

# 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**

Wednesday, March 6, 1963

Senate called to order by the President.

Prayer by Rev. Ross E. Hinshaw of Augusta.

On motion by Mrs. Sproul of Lincoln, the Journal of yesterday was read and approved.

The PRESIDENT: Consistent with custom, the Chair is happy to appoint the Senator from Hancock, Senator Brown, as President pro tem for today's session.

The Sergeant-at-Arms escorted the Senator to the rostrum, amidst the applause of the Senate.

**House Papers****Non-concurrent matters**

Bill, "An Act Providing a State-wide Limit on Certain Fish." (H. P. 33) (L. D. 57)

In Senate, January 31, passed to be engrossed as amended by Committee Amendment "A".

Comes from the House, Indefinitely Postponed in non-concurrence.

In the Senate, that Body voted to recede and concur.

Divided Report from the Committee on State Government on Bill, "An Act Creating a Bureau of Corrections within Department of Mental Health and Corrections." (S. P. 123) (L. D. 351)

In Senate, February 27, Minority Ought to Pass Report read and accepted.

Comes from the House Majority Ought not to pass Report read and accepted in non-concurrence.

In the Senate, on motion by Mr. Whittaker of Penobscot, tabled until later in today's session pending consideration.

**Communication**

STATE OF MAINE  
SENATE CHAMBER  
Augusta

March 6, 1963

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 Joint Select

Committee to Study the Functioning of the Department of Economic Development, created on February 13, 1963, by Joint Order S. P. 304, As Amended by House Amendment "A".

Respectfully submitted,  
SHELTON C. NOYES,  
Chairman

(S. P. 525)

Which was read and accepted, and with the accompanying report was ordered placed on file.

Sent down for concurrence.

**Senate Papers****Resolves for reference**

The following 6 Resolves which implement a report of the Constitutional Commission:

Mr. Whittaker of Penobscot presented, Resolve, Proposing an Amendment to the Constitution Relating to Authority of Governor as Commander in Chief. (S. P. 528)

Mr. Farris of Kennebec presented, Resolve, Proposing an Amendment to the Constitution to Revise Article VI Relating to the Judicial Power. (S. P. 529)

The same Senator presented, Resolve Proposing an Amendment to the Constitution Designating Procedure for Determining the Election of Governor. (S. P. 530)

Mr. Edmunds of Aroostook presented Resolve, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (S. P. 531)

Mr. Campbell of Kennebec presented, Resolve, Proposing an Amendment to the Constitution to Prohibit the Unreasonable Interception of Telephone, Telegraph and Other Electronic Communications. (S. P. 532)

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

Sent down for concurrence.

**Orders**

Mr. Farris of Kennebec presented the following order and moved its passage:

ORDERED, the House concurring, that the Judiciary Committee report on I.B. 1, "An Act to Authorize the Construction of a Cause-

way connecting Cousins Island with Littlejohn's Island and a Bridge and C a u s e w a y connecting Littlejohn's with Chebeague Island" be recalled to the Senate from the legislative files.

Read and passed.

Sent down for concurrence.

### Committee Reports — House

#### Leave to Withdraw

The Committee on Agriculture on Bill, "An Act Increasing Consumer Membership on the Maine Milk Commission." (H. P. 890) (L. D. 1297) reported that the same should be granted Leave to Withdraw.

The Committee on Health and Institutional Services on Bill, "An Act Relocating Boys Training Center at Presque Isle." (H. P. 438) (L. D. 643) reported that the same should be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Relating to Disability from Improper Use or Handling of Pesticides." (H. P. 820) (L. D. 1207) reported that the same should be granted Leave to Withdraw.

The Committee on Municipal Affairs on Bill, "An Act to Incorporate the Town of Caribou School District." (H. P. 540) (L. D. 757) reported that the same should be granted Leave to Withdraw.

The Committee on Transportation on Bill, "An Act Relating to Snow Tires or Chains for Motor Vehicles." (H. P. 559) (L. D. 774) reported that the same should be granted Leave to Withdraw.

#### Ought Not to Pass

The Committee on Inland Fisheries and Game on Bill, "An Act Changing Name of Inland Fish and Game Wardens to Conservation Officers." (H. P. 587) (L. D. 825) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Regulating Trapping on Reynolds Brook, Washington County." (H. P. 643) (L. D. 899) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Providing for a Bounty on Bears." (H. P. 585) (L. D. 823) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Prohibiting Use of Any Electronic Device While Hunting Deer." (H. P. 812) (L. D. 1199) reported that the same Ought not to pass.

The Committee on State Government on Resolve, Authorizing Treasurer of State to Convey Certain Island in Penobscot County. (H. P. 614) (L. D. 849) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Providing for Disposal of Unnecessary Real Estate and Appurtenances Belonging to State of Maine." (H. P. 508) (L. D. 710) reported that the same Ought not to pass.

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

The Committee on Taxation on Bill, "An Act Eliminating Certain Exemptions Under Sales Tax Law." (H. P. 513) (L. D. 715) reported that the same Ought not to pass.

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

The Committee on Taxation on Bill, "An Act Relating to Taxation of Corporate Franchise Tax." (H. P. 556) (L. D. 771) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

#### Ought to Pass

The Committee on Business Legislation on Bill, "An Act to Reduce the Cost of Renewal Fees for Cinematograph Operators' Licenses." (H. P. 720) (L. D. 1049) reported that the same Ought to pass.

The Committee on Inland Fisheries and Game on Resolve, Regulating Fishing in St. Croix River, Washington County. (H. P. 372) (L. D. 545) reported that the same Ought to pass.

The Committee on State Government on Bill, "An Act Placing Employees of Maine Port Authority Under Personnel Law." (H. P. 504) (L. D. 706) reported that the same Ought to pass.

The Committee on Towns and Counties on Bill, "An Act Relating to Expending Aroostook County Funds for Maine Potato Blossom Festival." (H. P. 72) (L. D. 34) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Expending Aroostook County Funds for Ricker College." (H. P. 557) (L. D. 772) reported that the same Ought to pass.

The same Committee on Bill, "An Act Increasing Number of Medical Examiners in Aroostook County." (H. P. 707) (L. D. 963) 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.

#### Ought to Pass — As Amended

The Committee on Business Legislation on Bill, "An Act Relating to Fees of Quasi-Public Corporations." (H. P. 630) (L. D. 886) reported that the same Ought to pass as amended by Committee Amendment "A" (H-70)

The Committee on Inland Fisheries and Game on Resolve, Regulating Fishing in Howard Pond, Hanover, Oxford County. (H. P. 534) (L. D. 751) reported that the same Ought to pass as amended by Committee Amendment "A" (H-73)

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

The Committee on State Government on Bill, "An Act Relating to the Duties of Department of Labor and Industry Regarding Industrial Safety." (H. P. 503) (L. D. 705) reported that the same Ought to pass as amended by Committee Amendment "A" (H-52)

(On motion by Mr. Edmunds of Aroostook, tabled pending acceptance of the report and especially assigned for tomorrow.)

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

#### Ought to Pass — New Draft

The Committee on State Government on Bill, "An Act Relating to Appointment of Director of Transportation and General Counsel under Public Utilities Commission." (H. P. 684) (L. D. 940) reported

that the same Ought to pass in New Draft, under same title. (H. P. 985) (L. D. 1427)

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

The Committee on Municipal Affairs on Bill, "An Act Relating to Superintending School Committee of Town of Baileyville." (H. P. 389) (L. D. 588) reported that the same Ought to pass in New Draft under title of "An Act Increasing Number of Superintending School Committee of Town of Baileyville." (H. P. 986) (L. D. 1428)

Which report was read and accepted, and on motion by Mr. Edmunds of Aroostook, the rules were suspended and the bill given its two several readings and passed to be engrossed.

#### Committee Reports — House

Majority — Ought to Pass

Minority — Ought Not to Pass

The Majority of the Committee on Election Laws on Bill, "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities." (H. P. 97) (L. D. 141) reported that the same Ought to pass.

(Signed)

Senators:

BROOKS of Cumberland  
FARRIS of Kennebec  
STITHAM of Somerset

Representatives:

CROCKETT of Freeport  
HARRINGTON of Dexter  
MATHIESON of Montville

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

Representatives:

BINNETTE of Old Town  
VILES of Anson  
BROWN of Fairfield

Comes from the House, Reports and Bill Indefinitely Postponed.

In the Senate, on motion by Mr. Lovell of York, the Majority Ought to pass Report was accepted in non-concurrence and the bill read once; on further motion by the same Senator, the bill was then tabled pending assignment for second reading.

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

The Majority of the Committee on Highways on Resolve, Providing for a Traffic Blinker in the Town of Orland. (H. P. 368) (L. D. 531) reported that the same Ought not to pass.

(Signed)

Senators:

COLE of Waldo  
 FERGUSON of Oxford

Representatives:

ROSS of Brownville  
 NADEAU of Biddeford  
 TURNER of Auburn  
 CARTER of Etna  
 DRAKE of Bath  
 CROCKETT of Freeport

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

(Signed)

Senator:

BROWN of Hancock

Comes from the House, Majority Ought not to pass report accepted.

In the Senate, the Majority Ought not to pass Report was accepted in concurrence.

**Committee Reports — Senate**

**Ought to Pass**

Mr. Boisvert from the Committee on Claims on Resolve, in Favor of Town of Arrowsic. (S. P. 141) (L. D. 418) reported that the same Ought to pass.

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

**Ought to Pass — As Amended**

Mr. Whittaker from the Committee on Health and Institutional Services on Bill, "An Act Relating to Expenses of Examination and Commitment of the Mentally Ill." (S. P. 101) (L. D. 238) reported that the same Ought to pass as amended by Committee Amendment "A" (S-46)

Mr. Hinds from the same Committee on Bill, "An Act Revising Laws Relating to Juvenile Training Centers." (S. P. 292) (L. D. 865) reported that the same Ought to

pass as amended by Committee Amendment "A" (S-45)

Which reports were read and accepted, Amendments "A" were read once and tomorrow assigned for second reading.

**Second Readers**

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

**House**

Bill, "An Act Relating to Escapes from Custody of Police Officers." (H. P. 982) (L. D. 1421)

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

**House — As Amended**

Bill, "An Act to Create a Recess Committee to Study the Desirability and Need of Establishing a Department of Rehabilitation." (H. P. 501) (L. D. 703)

Resolve, Granting a Right of Way by the State to Catherine L. Howell of Cape Elizabeth. (H. P. 509) (L. D. 711)

Resolve, Regulating Fishing in Pleasant Pond, Island Falls and Township 4 Range 3, Aroostook County. (H. P. 536) (L. D. 753)

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

**Senate**

Bill, "An Act to Amend the Charter of the City of Calais to Provide for the Acquisition of a Water System by the City of Calais." (S. P. 118) (L. D. 346)

Bill, "An Act Relating to Hours of Employment in Nursing Homes." (S. P. 177) (L. D. 476)

Bill, "An Act Relating to the Taxation of Railroad Land and Buildings." (S. P. 192) (L. D. 491)

Bill, "An Act Relating to the Governor Baxter State School for the Deaf." (S. P. 289) (L. D. 862)

Bill, "An Act Relating to Place of Residence of Superintendents of State Hospitals." (S. P. 291) (L. D. 864)

Bill, "An Act Relating to Permits for Contract Carriers." (S. P. 332) (L. D. 997)

Bill, "An Act to Allow Temporary Authority for Motor Carrier Opera-

tions on Assignment and Transfer." (S. P. 333) (L. D. 998)

Bill, "An Act Relating to Identification of Authorized Carrier Vehicles." (S. P. 431) (L. D. 1174)

Bill, "An Act Relating to State Police Retirement Benefits Under the Maine State Retirement System." (S. P. 457) (L. D. 1284)

Bill, "An Act Relating to Registration of Motor Vehicles Required to be Registered in Another State by Maine Residents." (S. P. 345) (L. D. 1010)

Bill, "An Act Prohibiting a General Contractor to Bid Unless Able to Perform Part of Work." (S. P. 523) (L. D. 1438)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act Relating to Counsel for Indigent Persons in Criminal Cases." (S. P. 507) (L. D. 1423)

Bill, "An Act Creating the Damariscotta Sewage District." (S. P. 253) (L. D. 627)

Bill, "An Act Amending Certain Statutes Relating to Licensed Small Loan Agencies." (S. P. 353) (L. D. 1019)

Bill, "An Act Relating to Certain Advertising Signs Erected on the Interstate System." (S. P. 359) (L. D. 1025)

Which were read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

#### Enactors

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

Bill, "An Act Enlarging the Territory of the Parsonsfield Ke z a r Falls Village Corporation." (S. P. 119) (L. D. 347)

Bill, "An Act Relating to Fees and Exceptions Under Law Regulating Nursing." (S. P. 135) (L. D. 422)

Bill, "An Act to Incorporate the Maine Ski Council." (S. P. 178) (L. D. 477)

Bill, "An Act Exempting Swine Under Four Months of Age from Taxation." (H. P. 135) (L. D. 178)

Bill, "An Act Relating to Stuffed Toys." (H. P. 420) (L. D. 573)

Bill, "An Act Providing for Penalty for Violating Ordinances for Protection of Pedestrians." (H. P. 596) (L. D. 834)

Bill, "An Act Relating to Change of Purposes of Mutual Insurance Companies." (H. P. 626) (L. D. 882)

Bill, "An Act Relating to Insurance by Mutual Companies." (H. P. 627) (L. D. 883)

Bill, "An Act Increasing License Fee for Insurance Rating Organizations." (H. P. 628) (L. D. 884)

Bill, "An Act Providing the Laws Relating to Employee Benefit Plans of Domestic Insurance Companies." (H. P. 629) (L. D. 885)

Bill, "An Act Relating to Reciprocity Under Financial Responsibility Law." (H. P. 153) (L. D. 204)

Resolve, in Favor of Arthur J. Willey, Sr. of Bethel for Damage to Water Supply. (H. P. 269) (L. D. 363)

(On motion by Mr. Cole of Waldo, placed on the Special Highway Appropriations Table.)

Resolve, Limiting Carrabasset River to Fly Fishing Only. (H. P. 289) (L. D. 383)

Resolve, Authorizing the Building of a Private Road Across Portion of Mousam Lake, York County. (H. P. 446) (L. D. 800)

#### Emergency

Bill, "An Act Appropriating Funds for Renovation of Buildings and Purchase of Equipment at North-eastern Maine Vocational Institute." (H. P. 173) (L. D. 242)

Which received the affirmative vote of 30 members.

#### Emergency

Bill, "An Act to Authorize the Municipalities of Eastbrook and Waltham to Form a School Administrative District." (H. P. 329) (L. D. 456)

Which received the affirmative vote of 29 members.

#### Emergency

Bill, "An Act Relating to Classifying Part of Medomak River and Certain Waters In and Bordering Waldoboro." (H. P. 390) (L. D. 589)

Which received the affirmative vote of 30 members.

These Bills being emergency measures and having received the affirmative votes as indicated, were passed to be enacted.

On motion by Mr. Edmunds of Aroostook,

Recessed for five minutes.

#### After Recess

The President pro-tem called the Senate to order.

#### Orders of the Day

The President pro-tem laid before the Senate the 1st tabled and today assigned item (S. P. 182) (L. D. 481) Bill, "An Act Relating to Work Permits for Minors Under Sixteen Years of Age"; tabled on February 27 by Senator Kimball of Hancock pending assignment for second reading; and that Senator moved the pending question.

The bill was tomorrow assigned for second reading.

The President pro-tem laid before the Senate the 2nd tabled and today assigned item (S. P. 164) (L. D. 440) Bill, "An Act Providing County Funds for Insurance for Firemen"; tabled on February 28 by Senator Brown of Hancock pending passage to be engrossed; and on motion by Mr. Edmunds of Aroostook, the bill was passed to be engrossed.

Sent down for concurrence.

The President pro tem laid before the Senate Item 1-2, Divided Report from the Committee on State Government on Bill, "An Act Creating a Bureau of Corrections within Department of Mental Health and Corrections," (S. P. 124) (L. D. 351) which was tabled earlier in today's session by the Senator from Penobscot, Senator Whittaker, pending acceptance of either report.

Mr. WHITTAKER of Penobscot: Mr. President, I move that the Senate insist on its previous action in regard to L. D. 351 and request a Committee of Conference.

In support of this motion, may I remind the members of the Senate that this is legislation requested by the Governor; provision is made

in the Supplemental Budget for this particular legislation; it has the support of the Advisory Committee of the Department of Mental Health and Corrections.

This is not a bill to establish a new department but rather it is a bill to complete the development of a department by the establishment of a Director of Corrections as a counterpart to the already established position of Director of Mental Health.

I suggest that there is no more important function of the State Legislature than to provide adequate care for those who are the inhabitants of our correctional institutions. We have a tendency to forget those who are less fortunate than we. I am anxious that this legislation pass so that we may employ the services of a penologist on behalf of those who are living in our correctional institutions.

The motion prevailed and the Senate voted to insist upon its former action and request a Committee of Conference, and the President pro-tem appointed the Committee of Conference:

Senators:

WHITTAKER of Penobscot  
LOVELL of York  
CAMPBELL of Kennebec.

On motion by Mr. Boardman of Aroostook, the Senate voted to take from the table the 22nd tabled item, (H. P. 219) (L. D. 288) House Report, Ought to Pass in New Draft under same title on Bill, "An Act Relating to Prohibition Against Loitering on Private Property or Peeking Therein (H. P. 88) (L. D. 1184); tabled on February 20 by Senator Boardman of Washington pending consideration.

Mr. BOARDMAN of Washington: Mr. President, I would like to speak very briefly in regard to this bill.

This bill, of course, has had a little bit of attention in this legislature, and I would like to say that the word "peeking" of course brings up much joviality as far as members are concerned. However, this particular bill does fill a need because at the present time there is not on the books adequate legislation to take care of this matter.

I have never been a county attorney, so therefore I do not know



too much about it from that standpoint. However, it is my understanding that this does take care of a void, it is necessary, and I move that we accept the majority "Ought to pass" report of the Judiciary Committee.

Thereupon, the Ought to Pass report was accepted in non-concurrence, the bill read once and tomorrow assigned for second reading.

Mr. FARRIS of Kennebec: Mr. President, if my memory serves me correctly, there is a House Amendment accompanying this bill and at this time I would move that the

Senate reconsider assignment and adopt House Amendment A.

The motion prevailed and the Senate voted to reconsider its action just taken whereby the bill was tomorrow assigned for second reading; House Amendment A (H-33) was read and adopted in non-concurrence and the bill as amended was tomorrow assigned for second reading.

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On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow afternoon at 1:30.