

# 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**

Thursday, February 14, 1963

Senate called to order by the President.

Prayer by Rev. Joseph E. Le-master of Monmouth.

On motion by Mr. Letourneau of York, the Journal of yesterday was read and approved.

**Order**

On motion by Mr. Edmunds of Aroostook, out of order and under suspension of the rules:

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet on Tuesday morning, February 19th, at 10 o'clock. (S. P. 496)

Which was read and passed.

Sent forthwith to the House for concurrence.

The PRESIDENT: The Chair recognizes in the Senate Chamber the presence of Mr. Philip Eaton of Hancock County who is Republican Finance Chairman there and who has done a remarkable job, and with thanks to our minority party for the permission of recognizing Mr. Eaton, we would like to have him stand and be recognized. (Applause)

**Paper from the House**

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
To the Honorable Members  
of the House and Senate  
of the 101st Legislature  
State House  
Augusta, Maine

Ladies and Gentlemen:

I have the honor to present to you the Report of the Interim Joint Committee created by the 100th Legislature to study the Employment Security Law.

Respectfully submitted,

INTERIM JOINT COMMITTEE  
By PETER A. THAANUM  
Chairman  
(H. P. 622)

Comes from the House read and placed on file, and ordered printed in pamphlet form.

In Senate, read and ordered placed on file in concurrence.

**Non-concurrent matter**

Bill, "An Act Relating to Issuing of Bonds by School Administrative Districts." (S. P. 51) (L. D. 101)

In Senate, February 5, passed to be engrossed.

Comes from the House passed to be engrossed, as amended by House Amendment "A" (H-19) in non-concurrence.

In the Senate, on motion by Mr. Brooks of Cumberland, tabled pending consideration.

The PRESIDENT: The Chair is happy to recognize in the Senate Chamber Hon. Richard Chapman of Portland, Chief Judge of the District Court of Maine, the District Court System having been established by the 100th Legislature, and by many people considered to be one of the greatest pieces of legislation passed by the State in many years. (Applause)

**House Papers**

**Bills and Resolves for reference.**

Bill, "An Act Relating to the Educational Foundation Program Allowances." (H. P. 862) (L. D. 1249)

Bill, "An Act Relating to Expenditures from Unorganized Territory Capital Working Fund." (H. P. 863) (L. D. 1250)

Which were referred to the Committee on Education in concurrence.

Bill, "An Act Revising Laws Relating to Hairdressers." (H. P. 864) (L. D. 1251)

Bill, "An Act Relating to License Fee for Boarding Homes." (H. P. 865) (L. D. 1252)

Which were referred to the Committee on Health and Institutional Services in concurrence.

Bill, "An Act Relating to Weight of Commercial Vehicles." (H. P. 866) (L. D. 1253)

Which was referred to the Committee on Highways in concurrence.

Bill, "An Act Providing for State-wide Open Season to Hunt Deer." (H. P. 867) (L. D. 1254)

Bill, "An Act Clarifying the Use of Artificial Lights During Open Season for Hunting Deer." (H. P. 867) (L. D. 1272)

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

Bill, "An Act Relating to Statute of Limitations for Actions Against Tax Collectors." (H. P. 868) (L. D. 1255)

Bill, "An Act to Create the Office of Public Defender." (H. P. 869) (L. D. 1256)

Bill, "An Act Prohibiting Throwing of Rocks at any Public or Private Transportation Conveyance." (H. P. 870) (L. D. 1257)

Which were referred to the Committee on Judiciary in concurrence.

Bill, "An Act Relating to Disqualification and Claims for Benefit and Employer's Contribution Rate Under Employment Security Law." (H. P. 871) (L. D. 1258)

Bill, "An Act Relating to Partial Unemployment Benefits and Experience Rating Record Under Employment Security Law." (H. P. 872) (L. D. 1259)

Which were referred to the Committee on Labor in concurrence.

Bill, "An Act Relating to Surrender of Motor Vehicle Operator's License to Secretary of State." (H. P. 873) (L. D. 1260)

Which was referred to the Committee on Legal Affairs in concurrence.

Bill, "An Act Providing Statewide Referendum on Retail Sale of Malt Liquor." (H. P. 874) (L. D. 1261)

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

Bill, "An Act Relating to Certificate of Public Necessity for Transporting Freight for Hire as a Common Carrier." (H. P. 877) (L. D. 1262)

(On motion by Mr. Hinds of Cumberland, tabled pending reference to a committee.)

Bill, "An Act Prohibiting Tampering with Railroad Switches, Lights and Signals." (H. P. 878) (L. D. 1263)

Bill, "An Act Relating to Margins on Railroad Yard Tracks for Safety of Employees." (H. P. 879) (L. D. 1264)

Bill, "An Act Prohibiting the Mis-

use of Railroad Signal Equipment." (H. P. 880) (L. D. 1265)

Bill, "An Act Providing for Rules and Regulations by Public Utilities Commission Concerning Safety and Shelter for Railroad Employees." (H. P. 881) (L. D. 1266)

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

Bill, "An Act to Create a Director of School Bus Transportation." (H. P. 882) (L. D. 1267)

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

Bill, "An Act Relating to Municipal Excise Taxes on Boats." (H. P. 883) (L. D. 1268)

Bill, "An Act Relative to a Net Income Tax Law for the State of Maine." (H. P. 945)

Bill, "An Act Relating to the Taxation of House Trailers." (H. P. 884) (L. D. 1269)

Bill, "An Act Abolishing Tax on Transient Rentals." (H. P. 885) (L. D. 1270)

Which were referred to the Committee on Taxation in concurrence.

Bill, "An Act Relating to Registration Fee for Semi-Trailers." (H. P. 886) (L. D. 1271)

Which was referred to the Committee on Transportation in concurrence.

Communication

MAINE

CONSTITUTIONAL COMMISSION

February 13, 1963

To the Honorable House and Senate of the 101st Legislature

State House

Augusta, Maine

Members:

I have the honor to transmit to you herewith the Third Report of the Maine Constitutional Commission. The Commission created by act of the 100th Legislature was directed to report to the 101st Legislature.

Very truly yours,

FRED C. SCRIBNER, Jr.

Chairman, Maine

Constitutional Commission

(S. P. 497)

FCS: pt

Enclosure

Which communication and accompanying report were referred to the Committee on Constitutional Amendments and Legislative Reapportionment and ordered printed.

Sent down for concurrence.

#### Senate Papers

The following four Bills and one Resolve, having each been approved by a majority of the Committee on Reference of Bills, appear on the calendar pursuant to Joint Rule 19-C.

#### Industrial and Recreational Development

Mrs. Christie of Aroostook presented Bill, "An Act Relating to the Official Tree of the State of Maine." (S. P. 498)

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

Sent down for concurrence.

#### Retirements and Pensions

Mr. Wyman of Washington presented Resolve, Providing for an Increase in State Pension for Leeman Grant of Columbia Falls. (S. P. 499)

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

Sent down for concurrence.

#### Sea and Shore Fisheries

Mr. Brewster of York presented Bill, "An Act Regulating the Taking of Clams in Wells, York County." (S. P. 500)

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

Sent down for concurrence.

#### Towns and Counties

Mr. Ferguson of Oxford presented Bill, "An Act to Repeal the Act Creating the South Paris Village Corporation." (S. P. 501)

The same Senator presented Bill, "An Act Relating to Territory of the Paris Village Corporation." (S. P. 502)

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

Sent down for concurrence.

#### Order

On motion by Mr. Hinds of Cumberland:

Whereas, it appears to the Senate of the 101st Legislature that the following is an important question of law and the occasion a solemn one, and

Whereas, there is pending before the Senate of the 101st Legislature a bill entitled "An Act Providing Expense Reimbursement for Members of the Legislature" (Senate Paper 159, Legislative Document 435) as amended by Senate Amendment A; and

Whereas, Article IV, Part Third, Section 7, Maine Constitution, provides that

"The senators and representatives shall receive such compensation, as shall be established by law; but no law increasing their compensation shall take effect during the existence of the legislature which enacted it. The expenses of the members of the house of representatives in traveling to the legislature, and returning therefrom, once in each week of each session and no more, shall be paid by the state out of the public treasury to every member, who shall seasonably attend, in the judgment of the house, and does not depart therefrom without leave."

Whereas, it is important that the Legislature be informed as to the constitutionality of the proposed bill; be it therefore

Ordered, that in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give the Senate their opinion on the following questions:

#### QUESTIONS

(1) Is it within the power of the Legislature to provide for the reimbursement of Senators and Representatives for expenses, other than travel, in attendance at daily sessions?

(2) If the answer to the first question is in the affirmative, would the bill, "An Act Providing Expense Reimbursement for Members of the Legislature" (Senate Paper 159, Legislative Document 435) as amended by Senate Amendment A,

if enacted by the Legislature, be constitutional?

Which was read and passed.

### Committee Reports

#### House — Re-referred

The Committee on Liquor Control on Bill, "An Act Decreasing the Excise Tax on Malt Liquor." (H. P. 670) (L. D. 926) reported that the same should be referred to the Committee on Taxation.

#### House — Leave to Withdraw

The Committee on Education on Bill, "An Act to Authorize the Municipalities of Etna and Plymouth to Form a School Administrative District." (H. P. 271) (L. D. 365) reported that the same should be granted Leave to Withdraw.

The Committee on Municipal Affairs on Bill, "An Act Relating to Sick Leave to Members of Police Department of City of Lewiston." (H. P. 300) (L. D. 394) reported that the same should be granted Leave to Withdraw.

(On motion by Mr. Couture, tabled pending acceptance of the report.)

#### House — Ought Not to Pass

The Committee on Inland Fisheries and Game on Resolve, Regulating Bag Limit of Trout in Aroostook County. (H. P. 45) (L. D. 68) reported that the same Ought not to pass.

The Committee on Inland Fisheries and Game on Bill, "An Act Prohibiting Use of Power Boats on Tim Pond and Mud Pond, Franklin County." (H. P. 284) (L. D. 378) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

#### House — Ought to Pass

The Committee on Agriculture on Bill, "An Act Relating to Certificates for Female Dogs." (H. P. 261) (L. D. 355) reported that the same Ought to pass.

The Committee on Judiciary on Bill, "An Act Relating to Discharge in Bankruptcy Under Financial Responsibility Law." (H. P. 110) (L. D. 154) reported that the same Ought to pass.

The Committee on Legal Affairs on Bill, "An Act to Consolidate the

Maine Unitarian Association with Northeast District of the Unitarian Universalist Association." (H. P. 295) (L. D. 389) reported that the same Ought to pass.

(On motion by Mr. Farris of Kennebec, tabled pending acceptance of the report.)

The same Committee on Bill, "An Act to Consolidate The Universalist Church of Maine with Northeast District of the Unitarian Universalist Association." (H. P. 296) (L. D. 390) reported that the same Ought to pass.

(On motion by Mr. Farris of Kennebec, tabled pending acceptance of the report.)

The same Committee on Bill, "An Act Clarifying the Corporate Powers of the Franciscan Fathers of Maine." (H. P. 342) (L. D. 499) reported that the same Ought to pass.

The Committee on Natural Resources on Bill, "An Act Classifying Card Brook in Ellsworth." (H. P. 34) (L. D. 220) reported that the same Ought to pass.

The Committee on Public Utilities on Bill, "An Act Increasing Indebtedness of Limestone Water and Sewer District." (H. P. 304) (L. D. 397) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Incorporate the Port Clyde Water District." (H. P. 494) (L. D. 696) reported that the same Ought to pass.

The Committee on Retirements and Pensions on Bill, "An Act Relating to Disability Retirement for State Employees." (H. P. 247) (L. D. 315) reported that the same Ought to pass.

Which reports were read and accepted in concurrence, the bills read once and tomorrow assigned for second reading.

#### House — As Amended

The Committee on Highways on Resolve, Designating the Veterans Memorial Bridge at Belfast. (H. P. 277) (L. D. 371) reported that the same Ought to pass as amended by Committee Amendment "A" (H-13)

The Committee on Judiciary on Bill, "An Act Relating to Powers of Enforcement by Inland Fish and Game Wardens." (H. P. 3) (L. D.

23) reported that the same Ought to pass as amended by Committee Amendment "A" (H-15)

The same Committee on Resolve, Authorizing George W. Carson, Jr. and Marion P. Carson to Bring Action Against the State of Maine. (H. P. 226) (L. D. 296) reported that the same Ought to pass as amended by Committee Amendment "A" (H-16)

The Committee on Retirements and Pensions on Bill, "An Act Relating to Retirement of Policemen and Firemen by Local Districts Participating in Maine State Retirement System." (H. P. 305) (L. D. 398) reported that the same Ought to pass as amended by Committee Amendment "A" (H-17)

The reports were read and accepted in concurrence; Committee Amendments "A" were read and adopted in concurrence, and the bills and resolve, as amended, read once and tomorrow assigned for second reading.

**Senate — Ought to Pass**

Mr. Campbell from the Committee on Judiciary on Bill, "An Act Amending the Criminal Sanctions Provisions of the Banking Law." (S. P. 213) (L. D. 523) reported that the same Ought to pass.

Which report was read and accepted, the bill read once and tomorrow assigned for second reading.

Mr. Cyr from the Committee on Municipal Affairs on Bill, "An Act Increasing Number of Superintending School Committee of Town of Milo." (S. P. 249) (L. D. 623) reported that the same Ought to pass.

Which report was read and accepted, the bill read once.

On motion by Mrs. Cyr of Aroostook, the rules were suspended, the bill read a second time and passed to be engrossed; on motion by Mr. Edmunds of Aroostook, under suspension of the rules, sent forthwith to the House for concurrence.

**Senate — Ought to Pass As Amended**

The same Senator from the same Committee on Bill, "An Act Relating to Retirement Benefits for Members of the Lewiston Police Department and Pensions for Their Beneficiaries." (S. P. 185) (L. D.

484) reported that the same Ought to pass as amended by Committee Amendment "A" (S-10).

Which report was read and accepted; Committee Amendment "A" was read and adopted, and the bill as amended was read once and tomorrow assigned for second reading.

**Passed to Be Engrossed**

**The Committee on Bills in the Second Reading reported the following Bills and Resolves:**

**House**

Bill, "An Act Providing for Transportation of Deer by Maine Members of Armed Forces." (H. P. 38) (L. D. 61)

Resolve, Authorizing Gardiner Savings Institution to Bring Civil Action Against the State of Maine. (H. P. 225) (L. D. 295)

Bill, "An Act Relating to Disposition of Security Under Financial Responsibility Law." (H. P. 381) (L. D. 550)

Bill, "An Act to Repeal the Prohibition Against Use of Seines in Part of Casco Bay." (H. P. 248) (L. D. 316)

Bill, "An Act Relating to Publishing of Regulations Closing Contaminated Shores, Waters or Flats." (H. P. 307) (L. D. 400)

Bill, "An Act to Correct Errors and Omissions in the Public Laws Relating to Sea and Shore Fisheries." (H. P. 308) (L. D. 401)

Bill, "An Act Providing for Approval of Legislature for Expenditure of Inland Fisheries and Game Expenditures." (H. P. 128) (L. D. 172)

(On motion by Mr. Edmunds of Aroostook, tabled pending passage to be engrossed, and especially assigned for tomorrow.)

Bill, "An Act Increasing Compensation of Public Members of Standardization Committee." (H. P. 167) (L. D. 216)

Bill, "An Act Relating to Appropriation of State Board of Arbitration and Conciliation." (H. P. 129) (L. D. 222)

Which were read a second time and passed to be engrossed, in concurrence.

**House — As Amended**

Bill, "An Act Relating to Bribery in Professional and Amateur Contest." (H. P. 216) (L. D. 285)

Which was read a second time and passed to be engrossed as amended, in concurrence.

**Senate**

Bill, "An Act Relating to Weights and Measures of Commodities." (S. P. 132) (L. D. 410)

Bill, "An Act to Incorporate 'The Maine Association of Life Underwriters, Incorporated.'" (S. P. 238) (L. D. 12)

Which was read a second time and passed to be engrossed.

Sent down for concurrence.

**Orders of the Day**

The President laid before the Senate the 1st tabled and specially assigned matter, (S. P. 34) (L. D. 27) Bill, "An Act Relating to Number of Catch of Fish in Aroostook County," which was tabled on February 7th by the senator from Aroostook, Senator Cyr, pending enactment; and the Chair recognized that Senator.

On motion by Mr. Cyr of Aroostook, the Senate voted to reconsider its action whereby this bill was passed to be engrossed. The same senator then presented Senate Amendment "A" and moved its adoption. Senate Amendment "A" was read and adopted. On further motion by the same senator the bill was passed to be engrossed in non-concurrence and sent down for concurrence.

The President laid before the Senate the 2nd tabled and specially assigned matter, (H. P. 833) (L. D. 1220) Bill, "An Act Relating to Registration of Sanitarians," which was tabled on February 13 by the senator from Cumberland, Senator Hinds, pending reference.

Mr. HINDS of Cumberland: Mr. President and ladies and gentlemen: I think so much of the State Government Committee that where this bill has to do with exterminators I would now move that this bill be referred to the Health and Institutional Services Committee in non-concurrence.

The motion prevailed and the bill was referred to the Committee

on Health and Institutional Services in non-concurrence and sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 19th tabled and unassigned matter, (S. P. 32) (L. D. 26) Resolve, Providing Industrial Accident Payments to Mrs. Jeanne T. Smith of Thomaston, which was tabled by that senator on February 13th pending assignment for second reading.

Mr. FARRIS: Mr. President and members of the Senate: I have an amendment which will be presented to this resolve and it has been discussed with the Senator from Cumberland, Senator Porteous. The sole effect of the amendment would be to provide payments to this widow in accordance with the terms of the Workmen's Compensation Act rather than making payments in accordance with the terms of the resolve as written. In other words, there are certain contingencies that could occur, such as death or remarriage of the beneficiary of this award and under the terms of the Workmen's Compensation Act payments would terminate, but in the manner in which this is written it would continue for the 258 weeks. I trust that the amendment will receive your acceptance.

Senate Amendment "B" was read and adopted, and the resolve as amended was assigned for second reading on the next legislative day.

On motion by Mr. Couture of Androscoggin, the Senate voted to take from the table, bill, "An Act Relating to Sick Leave to Members of Police Department of City of Lewiston" (H. P. 300) (L. D. 394) tabled by that Senator earlier in today's session pending acceptance of the Leave to Withdraw report; and on further motion by the same Senator, the report was accepted in concurrence.

The Adjournment Order having been returned from the House,

The Senate adjourned until Tuesday next at 10:00 A.M.