

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, January 22, 1963

Senate called to order by the President.

Prayer by Rev. Father Durand of Lewiston.

On motion by Mr. Cram of Cumberland,

Journal of January 17 read and approved.

House Papers

Bills and Resolves for Reference

Bill, "An Act Clarifying the Maine Milk Law." (H. P. 172)

Referred to the Committee on Agriculture in concurrence.

Bill, "An Act Appropriating Funds for Renovation of Buildings and Purchase of Equipment at Northeastern Maine Vocational Institute." (H. P. 173)

Bill, "An Act Appropriating Funds for Renovation of Buildings and Purchase of Equipment at Northeastern Maine Vocational Institute." (H. P. 173)

Bill, "An Act Appropriating Funds for Employment of Necessary Staff and Other Operating Expenses at Northeastern Maine Vocational Institute." (H. P. 173)

Bill, "An Act Directing a Study of Liquor Laws by Legislative Research Committee." (H. P. 175)

Bill, "An Act Relating to Allocation of Moneys from Eastport-Perry Causeway for Recreational Development of Bog Lake." (H. P. 176)

Resolve, Providing Funds for Public Landing at Islesford, Hancock County. (H. P. 177)

Resolve, Providing for Purchase of Three Hundred Copies of "Historic Hallowell" (H. P. 178)

Resolve, Appropriating Funds for Use of Capitol Park Snow Dump. (H. P. 179)

Resolve, Appropriating Funds to Construct Warehouse in Eastport. (H. P. 180)

Resolve, Appropriating Funds for Development of Owl's Head Light-house Area. (H. P. 181)

Resolve, Appropriating Money for Preparation of Court Rules of Criminal Procedure. (H. P. 182)

Resolve, Authorizing Completion and Printing of a Digest of the Opinions of the Law Court. (H. P. 183)

Resolve, to Purchase Fifty Copies of "The History of Augusta" (H. P. 184)

Which were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill, "An Act to Incorporate the Public Finance Corporation of Belfast." (H. P. 185)

Bill, "An Act to Incorporate the Public Finance Corporation of Biddeford." (H. P. 186)

Bill, "An Act to Incorporate the Public Finance Corporation of Ellsworth." (H. P. 187)

Bill, "An Act to Incorporate the Public Finance Corporation of Houlton." (H. P. 188)

Bill, "An Act to Incorporate the Public Finance Corporation of Lincoln, Maine." (H. P. 189)

Bill, "An Act to Incorporate the Public Finance Corporation of Portland No. 2." (H. P. 190)

Bill, "An Act to Incorporate the Public Finance Corporation of Northern Maine." (H. P. 191)

Which were referred to the Committee on Business Legislation in concurrence.

Resolve, Reimbursing Town of Medway for Certain Pauper Relief. (H. P. 192)

Resolve, to Reimburse Town of Woolwich for Loss of Tax Revenue of Property Owned by State. (H. P. 194)

Resolve, to Reimburse City of Bangor for Support of Theresa Valencourt. (H. P. 193)

Resolve, Granting World War I Bonus to Albert C. Lorentzen of Portland. (H. P. 195)

Resolve, to Reimburse Town of Atkinson for Pauper Support of George E. Ellis. (H. P. 196)

Resolve, to Reimburse Town of Brownville for Freight Charges on Surplus Foods Distributed to Unorganized Territory. (H. P. 197)

Resolve, in favor of Carroll Beal of Skowhegan. (H. P. 198)

Which were referred to the Committee on Claims in concurrence.

Resolve, Proposing an Amendment to the Constitution Increasing Limitation of Number of Representatives from One City from Seven to Twelve. (H. P. 199)

Which was referred to the Committee on Constitutional Amend-

ments and Legislative Reapportionment in concurrence.

Bill, "An Act to Reconstitute School Administrative District No. 23." (H. P. 200)

Bill, "An Act to Authorize the Municipalities of Bradford, Corinth, Exeter, Hudson and Kenduskeag to Form a School Administrative District." (H. P. 201)

Bill, "An Act relating to Tuition for Pupils Attending Secondary School Outside of Residence." (H. P. 202)

Bill, "An Act to Reconstitute School Administrative District No. 22." (H. P. 203)

Bill, "An Act relating to Admission to Kindergarten and Grade One in the Public Schools." (H. P. 204)

Bill, "An Act to Reconstitute School Administrative District No. 21." (H. P. 205)

Which were referred to the Committee on Education, in concurrence.

Bill, "An Act to Provide Aid to Blind Persons in Voting." (H. P. 206)

Which was referred to the Committee on Election Laws in concurrence.

Resolve, in favor of Town of Pembroke, Washington County. (H. P. 207)

Which was referred to the Committee on Highways in concurrence.

Bill, "An Act Designating Mount Desert Island as Game Management Area." (H. P. 208)

Resolve, Regulating Ice Fishing in Mill Privilege Lake, Carroll and T. 5, R. 1, Penobscot County. (H. P. 209)

Resolve Regulating Fishing in Katahdin Lake, Penobscot County. (H. P. 210)

Resolve, Regulating Ice Fishing in Fifth Debsconeag Lake, Piscataquis County. (H. P. 211)

Resolve, Regulating Ice Fishing in Lovejoy Pond, Kennebec County. (H. P. 212)

Resolve, Regulating Fishing in Certain Waters in Piscataquis County. (H. P. 213)

Resolve, Regulating Fishing in the West Branch of the Penobscot River, Piscataquis County. (H. P. 214)

Resolve Regulating Fishing in Moosehead Lake, Somerset and Piscataquis Counties. (H. P. 215)

Which were referred to the Committee on Inland Fisheries and Game in concurrence.

Bill, "An Act Prohibiting Bribery in Professional and Amateur Contests." (H. P. 216)

Bill, "An Act relating to Power of Arrest by Chief Forest Fire Wardens." (H. P. 217)

Bill, "An Act relating to Restricting Certain Trustee Process Until After Judgment." (H. P. 218)

Bill, "An Act relating to Recording of Notice in Foreclosure by Publication." (H. P. 231)

Bill, "An Act relating to Prohibition Against Loitering on Private Property or Peeking Therein." (H. P. 219)

Bill, "An Act relating to False Report of Deposit of Bombs or Other Infernal Devices." (H. P. 220)

Bill, "An Act Relating to Probation of Persons by Court." (H. P. 221)

Bill, "An Act relating to Forgery of Motor Vehicle Registration Certificates, Inspection Stickers and Operator's Licenses." (H. P. 222)

Bill, "An Act Relating to Mailing Divorce Judgment When Duty to Support." (H. P. 223)

Bill, "An Act Prohibiting the Transfer of Registration of Vehicles to Defeat Purpose of Financial Responsibility Law." (H. P. 224)

Resolve, Authorizing Gardiner Savings Institution to Bring Civil Action Against the State of Maine. (H. P. 225)

Resolve, Authorizing George W. Carson, Jr. and Marion P. Carson to Bring Action Against the State of Maine. (H. P. 226)

Which were severally referred to the Committee on Judiciary in concurrence.

Bill, "An Act Relating to Minimum Wages for Firemen." (H. P. 227)

Which was referred to the Committee on Labor in concurrence.

Bill, "An Act Relating to Directors and Trustees of The King's Academy." (H. P. 228)

Bill, "An Act Authorizing Transfer of Property and Assets of the

Trustees of East Corinth Academy." (H. P. 229)

Bill, "An Act Requiring Registers of Deeds to Record from Originals Only." (H. P. 230)

Bill, "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels." (H. P. 232)

Bill, "An Act Relating to Inspection and Exemptions in Boilers and Unfired Steam Pressure Vessels Law." (H. P. 233)

Bill, "An Act Increasing Amount of Wages Exempt from Trustee Process." (H. P. 234)

Bill, "An Act Relating to Misappropriation of Funds Paid to Contractor for Building Purposes." (H. P. 235)

Bill, "An Act Revising the Maine Mechanic's Lien Law." (H. P. 236)

Referred to the Committee on Legal Affairs in concurrence.

Bill, "An Act Relating to Taxes on Spirituous and Vinous Liquors Sold to Certain Instrumentalities." (H. P. 237)

Which was referred to the Committee on Liquor Control in concurrence.

Bill, "An Act Providing for a Council Manager Form of Government for Town of Gorham." (H. P. 161) (L. D. 232)

Bill, "An Act Relating to Organization of Police Department of City of Lewiston." (H. P. 238)

Bill, "An Act Increasing the Indebtedness of the Town of Machias School District by Fifty Thousand Dollars." (H. P. 239)

Which were referred to the Committee on Municipal Affairs in concurrence.

Bill, "An Act Relating to Work on Shade and Ornamental Trees." (H. P. 240)

(On motion by Mr. Farris of Kennebec, tabled pending reference.)

Bill, "An Act Relating to Licenses for Discharge into Classified Waters." (H. P. 241)

Bill, "An Act Classifying Certain Tidewaters in Lincoln County." (H. P. 242)

Resolve, Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory. (H. P. 243)

Which were referred to the Com-

mittee on Natural Resources in concurrence.

Bill, "An Act Increasing Compensation of Trustees of Gray Water District." (H. P. 244)

Bill, "An Act Relating to Appointment of Directors of Eastport Public Landing Authority." (H. P. 245)

Which were referred to the Committee on Public Utilities in concurrence.

Bill, "An Act to Increase the Pensions of Certain Retired Teachers." (H. P. 246)

Bill, "An Act Relating to Disability Retirement for State Employees." (H. P. 247)

Which were referred to the Committee on Retirements and Pensions in concurrence.

Bill, "An Act to Repeal the Prohibition Against Use of Seines in Part of Casco Bay." (H. P. 248)

Bill, "An Act Relating to Taking of Smelts from Chandler River, Washington County." (H. P. 249)

Which were referred to the Committee on Sea and Shore Fisheries in concurrence.

Bill, "An Act Relating to Requirements, Appointment and Term of Adjutant General." (H. P. 250)

Bill, "An Act Increasing Travel Allowance for Members of the Legislature." (H. P. 251)

Bill, "An Act Relating to Publications Printed or Published by the State." (H. P. 252)

Bill, "An Act Removing Exemption of State Board of Education from Authority of State Purchasing Agent." (H. P. 253)

Which were referred to the Committee on State Government in concurrence.

Bill, "An Act Exempting Certain Fraternal Associations from Property Taxation." (H. P. 254)

Bill, "An Act Relating to Definition of Domestic Fowl for Tax Purposes." (H. P. 255)

Bill, "An Act Exempting Water Sold for Human Consumption from Sales Tax." (H. P. 256)

Bill, "An Act Increasing Excise Tax on House Trailers." (H. P. 257)

Which were referred to the Committee on Taxation in concurrence.

Bill, "An Act to Authorize Town of Woodville to Pay for Power Line." (H. P. 258)

Bill, "An Act Increasing Compensation of Full-time Deputy Sheriffs." (H. P. 259)

Bill, "An Act Increasing Temporary Loans of Washington County." (H. P. 260)

Which were referred to the Committee on Towns and Counties in concurrence.

Communications

STATE OF MAINE
State Highway Commission
Augusta

December 12, 1962

To the Senate and House of Representatives of the 101st Legislature:

Chapter 83, Resolves of 1959, and Chapter 97, Resolves of 1961, authorized the State Highway Commission to make a survey of the Maine-Quebec Highway and appropriated a total of \$15,700.00 from the General Highway Fund for this purpose.

Following is a summary of the material in the State Highway Commission's files:

(1) Seven quadrangle sheets showing route and various landmarks.

(2) Three quadrangle sheets showing land owners along the surveyed route.

(3) Three quadrangle sheets showing location between the U.S. Canadian line at St. Pamphile and Little Black River.

(4) Ten survey books ("AQ-1 through AQ-10").

(5) One roll on which horizontal alignment has been plotted to a scale of 1 inch equals 200 feet.

(6) Thirty-nine sheets tracing cloth with alignment plotted to a scale of 1 inch equals 200 feet.

(7) One notebook entitled, "Ashland-Quebec Survey" containing all computations.

Of the original \$15,700.00 there was expended for the above purpose a total of \$15,608.32. The balance of \$91.68 was lapsed on June 30, 1962.

Respectfully submitted,

Maine State Highway Commission
(Signed) DAVID H. STEVENS
Chairman

PERRY S. FURBUSH,
Member

R. LEON WILLIAMS,
Member
(S. P. 167)

Which was read and ordered placed on file.

Sent down for concurrence.

Senate Papers

Bills and Resolves for Reference Agriculture

Mr. Brooks of Cumberland presented Bill, "An Act Relating to Speeds of Roadster Ponies in Apportioning State Stipend to Agricultural Societies." (S. P. 163)

Which was referred to the Committee on Agriculture and ordered printed.

Sent down for concurrence.

Appropriations and Financial Affairs

Mr. Cram of Cumberland presented Resolve, for Purchase of Copies of "Maine Province and Court Records, Volume V." (S. P. 169)

Mr. Couture of Androscoggin presented Bill, "An Act Providing Funds to Increase Certain Assistance Grants by Ten Per Cent." (S. P. 170)

Mr. Porteous of Cumberland presented Bill, "An Act to Create a Recess Committee to Study All Phases of the Maine State Retirement System and Related Titles of the Social Security Act." (S. P. 171)

Mr. Hichborn of Piscataquis presented Resolve Appropriating Money to Encourage Maine Youth to Develop Their Potential Through Education. (S. P. 172)

Which were severally referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

Constitutional Amendments and

Legislative Reapportionment

Mr. Wyman of Washington presented Resolve Proposing an Amendment to the Constitution Providing for Legislative Approval for the Issuance of Bonds of the State of Maine. (S. P. 173)

Which was referred to the Committee on Constitutional Amendments and Legislative Reapportion-

ment and ordered printed.
Sent down for concurrence.

Education

The same Senator presented Bill, "An Act to Reconstitute School Administrative District No. 19" (S. P. 174)

Mr. Brooks of Cumberland presented Bill, "An Act Relating to Conferring Degrees by Thomas College." (S. P. 175)

Which were referred to the Committee on Education and ordered printed.

Sent down for concurrence.

Health and Institutional Services

Mr. Pike of Oxford presented Bill, "An Act Relating to Sale of Certain Biologics to Registered Pharmacies." (S. P. 176)

Mr. Stitham of Somerset presented Bill, "An Act Relating to Hours of Employment in Nursing Homes." (S. P. 177)

Which were referred to the Committee on Health and Institutional Services, and ordered printed.

Sent down for concurrence.

Industrial and Recreational Development

Mr. Brooks of Cumberland presented Bill, "An Act to Incorporate the Maine Ski Council." (S. P. 178)

Which was referred to the Committee on Industrial and Recreational Development, and ordered printed.

Sent down for concurrence.

Judiciary

Mr. Porteous of Cumberland presented Bill, "An Act Relating to Driving a Motor Vehicle While License Suspended or Revoked." (S. P. 179)

Which was referred to the Committee on Judiciary, and ordered printed.

Sent down for concurrence.

Labor

Mr. Whittaker of Penobscot presented Bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law." (S. P. 180)

Mr. Hichborn of Piscataquis presented Bill, "An Act Revising Laws Relating to Elevators." (S. P. 181)

The same Senator presented Bill, "An Act Relating to Work Permits for Minors Under Sixteen Years of Age." (S. P. 182)

Mr. Stitham of Somerset presented Bill, "An Act Revising the Minimum Wage Law." (S. P. 183)

Which were severally referred to the Committee on Labor and ordered printed.

Sent down for concurrence.

Legal Affairs

Mrs. Christie of Aroostook presented Bill, "An Act Amending the Charter of the City of Presque Isle." (S. P. 184)

Which was referred to the Committee on Legal Affairs and ordered printed.

Sent down for concurrence.

Municipal Affairs

Mr. Jacques of Androscoggin presented Bill, "An Act Relating to Retirement Benefits for Members of the Lewiston Police Department and Pensions for Their Beneficiaries." (S. P. 185)

Which was referred to the Committee on Municipal Affairs and ordered printed.

Sent down for concurrence.

Public Utilities

Mr. Ferguson of Oxford presented Bill, "An Act to Amend the Charter of the Oxford Water District Relative to Rates." (S. P. 186)

Which was referred to the Committee on Public Utilities and ordered printed.

Sent down for concurrence.

Retirements and Pensions

Mrs. Sproul of Lincoln presented Bill, "An Act to Correct Inconsistencies and Inequities in the Maine State Retirement Law." (S. P. 187)

Mr. Porteous of Cumberland presented Resolve Providing for Retirement and Pension for Stephen A. Regina of Saco. (S. P. 188)

Which were referred to the Committee on Retirements and Pensions and ordered printed.

Sent down for concurrence.

Sea and Shore Fisheries

Mr. Wyman of Washington presented Bill, "An Act Repealing the

Regulation of Herring for Canning Purposes from December 1st to April 15th. (S. P. 189)

The same Senator presented Bill, "An Act to Extend the Sardine Canning Season." (S. P. 190)

Which were referred to the Committee on Sea and Shore Fisheries and ordered printed.

Sent down for concurrence.

Taxation

Mr. Letourneau of York presented Bill, "An Act Relating to Supplemental Tax Assessments." (S. P. 191)

Mr. Brown of Hancock presented Bill, "An Act Relating to the Taxation of Railroad Land and Buildings." (S. P. 192)

Mr. Wyman of Washington presented Bill, "An Act Relating to Definition of Case under Excise Tax Law on Sardines." (S. P. 193)

Which were severally referred to the Committee on Taxation and ordered printed.

Sent down for concurrence.

Towns and Counties

Mrs. Christie of Aroostook presented Bill, "An Act Relating to Expending Aroostook County Funds for Renovating the Terminal at Presque Isle Municipal Airport." S. P. 194)

Mrs. Sproul of Lincoln presented Bill, "An Act Increasing Salaries of County Officials of Lincoln County." (S. P. 195)

Which were referred to the Committee on Towns and Counties and ordered printed.

Sent down for concurrence.

Orders

Joint Orders

On motion by Mr. Whittaker of Penobscot

ORDERED, the House concurring, that a Joint Select Committee on Railroad Passenger Service be established, consisting of 2 members of the Senate to be appointed by the President of the Senate, and 3 members of the House of Representatives to be appointed by the Speaker of the House; the chairman to be designated by the President of the Senate; and be it further

ORDERED, that the Committee confer and negotiate with officials

of the Boston and Maine, Maine Central, and Bangor and Aroostook Railroads with regard to ways and means of restoring railroad passenger service to and from points in Maine north and east of Portland through voluntary action on the part of the railroads; and be it further

ORDERED, that the committee report the results of such conferences and negotiations to the 101st Legislature, together with recommendations, if any, for legislative action whereby the State of Maine may cooperate with the railroads in the restoration of such passenger service. (S. P. 196)

Mr. WHITTAKER: Mr. President and members of the Senate: Perhaps first I should explain my interest in railroads. I worked ten years for the New Haven Railroad.

In submitting the joint order now before the Senate I am suggesting that the 101st Legislature include railroad passenger service among its concerns in the field of public transportation. While it is essential that Maine develop its airports and its highways. I believe that the restoration of rail passenger trains north and east of Portland is necessary for the industrial, recreational, and cultural growth of the state. This opinion is supported by the Maine Public Utilities Commission in its reports of January 14, 1960, one dealing with its own investigation of railroad passenger service and the other setting forth its findings on the petition of the Maine Central Railroad to discontinue passenger train service. In these reports the Commission said:

"Railroad passenger service is an integral and necessary part of the transportation system of this state. It is particularly important to a state like Maine due to its geographical location in relation to the rest of the nation, its large land area, predominantly rural economy, severe long winters and resulting travel difficulty. Maine's quest for industrial development and its reputation as a vacation area also add to the importance of this service. . ."

The Commission ordered the Maine Central Railroad to continue certain passenger trains for a period of not less than one year, but

the railroad successfully petitioned the Maine Supreme Judicial Court to set aside the order of the Public Utilities Commission. Thus the State of Maine has been without through railroad passenger service since September, 1960. In view of the Supreme Court decision, this situation will become permanent unless the railroads can be persuaded to restore passenger service voluntarily, perhaps with the cooperation of the legislature. The purpose of my joint order is to explore this possibility. The order is presented early in the session with the hope that the proposed joint select committee on railroad passenger service may conclude its negotiations with the railroads in time to report back to this legislature.

I suggest that this is an opportune time for the Maine legislature to demonstrate its interest in cooperating with the railroads serving the state, and for two reasons. First, other states and the federal government are showing increased concern about railroad passenger service. For example, the Boston & Maine Railroad has just been granted more than two million dollars for 1963 by Washington and Massachusetts authorities to subsidize expanded and improved commuter train service in the Boston area. Secondly, since the removal of passenger trains on the Maine Central and Bangor and Aroostook Railroads, there has been a noticeable reduction in the operation of the State's principal airline. Maine can ill afford to lose any more of its public transportation. On the contrary, in my opinion it should seek ways and means of restoring rail passenger service through friendly negotiations with railroad officials. Therefore, Mr. President, I hope that the joint order will receive passage.

The order was passed and sent down for concurrence.

Joint Order

On motion by Mr. Hinds of Cumberland

ORDERED, the House concurring, that a Committee, consisting of three members from the Senate, appointed by the President of the Senate, and five members from the

House of Representatives, appointed by the Speaker of the House, and two members to be appointed by the Governor, is hereby created. The Committee is directed to study, determine and report to the 101st Legislature, on or before April 1, 1963, its recommendation of a site for the relocation of the Boys' Training Center. The Committee shall organize forthwith and elect a chairman to assume the responsibility of coordinating the committee's activities.

The expenses incurred by the Legislative members of the Committee shall be limited to the sum of \$1,000. Such amount to be expended from the Legislative appropriation. (S. P. 197)

Which was read and passed.

Sent down for concurrence.

Joint Order

On motion by Mr. Edmunds of Aroostook

ORDERED, the House concurring that any Town Clerk or Board of County Commissioners may, upon written request to the Document Clerk, receive without charge, copies of all printed bills, so that there may be available to the public during the legislative session, a complete and convenient file of all printed bills. (S. P. 198)

Which was read and passed.

Sent down for concurrence.

Orders of the Day

Communication

STATE OF MAINE

Senate Chamber

January 22, 1963

Hon. Robert A. Marden
President of the Senate
101st Legislature

Dear President Marden,

Due to the pressures of my various committee appointments, I am herewith tendering my resignation from the Committee on Claims.

Respectfully,

L. ROBERT PORTEOUS, Jr.

Which was read and ordered placed on file.

The President appointed the Senator from Androscoggin, Senator Boisvert to the Committee on Claims.

The President laid before the Senate the 1st tabled and today assigned item, (S. P. 133) Bill, "An Act Providing Funds for Economic Research Projects for Industrial Expansion," tabled on January 17 by Senator Edmunds of Aroostook pending motion by Senator Lovell of York that the bill be referred to the Committee on Industrial and Recreational Development; and Senator Edmunds moved the pending question.

The motion prevailed and the bill was referred to the Committee on Industrial and Recreational Development.

Sent down for concurrence.

The President laid before the Senate the second tabled and today assigned item, (S. P. 134) Bill, "An Act Promoting Scenic Attractions and Vacation Facilities in Maine", tabled on January 17 by Senator Edmunds of Aroostook pending motion by Senator Lovell of York that the bill be referred to the Committee on Industrial and Recreational Development; and Senator Edmunds moved the pending question.

The motion prevailed and the bill was referred to the Committee on

Industrial and Recreational Development.

Sent down for concurrence.

The President laid before the Senate Bill, "An Act Relating to Work on Shade and Ornamental Trees." (Item 1-69) (H. P. 240) (L. D. 308) tabled earlier in today's session by Senator Farris of Kennebec, pending reference to a committee.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate this particular bill is rather comprehensive legislation and involves the creation of new boards and so forth. For that reason I would move that the bill be referred to the Committee on Legal Affairs rather than the Committee on Natural Resources.

The motion prevailed and the bill was so referred, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at ten o'clock.