

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

1967

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, March 17, 1967

Senate called to order by the President.

Prayer by Rev. Fred H. More of Augusta.

Reading of the Journal of yesterday.

Mr. ROSS of Piscataquis presented the following order, out of order and under suspension of the rules and moved its passage: ORDERED the House concurring that when the Senate and the House adjourn, they adjourn to meet on Tuesday, March 21st at ten o'clock in the morning.

Which was read and passed.

Sent forthwith to the House for concurrence.

House Papers

Bill "An Act Relating to Election of Aldermen at Large for City of Lewiston and Increasing Their Compensation." (H. P. 1014) (L. D. 1479)

Bill "An Act Relating to Voting Rights in Protestant Episcopal Church in the Diocese of Maine." (H. P. 1015) (L. D. 1480)

Bill "An Act Increasing Salaries of Mayor and Aldermen of City of Lewiston." (H. P. 1017) (L. D. 1481)

Bill "An Act Relating to Transfer of Members of Boards and Commissions in City of Lewiston." (H. P. 1018) (L. D. 1482)

Come from the House referred to the Committee on Legal Affairs.

Which were referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to Sunday Sale of Liquor." (H. P. 1019) (L. D. 1483)

Comes from the House referred to the Committee on Liquor Control.

Which was referred to the Committee on Liquor Control in concurrence.

Bill "An Act Increasing Compensation of Trustees of Sanford Water District." (H. P. 1020) (L. D. 1484)

Comes from the House referred to the Committee on Public Utilities.

Which was referred to the Committee on Public Utilities in concurrence.

Bill "An Act to Provide for Qualification, Certification and Examination of Tax Assessors." (H. P. 1023) (L. D. 1489)

Bill "An Act Relating to the Financing of the State Liquor Commission." (H. P. 1024) (L. D. 1490)

Bill "An Act Increasing the Salary of the Commissioner of Education." (H. P. 1025) (L. D. 1491)

Bill "An Act Relating to Temporary Loans by State." (H. P. 1026) (L. D. 1492)

Bill "An Act Permitting Salvation Army to Solicit Funds Within State Liquor Stores." (H. P. 1027) (L. D. 1493)

Bill "An Act Providing Free Use of Maine Turnpike for Members of Legislature During Legislative Sessions." (H. P. 1028) (L. D. 1494)

Bill "An Act to Provide for an Economic Survey to Establish an Industrial Foreign Trade Zone." (H. P. 1029) (L. D. 1495)

Bill "An Act Establishing Monetary Compensation for Accrued Sick Leave for Classified Service Employees." (H. P. 1030) (L. D. 1496)

Bill "An Act Relating to Increasing Revenue of the Liquor Commission." (H. P. 1031) (L. D. 1497)

Bill "An Act Increasing Salaries of and Relating to Expenses of State Liquor Commission." (H. P. 1032) (L. D. 1498)

Resolve "Proposing Amendment to the Constitution Relating to Bond Issues to be Voted Upon by the People." (H. P. 1033) (L. D. 1499)

Resolve "Proposing an Amendment to the Constitution Changing the Legislature to a One Body System." (H. P. 1034) (L. D. 1500)

Come from the House referred to the Committee on State Government.

Which were referred to the Committee on State Government in concurrence.

Committee Reports Ought Not to Pass

The Committee on Public Utilities on Bill "An Act Relating to the Regulation of Solid Waste Disposal." (H. P. 538) (L. D. 767)

Reported that the same Ought Not to Pass.

Comes from the House, report read and accepted.

Change of Reference

The Committee on Natural Resources on Bill "An Act Establishing the Lewiston-Auburn Water Pollution Control Authority." (H. P. 535) (L. D. 770)

Reported that the same should be referred to the Committee on Public Utilities.

Comes from the House, report Read and accepted.

Which reports were read and accepted in concurrence.

Ought to Pass

The Committee on Business Legislation on Bill "An Act Relating to Fees for Handling Insurance Papers by Those Who Loan on Property." (H. P. 470) (L. D. 683)

Reported that the same Ought to Pass.

Comes from the House, report read and Accepted and the Bill Passed to be Engrossed.

On motion by Mr. MacLeod of Penobscot, tabled pending acceptance of the committee report.

The Committee on Inland Fisheries and Game on Resolve "Regulating Ice Fishing in Certain Waters in Tomhegan, T. 1, R. 2, Somers County." (H. P. 361) (L. D. 508)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill passed to be engrossed.

The Committee on Inland Fisheries and Game on Resolve "Closing to Fishing that Portion of the Thoroughfare, So-called, between Nesowadnehunk (Sourdnehunk) Lake and Outlet Dam, Piscataquis County." (H. P. 362) (L. D. 509)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Resolve Passed to be Engrossed.

The Committee on Inland Fisheries and Game on Resolve "Establishing Bag Limit of Trout on Little Nesowadnehunk (Sourdnehunk) Lake, Piscataquis County." (H. P. 503) (L. D. 716)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Resolve passed to be engrossed.

The Committee on Inland Fisheries and Game on Resolve "Regulating Fishing, Wassookeag Lake, Penobscot County." (H. P. 504) (L. D. 717)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Resolve Passed to be Engrossed.

The Committee on Inland Fisheries and Game on Bill "An Act Regulating the Daily Limit of Certain Fish Taken from Inland Waters of the State." (H. P. 317) (L. D. 451)

Reported that the same Ought to Pass.

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Muskrat Trapping Season in Franklin County." (H. P. 316) (L. D. 450)

Reported that the same Ought to Pass.

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were read and accepted in concurrence, the Bills and Resolves Read Once and tomorrow assigned for second reading.

Ought to Pass - As Amended.

The Committee on Industrial and Recreational Development on Bill "An Act Relating to Construction, Maintenance of Boat Facilities, Public Access and Marking the Waters." (H. P. 60) (L. D. 85)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-70)

Comes from the House, report read and accepted and the Bill Passed to be Engrossed, As Amended by Committee Amendment "A" (H-70), as Amended by

House Committee "A" (H-78) thereto.

In the Senate: Report read and accepted and the Bill read once. House Amendment "A" to Committee Amendment "A" was read by the Secretary and adopted. The Secretary then read Committee Amendment "A" (H-70).

Committee Amendment "A" as amended by House Amendment "A" was adopted.

On motion by Mr. Hoffses of Knox, under suspension of the rules, the Bill was given its second reading, Passed to be engrossed.

Ought to Pass in New Draft

The Committee on State Government on Bill "An Act Relating to Parking Facilities for Handicapped Persons." (H. P. 42) (L. D. 61)

Reported that the same Ought to Pass in New Draft under the same title (H. P. 1062) (L. D. 1388)

Comes from the House, report read and accepted and the Bill, in New Draft, passed to be Engrossed.

On motion by Mr. Greeley of Waldo, tabled pending acceptance of the report.

The Committee on Transportation on Bill "An Act Revising the Law Relating to School Buses." (H. P. 336) (L. D. 470)

Reported that the same Ought to Pass in New Draft under the same title (H. P. 1068) (L. D. 1469)

Comes from the House, report read and accepted and the Bill, in New Draft, Passed to be Engrossed.

The Committee on Taxation on Bill "An Act Relating to Trade-In Credit for Vehicles Under Sales Tax." (H. P. 163) (L. D. 226)

Reported that the same Ought to Pass in New Draft, under New Title "An Act Relating to Exchange of Vehicles Between Dealers Under Sales Tax Law." (H. P. 1067) (L. D. 1468)

Comes from the House, report read and accepted and the Bill,

in New Draft, Passed to be Engrossed.

Which reports were read and accepted in concurrence, the Bills read once, and tomorrow assigned for second reading.

Divided Report

The Majority of the Committee on Natural Resources on Bill "An Act to Classify the Waters of First Pond (Billings Pond) in Blue Hill, Hancock County." (H. P. 638) (L. D. 894)

Reported that the same Ought not to Pass.

(signed)

Senators:

SEWALL of Penobscot
FERGUSON of Oxford
VILES of Somerset

Representatives:

PIKE of Lubec
BROWN of Augusta
FULLER of York
DICKINSON of Mars Hill
CURRAN of Bangor

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

(signed)

Representative:

EUSTIS of Dixfield

Comes from the House, report of the Majority - Ought Not to Pass read and accepted.

In the Senate: Majority Ought Not to Pass report read and accepted in concurrence.

Senate

Leave to Withdraw

Mr. Curtis for the Committee on Agriculture on Bill "An Act Repealing the Law Relating to Sardine Packers." (S. P. 443) (L. D. 1123)

Reported that the same should be granted Leave to Withdraw.

Which report was read and accepted.

Sent down for concurrence.

Mr. Katz for the Committee on Business Legislation on Bill "An Act Relating to Securities Dealers and Securities." (S. P. 255) (L. D. 635)

Reported that the same should be granted Leave to Withdraw as covered by other legislation.

Which report was read and accepted.

Sent down for concurrence.

Ought Not To Pass

Mr. Harding for the Committee on Business Legislation on Bill "An Act Relating to Assigned Risks in Motor Vehicle Liability Insurance." (S. P. 78) (L. D. 159)

Reported that the same Ought Not to Pass.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass

Mrs. Sproul for the Committee on Health and Institutional Services on Bill "An Act Relating to Admission of Patients to State Hospitals." (S. P. 156) (L. D. 327)

Reported that the same Ought to Pass.

Which report was read and accepted, the Bill read once and tomorrow assigned for second reading.

Mr. Greeley for the Committee on Health and Institutional Services on Bill "An Act Relating to Tagging of Bedding and Upholstered Furniture." (S. P. 290) (L. D. 642)

Reported that the same Ought to Pass.

Which report was read and accepted, the Bill read once and tomorrow assigned for second reading.

Ought to Pass - As Amended

Mr. Katz for the Committee on Business Legislation on Bill "An Act Authorizing Out-of-State Banks and Trust Companies to Act as Fiduciaries." (S. P. 105) (L. D. 176)

Reported that the same Ought to Pass As Amended by Committee Amendment "A". (S-20).

Which report was read and accepted and the Bill read once. Committee Amendment "A" Filing (S-20) was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 105, L. D. 176, Bill,

"An Act Authorizing Out-of-State Banks and Trust Companies to Act as Fiduciaries."

Amend said bill by Striking out all of that part designated "S4161." and "S4162." and inserting in place thereof the following: 'S4161.

Authorization

A bank or trust company organized and doing business under the Laws of any state or territory of the United States of America, including the District of Columbia, and a national bank, duly authorized so to act, may be appointed and may serve in this State as trustee, whether of a corporate or personal trust, executor, administrator, guardian, conservator or committee for an incompetent person, or in any other fiduciary capacity, whether the appointment is by will, deed, court order or decree, or otherwise, when and to the extent that the state, territory or district in which such bank or trust company is organized grants authority to serve in like fiduciary capacities to a bank or trust company organized and doing business under the laws of this State and authorized to serve in like fiduciary capacities.

S4162. Power of attorney; Secretary of State

Before qualifying or serving in this State in any fiduciary capacity, as defined in section 4161, such bank or trust company shall file in the office of the Secretary of State a copy of its charter, certified by its secretary under its corporate seal, together with a certificate from the official having supervision of banks and trust companies where the bank was organized that it has authority to act in the fiduciary capacity for which it is registering, and a power of attorney designating the said Secretary of State or his successor in office as the person upon whom all notices and processes issued by any court of this State may be served in any action or proceeding relating to any trust, estate or matter within this State in respect of which such bank or trust company is acting in any such fiduciary capacity with like effect as personal service on such bank or trust com-

pany which power of attorney shall be irrevocable so long as any such liability shall remain outstanding against such bank or trust company in this State. Upon receipt of such notice or process, it shall be the duty of the said Secretary of State forthwith to forward the same by registered mail to such bank or trust company at the address stated in the said power of attorney. Such bank or trust company shall file a certificate in the office of the Secretary of State in the same form as required by Title 13, section 592 and shall pay a filing fee as though registering under Title 13, chapter 19.'

Committee Amendment "A" was adopted, and the Bill, as amended, tomorrow assigned for second reading.

Mr. Anderson for the Committee on Inland Fisheries and Game on Resolve "Relating to Ice Fishing on Fourth Musquacook Lake, T 11, R11, Aroostook County. (S. P. 229) (L. D. 554)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-21)

Which report was read and accepted, and the Resolve read once. Committee Amendment "A" Filing (S-21) was read by the Secretary as follows:

COMMITTEE AMENDMENT
"A" to S. P. 229, L. D. 554, Resolve "Relating to Ice Fishing on Fourth Musquacook Lake, T11, R11, Aroostook County.

Amend said Resolve, in the Title, by inserting after the word and comma "Lake," the following "T10, R11,"

Further amend said Resolve by striking out all of the last 3 lines (same in L. D. 554) and inserting in place thereof the following:

"Resolved: That the Commissioner of Inland Fisheries and Game is authorized and directed to issue a rule and regulation to close Forth Musquacook Lake in T10, R11, T11, R11, to ice fishing.'

Committee Amendment "A" was adopted, and the Resolve, as amended, tomorrow assigned for second reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill "An Act Controlling the Marketing, Grading and Labeling of Maple Products." (H. P. 340) (L. D. 488)

Bill "An Act Relating to Time of Terms of the Superior Court in Sagadahoc County." (H. P. 694) (L. D. 975)

Bill "An Act to Limit Fishing Lobster Traps on Trawls in Certain Waters." (H. P. 241) (L. D. 349)

Bill "An Act Relating to Fishing for Bass in Sheepscot River and Tributaries, Lincoln County." (H. P. 500) (L. D. 713)

Resolve "Relating to Treatment of Portion of New Meadows Lake to Eliminate Aquatic Growth." (H. P. 546) (L. D. 778)

Which were read a second time and passed to be engrossed in concurrence.

House - As Amended

Bill "An Act Relating to Assistant County Attorneys. (H. P. 33) (L. D. 53)

On motion by Mr. Duquette of York, tabled pending passage to be engrossed.

Bill "An Act Relating to Death Caused by Violation of Law by Operator of Motor Vehicle." (H. P. 508) (L. D. 721)

Bill "An Act Increasing Membership from Five to Seven in City Council and Board of Education of City of South Portland." (H. P. 112) (L. D. 139)

Bill "An Act to Clarify the Charter of the City of South Portland. (H. P. 113) (L. D. 140)

Which were read a second time and passed to be engrossed, As Amended, in concurrence.

Senate

Resolve "In Favor of Fairview Hospital and Doctors Swett, Kemezys and Jordan." (S. P. 426) (L. D. 1080)

Bill "An Act Relating to Immunization of Dogs to Control Rabies." (S. P. 271) (L. D. 652)

Bill "An Act Conferring Additional Powers Upon Proprietors of Union Wharf." (S. P. 303) (L. D. 742)

Bill "An Act Relating to Malfunctioning Sewage Disposal Units." (S. P. 181) (L. D. 371)

Bill "An Act Relating to Mining License and Rental Fees on State Lands." (S. P. 365) (L. D. 961)

Bill "An Act Amending the Charter of the Augusta Sanitary District." (Emergency) (S. P. 195) (L. D. 429)

Which were read a Second time and passed to be engrossed.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following Bills and Resolves.

"An Act to Revise the Teacher Certification Laws." (S. P. 62) (L. D. 106)

"An Act Repealing the Law Making Prescribing of Contraceptives a Crime." (S. P. 266) (L. D. 647)

"An Act Relating to Breaking and Entering Mobile Home or House and Camp Trailers." (S. P. 317) (L. D. 840)

"An Act Relating to Use of Power Boats on Jordan Pond and Eagle Lake, Mount Desert Island, Hancock County." (H. P. 217) (L. D. 307)

"An Act Including Importers in Stuffed Toy Law." (H. P. 230) (L. D. 320)

"An Act Revising the Maine Housing Authorities Act." (H. P. 231) (L. D. 321)

On motion by Mr. Couturier of Androscoggin, tabled pending enactment.

"An Act to Enlarge Powers and Purposes of Trustees of Diocesan Funds in Episcopal Diocese of Maine." (H. P. 234) (L. D. 342)

"An Act Relating to High School Equivalency Certificates." (H. P. 308) (L. D. 442)

"An Act Relating to Notice of Authorization of Surety Companies to Registers of Probate by Insurance Commissioner." (H. P. 471) (L. D. 684)

"An Act Amending the Charter of Development Credit Corporation of Maine." (H. P. 571) (L. D. 805)

Which were passed to be enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Resolve, in Favor of Herbert Parsons of Gorham. (H. P. 54) (L. D. 79)

On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.

Resolve, in Favor of Russell Meehan of Windham. (H. P. 213) (L. D. 303)

On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table. (H. P.

Resolve, to Reimburse Town of Sherman Mills for Overpayments to the Bangor State Hospital for the Care of Etta Conroy. (H. P. 214) (L. D. 304)

On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.

Bond Issue

"An Act to Authorize the Construction of a Bridge Across the Androscoggin River Between the Cities of Auburn and Lewiston." (H. P. 351) (L. D. 433)

On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.

Emergency

An Act to Amend the Charter of the Auburn Sewerage District. (H. P. 568) (L. D. 800).

This Bill being an emergency measure and having received the affirmative vote of 32 members of the Senate, was passed to be enacted, and having been signed by the President was by the Secre-

tary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and today specially assigned matter, (H. P. 506) (L. D. 719) House Report, Ought to Pass as Amended by Committee Amendment "A" (Filing H-66) from the Committee on Judiciary on Bill, "An Act Prohibiting the Obtaining of Transportation on Ski Lift Without Payment," which was tabled on March 16 by Senator Snow of Cumberland, pending acceptance of report.

On motion by Senator Snow of Cumberland, the Senate voted to accept the Ought to Pass as Amended report of the committee, the bill was given its first reading, committee Amendment "A" was read and adopted, and the bill assigned for second reading on the next legislative day.

The President laid before the Senate the second tabled and today specially assigned matter, (S. P. 63) (L. D. 107) Bill, "An Act to Clarify State Aid for School Construction Purposes and Borrowing in Anticipation Thereof," which was tabled on March 16 by Senator Berry of Cumberland, pending motion by Senator Katz of Kennebec to Adopt Senate Amendment "A" to House Amendment "A", filing S-18.

On motion by Senator Good of Cumberland, Senate Amendment "A" to House Amendment "A" was adopted and House Amendment "A" as amended was adopted and the bill was passed to be engrossed as amended in non-concurrence. Sent down for concurrence.

Mr. CURTIS of Penobscot: Mr. President, may I inquire if H. P. 183, L. D. 297 Bill, "An Act Relating to Conveyance of Secondary Pupils," is in the possession of the Senate?

The PRESIDENT: The Chair will state that it is, having been held at the request of the Senator.

Mr. CURTIS: Mr. President, I move that the Senate reconsider its action whereby it indefinitely

postponed this bill, and I would further move that the bill be tabled and specially assigned for April 6th, pending motion to reconsider.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, moves that the Senate reconsider its action whereby the Senate indefinitely postponed this bill. The Chair would assume that the Senator voted in the affirmative. The same voted in the affirmative. The item be tabled pending action on the motion to reconsider and that his motion be tabled until April 6th.

Mr. FARLEY of York: Mr. President, yesterday I opposed the bill and I voted with the lady Senator from Lincoln.

The PRESIDENT: The Chair will remind the Senator that a motion to table is not debatable.

Mr. FARLEY: Through the Chair, I would like to ask the Senator if he wouldn't set a date earlier than April 6th?

Mr. BERRY of Cumberland: I rise, Mr. President, to a point of order. I believe the pending question before the Senate is the motion of the Senator from Penobscot, Senator Curtis, that the Senate reconsider its action of yesterday. I do not believe that the vote was actually taken.

The PRESIDENT: The Senator is correct. The motion to reconsider is debatable, but the present motion is to table that motion and that is not debatable, and the Chair so rules.

The Senator from Penobscot, Senator Curtis, hears the inquiry made through the Chair and may answer if he so desires.

Mr. CURTIS: I would be glad to change that date, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate that this item be tabled and specially assigned for April 6th?

The motion prevailed and the bill was tabled pending action on the motion by Senator Curtis to reconsider.

The adjournment order having been received from the House, on motion by Senator Ross of Piscataquis, adjourned until Tuesday, March 21 at ten o'clock in the morning.