

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, February 4, 1965

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Ross Hinshaw of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act relating to Application of Slaughterhouse Law to Domestic Rabbits" (S. P. 257) (L. D. 806)

Came from the Senate referred to the Committee on Agriculture.

In the House, referred to the Committee on Agriculture in concurrence.

From the Senate:

Bill "An Act Providing for Study of Welfare Programs" (S. P. 258) (L. D. 807)

Bill "An Act to Permanently Establish a Maine Commission on Retardation" (S. P. 259) (L. D. 808)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act to Incorporate the Maine Dental Service Corporation" (S. P. 260) (L. D. 809)

Came from the Senate referred to the Committee on Business Legislation.

In the House, referred to the Committee on Business Legislation in concurrence.

From the Senate:

Bill "An Act relating to Amount of Aid to Aged, Blind or Disabled" (S. P. 261) (L. D. 810)

Came from the Senate referred to the Committee on Health and Institutional Services.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

From the Senate:

Bill "An Act Increasing the Reimbursement of Towns for Snow Removal" (S. P. 262) (L. D. 811)

Came from the Senate referred to the Committee on Highways.

In the House, referred to the Committee on Highways in concurrence.

From the Senate:

Bill "An Act Providing for a New Charter for the City of Lewiston" (S. P. 230) (L. D. 767)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act relating to Liability of Railroads for Property and Personal Damages of Employees in Motor Vehicles on Railroad Business" (S. P. 268) (L. D. 812)

Came from the Senate referred to the Committee on Public Utilities.

In the House, referred to the Committee on Public Utilities in concurrence.

Senate Reports of Committees Ought to Pass

Report of the Committee on Retirements and Pensions reporting "Ought to pass" on Bill "An Act to Extend Retirement Benefits to Wives of State Police Members Retired under Noncontributory Statute" (S. P. 2) (L. D. 21)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Bill read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment

Report of the Committee on Labor on Bill "An Act to Create a Committee to Study Effect of Foreign Labor in Maine" (S. P. 16) (L. D. 29) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT
"A" to S. P. 16, L. D. 29, Bill, "An Act to Create a Committee to Study Effect of Foreign Labor in Maine."

Amend said Bill in the 4th line of "Sec. 2." by inserting after the word "study" the words "when completed to the Maine congressional delegation and"

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading the next legislative day.

Non-Concurrent Matter

Bill "An Act relating to Taxes Paid by Town of Wells to Ogunquit Village Corporation" (H. P. 435) (L. D. 564) which was referred to the Committee on Towns and Counties in the House on January 26.

Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

The SPEAKER: The Chair at this time would like to recognize in the balcony pupils from Winterport High School, accompanied by their teachers, Mrs. Nelson and Mrs. Foley. These pupils are guests of the Representative from Frankfort, Mr. Mitchell.

On behalf of the House, the Chair welcomes you and we hope that your visit will be both educational and enjoyable. (Applause)

On motion of the gentlewoman from Windham, Mrs. Harvey, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on reference of Bills, were referred to the following Committees:

Education

Bill "An Act to Pay School Subsidies on the Basis of Uniform Local Effort" (H. P. 729) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)

Bill "An Act relating to Payment of Insurance Premiums of School Employees" (H. P. 730) (Presented by Mrs. Hanson of Lebanon)

(Ordered Printed)

Bill "An Act relating to Computation of Net Operating Costs in Allocating School Subsidies" (H. P. 731) (Presented by Mr. Pendergast of Kennebunkport)

(Ordered Printed)

Bill "An Act relating to Duties of Indian Constables" (H. P. 732) (Presented by Mr. Whittier of Farmington)

(Ordered Printed)

Bill "An Act Clarifying the Education of Penobscot and Passamaquoddy Indian Children" (H. P. 733) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act relating to Appointment of Chairmen of Boards of Registration in Cities of Certain Population" (H. P. 734) (Presented by Mr. Cote of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to Free Public Access to Waters Stocked with Fish Raised by State" (H. P. 735) (Presented by Mr. Carroll of Limerick)

(Reconsidered and tabled later in today's session)

Bill "An Act relating to Boundaries of Merrymeeting Bay Game

Sanctuary" (H. P. 736) (Presented by Mr. Millay of Bowdoinham)
(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act relating to Driving Motor Vehicle under Influence of Combination of Drugs and Liquor" (H. P. 737) (Presented by Mr. Benson of Mechanic Falls)
(Ordered Printed)

Bill "An Act Revising the Lien Law on Buildings" (H. P. 738) (Presented by Mr. D'Alfonso of Portland)
(Ordered Printed)

Bill "An Act relating to Relocation Payments in Eminent Domain" (H. P. 739) (Presented by same gentleman)

Bill "An Act relating to Effect of Recording of Plans of Lots on Rights-of-Way" (H. P. 740) (Presented by same gentleman)
(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act Protecting the Right of Public Employees to Join Labor Organizations" (H. P. 741) (Presented by Mr. Bedard of Saco)
(Ordered Printed)

Bill "An Act Establishing the Fire Fighters Arbitration Law" (H. P. 742) (Presented by Mr. Cote of Lewiston)
(Ordered Printed)

Bill "An Act to Provide for Fair Minimum Wages for Construction of Public Improvements" (H. P. 743) (Presented by Mr. Dumont of Augusta)
(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Number of Members of Superintending School Committee of Town of Old Orchard Beach" (H. P. 744) (Presented by Mr. Danton of Old Orchard Beach)
(Ordered Printed)

Bill "An Act relating to Operation of Retail Stores on Sundays and Certain Holidays" (H. P. 745)

(Presented by Mr. D'Alfonso of Portland)

(Ordered Printed)

Bill "An Act relating to Time of Abolition of Urban Renewal Authorities" (H. P. 746) (Presented by Mr. Harvey of Woolwich)

(Ordered Printed)

Bill "An Act relating to Approval of Urban Renewal Plans" (H. P. 747) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act relating to Definition of Hotel under Liquor Law" (H. P. 748) (Presented by Mr. Cote of Lewiston)
(Ordered Printed)

Bill "An Act relating to Certain Liquor Licensees Providing Entertainment to Charge Admission" (H. P. 749) (Presented by same gentleman)
(Ordered Printed)

Bill "An Act relating to Liquor Fees of Hotels Serving and Not Serving Meals" (H. P. 750) (Presented by same gentleman)
(Ordered Printed)

Bill "An Act relating to Definition of Hotel under Liquor Laws" (H. P. 751) (Presented by Mr. D'Alfonso of Portland)
(Ordered Printed)

Bill "An Act relating to Place of Keeping Records of Liquor Licensees" (H. P. 752) (Presented by same gentleman)
(Ordered Printed)

Bill "An Act relating to Definition of Premise under Liquor Laws" (H. P. 753) (Presented by same gentleman)
(Ordered Printed)

Bill "An Act relating to Definition of Restaurant under Liquor Law" (H. P. 754) (Presented by Mr. Lund of Augusta)
(Ordered Printed)

Bill "An Act Regulating Liquor Salesmen" (H. P. 755) (Presented by same gentleman)
(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act relating to Rules and Regulations for Safety and

Welfare of Railroad Employees" (H. P. 756) (Presented by Mr. Bedard of Saco)

(Ordered Printed)

Bill "An Act Authorizing Municipalities to Raise Money for Assistance to Water or Sewer Districts" (H. P. 757) (Presented by Mrs. Hanson of Lebanon)

(Ordered Printed)

Sent up for concurrence.

Retirements and Pensions

Bill "An Act relating to Rules Regarding Retirement of Teachers" (H. P. 758) (Presented by Mrs. Hanson of Lebanon)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Transferring Alcoholic Rehabilitation to Department of Mental Health and Corrections" (H. P. 759) (Presented by Mr. Storm of Sherman)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Repealing Property Tax Exemption for Pleasure Boats in the State for Storage or Repair" (H. P. 760) (Presented by Mr. Lewis of Bristol)

(Ordered Printed)

Bill "An Act Repealing from Sales Tax Exemption on Containers, Packaging and the Like" (H. P. 761) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Bill "An Act relating to Excise Tax on Vehicles of Certain Public Utilities" (H. P. 762) (Presented by Mr. Ross of Brownville)

(Ordered Printed)

Sent up for concurrence.

Towns and Counties

Bill "An Act Increasing Fees of Registers of Deeds" (H. P. 763) (Presented by Mr. Cote of Lewiston)

(Ordered Printed)

Sent up for concurrence.

The following Bills, approved by a majority of the Committee on

Reference of Bills for appearance on House Calendar, less than one-tenth of the members present objecting, were received and referred to the following Committees:

Public Utilities

Bill "An Act Creating the Newport Water District" (H. P. 764) (Presented by Mr. Bradstreet of Newport)

(Ordered Printed)

Bill "An Act Creating a Sewer District in the Town of Newport" (H. P. 765) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Creating a Sewer District in the Town of Corinna" (H. P. 766) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

From the Senate: The following Order out of order:

ORDERED, the House concurring, that, in order to accelerate the Legislative processes, beginning the week of February 8, the Senate and House will convene at ten o'clock in the morning on Tuesday, Wednesday, Thursday and Friday, until further change by Joint Order. (S. P. 256)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Mr. Libhart of Brewer was granted unanimous consent to briefly address the House.

Mr. LIBHART: Mr. Speaker, I rise in regard to item 7 on page 3, Bill "An Act relating to Free Public Access to Waters Stocked with Fish Raised by State," House Paper 735. I would like to ask reconsideration of the assignment of this bill to the Committee on Inland Fisheries and Game and suggest that it be referred to the Committee on Judiciary.

The SPEAKER: The gentleman from Brewer, Mr. Libhart, moves that we reconsider our action whereby this bill was referred to the Committee on Inland Fish-

eries and Game. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, through the Chair I would like to inquire of the gentleman from Brewer, Mr. Libhart, his reasons for changing the assignment of this bill.

The SPEAKER: The gentleman from Milbridge, Mr. Kennedy, poses a question to the gentleman from Brewer, Mr. Libhart. He may answer if he so desires.

Mr. LIBHART: Mr. Speaker, my purpose is that — I have not read the bill because it has not been printed, but I would take from its title that it is primarily concerned with the right to access either over public or private lands and has nothing to do actually with our fishing laws. If this is the case, then, it belongs in Judiciary rather than in the Fish and Game.

The SPEAKER: The question before the House now is the motion of the gentleman from Brewer, Mr. Libhart, that this matter be referred to Committee on Judiciary, ordered printed and sent up for concurrence. Is this the pleasure of the House?

Whereupon, on motion of Mr. Carroll of Limerick, the Bill was tabled pending reference and specially assigned for the next legislative day.

Mr. Kittredge of South Thomaston was granted unanimous consent to briefly address the House.

Mr. KITTREDGE: Mr. Speaker, Ladies and Gentlemen of the House: Towards the end of yesterday's session I made a motion to reconsider an order which had been brought before the House. In making this motion I was motivated by principle and not by partisan politics. The principle involved was simply that I do not believe matters pertaining to money should be acted on by this House before they have been reduced to writing, printed and promulgated to the membership. Now

in order to prove that this was my motivation, I would respectfully invite one of my Democrat colleagues to join with me after today's session in sponsoring legislation to revise the salary of the Clerk of the House by law rather than by order.

Orders

On motion of Mr. Ross of Bath, it was

ORDERED, that Mr. Eustis of Dixfield be excused from attendance for the duration of his illness.

The SPEAKER: The Chair at this time would like to announce the appointment of the Legislative Study Committee, relative to the order which was passed yesterday, Senate Order, S. P. 276, which dealt with the feasibility and cost of an Official State Museum:

Mr. EDWARDS of Portland,
Chairman

Mrs. RUBY of Bangor

Messrs. CARROLL of Limerick

BERRY of Cape Elizabeth
Mrs. LINCOLN of Bethel

Mr. Crommett of Millinocket was granted unanimous consent to address the House briefly.

Mr. CROMMETT: Mr. Speaker and Members of the House: I asked Mr. Baldie to present this explanation as the House Chairman of the Fish and Game Committee. You have on your desks a paper reproduced by me pertaining to retired — it is L. D. 316, Resolve Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens. The purpose of this is to equalize all pensions to \$100 per month. The paper before you does not have that information. We have already had the hearing before the Retirements and Pensions Committee, and I would like you to know what this paper is about.

Mrs. Carswell of Portland was granted unanimous consent to address the House briefly.

Mrs. CARSWELL: Mr. Speaker, relative to an order that was

passed last week in reference to the Director of the Department of Health, on your desk you will find some material which came from the Governor and Council on this order and it is Dr. Fisher's statement. I would like to have you read this over and there will also be another follow up on this matter.

House Reports of Committees Ought Not to Pass

Mr. Anderson from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act Creating a Hunting Accident Reserve Fund" (H. P. 214) (L. D. 282)

Mr. Cookson from same Committee reported same on Bill "An Act relating to Use of Live Bait in Cochnewagon Lake, Kennebec County" (H. P. 213) (L. D. 281)

Mr. Poulin from same Committee reported same on Bill "An Act Granting Complimentary Fishing and Hunting Licenses for Certain Maine Residents in Armed Forces" (H. P. 219) (L. D. 287)

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Graham from the Committee on Education reported "Ought to pass" on Bill "An Act Authorizing the Municipalities of Cumberland and North Yarmouth to Form a School Administrative District" (H. P. 48) (L. D. 60)

Mr. Gaudreau from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Sale of Publications of Department of Inland Fisheries and Game" (H. P. 216) (L. D. 284)

Mr. Poulin from same Committee reported same on Bill "An Act Prohibiting Taking of Fish as Bait in Certain Inland Waters" (H. P. 224) (L. D. 291)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment

Mr. Gifford from the Committee on Education on Bill "An Act re-

lating to Attending Secondary School Outside of Residence" (H. P. 46) (L. D. 58) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT
"A" to H. P. 46, L. D. 58, Bill, "An Act Relating to Attending Secondary School Outside of Residence."

Amend said Bill by striking out everything after the amending clause and inserting in place thereof the following:

"Any youth whose parent or guardian maintains a home for his family in an administrative unit that maintains, or contracts for school privileges in, an approved secondary school in which the average daily membership, as reported in the preceding year, is less than 100 students and who has met the qualifications for admission to the high school in his town, may elect to attend some other approved secondary school in the State to which he may gain admission for the purpose of studying or of completing a sequence of courses in mathematics, science, a foreign language or the social studies not offered or contracted for by the administrative unit of his legal residence. Except in case of change in the legal residence of the student to a different administrative unit, transfer from one secondary school to another may be made only at the beginning of the school year."

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to Authorize the Town of Pownal to Form a School Administrative District" (H. P. 47) (L. D. 59)

Report was signed by the following members:

Messrs. SNOW of Cumberland
FALON of Penobscot
— of the Senate.

Messrs. CARROLL of Limerick
LEVESQUE

of Madawaska

Mrs. HANSON of Lebanon

Mr. GIFFORD of Manchester
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. MENDELL of Cumberland
— of the Senate.

Mr. GRAHAM of Freeport
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Graham.

Mr. GRAHAM: Mr. Speaker, I move the acceptance of the Minority Report.

The SPEAKER: The gentleman from Freeport, Mr. Graham, moves we accept the Minority "Ought to pass" Report. The gentleman may proceed.

Mr. GRAHAM: Mr. Speaker, this is permissive legislation, not mandatory. School conditions in Pownal are deplorable. There are five one-room schoolhouses; no water, no toilets. Forty-three children in four grades are crammed into one room in several cases. The Town of Pownal has tried to get into a school district with every surrounding town and been rebuffed. Pownal is making the biggest tax effort in Cumberland County and twice the effort of some towns. Only by allowing Pownal to become a one-town school district can that town be able to build one decent school. Neither the so-called equal effort tax plan in education nor the Maine School Building Authority can help Pownal to build a decent school. I therefore believe that this bill is absolutely essential.

The SPEAKER: The question before the House is the motion of the gentleman from Freeport, Mr. Graham, that we accept the Minority Report. Is this the pleasure of the House?

Thereupon the Minority "Ought to pass" Report was accepted, the Bill read twice and assigned the next legislative day.

Passed to Be Engrossed

Bill "An Act relating to Beano" (S. P. 235) (L. D. 535)

Bill "An Act relating to the Display of Boat Numbers" (H. P. 70) (L. D. 204)

Resolve to Reimburse Allen Bragdon of Ashland for Loss of Poultry (S. P. 58) (L. D. 119)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed and sent to the Senate.

Amended Bill

Bill "An Act relating to Hunting on Mount Desert Island, Hancock County" (H. P. 132) (L. D. 156)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act relating to Eminent Domain under Urban Renewal Authority Law in City of Bangor (S. P. 18) (L. D. 30)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 124 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Create an Alternate Member to Serve on the State Probation and Parole Board (H. P. 98) (L. D. 107)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 126 voted in favor of same and none

against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Amending the Charter of the City of Bangor Relative to the Use of Municipal Revenue Bonds (S. P. 20) (L. D. 32)

An Act relating to Election of Council Members of City of Portland (S. P. 21) (L. D. 33)

An Act relating to Nasson College Charter (H. P. 44) (L. D. 56)

Resolve in favor of Town of Dixmont for Certain Snow Removal (H. P. 38) (L. D. 50)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolve finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act Reestablishing Western Maine Sanatorium in Hebron as a Nursing Home for the Elderly," (H. P. 443)

Tabled — January 27, by Mr. Bussiere of Lewiston.

Pending — Reference.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Bussiere.

Mr. BUSSIERE: Mr. Speaker, I move this bill be referred to the Committee on Health and Institutional Services.

The SPEAKER: The gentleman from Lewiston, Mr. Bussiere, moves this matter be referred to the Committee on Health and Institutional Services.

On motion of Mr. Levesque of Madawaska, tabled pending reference and specially assigned the next legislative day.

The Chair laid before the House the second tabled and today assigned matter:

HOUSE REPORT — "Ought to pass" — Committee on Taxation on Bill "An Act Clarifying Excise Taxes and Fees for Camp Trailers," (H. P. 8) (L. D. 8)

Tabled — February 2, by Mr. Cottrell of Portland.

Pending — Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr' COTTRELL: Mr. Speaker, an amendment is being prepared and will be submitted at the proper time. I therefore move that the Committee "Ought to pass" Report be accepted.

Thereupon, the "Ought to pass" Report was accepted, the Bill read twice and assigned the next legislative day.

The Chair laid before the House the third tabled and today assigned matter:

HOUSE MAJORITY REPORT (8) — "Ought not to pass" — Minority Report (2) — "Ought to pass" in New Draft — Committee on State Government on Bill "An Act Providing for Photographs of Persons under Twenty-five Years of Age on Motor Vehicle Operators' Licenses" (H. P. 97) (L. D. 106)

Tabled — February 3, by Mr. Edwards of Portland.

Pending — Motion of Mr. Berry of Cape Elizabeth to accept Majority "Ought not to pass" Report.

Thereupon, the Majority "Ought to pass" Report was accepted and sent up for concurrence.

On motion of Mr. Levesque of Madawaska,

Adjourned until Tuesday, February 9, at ten o'clock in the morning.