

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

HOUSE

Friday, May 29, 1959

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Robert L. Smith of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring that the subject matter of the following Bill, S. P. 37, L. D. 35, "An Act Relating to Workmen's Compensation Insurance" and the subject matter of the following Bill, S. P. 393, L. D. 1137, "An Act Relating to Second Injury Fund and Vocational Rehabilitation under Workmen's Compensation Act" be referred to an interim Committee to study the subject matter and report to the 100th Legislature; said Committee to consist of 5 members, to be appointed by the President of the Senate and the Speaker of the House as follows: 2 members from the Industrial Accident Commission, 1 member from Industry, 1 member from Labor and 1 member from Insurance; and that the sum of \$1000 be allocated from the Legislative Expense Appropriation for the expenses of said Committee (S. P. 502)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Ought Not to Pass

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Definition of Casual Sales under Sales Tax Law" (S. P. 385) (L. D. 1111)

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Refer to 100th Legislature Interim Committee

Report of the Committee on Labor on Bill "An Act relating to Workmen's Compensation Insurance" (S. P. 37) (L. D. 35), which was re-

committed reporting that it be referred to the 100th Legislature and that the subject matter be referred to an interim committee for study and recommendations be reported to the 100th Legislature.

Report of same Committee reporting same on Bill "An Act relating to Second Injury Fund and Vocational Rehabilitation under Workmen's Compensation Act" (S. P. 393) (L. D. 1137), which was recommitted.

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Ought to Pass in New Draft Tabled and Assigned

Report of the Committee on Towns and Counties on Bill "An Act relating to Salaries of County Officials and Clerk Hire" (S. P. 386) (L. D. 1112) reporting same in a new draft (S. P. 491) (L. D. 1369) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" as amended by Senate Amendment "A" thereto, and Senate Amendments "B", "C" and "D".

In the House, the Report was read and accepted in concurrence and the New Draft read once.

(On motion of Mr. Desmarais of Sanford, tabled pending second reading and specially assigned for Tuesday, June 2)

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution for Appointment of Attorney General by the Governor with Consent of the Senate (S. P. 85) (L. D. 157)

Report was signed by the following members:

Messrs. ROSS of Sagadahoc
HILLMAN of Penobscot
— of the Senate.

Messrs. WADE of Auburn
SANBORN of Gorham
SMITH of Exeter
DENNETT of Kittery
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Mr. LESSARD of Androscoggin
— of the Senate.

Messrs. PLANTE of
Old Orchard Beach
BARNETT of Augusta
COYNE of Waterville
— of the House.

Came from the Senate with the Minority Report accepted and the Resolve passed to be engrossed as amended by Senate Amendment "A".

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, Members of the House: This bill came out of the Committee on State Government with a majority "Ought not to pass" Report. Frankly, and as you can see, it came out upon strict party lines. We who were the Republican members of the Committee did not believe that the Legislature should surrender its prerogatives. The bill now comes from the other body. It has been amended, but its amendment merely strikes out the word "Senate" and places instead the word "Council" to make it workable under our present system. I do not feel that I can retreat one iota in my former stand. I therefore move that this bill and all its accompanying papers be indefinitely postponed, and when the vote is taken, I ask for a division.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that both reports be indefinitely postponed in non-concurrence.

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 157 would simply place as should be, the appointment of the Attorney General in the hands of the Governor with the approval of the Executive Council. It simply places the executive responsibility in its proper place. Certainly the Executive Department is qualified to appoint such an official where it is a quasi-judicial position, and in

parallel if they are qualified to appoint individuals on the Superior and Supreme Court Bench, certainly it is none less parallel that they would be qualified in appointing an individual to serve as an Attorney General. I certainly hope that the motion for indefinite postponement does not prevail so that we may later recede and concur with the other body.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, I certainly agree with the gentleman from Kittery, Mr. Dennett. The gentleman from Old Orchard Beach, Mr. Plante, has suggested that this position is a quasi-judicial one. It certainly is to a certain extent. I can see that an Attorney General might be in a position of having to enforce the laws against officers in the Executive Branch. I think it would be very inappropriate that the head of the Executive Branch should appoint the Attorney General, and I hope that the motion to indefinitely postpone does prevail.

The SPEAKER: Is the House ready for the question? A division has been requested. The question before the House is the motion of the gentleman from Kittery, that both Reports be indefinitely postponed in non-concurrence. Will those who favor the motion to indefinitely postpone both reports please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Sixty-nine having voted in the affirmative and forty-eight having voted in the negative, the motion prevailed and the two Reports and Resolve were indefinitely postponed in non-concurrence and sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Increasing Consumer Membership on Maine Milk Commission" (S. P. 312) (L. D. 858)

Report was signed by the following members:

Messrs. ROSS of Sagadahoc
HILLMAN of Penobscot
— of the Senate.