

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

1959
and
SPECIAL SESSION
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Friday, January 29, 1960

Senate called to order by the President.

Prayer by Rev. Alfred H. Ives of Gardiner.

On motion by Mr. Rogerson of Aroostook,

Journal of yesterday read and approved.

Order

On motion by Mr. Woodcock of Penobscot,

ORDERED, the House concurring, that there be paid to the Officers of the Senate and House of Representatives for salaries for this Special Session, the amounts included in lists certified to the State Controller by the Secretary of the Senate and Clerk of the House, respectively, subject to the approval of the Committee on Appropriations and Financial Affairs." (S. P. 546)

Which was read and passed.

Sent down for concurrence.

On motion by Mr. Pierce of Hancock

ORDERED, the House concurring, that there be created an interim joint committee to consist of 2 Senators and 3 Representatives, appointed respectively by the President of the Senate and the Speaker of the House, to study and report to the 100th Legislature on the need for an institution in the State of Maine for the housing and treatment of all offenders committed to the State Prison or correctional state institutions who are sex offenders or are suffering from other mental or personality disorders; and be it further

ORDERED, that the members of the committee serve without compensation but shall be reimbursed for their expenses incurred in the performance of their duties under this order; and be it further

ORDERED, that there is appropriated to the committee from the legislative appropriation the sum of \$1,000 to carry out the purposes of this order. (S. P. 548)

Which was read and passed.

Senate Committee Report

Mr. Lessard from the Committee on Judiciary on Petition of Robert

N. Mottram to the 99th Maine State Legislature in Special Session, asking that his Petition filed one year ago under Article 1, Section 15, of the State Constitution, be brought forth and examined. (S. P. 545) 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.

Which report was read and accepted.

Sent down for concurrence.

Mr. DOW of Lincoln: Mr. President, I wish to present an order and I would also like to speak briefly to it before I present it.

The order that I am about to present has to do with extending the powers of the Interim Joint Committee which is now working on a study of the problems of school construction aid.

As you remember, last spring we had quite a lot of debate and talk in regard to uniformity of distribution of the school construction aid to cities and towns of various sizes; in other words, you remember the 700-300 deal and so forth in the Sinclair Act.

Now it is the opinion of a great many that we have another clause in the Sinclair Act that is equally important if not more important than the withdrawal clause. We have been criticized already for not having made some kind of an effort to correct the harshness, if it is too harsh, and make things a little more friendly between the towns which from time to time might decide that they would like to withdraw or that they are not happy in being in the district in which they find themselves. Therefore this order calls for the committee which is now active to extend its studies to cover the with-

drawal clause in the Sinclair Act in the hope that some legislation may come about whereby dissatisfied towns and districts may be allowed to withdraw possibly and at the same time bring about a satisfactory solution and arrangement that would satisfy the money-lending institutions. Therefore I present this order which does just that, extends the duties of this committee to study the withdrawal clause. It calls for an appropriation of \$5,000 to do that work, which is sufficient, I have been told, to hire additional outside help if necessary. I present the order and move its passage.

ORDERED the House concurring, that the Interim Joint Committee, created by the 99th Legislature in regular session, to study the problems of school construction aid to municipalities (S. P. 517) be ordered to study the Revised Statutes, Chapter 41, Section 11-P regarding the withdrawal of municipalities from School Administrative Units to determine the need for changes, if any, to facilitate the operations of School Administrative Units; and be it further

ORDERED, that there be appropriated to the committee, from the legislative appropriation the sum of \$5,000 to carry out the purposes of the committee.

Which was read and passed.
Sent down for concurrence.

On motion by Mr. Woodcock
Recessed to the sound of the bell.

The Senate was called to order by the President.

Orders

On motion by Mr. Woodcock of Penobscot,

ORDERED, the House Concurring, in order to facilitate the renovation and improvement of the Senate Chambers, that for the interim period between the 99th and 100th sessions of the Legislature, general oversight and control of the Senate Chambers be placed in the Secretary of the Senate, who shall also approve accounts for payment for such renovation and improvement. (S. P. 547)

Which was read and passed.
Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot,

ORDERED, that there be created an interim committee to consist of 2 members of the Senate, appointed by the President of the Senate who shall be a member ex-officio, to consider and pass upon plans and estimates recommended by the Bureau of Public Improvements for the reconstruction, renovation and improvement of the Senate Chambers, and to exercise general control and oversight over their execution, including the approval by its Secretary of all bills of costs; and be it further

ORDERED, that the committee shall meet at the call of the Secretary of the Senate, who shall be the secretary of the committee and who shall be paid for those services performed by him above and beyond his statutory duties, the sum of \$1,000 for the year that the Legislature is not in regular session; and be it further

ORDERED, that the members of the committee shall be reimbursed for their actual expenses incurred; and be it further

ORDERED, that there is hereby appropriated to the committee from the Legislative Appropriation the sum of \$2,000, or as much thereof as may be necessary, for the expenses and operation of the committee; and be it further

ORDERED, that there is hereby appropriated to the committee from the Legislative Appropriation the sum of \$50,000, or as much thereof as may be necessary for the cost of reconstruction, renovation and improvement of the Senate Chamber.

Which was read and passed, and the President appointed as members of said committee, Senator Lessard of Androscoggin and Senator Woodcock of Penobscot.

Mr. Rogerson of Aroostook presented the following Resolution:

Mars Hill Jaycees Resolution

WHEREAS: The Great State of Maine, and in particular, the peak of Mars Hill is the first point in these United States to receive the light of day on July Fourth, 1960; and

WHEREAS: At dawn on July 4, 1960, occurs the first moment that the new 50-star flag of the United States of America can officially be flown in this great Union, and

WHEREAS: The admittance of our sister State, Hawaii, to this Union is cause for great celebration, and

WHEREAS: These Great United States of America span an area of the globe stretching from the Great State of Maine in the East to the State of Hawaii in the West, it is fitting, therefore, that the State of Maine be the first to honor and commemorate this historical occasion.

NOW THEREFORE BE IT RESOLVED: That the Mars Hill Jaycees be the first, by the reason of natural geographic advantage, to raise the new flag and celebrate this momentous occasion first in the State of Maine with all the pomp and circumstance attendant thereto;

NOW THEREFORE BE IT KNOWN to you as representatives of the people of the State of Maine, both in the House and in the Senate, that we, the Mars Hill Jaycees, extend to you the most cordial invitation, each and everyone, to assemble with us and be our honored guests and participate in this historic event.

On motion by Mr. Rogerson of Aroostook, the Resolution was adopted.

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

Mr. ROGERSON: Mr. President, the Junior Chamber of Commerce of Mars Hill has asked me to read this short piece in order to describe a little more fully the events of this occasion.

In connection with this observance it is presently anticipated that a fireworks display will start at midnight to be followed by a bonfire until dawn. This is at the peak of Mars Hill mountain. At dawn on the peak of Mars Hill the new flag will be raised for the first time in the United States of America legally and officially. A duplicate flag will be flown by the United States Air Force to Hawaii, to the capitol of the 50th State, to be raised there at dawn on the 4th of July,

and I assume that it is going to leave Mars Hill at the time that this one is raised. A Hawaiian breakfast will be served — and this won't include "Woodcock on toast" (Laughter) A Hawaiian breakfast will be served in the morning and at noon a parade of fifty bands, each carrying the flag of a state of the union will parade to the peak of Mars Hill. In the late afternoon there will be another Hawaiian meal. This event will receive magazine, radio, T.V. and movie coverage and will give the State of Maine a vast amount of publicity, and in connection with this event it is planned that a stamp will be issued to be sold in United States postoffices commemorating this event.

On motion by Mr. Woodcock of Penobscot

Recessed until this afternoon at one o'clock.

After Recess

The Senate was called to order by the President.

On motion by Mr. Ross of Sagadahoc,

ORDERED, the House concurring, that there be paid to the Clerks and Clerical Assistants of the Committees the amounts included in lists certified to the State Controller by the several Committee Chairmen, and bearing the approval of the Committee on Appropriations and Financial Affairs." (S. P. 550)

Which was read and passed.

Sent down for approval.

On motion by Mr. Ross of Sagadahoc,

ORDERED, the House concurring, that there be paid to the Chaplains of the Senate and House of Representatives for this Special Session, the sum of five dollars (\$5.00) per diem in accordance with lists certified to the State Controller by the Secretary of the Senate and Clerk of the House, respectively. (S. P. 551)

Which was read and passed.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot

ORDERED, that the members of the Senate of the 99th Legislature be presented with their individual desks and chairs to be delivered to the respective homes of the Senators under the supervision of the Superintendent of Buildings, and be it further

ORDERED, that the desk, chair and equipment in the office of the President of the Senate, together with the remainder of such supplies as were required to carry out the duties of his office, be presented to the President of the Senate and delivered to his home under the supervision of the Superintendent of Buildings."

Which was read and passed.

Enactors

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

Bill, "An Act to Reconstitute School Administrative District No. 2." (H. P. 1011) (L. D. 1420)

Bill, "An Act to Reconstitute School Administrative District No. 3." (H. P. 1020) (L. D. 1421)

Bill, "An Act Appropriating Additional Funds for Certain Construction at Portland Municipal Airport." (H. P. 1018) (L. D. 1426)

Bill, "An Act Relating to Juvenile Offenders in Certain Motor Vehicle Violations." (H. P. 1016) (L. D. 1445)

Bill, "An Act to Authorize the Maintenance and Operation of a Dam at the Outlet of Sebec Lake." (S. P. 534) (L. D. 1441)

Which were severally passed to be enacted.

"Resolve in Favor of the Town of Danforth for School Construction Aid." (H. P. 990) (L. D. 1399)

"Resolve Providing Matching Funds for Federal National Defense Education Act Allotments." (H. P. 1012) (L. D. 1423)

Which resolves were finally passed.

Emergency

Bill, "An Act Providing for Supplemental Payments of the 1959 Education Subsidies to Certain Administrative Units and Payments

for Various Educational Subsidy Programs." (H. P. 988) (L. D. 1397)

Which bill, being an emergency measure, and having received the affirmative vote of 25 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control." (H. P. 1002) (L. D. 1411)

Which bill, being an emergency measure, and having received the affirmative vote of 25 members of the Senate, and one opposed was passed to be enacted.

Emergency

Bill, "An Act Appropriating Moneys to Maine Port Authority for Ferry Service." (H. P. 1014) (L. D. 1425)

Which bill, being an emergency measure, and having received the affirmative vote of 26 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Appropriating Moneys to Maine Port Authority for a Survey at Long Island Plantation." (H. P. 1027) (L. D. 1448)

Which bill, being an emergency measure, and having received the affirmative vote of 26 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Appropriating Moneys to Maine Port Authority for Maine State Pier Operations." (S. P. 521) (L. D. 1428)

Which bill, being an emergency measure, and having received the affirmative vote of 26 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Appropriating Moneys for Office of Director of Legislative Research." (S. P. 522) (L. D. 1429)

Which bill, being an emergency measure, and having received the affirmative vote of 26 members of

the Senate, was passed to be enacted.

Emergency

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 528) (L. D. 1435)

Which bill, being an emergency measure, and having received the affirmative vote of 26 members of the Senate, was passed to be enacted.

Emergency

"Resolve Appropriating Monies for Spruce Budworm Control." (H. P. 989) (L. D. 1398)

Which resolve, being an emergency measure, and having received the affirmative vote of 25 members of the Senate and one opposed, was finally passed.

Orders of the Day

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

Mr. BATES: Mr. President and members of the Senate: When the members of the Senate met in this room yesterday afternoon on a particular subject matter dealing with legislative procedure I admit I did forget to bring to your attention one of the other most important objectives of the committee on Legislative Procedures.

We are now planning to hold in mid-December a pre-session meeting for all legislators, of either one or two days in length, in order that they may become acquainted with legislative procedures and changes, become acquainted with other aspects of State government, all of this to be done, so far as we know, with the help of other legislators and with the help of a national foundation that will underwrite the expenses thereof.

As Chairman of that committee and for the committee, I ask each one of you to send to any member of the committee ideas you have in respect to proposed changes in legislative procedures; and as Chairman of the Joint Interim Committee on School Construction Aid now given an additional responsibility with respect to the withdrawal provisions of the Sinclair Act, I now beg you to send any sugges-

tions you have to me for the committee's perusal with respect to the withdrawal provision in the Sinclair Act.

Mr. Rogerson for the Committee on Appropriations and Financial Affairs submitted its Final Report.

Which report was accepted.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the Special Appropriations Table H. P. 991, L. D. 1400 tabled pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the Special Appropriations Table H. P. 992, L. D. 1401 tabled pending enactment; and that Senator moved enactment.

This being an emergency measure

A division of the Senate was had.

Twenty-seven having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the Special Appropriations Table H. P. 993, L. D. 1402 tabled pending enactment; and that Senator moved enactment.

This being an emergency measure

A division of the Senate was had.

Twenty-seven having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the table H. P. 994, L. D. 1403 tabled pending enactment; and that Senator moved enactment.

This being an emergency measure

A division of the Senate was had.

Twenty-seven having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the Special Appropriations Table, H. P. 995, L. D. 1404 tabled pending enactment; and that Senator moved enactment.

This being an emergency measure

A division of the Senate was had.

Twenty-eight having voted in the affirmative and none opposed, the bill was passed to be enacted.

The **PRESIDENT**: As Senate members of the interim committee re S. P. 548, the Chair will appoint, Senator Pierce of Hancock and Senator Stilphen of Knox.

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

Mr. **BRIGGS**: Mr. President and members of the Senate: It being apparently the wish of some of my better-intended colleagues that this little bit of poetry be included in the legislative record, so I thought I would take what occasion seemed to be necessary to see to it that it would be. I hope that this won't develop to be my valedictory but it very well could be, and some people no doubt hope that to be so. This little bit of wisdom is entitled: "An Ode to the Spruce Budworm":

"Little worm of bud of spruce,
With your future we play fast
and loose,
Settled in for sleep so long,
You do not suspect we do you
wrong,
High midst leafy bough you sway,
While we finance a poison spray
To take your tiny life away.
If we only understood your virtue,
I'm sure that we would never
hurt you."

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

Mr. **CHARLES**: Mr. President and members of the Senate: I wish at this time to extend a very cordial invitation to each and every one of you to take part in and enjoy the 200th Anniversary of Cumberland County which takes place in this year of 1960.

Cumberland County became a county in 1760 when Maine was still a part of Massachusetts. As part of the activities the unofficial opening of the anniversary will begin at Bridgton, Maine on March 3rd, 4th and 5th, at which time a

carnival will be in progress. There will be skating events, a torchlight parade and, believe it or not, a real Maine clambake in the middle of the winter. It will be followed by a Klondike night at the town hall in Bridgton and trophies will be presented and awards made. I also want to remind you that the major events of the celebration take place in June, July and August, and there is no doubt in my mind that no matter which town or city you visit in Cumberland County during that period there will be some type of entertainment or promotion in which you may participate. So be prepared for the notices and publicity which will come before you and make it a point to come down to Cumberland County and visit us.

(Recess)

On motion by Mr. Woodcock of Penobscot,

ORDERED, that a message be sent to the House of Representatives informing that body that the Senate has transacted all the business before it and is ready to adjourn without day.

Which was read and passed, and the President appointed Senator Woodcock of Penobscot to convey the message.

Subsequently that Senator returned saying he had fulfilled the duty with which he was charged.

A message was received from the House of Representatives, through Mr. Robert Wade, stating that that Body had acted upon all matters before it and is ready to adjourn without day.

On motion by Mr. Charles of Cumberland,

ORDERED, the House concurring, that a Committee of three on the part of the Senate with such as the House may join, be appointed to wait upon His Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them, and are ready to receive any further communications he may be pleased to make. (S. P. 552)

The Chair appointed as Senate members of such Committee:

Senators:

CHARLES of Cumberland

DOW of Lincoln

BOUCHER of Androscoggin

Subsequently, the Committee returned to the Senate, having conveyed the message, and Senator Charles reported that His Excellency, Governor John H. Reed would attend the Senate forthwith.

At this point, his Excellency Governor John H. Reed entered the Senate Chamber amidst the applause of the Senate, the members rising, and addressed the Senate as follows:

Governor JOHN H. REED: Mr. President and Honorable members of the Maine State Senate, it is indeed a privilege for me to be once again here at the rostrum, a position which I was favored to hold at the previous session of this legislature, and to view once again all the familiar faces surrounding me. It certainly is a real privilege to be here, to be in this familiar spot. Therefore, I accept with pleasure this invitation to address you the members of the Honorable Senate and to express appreciation for its consideration of the various measures which have been given Legislative attention. The results of the action of this Special Session of the 99th Legislature were as follows:

There were 41 Acts approved.
There were 4 Resolves approved.
No vetoes were presented.

The 99th Legislature has earned the gratitude of the people of Maine for its considered approach to the matters which have been presented for its consideration.

I doubt if any Legislative Session has been called upon to face as perplexing a problem as was yours. You faced that problem squarely and in reaching a majority opinion you held above all other considerations what you believed to be best for the people of the State.

In the matter of School Administrative Districts your judgment was again temperately and fairly arrived at.

You recognized the hardship that had fallen upon many of our municipalities when the formula for school subsidies was changed, and you made possible the restitution of the losses.

You wisely supported with appropriations those State-sponsored enterprises having a dire need for help, including the Maine Ferry Service and the Maine State Pier.

All of the projects which were presented for your consideration had merit. Those which were essential and which contributed to the progress of our State received your thoughtful and favorable consideration.

The true value of what you have accomplished will not be fully known and appreciated for some time to come, but we can note with satisfaction that the 99th Legislature was not lacking in courage and was willing to grapple with problems, once they were placed before it.

I desire to assure you that the enactments which have been made, as well as the body of law that has been created by those who came before you, I shall administer with all fairness and to the very best of my ability.

There is no certainty that we shall meet again under these circumstances: I should therefore wish to express the hope that in the months which follow you will give me the benefit of your ideas and viewpoints. I ask that each of you keep constantly in touch with me, for it is only through this communication — whatever political party is honored with your loyalty — that we can give the State the wise executive administration to which it is entitled.

It has been a great privilege for me to work with the 99th Legislature, both as the President of the Senate and now as Governor. You have my sincere thanks for a difficult task, accomplished with much thought and with much good will.

For this unselfish service in the general public interest, I extend sincere thanks on behalf of the people of Maine.

At this point the Governor retired from the Senate Chamber amidst the applause of the Senate, the members rising.

The PRESIDENT: At this time I want to take this opportunity to make known to you my appreciation in having been able to

serve as your President at this Special Session of the legislature.

I can only say that the cooperation you have given me has been most appreciated. It has helped me not to become nervous. There have been times I was a little confused but not in the least nervous. I thank you for your friendship and your cooperation. I want too, to thank the Secretary, the Assistant Secretary and the staff members. God bless you all.

The President recognized the Senator from Piscataquis, Senator Parker.

Mr. PARKER of Piscataquis: Mr. President, I move that the Senate do now adjourn without day.

Thereupon, the Honorable Earle M. Hillman, President of the Senate, at 2:57 P. M. on January 29, 1960 declared the Special Session of the Ninety-ninth Legislature adjourned without day.