklin County, to Ice Fishing." (H. P. 66) (L. D. 104)

In Senate on May 6, passed to be engrossed in non-concurrence.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 346) in non-concurrence.

In the Senate, on motion by Mr. Noyes of Franklin the resolve was laid upon the table pending consideration.

**House Committee Reports Ought Not to Pass**

The Committee on Judiciary on bill, "An Act Revising Laws Relating to Financial Responsibility."

(H. P. 349) (L. D. 508) reported that the same ought not to pass.

In the House, Indefinitely postponed.

Mr. BATES of Penobscot: Mr. President, I will recognize the present status of this document but I think I will feel much better if I call the attention of the members of the Senate to several factors.

In the first place, I recognize I was not a member of the Judiciary Committee which heard this bill and I have honor for them in reporting this bill out as they saw it. But I would like to read to you excerpts from Newsweek, which I consider one of the best edited magazines that we have at our disposal:

"April 13, 1959. Along with their first state withholding taxes, New Yorkers got another financial jolt last week — a \$60 million (18 per cent) increase in the costs of their auto liability insurance. New York thus become the 27th state allowing higher rates this year. Nationwide, auto insurance rates will have gone up about 75 per cent since just before World War II—and still the companies lose money (\$230 million in the 1947-56 period, another \$65 million in 1957)

"New York's Governor Nelson Rockefeller ticked off the big reasons behind last week's increase, the same reasons that apply across the country: The state's high and growing accident rate and the ever-higher jury awards in accident cases. In New York City, for instance, eleven liability claims were filed last year for every 100 policies vs. 3.3 per 100 in Los Angeles and 2.1 in Detroit.

"New York's Governor Rockefeller also hopes to do something about reducing his state's accidents with a new committee on traffic safety. Meanwhile, rates drivers must pay will probably keep climbing."

"As J. Dewey Dorsett, General Manager of the Association of Casualty and Surety Companies, explains it: 'We (meaning the insurance companies) cannot make people drive carefully, only government can do that. We cannot make juries stop granting sympathy awards, only the courts and an aroused public opinion can do that.'"

Frankly, I am disappointed that this document did not receive more favorable consideration in whole or in part at least, because I believe that there are many worthwhile possibilities for increasing an aroused public opinion if we adopt legislation of this character.

I quote from the Portland Sunday Telegram, April 12, 1959. "What About Accidents? Several bills have been introduced in Maine's 99th Legislature aimed at curbing highway accidents. It is a subject on which each has his own pet theory, making agreement difficult. But the Legislature is duty bound to get together on some solution or stand vulnerable to the charge that it is ignoring one of Maine's most serious and fastest growing problems. The fact of a steadily worsening highway fatality record must not be ignored."

I now move, despite my remarks, to concur with the House in the indefinite postponement, reserving the right to vote against it.

The motion prevailed and the bill was indefinitely postponed in concurrence.

#### Ought to Pass

The Committee on Judiciary on Bill, "An Act Relating to Appeals from Interlocutory Decrees." (H. P. 792) (L. D. 1124) reported that the same Ought to pass

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

#### Ought to Pass — N.D.

The Committee on Education on recommitted Bill, "An Act to Authorize the Municipalities of Farmingdale and Hallowell to Form a School Administrative District." (H. P. 742) (L. D. 1061) reported same in second New Draft (H. P. 959) (L. D. 1361), under New Title: "An Act to Authorize the Municipalities of Farmingdale and Hallowell to Form a School Administrative District and the Municipalities of Bingham, Caratunk Plt., Moscow, The Forks Plt., and West Forks Plt. to Form a School Administrative District." and that it Ought to pass.

The same Committee on recommitted Bill, "An Act to Authorize

Enfield, Greenbush, Greenfield, Howland, Maxfield, Passadumkeag, La Grange and Seboeis Plantation to Form a School Administrative District and to Authorize North Berwick and South Berwick to Form a School Administrative District." and that it Ought to pass

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

#### Ought to Pass — as amended

The Committee on Judiciary on Bill, "An Act Correcting Certain Inconsistencies in the Probation and Parole Law." (H. P. 290) (L. D. 437) reported that the same Ought not to pass as amended by Committee Amendment A (Filing No. 322)

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

The Committee on Towns and Counties on Bill, "An Act Relating to Effective Date for Salary Increase for County Officers and Judges and Recorder of Municipal Courts." (H. P. 369) (L. D. 1237) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 314)

In House, Report accepted; subsequently the bill was recommitted to the Committee on Towns and Counties.

In the Senate, the bill was recommitted to the Committee on Towns and Counties in concurrence.

#### Majority — ONTP

#### Minority — OTP

The Majority of the Committee on Public Utilities on Bill, "An Act to Protect the Health and Safety of Railroad Employees." (H. P. 767) (L. D. 1085) reported that the same Ought not to pass

(Signed)

Senators:

MARTIN of Kennebec  
NOYES of Franklin  
HUNT of Kennebec

Representatives:

PIKE of Lubec

PHILBRICK of Bangor  
WALTER of Waldoboro  
DAY of Eliot

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass  
(Signed)

Representatives:

HAUGHN of Bridgton  
CYR of Fort Kent  
KILROY of Portland

In House, reports and bill indefinitely postponed.

In the Senate, on motion by Mr. Martin of Kennebec, the bill was indefinitely postponed in concurrence.

**Majority — ONTP**

**Minority — OTP**

The Majority of the Committee on Public Utilities on Bill, "An Act Relating to Use of Train Order Line-Ups for Railroad Track Motor Cars." (H. P. 768) (L. D. 1086) reported that the same Ought not to pass

(Signed)

Senators:

MARTIN of Kennebec  
NOYES of Franklin

Representatives:

PHILBRICK of Bangor  
PIKE of Lubec  
WALTER of Waldoboro  
DOW of Eliot

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass

(Signed)

Senator:

HUNT of Kennebec

Representatives:

KILROY of Portland  
HAUGHN of Bridgton  
CYR of Fort Kent

In House, reports and bills indefinitely postponed.

In the Senate, on motion by Mr. Martin of Kennebec, indefinitely postponed in concurrence.

**Majority — ONTP**

**Minority — OTP**

The Majority of the Committee on Taxation on Bill, "An Act Providing for Severance Taxation of Certain Natural Resources." (H. P.

902) (L. D. 1271) reported that the same Ought not to pass.

(Signed)

Senators:

WILLEY of Hancock  
WYMAN of Washington  
FOURNIER of York

Representatives:

ROLLINS of Belfast  
COUSINS of Bangor  
WALSH of Verona  
PARSONS of Hartford  
BAXTER of Pittsfield  
CYR of Augusta

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass.  
(Signed)

Representative

MAXWELL of Wilton

In House, Majority Report accepted.

In the Senate, on motion by Mr. Willey of Hancock, the Majority ought not to pass report was accepted in concurrence.

**Majority — ONTP**

**Minority — OTP N. D.**

The Majority of the Committee on Welfare on Bill, "An Act Repealing Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled." (H. P. 19) (L. D. 28) reported that the same Ought not to pass.

(Signed)

Senator

ROSS of Sherman

Representatives:

STORM of Sherman  
HARRINGTON of Patten  
HANSON of Bradford  
HANCOCK of Nobleboro

The Minority of the same Committee on the same subject matter, reported the bill in New Draft (H. P. 963) (L. D. 1365) under New Title: "An Act Relieving Children and Certain Relatives of Financial Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled." and that it Ought to pass.

(Signed)

Senator

BOUCHER of Androscoggin

Representatives:

REED of Woolwich  
HEALY of Portland  
RUSSELL of Portland

In House, recommitted to the Committee on Welfare.

In the Senate, on motion by Mr. Ross of Sagadahoc, recommitted to the Committee on Welfare in concurrence.

### Senate Committee Report

#### Report A — OTP as amended Report B — ONTP

Five members of the Committee on State Government on "Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council." (S. P. 356) (L. D. 1011) reported (Report A) that the same Ought to pass as amended by Committee Amendment A.

(Signed)

Senators:

HILLMAN of Penobscot  
ROSS of Sagadahoc

Representatives:

SMITH of Exeter  
DENNETT of Kittery  
WADE of Auburn

Five members of the same Committee on the same subject matter, reported (Report B) that the resolve Ought not to pass.

(Signed)

Senator

LESSARD of Androscoggin

Representatives:

PLANTE of  
Old Orchard Beach  
BARNETT of Augusta  
COYNE of Waterville  
SANBORN of Gorham

On motion by Mr. Hillman of Penobscot, the bill and accompanying reports were laid upon the table pending acceptance of either report.

### Second Readers

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

#### House — as amended

"Resolve Appropriating Moneys to Aid Construction of Dormitory at Higgins Classical Institute." (H. P. 853) (L. D. 1221)

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

Bill, "An Act to Create a Parking Commission for City of Lewiston." (H. P. 843) (L. D. 1206)

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

(Committee Amendment A indefinitely Postponed; Senate Amendment A adopted.)

Sent down for concurrence.

### Senate — as amended

Bill, "An Act Revising the Probation and Parole Laws." (S. P. 334) (L. D. 910)

Bill, "An Act Relating to Reapportionment of School Directors of School Administrative Districts." (S. P. 345) (L. D. 972)

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

Sent down for concurrence.

### Enactors

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

Bill, "An Act Relating to Income from Sale of Geological Survey Publications." (H. P. 260) (L. D. 392)

Bill, "An Act Relating to Sewage Pollution Surveys." (H. P. 432) (L. D. 638)

Bill, "An Act Revising the Laws Relating to Water Improvement Commission." (H. P. 561) (L. D. 794)

Bill, "An Act Exempting Certain Motor Vehicle Fuel from the Sales Tax." (H. P. 799) (L. D. 1131)

(On motion by Mr. Pierce of Hancock, the bill was laid upon the Special Appropriations Table pending enactment.)

Bill, "An Act to Create the Berwick Water and Sewerage District." (H. P. 931) (L. D. 1317)

Bill, "An Act Relating to Powers of Board of Trustees of Maine Maritime Academy." (S. P. 245) (L. D. 628)

Bill, "An Act to Create a State of Maine Authority for Emergency and Fire Fighting Training." (S. P. 361) (L. D. 1044)

(On motion by Mr. Pierce of Hancock, the bill was laid upon the Special Appropriations Table pending enactment.)

Bill, "An Act Relating to Increase in Temporary Loans for County of Kennebec." (S. P. 465) (L. D. 1329)

Which bills were severally passed to be enacted.

"Resolve to Purchase Fifty Copies of 'History of Otisfield.'" (H. P. 21) (L. D. 44)

"Resolve For the Purchase of Fifty Copies of 'A History of the Town of Porter, Maine.'" (H. P. 268) (L. D. 400)

"Resolve to Purchase Fifty Copies of 'A History of Aurora, Maine.'" (H. P. 530) (L. D. 765)

"Resolve Creating a Committee on the Uniform Commercial Code." (H. P. 681) (L. D. 981)

"Resolve Appropriating Moneys for Restoration of Certain Forts in Aroostook County." (H. P. 712) (L. D. 1017)

"Resolve Providing for Biographical Sketches of Maine Composers." (S. P. 90) (L. D. 208)

On motion by Mr. Pierce of Hancock, the several resolves were laid upon the Special Appropriations Table pending final passage.

#### Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item being bill, "An Act Relating Certain Insurance Sold in Connection with Credit Transactions." (H. P. 947) (L. D. 1343) tabled by the Senator from Cumberland, Senator Charles on May 6 pending passage to be engrossed.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate, I tabled this last week because the insurance department had an interest in it and apparently they have not yet received the information that I had desired. Therefore I request that it be laid upon the table one more day and be especially assigned for tomorrow.

The motion prevailed, the bill was retabled pending passage to be engrossed and was especially assigned for tomorrow.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table the 65th tabled item being bill, "An Act Amending the Charter of the City of Augusta." (H. P. 936) (L. D. 1323) tabled by that Senator on April 30 pending

second reading; and on further motion by the same Senator, the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table the 4th tabled item being bill, "An Act Relating to Chairman of Superintending School Committee of City of Portland." (H. P. 72) (L. D. 110) tabled by that Senator on February 19 pending enactment, and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Ross of Sagadahoc, the Senate voted to take from the table the 90th tabled item being bill, "An Act Relating to Augmenting of Stored Water." (S. P. 467) (L. D. 1363) tabled by that Senator on May 8 pending assignment for second reading; the same Senator moved the pending question and the bill was tomorrow assigned for second reading.

On motion by Mr. Woodcock of Penobscot,

Recessed for two minutes.

#### After Recess

The Senate was called to order by the President.

Mr. Woodcock of Penobscot was granted unanimous consent to address the Senate.

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate, I know that each of you will be delighted to realize that my activities of the last two minutes have been very productive and I am very happy to yield to the good Senator who sits in front of me, Senator Noyes of Franklin.

The PRESIDENT: The Chair is happy to recognize the Senator from Franklin Senator Noyes.

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table the 3rd tabled item being Senate Reports from the Committee on Inland Fisheries and Game: Majority Report, Ought not to pass: Minority Report, Ought to pass, on "Resolve Regulating Fishing in Cup-suptic River, Franklin County." (S.

P. 94) (L. D. 212) tabled by that Senator on February 19 pending acceptance of either report; and the same Senator moved that the Senate accept the Minority Report, Ought to pass.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: I must oppose the motion of the Senator from Franklin, Senator Noyes, on the basis that this is one of the streams that is a spawning area for trout and salmon and it would place this stream in a specific class by itself and it would certainly not be good for fisheries as a whole. All the other streams up in that section and all over the State of Maine are closed on September 15th. This would extend it to October 1st., which would not be beneficial to the trout and salmon. I therefore oppose the motion of the Senator from Franklin, Senator Noyes.

The PRESIDENT: The question is on the motion of the Senator from Franklin, Senator Noyes, to accept the minority Ought to pass report.

A viva voce vote being had, the motion prevailed, the ought to pass report was accepted and the bill read once.

Mr. CARPENTER of Somerset: Mr. President, I move that the bill be tabled.

A viva voce vote being doubted by the Chair,

A division of the Senate was had.

Twelve having voted in the affirmative and thirteen opposed, the motion to table did not prevail.

Thereupon, the bill was tomorrow assigned for second reading.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 61st tabled item being bill, "An Act Permitting the Building of Marinas in Lake Maranacook, Kennebec County." (H. P. 944) (L. D. 1336) tabled by that Senator on April 29 pending assignment for second reading; and on further motion of the same Senator, the bill was tomorrow assigned for second reading.

On motion by Mr. Dow of Lincoln Recessed for five minutes.

### After Recess

The Senate was called to Order by the President.

On motion by Mr. Charles of Cumberland, the Senate voted to take from the table Bill, "An Act Regulating Certain Insurance Sold in Connection with Credit Transactions." (H. P. 947) (L. D. 1343) tabled by that Senator earlier in today's session pending passage to be engrossed, having been especially assigned for tomorrow.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I just received a telephone message from the Insurance Department and they advised me that due to the sickness of one of the members who was primarily interested in contacting me on this bill that they will not be able to do anything on this until Monday next, so I move that this be tabled and specially assigned for next Monday.

Thereupon, the Senate voted to reconsider its action whereby it especially assigned the bill for tomorrow, and the bill was retabled pending passage to be engrossed and was especially assigned for Monday next.

On motion by Mr. Hunt of Kennebec, the Senate voted to take from the table the 81st tabled item, being House Reports from the Committee on Labor: Majority Report, ought not to pass Minority report, ought to pass, on bill, "An Act Relating to Costs of Witnesses and Attorney Fees under Workmen's Compensation Act." (H. P. 356) (L. D. 515) tabled by that Senator on May 6 pending motion by Senator Ross of Sagadahoc to indefinitely postpone in concurrence and the same Senator yielded to the Senator from Sagadahoc, Senator Ross.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate: We debated this bill at some length last week. It pertains to costs of witness fees and attorney's fees and I was opposed to the bill as originally presented to us; but I understand that an amendment has been prepared that is satisfactory to the Chairman of the Commission. So that we can see this amendment, I would hope that those who



would like to see the amendment would vote against the motion to indefinitely postpone so that the minority report can be accepted and amended.

A viva voce vote being had, the motion did not prevail.

Thereupon, on motion by Mr. Hunt of Kennebec, the Minority ought to pass report of the committee was accepted in non-concurrence, and the bill read once.

Mr. Hunt of Kennebec presented Senate Amendment A and moved its adoption.

Which Amendment was adopted and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table the 24th tabled item being Senate Report from the Committee on Judiciary: Ought not to pass, on bill, "An Act Relating to Appointment for Legal Service by Nonresident Hunting Licensee." (S. P. 333) (L. D. 909) tabled by that Senator on April 10 pending acceptance of the report; and that Senator moved that the bill be substituted for the ought not to pass committee report.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: In opposition to the motion made by Senator Noyes, I merely rise to state the thinking of the Judiciary Committee which has just been reported by the unanimous report.

In the first place, the committee has no strong feeling about the bill. It sees what Senator Noyes and others have in mind in this type of proceeding. Those who may not have thought about the problem may not realize that out-of-staters come into the state and many times trespass, many times do damage to property and get home without being apprehended. It is a frustrating situation and everyone recognizes it. At the same time we do attempt to induce these same people to come into the state, to buy fishing licenses which run up into fairly good figures and spend their money while they are here.

In looking at the act, it obviously calls for the ability to bring suit

in the State of Maine against a non-resident for acts committed while he is here, and it does not make any difference what the act is, whether it grows out of a crime or whether it is just a civil action, and it also has the feature of making service upon the Commissioners of Fish and Game.

We have at the present time on our books a statute which is reciprocal and which permits suits on automobile accident cases in the State of Maine by substituted service. Of course anyone committing a crime is not involved in this; it is a civil matter only. It was just a question in the minds of the committee whether we should go this far in treating our non-residents. As I said before, we have no strong feeling on it, but we favored the "Ought not to pass" report because of the reaction which may set in other states. However, whatever way the Senate feels is going to be perfectly all right with the members of the committee.

Mr. NOYES of Franklin: Mr. President, I would agree that there is probably no special feeling on the part of the committee or the Fish and Game Department in particular about this matter. This provides that out-of-state hunters — not fishing people, because it pertains to hunting licenses — can be served; that is, an individual, a hunter who causes damage can be served by service on the Commissioner of the Fish and Game Department, the same situation we have with automobiles. There are arguments on both sides. Of course it may be a detriment to our out-of-state hunters for whom we advertise and ask them to come in here, but I think it would also be helpful to counteract posting of land. We are having many, many thousands of acres of land posted because of damages. It is probably really a fifty-fifty proposition, but I think the main consideration is that if we are going to attempt to hold large areas of land open for hunting we have got to provide some means, whether it be psychological or what not, so that the farmers and the people who own large tracts of land will leave them open. Where you have damage to private property, to buildings, and particularly to private camps as

well as damage occasionally to cattle and things of that sort, I think that this might be a psychological proposition which you can sell to many of the people who are closing their lands, and there is no question but what more and more land is being closed. I think I told you once before that over fifteen thousand acres was closed this year in my county, and I certainly feel that there probably will be another fifteen or twenty thousand acres closed. There are pros and cons to the thing, but I still think it is a matter worthwhile considering, and I do not think that the detrimental part of the bill outweighs the many advantages of it.

Mr. PARKER of Piscataquis: Mr. President, I would like to ask the Senator from Franklin, Senator Noyes, if he would explain this bill what it will do, and give us a little better idea of the wording of it. I have read it through rather carefully and I am a little bit at a loss to understand it. I think it would be very helpful if the Senator would explain it more fully.

The PRESIDENT: The Senator from Piscataquis, Senator Parker, proposes a question of the Senator from Franklin, Senator Noyes, who may answer if he chooses.

Mr. NOYES of Franklin: Mr. President, I will refer to the document, L. D. 909. It was patterned after the automobile out-of-state service. It provides that any person that buys a non-resident license and then causes damage, after he has returned home to whatever state he may come from the person who has been damaged may service

process on the Commissioner of Fish and Game by merely sending in a fee of two dollars. Of course he has to send duplicate copies of his process, and those, of course, may be sent by mail to the Commissioner's office, and thereby the person, we will say Mr. Jones from Massachusetts, has been served. The process and the wording of the bill was copied from a similar section whereby we have service in cases of automobile accidents by out-of-state residents.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Noyes, that the bill be substituted for the ought not to pass report.

A viva voce vote being had, the motion did not prevail; and on motion by Mr. Weeks of Cumberland, the ought not to pass report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Carpenter of Somerset, the Senate voted to reconsider its action taken earlier in today's session whereby it indefinitely postponed in concurrence with the House, bill, "An Act Revising Laws Relating to Financial Responsibility (H. P. 349) (L. D. 508) and on further motion by the same Senator, the bill was laid upon the table pending acceptance of the report and was especially assigned for tomorrow.

On motion by Mr. Stilphen of Knox,

Adjourned until tomorrow morning at 9:30.