

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME II

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

Mr. BUTLER of Franklin: Mr. President and members of the Senate: I rise in support of the motion of the Senator from Knox, Senator Low, and I do so because I feel we are entering into class legislation; we are giving to a particular type of transportation a benefit which we are not giving to another type of transportation. We are arguing to ourselves that unless we do that this particular transportation will not be continued. At the same time we have in this state railroads. Railroads offer transportation, they maintain their own way, they pay taxes, and if we are going to give benefits to special classes then we certainly should consider this. I do not feel that we should go into this class distinction, and I therefore shall support the motion of the Senator from Knox, Senator Low.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Low, that the bill and accompanying papers be indefinitely postponed.

As many as are in favor of the motion of the Senator from Knox, Senator Low, that the bill be indefinitely postponed will rise and stand until counted.

A division was had.

Fourteen having voted in the affirmative and seventeen in the negative, the motion to indefinitely postpone did not prevail.

On motion by Mr. Boucher of Androscoggin, the minority "Ought to pass" report of the committee was accepted and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Low of Knox, the Senate voted to take from the table "Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms," (H. P. 157) (L. D. 204) which was tabled by that Senator earlier in today's session pending passage to be enacted.

On motion of Mr. Low, the Senate voted to reconsider its action whereby the resolve was passed to be engrossed.

Mr. Butler of Franklin then offered Senate Amendment "B" and moved its adoption.

Senate Amendment "B" was read by the secretary.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the Senate adopt Senate Amendment "B."

Mr. BUTLER of Franklin: Mr. President and members of the Senate: I will say that in offering this amendment it is done for the purpose of clarification in carrying out the intent of the act. When we read Section 14, from which we have under the amendment eliminated the word "exercise" we find that at this particular point in case a vacancy of the Governor should occur the President of the Senate assumes that office. Under the terminology and under the report of the opinion of the justices at the time when the action was first presented to the court for its consideration in 1829, the court there ruled that the President of the Senate does not "assume" the office, he "exercises" the office. So to eliminate any question of doubt the word "assume" has been substituted in place of the word "exercise."

As we move down into the proposed amendment, "In a case a vacancy should follow, to have occurred less than 90 days preceding the date of such primary," that provides that if a vacancy should occur within that 90-day period, but nothing is set forth as to what should happen after the 90-day period, and consequently the words, together with the punctuation, "or after" have been inserted. To eliminate any further possibility of confusion of the act the President of the Senate by the act is intended to assume the office of the Governor, as we inserted the word "then." As the law now stands, in my humble belief, without this amendment in we could arrive at the possibility of the Governor vacating the office within this 90-day period or after and the President of the Senate would assume that office, as it is now written, only until the end of his term as President of the Senate. That is not the intent of the bill. It is the intent of the bill that the then President of the Senate should assume and exercise the office of Governor for the remaining term of the

Governor. For that reason I offer the amendment and move its adoption.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the Senate adopt Senate Amendment "B" in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed and Senate Amendment "B" was adopted in non-concurrence.

On motion by Mr. Low of Knox, the bill was passed to be engrossed as amended by Senate Amendment B, Senate Amendment A, House Amendment A, Committee Amendment A and Committee Amendment B in non-concurrence and was sent forthwith to the House in concurrence.

On motion by Mr. Charles of Cumberland, the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be engrossed bill, "An Act Reestablishing the State Museum," (S. P. 144) (L. D. 342) and that Senator presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted, and the bill was passed to be engrossed as amended by Senate Amendment A and Committee Amendment A.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table bill, "An Act Relating to Cost of Relocating Facilities in Federal Aid Interstate Highway Projects." (S. P. 385) (L. D. 1081) tabled by that Senator on April 19 pending passage to be engrossed; and Mr. Sinclair of Somerset presented Senate Amendment A to Senate Amendment A.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, in presenting this amendment I am taking into consideration the decision of the courts relative to the cost of relocating facilities in federal aid interstate highway projects. The Senate has already indicated its preference for the money being taken from the general fund for this particular purpose in order to save the people of the State of Maine or the rate payers additional cost of handling this particular charge. This amendment

sets in motion, or authorizes the reimbursable costs to the extent of \$225,000 shall be paid from the general fund operating capital under the direction of the State Highway Commission, said general fund operating capital shall be repaid in full from any part so paid from reimbursements received by the State Highway Commission from the federal government on account thereof.

I would point out also that the limitation provided in this amendment is limited to contracts signed prior to June 30, 1959 and the amount paid from the general fund operating capital for the purposes of this act will not exceed the amount of ninety per cent of the federal funds to be available for projects in the interstate system under the federal highway act of 1956 to match state appropriations of \$12,500.

Now I think we are very familiar with this particular reason for this amendment. It is making available the \$225,000 or ninety per cent of the cost of the relocating of these utilities to the State of Maine. I would like to go on record at this particular time as saying that I am opposed in general to the principle of extending the policy of taking from either the general highway fund or the general fund for such relocations other than takes place in this particular act. I think there is a very good reason why we should apply this principle to this particular ninety-ten basis of federal funds which are available on interstate highways. There is an appropriation of \$12,500 from the general fund for the fiscal year ending June 30, 1958 and \$12,500 for the fiscal year ending June 30, 1959. Mr. President, I move the adoption of Senate Amendment A.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sinclair that the Senate adopt Senate Amendment A to Senate Amendment A. Is the Senate ready for the question?

A viva voce vote being had, the Chair was in doubt.

Twenty-six having voted in the affirmative and four opposed, the motion prevailed.

Thereupon, Senate Amendment A to Senate Amendment A was adopted.