

# 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, February 19, 1963

Senate called to order by the President.

Prayer by Rev. Edward F. Allen of Augusta.

On motion by Mr. Letourneau of York, the Journal of January 14 was read and approved.

The PRESIDENT: The Chair is happy to recognize in the Senate Chamber today Ross Bulfinch Lovell and Dean Lovell, sons of the Senator from York, Senator Lovell. Ross Bulfinch Lovell's middle name comes from the last name of the famed architect who designed this capitol building. Ross and Dean, would you stand up and be recognized, please? (Applause)

The Chair is happy to appoint Ross and Dean Lovell as honorary pages of the Senate today. If one of the pages will show them where to be located we will proceed.

The Chair is likewise happy to introduce to the Senate David Porteous, who is the young son of the Senator from Cumberland, Senator Porteous. David, would you stand up and be recognized, please? (Applause)

The Chair appoints David Porteous as an honorary page for today if he would like to serve.

The Chair is proud also to recognize in the Senate Chambers the 4-H group from Buckfield, Maine, who are here today with their leader, Mrs. Tucker.

I know this group has heard a lot of comments about the State of Maine, its good things and its bad features. Too often these days we listen to the bad features or to statistics which tend to put our state in an unfavorable light. I would point out to you in this 4-H group a few facts for your consideration:

The largest producer of moulded pulp plates and containers in the United States is located in Maine. A Portland firm of canners furnishes the baked beans served on the railroad dining cars in the United States. The City of Old Town leads the country in the manufacture of canoes. The largest news-

print producer in this country is located in Maine. We have the largest snowshoe factory, the largest dowel mill and the largest toothpick factory; and I do not need to point out to you young people the tremendous impact of agriculture in this state on our economy.

Congratulations to you. Keep it up, because the future of this state depends on you. Would you stand up, please, and be recognized? May I introduce to you the Senator from Oxford, Senator Pike, and the Senator from Oxford, Senator Ferguson. (Applause)

I am further advised that the daughter of the Senator from Lincoln, Senator Sproul, is in the Senate Chamber. Would she stand and be recognized, please? (Applause)

### House Papers

#### Bills and Resolves for reference

Bill, "An Act Revising Price Controls on Milk." (H. P. 889) (L. D. 1296)

Bill, "An Act Increasing Consumer Membership on the Maine Milk Commission." (H. P. 890) (L. D. 1297)

Which were referred to the Committee on Agriculture in concurrence.

Bill, "An Act Providing a Full-Time Economist for the Department of Economic Development." (H. P. 893) (L. D. 1298)

Bill, "An Act to Provide for a State Committee on Children and Youth." (H. P. 894) (L. D. 1299)

Bill, "An Act Establishing a Forest Products and Industrial Research Laboratory." (H. P. 895) (L. D. 1300)

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

Bill, "An Act Permitting Savings Banks to Make Loan Secured by Mortgages on Property Located in the Eastern Slope Regional Airport." (H. P. 896) (L. D. 1303)

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

Bill, "An Act Revising the Educational Foundation Program Allowance." (H. P. 897) (L. D. 1304)

Bill, "An Act Providing State Scholarships for Education." (H. P. 898) (L. D. 1305)

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (H. P. 960) (L. D. 1306)

Bill, "An Act Providing for State Support of Education Foundation Program and the Financing Thereof." (H. P. 899) (L. D. 1307)

Bill, "An Act Relating to Teaching Benefits for Military Service." (H. P. 900) (L. D. 1308)

Bill, "An Act to Provide Uniformity in School Administrative District Meetings." (H. P. 901) (L. D. 1309)

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

Bill, "An Act Relating to Election Recounts." (H. P. 902) (L. D. 1310)

Bill, "An Act Relating to Qualifications for Voting at Local District Elections." (H. P. 903) (L. D. 1311)

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

Bill, "An Act Relating to Optometric Services Under Aid to the Blind and Non-profit Hospital Organizations Laws." (H. P. 904) (L. D. 1312)

Bill, "An Act Making Mandatory the Reporting of Blindness to Department of Health and Welfare." (H. P. 905) (L. D. 1313)

Bill, "An Act Providing for the New England Health Services and Facilities Compact." (H. P. 906) (L. D. 1314)

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

Bill, "An Act Establishing a Division of Foreign Trade in the Department of Economic Development" (H. P. 907) (L. D. 1315)

Which was referred to the Committee on Industrial and Recreational Development in concurrence.

Bill, "An Act Relating to Hunting Raccoons and Bobcats." (H. P. 908) (L. D. 1301)

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

Bill, "An Act Relating to Civil Liability of Legal Entities and Certain State Agencies." (H. P. 909) (L. D. 1316)

Which was referred to the Committee on Judiciary in concurrence.

## Orders

### Joint Order

Mr. Boisvert of Androscoggin presented the following order and moved its passage:

ORDERED, the House concurring, that the Department of Labor and Industry shall investigate written complaints received by it of discrimination by reason of race, color, religious sect, creed, denomination, ancestry or national origin, in the employment of persons in Maine, and report its findings and recommendations to the 102nd Legislature.

Mr. EDMUNDS of Aroostook: Mr. President, first let me say that I recognize and appreciate the worthy intent of this order. However, I do think there are one or two technical areas of it that should be explored further. For this reason I move that the Order be tabled unassigned.

The motion prevailed and the Order was tabled pending passage.

## Committee Reports

### House — Ought Not to Pass

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Method of Taking Smelts in Fish River Chain of Lakes, Aroostook County." (H. P. 37) (L. D. 60) reported that the same ought not to pass.

Comes from the House, Bill substituted for the report, House Amendment "A" read and adopted, and the Bill, as amended, read twice and passed to be engrossed.

In the Senate, on motion by Mr. Edmunds of Aroostook, the Bill was substituted for the report in concurrence and the bill read once; on further motion by the same Senator, the bill was tabled pending adoption of House Amendment A.

### House — Ought to Pass

The Committee on Business Legislation on Bill, "An Act Relating to Incorporation of Maine Hereford As-

sociation." (H. P. 419) (L. D. 572) reported that the same Ought to pass.

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

The same Committee on Bill, "An Act to Incorporate Elco Acceptance Corporation." (H. P. 362) (L. D. 535) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Incorporate the Domestic Acceptance Corporation." (H. P. 363) (L. D. 536) reported that the same Ought to pass.

The Committee on Claims on Resolve, in Favor of Edwin C. Chick of Norway. (H. P. 268) (L. D. 362) reported that the same Ought to pass.

The Committee on Claims on Resolve, Granting World War I Bonus to Albert C. Lorentzen of Portland. (H. P. 195) (L. D. 264) reported that the same Ought to pass.

The Committee on Inland Fisheries and Game on Resolve, Regulating Ice Fishing in Mill Privilege Lake, Carroll and T. 5, R. 1, Penobscot County. (H. P. 209) (L. D. 278) reported that the same Ought to pass.

The same Committee on Resolve, Regulating Fishing in Katahdin Lake, Penobscot County. (H. P. 210) (L. D. 279) reported that the same Ought to pass.

(On motion by Mrs. Harrington of Penobscot, tabled pending acceptance of the report and especially assigned for tomorrow)

The same Committee on Resolve, Regulating Fishing in Fifth Debsconeag Lake, Piscataquis County. (H. P. 211) (L. D. 280) reported that the same Ought to pass.

The Committee on Labor on Bill, "An Act Revising Laws Relating to Panel of Mediators." (H. P. 113) (L. D. 157) reported that the same Ought to pass.

The Committee on Municipal Affairs on Bill, "An Act Relating to Organization of Police Department of City of Lewiston." (H. P. 238) (L. D. 306) reported that the same Ought to pass.

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

#### House — Ought to Pass As Amended

The Committee on Municipal Affairs on Bill, "An Act Relating to Duties and Compensation of Council of Town of Oakland." (H. P. 4) (L. D. 24) reported that the same Ought to pass as amended by Committee Amendment "A" (H-24)

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

#### Senate — Leave to Withdraw

Mr. Noyes from the Committee on Industrial and Recreational Development on Resolve, Appropriating Money for Increased Publications of Recreation Promotional Literature. (S. P. 215) (L. D. 525) reported that the same should be granted Leave to Withdraw.

Mr. Reed from the Committee on Natural Resources on Bill, "An Act Relating to Pollution of Waters Forming an International Boundary." (S. P. 120) (L. D. 340) reported that the same should be granted Leave to Withdraw.

Which reports were read and accepted.

Sent down for concurrence.

#### Senate — Ought to Pass

Mr. Brown from the Committee on Highways on Bill, "An Act Relating to Issuance of Bonds of and Termination of Maine Turnpike Authority." (S. P. 56) (L. D. 106) reported that the same Ought to pass.

Mr. Ferguson from the same Committee on Bill, "An Act Relating to Construction of a Bridge to Span the Piscataqua River from Kittery, Maine to Portsmouth, New Hampshire." (S. P. 58) (L. D. 108) reported that the same Ought to pass.

Mr. Kimball from the Committee on Industrial and Recreational Development on Bill, "An Act to Incorporate the Maine Ski Council." (S. P. 178) (L. D. 477) reported that the same Ought to pass.

Mr. Boisvert from the Committee on Public Utilities on Bill, "An Act

to Amend the Charter of the Oxford Water District Relative to Rates." (S. P. 186) (L. D. 485) reported that the same Ought to pass.

Mr. Wyman from the Committee on Taxation on Bill, "An Act Relating to Length of Residence for Property Tax Exemptions for Veterans." (S. P. 72) (L. D. 122) reported that the same Ought to pass. (On motion by Mr. Farris of Kennebec, tabled pending acceptance of the report.)

The same Senator from the same Committee on Bill, "An Act Relating to Supplemental Tax Assessments." (S. P. 191) (L. D. 490) reported that the same Ought to pass.

Mr. Letourneau from the Committee on Taxation on Bill, "An Act Relating to Definition of Case Under Excise Tax Law on Sardines." (S. P. 193) (L. D. 492) reported that the same Ought to pass.

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

**Senate — Ought to Pass  
As Amended**

Mr. Stilphen from the Committee on Inland Fisheries and Game on Resolve, Regulating Fishing in Kennebago River, Franklin County." (S. P. 210) (L. D. 520)

Which report was read and accepted. Committee Amendment "A" (S-13) was read and adopted, and the bill, as amended, read once and tomorrow assigned for second reading.

**Majority — Ought Not to Pass  
Minority — Ought to Pass**

The Majority of the Committee on State Government on Bill, "An Act Relating to Term of Office of Department Heads Appointed by Governor." (S. P. 9) (L. D. 19) reported that the same Ought not to pass.

(Signed)

Senators:

WHITTAKER of Penobscot  
CHRISTIE of Aroostook

Representatives:

DENNETT of Kittery  
BERMAN of Houlton  
THAANUM of Winthrop

SMITH of Strong  
BERRY

of Cape Elizabeth

The Minority of the same Committee on the same subject matter reported that the same Ought to pass.

(Signed)

Senator:

LOVELL of York

Representatives:

DOSTIE of Lewiston  
CARTIER of Biddeford

On motion by Mr. Lovell of York, tabled pending acceptance of either report.

**Passed to Be Engrossed**

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

House

Bill, "An Act Relating to Certificates for Female Dogs." (H. P. 261) (L. D. 355)

Bill, "An Act Classifying Card Brook in Ellsworth." (H. P. 34) (L. D. 220)

Bill, "An Act Relating to Discharge in Bankruptcy Under Financial Responsibility Law." (H. P. 110) (L. D. 154)

Bill, "An Act Clarifying the Corporate Powers of the Franciscan Fathers of Maine." (H. P. 342) (L. D. 499)

Bill, "An Act Increasing Indebtedness of Limestone Water and Sewer District." (H. P. 304) (L. D. 397)

Bill, "An Act to Incorporate the Port Clyde Water District." (H. P. 494) (L. D. 696)

Bill, "An Act Relating to Disability Retirement for State Employees." (H. P. 247) (L. D. 315)

(On motion by Mrs. Sproul of Lincoln, tabled pending passage to be engrossed.)

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

**House — As Amended**

Resolve, Designating the Veterans Memorial Bridge at Belfast. (H. P. 277) (L. D. 371)

Bill, "An Act Relating to Powers of Enforcement by Inland Fish and Game Wardens." (H. P. 3) (L. D. 23)

Resolve, Authorizing George W. Carson, Jr. and Marion P. Carson to Bring Action Against the State of Maine. (H. P. 226) (L. D. 296)

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)

Which were read a second time and passed to be engrossed, as amended by Committee Amendments "A" in concurrence.

#### Senate

Bill, "An Act Amending the Criminal Sanctions Provisions of the Banking Law." (S. P. 213) (L. D. 523)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act Relating to Retirement Benefits for Members of the Lewiston Police Department and Pensions for Their Beneficiaries." (S. P. 185) (L. D. 483)

Which was read a second time and passed to be engrossed, as amended by Committee Amendment "A" (S-10).

Sent down for concurrence.

Resolve, Providing Industrial Accident Payments to Mrs. Jeanne T. Smith of Thomaston. (S. P. 32) (L. D. 26)

Which was read a second time and passed to be engrossed, as amended by Senate Amendment "A", (S-8) and as amended by Senate Amendment "B" (S-11)

Sent down for concurrence.

#### Enactors

**The Committee on Engrossed Bills reported as truly and strictly engrossed the following Bills and Resolves:**

Bill, "An Act Relating to Taking of Alewives in Town of Blue Hill." (H. P. 69) (L. D. 92)

Bill, "An Act Relating to Purposes and Powers of Bar Harbor School District." (H. P. 126) (L. D. 170)

Bill, "An Act Relating to Closed Season on Scallops in Bagaduce River." (H. P. 127) (L. D. 171)

Bill, "An Act Relating to Clerk of Overseers of Poor of Fairfield." (H. P. 159) (L. D. 209)

Bill, "An Act Relating to Instruction Permits and Fees for Examination to Operate a Motor Vehicle." (H. P. 170) (L. D. 219)

Bill, "An Act Relating to Directors and Trustees of The King's Academy." (H. P. 228) (L. D. 299)

Bill, "An Act Relating to Taking of Smelts from Chandler River, Washington County." (H. P. 249) (L. D. 317)

Bill, "An Act Authorizing Maine Forestry Department to Accept Federal Funds." (S. P. 69) (L. D. 119)

Bill, "An Act Relating to Distribution of Shrub Material by Forest Commissioner." (S. P. 66) (L. D. 116)

Bill, "An Act Increasing Compensation of Trustees of Mexico Water District." (S. P. 122) (L. D. 350)

Bill, "An Act Relating to Authorization of Husson College to Confer Degrees." (H. P. 28) (L. D. 52)

Bill, "An Act Permitting Hunting by Bow and Arrow on Swan Island, Hancock County." (H. P. 105) (L. D. 149)

Bill, "An Act Creating the Hog Island Game Sanctuary." (H. P. 146) (L. D. 197)

Bill, "An Act to Incorporate the Public Finance Corporation of Belfast." (H. P. 185) (L. D. 254)

Bill, "An Act to Incorporate the Public Finance Corporation of Biddeford." (H. P. 186) (L. D. 255)

Bill, "An Act to Incorporate the Public Finance Corporation of Ellsworth." (H. P. 187) (L. D. 256)

Bill, "An Act to Incorporate the Public Finance Corporation of Houlton." (H. P. 188) (L. D. 257)

Bill, "An Act to Incorporate the Public Finance Corporation of Lincoln, Maine." (H. P. 189) (L. D. 258)

Bill, "An Act to Incorporate the Public Finance Corporation of Portland No. 2." (H. P. 190) (L. D. 259)

Bill, "An Act to Incorporate the Public Finance Corporation of Northern Maine." (H. P. 191) (L. D. 260)

Bill, "An Act Requiring Information from Banks for Division of Veterans Affairs." (S. P. 76) (L. D. 184)

Resolve, Regulating Ice Fishing on Lake Wassookeag, Dexter, Penobscot County. (H. P. 107) (L. D. 151)

Resolve, Relating to Ice Fishing and Night Fishing on Indian Pond, Somerset and Piscataquis Counties." (H. P. 150) (L. D. 201)

Resolve, Opening St. Georges and Little St. Georges Lakes, Waldo County, to Ice Fishing. (S. P. 59) (L. D. 109)

Resolve, Authorizing Director of Public Improvements to Convey Land in Scarborough to George W. Scamman, Robert W. Scamman and Wentworth W. Scamman. (H. P. 312) (L. D. 405)

Which bills were passed to be enacted and the resolves finally passed.

#### Emergency

Bill, "An Act Authorizing the Municipalities of Dexter, Garland and Ripley to Form a School Administrative District." (H. P. 93) (L. D. 137)

Which bill, being an emergency measure, and having received the affirmative vote of 32 members of the Senate, was passed to be enacted.

#### Emergency

Bill, "An Act to Authorize the Municipalities of Amity, Cary Plantation, Haynesville, Hodgdon, Linneus, Ludlow and New Limerick to Form a School Administrative District." (H. P. 95) (L. D. 139)

Which bill, being an emergency measure, and having received the affirmative vote of 32 members of the Senate, was passed to be enacted.

#### Emergency

Bill, "An Act to Authorize the Municipalities of Bradford, Corinth, Exeter, Hudson and Kenduskeag to Form a School Administrative District." (H. P. 201) (L. D. 270)

Which bill, being an emergency measure, and having received the affirmative vote of 32 members of the Senate, was passed to be enacted.

#### Emergency

Bill, "An Act Relating to Appointment of Directors of Eastport Pub-

lic Landing Authority." (H. P. 245) (L. D. 313)

Which bill, being an emergency measure, and having received the affirmative vote of 32 members of the Senate, was passed to be enacted.

#### Emergency

Bill, "An Act to Amend the Charter of the Norway Water District to Create a Source of Supply in the Town of Oxford." (H. P. 302) (L. D. 395)

Which bill, being an emergency measure, and having received the affirmative vote of 32 members of the Senate, was passed to be enacted.

#### Emergency

Bill, "An Act Relating to Rules and Regulations in Fishing." (S. P. 60) (L. D. 110)

Which bill, being an emergency measure, and having received the affirmative vote of 31 members of the Senate, was passed to be enacted.

#### Emergency

Resolve, Opening Kingsbury Pond and Mayfield Pond to Smelt Fishing. (H. P. 108) (L. D. 152)

Mr. FARRIS of Kennebec: Mr. President, at the risk of incurring the possibility of wholesale resignations among fish and game circles, I would like to inquire through the President from a member of the Inland Fisheries and Game Committee as to just what the emergency is under the terms of the Constitution whereby we should immediately permit fishing for smelt in Kingsbury Pond, etc?

The PRESIDENT: The Senator from Kennebec, Senator Farris, poses a question through the Chair to any member of the Senate who may answer if he chooses.

Mr. STILPHEN of Knox: Mr. President, as a member of the Committee on Inland Fisheries and Game, I would answer the Senator from Kennebec, Senator Farris, by saying that in order that the fishermen in the Kingsbury Pond-Mayfield area and the tributaries of that pond might avail themselves of the spring run of smelts that it would be necessary to have this



measure enacted as an emergency, otherwise they would not be able to take advantage of this spring's run, since acts not put through as emergency measures would take effect 90 days after the adjournment of the legislature.

Mr. FARRIS: Mr. President, I thank the Senator from Knox, Senator Stilphen.

Thereupon, a division of the Senate was had, and the resolve, being an emergency measure, and having received the affirmative vote of 32 members of the Senate, was Finally Passed.

The President laid before the Senate the first tabled and today assigned item (H. P. 123) (L. D. 172) Bill, "An Act Providing for Approval of Legislature for Expenditure of Inland Fisheries and Game Expenditures." tabled on February 14 by Senator Edmunds of Aroostook pending passage to be engrossed, and that Senator moved the pending question. Thereupon, the bill was passed to be engrossed.

Mr. Boisvert of Androscoggin was granted unanimous consent to address the Senate.

Mr. BOISVERT: Mr. President and members of the Senate: As you well know, yesterday was election day in the City of Lewiston and two members of this Senate were seeking seats on the city council, and I am happy to say that both of them were successful. Senator Couture has received a mandate for his eleventh term as councilman or alderman for Ward 6 in the City of Lewiston, and Senator Jacques, although it is his first term, has served as alderman in Ward 7; previously he has served six years as an alderman and two years as Mayor of the City of Lewiston. I do believe that congratulations are in order, and I wish that this be entered in the records. Thank you. (Applause)

Senate at Recess awaiting Papers from the House.

Senate called to order by the President.

Additional paper from the House, out of order and under the suspension of the rules.

Bill, "An Act Increasing Number of Superintending School Committee of Town of Milo." (S. P. 249) (L. D. 623)

In Senate, February 14, Passed to Be Engrossed.

Comes from the House Passed to Be Engrossed, as amended by House Amendment "A", in non-concurrence.

Senate voted to recede and concur and the bill was passed to be engrossed as amended by House Amendment "A".

#### Orders of the Day

On motion by Mr. Stilphen of Knox, the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be enacted (Item 8-31) Bill, "An Act Relating to Rules and Regulations in Fishing" (S. P. 60) (L. D. 110); and on further motion by the same Senator, the bill was laid upon the table pending enactment and was especially assigned for March 5th.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table, Item 14, S. P. 451, Bill, "An Act Relating to Defenses for Employers Employing Five or Less Workmen Under Workmen's Compensation Law", tabled on February 12 by that Senator pending reference to a committee; and on further motion by the same Senator, the bill was referred to the Committee on Labor.

Sent down for concurrence.

On motion by Mr. Edmunds of Aroostook,

Adjourned until tomorrow morning at ten o'clock.