

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

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OF THE

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takes them out of the settlement laws and now makes the qualification a resident law. The amendment is that a person who wishes to be transferred must have resided in the State of Maine for a period of one year. May I ask any Member of the Judiciary Committee if it was their intent to leave it as open as this. In other words, it does not say whether this year was just prior to the commitment or whether it was twenty years prior to the commitment.

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to any Member of the Judiciary Committee who may answer if he so desires.

The Chair recognizes the same gentleman.

Mr. CHILDS: I move this matter lie upon the table specially assigned for tomorrow.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that with respect to item eight, Bill "An Act Creating an Interstate Compact on Mental Health" it be tabled and specially assigned for tomorrow pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled and assigned.

Bill "An Act to Clarify Certain Liquor Laws" (S. P. 409) (L. D. 1142)

Bill "An Act to Incorporate The Northport School District in Northport" (H. P. 749) (L. D. 1063)

Bill "An Act Licensing Pin Ball Machines" (H. P. 904) (L. D. 1290)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Third Reader Tabled and Assigned

Bill "An Act relating to Educational Aid and Reorganization of School Administrative Units" (S. P. 515) (L. D. 1478)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Senate Amendment "A" was read by the Clerk as follows:

SENATE AMENDMENT "A" to S. P. 515, L. D. 1478, Bill, "An Act Relating to Educational Aid and Reorganization of School Administrative Units."

Amend said Bill in the 6th line thereof by inserting after the underlined word "and" the underlined words and figures 'after July 1, 1958.'

Further amend said Bill in that part of Section 1 designated "Sec. 237-C" by striking out all of subsection I and inserting in place thereof the following underlined subsection:

I. The scope of the school program shall include pre-primary or kindergarten education for 5 year old children and all grades through grade 12;

Further amend said Bill in that part of Section 1 designated "Sec. 237-C" by striking out the underlined word "sub-primary" in the 4th line of subsection III and inserting in place thereof the underlined words 'pre-primary or kindergarten'

Further amend said Bill in "Sec. 81" by striking out the last 4 lines of said section and inserting in place thereof the following:

I. For municipal programs, the reimbursement payable in accordance with the provisions of section 237 sections 237-C, 237-D and 237-E;

II. For academy programs, the tuition reimbursement to the sending municipality as provided in sections 107, 108 and 237, 237-C, 237-D and 237-E."

Further amend said Bill in "Sec. 91" by striking out all of subsection II of that part designated "Sec. 218-B" and inserting in place thereof the following:

"II. Special subsidies shall be paid in September to the cities, towns, plantations and community school districts administrative units for all courses in driver education according to the following plan: \$10 for each pupil satisfactorily completing the driver education course during the school year 1955-56, and thereafter \$10 for each pupil satisfactorily completing the driver education course for the first year it is instituted in a given school. The subsidy for these continuing courses shall be with and in addition to gener-

al purpose aid and shall be computed on the annual salary of the driver education teacher by adding 25 percentage points to the maximum percentage used in computing subsidy under section 237 preceding school year. Such driver education course shall meet the approval of the Commissioner in regard to teacher qualifications, limitations as to the number of pupils and the course of study offered.”

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

Mr. FULLER: Mr. Speaker, I present House Amendment “B” and move its adoption, and I also have another House Amendment, and I would like to explain these amendments if I may.

The SPEAKER: The gentleman may proceed.

Mr. FULLER: Mr. Speaker and Members of the House: These amendments are the result of probably two or three weeks work of your Education Committee, plus members of the House and Senate, they have been gone over with the Governor and other interested people. And in so far as possible we have tried to please everyone. Of course, as you know, you couldn’t please everyone if you tried. And we have tried sincerely. And I would like—this one amendment seems rather long, but it is not very involved, as I think you will agree when I explain it. And I would like to say this. That we feel and we hope that you won’t allow this bill to be tabled today until it has been properly debated. We don’t feel that that would serve any further good purpose. If after you have debated it as long as you want to you can table it as far as I am concerned.

Now, there are about four things that these amendments do. House Amendment “B” is the declaration of intent. It is on driver training. It puts driver training into the bill which wasn’t in before. And then House Amendment “C” takes wards out and recognizes towns. There seem to be a lot of people who were afraid of that word “ward”. And now towns do not lose their identity under the amendment.

Then we have the declaration of intent. A lot of people thought that the State should become a partner with the towns and cities in maintaining schools and providing for education. And you will notice in that declaration of intent that it does say that the Commissioner of Education shall provide to the Governor and to the Budget Committee his recommendation every two years to show the cost of education as it has increased or decreased, so that the State may become a partner with the towns and cities in this providing education for our youth.

Number three, we have taken out the words “boarding children”. That seemed to bother a lot of people even though it is in the law and it has been in there for fifty years or a hundred years as far as I know. So it has been taken out of this bill. Some people—it has been passed around here that you could take children and board them anywhere you wanted to. That has been removed.

And number four, we have enlarged the powers of the Commission to take care of some towns that might have a high school that is less than three hundred. The Commission if they so desire, may approve that high school and may approve it as a district, even though it may be smaller.

Now, that is all the amendments do, they seem, as I say, to be quite long but they are very simple. And I hope that now that you will have your say, and we as a committee feel that this bill is good for the children of the State of Maine, but it is up to you. We feel that it would serve no useful purpose to keep tabling it and we think that it should rise and fall right here today. Thank you.

House at Ease

Called to order by the Speaker.

The SPEAKER: The question still before the House is the adoption of Senate Amendment “A”. Is it the pleasure of the House that Senate Amendment “A” shall be adopted?

The motion prevailed.

The SPEAKER: Does the Chair understand that the gentleman from South Portland, Mr. Fuller, offers

an amendment or two amendments and moves their adoption?

Mr. FULLER: Mr. Speaker, I offer House Amendment "B" and move its adoption.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, offers House Amendment "B" and moves its adoption. The Clerk will read House Amendment "B".

House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to S. P. 515, L. D. 1478, Bill, "An Act Relating to Educational Aid and Reorganization of School Administrative Units."

Amend said Bill in that part designated "Sec. 105" of section 60 by inserting after the words "the schooling of" in the 6th line the underlined words 'all or part of the'.

Further amend said Bill by striking out all of that part designated "Sec. 218-A" of section 90 and inserting in place thereof the following:

'Sec. 218-A. Purpose. The purpose of sections 218-A and 218-B is to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles, through classroom instruction and behind the wheel driving and observation in a dual control automobile, by encouraging superintending school committees or school directors of the several municipalities administrative units of the State to make provision for this instruction in all the public secondary schools and academies under joint board or contract with the town receiving tuition students as described in section 107.'

The SPEAKER: The motion before the House is the motion of the gentleman from South Portland, Mr. Fuller, that the House adopt House Amendment "B".

The Chair recognizes the gentleman from Bangor, Mr. Quinn.

Mr. QUINN: Mr. Speaker, this educational bill is one of the most important bills that we have before this legislature at this session. And apparently an effort is being made at this session to take up this bill, which is a very complicated bill, that has now had three complicated amendments attached to it, without

sufficient time to examine the bill and the amendments.

Now, this is a very important matter, there are many different schools of thought on this bill, and I would move that the bill and these amendments be tabled and specially assigned for next Tuesday, April 30, at which time they all should be considered for debate.

The SPEAKER: The motion to table is not debatable.

The motion before the House is the motion of the gentleman from Bangor, Mr. Quinn, that House Amendment "B" be tabled and specially assigned for Tuesday of next week. The tabling of the amendment carries the bill with it, be specially assigned for Tuesday of next week pending adoption of House Amendment "B". Is this the pleasure of the House?

The Chair recognizes the gentleman from Bangor, Mr. Totman, but would remind the gentleman that the motion to table is not debatable.

Mr. TOTMAN: Mr. Speaker, I arise for a question on time of assignment.

The SPEAKER: The gentleman may proceed.

Mr. TOTMAN: Mr. Speaker, I would like to amend the time of assignment to be specially earmarked for the first item on the specially assigned calendar on Tuesday of next week.

The SPEAKER: The gentleman from Bangor, Mr. Totman, requests unanimous consent that House Amendment "B" to Bill "An Act relating to Educational Aid and Reorganization of School Administrative Units" be made a special order for Tuesday of next week, which in effect places it as the first order of business under tabled and specially assigned.

The motion is not debatable.

Mr. QUINN: I just wanted to conform with it, I am in perfect agreement.

The SPEAKER: Does the Chair hear objection to the request of the gentleman from Bangor, Mr. Totman?

Does the gentleman object?

Mr. FULLER: Mr. Speaker, I ask a division on the tabling motion.

The SPEAKER: The Chair would advise the gentleman from South

Portland, Mr. Fuller, that the first consideration before the House is the request of the gentleman from Bangor, Mr. Totman, for unanimous consent that this amendment and the bill be made a special order under tabled and assigned matters for Tuesday of next week.

Is there objection to the request of the gentleman from Bangor, Mr. Totman? The Chair hears none and it is so ordered. The Chair must rule that the bill is specially assigned for next Tuesday as a special order.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: I arise for a point of information. Under the parliamentary rules that I understand, I might be away off, but I feel that many members here felt that they were granting unanimous consent to specially assign the bill, to put it as the first item on the calendar on Tuesday.

I for one, and I know many other members did not feel that they were going to go along with the tabling matter possibly. Now, if I am wrong I will make another motion and bail myself out I assure you.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker, I request unanimous consent to address the House.

The SPEAKER: The gentleman from Bangor, Mr. Totman, requests unanimous consent to address the House. Is there objection? The gentleman may proceed.

Mr. TOTMAN: Mr. Speaker and Members of the House: As it sometimes happens unintentionally we get ensnared in our own parliamentary procedure. It is quite obvious that the moral intent of the House was perhaps to revise the date of assignment, however there were many of the members who still wished, as the gentleman from Lewiston, Mr. Jalbert, pointed out, to debate the general issue of tabling this bill at the time. I therefore will now make a motion which I

think will bring the bill back onto the floor of the House, and then you can vote on whether you wish to table it or not. The motion I will make is that I request unanimous consent to reconsider the action we just took in specially assigning this bill.

The SPEAKER: The gentleman from Bangor, Mr. Totman, requests unanimous consent of the House that notwithstanding the fact that this amendment was made a special order for Tuesday of next week, it be taken up for further consideration. Is there objection to that motion? Does the Chair hear objection? The Chair hears objection.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, an inquiry. As I understand now the bill is on the table, is that correct?

The SPEAKER: The bill is tabled and made a special order for Tuesday of next week.

Mr. JALBERT: Under parliamentary procedure is it then proper to make a motion to reconsider our action or remove this 1478 from the table providing we get a majority to do it?

The SPEAKER: The Chair is advised that under parliamentary rules it is impossible to reconsider an action granted by unanimous consent.

Mr. JALBERT: Mr. Speaker, I again repeat what I stated a few minutes ago. I don't think there were twenty-five members in this House that knew they were voting on the table. They assumed that they were granting the privilege to the gentleman from Bangor, Mr. Totman, that the item would be the first item of business on Tuesday next, and I think if you took a division on that you would find that I am right. Now, somewhere along the line, I believe it has been done before, that providing the members here, that a bill can be removed from the table providing you get a majority of the members to vote for it.

The SPEAKER: Did the gentleman make a motion?

Mr. JALBERT: I make a motion that the item as tabled, L. D. 1478 and House Amendment "B" be taken from the table at this time.

The SPEAKER: The Chair is advised that the gentleman's motion

is out of order because we have a unanimous agreement, and the Chair is advised that that must be the end of the question.

For what purpose does the gentleman arise?

Mr. MILLER: I wish to challenge the Speaker of the House. We in the back here were misinformed on that motion too. We thought we were going along with the gentleman from Bangor, Mr. Totman. I think when you spoke to us and told us, I think that that was the way you directed us. And I think that we should have another vote on this. I think that you were in the wrong.

The SPEAKER: Does the Chair understand that the gentleman from Portland, Mr. Miller, rises to a point of order?

Mr. MILLER: Yes sir.

The SPEAKER: The House will be at ease, and the Chair will request the gentleman from Portland, Mr. Miller, to meet the Speaker in the Speaker's office.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair is prepared to rule.

The gentleman from Portland, Mr. Miller, has raised a Point of Order as to the correctness of the ruling of the Chair that the motion of the gentleman from Lewiston, Mr. Jalbert, to reconsider a unanimous consent agreement, making House Amendment "B" to S. P. 515, L. D. 1478, a special order for Tuesday next was out of order.

Without reviewing the action of the House that led up to the point of order, the Chair is satisfied that a misunderstanding existed in the minds of a large majority of the Members when the unanimous consent request of the gentleman from Bangor, Mr. Totman, was put, requesting that the matter be made a special order for next Tuesday. The Chair, therefore, takes the liberty of disregarding the Point of Order of Mr. Miller and ruling that such a misunderstanding existed — the unanimous consent given was obtained without the Members understanding the situation.

I therefore rule that unanimous consent was not properly granted for making the matter a special

order. The matter is now before the House and the question is the motion of the gentleman from Bangor, Mr. Quinn, that the amendment lie on the table pending adoption and be specially assigned for Tuesday next. The gentleman from South Portland, Mr. Fuller, has requested a division on the tabling motion.

Will all those who favor the motion of the gentleman from Bangor, Mr. Quinn, that House Amendment "B" to Bill "An Act relating to Educational Aid and Reorganization of School Administrative Units" Senate Paper 515, Legislative Document 1478, be tabled pending adoption and specially assigned for Tuesday, April 30, kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-six having voted in the affirmative and fifty-five having voted in the negative, the amendment and Bill were so tabled.

Mr. BROCKWAY: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. BROCKWAY: For a point of information.

The SPEAKER: Is it a parliamentary inquiry?

Mr. BROCKWAY: I might state my purpose for rising sir, I would like to ask, I understand there aren't copies.

The SPEAKER: Does the gentleman wish unanimous consent to address the House?

Mr. BROCKWAY: Yes.

The SPEAKER: The gentleman from Milo, Mr. Brockway, requests unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. BROCKWAY: I understand at the moment that there aren't any copies of these amendments available to the Members of the House. I would ask —

The SPEAKER: Which amendment is the gentleman referring to?

Mr. BROCKWAY: Senate Amendment "A", Filing 189, House Amendment "A", Filing 245, and House Amendment "C", Filing 250. I ask that these be reproduced in suf-

ficient quantity so that we can have what we need to send back home to constituents —

The SPEAKER: The Chair is advised that all of those amendments have been distributed to the Members' desks. Is this correct or incorrect? There will be more reproduced in the event that any Member did not get any and there will be extra copies if you wish them.

Mr. BROCKWAY: That is what I wished, was extra copies.

Passed to Be Enacted Emergency Measure

An Act Amending the Charter of the Limerick Sewerage District (H. P. 766) (L. D. 1048)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act relating to Sales and Use Tax on Certain Boats Sold to Non-residents (H. P. 1050) (L. D. 1493)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Maynard of Portland, tabled pending final enactment and specially assigned for tomorrow.)

Passed to Be Enacted

An Act relating to Certificate of Commitment to the State Hospitals (S. P. 183) (L. D. 462)

An Act relating to Qualifications for Disability Pension for Members of the Lewiston Police Department (S. P. 209) (L. D. 554)

An Act relating to Sick Leave Benefits for Members of the Lewiston Police Department (S. P. 211) (L. D. 556)

An Act Revising Laws Relating to Registered Nurses and Practical Nurses (S. P. 374) (L. D. 997)

An Act relating to the Primary Law in City of Biddeford (S. P. 489) (L. D. 1397)

An Act relating to Municipal Accounting and Audit (S. P. 517) (L. D. 1475)

An Act relating to Definitions of Narcotic Drugs (H. P. 13) (L. D. 12)

An Act to Incorporate Bowdoinham Water District (H. P. 384) (L. D. 515)

An Act relating to Boarding Homes for the Aged (H. P. 789) (L. D. 1122)

An Act relating to Time of Applications for Refunds of Gasoline Tax (H. P. 913) (L. D. 1299)

An Act relating to Time of Annual Town Meeting in Town of Mechanic Falls (H. P. 988) (L. D. 1376)

An Act relating to Walks and Handrails on Railroad Bridges (H. P. 1047) (L. D. 1489)

Finally Passed

Resolve to Reimburse the Town of Enfield for Certain Pauper Claims (H. P. 155) (L. D. 203)

Resolve to Reimburse the Town of Waldoboro for Aid Extended to Leverett Carter (H. P. 202) (L. D. 289)

Resolve in favor of Town of Marsardis, Aroostook County (H. P. 408) (L. D. 585)

Resolve Reimbursing Town of Bristol for Certain Pauper Claims (H. P. 638) (L. D. 905)

Resolve to Reimburse Town of Stetson for Aid to Carlton Johnson and Family (H. P. 737) (L. D. 1041)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act relating to Head Tax in Towns", House Paper 757, Legislative Document 1071, tabled on April 16 by the gentleman from Chelsea, Mr. Allen, pending acceptance of report, and the Chair recognizes that gentleman.

Mr. ALLEN: Mr. Speaker and Ladies and Gentlemen of the House: I had planned to hold a short re-