

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Special Session*

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

1966

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, January 18, 1966

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

Prayer by the Rev. Mr. Victor Musk of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Communication: (S. P. 700)

STATE OF MAINE  
Senate Chamber  
Augusta

January 17, 1966

To the Honorable Senate  
and House of Representatives  
Special Session  
102nd Legislature

Pursuant to a Joint Order, S. P. No. 591, I am pleased to transmit herewith a report by the joint interim committee created by the regular session of the 102nd Legislature to study pending proposals for the Allagash and St. John Rivers.

Respectfully,

(Signed)

SEN. ELMER VIOLETTE  
Sen. Elmer Violette  
Chairman

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 701)

STATE OF MAINE  
Senate Chamber  
Augusta

January 17, 1966

To the Honorable Senate  
and House of Representatives  
Special Session  
102nd Legislature

Pursuant to a Joint Order, S. P. No. 601, I am pleased to transmit herewith a majority report by the joint interim committee created by the regular session of

the 102nd Legislature to study apportionment of the Senate.

Respectfully,

(Signed)

SEN. PETER BERNARD  
Sen. Peter Bernard  
Chairman

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 702)

Intergovernmental Relations  
Commission  
Augusta, Maine

January 17, 1966

To the Honorable Senate  
and House of Representatives  
Special Session  
102nd Legislature

On behalf of the Maine Intergovernmental Relations Commission, I am pleased to transmit herewith a copy of the federal grant-in-aid program study as prepared by the Commission.

Respectfully,

(Signed)

FREDERICK W. KNEELAND  
Frederick W. Kneeland  
Executive Secretary

Came from the Senate read and with accompanying papers ordered placed on file.

In the House, the Communication was read and with accompanying papers ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 703)

STATE OF MAINE  
Bureau of Public Improvements  
Augusta

January 17, 1966

To the Senate  
and House of Representatives  
of the One-Hundred  
and Second Legislature

In accordance with the provisions of Title 5, Section 1742, Maine Revised Statutes Annotated, we are submitting herewith the

Status of Capital Improvement Projects including cash expenditures through June 30, 1965.

Respectfully,

(Signed)

NIRAN C. BATES  
Niran C. Bates  
State Director of Public  
Improvements

Came from the Senate read and with accompanying papers ordered placed on file.

In the House, the Communication was read and with accompanying papers ordered placed on file in concurrence.

From the Senate: The following Orders:

ORDERED, the House concurring, that three hundred fifty copies of the Legislative Record for this Special Session convened on January 17, 1966, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, the remainder to be deposited in the State Library for exchange and Library purposes; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Secretary of the Senate and Clerk of the House (S. P. 699)

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House, respectively, be authorized to furnish wrappers and postage stamps for each member and officer of the Senate and House, not exceeding \$5.00 in amount each, for the purpose of distributing the various reports of the Department of State and other public documents such as they may desire to mail to the citizens of the State (S. P. 704)

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House be directed to furnish to each member and officer of the Senate and the House, a copy of the State newspaper each morning during the present Special Session of the Legislature (S. P. 705)

ORDERED, the House concurring, that there be paid to the

Officers of the Senate and House of Representatives for salaries for this Special Session, the amounts included in weekly lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively, subject to the approval of the Committee on Appropriations and Financial Affairs (S. P. 706)

ORDERED, the House concurring, that free telephone service be provided for each member of the Senate and House to the number of 25 calls, of reasonable duration, from Augusta to points within the limits of the State of Maine, and that each member of the Senate and House be provided with a credit card to be certified to by the Secretary of the Senate and Clerk of the House, respectively, the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates (S. P. 707)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

From the Senate:

Bill "An Act Appropriating Moneys for the Continuing Activities of the Committee on Aging" (S. P. 610) (L. D. 1624)

Bill "An Act Appropriating Funds for Construction at Bar Harbor Airport" (S. P. 612) (L. D. 1633)

Bill "An Act Appropriating Funds for Capital Construction and Equipment at the Augusta State Hospital, Maine State Prison and Stevens Training Center and Reallocating Funds Appropriated to the Governor Baxter State School for the Deaf" (S. P. 617) (L. D. 1615)

Bill "An Act Providing Funds to Complete the Harbor Project in the Town of Wells" (S. P. 620) (L. D. 1617)

Bill "An Act Appropriating Moneys for Improvements at Houlton Airport" (S. P. 626) (L. D. 1631)

Bill "An Act Providing for Supplemental Payments of 1965 Education Subsidies to Administrative Units and Payments for Various Educational Subsidy Programs" (S. P. 644) (L. D. 1592)

Bill "An Act relating to Operation of Homemaker Service by Department of Health and Welfare" (S. P. 674) (L. D. 1712)

Bill "An Act Appropriating Funds for Increased Staff at the Bangor State Hospital" (S. P. 676) (L. D. 1714)

Bill "An Act Pertaining to the Renovation and Use of the Internal Revenue Service Building" (S. P. 680) (L. D. 1718)

Bill "An Act Appropriating Funds for the Completion of the Zoology Building at the University of Maine" (S. P. 684) (L. D. 1722)

Bill "An Act to Appropriate Moneys for Legislative Expenditures" (S. P. 688) (L. D. 1771)

Bill "An Act Appropriating Funds for Operation of the Treasury Department" (S. P. 692) (L. D. 1778)

Bill "An Act to Authorize Bond Issues in Amount of Ten Million Dollars for State Matching Funds for Elementary and Secondary School Building Construction" (S. P. 693) (L. D. 1777)

Bill "An Act to Authorize Bond Issue in Amount of One Million Five Hundred Thousand Dollars to Develop the Maximum Wilderness Character of the Allagash Waterway" (S. P. 696) (L. D. 1780)

Resolve Providing Funds for State Archives Program (S. P. 645) (L. D. 1637)

Resolve Providing Funds for Urban Planning (S. P. 685) (L. D. 1723)

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 Providing Convenience and Advantage for Loan Companies and Small Loan Agencies" (S. P. 606) (L. D. 1619)

Bill "An Act relating to the Powers of Trust Companies" (S. P. 615) (L. D. 1606)

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 the Staff of Vocational Rehabilitation" (S. P. 628) (L. D. 1608)

Bill "An Act to Clarify State Aid for School Construction Purposes" (S. P. 633) (L. D. 1622)

Bill "An Act relating to the State Valuation Used in the Educational Subsidy Computation for the Town of Dedham" (S. P. 634) (L. D. 1623)

Bill "An Act to Prevent the Loss of Educational Subsidy in Certain Towns for the Year 1967" (S. P. 635) (L. D. 1616)

Bill "An Act to Reconstitute School Administrative District No. 38" (S. P. 642) (L. D. 1599)

Bill "An Act Authorizing the Municipalities of Bremen, Bristol, Damariscotta, Jefferson, Newcastle, Nobleboro and South Bristol to Form a School Administrative District" (S. P. 665) (L. D. 1698)

Came from the Senate referred to the Committee on Education.

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

From the Senate:

Bill "An Act to Provide for the Reconstruction or Enlargement of the International Bridge at Calais, Known as the Milltown Bridge" (S. P. 678) (L. D. 1716)

Bill "An Act Amending the Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1966 and June 30, 1967" (S. P. 687) (L. D. 1770)

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 relating to Automobile Graveyards and Junkyards" (S. P. 631) (L. D. 1640)

Bill "An Act to Revise the Workmen's Compensation Law" (S. P. 652) (L. D. 1626)

Bill "An Act relating to Acquisition of Land and Materials for

Highway Purposes" (S. P. 660) (L. D. 1693)

Bill "An Act relating to Erection of Causeways, Docks, etc. in Great Ponds" (S. P. 664) (L. D. 1697)

Bill "An Act relating to Junkyards and Auto Graveyards" (S. P. 671) (L. D. 1704)

Bill "An Act relating to Outdoor Advertising" (S. P. 677) (L. D. 1715)

Bill "An Act Clarifying Certain Laws under the Workmen's Compensation Law" (S. P. 681) (L. D. 1719)

Bill "An Act relating to Challenges of Jurors in Criminal Cases" (S. P. 683) (L. D. 1721)

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 695) (L. D. 1781)

Resolve Authorizing Seaward Construction Company, Inc. to Interplead the State of Maine as a Party Defendant in a Pending Action by J. R. Cianchette & Sons, Inc. Against Seaward Construction Company, Inc. and to Authorize Seaward Construction Company, Inc. to Bring Civil Action Against the State of Maine" (S. P. 694) (L. D. 1779)

Came from the Senate referred to the Committee on Judiciary.

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

From the Senate:

Bill "An Act Providing a New Charter for the City of Lewiston" (S. P. 697) (L. D. 1790)

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 Creating the Allagash Wilderness Waterway" (S. P. 689) (L. D. 1772)

Came from the Senate referred to the Committee on Natural Resources.

In the House, referred to the Committee on Natural Resources in concurrence.

Bill "An Act relating to Permits by Highway Commission for Trucks in Construction Areas" (S. P. 686) (L. D. 1769)

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

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

From the Senate:

Bill "An Act relating to Contributions of State Police to State Retirement System" (S. P. 608) (L. D. 1618)

Bill "An Act to Liberalize Credit for Out-of-State Service for Teachers under State Retirement Law" (S. P. 609) (L. D. 1611)

Bill "An Act relating to Retirement of Members of Police Department of the City of Bangor" (S. P. 651) (L. D. 1625)

Bill "An Act relating to Credit for Military Service under State Retirement Law" (S. P. 673) (L. D. 1711)

Came from the Senate referred to the Committee on Retirements and Pensions.

In the House, referred to the Committee on Retirements and Pensions in concurrence.

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.

From the Senate:

Bill "An Act to Revise the Maine Industrial Building Authority Law" (S. P. 632) (L. D. 1607)

Bill "An Act Establishing a State Commission on the Arts and the Humanities" (S. P. 667) (L. D. 1700)

Bill "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies" (S. P. 675) (L. D. 1713)

Bill "An Act Creating the Investment of State Funds Law" (S. P. 690) (L. D. 1773)

Bill "An Act Increasing Membership of Land Damage Board and Providing for Notification of Awards" (S. P. 691) (L. D. 1768)

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate (S. P. 607) (L. D. 1632)

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate (S. P. 624) (L. D. 1630)

Resolve Authorizing Transfer of State Land to City of Augusta for Fire Station (S. P. 679) (L. D. 1717)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

From the Senate:

Bill "An Act relating to Inspection Station Licenses and Inspection Mechanic's Certificates" (S. P. 630) (L. D. 1609)

Bill "An Act relating to the Transportation of Disabled, Collision Damaged, Wrecked or Repossessed Highway Motor Vehicles" (S. P. 682) (L. D. 1720)

Came from the Senate referred to the Committee on Transportation.

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

### Orders

On motion of Mr. Katz of Augusta, it was

ORDERED, that the Maine Transportation Commission be directed to study the need for direct scheduled air service between Maine and Canada.

### Tabled and Assigned

Mr. Erwin of York presented the following Order:

WHEREAS, a Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate (Senate Paper 624, Legislative Document 1630) is pending before the 102nd Legislature and it is important that the Legislature be informed as to the constitutionality of this proposed Amendment, and

WHEREAS, a Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment

of the State Senate (Senate Paper 607, Legislative Document 1632) is pending before the 102nd Legislature and it is important that the Legislature be informed as to the constitutionality of this proposed Amendment, and

WHEREAS, both resolves require that the apportionment of Senators shall be on the basis of the last Federal Census, and

WHEREAS, the Legislature has determined, for the purpose of this Order, that the last Federal Census shows the population of the respective counties of this State be as set forth in Exhibit A, attached hereto and incorporated herein, and

WHEREAS, it appears to the members of the House of the 102nd Legislature that certain provisions of the foregoing resolves present important questions of law and the occasion is a solemn one;

NOW, THEREFORE, Be it Ordered, that in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are hereby requested to give this Legislature their opinion on the following questions:

### I.

Is the method of apportioning Senators, set forth in Legislative Document 1630, constitutional?

### II.

Is the method of apportioning Senators, set forth in Legislative Document 1632, constitutional?

County	Population
Androscoggin	86,312
Aroostook	106,064
Cumberland	182,751
Franklin	20,069
Hancock	32,293
Kennebec	89,150
Knox	28,575
Lincoln	18,497
Oxford	44,345
Penobscot	126,346
Piscataquis	17,379
Sagadahoc	22,793
Somerset	39,749
Waldo	22,632
Washington	32,908
York	99,402

Source: U. S. Bureau of the Census, U. S. Census of Popula-

tion: 1960 Number of Inhabitants, Maine, Final Report PC (1)-21A.

(On further motion of the same gentleman, in accordance with Rule 46, tabled pending passage and tomorrow assigned, and ordered reproduced.)

The SPEAKER: The Chair at this time will announce to take effect tomorrow the following seat assignments. The gentlewoman from Orono, Mrs. Cornell is assigned to Seat No. 62. The gentleman from Westbrook, Mr. O'Gara will be assigned to Seat No. 139, and the gentleman from Old Town, Mr. Binnette, will be assigned to Seat No. 2. This is to be effective as of tomorrow.

The Chair at this time would like to recognize in the House the gentleman from Lewiston, Mr. Dostie, and the Clerk will make note that he is now in his seat. And the Chair would also like to recognize in the House the gentleman from Woolwich, Mr. Harvey, and it is the Chair's understanding that the gentleman was also present here yesterday, and the Clerk will also make note of this.

### House Reports of Committees

#### Report of Committee on Elections

Mr. Bishop from the House Committee on Elections to which was referred returns of votes cast for Representatives to the Legislature and Communication from Secretary of State relative to Special Elections, have had the same under consideration and ask leave to report that Thelma B. Cornell of Orono, Roland A. Gauthier of Sanford, Chester L. Burnham of Naples and Robert H. O'Gara of Westbrook were duly and legally elected members of the House of Representatives and entitled to seats therein.

Report was read and accepted and the members listed therein declared members of the House.

#### Ought to Pass Printed Bills

Mr. Hoy from the Committee on Education reported "Ought to pass" on Bill "An Act to Increase the Indebtedness of the Town of

Poland School District" (H. P. 1179) (L. D. 1647)

Same gentleman from same Committee reported same on Bill "An Act to Amend the Charter of Gould Academy" (H. P. 1215) (L. D. 1683)

Mr. Binnette from the Committee on Election Laws reported same on Bill "An Act relating to the Laws Governing Elections and Voting Machines" (H. P. 1180) (L. D. 1648)

Mr. Katz from the Committee on State Government reported same on Bill "An Act relating to the Salary of the Commissioner of Education" (H. P. 1199) (L. D. 1667)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

#### Tabled and Assigned

Mr. Martin from the Committee on State Government reported "Ought to pass" on Bill "An Act relating to Location of Legislative Conference Prior to the Convening of the 103rd Legislature" (H. P. 1214) (L. D. 1682)

Report was read and accepted, the Bill read twice and tomorrow assigned.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette, and inquires for what purpose does the gentleman arise?

Mr. BINNETTE: Mr. Speaker, in regard to L. D. 1682, I believe at the last session that we had a similar document and that we turned it down. I therefore move for indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: I think probably the gentleman from Madawaska, Mr. Binnette, is not quite informed as to what the contents of this bill is. It is only for the purpose that in case the renovation of the House is not ready for the first week in December at the end of this year, in order not to be in a bind with the construction or renovation of the House, this legislation was necessary in



order to be assured that we were not trying to usurp the powers of the committee. If the House is renovated and ready, then the plans originated by the committee will be the same and the legislative conference will be in Augusta as planned.

The SPEAKER: The Chair understands that the gentleman from Old Town, Mr. Binnette, moves that we reconsider our action whereby this bill was assigned for third reading.

The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: On three very decisive occasions we decided at the previous session that we would like to have this pre-legislative conference in Augusta. True, what the gentleman from Madawaska, Mr. Levesque, has just told you, it does put it in the hands of the Legislative Research where it leaves it to their discretion.

I think we have already said, or I have before this body on many occasions, that if we couldn't have it here in Augusta, I see no need for it at all. I was here when we didn't have a pre-legislative conference at all and I was here when we had them in Augusta, and in Augusta we did find it very convenient; we met a lot of people and learned how to cope with new members and so forth, and we thought it was very handy. But frankly, having it in Orono, to me and to many others, I know, felt as though it was nothing but a super lobby job and I can get lobbied enough here in the Halls, and for that reason, I hope the House will go along with Mr. Binnette, the gentleman from Old Town, and if we can't have it here in Augusta we don't need it at all, and it costs it seems to me about \$30,000, and I am sure I didn't gain in that short time any knowledge or education so to speak, in Orono, and I think this \$30,000 could be better spent educating the Indians or some other method; anything, rather than just taking us up there and giving us a super lobby job. So I hope that the House

will go along and indefinitely postpone this bill, and if we can't have it here in Augusta, we won't have it at all and save \$30,000.

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

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we won't do anything here today that will obstruct the pre-legislative conference.

Now if this is left in the hands of the leadership and the Research Committee, and the House is available at that time, I am sure they know the consensus of the membership of the House and would hold it in Augusta. Now it is even possible that we could still hold it in Augusta if the State Armory was available or other facilities so that it could be here. I hope that this measure is not defeated.

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

Mr. JALBERT: Mr. Speaker, I would like to state it is my opinion that these conferences are invaluable, whether they be held here or in Orono. I am one of those that steadfastly has wanted them to be held here, but as the gentleman from Madawaska, Mr. Levesque stated, we can't have it here if the Hall of the House is not available.

Another feature is that the price tag to my knowledge has always been not at all in excess of \$10,000. I would strongly urge the gentleman from Old Town, Mr. Binnette, to withdraw his motion.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of the gentleman from Old Town, Mr. Binnette, to reconsider assignment for third reading and tomorrow assigned.

Mr. Starbird from the Committee on State Government reported "Ought to pass" on Bill "An Act relating to Legislative Expenses When Legislature not in Session" (H. P. 1191) (L. D. 1659)

Report was read and accepted, the Bill read twice and tomorrow assigned.

**Orders of the Day**

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

HOUSE ORDER Relative to Matters Placed on the Table.

Tabled — January 17, by Mr. Levesque of Madawaska.

Pending — Passage under the Rules. (Ordered Reproduced)

Thereupon, the Order received passage.

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On motion of Mr. Levesque of Madawaska,

A d j o u r n e d until nine-thirty o'clock tomorrow morning.