

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

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DAILY KENNEBEC JOURNAL  
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**SENATE**

Tuesday, January 14, 1964

Senate called to order by the President.

Prayer by Rev. Kenneth Brookes of Augusta.

On motion by Mr. Brooks of Cumberland,

Journal of yesterday was read and approved.

The PRESIDENT: The Chair is happy to welcome in the Senate chambers today in the balcony 54 senior students from Skowhegan High School in Somerset County, with David Mattsen and Bert Dumais. We are happy indeed to have you here. We hope you find these proceedings interesting and educational. One of your senators from Somerset County is here and the other is not here, which is unusual because their attendance record, as with all of the senators, has been excellent not only in this special session but in the long, hard days of the regular session.

You will be watching this Senate in action for a few minutes this afternoon, at which time we will be recessing until 3:00 o'clock because of the very important public hearing in the judiciary room on a constitutional amendment. There is not room for all of you there but certainly those of you who can get in will be most interested in those proceedings.

May I introduce to you the Senator from your county who is here in the chamber today, Senator Johnson. (Applause)

**Committee Reports — House  
Ought to Pass As Amended by  
Committee Amendments A.**

The Committee on Appropriations and Financial Affairs on Resolve, Appropriating Funds for Development of Owl's Head Light-houses Area. (H. P. 1133) (L. D. 1604) Reported that the same Ought to pass As Amended by Committee Amendment A (H-525);

Comes from the House passed to be engrossed, as amended.

The Committee on Public Utilities on Bill, "An Act to Incorporate the South Berwick Sewer District." (H. P. 1154) (L. D. 1625) reported that the same Ought to pass As Amended by Committee Amendment A (H-524)

Comes from the House passed to be engrossed, as amended.

In Senate, the reports were accepted in concurrence, Committee Amendments A were read and adopted in concurrence, and under suspension of the rules the Bills were given their several readings and passed to be engrossed, as amended, in concurrence.

**Committee Reports — Senate  
Ought to be Adopted**

Mr. Whittaker from the Committee on State Government on Joint Resolution Memorializing the Honorable Stewart L. Udall, Secretary of the Interior, to Remove or to Liberalize the Restrictions on Residual Fuel Oil Imports. (S. P. 689) (L. D. 1670) reported that the same Ought to be adopted.

Which report was accepted and the Joint Resolution was adopted and sent down for concurrence.

**Ought to Pass as Amended  
by Committee Amendments "A"**

Mr. Campbell from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Appropriate Funds and Provide Staff for Public Assistance Programs." (S. P. 655) (L. D. 1647) reported that the same Ought to pass as amended by Committee Amendment A (S-363)

Mr. EDMUNDS of Aroostook: Mr. President, since there has been some question by members of both branches of the legislature as to the action of the Appropriations Committee on this bill, may I state for the record that this bill fully implements the Governor's request for \$445,000 in new money for these programs. The only change that the Appropriations Committee made in this bill was to reduce the requested 33 positions to 20 positions.

Thereupon, the report was accepted, Committee Amendment A

read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed as amended.

Mr. Edmunds from the same Committee on Bill, "An Act Appropriating Additional Funds for the Distribution of Donated Commodities Program." (S. P. 656) (L. D. 1648) reported that the same Ought to pass as amended by Committee Amendment A (S-364)

Mr. Campbell from the same Committee on Bill, "An Act Relating to Aid to the Aged, Blind or Disabled, and Aid to the Medically Indigent." (S. P. 661) (L. D. 1653) reported that the same Ought to pass as amended by Committee Amendment A (S-365)

Which reports were read and accepted, Committee Amendments A were read and adopted, and under suspension of the rules the Bills, as amended, were given their several readings and passed to be engrossed. Sent down for concurrence.

**Ought to Pass in New Draft**

Mr. Campbell from the Committee on Judiciary on Bill, "An Act to Clarify Condemnation of Schoolhouse Lots." (S. P. 679) (L. D. 1662) reported that the same Ought to pass in New Draft (S. P. 698) (L. D. 1673)

On motion by Mr. Campbell of Kennebec, the bill was tabled pending acceptance of the report.

**Majority — ONTP  
Minority — OTP**

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act to Appropriate Moneys to Increase Rates of Payment for Nursing Home Care for Public Assistance Recipients." (S. P. 654) (L. D. 1646) reported that the same Ought not to pass.

(Signed)

Senators:

EDMUNDS of Aroostook  
CAMPBELL of Kennebec

Representatives:

JALBERT of Lewiston  
SMITH of Falmouth

BRAGDON of Perham  
MINSKY of Bangor  
PIERCE of Bucksport

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

(Signed)

Senator:

PORTEOUS

of Cumberland

Representative:

HUMPHREY of Augusta

On motion by Mr. Farris of Kennebec, the bill was tabled pending acceptance of either report and was especially assigned for the next legislative day.

**Majority — OTP  
Minority — Ought to Pass As Amended by Committee Amendment A**

The Majority of the Committee on Appropriations and Financial Affairs on Resolve, Permitting Use of Appropriated Federal and State Funds at Maine Vocational Technical Institute. (S. P. 659) (L. D. 1651) reported that the same Ought to pass.

(Signed)

Senators:

CAMPBELL of Kennebec

Representatives:

JALBERT of Lewiston  
SMITH of Falmouth  
BRAGDON of Perham  
MINSKY of Bangor  
EDWARDS of Raymond  
PIERCE of Bucksport  
HUMPHREY of Augusta

The Minority of the same Committee on the same subject matter reported that the same Ought to pass as amended by Committee Amendment A (S-362)

(Signed)

Senators:

EDMUNDS of Aroostook  
PORTEOUS of Cumberland

On motion by Mr. Edmunds of Aroostook, the Minority Report was accepted and the bill read once. Committee Amendment A was read.

Mr. HINDS of Cumberland: Mr. President, I wish to ask a question of the Chair, if Committee Amendment A is germane to the

legislative document we are discussing?

The PRESIDENT: The Senate will be at ease.

**Senate at ease**

Mr. HINDS of Cumberland: Mr. President, I withdraw my request.

The PRESIDENT: The Chair understands that the Senator from Cumberland, Senator Hinds, does not challenge the germaneness of the amendment.

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

On motion by Mr. Edmunds of Aroostook

Recessed until 3 o'clock this afternoon.

**After Recess**

Senate called to order by the President.

The PRESIDENT: The Chair will ask the Sergeant-at-Arms to please escort to the rostrum the ex-senator from Knox, Senator Stilphen.

Ex-Senator Stilphen was thereupon escorted to the rostrum amid the applause of the Senate.

The PRESIDENT: Senator Stilphen, we are happy indeed to have you back here and would appreciate any remarks you may care to make to the Senate regarding your retirement from the scene.

EX-SENATOR STILPHEN: President Robert, and I have to say fellow members of the Senate: I am most happy to be back. I used to ask to approach the rostrum and now he has commanded me to come to the rostrum. I know it used to be somewhat of a nuisance to him to have me do that but I miss it just the same and I shall always remember the good days and some of the long days that we had together. I wish you all well. (Applause)

**Majority — Ought to Pass As Amended by Committee Amendment A**

**Minority — ONTP**

The Majority of the Committee on Judiciary on Bill, "An Act Re-

pealing the Shortening of the Period of Real Estate Mortgage Foreclosure." (S. P. 671) (L. D. 1633) reported that the same Ought to pass as amended.

(Signed)

Senators:

FARRIS of Kennebec  
CAMPBELL of Kennebec  
BOARDMAN  
of Washington

Representatives:

PEASE of Wiscasset  
THORNTON of Belfast  
KNIGHT of Rockland  
SMITH of Bar Harbor  
BERMAN of Houlton

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

(Signed)

Representatives:

CHILDS of Portland  
RUST of York

Mr. FARRIS of Kennebec: Mr. President, in view of the fact that this foreclosure matter has been confusing and is still somewhat confusing, I would like to point out that this particular bill is a bill which will return the foreclosure law to the status that it was before the 101st Legislature convened in regular session, and the amendment is merely to clarify the validity of title to any mortgages which anyone may have been so unwise as to have had written between January 1st and the effective date of this particular act. At this time I move acceptance of the majority report as amended.

Mr. WHITTAKER of Penobscot: Mr. President, may I ask through the Chair if Senator Farris would be willing to explain a bit further why we have this particular committee report at this time? If my memory is correct, we, in this body at least, already passed a bill which had a similar favorable report, leaving the figure at six months and now we are asked to support the twelve months bill if I am not mistaken. Perhaps I am mistaken. It is a little confusing.

The PRESIDENT: The senator from Penobscot, Senator Whitta-

ker, poses a question through the Chair to the Senator from Kennebec, Senator Farris, who may answer if he chooses.

Mr. FARRIS: Mr. President and members of the Senate: In reply to the question; this body did act favorably upon a bill which would have created a six-months period of redemption without any return of surplus to the borrower in the event there should be surplus. That measure went to the other body and it was defeated by a vote of approximately two to one, and for that reason it seems absolutely a waste of time to request a conference committee to meet upon the subject matter. This bill will return it back to the twelve months, which seems to be the wish of the vast majority in the other body, and we will then be able to start from the beginning and maybe at the next session, if there is to be a shortening of the redemption period, have a bill which will meet with the satisfaction of all the varied interests which will be affected.

Mr. WHITTAKER of Penobscot; Mr. President, I should like to have the privilege of casting my vote as I did originally, and I therefore ask for a division.

Mrs. HARRINGTON of Penobscot: Mr. President, do I understand that by passing this bill it puts it right back where it was; it repeals the law we passed at the last legislature?

The PRESIDENT: The Senator from Penobscot, Senator Harrington, poses a question through the Chair to any Senator who may answer if he chooses.

Mr. FARRIS of Kennebec: Mr. President, in reply to the Senator I will say that is correct.

The PRESIDENT: the Senator from Kennebec, Senator Farris, moves that the Senate accept the majority "Ought to pass" report of the committee, and a division has been requested.

A division was had.

Twenty-five having voted in the affirmative and three in the negative, the motion prevailed and the majority "Ought to pass" report of the committee was ac-

cepted, the bill was given its first reading, committee Amendment A was read and adopted, and under suspension of the rules the bill was given its second reading and passed to be engrossed. Sent down for concurrence.

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### Enactors

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

Bill, "An Act Relating to Joint Share Accounts of the Railroad Workers Credit Union of Maine and the Federal Employees' Credit Union of Maine." (S. P. 651) (L. D. 1659)

Bill, "An Act Permitting Insurance Companies to Join Together to Offer Health Insurance for the Aged." (S. P. 653) (L. D. 1657)

Bill, "An Act Relating to Lapsing of Appropriation for Legislative Research Committee." (S. P. 660) (L. D. 1652)

Bill, "An Act Authorizing Hancock County to Construct an Addition and Make Renovations to the County Court House." (S. P. 662) (L. D. 1645)

Bill, "An Act Relating to Employment of Prisoners." (S. P. 664) (L. D. 1643)

Bill, "An Act to Amend the Charter of the Auburn Water District." (H. P. 1156) (L. D. 1627)

Which Bills were passed to be enacted.

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### Emergency Measures

Bill, "An Act Increasing Borrowing Capacity of Ashland Water and Sewer District." (S. P. 648) (L. D. 1654)

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

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Bill, "An Act to Amend the Charter of the Union Mutual Life Insurance Company." (S. P. 652) (L. D. 1658)

Which Bill, being an emergency measure, had having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Bill, "An Act to Revise Laws Relating to Support of Patients at State Institutions under the Control of the Department of Mental Health and Corrections." (S. P. 658) (L. D. 1650)

Which Bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Bill, "An Act to Increase the Indebtedness of the Town of Canaan School District." (S. P. 668) (L. D. 1639)

Which Bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Bill, "An Act Permitting Complaint by a County Attorney for Discovery of Property of Deceased Persons or Wards." (S. P. 673) (L. D. 1636)

Which Bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Bill, "An Act to Promote Mining in the State and Reclassifying Certain Waters in Hancock County." (S. P. 680) (L. D. 1663)

Which Bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

Bill, "An Act Relating to the Disposition of Hundredweight Fees Payable to the Maine Milk Commissioner and the Maine Dairy Council Committee." (H. P. 1130) (L. D. 1601)

Which Bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

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 Bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

Bill, "An Act Authorizing the Municipalities of Benton, Clinton, and Albion to Form a School Administrative District." (H. P. 1137) (L. D. 1608)

Which Bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

Bill, "An Act to Authorize the Municipalities of Blaine and Mars Hill to Form a School Administrative District." (H. P. 1138) (L. D. 1609)

Which Bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

Bill, "An Act Relating to Issuing Licenses for Beano to Volunteer Fire Departments." (H. P. 1145) (L. D. 1616)

This bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and 3 opposed, was passed to be enacted.

Bill, "An Act to Increase the Indebtedness of Old Town High School District." (H. P. 1146) (L. D. 1617)

Which Bill, being an emergency measure and having received the affirmative vote of 30 members of the Senate was passed to be enacted.

Bill, "An Act to Incorporate the Town of Milbridge High School District." (H. P. 1147) (L. D. 1618)

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

Bill, "An Act to Increase the Indebtedness of the Town of Hermon School District." (H. P. 1148) (L. D. 1619)

Which Bill, being an emergency measure and having received the affirmative vote of 29 mem-

bers of the Senate was passed to be enacted.

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)

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

Bill, "An Act Increasing Indebtedness of Mexico Sewer District." (H. P. 1151) (L. D. 1622)

Which Bill, being an emergency measure and having received the affirmative vote of 31 members of the Senate, was passed to be enacted.

Bill, "An Act Permitting Monhegan Plantation to Generate Electricity." (H. P. 1152) (L. D. 1623)

Which Bill, being an emergency measure and having received the affirmative vote of 31 members of the Senate, was passed to be enacted.

Bill, "An Act Relating to Construction and Operation of Intra-state Natural Gas Pipe Lines." (H. P. 1153) (L. D. 1624)

Which Bill, being an emergency measure and having received the affirmative vote of 31 members of the Senate, was passed to be enacted.

Bill, "An Act Permitting Children to Serve Meals and Work in Dining Areas in School Lunch Program." (H. P. 1158) (L. D. 1661)

Which Bill, being an emergency measure and having received the affirmative vote of 31 members of the Senate, was passed to be enacted.

"Resolve Appropriating Funds for Purchase of Snow Removal Equipment at the Augusta State Airport." (H. P. 1132) (L. D. 1603)

Which Resolve, being an emergency measure and having received the affirmative vote of 31 members of the Senate, was finally passed.

### Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 1141) (L. D. 1612) Resolve Proposing an Amendment to the Constitution Clarifying Procedure for Delivering Election Returns to the Secretary of State by Municipalities, tabled on January 10 by Senator Stitham of Somerset pending acceptance of the Ought to Pass report; and on motion by Mr. Edmunds of Aroostook, the resolve was retabled and specially assigned for the next legislative day.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 1157) (L. D. 1628) Bill, "An Act Providing for an Additional Medical Examiner for York County", tabled on January 10 by Senator Campbell of Kennebec pending acceptance of the Ought to Pass report; on further motion by the same Senator, the report was accepted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 692) Joint Order relative to Study of Hydroelectric Projects by Public Utilities Commission; tabled on January 10 by Senator Stitham of Somerset pending passage; and on motion by Mr. Johnson of Somerset, the Order was retabled and specially assigned for the next legislative day.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 1139) (L. D. 1610) Bill, "An Act Authorizing the Municipalities of Bridgton and Harrison to Form a School Administrative District"; tabled on January 13 by Senator Cram of Cumberland pending assignment for second reading; and that Senator presented Senate Amendment A and moved its passage.

Mr. FERGUSON of Oxford; Mr. President, and members of the Senate I question whether this Senate Amendment A is germane to L. D. 1610. This bill calls for



forming an administrative school district for Bridgton and Harrison and the amendment calls for a district for Cumberland and North Yarmouth. I question the germaneness of the amendment.

The PRESIDENT: The Senate will be at ease.

**Senate at ease**

On motion by Mr. Ferguson of Oxford, the bill was laid upon the table pending ruling by the President on the germaneness of the amendment.

**Additional Paper from the House — Out of Order**

Bill, "An Act to Appropriate Moneys for Legislative Expenditures." (S. P. 657) (L. D. 1649)

In Senate Jan. 8, 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, that Body voted to recede and concur.

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow afternoon at one o'clock.