

# 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**

Wednesday, February 8, 1961

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

Prayer by the Rev. Mr. Blair Whitney of the Universalist Church, Livermore.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate:

Bill "An Act relating to Inspection of Slaughterhouses" (S. P. 369) (L. D. 1180)

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 relating to Assigned Risks" (S. P. 370) (L. D. 1181)

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 to Hold the Primary Election on the Second Tuesday after Labor Day" (S. P. 371) (L. D. 1182)

Bill "An Act to Abolish the Straight Party Ballot in the Election Laws" (S. P. 372) (L. D. 1183)

Came from the Senate referred to the Committee on Election Laws.

In the House, referred to the Committee on Election Laws in concurrence.

From the Senate:

Bill "An Act relating to Designation and Expenditures under Town Road Improvement Fund Law" (S. P. 373) (L. D. 1184)

Bill "An Act relating to Private Roads in Unorganized Territory" (S. P. 374) (L. D. 1185)

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 Open Season to Hunting with Bow and Arrow" (S. P. 375) (L. D. 1186)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate:

Bill "An Act Clarifying Validation of Street Installations" (S. P. 376) (L. D. 1187)

Bill "An Act Providing for Local Option to Transport School Children to Other than Public Schools Without State Subsidy" (S. P. 377) (L. D. 1188)

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 relating to Weekly Benefits for Total Unemployment under Employment Security Law" (S. P. 378) (L. D. 1189)

Came from the Senate referred to the Committee on Labor.

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

From the Senate:

Bill "An Act relating to Inspection of Schoolhouse Boilers" (S. P. 380) (L. D. 1190)

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 Sale of Liquor on New Year's Eve and New Year's Day" (S. P. 381) (L. D. 1191)

Came from the Senate referred to the Committee on Liquor Control.

In the House, referred to the Committee on Liquor Control in concurrence.

From the Senate:

Bill "An Act Defining Mother, Father and Parent under Maine State Retirement Law" (S. P. 382) (L. D. 1192)

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.

From the Senate:

Bill "An Act Increasing Salary of Director of Legislative Research" (S. P. 383) (L. D. 1193)

Bill "An Act Increasing Salary of Secretary of State" (S. P. 384) (L. D. 1194)

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 County Appropriations for Industrial Development" (S. P. 385) (L. D. 1195)

Bill "An Act Increasing Salaries of Oxford County Officials and Judges of Municipal Courts in Oxford County" (S. P. 386) (L. D. 1196)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

From the Senate:

Bill "An Act Requiring Persons Seventy-five Years of Age to Take Examination for Motor Vehicle Driver's License" (S. P. 387) (L. D. 1197)

Bill "An Act relating to Temporary Motor Vehicle Number Plates for Nonresident Members of Armed Services" (S. P. 388) (L. D. 1198)

Came from the Senate referred to the Committee on Transportation.

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of high school students from the senior class of Belgrade High School, accompanied by their Principal, Mr. Harold Stevens.

On behalf of the House, the Chair extends to you a most cordial and hearty welcome and we hope you will enjoy and profit by your visit with us here today. (Applause)

#### Senate Reports of Committees Ought Not to Pass

Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Open Season on Beaver" (S. P. 33) (L. D. 58)

Report of same Committee reporting same on Bill "An Act relating to Name on Arrows of Those Hunting with Bow and Arrow" (S. P. 108) (L. D. 253)

Report of same Committee reporting same on Bill "An Act relating to Exchange of Nonresident Hunting License for Deer Hunting License" (S. P. 109) (L. D. 254)

Came from the Senate read and accepted.

In the House, Reports were read and accepted in concurrence.

#### Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Cheating by False Pretenses" (S. P. 8) (L. D. 8)

Report of same Committee reporting same on Bill "An Act relating to Order of Divorce Concerning Minor Children" (S. P. 95) (L. D. 190)

Report of the Committee on Retirements and Pensions reporting same on Bill "An Act relating to Civilian Employees of Maine National Guard under State Retirement System" (S. P. 145) (L. D. 328)

Report of same Committee reporting same on Resolve to Provide Retirement Credit for Kenneth W. Hodgdon of Augusta (S. P. 146) (L. D. 329)

Came from the Senate with the Reports read and accepted and the Bills and Resolve passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Bills read twice, Resolve read once, and tomorrow assigned.

### 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 Providing for a Tax on Eggs for Human Consumption" (H. P. 953) (Presented by Mr. Finley of Washington by request)

(1,000 copies Ordered Printed)

Bill "An Act relating to Transportation of Certain Poultry" (H. P. 954) (Presented by Mr. Finley of Washington)

(Ordered Printed)

Bill "An Act Regulating Certain Poultry Workers" (H. P. 955) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Regulating Vaccine Dealers and Distributors" (H. P. 956) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Regulating Poultry Service Personnel" (H. P. 957) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Regulating Disposal of Dead Poultry" (H. P. 958) (Presented by Mrs. Knapp of Yarmouth by request)

(Ordered Printed)

Sent up for concurrence.

#### Appropriations and Financial Affairs

Bill "An Act relating to Harness Racing Officials and Purses" (H. P. 959) (Presented by Mr. Turner of Auburn)

(Order Printed)

Sent up for concurrence.

#### Business Legislation

Bill "An Act relating to Special Acts of Incorporation" (H. P. 960) (Presented by Mr. Beane of Augusta)

(Ordered Printed)

Bill "An Act relating to Regulation of Public Accountants" (H. P. 961) (Presented by Mr. Beane of Moscow)

(Ordered Printed)

Bill "An Act relating to Joint Bank Accounts" (H. P. 962) (Presented by Mr. Cox of Dexter)

(Ordered Printed)

Sent up for concurrence.

#### Education

Bill "An Act to Increase the Subsidy Bonus for School Administrative Districts" (H. P. 963) (Presented by Mr. Hichborn of Medford Township)

(1,000 copies Ordered Printed)

Bill "An Act relating to Basis of Population in Determining Educational Subsidies for Town of Limestone" (H. P. 964) (Presented by Mr. Johnson of Stockholm)

(Ordered Printed)

Bill "An Act to Pay School Subsidies in Certain Administrative Units on the Basis of Uniform Local Effort" (H. P. 965) (Presented by Mr. Knight of Rockland)

(1,000 copies Ordered Printed)

Bill "An Act Providing for Business Administrator of School Administrative Districts" (H. P. 966) (Presented by Mr. Westerfield of Liberty)

(1,000 copies Ordered Printed)

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

Bill "An Act relating to Capital Outlays by School Administrative Districts" (H. P. 967) (Presented by same gentleman)

(1,000 copies Ordered Printed)

Bill "An Act Clarifying Withdrawals from School Administrative Districts" (H. P. 968) (Presented by same gentleman)

(1,000 copies Ordered Printed)

Bill "An Act relating to Withdrawals from School Administrative Districts" (H. P. 969) (Presented by same gentleman)

(1,000 copies Ordered Printed)

Sent up for concurrence.

#### Election Laws

Bill "An Act Revising the Election Laws" (H. P. 970) (Presented by Mr. Dennett of Kittery)

(1,000 copies Ordered Printed)

Bill "An Act relating to Notice in Disputed Elections" (H. P. 971)

(Presented by Mr. Beane of Augusta)

(Ordered Printed)

Bill "An Act relating to Certification of Absentee or Sick Ballots" (H. P. 972) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to List of Polls Made by Municipal Assessors" (H. P. 973) (Presented by Mr. Dennett of Kittery)

(Ordered Printed)

Sent up for concurrence.

### Health and Institutional Services

Bill "An Act relating to Store or Department Registration under Pharmacy Laws" (H. P. 974) (Presented by Mr. Gill of South Portland)

(Ordered Printed)

Bill "An Act Providing for Registration of Sanitariums" (H. P. 975) (Presented by Mrs. Smith of Falmouth)

(Ordered Printed)

Bill "An Act Providing for the Rehabilitation of Alcoholics" (H. P. 976) (Presented by Mr. Smith of Strong)

(Ordered Printed)

Sent up for concurrence.

### Highways

Bill "An Act Transferring Working Capital Fund of Highway Garage to General Highway Fund" (H. P. 977) (Presented by Mr. Minsky of Bangor)

(Ordered Printed)

Sent up for concurrence.

### Inland Fisheries and Game

Bill "An Act relating to Regulation of Fishing by Commissioner of Inland Fisheries and Game" (H. P. 978) (Presented by Mr. Beane of Augusta)

(Ordered Printed)

Bill "An Act relating to Dogs Injuring or Killing Wild Animals" (H. P. 979) (Presented by Mr. Bradeen of Waterboro)

(Ordered Printed)

Bill "An Act relating to Hunting and Fishing Licenses to Canadian Soldiers Stationed in Maine" (H. P. 980) (Presented by Mr. Chapman of Gardiner)

(Ordered Printed)

Bill "An Act Providing Casualty Insurance for Hunters" (H. P. 981) (Presented by Mr. Chapman of Norway)

(Ordered Printed)

Bill "An Act Regulating the Operation of Motor Boats" (H. P. 982) (Presented by Mr. Hardy of Hope)

(Ordered Printed)

Bill "An Act relating to Open Season on Mink and Fisher" (H. P. 983) (Presented by Mr. Prue of Ashland)

(Ordered Printed)

Bill "An Act Revising the Law Relating to Licensing and Safety Operation of Boats" (H. P. 984) (Presented by Mr. Wade of Skowhegan)

(Ordered Printed)

Bill "An Act relating to Private Shooting Preserves" (H. P. 985) (Presented by Mr. Walls of Millinocket)

(Ordered Printed)

Bill "An Act relating to Disturbing Traps of Another" (H. P. 986) (Presented by Mr. Williams of Hodgdon)

(Ordered Printed)

Sent up for concurrence.

### Judiciary

Bill "An Act relating to Disqualifying Interest of Judge or Register of Probate" (H. P. 987) (Presented by Mr. Beane of Augusta)

(Ordered Printed)

Bill "An Act relating to Disclosure of Vital Records" (H. P. 988) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Preservation of Essential Records Against Destruction in Event of a Disaster" (H. P. 989) (Presented by Mr. Berman of Auburn)

(Ordered Printed)

Bill "An Act relating to the Admissibility of Records in Evidence" (H. P. 990) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Criminal Conduct Because of Mental Disease" (H. P. 991) (Presented by Mr. Berman of Houlton)

(Ordered Printed)

Bill "An Act Permitting Indians to Bring Action for Money Due"

(H. P. 992) (Presented by Mr. Binnette of Old Town by request)  
(Ordered Printed)

Bill "An Act relating to Fees of Clerks of Courts for Entry of Action and Motion" (H. P. 993) (Presented by Mr. Hinds of South Portland)

(Ordered Printed)

Bill "An Act Defining Registered Mail in Requirements for Notice" (H. P. 994) (Presented by Mr. Rust of York)

(Ordered Printed)

Bill "An Act relating to a Power of Sale in a Mortgage and Sale under a Power in a Mortgage" (H. P. 995) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Trespass on Residential Property" (H. P. 996) (Presented by Mr. Stewart of Presque Isle)

(Ordered Printed)

Bill "An Act Requiring Parking Meters to Indicate Elapsed Time" (H. P. 997) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Issuance of Written Warnings by State Police to Violators of Motor Vehicle Laws" (H. P. 998) (Presented by Mr. Waltz of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

### Labor

Bill "An Act Providing that Employment Shall not be Conditioned upon Membership or Nonmembership in a Labor Organization" (H. P. 999) (Presented by Mr. Tweedie of Mars Hill)

(2,000 copies Ordered Printed)

Bill "An Act relating to Time Limitations for Filing Petitions under Workmen's Compensation Act" (H. P. 1000) (Presented by Mr. Berman of Houlton)

(Ordered Printed)

Bill "An Act relating to Total Amount of Weekly Benefits under Employment Security Law" (H. P. 1001) (Presented by Mr. Busiere of Lewiston)

(Ordered Printed)

Bill "An Act relating to Employment of Persons Because of Age" (H. P. 1002) (Presented by Mr. Fogg of Madison)

(Ordered Printed)

Bill "An Act relating to Disqualification for Benefits under Employment Security Law" (H. P. 1003) (Presented by Mr. Karkos of Lisbon)

(Ordered Printed)

Bill "An Act Entitling College Students to Receive Minimum Wage" (H. P. 1004) (Presented by Mr. Plante of Old Orchard Beach)

(Ordered Printed)

Sent up for concurrence.

### Legal Affairs

Bill "An Act Designating Monday for Observance of Memorial Day" (H. P. 1005) (Presented by Mr. Brown of South Portland)

(Ordered Printed)

Bill "An Act relating to Exits in Buildings" (H. P. 1006) (Presented by Mr. Dodge of Guilford)

(Ordered Printed)

Bill "An Act to Incorporate the Town of Athens School District" (H. P. 1007) (Presented by Mr. Hughes of St. Albans)

(Ordered Printed)

Bill "An Act Repealing Laws Requiring that Cemeteries be Fenced" (H. P. 1008) (Presented by Mr. Johnson of Stockholm)

(Ordered Printed)

Sent up for concurrence.

### Liquor Control

Bill "An Act relating to Local Option on Questions Permitting Sale of Malt Liquor on the Premises" (H. P. 1009) (Presented by Mr. Dennett of Kittery)

(Ordered Printed)

Bill "An Act relating to Sale of Liquor in Clubs to Members of Veterans' Organizations and Auxiliaries" (H. P. 1010) (Presented by Mr. Lane of Waterville)

(Ordered Printed)

Bill "An Act to Clarify Definition of 'Class A Restaurant' under Liquor Law" (H. P. 1011) (Presented by Mr. Rust of York)

(Ordered Printed)

Bill "An Act relating to Possession or Transporting Liquor by Minor in Motor Vehicles" (H. P. 1012) (Presented by Mr. Waterman of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Natural Resources**

Bill "An Act Classifying Certain Waters in Salmon Falls-Piscataqua River Watershed" (H. P. 1013) (Presented by Mr. Williams of Hodgdon)

(Ordered Printed)

Bill "An Act Classifying Certain Tidal Waters, Cumberland County" (H. P. 1014) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Classifying Certain Surface Waters in Lincoln County" (H. P. 1015) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Classifying Certain Surface Waters in Kennebec River Basin" (H. P. 1016) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act relating to Operation of Diesel or Diesel-Electric Locomotives in Reverse" (H. P. 1017) (Presented by Mr. Tweedie of Mars Hill)

(Ordered Printed)

Sent up for concurrence.

**Retirements and Pensions**

Bill "An Act relating to Definition of Public School under Maine State Retirement System" (H. P. 1018) (Presented by Mr. Chapman of Gardiner)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act Creating the Passenger Tramway Safety Board" (H. P. 1019) (Presented by Mr. Baxter of Pittsfield)

(Ordered Printed)

Bill "An Act relating to Appointment of Director of Indian Affairs" (H. P. 1020) (Presented by Mr. Binnette of Old Town by request)

(Ordered Printed)

Bill "An Act relating to Duties of the Attorney General" (H. P. 1021) (Presented by Mr. Cox of Dexter)

(Ordered Printed)

Bill "An Act Increasing Salary of Hearing Examiner for Liquor

Commission" (H. P. 1022) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Bill "An Act Increasing Compensation of Boards of Registration in Cities" (H. P. 1023) (Presented by Mr. Lane of Waterville)

(Ordered Printed)

Bill "An Act Increasing Expense Allowance for Advisory Council of Department of Inland Fisheries and Game" (H. P. 1024) (Presented by Mr. Stewart of Presque Isle)

(Ordered Printed)

Bill "An Act Prohibiting Public Employees to Have Pecuniary Interest in Public Contracts" (H. P. 1025) (Presented by Mr. Williams of Hodgdon)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act Providing for a State Income Tax" (H. P. 1026) (Presented by Mr. Lowery of Brunswick by request)

(1,000 copies Ordered Printed)

Bill "An Act Providing a Tax for Schooling of Children in Unorganized Territory" (H. P. 1027) (Presented by Mr. Bragdon of Perham)

(Ordered Printed)

Bill "An Act relating to Tax Refund on Motor Fuel" (H. P. 1028) (Presented by Mr. Chapman of Gardiner)

(Ordered Printed)

Bill "An Act Providing for Gas Tax Refund for Stock Race Cars" (H. P. 1029) (Presented by Mr. Coulthard of Scarborough)

(Ordered Printed)

Bill "An Act Imposing a Tax on Gross Receipts of Trading Stamp Companies" (H. P. 1030) (Presented by Mr. Curtis of Bowdoinham)

(Ordered Printed)

Bill "An Act Increasing Taxation of Insurance Companies" (H. P. 1031) (Presented by Mr. Hardy of Hope)

(Ordered Printed)

Bill "An Act Applying Sales Tax to Admissions" (H. P. 1032) (Presented by Mr. Hughes of St. Albans)

(Ordered Printed)

Bill "An Act Requiring Record of Receipts of Transient Rental



Tax" (H. P. 1033) (Presented by Mr. Plante of Old Orchard Beach)

(Ordered Printed)

Bill "An Act Limiting Use of Transient Rental Revenues to Recreational Advertising" (H. P. 1034) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Exempting Electricity, Fuel, Gas and Water from Sales Tax" (H. P. 1035) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Prohibiting Illegal Collection of Sales Tax" (H. P. 1036) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Inventory of Tax Exempt Property by Assessors" (H. P. 1037) (Presented by Mr. Smith of Strong)

(Ordered Printed)

Bill "An Act relating to Sales Tax on Farm Machinery and Equipment" (H. P. 1038) (Presented by Mr. Tweedie of Mars Hill)

(Ordered Printed)

Bill "An Act relating to Reimbursement by State to Colleges for Property Taxes" (H. P. 1039) (Presented by Mr. Wellman of Bangor)

(Ordered Printed)

Sent up for concurrence.

#### **Towns and Counties**

Bill "An Act Increasing Certain Fees to Registers of Deeds" (H. P. 1040) (Presented by Mr. Durgen of Raymond)

(Ordered Printed)

Bill "An Act Increasing Salaries of Register of Deeds and Register of Probate of Androscoggin County" (H. P. 1041) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Bill "An Act Increasing Salary of Recorder of Lewiston Municipal Court" (H. P. 1042) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Increasing Salaries of Androscoggin County Officials" (H. P. 1043) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Increasing Salary of Judge of Livermore Falls

Municipal Court" (H. P. 1044) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

#### **Appropriations and Financial Affairs**

Bill "An Act Providing Funds to Municipalities for Purchase of Fire Equipment" (H. P. 1045) (Presented by Mr. Tyndale of Kennebunkport)

(Ordered Printed)

Sent up for concurrence.

#### **Transportation**

Bill "An Act Providing Motor Vehicle Stickers for Handicapped Persons" (H. P. 1046) (Presented by Mr. Bedard of Saco)

(Ordered Printed)

Bill "An Act relating to Specially Designed Motor Vehicle Number Plates for Representatives of Indian Tribes at the Legislature" (H. P. 1047) (Presented by Mr. Binnette of Old Town by request)

(Ordered Printed)

Bill "An Act relating to Fines for Overweight Violations" (H. P. 1048) (Presented by Mr. Morrill of Harrison)

(Ordered Printed)

Bill "An Act relating to Definition of Owner under Motor Vehicle Law" (H. P. 1049) (Presented by Mr. Plante of Old Orchard Beach)

(Ordered Printed)

Bill "An Act relating to Registration of Self-Propelled Wheelchairs" (H. P. 1050) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

#### **Business Legislation**

Bill "An Act relating to Insurance Coverage on Motor Vehicles for Hire" (H. P. 1051) (Presented by Mr. Stewart of Presque Isle)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Transportation and printing.

(On motion of Mr. Stewart of Presque Isle, referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.)

### Welfare

Bill "An Act relating to Payment of Last Sickness Expense by Department of Health and Welfare" (H. P. 1052) (Presented by Mr. Beane of Augusta)

(Ordered Printed)

Bill "An Act relating to Appointment of Guardians of Persons Receiving Old Age Assistance" (H. P. 1053) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Election of Governors and Representatives to the Legislature of Passamaquoddy Tribe of Indians" (H. P. 1054) (Presented by Mr. Wheaton of Princeton)

(Ordered Printed)

Sent up for concurrence.

The SPEAKER: From time to time we have visitors here in the State Capitol of Augusta, and some of them travel great distances to observe the Legislature and their representatives in action. The Chair at this time recognizes the presence in the gallery of a group of eighth grade students from Orono Junior High School accompanied by their Principal, Grover McLaughlin; a teacher, Bea Cushman, and Addie Deering of the Bangor Daily News.

On behalf of the House, the Chair extends to you a most cordial and hearty welcome, and we hope you will enjoy and profit by your visit with us here today. (Applause)

### Orders

On motion of Mr. Sirois of Rumford, it was

ORDERED, that Rev. Robert E. Lee of St. Athanasius Church, Rumford, be invited to officiate as Chaplain of the House on Tuesday, February 21, 1961.

### Tabled and Assigned

Mr. Hughes of St. Albans presented the following Order and moved its passage:

WHEREAS, It appears to the House of the One-Hundredth Legislature that the following are important questions of law and the occasion is a solemn one; and

WHEREAS, It is important that the Legislature be informed as to

the constitutionality of the proposed bill; and

WHEREAS, The statutory law of the State is silent as to any general right of recovery for deprivation of enjoyment of property and financial loss resulting from state government action or inaction; and

WHEREAS, During and after the construction of the Bangor - Brewer Bridge and its approaches, the State Highway Department, its employees and supervised contractors allegedly, needlessly interfered with the normal use of the property of claimant by allegedly doing what it should not have done and failing to do what it should have done in the exercise of its police power, i. e., allegedly unnecessarily blockading and isolating the business property from the general public through phases of the construction itself, through parking heavy equipment when not in use on and about the property, and erecting and refusing for a considerable period of time to remove erroneous and misleading traffic signs; and

WHEREAS, There is pending before the 100th Legislature H. P. 464, L. D. 664, Resolve in Favor of Jim Adams, Inc. of Bangor

ORDERED, That in accordance with Section 3 of Article VI of the Constitution of Maine the Justices of the Supreme Judicial Court are hereby respectfully requested to give the House their opinion on the following questions:

### QUESTION NO. 1

Can the Legislature in the exercise of its powers and judgment of what the facts actually are, constitutionally make a monetary award to the claimant as provided in L. D. No. 664 if the Legislature concludes damage to the claimant has been done justifying compensation?

### QUESTION NO. 2

Would payment from the General Highway Fund as provided by L. D. No. 664 violate Article IX of the Maine Constitution?

The SPEAKER: The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, I am presenting this order to decide the constitutionality of H. P. 464, L. D. 664.

The SPEAKER: The Chair understands the gentleman from St. Albans, Mr. Hughes, moves this matter lie on the table until tomorrow under Rule 46 and that it be reproduced. Is this the pleasure of the House?

The motion prevailed.

On motion of Mr. Wellman of Bangor, it was

ORDERED, that Rev. John D. Protapas of St. George Greek Orthodox Church, Bangor, be invited to officiate as Chaplain of the House on Tuesday, March 21, 1961.

#### **Ought to Pass in New Draft New Drafts Printed**

Mr. Hancock from the Committee on Labor on Bill "An Act relating to Employment of Minors under 18 Years of Age" (H. P. 254) (L. D. 368) reported same in a new draft (H. P. 1055) (L. D. 1264) under same title and that it "Ought to pass"

Mr. Thaanum from same Committee on Bill "An Act Exempting Certain Employees from Minimum Wage Law" (H. P. 324) (L. D. 476) reported same in a new draft (H. P. 1056) (L. D. 1265) under title of "An Act Exempting Taxicab Drivers from the Minimum Wage Law" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

The SPEAKER: The Speaker would like to call your attention to these Third Readers on page 10. You will note, from observation of your calendar, that items six through sixteen under Bills on the Third Reading have been left out; therefore they will not be taken up at this time, since the rules require that they must be printed on the calendar. However, the other items will be taken up, and when they have had their third reading the Speaker will pause and give you an opportunity to take any action on any of those in any order that you wish to do so at that time.

#### **Passed to Be Engrossed**

Bill "An Act relating to Permits for Operation of Motor Vehicles to Inspection Stations" (S. P. 147) (L. D. 330)

Bill "An Act relating to Flares, etc. for Certain Trucks Having Short Term Permits" (S. P. 149) (L. D. 332)

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

#### **Tabled and Assigned**

Bill "An Act Exempting State Police Motor Vehicles from Registration" (S. P. 150) (L. D. 333)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, Item 3, I question the advisability of exempting State Police from having registration plates. I think we should have a chance to identify them. I move we table this until Tuesday next.

The SPEAKER: The gentleman from Farmington, Mr. Jones, moves that this matter be tabled and specially assigned for Tuesday, February 14, pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

#### **Tabled and Assigned**

Bill "An Act relating to Trapping Beaver in Organized and Unorganized Territory" (H. P. 92) (L. D. 132)

Was reported by the Committee on Bills in the Third Reading and read the third time.

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

Mr. WELLMAN: Mr. Speaker, I would like to inquire through the Chair if somebody can answer this question. In regard to item 4, if this bill is passed, what happens to the statute or what is the procedure for the trapping of beaver in organized and unorganized territory?

The SPEAKER: The gentleman from Bangor, Mr. Wellman, has asked a question through the Chair of anyone who may choose to answer.

The Chair recognizes the gentleman from Casco, Mr. Moore.

Mr. MOORE: Mr. Speaker, as the law is written now, a trapper is supposed to obtain permission from the landowners before they can set a beaver trap, and in the wintertime with so many people away and in the back country where you can't find the owners of a piece of land, it is worth more than the trouble is to trap beaver if you have to find the landowner and get written permission from them, so it has never been enforced; and this is a department bill and they feel that it should be removed from the statute, and that is the reason. Does that answer the question?

The SPEAKER: Does the gentleman from Bangor consider his question answered?

Mr. WELLMAN: I would like to ask this question, is it now subject to the rules and regulations of the Commissioner?

The SPEAKER: The gentleman from Bangor, Mr. Wellman, has addressed another question through the Chair and the gentleman from Casco, Mr. Moore, may answer if he chooses.

Mr. MOORE: Yes, absolutely, there is no change in that.

The SPEAKER: Does the gentleman from Bangor, Mr. Wellman, consider his question answered?

Mr. WELLMAN: Yes, thank you.

Thereupon, on motion of Mr. Curtis of Bowdoinham, the Bill was tabled pending passage to be engrossed and specially assigned for Wednesday, February 15.

Bill "An Act to Authorize the Municipalities of Hampden and Newburgh to Form a School Administrative District" (H. P. 189) (L. D. 285)

Resolve in favor of John W. McGuire, of Houlton (H. P. 951) (L. D. 1254)

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

#### **Amended Bills Tabled and Assigned**

Bill "An Act relating to Use of Artificial Lights for Lighting Game" (H. P. 112) (L. D. 152)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Morrill of Harrison, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Resolve to Reimburse Denis N. Caron of Litchfield for Damage to Poultry (H. P. 109) (L. D. 149)

Resolve Providing for State Pension for Clyde P. Walker of Stratton (H. P. 266) (L. D. 380)

Resolve Increasing Pension of Maurice Albert of Madawaska (H. P. 267) (L. D. 381)

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

#### **Passed to Be Enacted Emergency Measure**

An Act to Change the Date of Election of Town Meeting Members in the Town of Caribou (H. P. 210) (L. D. 305)

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. 128 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 Clarifying Selection of Additional Jurors by Jury Commissioners (S. P. 10) (L. D. 10)

An Act Clarifying Challenges in Trials of Offenses Punishable by Imprisonment for Life (S. P. 12) (L. D. 12)

An Act relating to Foreign Corporations (S. P. 36) (L. D. 78)

An Act Authorizing Discretionary Operation of County Jails (S. P. 38) (L. D. 80)

An Act relating to Mailing Divorce Judgment When Duty to Support (H. P. 97) (L. D. 137)

An Act relating to Bids for State Purchases (H. P. 122) (L. D. 162)

An Act relating to Notification of Appointment and Compensation

for Special Deputies (H. P. 165) (L. D. 228)

An Act to Prohibit the Taking of Lobsters and Crabs During the Hours of Darkness (H. P. 206) (L. D. 301)

An Act relating to Exemption from Laws Regulating Motor Trucks for Hire (H. P. 218) (L. D. 313)

An Act relating to Sick Pay for County Clerical Help (H. P. 722) (L. D. 789)

### Finally Passed

Resolve Authorizing the State Military Defense Commission to Convey Certain Land in Rockland (H. P. 22) (L. D. 41)

Resolve Loaning to City of Hallowell the Replaced Furniture of the Executive Council Chambers (H. P. 50) (L. D. 91)

Resolve Authorizing the Maine Military Defense Commission to Convey Certain Land in Bangor (H. P. 163) (L. D. 226)

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

### Orders of the Day

The SPEAKER: The Chair would like to compliment the students in the gallery for their splendid attention and their quiet attitude. (Applause)

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

Communication from the Governor transmitting Joint Resolution from the Commonwealth of Virginia inviting Maine to Join in Commemorating the 100th Anniversary of the Washington Peace Convention on Feb. 4, 1961. (H. P. 919)

Tabled—Feb. 2, by Mr. Maddox of Vinalhaven.

Pending—Consideration

On motion of Mr. Maddox of Vinalhaven, the Joint Resolution was read by the Clerk as follows:

### COMMONWEALTH OF VIRGINIA GENERAL ASSEMBLY

#### Senate Joint Resolution No. 28

Requesting the sister state to join in commemorating the Peace

Convention of February 4, 1861 and all other efforts at reconciliation made prior to the Civil War.

Patrons—Senators Charles T. Moses, Appomattox, Virginia, Curry Carter, Staunton, Virginia, Harry C. Stuart, Elk Garden, Virginia.

WHEREAS, on January 18, 1861, the General Assembly of Virginia adopted a series of resolutions calling for a Peace Convention of all the states to meet in Washington, D. C., on February 4, 1861; and

WHEREAS, as a result of this call of the Virginia General Assembly the Peace Convention met in a desperate effort to restore the Union and prevent the Civil War; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the General Assembly of Virginia does hereby recognize and honor those leaders of the nation who sincerely worked for peace in the days prior to the outbreak of the Civil War and does call upon all the other states in the Union, on February four, nineteen hundred sixty-one, to join Virginia in commemorating the one hundredth anniversary of the opening of the Peace Convention as a symbol of all the efforts made prior to the beginning of the Civil War to resolve the differences between the North and South.

Agreed to by the Senate  
February 15, 1960

Agreed to by the House of

Delegates

March 12, 1960

A True Copy, teste:

(Signed) BEN D. LACY  
Ben D. Lacy  
Clerk of the Senate

Thereupon, on motion of Mr. Maddox of Vinalhaven, ordered placed on file and sent up for concurrence.

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

Bill "An Act Relating to Certain Standards for Nursing Homes." (H. P. 13) (L. D. 32)

Tabled—Feb. 2, by Mr. Whitman of Woodstock.

Pending—Motion of Mr. Malenfant of Lewiston that Passage to be Engrossed be Reconsidered.

Whereupon, Mr. Malenfant of Lewiston withdrew his motion for reconsideration.

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

Mr. HAM: Mr. Speaker and Members of the House: I would like at this time to present a guest in the rear of the House, a former legislator of the 97th, 98th and 99th Legislatures, my predecessor and good friend, Fred Lindsay from Brewer.

The SPEAKER: The Chair recognizes the former legislator. (Applause)

On motion of Mrs. Sproul of Bristol, the House voted to take from the table the fourth tabled and unassigned matter:

HOUSE REPORT—Ought Not to Pass—Committee on Sea and Shore Fisheries on Bill "An Act Relating to Close Time on Lobster About Monhegan." (H. P. 119) (L. D. 159)

Tabled—January 26, by Mrs. Sproul of Bristol.

Pending—Acceptance of Report.

The SPEAKER: The Chair recognizes the gentlewoman from Bristol, Mrs. Sproul.

Mrs. SPROUL: Mr. Speaker, a group of lobstermen from Monhegan were unable to be at the hearing here due to the rough weather. Therefore, in order to afford these gentlemen an opportunity to present facts to the Committee, I move that this matter be recommitted to the Committee on Sea and Shore Fisheries. I have talked to the Chairman in the House on Sea and Shore Fisheries and with other members and they have no objection to this Bill being recommitted.

The SPEAKER: The gentlewoman from Bristol, Mrs. Sproul, now

moves that this matter be recommitted to the Committee on Sea and Shore Fisheries. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: We are proceeding under Orders of the Day. The Chair recognizes the gentleman from Waterboro, Mr. Bradeen.

Mr. BRADEEN: Mr. Speaker, I notice on page 11 at the bottom of the page, those items from six to sixteen which were apparently omitted in Bills in the Third Reading, there appear. Now would it be out of order to consider those at this time? I was interested primarily because I have a little Bill in there, an Act Relating to Depositing Refuse.

The SPEAKER: The Chair will state that under the rules, in order to take up a matter, it must be listed on the Journal. That is to make everyone aware of the items that are to be taken up, since a member might look at the Journal and under Bills in the Third Reading find that there weren't any items there that interested him, so he might be absent.

Since these items here were printed in the wrong place, one of the members might look under Bills in the Third Reading and not find the item that he was interested in, and if we should take it up at this time, he might be deprived of the privilege of having been here, so he has not had sufficient notice. They will come up tomorrow.

The SPEAKER: There will not be any pictures taken today. They will be taken next week. I know we have been building up to this for several days, so next time we will give you a shorter notice.

On motion of Mr. Young of West Gouldsboro,

Adjourned until one-thirty o'clock tomorrow afternoon.