

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, May 16, 1963

Senate called to order by the President.

Prayer by the Rev. Joseph Craig of Augusta.

On motion by Mr. Reed of Sagadahoc, the Journal of yesterday was read and approved.

**House Papers**

**Non-concurrent matter**

Bill, "An Act to Create a Mount Desert Island Regional School District." (H. P. 475) (L. D. 678)

In House, April 25, passed to be engrossed as amended by House Amendment "A"

In Senate, May 10, passed to be engrossed as amended by Committee Amendment "A" in Non-concurrence.

Comes from the House, that body having voted to insist and ask for a Committee of Conference.

In the Senate, on motion by Mr. Brown of Hancock, the Senate voted to insist on its former action and join in the Committee of Conference.

The President appointed as Senate conferees, Senators: Brown of Hancock, Whittaker of Penobscot, Cole of Waldo.

**Orders**

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches of the Legislature to be held at 11 a.m. in the Hall of the House for the purpose of extending to His Excellency, Governor John H. Reed, his guest, the Honorable Byron Gentry of Pasadena, California, National Commander of the Veterans of Foreign Wars, and his official party, and invitation to attend the convention, and address to the same, such remarks as either the Governor or his guest may be pleased to make.

Which Order was read and passed, and the Secretary conveyed the message. Subsequently, a message was received from the House, through Harvey Pease, its Clerk, that the House concurred in the recent proposal of the Senate for a Joint Convention to be held at the

time stated in the order and for the purpose set forth in the message.

**Committee Reports — House**

**Ought to Pass**

The Committee on Appropriations and Financial Affairs on Resolve, Providing Funds to the Washington County Development of Recreational Areas. (H. P. 565) (L. D. 804) reported that the same Ought to pass.

Which report was accepted in concurrence, the Bill read once and tomorrow assigned for second reading.

**Ought to Pass — As Amended**

The Committee on Legal Affairs on Bill, "An Act Relating to Work on Shade and Ornamental Trees." (H. P. 240) (L. D. 308) reported that the same Ought to pass as amended with Committee Amendment "A" (H-232)

Comes from the House, passed to be engrossed as amended by Committee Amendment "A" (H-232), House Amendment "B" (H-322) and House Amendment "D" (H-326)

In the Senate, the report was read and accepted and the bill read once; Committee Amendment A and House Amendments B and D were read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

**Ought to Pass — in New Draft**

The Committee on Judiciary on Bill, "An Act Relating to the Joint Bank Account Law and the Inheritance Taxation of Joint Bank Accounts." (H. P. 539) (L. D. 756) reported that the same Ought to pass in New Draft, under same title (H. P. 1088) (L. D. 1560)

Which report was read and accepted in concurrence, the Bill, in New Draft, read once, and tomorrow assigned for second reading.

**Majority — Ought to Pass as Amended**

**Minority — Ought Not to Pass**

The Majority of the Committee on Education on Bill, "An Act Relating to Minimum Salaries for Teachers." (H. P. 634) (L. D. 890) reported

that the same Ought to pass with Committee Amendment "A" (H-320) (Signed)

Senators:

BROOKS of Cumberland  
WHITTAKER of Penobscot  
HICHBORN of Piscataquis

Representatives:

McGEE of Auburn  
LEVESQUE of Madawaska  
TREWORGY of Gorham

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

(Signed)

Representatives:

EASTON of Winterport  
SNOW of Jonesboro  
CURTIS of Bowdoinham  
BRADEEN of Waterboro

Comes from the House, the Majority — Ought to pass as amended. Report read and accepted, and passed to be engrossed as amended by Committee Amendment "A", and House Amendment "B" (H-344).

In the Senate, on motion by Mr. Hichborn of Piscataquis, the report was read and accepted and the bill read once. Committee Amendment A was read and adopted. House Amendment B was read.

Mr. HICHBORN of Piscataquis: Mr. President, I move the indefinite postponement of House Amendment B.

Mr. REED of Sagadahoc: Mr. President, I wonder if we could have an explanation of House Amendment "B". I do not know as I understand it. It seems to me that everything is crossed out there.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, poses an inquiry through the Chair to any Senator, who may answer if he chooses.

Mr. HICHBORN of Piscataquis: Mr. President and members of the Senate: the present Maine Teacher Salary Law as it now stands on the statutes includes ten steps. The new draft of this bill provides for an additional five steps to take care of teachers who had two and three years of preparation. These, for the most part, are teachers with fifteen, twenty or twenty-five years experience, and it was definitely in their favor. House Amend-

ment "B", however, cuts out the last ten steps of the bill and leaves only the first five and in that form would affect only two or three percent of the teachers in the State of Maine and would render the bill quite worthless. I move the indefinite postponement of House Amendment "B".

On motion by Mr. Reed of Sagadahoc, the bill was tabled and specially assigned for the next legislative day, pending action on the motion of Mr. Hichborn to indefinitely postpone House Amendment "B".

**Majority — Ought Not to Pass**

**Minority — Ought to Pass**

The Majority of the Committee on Public Utilities on 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) reported that the same Ought not to pass.

(Signed)

Senators:

HARRINGTON of Penobscot  
PHILBRICK of Penobscot

Representatives:

RAND of Yarmouth  
PHILBRICK of Augusta  
PITTS of Harrison  
WELCH of Chapman

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

(Signed)

Senator:

BOISVERT of Androscoggin

Representatives:

TYNDALE  
of Kennebunkport  
TAYLOR of South Portland  
PLANTE  
of Old Orchard

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

In the Senate, on motion by Mr. Philbrick of Penobscot, the Majority Ought Not to Pass report was read and accepted in concurrence.

**Committee Reports — Senate  
Ought to Pass — As Amended**

Mr. Whittaker from the Committee on State Government on re-committed Bill, "An Act Providing for

a Full-time Chairman of the Liquor Commission and Increasing the Compensation." (S. P. 157) (L. D. 43) reported that the same Ought to pass, as amended by Committee Amendment "A" (S-236)

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

**Ought to Pass in New Draft — New title**

Mr. Hichborn from the Committee on Education on Bill, "An Act Relating to Suspension of Schools During Teachers County Convention." (S. P. 417) (L. D. 1160) reported that the same Ought to pass in New Draft, under New Title of: "An Act Relating to Minimum Number of School Days in Public Schools." (S. P. 598)

Mr. Brown from the Committee on Taxation on Bill, "An Act Relating to Excise Taxes on Motor Vehicles Paid by Members of Penobscot Tribe of Indians." (S. P. 433) (L. D. 1176) reported that the same Ought to pass in New Draft (S. P. 599)

Which reports were read and accepted and the Bills, in New Draft read once and tomorrow assigned for second reading.

**Second Readers**

The Committee on Bills in the Second Reading reported the following Bill:

**House — As Amended**

Bill, "An Act to Determine Liability and Responsibility of Drivers of Fire Apparatus." (H. P. 736) (L. D. 1065)

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

**Enactors**

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

Bill, "An Act Providing for Repair and Maintenance of State-owned Dam on Dead River, Androscoggin County." (H. P. 17) (L. D. 42)

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

Resolve, in Favor of Macwahoc Plantation for School Construction Aid. (H. P. 523) (L. D. 740)

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

Bill, "An Act Relating to Travel Allowance for Jurors." (H. P. 1073) (L. D. 1538)

Bill, "An Act Relating to Habeas Corpus and Post Conviction Procedure in Criminal Cases." (S. P. 316) (L. D. 982)

Bill, "An Act Relating to Power of Eminent Domain of Maine State Park and Recreation Commission." (S. P. 542) (L. D. 1468)

Bill, "An Act Relating to Disposition of Persons Pleading Insanity." (S. P. 588) (L. D. 1553)

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

**Bond Issue Act**

Bill, "An Act Authorizing the Construction of Self-Liquidating Student Dining Facilities for the Maine Maritime Academy and the Issuance of not Exceeding \$475,000 Bonds of the State of Maine for the Financing Thereof." (H. P. 357) (L. D. 531)

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

**Orders of the Day**

The President laid before the Senate the 1st tabled and today assigned item (H. P. 1065) (L. D. 1531) Bill, "An Act Relating to Mileage and Expenses for Members of Legislature"; tabled on May 9 by Senator Cram of Cumberland pending passage to be engrossed.

Mr. CRAM of Cumberland: Mr. President, it was my feeling on this bill that rather than the allowance of \$5.00 a pay raise of \$400 might be a better way of handling it. However, I have no firm convictions on the thing and will let someone else make a motion.

Mr. Whittaker of Penobscot presented Senate Amendment B.

The Secretary read the amendment. (S-237)

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, may I explain that this is largely a technical amendment suggested by the Attorney General's Office.

Thereupon, Senate Amendment B was adopted.

Mr. PORTEOUS of Cumberland: Mr. President, I move that this item be tabled until one week from today.

Mr. WHITTAKER: Mr. President, I request a division.

A division of the Senate was had.

Seventeen having voted in the affirmative and thirteen opposed, the motion prevailed and the bill was tabled pending passage to be engrossed.

The PRESIDENT: The Chair is happy to recognize in the Senate Chamber this morning a group of 15 students from South Bristol Elementary school. They are accompanied by their teacher, Mrs. Herbert Thompson, and parents Mrs. Edward Myers, Mrs. Wendell Holmes, Mrs. John Robinson.

We are happy indeed to have you here. South Bristol is in wonderful Lincoln County and we would like to recognize for you and to you the good Senator from Lincoln, Senator Sproul. (Applause)

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 18) (L. D. 43) Bill, "An Act Appropriating Funds to Aid in Dredging the Kennebunk River Harbor"; tabled on May 9 by Senator Lovell of York pending assignment for 2nd reading; and on further motion by the same Senator, the bill was tomorrow assigned for second reading.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 299) (L. D. 393) Bill, "An Act Relating to Definition of Hotel under Liquor Law"; tabled on May 14 by Senator Christie of Aroostook pending consideration; and that Senator moved that the Senate recede from its action whereby the Senate asked for a Committee of Conference.

Mr. JACQUES of Androscoggin: Mr. President, may I ask which question has precedence: to have a committee of conference or to recede and concur.

The PRESIDENT: The Chair would advise that the motion to recede is of the highest order when the two branches are in non-concurrence.

Mr. JACQUES: Mr. President and members of the Senate: I hope this bill does not go on the table again and I hope that the other body doesn't bring it back with another amendment. I think it is about time that we go to work and start taking these bills off the table.

This bill came out of committee unanimously "Ought not to pass" and I hope that this present motion does not prevail.

Mrs. CHRISTIE of Aroostook: Mr. President, is it in order to discuss this matter further?

The PRESIDENT: It is. The Senator may proceed.

Mrs. CHRISTIE: Mr. President, I will agree with the Senator from Androscoggin, Senator Jacques, that the committee voted unanimously "Ought not to pass" on this bill. I would like to give my reason for voting that way because I have changed my position. I voted that way because I felt that at least fifty per cent of any hotel business should be done in rentals and food and this required only thirty-three and a third per cent. For that reason I was opposed. Later on I found that there were some hotels or so-called hotels who were doing only fifteen per cent of their business in food and rentals which were granted a license. For that reason I changed my position and now I am in favor of the bill because I feel that no business should be honored by the name of "hotel" unless it does at least a third of its business in food and rentals, which is the primary objective of a hotel.

We have receded. Have we asked for a Committee of Conference?

The PRESIDENT: The motion before the Senate is on your motion that we recede. We have not yet voted on it.

Mr. JACQUES of Androscoggin: Mr. President and members of the

Senate: I will say again that this bill came out of committee unanimously "Ought not to pass." If this bill were to go through it would put 465 people out of work and 65 establishments would be out of business in the State of Maine at a time when we need the business, especially the summer business, so I hope that the motion of the good Senator from Aroostook, Senator Christie, does not prevail.

Mrs. CHRISTIE: Mr. President, may I be permitted to explain another matter in connection with this?

The PRESIDENT: The Senator may proceed.

Mrs. CHRISTIE: The other body has adopted an amendment until 1965 to qualify under this bill, so you see there would be almost two years before they would have to qualify and it would be nearly two years before anyone would be put out of business under this bill. I wanted that to be clear in the minds of the Senators because I feel there is confusion on that matter. This amendment gives them until 1965 to qualify under this bill.

Mr. KIMBALL of Hancock: Mr. President and members of the Senate: With the amendment that has been attached by the other body I feel at this time that I should definitely change my position where-in I signed the "Ought not to pass" report. My reason for this is my very strenuous objection to what I consider misuse of the term "hotel."

I am a hotel man, I belong to the hotel association and I know those of us in the association are very jealous of the good name that we can present to the people of the State as well as our summer visitors. I do not think that any business not able to qualify to the extent of at least one-third of their business in food and lodging should be allowed to use the term "hotel," and therefore I support Senator Christie in her motion.

The PRESIDENT: The motion before the Senate is on the motion of the Senator from Aroostook, Senator Christie, that we recede from our action whereby we asked for a committee of conference.

Mr. LOVELL of York: Mr. President, I would like to ask for a division on this particular motion, and I would like to state that the Liquor Enforcement Division of the State has operated quite successfully with the law as it is at present, so I would suggest that we leave the law as it is at present.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate: We were talking yesterday with the hearing examiner and it was my understanding that at present they are having quite a problem in determining what is a hotel under the law. In other words, the law says "a reasonable proportion", and he said to me, "Could you define what is reasonable?" I am sure many of us would consider that one thing is reasonable and someone else would consider it unreasonable, therefore the bill giving the figure of "one-third" seems to be the logical solution to me.

Mr. WHITTAKER of Penobscot: Mr. President, I rise to support the motion of the Senator from Aroostook, Senator Christie. I should like to add that as a representative from Penobscot County and as a former member of the Bangor City Council this legislation is needed in Penobscot County and particularly in the City of Bangor.

Mr. LOVELL of York: Mr. President, I think the definition of a hotel in order to get a liquor license is pretty well spelled out. In other words, with a population of 7500 or over you have to have thirty rooms before you can get a license, if the population is 3500 to 7500 you have to have twenty rooms, and under 3500 population you have to have ten rooms. Now so far as the amount of business being done, and their enforcement agency still has done a very good job with the law as it is at present and I do not feel that we should change it.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: I would not like to be counted as one member of the State Senate who created unemployment in this State. I think it was well explained that this bill will close establishments, put people out of business and create more unemployment than we have now. I think

we are stepping backwards instead of forward. I think this Senate should try to create more business in the State of Maine instead of taking a backward step in putting people out of business and creating more unemployment. I think that this State is certainly going back every day, and a good many steps have been taken right here during this session. I certainly hope that this motion will not prevail if we want to go forward.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie that the Senate recede from its action whereby a Committee of Conference was asked.

A division of the Senate was had. Twenty-three having voted in the affirmative and nine opposed, the motion prevailed and the Senate voted to recede.

Mrs. CHRISTIE of Aroostook: Mr. President, I now move that the Senate recede from its action whereby it indefinitely postponed this bill.

Mr. COUTURE of Androscoggin: Mr. President, will that take a two-thirds vote?

The PRESIDENT: The Chair replies in the negative. A reconsideration motion at this time would require a two-thirds vote. However, a motion to recede has to do with non-concurrent action between the two bodies and a majority vote is proper. The question before the Senate is on the motion to recede from indefinite postponement.

Thereupon, on motion by Mr. Jacques of Androscoggin

A division of the Senate was had. Twenty-four having voted in the affirmative and nine opposed, the motion prevailed and the Senate voted to recede from its action whereby the bill was indefinitely postponed.

Mrs. CHRISTIE of Aroostook: Mr. President, I now move that House Amendment A be indefinitely postponed.

Mr. FARRIS of Kennebec: Mr. President, did I understand correctly on the last vote that this body had receded and was now in concurrence with the other body?

The PRESIDENT: The Senate will be at ease.

### Senate At Ease

Senate called to order by the President.

The PRESIDENT: The answer of the Chair to the question of the Senator from Kennebec, is that we are still in non-concurrence with the other body.

Is it now the pleasure of the Senate that House Amendment A be indefinitely postponed?

Mr. STITHAM of Somerset: Mr. President and members of the Senate, I went along on the last vote because I am heartily in sympathy with the legislation but I went along with that vote with the understanding that these men were going to have an opportunity to close out their businesses under reasonable circumstances. I cannot go along with the amendment. I hope the good Senator will see the reasonableness of it.

Mrs. CHRISTIE of Aroostook: Mr. President, I should have explained that House Amendment "B" also makes provision that they have until 1965 to qualify under this bill, but Amendment "B" also provides that the hotels must be open seven days a week. That is the only difference between Amendment "A" and Amendment "B," but Amendment "B" does provide that it will be 1965 before they have to qualify.

The PRESIDENT: The question before the Senate is on the indefinite postponement of House Amendment A.

Mr. COUTURE of Androscoggin: Mr. President, may we have the filing number of House Amendment A.

The PRESIDENT: Filing Number H-146.

Mr. JACQUES of Androscoggin: Mr. President, I ask for a division.

Thereupon, on motion by Mr. Wyman of Washington, the bill was tabled pending motion by Mrs. Christie of Aroostook to indefinitely postpone House Amendment A. (Division requested.)

The PRESIDENT: The Chair recognizes in the Senate Chambers 53 students from Upper Kennebec Valley High School in Bingham, Maine, which is, of course, in Somerset County. They are accompanied by



Mr. Hamilton and Mr. Turgeon. We are happy to have you here. Somerset County is well represented by two Senators with whom you must be familiar. The Chair would like to recognize them to you and you to them. Senator Johnson and Senator Stitham. (Applause)

The PRESIDENT: Will Miss Nelida Vista and Miss June Ellen Fraser please rise?

Nelida Vista is an American Field Service student from Nago, in the Philippines, she is age 18 and she attends Windham High School. June Ellen Fraser, age 15, who is a sophomore at Windham High, is with her here today. Mr. and Mrs. John Fraser of Windham, Maine are the sponsors of Nelida. We are happy indeed to welcome you here in the Senate of the State of Maine and the United States of America. (Applause)

The President laid before the Senate the 4th tabled and today assigned item (H. P. 689) (L. D. 945) Bill, "An Act Relating to County Taxes in Places not Incorporated"; tabled on May 14, by Senator Brooks of Cumberland pending adoption of Senate Amendment A; and on further motion by the same Senator, Senate Amendment A was adopted and the bill was passed to be engrossed.

The PRESIDENT: The Chair recognized in the Senate Chambers 40 members of the Future Business Leaders of America from Sanford High School, accompanied by teachers Mrs. Barbara Roberts, Mrs. Eleanor Rice, Mrs. Loraine Chick and Mrs. Nancy Jozefowicz. We are happy indeed to have you here. The Senators from York County who represent your area are Senators: Lovell, Letourneau and Brewster. (Applause)

The Senate retired to the Hall of the House of Representatives for a Joint Convention.

(For proceedings of Joint Convention, see House Report.)

#### In the Senate

The Senate was called to order by the President.

The President laid before the Senate Bill, "An Act Relating to Definition of Hotel Under Liquor Law" (H. P. 299) (L. D. 393) tabled earlier in today's session by Mr. Wyman of Washington pending motion by Mrs. Christie of Aroostook to indefinitely postpone House Amendment A.

Thereupon, there being no objection, Mrs. Christie of Aroostook was granted permission to withdraw her motion.

Mrs. Christie of Aroostook moved that the Senate adopt House Amendment A.

The Secretary read House Amendment A.

Which Amendment was adopted.

On further motion by Mrs. Christie of Aroostook, House Amendment B was read and indefinitely postponed.

Mr. KIMBALL of Hancock: Mr. President, if it is possible at this time, I would like to move that this be tabled for the purpose of preparing an amendment which I would like to offer.

The motion prevailed and the bill was tabled pending assignment for second reading.

On motion by Mr. Brooks of Cumberland

Recessed to the sound of the gavel.

#### After Recess

Called to order by the President.

The PRESIDENT: The Chair appreciates the patience of the Senate.

The Chair in behalf of the Senate of the State of Maine would like to recognize at this time Senator Milton E. Cox from the good State of Ohio, formerly a Senator representing the 24th and 26th districts out there. He is in Maine, at least for one reason, to visit his son stationed at Dow Air Force base. Senator, will you stand and be recognized, please? (Applause)

On motion by Mr. Brooks of Cumberland,

Adjourned until 9:30 A.M. tomorrow.