

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

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DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Wednesday, June 10, 1959

Senate called to order by the President.

Prayer by Rev. Alfred H. Ives of Gardiner.

On motion by Mr. Briggs of Aroostook,

Journal of yesterday read and approved.

Mr. WOODCOCK of Penobscot: Mr. President, I move that the Senate recess to the gong, and in explanation as to why I have made this motion, I would like to say that the Appropriations Committee and the Education Committee are at this moment meeting jointly on an important piece of legislation and they have requested that the Senate do stand in recess until such time as they can join with us with a report of what they have been discussing.

The PRESIDENT: Before announcing the vote on the pending motion, the Chair would state that the papers assigned for today, came over from the house but were not available in time for printing on today's calendar. The Chair would invite any member to come up and examine the papers that we are acting upon later.

Thereupon, the motion to recess prevailed.

After Recess

The Senate was called to order by the President.

Papers from the House

Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1960 and June 30, 1961" (H. P. 976) (L. D. 1386)

In Senate on June 3, passed to be engrossed in concurrence.

Came from House, passed to be engrossed as amended by House Amendment A (Filing No. 485) and House Amendment B (Filing No. 495) in non-concurrence.

Mr. ROGERSON of Aroostook: Mr. President, I move that the Senate recede and concur.

Mr. ROSS of Sagadahoc: Mr. President, may I inquire what the House Amendment numbers are?

The PRESIDENT: House Amendment A is No. 485; House Amendment B is No. 495.

Mr. ROGERSON of Aroostook: Mr. President, to save everybody the trouble of looking up these amendments and determining what they do, I might say that the first amendment reduces the allocation to the University of Maine by \$500,000. The second amendment removes the emergency clause from the bill.

Thereupon, the Senate voted to recede and concur and the bill was ordered sent forthwith to the engrossing department.

Bill, "An Act Relieving Children and Certain Relatives of Financial Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled." (H. P. 963) (L. D. 1365)

In Senate on June 4, indefinitely postponed in non-concurrence. (Motion to reconsider, lost.)

Comes from the House, that body having insisted upon its former action whereby the bill was passed to be engrossed, now asks for Committee of Conference.

The Speaker appointed as Conferees on the part of the House, Representatives:

RANKIN of Southport
KNAPP of Yarmouth
ROWE of Madawaska

In the Senate, on motion by Mr. Ross of Sagadahoc, the Senate voted to insist on its former action and to join in the Committee of Conference; the President appointed as Senate Conferees, Senators: Ross of Sagadahoc, Hillman of Penobscot and Dow of Lincoln.

House Committee Reports Ought to Pass — N.D.

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Clarify Procedure for Reorganization of School Administrative Units." (H. P. 894) (L. D. 1263) reported same in 2nd New Draft (H. P. 977) (L. D. 1388) under Same Title, and that it Ought to pass.

Comes from House, report accepted and bill in 2nd New Draft

committed to the Committee on Appropriations and Financial Affairs and the Committee on Education, jointly.

In the Senate, the report was accepted and the bill in new draft was committed to the Committee on Appropriations and Financial Affairs and the Committee on Education jointly, in concurrence.

Majority — ONTP
Minority — OTP

The Majority of the Committee on Education on Bill, "An Act Relating to State Aid for School Construction." (H. P. 3) (L. D. 12) reported that the same Ought not to pass
(Signed)

Senators:

DOW of Lincoln
BATES of Penobscot

Representatives:

MATHIESON of Monticello
ERVIN of Houlton
ROWE of Madawaska
FRAZIER of Lee
HANSON of Lebanon

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

Senator:

COFFIN of Cumberland

Representatives:

CLARK of Scarborough
CORMIER of Rumford

In House, Minority Report accepted and the bill passed to be engrossed.

Mr. DOW of Lincoln: Mr. President, I move that the Senate accept the Majority ought not to pass report of the committee in non-concurrence.

Thereupon, on motion by Mr. Lessard of Androscoggin the bill was laid upon the table pending motion by Mr. Dow to accept the majority report; especially assigned for later in today's session.

Conference Committee Report **— House Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Con-

struction of a County Jail." (H. P. 264) (L. D. 677) reported they are unable to agree.

Which report was read and accepted, in concurrence.

Enactors

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

Bill, "An Act Restating and Revising the Law Governing Insurance Companies, Agents, Brokers, and Fees." (H. P. 928) (L. D. 1312)

Which was passed to be enacted.

Bill, "An Act Increasing Salaries of Various Department Heads and Commissions." (S. P. 468) (L. D. 1331)

On motion by Mr. Rogerson of Aroostook, placed on the Special Appropriations Table pending enactment)

Bill, "An Act Establishing a Minimum Wage." (S. P. 472) (L. D. 1337)

On motion by Mr. Rogerson of Aroostook, placed on the Special Appropriations Table pending enactment.

Constitutional Amendment

"Resolve, Providing for the Date When the Amendment to the Constitution to Provide Continuity of Government in Case of Enemy Attack Shall be Voted Upon." (S. P. 511)

This being a Constitutional Amendment, a division of the Senate was had, and 29 having voted in the affirmative and none in the negative, the resolve was finally passed.

Bond Authorization Act

Bill, "An Act to Provide for the Date in Nineteen Hundred and Fifty-nine When the Bond Issues Proposed by the Legislature Shall be Voted Upon." (S. P. 509)

Under the Constitution, an affirmative vote of two-thirds of the Senate Members present was required for the enactment of this bill.

A division was had, and 29 having voted in the affirmative and none in the negative, the bill was passed to be enacted.

Emergency

Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1960 and June 30, 1961." (H. P. 978) (L. D. 1389)

On motion by Mr. Rogerson of Aroostook, placed on the Special Appropriations Table pending enactment.

Orders of the Day

The President laid before the Senate the first tabled and today assigned item, being bill, "An Act Appropriating Moneys to Effectuate Pay Plan for State Employees." (S. P. 505) (L. D. 1387) tabled on June 9 by the Senator from Aroostook, Senator Rogerson, pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur, and the bill was ordered sent forthwith to the engrossing department.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 6th tabled item, being bill, "An Act Relating to Hours, Vacations and Sick Pay for County Personnel." (H. P. 922) (L. D. 1304) tabled by that Senator on June 5 pending consideration; and on further motion by the same Senator, the bill was indefinitely postponed.

The PRESIDENT: In view of the fact that probably there will be no papers of importance coming from the House prior to noontime, the Senator from Penobscot, Senator Woodcock, moves that the Senate recess to two P.M.

The motion to recess prevailed.

After Recess

The Senate was called to order by the President.

**Papers from the House
— Out of Order**

Bill, "An Act to Make Valid the Incorporation of School Administrative Districts Nos. 1, 2, 3, 4, 5, and 6." (S. P. 285) (L. D. 747)

In Senate on June 3, passed to be engrossed as amended by Senate Amendment A (L. D. 1392) and

Senate Amendment B (Filing No. 476).

Comes from the House (failed of enactment) passed to be engrossed as amended by Senate Amendment B, in non-concurrence.

In the Senate, on motion by Mr. Cole of Waldo, tabled pending further consideration.

Bill, "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 969) (L. D. 1378)

In Senate on June 8, passed to be engrossed as amended by Senate Amendment A (Filing No. 486)

Comes from the House ADHERED to previous action whereby the bill was indefinitely postponed.

In the Senate, on motion by Mr. Bates of Penobscot, the Senate voted to insist and request a committee of conference; the President appointed as Senate Conferees, Senators: Bates of Penobscot, Charles of Cumberland, MacDonald of Oxford.

All papers having been acted upon and ready for the House were ordered sent forthwith to the House.

Senate Committee Report

— Out of Order

Referred to 100th Legislature

Mr. Rogerson from the Committee on Appropriations and Financial Affairs on Bill, "An Act Establishing Secondary Area Vocational Schools." (S. P. 225) (L. D. 1006) reported that the same be referred to the 100th Legislature.

Which report was read and accepted.

Sent down for concurrence.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table bill, "An Act Relating to State Aid for School Construction." (H. P. 3) (L. D. 12) tabled by that Senator earlier in today's session pending motion by Mr. Dow of Lincoln to accept the Majority ought not to pass report; and Mr. Lessard moved the pending question.

The motion prevailed and the Majority ought not to pass report was accepted in non-concurrence and the bill and reports ordered sent forthwith to the House.

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table the 7th tabled item, being House Reports from the Committee on Education: Majority Report, ought not to pass; Minority report, ought to pass; on bill, "An Act to Create a School Administrative District in the Town of Cape Elizabeth." (H. P. 685) (L. D. 985) tabled by that Senator on June 9 pending acceptance of either report; and that Senator yielded to the Senator from Cumberland, Senator Coffin.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate: I was one of the members of the Education Committee that signed the minority report on this bill and I would like to give my reasons for my actions.

I felt that the towns in this category should have some rights relative to the Sinclair Act as to money for building construction. I feel that when the Sinclair Act was set up we all know it was set up to help the small towns, but in doing so the builders or the makers or planners of the Sinclair Act had to include the cities in order to pass the thing through the last Legislature, and, personally, I do not feel that we should have to wash the dirty linen of the legislature of two years ago. They knew that this 700 that would be in the act would have to be in there, yet they knew it was wrong, because actually the Sinclair Act was not set up for the purpose; it was set up for the purpose of helping the small towns that never would be able to construct schools or supply the proper kind of education that they had in the cities. Therefore, we have with us today the 700 figure and the 300 figure. The reason I voted to do something about this particular bill was that it would help equalize the act for those people that would apparently lie in the middle. So, following my expression of six or eight weeks ago, I will move the pending question for the acceptance of the minority report.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Coffin, that the Senate accept the

minority "Ought to pass" report of the committee.

Mr. DOW of Lincoln: Mr. President, I am not too sure just what the Senator from Cumberland, Senator Coffin, was talking about.

The PRESIDENT: The Chair will state that it is L. D. 985, Bill, "An Act Creating School Administrative District in the Town of Cape Elizabeth."

Mr. DOW of Lincoln: Mr. President, we have several bills that involve this 700 figure. However, the motion I wish to make on this bill is to concur with the House in indefinitely postponing it. I believe the Senator from Cumberland was talking partly for L. D. 12, which removes the 700 category from the Sinclair Act.

The PRESIDENT: Does the Senator move indefinite postponement of L. D. 985 and both committee reports in concurrence?

Mr. DOW: I do, Mr. President.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Lincoln, Senator Dow, that L. D. 985 be indefinitely postponed in concurrence.

A viva voce vote being had
The motion prevailed.

The PRESIDENT: Since apparently there is little likelihood that any papers will be forthcoming from the House before an hour or so, the Senator from Penobscot, Senator Woodcock, moves that the Senate recess until eight P.M.

The motion to recess prevailed.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair notes in the Senate Chamber this evening, the presence of the gracious wives of two of our members. We are very pleased to see these charming ladies here this evening, and the Chair will ask the Sergeant-at-Arms to escort to the rostrum, Mrs. Boucher, wife of the Senator from Androscoggin; and Mrs. Parker, wife of the Senator from Piscataquis.

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

The PRESIDENT: Just before the Senate was ready to meet this evening, the Chair was handed an Associated Press dispatch which indicates a very signal honor bestowed upon a distinguished member of this body. I think it would be well for the Chair to read the dispatch:

"Richard C. Willey Jr. of Ellsworth Wednesday was named the first recipient of the Paul Nixon basketball trophy at Bowdoin College.

"Willey, who will receive his bachelor of arts degree Saturday, received the award as the varsity player who has made the most valuable contribution to his team through his qualities of leadership and sportsmanship.

"Willey holds several Bowdoin basketball scoring marks. They include 16 out of 17 free throws for one game, including 13 in succession, and a seasonal foul shooting average of .819.

"The Nixon Trophy is named for a dean at Bowdoin from 1918 to 1947 in recognition of his interest in competitive athletics."

Certainly a very high honor has been bestowed upon the son of our very distinguished Senator from Hancock, Senator Willey. I think it would be most appropriate at this time that the Senate give him a nice round of applause. (Applause)

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

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate, down over the years, I have been a great devotee of the game of basketball, and being a graduate of Bangor High School, I naturally favored the Rams in the endeavors that they have had in the line of basketball over these years. Twenty-one years ago when I got through college and law school I came back and picked up the high school trend again. Bangor had some pretty good teams, but we finally ran into a club named the Ellsworth Eagles. The Ellsworth Eagles had the finest players in those years that I had ever seen, but the man whom I admired I think more than any other man was a man named Willey. I saw young Dick Willey on many, many occasions, including

the Boston Garden, stand up against boys much larger than he was and fight like the dickens for his team and his state. I have thrilled at Dick Willey's exploits on the high school diamond at Bowdoin College as I have seen him play against teams that almost invariably beat them, but he never gave up. I am just thrilled to death that Senator Willey's son has received this tribute from Bowdoin College, of which I too am a graduate. I am particularly pleased in having followed this young man through some very fine moments on the basketball floor, which gave to me at least a great insight into his character which he received from a wonderful mother and father. I am delighted to get up here and present this small tribute to Dick Willey, the son of Senator Willey from Hancock County. (Applause)

The PRESIDENT: The Chair thanks the Senator from Penobscot, Senator Woodcock, for his very appropriate remarks on this occasion in which we all share with the Senator from Hancock, Senator Willey.

From the House:

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

In Senate on May 21 passed to be engrossed as amended by House Amendment A (Filing No. 375) in concurrence.

Comes from the House, indefinitely postponed on passage to be enacted.

In the Senate:

Mr. PIERCE of Hancock: Mr. President, I move that the Senate recede and concur.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate, I feel that action on this matter should not be taken without a little more opportunity to deliberate on the recent action of the other branch and for that reason I hope that the motion will not prevail, and if it does not, I would like to see this matter placed on the table until later in today's session. Mr. President, I will move that the matter be laid upon the table.

The motion prevailed, and the bill was laid upon the table pending motion by Mr. Pierce of Hancock, to recede and concur; especially assigned for later in today's session.

Papers from the House

Bill, "An Act to Authorize General Fund Bond Issue in Amount of Ten Million Dollars to Provide Major Repairs, Construction and Equipment (S. P. 200) (L. D. 539)

In Senate on June 9, passed to be engrossed as amended by Senate Amendment A (L. D. 1393) as amended by Senate Amendment A (Filing No. 491) and Senate Amendment C (Filing No. 492) thereto.

Comes from the House, passed to be engrossed as amended by Senate Amendment A as amended by Senate Amendment A and House Amendment B (Filing No. 497) thereto. House insisted and asks for Committee of Conference consisting of 5 members on the part of the House under suspension of part of Joint Rule 13.

The Speaker appointed as Conferees on the part of the House: Representatives:

STANLEY of Bangor
BAXTER of Pittsfield
EDMUNDS of Ft. Fairfield
FRAZIER of Lee
SMITH of Falmouth

In the Senate, on motion by Mr. Rogerson of Aroostook, the Senate voted to insist on its former action and join in the Committee of Conference to consist of five members on the part of the Senate, under suspension of part of Joint Rule 13; the President appointed as Senate Conferees on said Committee, Senators:

ROGERSON of Aroostook
HILLMAN of Penobscot
DOW of Lincoln
STILPHEN of Knox
LESSARD of Androscoggin

Enactor (Out of Order)

Bill, "An Act Amending the Maine Housing Authorities Act." (H. P. 967) (L. D. 1373)

On motion by Mr. Charles of Cumberland, tabled pending enactment, and especially assigned for later in tonight's session.

Mrs. LORD of Cumberland: Mr. President, I would like to inquire if L. D. 667 is in possession of the Senate?

The PRESIDENT: It is, having been held at the request of the Senator from Cumberland, Senator Lord.

Mrs. LORD: Mr. President, I would like to move that the Senate reconsider its action whereby it accepted the report of the Committee of Conference.

The motion prevailed and the Senate voted to reconsider its former action whereby it accepted the report of the Committee of Conference on the disagreeing action of the two bodies on bill, "An Act to Authorize County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail." (L. D. 667); and on further motion by the same Senator, the Senate voted to reject the report of the Conference Committee and to ask for a new Committee of Conference; the President appointed as Senate Conferees on said committee, Senators:

LORD of Cumberland
CHARLES of Cumberland
COFFIN of Cumberland

On motion by Mr. Woodcock of Penobscot,
Recessed to the sound of the gong.

After Recess

The Senate was called to order by the President.

Senate Committee Report

The report of the Committee of Conference on the disagreeing action of the two branches of the legislature on bill, "An Act Directing a Study of Property Tax Administration" reports they are unable to agree. (S. P. 129) (L. D. 324)

Which report was read and accepted.

Paper from the House — Out of Order

Bill, "An Act Relating to Salaries of County Officials and Clerk Hire." (S. P. 491) (L. D. 1369)

In Senate on June 9, passed to be engrossed as amended by Senate Amendment A (Filing No. 430)

as amended by Senate Amendment A (Filing No. 431) and House Amendment C (Filing No. 465) thereto; and Senate Amendments B (Filing No. 432), C (Filing No. 433), D (Filing No. 434), E (Filing No. 498) and F (Filing No. 499); and House Amendment L (Filing No. 448) and O (Filing No. 454) in non-concurrence.

Comes from the House, passed to be engrossed as amended by Senate Amendment A as amended by Senate Amendment A and House Amendment B (Filing No. 449) and C thereto; also Senate Amendments B, C and D; also House Amendments L, M (Filing No. 452); and O, in non-concurrence.

House insisted, and asks for Committee of Conference.

In the Senate, on motion by Mr. Wyman of Washington, the Senate voted to insist and join; the President appointed as Senate Conferees: Senators:

WYMAN of Washington
MARTIN of Kennebec
FARLEY of York

On motion by Mr. Charles of Cumberland, the Senate voted to take from the table bill, "An Act Amending the Maine Housing Authorities Act." (H. P. 967) (L. D. 1373) tabled by that Senator earlier in tonight's session pending enactment; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action where-by the bill was passed to be engrossed.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate, I now present Senate Amendment B and move its adoption. I present this amendment after serious consultation with officials in Portland and also with officials in Washington and New York over the past several days. I have been in contact with Herman D. Gilman, Regional Director of Public Housing Administration in New York and through his communications to me, I have drawn this amendment up in a way that it will be a good bill and there will be no question whatever as to whether or not it is valid, no question as to its validity.

I have checked with the Attorney General's office, by request, and I

have their letter which I would like to place on the record, so that in the future, if there is any question whatsoever about the validity of this act, they can always refer to it and be guided accordingly. The letter is addressed to me and reads as follows:

"In answer to your oral inquiry as to the validity of Chapter 93 of the Revised Statutes of 1954 as amended, it is our opinion that this law entitled Maine Housing Authority was properly enacted in 1949 and became a valid operating statute. It has been amended several times and any proper amendments passed by this legislature would be a valid existing law.

(Signed) FRANK E. HANCOCK
Attorney General"

The amendment spells out exactly how the referendum shall read. It points out how many dwellings are anticipated and also the exact area and boundary within the city or community where it is to be built, in order to give the voters the exact information as to where these housing developments will be built.

The Secretary read Senate Amendment B.

Which amendment was adopted and the bill was passed to be engrossed in non-concurrence.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the table bill, "An Act Relating to the Amount of the Annual Excise Tax on Railroads." (H. P. 254) (L. D. 365) tabled by that Senator earlier in tonight's session pending motion by Mr. Pierce of Hancock to recede and concur.

Mr. ROGERSON of Aroostook: Mr. President, this bill was tabled earlier in today's session and in order to give us an opportunity to deliberate a little more on it, I now move that it lie on the table.

The motion prevailed, and the bill was retabled.

Papers from the House

Bill, "An Act Relating to Licensing and Safety Operation of Boats." (S. P. 494) (L. D. 1374)

In Senate on June 8, receded and concurred in passage to be engrossed as amended by Senate

Amendments A (Filing No. 417) and B (Filing No. 418) also House Amendments C (Filing No. 473) and D (Filing No. 475)

Comes from the House, passed to be engrossed as amended by Senate Amendment A and House Amendment E (Filing No. 500) in non-concurrence.

In the Senate:

Mr. CARPENTER of Somerset: Mr. President, I move that we recede and concur.

The motion prevailed and the Senate voted to recede and concur.

On motion by Mr. Woodcock of Penobscot,

Adjourned until tomorrow morning at ten o'clock.