

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME II

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

Saco and I see no reason why we, in Westbrook, are going to be discriminated against just because a few people here that have been talking to a certain party, that I know is down here lobbying this thing, against, they are for the sewer district because they stand a wonderful chance to save \$20,000 a year, but the rest of us are going to have to pay what they were supposed to pay as their portion of the cost of this sewer district, so I feel that we should certainly have a Committee of Conference, and I hope that the motion of the gentleman from South Portland, Mr. Fuller, does not prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from South Portland, Mr. Fuller.

Mr. FULLER: Mr. Speaker, I would like to bring out a few pertinent facts in regards to this bill. In 1950 Westbrook spent \$20,000 for a sewer survey which revealed a serious sewer situation. Two years ago this same gentleman from Westbrook sponsored the bill for the sewer district which was passed, and in December, 1955 the voters of Westbrook accepted the District by a good 2 to 1 margin. The district has just completed its first year of operation and is ready to roll. The same gentleman now wishes us to throw out the District claiming that the city could do the job cheaper. My friend from Westbrook has just pushed a bill for a Parking Authority through this legislature. How can he justify such inconsistency? This is not a political measure. Prominent Democrats as well as leading Republicans in Westbrook feel the District deserves a fair trial, and that to repeal it now would be a great backward step. Two years hence will be early enough to weigh the District, its cost and its accomplishments. As Chairman of the Greater Portland Area Planning Commission, I realize the importance of the continuance of the Westbrook Sewer District for community progress, and I hope my motion prevails.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from

South Portland, Mr. Fuller, that the House recede and concur on Bill "An Act to Repeal the Westbrook Sewerage District", House Paper 668, Legislative Document 949. A division has been requested.

Will those who favor receding and concurring on this measure please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-five having voted in the affirmative and sixty-five having voted in the negative the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Porell.

Mr. PORELL: Mr. Speaker, I now move that we insist on our former action.

The SPEAKER: The question now before the House is the motion of the gentleman from Westbrook, Mr. Porell, that the House insist on its former action and request a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

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 finally passed in the House on May 16, and passed to be engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" thereto, and Senate Amendment "A" on May 14.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" thereto, and Senate Amendments "A" and "B" in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen: Although I had to vote against her earlier I have something in common with the gentlewoman from Kittery, Mrs. Burnham. I also have been intimately associated with a lawyer for forty years, my father is a member of that honorable profession. I have always appreciated the friendship that I have had with lawyers, I ad-

mire their ability and respect their vocation, but sometimes I find them just a little bit difficult.

The first of last week one of the barristers in the Secretary of State's Department found a technicality in this bill in reference to the referendum section, so we had to take it back and have it engrossed over again. Last Friday after we had finally enacted it we ran into another legal snag in no less a place than the Attorney General's office. The question is in the event of the death of the Governor. If that death occurs more than ninety days before the next regular election it is all right, because a special election is held, a new governor is elected and the President of the Senate just fills out the first two years. But if it occurs less than ninety days before the election the President of the Senate, as it is written now, fills out the unexpired term.

Now, I raised the question two months ago whether or not this unexpired term would be the entire term of two years, in other words whether there would be two senate presidents in question, and thus making the newly elected senate president tantamount to the office of Governor, and having the Governor of our State elected by a handful of state senators. I was informed at that time that when the President of the Senate became Governor he was Governor in fact and no longer President of the Senate and a new President of the Senate was elected. So I thought we were all right, but after we enacted it several other competent lawyers got together and they have decided that it is wrong, they have made an amendment and the amendment is supposed to clarify this whole situation. Now, since this is just a technical question I hope we don't have to have many more roll call votes on it, but if we do please may I remind you that today it is just in the reengrossment stage and not in enactment, and it will be enacted, I hope tomorrow, so I now move that we recede and concur with the Senate.

The SPEAKER: The question before the House is the motion of the gentleman from Bath, Mr. Ross, that the House recede and concur.

Is this the pleasure of the House? The motion prevailed.

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER
OFFICE OF THE SECRETARY

May 17, 1957

Honorable Harvey R. Pease
Clerk of the House of Representatives

Ninety-eighth Legislature

Sir:

The Senate today voted to insist on its former action on:

Bill, "An Act to License and Regulate the Operation of Trading Stamp Companies." (H. P. 895) (L. D. 1281) and to join a Committee of Conference. The President appointed the following Conferees on the part of the Senate:

Senators:

LESSARD of Androscoggin
FARLEY of York
CARPENTER of Somerset

Respectfully,

(Signed) WALDO H. CLARK

Assistant Secretary of
the Senate

In the House, the Communication was read and ordered placed on file.

Orders

On motion of Mr. Hatfield of Orlington, it was

ORDERED, that Mr. Nadeau of Biddeford be excused from attendance three days of this week because of business, and that Mr. Williams of Hodgdon be excused from attendance the entire week because of business;

AND BE IT FURTHER ORDERED, that Mr. Call of Cumberland be excused from attendance because of illness in the family.

The SPEAKER: The Chair requests the Sergeant-at-Arms to escort the gentleman from South Portland, Mr. Fuller, to the rostrum for the purpose of presiding as Speaker pro tem.

Thereupon, Mr. Fuller assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Edgar retired from the Hall.