

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, January 9, 1964

Senate called to order by the President.

Prayer by the Rev. Joseph I. Craig of Augusta.

On motion by Mr. Boardman of Washington, the Journal of yesterday was read and approved.

The PRESIDENT: The Chair is happy to welcome to the Senate Chamber today in behalf of the Senate of the State of Maine 20 8th grade students from Damariscotta School, accompanied by their teacher, Mrs. Jeanette Colby. We are happy indeed to have you here. You are witnessing the Senate of this State at a special session of the Maine Legislature. The practice of holding special sessions is largely a product of Maine law which provides that the legislature meet once every two years, and the word used is "biennial sessions."

Maine became a State, of course, in 1820 and from 1820 until 1881 we held annual sessions. After biennial sessions were adopted, however, special sessions were rare for over fifty years, but from 1930 they have been fairly routine and only two terms have passed since that time when we did not have a special session. Of the 32 special sessions in the State's 143-year history 22 have been held in the last 33 years. The 89th Legislature in 1940 held 4 special sessions, which is a record, of course. Two others, the 86th in 1933 and the 98th in 1957-8 had 3 special sessions each.

Some people argue that the increasing length of the biennial sessions and the frequency of special sessions proves the need to return to annual sessions after some 80 years, but other people use the same facts to contend that Maine is going along nicely with biennial sessions and holding occasional special sessions to deal with specific problems as they arise. Which side is right only time will tell.

We are happy indeed to have you here. I would like to introduce to

you the Senator representing your area, the good Senator Sproul. (Applause)

The PRESIDENT: There are sixteen bills still in committee: nine in Appropriations and Financial Affairs, one in the Committee on Constitutional Amendments and Legislative Reapportionment, three in Judiciary, one in Labor, two in Public Utilities. A word to the wise is sufficient.

Papers from the House

Communication

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF CLERK
AUGUSTA

January 7, 1964

Hon. Chester T. Winslow
Secretary of the Senate
101st Legislature

Sir:

The Speaker of the House has made the following appointments to fill vacancies caused by the death or resignation of members:

To the Joint Standing Committees on:

EDUCATION — Joshua W. Curtis, Sr. of Searsport.

ELECTION LAWS — Lee E. Evans of Freedom.

HEALTH AND INSTITUTIONAL SERVICES — Bennett D. Katz of Augusta.

HIGHWAYS — Sumner T. Pike of Lubec.

WELFARE — Bertrand A. Lacharite of Brunswick.

Respectfully,

HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
AUGUSTA

January 8, 1964

To Honorable Chester T. Winslow
Secretary of the Senate of the
101st Legislature

Sir:

The Governor of the State having returned to the House:

"An Act Relating to Partial Unemployment Benefits and Experience Rating Record under Employment Security Law." (H. P. 872) (L. D. 1259) with his objections to the same, the House proceeded to vote on the question 'Shall the Bill become a law notwithstanding the objections of the Governor?'

A Yea and Nay vote was taken: 7 members voted in the affirmative, and 127 in the negative, and accordingly the Bill failed to become a law, and the veto was sustained.

Respectfully,
HARVEY R. PEASE
 Clerk of the House

Which was read and ordered placed on file.

Mr. Edmunds of Aroostook presented **Joint Resolution** Ratifying an Amendment to the Constitution of the United States Relating to the Qualification of Electors.

STATE OF MAINE

Ratification of amendment to the Constitution of the United States relating to the qualification of Electors.

In the Year of our Lord One Thousand Nine Hundred and Sixty-four.

Resolution, Ratifying the Proposed Amendment to the Constitution of the United States Relating to the Qualification of Electors.

WHEREAS, the Eighty - seventh Congress of the United States of America, at the second session begun and held at the City of Washington, on Wednesday, the tenth day of January, one thousand nine hundred and sixty-two, by a constitutional two-thirds vote in both Houses adopted a Joint Resolution proposing an amendment to the Constitution of the United States, to wit:

Joint Resolution

Proposing an amendment to the Constitution of the United States relating to the qualification of electors.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

that the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

Article

"Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"Section 2. The Congress shall have power to enforce this article by appropriate legislation."

THEREFORE, be it

Resolved, that the Legislature of the State of Maine hereby ratifies and adopts this proposed Amendment to the Constitution of the United States, and be it further

Resolved, that the Secretary of State of the State of Maine notify the President of the United States, the Secretary of State of the United States, the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Administrator of General Services of the United States, and each Senator and Representative from Maine in the Congress of the United States of this action of the Legislature by forwarding to each of them a certified copy of this Resolution.

Which was Referred to Joint Standing Committee on Judiciary.

ORDER

Mr. Cyr of Aroostook presented the following order and moved its passage:

ORDERED, the House concurring, that the Public Utilities Commission be directed to study and evaluate the various hydro-electric projects presently being proposed for the Upper St. John River area. Said Commission shall report its findings and recommendations as

to which project would be most valuable to the State of Maine. Said Commission shall report its findings and recommendations to the 102nd Legislature and to appropriate agencies of the government.

On motion by Mr. Stitham of Somerset, the order was tabled until the next legislative day pending passage.

Committee Reports — House

Leave to Withdraw

The Committee on Education on Bill, "An Act to Authorize the Municipalities of Brownfield, Denmark and Hiram to Form a School Administrative District." (H. P. 1140) (L. D. 1611) reported that the same should be granted Leave to Withdraw.

Which report was read and accepted in concurrence.

Majority — Referred to the 102nd Legislature

Minority — Ought to Pass

The Majority of the Committee on Public Utilities on Bill, "An Act Relating to Operation of Certain Motor Vehicles for Profit." (H. P. 1155) (L. D. 1626) reported that the same should be referred to the 102nd Legislature.

(Signed)

Senators:

PHILBRICK of Penobscot
HARRINGTON
of Penobscot
BOISVERT
of Androscoggin

Representatives:

PITTS of Harrison
PHILBRICK of Augusta
PLANTE
of Old Orchard Beach
WELCH of Chapman

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

(Signed)

Representatives:

TYNDALE
of Kennebunkport
RAND of Yarmouth
TAYLOR
of South Portland

Comes from the House, Majority Report—Referred to the 102nd Legislature — Read and accepted.

In the Senate, on motion by Mr. Philbrick of Penobscot, the Majority report "Referred to the 102nd Legislature" was accepted in concurrence.

Committee Reports — Senate Ought Not to Pass

Mr. Campbell from the Committee on Judiciary on Bill, "An Act Relating to Acknowledgment and Validation of Certain Instruments." (S. P. 674) (L. D. 1637) reported that the same Ought not to pass.

Which report was read and accepted the bill read twice under suspension of the rules, passed to be engrossed, and sent forthwith to the House for concurrence.

Ought to Pass — As amended by Committee Amendment "A"

The same Senator from the same Committee on Bill, "An Act Relating to False Alarms and Reports Made to Municipal, County and State Departments." (S. P. 672) (L. D. 1635) reported that the same Ought to pass as amended by Committee Amendment "A" (S-355)

Which report was read and accepted. Committee Amendment "A" was read and adopted, and the Bill, as amended read once. Under suspension of the rules it was read a second time and passed to be engrossed, then forthwith sent to the House for concurrence.

Ought to Pass in New Draft (New Title)

Mr. Ferguson from the Committee on Highways on Bill, "An Act to Make Allocations from the General Highway Fund for Motor Vehicle Driver Examination Program (S. P. 678) (L. D. 1629) reported that the same Ought to pass in New Draft, under New Title: "An Act to Make Allocations from the General Highway Fund for Motor Vehicle Driver Examination Program and for Maintenance of Certain Roads in Baxter State Park." (S. P. 691)

Which report was read.

Mr. COLE of Waldo: Mr. President and members of the Senate: For the information of the several Senators as to the reason why we have a new draft and an addition has been put on taking care of Baxter State Park: Since the screening committee on reference of bills made their decision it has come to the attention of the Highway Commission only recently, last week I believe, that there is serious damage in the Baxter State Park area to different roads throughout the park. There are two very large bridges that are completely washed out. There are several places where the highway itself is washed very badly, and there are many trees, literally hundreds of them, down across the road so it is impossible at the moment for anyone to travel through the park, and it is quite urgent that we raise at least fifty thousand additional dollars to take care of these bridges. The Highway Commission plans to move the I-beams from one bridge down to another. These happen to be 40-foot I-beams and they will be replaced by 60-foot I-beams. So it is very much of an emergency at this time that we have these additional funds.

Thereupon, the report was accepted, and under suspension of the rules, the bill was given its two several readings, passed to be engrossed and ordered sent forthwith to the House for concurrence.

Majority — Ought to Pass

Minority — Ought Not to Pass

The Majority of the Committee on Judiciary on Bill, "An Act Repealing the Law Relating to the Application of Surplus in Real Estate Mortgage Foreclosure." (S. P. 670) (L. D. 1634) reported that the same Ought to pass.

(Signed)

Senators:

FARRIS of Kennebec
CAMPBELL of Kennebec
BOARDMAN
of Washington

Representatives:

PEASE of Wiscasset

SMITH of Bar Harbor
RUST of York

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

(Signed)

Representatives:

KNIGHT of Rockland
THORNTON of Belfast
BERMAN of Houlton
CHILDS of Portland

Mr. FARRIS of Kennebec: Mr. President and Members of the Senate: I move acceptance of the majority "Ought to pass" report at this time and I think it would be well also at this time to explain exactly what happened in the last session, or during the regular session to cause so much concern on the part of the financial institutions of the State of Maine who handle mortgages, and also the attorneys who must deal in this field.

Everyone is agreed that the law which was passed at the regular session is not a good law, and I want it clearly understood at this time that the particular law that was passed was never before the Committee on Judiciary, nothing of that nature was discussed with benefit of public hearings and executive sessions but the law became a law because of amendments from the floor and the preparation of the particular law was not done by members of the legislature but by representatives of financial institutions. They now do not like the handiwork and I do not blame them. It was done hastily, and this is a business, of course, which involves millions and millions of dollars, and this particular bill is the first to come out of Judiciary at this special session, the first of three, and, to simplify this I will say that all this particular bill would do would be to remove the amendments that were put on from the floor at the regular session, and it would create a straight six months foreclosure period.

The motion prevailed, the Ought to Pass report was accepted, and under suspension of the rules, the bill was given its two several readings, passed to be engrossed

and ordered sent forthwith to the House for concurrence.

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

The Majority of the Committee on Legal Affairs on Bill, "An Act Clarifying the Rights of Non-profit Hospital or Medical Service Organizations." (S. P. 669) (L. D. 1638) reported that the same Ought not to pass.

(Signed)
Senators:

STITHAM of Somerset
SPOUL of Lincoln
ATHERTON of Penobscot

Representatives:

COPE of Portland
BOISSONNEAU
of Westbrook
WELLMAN of Bangor
WHITE of Guilford

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

(Signed)
Representatives:

FOSTER
of Mechanic Falls
GILBERT of Eddington
COTE of Lewiston

Mr. EDMUNDS of Arostook:
Mr. President, Members of the Senate: I hope you will bear with me for a minute so that I can give you a little background with regard to the Bill which is before you. During the regular session of this Legislature, I was asked to introduce, and I did introduce Legislative Document 790, An Act Amending the Act of Incorporation of Associated Hospital Services of Maine.

This Bill was referred to the Committee on Legal Affairs. It was heard by that Committee, a unanimous ought to pass report was rendered. The Bill was enacted and became Chapter 135 of the Private and Special Laws of Maine 1963. This Bill was an amendment to a Private and Special Charter. Associated Hospital Services started to use the provisions of this Act which were additional powers granted to it by the Legislature. It prepared and solicited contracts, filed the same with the Insurance Commis-

sioner and on October 17, 1963 the Insurance Commissioner relying upon an opinion of an Assistant Attorney General who questioned the new Act and its validity, ordered Associated Hospital Services to cease soliciting under its new corporate powers.

Following this ruling the interested parties, namely Associated Hospital Services, the Insurance Commissioner and the Attorney General arrived at an understanding whereby Associated Hospital Services could continue to use the broadened powers given to them by us in the regular session by posting additional security, and further, an agreement was reached whereby Associated Hospital Services would prepare and submit to the Commissioner a proposed bill which would move all of the rights of Associated Hospital Services over under the general law applicable to such corporations, which is found in Chapter 60 of the Revised Statutes. This would remove the legal question as to whether the Private and Special Charter or the general law would apply, where the Charter was broader. In return, Associated Hospital Services agreed that they would use their best efforts to present this agreed clarifying language to the Legislature at the earliest possible moment.

The earliest moment was this Special Session. Associated Hospital Services' representative presented the bill and explained the reasons behind his request. I agreed to introduce it and their representative appeared before the Screening Committee, presented their case, and it was accepted.

At that time, I considered this a mere classification bill to straighten out the legal problems which arose in October of 1963. I have not changed my mind in this respect. However, other persons who are interested in this legislation, and are not necessarily interested in its passage, appeared before the Legal Affairs Committee and protested violently and vigorously against the passage of this bill in this form. A question arose with regard to the tax exemption of Associated Hospital

Services, which to my way of thinking was not important, as this matter had been considered by the Legal Affairs Committee during the regular session.

Be that what it may, it now becomes obvious to me that a Donnybrook is in the making with regard to this bill. I do not challenge the rights of the opponents to oppose my bill. However, as a member of this Legislature and a member of the legislative leadership, in view of this turn of events, entirely unforeseen by me, it becomes apparent to me that this is not the proper time to deliberate on such a measure. I have made my feelings known to the parties who asked me to introduce this Legislation. I have discussed with them this problem. We have other matters which will require a great deal of our time and which may give rise to a great deal of honest debate and dispute. I feel that I cannot and should not add any more to the burdens which we already have, and I have asked the parties in interest if I may withdraw this bill from further consideration. These parties have indicated that under the present circumstances they certainly do not wish to be charged with unduly extending or encumbering this Special Session, and they have consented to the action that I am about to take.

So Mr. President, to avoid further debate and deliberation on this bill and to move on and finish other tasks at hand, I move the indefinite postponement of this bill and all its accompanying papers.

The motion prevailed and the bill and all accompanying papers were indefinitely postponed.

THE PRESIDENT: The Chair would like to recognize in the Senate Chamber in behalf of the Senate of the State of Maine four exchange students who are here from various areas of this State and of the world purely by coincidence. I would like to ask them, if they would, to come down forward so that the Senators may have a chance to have a good look at you.

These students are Ulricke Pfeifer from Vienna, Austria; Jose Aguilar from Lima, Peru; Luis Mujica from Caracas, Venezuela; and Miss Krista Scharzenberger from Austria. Would you come down front, please.

Two of these students are attending Bangor High School, one is from Hampden Academy, and they are here as the guests of Mr. and Mrs. Cohen of Bangor. The Austrian young lady is attending Deering High School and is here with a class in Government at Deering High School in Cumberland County with her instructor, Mr. Elliot.

We are happy indeed, young ladies and gentlemen, to have you here, not only to have you in the United States but to have you staying in the State of Maine. We hope that you will like it here, that you will know and understand and try to be proud of our country as we are. I think I can speak accurately if I say that we would like our young people also some day to enjoy the same experiences that you are enjoying, because it is obvious that if it prospers and grows and continues we will have gone a long way toward better world understanding and lasting peace.

May I introduce to you the Senators who represent the areas where you are now residing. This will be Penobscot County and Cumberland County, of course. Senators Harrington, Philbrick, Whittaker, Atherton from Penobscot County. From Cumberland County, Senators Hinds, Brooks, Porteous and Cram.

It is nice indeed to have you here.

Orders of the Day

The President laid before the Senate the first tabled and today assigned item, (S. P. 665) (L. D. 1641) Bill, "An Act Increasing Salaries of Members of Industrial Accident Commission"; tabled on January 8 by Senator Brooks of Cumberland pending motion by Senator Lovell of York to accept Minority Report B; and on further motion by Mr. Brooks of Cumberland, the bill was retabled and especially assigned for later in today's session.

The President laid before the Senate the 2nd tabled and today assigned item, Bill, "An Act to Amend the Paris Village Corporation"; tabled on January 8 by Senator Ferguson of Oxford pending acceptance of the report; and that Senator moved the pending question.

The report was accepted, the bill read once, and Mr. Ferguson of Oxford presented Senate Amendment A and moved its adoption.

Mr. CAMPBELL of Kennebec: Mr. President, I rise to a point of parliamentary inquiry.

The PRESIDENT: The Senator may state his point of inquiry.

Mr. CAMPBELL: Mr. President, I would request respectfully that the Chair rule on the germaneness of the proposed Senate Amendment A to the bill, calling to the attention of the Chair that the bill appears to enact private and special legislation concerning the Paris Village Corporation whereas Senate Amendment A also purports to enact private and special legislation with respect to a completely different locality.

The PRESIDENT: The Chair understands the inquiry. The bill before us is an act to amend the Paris Village Corporation. Senate Amendment A appears to amend the title and enact legislation affecting York Harbor. The Chair will rule that the amendment is not germane.

Thereupon, under suspension of the rules, the bill was given its second reading, passed to be engrossed and ordered sent forthwith to the House for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table item 1 on the unassigned calendar (S. P. 666) (L. D. 1642) Resolve Authorizing the Maine Defense Commission to Convey Certain Land in Gardiner; tabled on January 8 by Senator Farris of Kennebec pending adoption of Senate Amendment A.

Mr. WYMAN of Washington: Mr. President, I present Senate Amendment A and move its adoption. The Maine Sardine Council leased a building in Brewer last February for a laboratory at a

yearly rental of \$5400 with option to buy for \$35,800, any unused rental to apply against the purchase price.

In November it voted to buy providing an engineering study by the B.P.I. should be favorable, and was informed that this approval together with approval of the Governor and Council would be all that would be necessary. It has just been learned that permissive legislation is necessary and therefore I have introduced this amendment. No state funds are involved in this and to the best of my knowledge the industry supports this unanimately.

The PRESIDENT: Before proceeding with this amendment, the Senate should act on Committee Amendment A.

Thereupon, Committee Amendment A was read and adopted, Senate Amendment A was read and adopted and under suspension of the rules, the bill as amended was given its two several readings, passed to be engrossed and ordered sent to the House forthwith for concurrence.

Mr. BROOKS of Cumberland: Mr. President, may I inquire if S. P. 650, L. D. 1656 bill, "An Act to Correct an Inconsistency in the Educational Foundation Program Allowance" is in the possession of the Senate?

The PRESIDENT: The Chair will reply in the affirmative having been so requested by the Senator from Cumberland, Senator Brooks.

Thereupon, on motion by Mr. Brooks of Cumberland, the Senate voted to reconsider its action of yesterday whereby the bill was passed to be engrossed and the same Senator presented Senate Amendment A and moved its adoption.

Which amendment was adopted, the bill as amended passed to be engrossed and ordered sent forthwith to the House for concurrence.

The President laid before the Senate the 1st tabled and today assigned item (S. P. 665) (L. D. 1641) Bill, "An Act Increasing Salaries of Members of Industrial Accident Commission"; tabled earlier in today's session by Sen-

ator Brooks of Cumberland pending motion by Senator Lovell to accept Minority Report B; and Senator Brooks moved the pending question.

Thereupon, on motion by Mr. Edmunds of Aroostook, the bill and all accompanying papers were indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Edmunds of Aroostook,

Recessed to the sound of the gong.

Senate called to order by the President.

On motion by Mr. Edmunds of Aroostook,

Adjourned until tomorrow morning at ten o'clock.