

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, January 10, 1964

Senate called to order by the President.

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

On motion by Mr. Boisvert of Androscoggin

Journal of yesterday read and approved.

On motion by Mr. Edmunds of Aroostook

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, January 13 at four o'clock in the afternoon.

Which was read and passed and sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

Papers from the House

Joint Resolution

Resolution, Ratifying the Proposed Amendment to the Constitution of the United States Relating to the Qualification of Electors (H. P. 1162)

Comes from the House referred to the Committee on Judiciary and ordered printed.

In the Senate, the resolution was referred to the Committee on Judiciary in concurrence.

Committee Reports — House

Ought Not to Pass

The Committee on Natural Resources on Bill, "An Act Providing for Permits from Commissioner of Inland Fisheries and Game for Aerial Spraying of Chemical Insecticides" (H. P. 1149) (L. D. 1620) reported that the same Ought not to pass.

Comes from the House, report rejected and the bill indefinitely postponed.

In the Senate:

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate: I have not had time to study the whole thing but I was glad to see that the leadership let

this bill in. I am well aware that what I say now probably won't have a great deal of influence one way or the other, but I do want to say that I favor some means of control and I know there was great concern around the Portland area when the fish were found dead in Sebago Lake.

This report has come from the Committee on Natural Resources. At one time I hear them greatly concerned about the natural resources of our State and at another time there seems to be complete disregard of our natural resources.

I would like to say that I had the pleasure this summer of meeting Miss Rachel Carson at her home in the beautiful town of Southport and she asked me what we were doing here in Maine and how I thought this whole problem would be taken care of. I was glad to tell her that it was being studied by Legislative Research. She was quick to see and sense my feeling that there would probably nothing come of it, and that is the way I feel about it.

We have heard many times the remarks of Mr. Justice Douglas about the rights of some to watch the sunset. Certainly there are a great many who love our wildlife in the State of Maine, our fish, our birds. I have seen the Audubon Camp, I have been escorted around the island; I have watched them watch the birds, I have watched their concern over the fish.

As I say, ladies and gentlemen of the Senate, I know what I say will make no difference but I want to go on record as being in support of this bill. I have to go home and face my constituents. You will also go your several ways, and while I enjoy your company it is my constituents I must live with. I heartily support this bill.

Thereupon the report was accepted in concurrence.

Ought to Pass

The Committee on Agriculture on Bill, "An Act relating to the Disposition of Hundredweight Fees

Payable to the Maine Milk Commission and the Maine Dairy Council Committee." (H. P. 1130) (L. D. 1601) reported that the same ought to pass.

The Committee on Education on Bill, "An Act to Authorize the Municipalities of Blaine and Mars Hill to Form a School Administrative District." (H. P. 1138) (L. D. 1609) reported that the same ought to pass.

The same Committee on Bill, "An Act Authorizing the Municipalities of Bridgton and Harrison to Form a School Administrative District." (H. P. 1139) (L. D. 1610) reported that the same ought to pass.

(Which report was read and accepted and the bill read once; on motion by Mr. Cram of Cumberland, tabled pending assignment for second reading and especially assigned for the next legislative day.)

The same Committee on Bill, "An Act Authorizing the Municipalities of Benton, Clinton, and Albion to Form a School Administrative District." (H. P. 1137) (L. D. 1608) reported that the same ought to pass.

The same Committee on Bill, "An Act to Authorize the Municipalities of Canton, Hartford, Buckfield and Sumner to Form a School Administrative District." (H. P. 1136) (L. D. 1607)

Which reports were read and accepted and under suspension of the rules were given their two several readings.

Mr. EDMUNDS of Aroostook: Mr. President, with reference to Items 6-3, 6-4, 6-5 and 6-6, authorizing school districts, I have no opposition to these four items, as a matter of fact I am in favor of them, but I would like to address an inquiry through the Chair to the Chairman of the Joint Standing Committee on Education.

The PRESIDENT: The Senator may proceed.

Mr. EDMUNDS: Mr. President, what will be the total impact on the State in terms of finances by the formation of these four school districts at the special session.

The PRESIDENT: The Senator from Aroostook, Senator Edmunds,

poses a question through the Chair to any member of the Joint Standing Committee on Education who may answer if he chooses.

Mr. BROOKS of Cumberland: Mr. President, in answer to the query from the Senator from Aroostook, Senator Edmunds: the Department of Education has taken into consideration in their budget requests each biennium the anticipated development of additional school administrative districts. I have been assured by the Department of Education that there are sufficient funds to fund these five districts if they are organized. Not only that, but the regular procedure for districting is taken care of by this funding which they do each biennium for this specific purpose.

Mr. EDMUNDS of Aroostook: Mr. President, I believe the Senator from Cumberland, Senator Brooks, missed the point of my inquiry. I am well aware that they do anticipate the formation of these districts and that they do have a reserve which will permit the funding of them in the current biennium, but my concern is the financial impact in the next biennium, 1965 through 1967, and I was wondering what the net cost might be in the next biennium as a result of the formation of these four districts at this time. All I want is round figures. Let me repeat: I am in no way opposed to these districts but I do this because I want some financial background in the matter.

The PRESIDENT: The same Senator poses another question through the Chair to the Senator from Cumberland, Senator Brooks who may answer if he chooses.

Mr. BROOKS of Cumberland: Mr. President, I apologize to the good Senator from Aroostook, Senator Edmunds for my inability to explain to him properly and that I missed his point completely.

There are several ways I can answer it, but the simplest way to answer his question is that I have no idea what the impact will be. The impact actually will be in the area of new construction and in the 10 per cent bonus that is

given to the new districts. The actual cost of operating the districts would be no higher, actually than they are as separate entities, but as to how much it is going to cost, I frankly cannot answer that question. If you put faith in the Chairman of the Joint Legislative Committee on Education and the Commissioner of the Department of Education I am sure that things will work out.

Mr. EDMUNDS of Aroostook: Mr. President, while I am not going to make this motion, it might be in order to recess the Senate so Senator Brooks could call Warren G. Hill. (Laughter)

Which bills were passed to be engrossed.

The PRESIDENT: The Chair in behalf of the Senate is happy to recognize in the Senate Chamber today the 8th Grade History Class of Gardiner Junior High School. Helen Treat, of Randolph, is their teacher, as well as Merle Peacock.

We enjoy having our students visit the Legislature, the State House, and particularly the Senate. We hope you will continue an interest in government and that you may participate some day.

All of us are concerned from time to time as to the amount of time we spend here, and much has been written about breaking records for longevity and endurance. The 101st Maine Legislature, which is this Legislature, set an endurance record in the regular session last spring when it lasted 25 weeks and adjourned on June 23rd, but even if its members were so disposed, and there is no reason to think that they are, they would have a hard time matching the all-time record insofar as special sessions are concerned because, believe it or not, the 20th Legislature, way back in 1840, convened in special session September 17th and did not quit until October 22 after 31 legislative days. Since then no special session has lasted more than 13 days. We don't know yet about this one.

We are happy indeed to have you here. Your folks are from the

great County of Kennebec, and I am happy to introduce to you the Senators representing your area: Senator Farris, Senator Campbell and myself. (Applause)

The Chair is happy to recognize as being present in the Gardiner school group a young lady by the name of Laurie Merrill, who happens to be the niece of our very efficient page, Lois Beauchaine. Will Laurie Merrill stand please? It is nice to have you here. (Applause)

The Committee on Election Laws on Resolve Proposing an Amendment to the Constitution Clarifying Procedure for Delivering Election Returns to the Secretary of State by Municipalities. (H. P. 1141) (L. D. 1612) reported that the same Ought to pass.

(On motion by Mr. Stitham of Somerset, tabled pending acceptance of the report, and especially assigned for Tuesday next.)

The Committee on Labor on Bill, "An Act Permitting Children to Serve Meals and Work in Dining Areas in School Lunch Program." (H. P. 1158) (L. D. 1661) reported that the same Ought to pass.

The Committee on Municipal Affairs on Bill, "An Act to Increase the Indebtedness of Old Town High School District." (H. P. 1146) (L. D. 1617) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Increase the Indebtedness of the Town of Hermon School District." (H. P. 1148) (L. D. 1619) reported that the same Ought to pass.

The Committee on Public Utilities on Bill, "An Act to Amend the Charter of the Auburn Water District." (H. P. 1156) (L. D. 1627) reported that the same Ought to pass.

The same Committee on Bill, "An Act Increasing Indebtedness of Mexico Sewer District." (H. P. 1151) (L. D. 1622) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Construction and Operation of Intrastate Natural Gas Pipe Lines." (H. P. 1153)

(L. D. 1624) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Increase the Borrowing Capacity of the Waldoboro Sewer District and to Authorize the Town of Waldoboro to Contribute to Construction Costs." (H. P. 1150) (L. D. 1621) reported that the same Ought to pass.

The Committee on Towns and Counties on Bill, "An Act Providing for an Additional Medical Examiner for York County." (H. P. 1157) (L. D. 1628) reported that the same Ought to pass.

(On motion by Mr. Campbell of Kennebec, tabled pending acceptance of the report and especially assigned for Tuesday next.)

Which reports were read and accepted in concurrence and the Bills read once. Under suspension of the rules the Bills and Resolve were given a second reading and passed to be engrossed in concurrence.

Ought to Pass — As Amended by Committee Amendments "A"

The Committee on Appropriations and Financial Affairs on Resolve Appropriating Funds for Purchase of Snow Removal Equipment at the Augusta State Airport. (H. P. 1132) (L. D. 1603) reported that the same Ought to pass as amended by Committee Amendment "A" (H-521)

The Committee on Municipal Affairs on Bill, "An Act to Incorporate the Town of Milbridge High School District." (H. P. 1147) (L. D. 1618) reported that the same Ought to pass as amended by Committee Amendment "A" (H-518)

The Committee on Public Utilities on Bill, "An Act Permitting Monhegan Plantation to Generate Electricity." (H. P. 1152) (L. D. 1623) reported that the same Ought to pass as amended by Committee Amendment "A" (H-520)

Which reports were read and accepted in concurrence, and the Bills read once, and under suspension of the rules, the Bills were given a second reading and passed to be engrossed in concurrence.

The Committee on Legal Affairs on Bill, "An Act Relating to Issuing Licenses for Beano to Volunteer Fire Departments" (H. P. 1145) (L. D. 1616) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-519)

Mrs. CRISTIE of Aroostook: Mr. President, I am at a loss to understand why this should be an emergency measure. I realize that we have gambling in certain forms in the State of Maine and it is my feeling that we shouldn't expand the gambling business in Maine. For that reason I am opposed to this bill and I move its indefinite postponement.

Mr. HINDS of Cumberland: Mr. President, the voluntary firemen in the state have conducted beano since its existence back many years ago, since it was made legal in the state and just recently on a ruling of the Attorney General's office, which was demanded by an individual who was refused a license because his particular license hadn't been incorporated under the laws of the State of Maine for two years, they ruled that unless a charitable, religious, fraternal, patriotic or a bona fide fair, that you could not operate beano. Consequently these volunteer fire departments, of which there are 51 affected by this bill in the state, were then told to close down their beans. These fire outfits in many towns and cities support the local fire departments in their towns.

In my particular city of South Portland, we have the Willard Hose House which has raised through beano money to purchase a \$50,000 fire station, and they have purchased equipment for their truck. At the present time they owe a mortgage and other fire organizations in the state owe money on their trucks, on their equipment and on the buildings they have built. The reason for this being an emergency is the fact that we know fire fighting is very important to all our communities whether large or small and where the towns are so burdened with high taxes, people don't mind

contributing through beano and this simply allows something to go that has been going on for many years. If this law is not passed, the towns are going to have to take over the burden of these fire departments, take over their mortgages on their buildings and I believe that is why the screening committee allowed this in and why the legal affairs committee voted it out Ought to pass unanimously.

I would hope that the Senate would not go along with my good friend and colleague the Senator from Aroostook with her motion to indefinitely postpone.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie that the bill be indefinitely postponed and a division has been requested.

A division of the Senate was had.

Five having voted in the affirmative and twenty-two opposed, the motion did not prevail.

Thereupon, the report was accepted, the bill read once, Committee Amendment A read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed.

**Majority — Ought Not to Pass
Minority — Ought to Pass As Amended by Committee Amendment "A"**

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Inhaling Certain Vapors." (H. P. 1143) (L. D. 1614) reported that the same Ought not to pass.

(Signed)

Senators:

FARRIS of Kennebec
CAMPBELL of Kennebec
BOARDMAN of Washington

Representatives:

PEASE of Wiscasset
KNIGHT of Rockland
CHILDS of Portland
THORNTON of Belfast
RUST of York
SMITH of Bar Harbor

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

to pass as amended by Committee Amendment "A" (H-522)

(Signed)

Representative:

BERMAN of Houlton

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

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

Committee Reports — Senate

Ought to Pass in New Draft — New Title

Mr. Wyman from the Committee on Towns and Counties on Bill, "An Act Relating to Detention by Counties and Municipalities of Persons Arrested by State Law Enforcement Officers." (S. P. 663) (L. D. 1644) reported that the same Ought to pass in New Draft under a new title (S. P. 694) (L. D. 1672)

"An Act Relating to Detention by Counties and Municipalities of Persons Arrested by Law Enforcement Officers."

Mr. JACQUES of Androscoggin: Mr. President, I just called the Police Chief in the City of Lewiston and asked what cost this would be to our municipality. We take in prisoners from Lisbon, Lisbon Falls, Greene, Leeds, Webster, that we take in at present in our city lockup. When I saw this bill here making it legal, I was wondering what the cost was to the City of Lewiston. You know if the City of Lewiston has to bear the cost of this, our cost would be between five to seven hundred dollars a year and I am wondering if the county is willing to reimburse the municipalities in other communities which have that problem and would be paying this cost. I would ask the Chairman of the Towns and Counties Committee if he can answer this.

The PRESIDENT: The Senator from Androscoggin, Senator Jacques poses a question through the Chair to the Chairman of the Committee on Towns and Counties, and that Senator may answer if he wishes.

Mr. WYMAN of Washington: Mr. President, I apologize to the Senate, but I did not hear the question.

Senate At Ease

Mr. STITHAM of Somerset: Mr. President, the question as propounded by the good Senator from Androscoggin, Senator Jacques, is very pertinent and I believe the answer is very clear. There is nothing on the books at the present time that prevents a municipality which receives prisoners from another town from billing that other town or even a county officer from billing the county for the keep of that person while he is in municipal jail. I do believe that in the next regular session it is going to be necessary to consider well our whole matter of county and municipal jails in relation to our new district court set-up which has created a number of problems. We cannot very well take it up at this session and it certainly is not pertinent to this bill before us. This bill merely provides that an arresting officer making an arrest shall have the

facilities to safekeep a prisoner that he has picked up and I think under our present law the expense of it can be adequately taken care of by billing the arresting agency.

Thereupon, the report of the committee was accepted, and under suspension of the rules, the bill in new draft was read twice and passed to be engrossed.

Ordered sent forthwith to the House.

Orders of the Day

The President laid before the Senate, the 1st tabled and today assigned item (S. P. 692) Joint Order relative to Public Utilities Commission study of Upper St. John River projects; tabled on January 9 by Senator Stitham of Somerset pending passage; and on further motion by that Senator, the Joint Order was retabled and especially assigned for Tuesday next.

The Adjournment Order having been returned from the House, read and passed in concurrence, the President declared the Senate

Adjourned until Monday next at 4 o'clock in the afternoon.