

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, April 9, 1963

The Senate was called to order by the President.

Prayer by the Rev. Alton E. Maxwell of Augusta.

On motion by Mr. Couture of Androscoggin, the Journal of April 5 was read and approved.

The PRESIDENT: The Senate is happy to welcome in the Chamber today three students who are in the United States for a year under the auspices of the American Field Service.

Irene Richter is from Stuttgart, Germany and is a senior at Brewer High School. Katharina Steinhauer is from Spiez, Switzerland, and Simon Kjaernested is from Reykjavik, Iceland. Kathi and Simon are attending Bangor High School.

Would these students please rise? May I introduce you to the members of the Senate for your particular area: Senator Harrington, Penobscot County, Senator Whittaker, Senator Atherton and Senator Philbrick.

We are happy to have you here. (Applause)

The Senate is also happy to welcome in the Senate Chamber 91 students from Monmouth Memorial Junior High School with their teachers, Henry Cottrell, Frank Barrett, Marjorie Ham, and Robert Murphy, and parents Mr. and Mrs. Ward, Mrs. Cottrell and Mrs. Folsom.

May I introduce to you the Senators from Kennebec County: Senator Campbell, Senator Farris and myself. We are happy to have you here. (Applause)

And last but not least, 23 members of the 8th Grade of the Jefferson Village School who are present here today in the Senate Chamber. They are accompanied by their Principal, Mrs. Edna Parlin.

We are happy to welcome you here and we hope that you find these proceedings enjoyable. May I introduce to you the Senator from your county, the good County of Lincoln, Senator Sproul. (Applause)

Papers from the House

Non-concurrent matters

Bill, "An Act Relating to Interference or Destruction of Transit Points and Monuments." (S. P. 474) (L. D. 1326)

In Senate, April 2, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A in non-concurrence. (H-210)

In the Senate, on motion by Mr. Cram of Cumberland, the Senate voted to recede and concur.

Bill, "An Act Relating to Illegal Manufacture of Liquor." (S. P. 394) (L. D. 1097)

In Senate, March 20, passed to be engrossed as amended by Committee Amendment A (S-74)

Comes from the House Indefinitely Postponed in non-concurrence.

In the Senate, on motion by Mr. Farris of Kennebec, tabled pending consideration and especially assigned for later in today's session.

Bill, "An Act to Revise Certain Motor Vehicle Laws." (S. P. 346) (L. D. 1011)

In Senate, March 19, passed to be engrossed as amended by Committee Amendment A (S-68)

Comes from the House passed to be engrossed, as amended by Committee Amendment A and by House Amendment A (H-157) in non-concurrence.

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

Divided Report from the Committee on Retirements and Pensions on Resolve Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens. (S. P. 255) (L. D. 629) Majority — Ought to Pass; Minority — Ought Not to Pass.

In Senate, March 27, passed to be engrossed as amended by Senate Amendment A (S-82)

Comes from the House, Reports and Bill recommitted to the Committee on Retirements and Pensions in non-concurrence.

In the Senate, on motion by Mrs. Sproul of Lincoln tabled pending consideration, and especially assigned for tomorrow.

Bill, "An Act Relating to Services for Locating Deserting Parents and Other Persons Liable for Support of Dependents." (S. P. 490) (L. D. 1342)

In Senate, March 27, passed to be engrossed, as amended by Committee Amendment A.

Comes from the House, passed to be engrossed, without amendment, in non-concurrence.

In the Senate, on motion by Mr. Atherton of Penobscot, the Senate voted to recede and concur.

Bill, "An Act Providing for Separate Voting Place for Connor. (H. P. 728) (L. D. 1057)

In House, March 27, recommitted to Committee on Election Laws.

In Senate, March 29, Majority — Ought not to pass Report read and accepted in non-concurrence.

Comes from the House, that body having insisted, and asked for a Committee of Conference.

In the Senate, that Body voted to insist on its former action and join in the Committee of Conference. The President appointed as Senate conferees, Senators: Brooks of Cumberland, Stitham of Somerset and Farris of Kennebec.

The PRESIDENT: The Chair is happy to recognize in the Senate Chamber 20 students from Milbridge High School, which is a long way from here, with their teachers Mrs. Tucker and Mr. Drisko. May I likewise welcome this group and recognize to you the Senators from Washington County: Senator Wyman and Senator Boardman. (Applause)

Bill for Reference

Bill, "An Act to Authorize the Municipalities of Ashland, Garfield Plantation and Portage Lake to Suspend the Operation of Ashland Community School District and Reorganize as a School Administrative District." (H. P. 1036) (L. D. 1504)

Which was referred to the Committee on Education in concurrence.

Communications

The Civil War Centennial Commission submitted its Report for November 7, 1959 — January 3, 1963.

Which was read and ordered placed on file.

Sent down for Concurrence.

(S. P. 566)

STATE OF MAINE HOUSE OF REPRESENTATIVES OFFICE OF CLERK

Augusta

April 5, 1963

Hon. Chester T. Winslow

Secretary of Senate

101st Legislature

Sir:

Today the Speaker of the House appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on H. P. 544, L. D. 801, "An Act Relating to Establishment of a Personnel Law for Certain Employees of the City of Lewiston."

Messrs: JALBERT of Lewiston

COTE of Lewiston

WELLMAN of Bangor

Very truly yours,

HARVEY R. PEASE

Clerk of the House

HRP-sr

Which was read and ordered placed on file.

Orders

On motion by Mr. Edmunds of Aroostook

ORDERED, the House concurring, that the President of the Senate, the Speaker of the House, and the Majority and Minority Leaders, and Assistant Leaders, of the Senate and House be and hereby are authorized during the current biennium to attend the conferences of the National Conference of State Legislative Leaders; and that their necessary expenses be paid from the Legislative Appropriation; and be it further

ORDERED, that the dues of the State of Maine for membership in said conference be paid from the Legislative Appropriation. (S. P. 567)

Which was read and passed.

Sent down for concurrence.

On motion by Mr. Edmunds of Aroostook

ORDERED, that the President of the Senate be authorized to appoint

a Courier for the Senate for the remainder of the current session.

Committee Reports — House

Leave to Withdraw

The Committee on Retirements and Pensions on Bill, "An Act Relating to Restoration to Service Under Maine State Retirement Law." (H. P. 679) (L. D. 935) reported that the same should be granted Leave to Withdraw.

The Committee on Towns and Counties on Bill, "An Act Relating to Use of Town Highway Equipment on Private Ways." (H. P. 75) (L. D. 37) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorney of Penobscot County." (H. P. 76) (L. D. 38) reported that the same should be granted Leave to Withdraw — covered by other legislation.

The same Committee on Bill, "An Act Increasing Salary of County Attorney of Sagadahoc County." (H. P. 697) (L. D. 953) reported that the same should be granted Leave to Withdraw — covered by other legislation.

The same Committee on Bill, "An Act Increasing Salary of County Attorney of Somerset County." (H. P. 702) (L. D. 958) reported that the same should be granted Leave to Withdraw — covered by other legislation.

The same Committee on Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorney of Aroostook County." (H. P. 705) (L. D. 961) reported that the same should be granted Leave to Withdraw—covered by other legislation.

The same Committee on Bill, "An Act Increasing Salary of County Attorney of York County." (H. P. 851) (L. D. 1238) reported that the same should be granted Leave to Withdraw — covered by other legislation.

Ought Not to Pass

The Committee on Transportation on Bill, "An Act Relating to the Licensing of Motor Vehicle Manufacturers, Distributors and Whole-

salers." (H. P. 954) (L. D. 1388) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Width of Motor Vehicles and Trailers." (H. P. 711) (L. D. 967) reported that the same Ought not to pass — covered by other legislation.

Which reports were read and accepted in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on Resolve, Authorizing Completion and Printing of a Digest of the Opinions of the Law Court. (H. P. 183) (L. D. 252) reported that the same Ought to pass.

The same Committee on Resolve, to Purchase Fifty Copies of "The History of Augusta." (H. P. 184) (L. D. 253) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to State Budget Estimates." (H. P. 320) (L. D. 437) reported that the same Ought to pass.

The Committee on State Government on Bill, "An Act Providing for Lease by Maine State Park and Recreation Commission to Mt. Blue Ski Corporation." (H. P. 1014) (L. D. 1470) 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.

The Committee on Taxation on Bill, "An Act Exempting Certain Fraternal Societies from Property Taxes." (H. P. 844) (L. D. 1231) reported that the same Ought to pass.

Comes from the House, report accepted, and the Bill passed to be engrossed as amended by House Amendment A (H-206)

In the Senate, the report was read and accepted in concurrence and the bill read once. House Amendment A was read, and on motion by Mr. Brown of Hancock, the bill was tabled pending adoption of House Amendment A and was especially assigned for later in today's session.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on Resolve, Appropriating Money for Preparation of Court Rules of Criminal Procedure. (H. P. 182) (L. D. 251) reported that the same Ought to pass, as amended by Committee Amendment A (H-193)

The Committee on Municipal Affairs on Bill, "An Act Increasing Compensation of Mayor and Councilmen of City of Biddeford." (H. P. 124) (L. D. 168) reported that the same Ought to pass, as amended by Committee Amendment A (H-198)

The same Committee on Bill, "An Act Increasing Debt Limit of Stonington School District." (H. P. 1008) (L. D. 1459) reported that the same Ought to pass, as amended by Committee Amendment A (H-197)

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

The same Committee on Legal Affairs on Bill, "An Act Relating to Notice to Town of Settlement When Persons Found Destitute." (H. P. 783) (L. D. 1136) reported that the same Ought to pass, as amended by Committee Amendment A (H-136)

Comes from the House, passed to be engrossed as amended by Committee Amendment A and by House Amendment A. (H-201)

In the Senate, on motion by Mr. Ferguson of Oxford, tabled pending acceptance of the report, and especially assigned for Friday, April 19.

Ought to Pass in New Draft — New Title

The Committee on Municipal Affairs on Bill, "An Act Relating to Temporary Loans by the City of Old Town for the Year 1963." (H. P. 980) (L. D. 1419) reported that the same Ought to pass in New Draft, Under Title of: "An Act Relating to Temporary Loans by the City of Old Town." (H. P. 1032) (L. D. 1496)

Which report was read and accepted in concurrence, the Bill, in

New Draft, read once and tomorrow assigned for second reading.

Divided Report

Report A — Ought to Pass

Report B — Ought Not to Pass

Five members of the Committee on Labor on Recommended Bill, "An Act Relating to Employment of Minors Under Eighteen Years of Age." (H. P. 377) (L. D. 552) reported in Report A that the same Ought to pass.

(Signed)

Senators:

HINDS of Cumberland

COUTURE of Androscoggin

Representatives:

EWER of Bangor

BROWN of South Portland

NOEL of Waterville

Five members of the same Committee on the same subject matter reported in Report B that the same Ought not to pass.

(Signed)

Senator:

JOHNSON of Somerset

Representatives:

PRINCE of Oakfield

GIFFORD of Manchester

MENDES of Topsham

DUNN of Denmark

Comes from the House, reports and Bill indefinitely postponed.

In the Senate:

Mr. JOHNSON of Somerset: Mr. President, I move acceptance of Report B.

Thereupon, on motion by Mr. Couture of Androscoggin, the bill was tabled pending motion by Mr. Johnson of Oxford to accept the Ought Not to Pass Report B.

Report A — Ought to Pass

Report B — Ought Not to Pass

Five members of the Committee on Appropriations and Financial Affairs on Resolve, Providing Funds for Research on Marine Vegetation Utilization. (H. P. 359) (L. D. 533) reported in Report A that the same Ought to pass.

(Signed)

Senator:

PORTEOUS of Cumberland

Representatives:

PIERCE of Bucksport

BRAGDON of Perham

JALBERT of Lewiston
MINSKY of Bangor

Five members of the same Committee on the same subject matter reported in Report B that the same Ought not to pass.

(Signed)

Senators:

EDMUNDS of Aroostook
CAMPBELL of Kennebec

Representatives:

HUMPHREY of Augusta
EDWARDS of Raymond
SMITH of Falmouth

Comes from the House, Report A Ought to pass read and accepted, and the Bill passed to be engrossed.

In the Senate, Report A, Ought to Pass, was read and accepted in concurrence, the bill read once and tomorrow assigned for second reading.

Majority — Ought Not to Pass
Minority — Ought to Pass

The Majority of the Committee on Agriculture on Recommended Bill, "An Act Revising Price Controls on Milk." (H. P. 889) (L. D. 1296) reported that the same Ought not to pass.

(Signed)

Senators:

CYR of Aroostook
PIKE of Oxford
HARRINGTON of Penobscot

Representatives:

WARD of Limestone
BOOTHBY of Livermore
MOWER of Bangor
COULTHARD
of Scarborough
MEISNER
of Dover-Foxcroft

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

(Signed)

Representative:

DENBOW of Lubec

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

In the Senate, on motion by Mr. Pike of Oxford, the Majority Ought Not to Pass Report was accepted in concurrence.

Majority — Ought Not to Pass
Minority — Ought to Pass

The Majority of the Committee on Business Legislation on Bill, "An Act Concerning the Practice of Public Accountancy." (H. P. 722) (L. D. 1051) reported that the same Ought not to pass.

(Signed)

Senators:

BROWN of Hancock
SPROUL of Lincoln

Representatives:

MACLEOD of Brewer
VAUGHN of Peru
SCOTT of Wilton
KARKOS of Lisbon

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

(Signed)

Senator:

JOHNSON of Somerset

Representatives:

WATKINS of Windham
BLOUIN of Sanford
OBERG of Bridgton

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

In the Senate, on motion by Mr. Brown of Hancock, the Majority Ought Not to Pass Report was accepted in concurrence.

Majority — Ought Not to Pass
Minority — Ought to Pass

The Majority of the Committee on Welfare on Bill, "An Act Relating to Licensing Homes for Unwed Mothers." (H. P. 861) (L. D. 1248) reported that the same Ought not to pass.

(Signed)

Senators:

HINDS of Cumberland
BREWSTER of York

Representatives:

WALTZ of Waldoboro
KENT of Benton
HENRY of North Yarmouth
MacLEOD of Brewer

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

(Signed)

Senator:

HARRINGTON of Penobscot

Representatives:

ANDERSON of Orono
GIROUX of Brunswick
BIRT of East Millinocket

Comes from the House, Majority
—Ought not to pass Report accept-
ed.

In the Senate, on motion by Mrs.
Harrington of Penobscot, the Senate
voted to accept the Majority Ought
Not to Pass Report in concurrence.

The PRESIDENT: The Chair is
happy to recognize in the Senate
gallery today Mr. David Mattson
with 53 Senior students in American
History from Skowhegan High
School. You are welcome here and
we are glad to have you.

May I introduce to you the Sen-
ators representing your county: Sen-
ator Johnson and Senator Stitham.
(Applause)

Committee Reports — Senate

Leave to Withdraw

Mr. Atherton from the Committee
on Retirements and Pensions on Re-
solve, Providing for an Increase in
State Pension for Leeman Grant of
Columbia Falls. (S. P. 499) (L. D.
1396) reported that the same should
be granted Leave to Withdraw.

Which report was read and ac-
cepted.

Sent down for concurrence.

Ought to Pass

Mr. Harrington from the Commit-
tee on Public Utilities on Bill, "An
Act Relating to Right of Electric
Power Companies to take Lands for
Lines by Right of Eminent Domain."
(S. P. 395) (L. D. 1098) reported
that the same Ought to pass.

(On motion by Mr. Boardman of
Washington, tabled pending accept-
ance of the report, and especially
assigned for April 17.)

Mr. Boisvert from the same Com-
mittee on Bill, "An Act Relating to
Crossing Railroad Right-of-way by
Water Utility." (S. P. 396) (L. D.
1099) reported that the same Ought
to pass.

The same Senator from the same
Committee on Bill, "An Act Re-
lating to Transportation of House-
hold Goods for Hire by a Common
Carrier." (S. P. 455) (L. D. 1282)
reported that the same Ought to
pass.

Mr. Ferguson from the Commit-
tee on Transportation on Bill, "An
Act Relating to Temporary Regis-
tration Permits for Certain Motor
Vehicles and Special Permits for
Other Vehicles." (S. P. 440) (L. D.
1183) reported that the same Ought
to pass.

Which reports were read and ac-
cepted, the Bills read once and to-
morrow assigned for second read-
ing.

Ought to Pass in New Draft — New Title

Mr. Atherton from the Committee
on Legal Affairs on Bill, "An Act
Increasing Fee for Solemnization of
Marriages." (S. P. 63) (L. D. 113)
reported that the same Ought to
pass in New Draft, under title; "An
Act Repealing Fee for Solemniza-
tion of Marriages." (S. P. 565)

Which report was read and ac-
cepted, and the Bill, in New Draft
read once and tomorrow assigned
for second reading.

Majority — Ought to Pass Minority — Ought Not to Pass

The Majority of the Committee on
Highways on Bill, "An Act Continu-
ing Use of State Aid and Town
Road Improvement Funds." (S. P.
386) (L. D. 1089) reported that the
same Ought to pass.

(Signed)

Senators:

COLE of Waldo
FERGUSON of Oxford
BROWN of Hancock

Representatives:

DRAKE of Bath
ROSS of Brownville
CROCKETT of Freeport
DENBOW of Lubec

The Minority of the same Com-
mittee on the same subject matter
reported that the same Ought not
to pass.

(Signed)

Representatives:

TURNER of Auburn
NADEAU of Biddeford
CARTER of Etna

On motion by Mr. Ferguson of
Oxford, the bill and reports were
tabled pending acceptance of either
report and were especially assigned
for April 16.

Second Readers**House**

Bill, "An Act to Extend Contracts for School Conveyance from Three to Five Years." (H. P. 637) (L. D. 893)

Bill, "An Act Relating to Income from Ministerial and School Fund in Determining Educational Foundation Program Allowance." (H. P. 762) (L. D. 1116)

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

Bill, "An Act Relating to Licensing of Mortuary Assistants and Rules and Regulations of the Board of Examiners of Funeral Directors and Embalmers." (H. P. 733) (L. D. 1062)

Bill, "An Act Providing for Boothbay Harbor Region Area Sign on Maine Turnpike." (H. P. 103) (L. D. 147)

(On motion by Mr. Wyman of Washington, tabled pending passage to be engrossed.)

Bill, "An Act Prohibiting Sale or Purchase of Military Decorations." (H. P. 859) (L. D. 1246)

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

Senate

Resolve, Increasing Retirement Benefit of Irving W. Small of Milbridge. (S. P. 256) (L. D. 630)

Bill, "An Act Relating to Unexpended Excise Taxes on Sardines." (S. P. 335) (L. D. 1000)

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

Sent down for concurrence.

As Amended

Bill, "An Act to Correct the Name of Heron Lake Dam Company and Relating to Its Powers." (S. P. 281) (L. D. 795)

Which was read a second time, and on motion by Mrs. Harrington of Penobscot was tabled pending passage to be engrossed.)

Enactors

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

Bill, "An Act to Reconstitute School Administrative District No. 20." (H. P. 365) (L. D. 538)

Bill, "An Act Relating to Exemption from Taxation of Property of the United States." (H. P. 5112) (L. D. 714)

Bill, "An Act Relating to Election and Term of Board of Assessors of City of Bath." (H. P. 542) (L. D. 759)

Bill, "An Act to Provide Adjustments in Pensions Being Paid to Members of the Police and Fire Departments of the City of Portland." (H. P. 535) (L. D. 761)

Bill, "An Act Amending the Charter of the City of Brewer." (H. P. 605) (L. D. 840)

Bill, "An Act Providing for Civil Service for the Old Orchard Beach Police Department." (H. P. 606) (L. D. 841)

Bill, "An Act Relating to Resident Requirements for Malt Liquor Wholesale License." (H. P. 669) (L. D. 925)

Bill, "An Act Relating to Payments in Lieu of Taxes Under Urban Renewal Authorities Law." (H. P. 674) (L. D. 930)

Bill, "An Act Relating to Height of Motor Vehicles and Trailers." (H. P. 712) (L. D. 968)

(On motion by Mr. Hinds of Cumberland, tabled pending passage to be engrossed.)

Bill, "An Act Relating to Ballot Inspection and Recount Procedures for Municipal Referendums." (H. P. 727) (L. D. 1056)

Bill, "An Act Regulating the Storage and Transportation of Frozen Foods." (H. P. 756) (L. D. 1085)

Bill, "An Act Increasing Pensions of State Employees Retired on Council Orders." (H. P. 827) (L. D. 1214)

(On motion by Mr. Edmunds of Aroostook, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act Relating to Appointment and Duties of Deputy Registers of Probate." (H. P. 927) (L. D. 1361)

Bill, "An Act Increasing Salary of Mayor, Providing Compensation of Councilmen and Providing Initiative and Referendum for City of Gardiner." (H. P. 997) (L. D. 1445)

Bill, "An Act to Create the Bureau of Maine Archives." (H. P. 1011) (L. D. 1462)

(On motion by Mr. Edmunds of Aroostook, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act Amending Certain Provisions of the Charter of the Town of Old Orchard Beach." (H. P. 1017) (L. D. 1472)

Resolve, Increasing Retirement Benefit for Georgia Dinsmore of Bath. (H. P. 14) (L. D. 10)

(On motion by Mr. Edmunds of Aroostook, placed on the Special Appropriations Table pending enactment.)

Resolve, Providing a Pension for Margaret H. Frisbee of Belfast. (H. P. 349) (L. D. 503)

(On motion by Mr. Edmunds of Aroostook, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act Relating to Marketing Order under Maine Potato Marketing Act." (S. P. 348) (L. D. 1014)

Bill, "An Act Relating to Interlocal Cooperation." (S. P. 367) (L. D. 1033)

Bill, "An Act Relating to Municipal Zoning Hearings." (S. P. 368) (L. D. 1034)

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

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

Bill, "An Act Relating to Research Studies to Reduce Morbidity or Mortality in Motor Vehicles." (S. P. 492) (L. D. 1344)

(On motion by Mr. Porteous of Cumberland, tabled pending enactment.)

Bill, "An Act Relating to Territory of the Paris Village Corporation." (S. P. 502) (L. D. 1399)

Bill, "An Act Relating to Effective Date for Salary Increase for County Officers." (S. P. 533) (L. D. 1467)

(On motion by Mr. Brown of Hancock, tabled pending enactment.)

Bill, "An Act Relating to Group Accident and Sickness Insurance for Credit Unions." (S. P. 546) (L. D. 1474)

Bill, "An Act Relating to Group Life Insurance for Credit Unions." (S. P. 547) (L. D. 1475)

Which Bills were passed to be enacted and the Resolves finally passed.

Emergency

Bill, "An Act to Incorporate the Phippsburg Cemetery District." (H. P. 552) (L. D. 767)

Which Bill, being an Emergency measure and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

The PRESIDENT: The Chair is happy to recognize in the Senate Chambers today a former Senator from Kennebec County, Bryant Hopkins of Waterville. (Applause)

Orders of the Day

The President laid before the Senate Item 1-2 Bill, "An Act Relating to Illegal Manufacture of Liquor" (S. P. 394) (L. D. 1097) tabled earlier in today's session by Senator Farris of Kennebec pending consideration.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: This particular measure, "An Act relating to Illegal Manufacture of Liquor" looked like a very harmless measure when the Liquor Commission requested that I put it into the legislative process, and all that it proposed to do, or rather all it proposes to do now as amended, is to prohibit the manufacture of any spirituous liquor.

Now I do not know much about the manufacture of any kind of liquors, but I could see when the bill was first put into the legislative process that it could cause a bit of consternation because, as drafted originally, it would have prohibited the manufacture of home brew and elderberry wine and so forth, and that was the purpose for the Committee Amendment at the request of the enforcement authorities of the Commission, that we not permit the manufacture of spirituous liquors by any person not licensed by the Liquor Commission. But the enforcement problem is this: If it is discovered that someone is manufacturing liquor, under

the present law it is impossible to do anything about it unless you can prove that they are manufacturing the liquor for sale.

I would hope that somebody in this body who may know more about this entire problem than do I — that is manufacturing and so forth — and who may be as well acquainted with the proposition as probably people are in the other body, would give some thought to this before we join with the House action in non-concurrence. I rather hesitate, and I wish somebody would bail me out, to insist and ask for a committee of conference, because maybe there is good reason why we should indefinitely postpone this bill. I would hope that somebody on the Liquor Committee who may be more conversant with this problem would explain a little more in detail as to what developed during the committee hearings which precipitated the action that this bill ought to pass.

The PRESIDENT: The Senator from Kennebec, Senator Farris, asks for help and information from any Senate member on this subject, who may answer if they choose.

Mr. KIMBALL of Hancock: Mr. President, I am not too sure about the manufacture of various forms of liquor as well as my good friend, the Senator from Kennebec. However, as we had it explained in the committee, with the amendment as added this bill simply stops the manufacture of distilled liquor such as whiskey or something of that type, whereas without the amendment it would stop the manufacture of home-made wines, or even hard cider, as far as that goes. As it was explained to us, it was a very useful bill with the amendment and we put it in with a favorable report. Since that time there have been expressed fears that it might cause more trouble on the question of who is producing what, so I confess I am confused. I would be personally happy to go either way. It is that indefinite so far as I am concerned, so I am afraid I will not be of too much help in making a decision.

On motion by Mr. Farris of Kennebec, the Senate voted to recede and concur.

The President laid before the Senate, Item 6-13½ House Report from the Committee on Taxation: Ought to Pass, on Bill, "An Act Exempting Certain Fraternal Societies from Property Taxes" (H. P. 844) (L. D. 1231) tabled earlier in today's session by Mr. Brown of Hancock, pending adoption of House Amendment A; and that Senator moved adoption of House Amendment A.

House Amendment A was adopted in concurrence, and the bill was tomorrow assigned for second reading.

The President laid before the Senate the 1st tabled and today assigned item (H. P. 435) (L. D. 640) House Report, Ought to Pass as Amended by Committee Amendment A, from the Committee on Education on Bill, "An Act to Authorize the Municipalities of Detroit, Etna, Plymouth and Stetson to Form a School Administrative District"; tabled on April 2 by Senator Brooks of Cumberland pending acceptance of the report; and that Senator moved the pending question.

Thereupon, the report was accepted, the bill read once and House Amendment A was read. On motion by Mr. Brooks of Cumberland, House Amendment A was indefinitely postponed, in non-concurrence.

Thereupon, Committee Amendment A was read and adopted and the bill was tomorrow assigned for second reading.

The President laid before the Senate, Item 6-19 Divided Report from the Committee on Labor: Report A, Ought to Pass; Report B, Ought Not to Pass, on Bill, "An Act Relating to Employment of Minors Under Eighteen Years of Age" (H. P. 377) (L. D. 552) tabled earlier in today's session by Mr. Couture of Androscoggin; pending motion by Mr. Johnson of Somerset to accept Report B; and Mr. Couture of Androscoggin moved the pending question.

The motion prevailed and Report B "Ought Not to Pass" was accepted.

Mr. JOHNSON of Somerset: Mr. President, may I ask if L. D. 929, "An Act Permitting Sale of Liquor on Passenger Boats"; is in the possession of the Senate.

The PRESIDENT: The Chair will answer the Senator from Somerset, Senator Johnson that it is, having been requested by the Senator from York, Senator Lovell.

Mr. JOHNSON of Somerset: Mr. President, ladies and gentlemen, at this time, and in view of the fact that I voted on the prevailing side at the last vote, I would now move reconsideration of our action where-by we accepted the Ought Not to Pass report.

Mr. WHITTAKER of Penobscot: Mr. President, may I inquire what is the procedure for reconsideration?

The PRESIDENT: The Chair will reply to the Senator from Penobscot, Senator Whittaker, that if not more than one legislative day has passed, a Senator voting on the prevailing side may move to reconsider; otherwise, the rules must be suspended. No Senator may make the motion unless he voted on the prevailing side.

Mr. WHITTAKER: Mr. President, is that motion subject to a vote?

The PRESIDENT: It is subject to a vote by division if it is so requested.

Thereupon, on motion by Mr. Whittaker of Penobscot

A division of the Senate was had.

Fifteen having voted in the affirmative and sixteen opposed, the motion to reconsider did not prevail.

On motion by Mr. Edmunds of Aroostook, the Senate voted to take from the table the 37th tabled and unassigned item (S. P. 548) (L. D. 1480) Bill, "An Act to Increase the Salaries of Certain Department Heads Elected by the Legislature"; tabled on March 29 by Senator Edmunds of Aroostook pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Brown of Hancock, the Senate voted to take from the table the 45th tabled and unassigned item (H. P. 892) (L. D. 1414) House Reports from the Committee on Agriculture on Bill, "An Act Relating to Apportionment of Stipend to Agricultural Societies"; Majority

Report, Ought Not to Pass; Minority Report, Ought to Pass; tabled on April 2 by Senator Brown of Hancock pending acceptance of either report; and on motion by that Senator, the Majority Ought Not to Pass Report was accepted in concurrence.

Mrs. Christie of Aroostook was granted unanimous consent to address the Senate.

Mrs. CHRISTIE: Mr. President and members of the Senate, last Friday a statement was made on the floor of this Senate which I contradicted. I find that I was in error, and I wish to apologize to the Senator from York, Senator Lovell, for contradicting him when he was correct.

The PRESIDENT: The Chair, in behalf of the Senate, thanks the Senator from Aroostook.

Mr. Lovell of York was granted unanimous consent to address the Senate.

Mr. LOVELL: Mr. President and members of the Senate: I certainly appreciate the remarks of Senator Christie, but at no time does she ever need to apologize to me. I assure you I appreciate her opinion and attitude and I am sure she has never hurt my feelings at any time.

On motion by Mr. Lovell of York, the Senate voted to take from the table the 5th tabled and unassigned item (S. P. 9) (L. D. 19) Senate Reports from the Committee on State Government on Bill, "An Act Relating to Term of Office of Department Heads Appointed by the Governor"; Majority report, Ought not to pass; Minority report, Ought to pass; tabled on February 19 by Senator Lovell of York pending acceptance of either report.

Mr. LOVELL of York: Mr. President, I would like to move that the Minority "Ought to pass" report be accepted and I would like to speak briefly on the motion.

The PRESIDENT: The Senator may proceed.

Mr. LOVELL: Mr. President and members of the Senate: This bill, L. D. 19, "An Act Relating to Term of Office of Department Heads Appointed by the Governor" is to have department heads which are appointed by the Governor serve a con-

current term with the Governor. In no respect does it have any relationship to the department heads that are elected by this body and the other body in joint caucus, such as the Secretary of State and the Attorney General. But it has come to my attention that many, many of the progressive states have such a law on their books.

I feel that the Governor of the State of Maine is not given sufficient power as Governor in many respects and that he does not have the opportunity that he should have in regard to naming his own department heads when he becomes Governor. Whether he be a Republican or a Democrat, it makes no difference to me in that respect, but I certainly feel that when a new governor comes into office he should have the right to name his own department heads. In other words, it is very similar to what happens in Washington. Regardless of who comes in the department heads resign, and if the new president wants to reappoint the same man who has done a good job he reappoints him, and if he has not he appoints someone that will satisfy him or he feels will do an excellent job in the position.

Actually, I think this should apply to the State of Maine. I feel that when a governor comes into office he should not be handicapped with department heads that have been appointed by some other governor. If he wants to re-appoint a department head who has done a good job, that is fine, and he should have the privilege, with the consent of the Council, to reappoint a department head.

Many states at the present time are now doing this. In New Jersey, for example, the twenty principal department heads are appointed by the governor and serve a term that coincides with that of the governor. You can go down through the various states, such as Missouri, Pennsylvania and Delaware. I think the two most recent states to do this are Alaska and Hawaii, and they had a so-called perfect constitution which was drawn up by many officials throughout the country and many specialists on constitutions for a perfect constitution or to take

care of errors which were made in other states in their constitutions. I have here a book of the states, the 1962-63 copy, showing the various states that now do that. Alaska and Hawaii—the 20 principal department heads in Alaska are appointed by the governor for terms at his pleasure. In other words, he can remove them if he so desires before he leaves office or during his term of office. In Hawaii the 20 principal department heads — and they do exempt the Secretary of State and a few others who are elected by the people, but the other department heads are appointed by the governor for terms that expire with his.

I would hope that this minority report would be accepted so that Maine can be progressive and that we can perhaps get better action from department heads. If the new department head needs to learn a little about his office the deputy commissioner and the other members under personnel can acclimate him to his new position. I think in many cases the person who has the approval of the incoming governor and who may have worked with the governor and who may be a specialist in that line, that the governor should have that privilege of naming his department head. It still would be by approval of the Council and that would be a check and balance on his appointment, to make sure that it was a good appointment. I hope that this Senate will go along with the acceptance of the minority report.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate: I want to say a word or two in behalf of the majority report of the Committee on State Government concerning this legislation.

It was our feeling that the action which the majority took would have the effect of taking out of the political uncertainties the matter of the tenure of department heads. It is my personal feeling that progressive government would be served by the adoption of the Majority "Ought not to pass" report. It was my feeling, shared by a majority of this committee, after some discussion of this matter, that department heads should be allowed to continue in

office even though the governor might go out of office as a result of an election; and that it would be in the best interests of procuring competent leadership for our departments if such persons knew that their office would be sustained even though the governor might not be re-elected to office. I therefore hope that the motion to accept the minority report will be defeated.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: It seems to me that this bill would tend to reduce the efficiency of department heads, and I concur with the thought of the Senator from Penobscot that it might increase the political activities of our governor, whoever he might be, and that he might feel under obligation to appoint someone because he had helped him in his campaign, and I think that this bill would permit that to a greater extent than is now true.

Mr. LOVELL of York: Mr. President, I would say this might be true if the governor served for two years, the way it has been up until the recent election, but now with the governor serving four years it would seem to me that most of the department heads in fact do not serve over four years anyway, so if it was changed for them to serve concurrently with the governor it would seem to me like good business. There would be a little politics involved, but I am sure that the Governor's Council, if an improper man were appointed, would make a very careful check on it. I would request a division when the vote is taken.

Mr. BOISVERT of Androscoggin: Mr. President and members of the Senate: I rise in support of the motion made by the good Senator from York, Senator Lovell. He has explained at length what this would mean to the State of Maine. To me, it would bring the administration a little closer to the people of the State of Maine. After the election of a popular governor it seems to me that the appointments should be up to him, he being directly responsible to the people of Maine. To me, it would be a step in the right direction, a step of progress. I certainly would place my vote in support of the motion made by the

good Senator from York, Senator Lovell.

Mr. REED of Sagadahoc: Mr. President and members of the Senate: I rise also in support of the motion of the Senator from York, Senator Lovell. I hesitate to do so because I feel that probably the most of us have our minds made up on this matter, yet I do feel quite strongly about it.

I look upon this as a way in which we can put more business into government. I doubt if any board of directors would elect a president of a large corporation and then refuse him the right to have any say as to his subordinates. I also feel, as has already been mentioned, that this is a way to pinpoint responsibility. It does away with the "who-done-it" and "who-is-it-for" type of government that I feel we have now to some extent. I know it sounds rather odd to say that by strengthening the executive you can bring government closer to the people, and yet in this instance I feel that it is true. I know that I and many people here have people working for us. Now no matter what goes wrong on your jobs we are held responsible for it. I welcome this responsibility, but I also welcome the prerogative of going into our organization and finding out whether the mistake should be blamed on an individual in our organization or whether or not it was purely accidental and something we had little control over.

Now I feel that the governor should be responsible for anything that happens within his department, and I feel that the people now hold him responsible, and unjustly so in many instances.

The history of this has been brought out pretty much this morning. It was started, actually, by the political scientists back in the 1920's, and then we have the more practical side of government adopting it in the 40's, 50's and the 60's.

It has also been brought out that it is an outgrowth of a four-year term for governor. I think all of us would question the wisdom of this type of legislation if we elected a governor for only two years, but it seems to me in four years that a

governor with his department heads can prove to the people whether they should be re-elected or not.

I know that the objections which have been raised here go back to the days of Jackson and his spoils system, but I think it is over-exaggerated. I personally feel more or less the same way Jackson did. A great many people in our country can take over these government jobs and do a good job with them. I think it is wrong for us to say, "What would we do without so and so in a particular department?" A great part of our government is the continuity of it, and there are a lot of people who can take over these departments and run them. I feel that this is certainly true today, and that if a department head is interested only in his department then I do not believe, no matter what the party politics of the governor is, that he would have to jeopardize his job. I think he would be reappointed. I think our history proves that. However, if he is interested in party politics then I think his head should roll if the man he supported was not elected.

Maybe I am out of order, but I think we had a recent example of this in a recent appointment of our Governor. He was criticized for this, and I think unjustly so. When he appointed his Commissioner of Inland Fisheries and Game I think he was perfectly justified in doing so. He had a man that was certainly qualified through education and previous experience, and also he had been a supporter of the

governor. I think this man should make an ideal department head for our present governor, but yet two years from now if the sequence came so he was not re-elected and a governor from a different party took office, I feel that for the same reasons he made this particular governor a good department head he would make the governor of a different political party a poor department head. I think in the simplest terms it boils right down to the fact that this bill gives the Governor the right to hire and fire, and I feel that he should have that right.

On motion by Mr. Edmunds of Aroostook the bill was tabled and specially assigned for Friday next pending motion of Mr. Lovell of York to accept the Minority "Ought to pass" report.

On motion by Mr. Hinds of Cumberland, the Senate voted to take from the table the 14th tabled and unassigned item (S. P. 52) (L. D. 102) Senate Report, Ought Not to Pass from the Committee on Education on Bill, "An Act Creating a Board of Trustees for the Maine Vocational Technical Institute"; tabled on March 7 by Senator Hinds of Cumberland pending acceptance of the report; and on further motion by the same Senator, the Ought Not to Pass report was accepted.

Sent down for concurrence.

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at ten o'clock.