

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Tuesday, January 10, 1961

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

Prayer by the Rev. Mr. Alfred Ives of Gardiner.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved

### Papers from the Senate

From the Senate: The following Orders:

ORDERED, the House concurring, that Rule Number 1 of the Joint Rules be amended by adding thereto the Committee on Industrial and Recreational Development, the same to be inserted in its proper alphabetical position (S. P. 63)

ORDERED, the House concurring, that there be created a Joint Select Committee on Constitutional State Reapportionment and Congressional Re-Districting, consisting of five members on the part of the Senate, to be appointed by the President of the Senate, and ten members on the part of the House, to be appointed by the Speaker of the House (S. P. 64)

Came from the Senate read and passed.

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

### Messages and Documents

The following Communication: (H. P. 125)

STATE OF MAINE  
INDUSTRIAL ACCIDENT  
COMMISSION  
STATE OFFICE BUILDING  
AUGUSTA

December 9, 1960

Honorable Harvey Pease  
Clerk House of Representatives  
State House, Augusta, Maine

Dear Mr. Pease:

Pursuant to Joint Order SP 502 relative to An Act Relating to Second Injury Fund and Vocational Rehabilitation under Workmen's Compensation Act (SP 393) (LD 1137), the Committee has completed its study and submit herewith their re-

port together with the proposed legislation and also report of the Secretary of the Committee covering his trip of inspection and interviews with Vocational Rehabilitation Departments of other states.

Yours very respectfully,

(Signed) CYRIL M. JOLY

Chairman of Committee

The Communication was read and with accompanying papers referred to the Committee on Labor, and sent up for concurrence.

The following Communication: (H. P. 126)

DEPARTMENT OF STATE  
STATE OF MAINE  
AUGUSTA

January 4, 1961

To the Speaker of the House of Representatives of the One-Hundredth Legislature:

I transmit herewith a certified copy of the Joint Resolution of the 86th Congress proposing an amendment to the Constitution of the United States which would grant representation in the Electoral College to the District of Columbia.

This is accompanied by a letter from Franklin Floete, Administrator of the General Services Administration, together with five copies of the Resolution and a copy of the United States Code 106B.

(Signed) HAROLD I. GOSS  
Secretary of State

The Communication was read and with accompanying papers ordered placed on file, and sent up for concurrence.

The following Communication:

STATE OF MAINE  
DEPARTMENT OF PERSONNEL  
AUGUSTA

January 4, 1961

Honorable Vinal Good  
Speaker of the House  
House of Representatives  
Augusta, Maine

Dear Representative Good:

In compliance with Senate Paper No. 301 of the 99th Legislature, the following report is made to the 100th Legislature.

Forms for the description of duties to be filled in by all legislative employees concerned were

sent out and a portion of them returned. We found it impossible to get all the information we normally do in recommending salaries for particular jobs.

However, in examining those position descriptions which we received and in the light of the nature of the jobs concerned, we are of the opinion that the salaries currently being paid are reasonably equitable. The temporary nature of the work and the exactness required in many of the positions are important factors in the setting of these salaries.

In view of the fact that we were unable to make our normal complete study and through an examination of the material we were able to get, it is recommended that the present scale of salaries be maintained.

Very truly yours,

(Signed) OBER C. VAUGHAN  
Ober C. Vaughan  
Director Department of  
Personnel

The Communication was read and ordered placed on file.

### **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:

#### **Agriculture**

Bill "An Act relating to Marking Contents of Certain Cans of Fish or Sardines" (H. P. 107) (Presented by Mr. Pike of Lubec)  
(Ordered Printed)

Bill "An Act Increasing Inspection Fee for Sardines" (H. P. 108) (Presented by same gentleman)  
(Ordered Printed)

Sent up for concurrence.

#### **Claims**

Resolve to Reimburse Denis N. Caron of Litchfield for Damage to Poultry (H. P. 109) (Presented by Mr. Choate of Hallowell)  
(Ordered Printed)

Resolve in favor of A. R. Palmer of Litchfield for Damaged Well (H. P. 110) (Presented by same gentleman)  
(Ordered Printed)

Sent up for concurrence.

#### **Education**

Bill "An Act Establishing Secondary Area Vocational Schools" (H. P. 111) (Presented by Mr. Lane of Waterville)

(Ordered Printed)

Sent up for concurrence.

#### **Inland Fisheries and Game**

Bill "An Act relating to Use of Artificial Lights for Lighting Game" (H. P. 112) (Presented by Mr. Kennedy of Milbridge)

(Ordered Printed)

Resolve Regulating Ice Fishing on Big Pond, Dexter, Penobscot County (H. P. 113) (Presented by Mr. Cox of Dexter)

(Ordered Printed)

Sent up for concurrence.

#### **Judiciary**

Bill "An Act relating to Transportation of School Children to Private Schools" (H. P. 114) (Presented by Mr. Lane of Waterville)

(750 copies Ordered Printed)

Bill "An Act relating to Jurisdiction of Violations of Maine Forestry District Laws" (H. P. 115) (Presented by Mr. Wellman of Bangor)

(Ordered Printed)

Sent up for concurrence.

#### **Labor**

Bill "An Act Amending the Minimum Wage Law" (H. P. 116) (Presented by Mr. Kimball of Mount Desert)

(750 copies Ordered Printed)

Sent up for concurrence.

#### **Legal Affairs**

Bill "An Act to Incorporate the Town of Bucksport School District" (H. P. 117) (Presented by Mr. Bearce of Bucksport)

(Ordered Printed)

Bill "An Act relating to Penalty for Operating Business on Sundays" (H. P. 118) (Presented by Mr. Busiere of Lewiston)

(Ordered Printed)

Sent up for concurrence.

#### **Sea and Shore Fisheries**

Bill "An Act relating to Close Time on Lobsters about Monhegan"

(H. P. 119) (Presented by Mrs. Sproul of Bristol)  
 (Ordered Printed)  
 Sent up for concurrence.

#### State Government

Bill "An Act Providing Stamped Envelopes when Sales Tax Forms Sent by State Tax Assessor" (H. P. 120) (Presented by Mr. Busiere of Lewiston)

(Ordered Printed)

Bill "An Act Increasing Salary of County Attorney of Lincoln County" (H. P. 121) (Presented by Mrs. Sproul of Bristol)

(Ordered Printed)

Bill "An Act relating to Bids for State Purchases" (H. P. 122) (Presented by Mr. Wade of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act relating to Payments to Maine Forestry District for Fire Protection within Indian Township" (H. P. 123) (Presented by Mr. Wheaton of Princeton)

(Ordered Printed)

Sent up for concurrence.

#### Welfare

Bill "An Act Requiring State and Municipal Consultation on Aid to Dependent Children" (H. P. 124) (Presented by Mr. Bragdon of Perham)

(Ordered Printed)

Sent up for concurrence.

#### Orders

Mr. Whitman of Woodstock presented the following Order and moved its passage:

ORDERED, the Senate concurring, that a Joint Select Committee of four (4) on the part of the House and three (3) on the part of the Senate be appointed to study the disposition of property owned by the State of Maine formerly occupied by the Western Maine Sanatorium.

The Committee shall make a complete inventory of assets and make recommendations as to how they might best be utilized by the people of the State of Maine. If no proper use for the property can be found, the Committee will recom-

mend measures to effect the disposal of said property, and the Committee will report such recommendations to the 100th Legislature.

The Order received passage and was sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Minsky.

Mr. MINSKY: Mr. Speaker, might I have permission to address the House very briefly?

The SPEAKER: The Chair would advise the gentleman that if he wishes to address the House, we would rather that he would do it under Orders of the Day. The reason for that is this, we have an orderly conduct of business here, and we like to take the business up in the proper order as set forth in the rules; and if the gentleman would defer his request until Orders of the Day, I am sure that the House would give him permission to speak at that time.

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

#### Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair now lays before the House the first tabled and today assigned matter, Bill "An Act relating to Certain Standards for Nursing Homes," House Paper 13, Legislative Document 32, tabled on January 5 by the gentleman from South Portland, Mr. Hinds, pending reference to Committee.

The Chair recognizes the gentleman from South Portland, Mr. Hinds.

Thereupon, on motion of that gentleman, the Bill was referred to the Committee on Business Legislation and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, Bill "An Act Creating the Maine Board of Auctioneers," House Paper 100, Legislative Document 140, tabled on January 5 by the gentleman from Harrison, Mr. Morrill, pending reference to Committee.

The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Thereupon, on motion of that gentleman, the Bill was referred to the Committee on Legal Affairs and sent up for concurrence.

On motion of Mr. Baxter of Pittsfield, the House voted to take from the table the first tabled and unassigned matter, Joint Order—Relative to printing the Legislative Record and indexing the same," Senate Paper 47, tabled on January 4 by that gentleman pending passage.

On further motion of the same gentleman, the Order received passage in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, I would like to remove from the table the second tabled and unassigned matter, Joint Order — Relative to changing the name of the Joint Standing Committee on Public Health to "Health and Institutional Services," House Paper 82.

The SPEAKER: The Chair would like to call to the attention of the gentleman from Pittsfield, Mr. Baxter, that this matter was tabled by the gentleman from Milbridge, Mr. Kennedy.

The Chair understands that the gentleman from Pittsfield, Mr. Baxter, withdraws his motion.

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

Mr. KENNEDY: Mr. Speaker, I thank you for the courtesy, and I now move that this item be taken from the table.

The SPEAKER: The gentleman from Milbridge, Mr. Kennedy, moves that item 2, House Paper 82, Joint Order — Relative to changing the name of the Joint Standing Committee on Public Health to "Health and Institutional Services," tabled on January 4 by that gentleman pending passage, be taken from the table at this time. Is that the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Ladies and the Gentlemen of the

House: I am not opposed to the particular passage of this bill, but I think in courtesy to those members who do not realize what we are acting upon now, it is amendments coming out of Committee on the new legislative procedures to expedite the legislative sessions; and I think that it would be due courtesy to the members of this House that as each one is brought up that there be some explanation given as to the reason for this.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, the gentleman from Bridgton, Mr. Haughn, is correct, that this is one of the recommendations that has come from the Joint Committee which was constituted to study the rules of the Legislature. This is such a simple change, merely adding to the name of the Public Health Committee the words "Health and Institutional Services." It was felt at this time that it would be proper to clear the unassigned table and allow this order to be passed. Certainly if there is any confusion in anybody's mind we would prefer to leave it there and discuss it at a later date.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: I do think there should be some explanation to the membership, and I was on that Committee for four sessions and the first three sessions that business attended to health, and an Institutional Committee; but last session, the 99th, there was no Institutional Committee and the Health Committee did do the work and called upon some of the institutions, but now I think it is well that that be added to it since there is no Institutional Committee and the Health Committee does have ample time, I think it is well that this should be added. I am not in opposition to it. Just for the sake of the new members, as I understand it, that is how this comes about.

The SPEAKER: The Clerk will read the order.

The CLERK: "ORDERED, the Senate concurring, that Joint Rule

1 be amended to change the name of the Joint Standing Committee on Public Health to "Health and Institutional Services."

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

Mr. JALBERT: Mr. Speaker, as a member of the Interim Joint Committee on Legislative Procedure, I am sure that the gentleman from Bowdoinham, Mr. Curtis, has explained it well; it stemmed from the Department of Institutional Services, and I think his explanation is solid. It makes it possible for them to hear bills that actually have the wording on them that pertains to institutional services.

The SPEAKER: The motion now before the House is on the adoption of this order. Is it the pleasure of the House that this order shall be adopted? All those in favor say aye; those opposed, no.

Thereupon, the Order received passage on a viva voce vote and was sent up for concurrence.

On motion of Mr. Baxter of Pittsfield, the House voted to take from the table the third tabled and unassigned matter, Joint Order — "that the material usually published in the 'Senate and House Registers' entitled Memoranda and Suggestions be deleted," House Paper 83, tabled on January 4 by that gentleman pending passage.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, these memoranda and suggestions are contained on about three or four pages on the back of the Senate and House Registers. They are merely memoranda and suggestions. Checking with the Director of Legislative Research, we find that part of these are obsolete. We also find that since all bills now go through the Director for checking, all of these suggestions are automatically checked by them. I believe it was felt by the Joint Committee to Study Legislative Procedure that these were no longer needed in this Register, and that some saving could be effected by striking them out. For that reason, I move the adoption of this order.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, has

moved that this Order be adopted. Is this the pleasure of the House?

The motion prevailed, and the Order received passage and was sent up for concurrence.

Mr. Minsky of Bangor was granted unanimous consent to address the House briefly.

Mr. MINSKY: Mr. Speaker, my comments will only be brief. As a freshman in this House, I have been much impressed with the going back and forth between the Governor and the House. I wonder if this might not be another time to send a note to the Governor, for in passing by his home a few minutes ago I noticed he was flying his American Flag upside down and I realize this is the time he is preparing his budget message, and a flag flying upside down is a signal for distress, but I don't think the State is quite in that dire circumstance.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Philbrick.

Mr. PHILBRICK: Mr. Speaker, Ladies and Gentlemen of the House: To allay the fears of my good friend and cohort from the City of Bangor, Mr. Minsky, I too observed the same thing in proceeding on my way to the House here, and I took myself down to the Secretary of the Governor; I told her of that fact, and I said: "Don't tell the Governor, I am sure he will feel very badly about it," and she got right on the telephone, called up the Blaine House, and I think you will find the flag is now hanging in the proper fashion.

The SPEAKER: The House hears the message and the Chair thanks the messenger. (Applause)

Mr. Bragdon of Perham was granted unanimous consent to address the House briefly.

Mr. BRAGDON: Mr. Speaker, if I am in order, I would like to suggest something that appears to me this morning. We are apparently proceeding to ford quite a revision of the rules of the 99th Legislature. As we proceed into that, it becomes increasingly evident to me that we should have something which we do not seem to have; namely, before us the rules of the

99th Legislature. I wonder if it would be possible for them to be available to every member of this House. It seems to me in such a revision as we possibly are proceeding into, they are very necessary.

The SPEAKER: The Chair appreciates the suggestion made on the part of the gentleman from Perham, Mr. Bragdon, concerning the availability of the rules, and every effort will be made to see that those rules of the 99th Legislature, which are being proposed to be amended, are made available. We don't want to go into a printing at this time of a whole new set of the rules at an additional expense, but if we can do it without too great an expense, why that will be done.

The SPEAKER: The Chair would like to make a few remarks at this time. On the first day of the session, Wednesday of last week, there was placed upon the Speaker's stand a bouquet of flowers. Those were presented by the Clerk and his staff, and the Chair takes this opportunity to thank the Clerk and his staff for that presentation.

Also, the Speaker received a bouquet in his office from the Governor, and those have been acknowledged in appreciation by the Speaker to the Governor.

Along this line, this House on Friday of last week, received a couple of bouquets as far as newspaper publicity is concerned. We received very favorable commentation in the Kennebec Journal, and in the Portland Press Herald and in the Lewiston Sun, and there may have been other favorable comments made on this House which was not called to my attention.

Now we like to get favorable comments, and we will only get favorable comments here in the House so long as we not only do the ordinary, but we do the extra-ordinary. Now what was the extra-ordinary of last week? Well, apparently the extra-ordinary of last week was not too much, we stayed in session Thursday afternoon and cleaned up the one hundred and one bills that were be-

fore us at that time, and when we went home on Thursday night we were practically all cleaned up as far as business was concerned. Now that is no less than can be expected of us by the citizens of this State during this particular session, and when we fail to reach that particular goal, I am sure that we will receive unfavorable publicity; so let's make every effort, and the leadership will do that, to see that we get nothing but favorable publicity during this particular session.

I stayed over Friday morning and the Clerk and his staff was here at that particular time working. They have a policy in the Clerk's office to clean up all of the business of any particular day before they go home. Well I got home about four o'clock Friday afternoon and the Clerk and his staff were still here working. Sometime during the night, Friday night, I thought it was about two o'clock in the morning, my wife woke me up and said: "Mr. Pease wants you on the phone." I thought probably the State House had burned down. Well, you know how it is when you get a call at that time of the night, so I went down to the phone and all that the Clerk wanted to know was that a change that I had made in the records, if I had intended to make that change because he was getting up a preliminary proof, and I told him that the change that I had made that I had intended to do, and I was sorry that I had not informed him of it before I left. Well, when I went back to bed it was only ten-thirty, but it gives you an idea that the Clerk and his staff were still working here to get things ready for us for this morning.

Now I think you will find that is the attitude of all of the state departments and the employees of the State, they will do everything in their power to facilitate our good legislation here. They will try and do everything for us but vote. They are glad to see us come and apparently they are glad to see us go. They want us to do our work and they want us to do it well.

Now this week we are of necessity going to have some short sessions. There is nothing we can do



about it. That is just the way the machinery goes, and probably there will not be a session on Friday; and we have checked into that, there is nothing we can do on Friday. If there was, we would stay here and do it.

However, we can make great progress in our Committee work this week and next week. I have already talked with the President of the Senate, and the House anyway is going to get a report before you go home on Thursday of this week as to the number of bills which have been referred to each Committee; we are going to get a report as to the number of bills that have been put out for advertisement for hearing and we are going to get a report as to the number of bills that have not been advertised. Now of necessity all of the bills perhaps cannot be advertised, because a Committee Chairman may wish to hold a bill or two realizing there are some others of the same nature coming along. Now we realize that the scheduling of these hearings rests in the hands of the Senate Chairmen, but we know that the Chairmen in the House will help the matters along as much as possible. We can make progress the next few days, although we are going to have short sessions here.

You have on your desks a withholding tax exemption certificate. It will be greatly appreciated if you will complete that and turn it in to the Clerk's Office immediately following this session. If that is not turned in, of course, why they will deduct from your pay as if you had no exemptions.

Now you also will have put on your desks here in a moment a proof here which we want you to look at, and the House may be at ease.

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#### House at Ease

Called to order by the Speaker.

The SPEAKER: Now that proof you have on your desk and before you is a matter that goes in the State and House Registers. Now un-

less we hear from you today in the Clerk's Office, we will assume that the material on that sheet pertaining to you is correct. If you have any corrections to be made, kindly call it to the attention of the Clerk's Office.

Now I want to bring up another very important matter at this time. You know under the House Rules, the cloture date, that is the time when you can no longer enter private and special bills, is the 20th of this month, and they must be under the Joint Rules as they now exist, in complete and final form; so you have to give the Director of Legislative Research some time to draft the bill that you take in. He has already processed approximately five hundred bills. We expect there will be maybe fifteen hundred, so there are a thousand to go. On private and specials you only have until the 20th of this month and that's it.

On bills or public laws you have until the 27th of this month, so make every effort this week to get everything in.

Also, the Director of Legislative Research called to my attention that he has down there already prepared 125 bills to be picked up, and they are just cluttering up his office. He would like to have you go down and pick them up and get them into the hopper. And at this particular time he only has two bills down there that he is working on, so if you have anything to get done, now is the time to do it where he has got a minute to give you a little time on discussing it. I hope that you all rush down there, all one hundred and fifty, right after this session.

I would like to call your attention too that there will be a Republican caucus in the Hall of the House here tonight at 7:30.

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The Clerk read some notices.

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On motion of Mr. Baxter of Pittsfield,

Adjourned until ten o'clock tomorrow morning.