

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

SENATE

Thursday, January 12, 1961

Senate called to order by the President.

Prayer by Rev. Alton E. Maxell of Augusta.

On motion by Mr. Boisvert of Androscoggin Journal of yesterday Read and Approved.

Joint Order

On motion by Mr. Noyes of Franklin, out of order and under suspension of the rules.

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, January 17, at ten o'clock in the morning. (S. P. 130)

Which was Read and Passed.
Sent down for concurrence.

Joint Order

On motion by Mr. Davis of Cumberland, out of order and under suspension of the rules

ORDERED, the House concurring, that there be paid to the members of the Senate and House as advances on account of compensation established by statute, the amount of one hundred and sixty dollars (\$160) fortnightly, according to lists certified to the State Controller by the Secretary of the Senate and Clerk of the House respectively; and that the final payrolls bear the approval of the Joint Standing Committee on Appropriations and Financial Affairs. (S. P. 131)

Which was Read and Passed.
Sent down for concurrence.

Papers from the House

Report of Interim Committee on the subjects of the Second Injury Fund and Revisions of Workmen's Compensation Coverage Rules. (H. P. 178) Comes from the House referred to the Committee on Labor.

In the Senate:

Mr. MARDEN of Kennebec: Mr. President, I have no objection to the action on the motion except that the result of this interim report, which is the bill itself, L. D. 79, was referred to the Committee on Legal Affairs and it seems that this Interim Committee Report together with accompanying papers

should go to the same committee as the bill itself.

The PRESIDENT: Do you make that a motion, Senator Marden?

Mr. MARDEN: I do, Mr. President.

The motion prevailed and the Report was referred to the Committee on Legal Affairs in non-concurrence.

Sent down for concurrence.

JOINT ORDER, relating to amending Joint Rule 19B (Cloture Rule). (H. P. 81)

Comes from the House read and passed.

In the Senate, read and passed in concurrence.

The PRESIDENT: I would like to make a remark in regard to the Order just passed. I hope that the Senators will quickly get their bills in and before the Committee on Reference in order to have them referred to Committee as soon as possible.

House Papers

Bill, "An Act Relating to Marking Contents of Certain Cans of Fish or Sardines." (H. P. 107) (L. D. 147)

Bill, "An Act Increasing Inspection Fee for Sardines." (H. P. 108) (L. D. 148)

Which were referred to the Committee on Agriculture in concurrence.

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

"Resolve, in favor of A. R. Palmer of Litchfield for Damaged Well." (H. P. 110) (L. D. 150)

Which were referred to the Committee on Claims in concurrence.

Bill, "An Act Establishing Secondary Area Vocational Schools." (H. P. 111) (L. D. 151)

Which was referred to the Committee on Education in concurrence.

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

"Resolve, Regulating Ice Fishing on Big Pond, Dexter, Penobscot County." (H. P. 113) (L. D. 153)

Which were referred to the Committee on Inland Fisheries and Game in concurrence.

Bill, "An Act Relating to Transportation of School Children to Private Schools." (H. P. 114) (L. D. 154)

Bill, "An Act Relating to Jurisdiction of Violations of Maine Forestry District Laws." (H. P. 115) (L. D. 155)

Which were referred to the Committee on Judiciary in concurrence.

Bill, "An Act Amending the Minimum Wage Law." (H. P. 116) (L. D. 156)

Which was referred to the Committee on Labor in concurrence.

Bill, "An Act to Incorporate the Town of Bucksport School District." (H. P. 117) (L. D. 157)

Bill, "An Act Relating to Penalty for Operating Business on Sundays." (H. P. 118) (L. D. 158)

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

Bill, "An Act Relating to Close Time on Lobsters About Monhegan." (H. P. 119) (L. D. 159)

Which was referred to the Committee on Sea and Shore Fisheries in concurrence.

Bill, "An Act Providing Stamped Envelopes When Sales Tax Forms Sent by State Tax Assessor." (H. P. 120) (L. D. 160)

Bill, "An Act Increasing Salary of County Attorney of Lincoln County." (H. P. 121) (L. D. 161)

Bill, "An Act Relating to Bids for State Purchases." (H. P. 122) (L. D. 162)

Mr. FARRIS of Kennebec: Mr. President, in reference to Item 1-15, Bill, "An Act Increasing Salary of the County Attorney of Lincoln County" all of these county salary bills will be going to Towns and Counties, and I think it may avoid a lot of confusion if we can keep those salary bills for the counties in Towns and Counties rather than have them divided. I would move that Item 1-15 be deleted from this particular motion.

The PRESIDENT: For the information of the Senator from Ken-

nebec, Senator Farris, the Chair will state that the reason why that bill was given to the Committee on State Government was because all salaries for County Attorneys are paid by State moneys.

Mr. FARRIS: If that is going to be the policy, Mr. President, and all of them are going to go there, I will withdraw my motion.

Thereupon, the bills were severally referred to the Committee on State Government in concurrence.

Bill, "An Act Relating to Payments to Maine Forestry District for Fire Protection Within Indian Township." (H. P. 123) (L. D. 163)

Which was referred to the Committee on Taxation in concurrence.

Bill, "An Act Requiring State and Municipal Consultation on Aid to Dependent Children." (H. P. 124) (L. D. 164)

Which was referred to the Committee on Welfare in concurrence.

Communication

STATE OF MAINE
SENATE CHAMBER
Office of the Secretary

January 12, 1961

To the Members of the Senate:

Pursuant to a Senate Order passed on January 5, the President appointed Percy F. Crane of Orono as Senate Courier.

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of the Senate

Which was Read and ordered Placed on File.

Senate Papers

Appropriations and Financial Affairs

Mr. Farris of Kennebec presented Bill, "An Act Providing for Renovation and Remodeling of Aubert Hall—West at the University of Maine in Orono." (S. P. 96)

The same Senator presented Bill, "An Act Providing for Expansion of Boardman Hall at the University of Maine in Orono." (S. P. 97)

The same Senator presented Bill, "An Act Providing for the Expansion of Electric Lines of the Campus Distribution System at the

University of Maine in Orono." (S. P. 98)

Mrs. Christie of Aroostook presented Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1962 and June 30, 1963." (S. P. 99)

Mr. Davis of Cumberland presented "Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans." (S. P. 100)

Mr. Ferguson of Oxford presented "Resolve, Providing Funds for Urban Planning." (S. P. 101)

Which were severally referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

Mr. Lovell of York presented "Resolve, Appropriating Moneys to Provide Promotion for Maine's Industrial Development." (S. P. 102)

Mr. LOVELL of York: Mr. President, inasmuch as this bill, Item 37, presented by myself, is of extreme importance to the industrial development of the State of Maine and inasmuch as last year 2315 new jobs were acquired by the Department, with a payroll of somewhat over eight million dollars, and since North Carolina spent just ten times that amount of money and received ten times as many new jobs, I would make the motion that this bill be referred to the Committee on Industrial and Recreational Development.

Mr. MAYO of Sagadahoc: Mr. President, I do not know exactly what is going on here in the Senate, but I noticed yesterday that several bills were assigned to this new Industrial Committee that had an appropriation tagged to them, and I see the trend again this morning. I am not arising in exact opposition to this trend, but I just want to bring to the attention of the Senators here that we are getting away from where appropriations bills, money bills, should go to, and I do not know whether this is going to be proper or not. We are talking about a lot of money in some of these bills which have already been assigned to this new committee. I am just rising to

question whether or not these money bills should go to this new committee.

The PRESIDENT: In answer to the Senator from Sagadahoc, Senator Mayo, the Chair will state that yesterday at the Reference of Bills Committee meeting we had the Chairman of Committee on Appropriations there with us, and it was decided that these various bills that pertained to industrial and recreational development be heard first by that committee and then be referred at the first reading to the Appropriations Committee.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate: I think it is perfectly proper that some of these bills be referred to some of these other committees to decide upon the principles involved other than money, but inasmuch as in this particular bill there is just money involved I think that properly it should go to the Appropriations Committee.

The PRESIDENT: Did the Senator from York, Mr. Lovell, make a motion?

Mr. LOVELL: Mr. President, I move that this bill be referred to the Committee on Industrial and Recreational Development.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, if I am in order I would like to table this particular item until later on today.

Thereupon the bill was tabled until later in today's session, pending motion by Mr. Lovell to refer to the Committee on Industrial and Recreational Development.

Business Legislation

Mr. Porteous of Cumberland presented Bill, "An Act Changing Name of Portland Symphony Orchestra to Maine Symphony Orchestra." (S. P. 103)

Which was referred to the Committee on Business Legislation and ordered printed.

Sent down for concurrence.

State Highways

Mr. Lovell of York presented Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Fifty Million Dollars on Behalf of the State of Maine for the Purpose

of Building State Highways." (S. P. 104)

Which was referred to the Committee on Highways and ordered printed.

Sent down for concurrence.

Industrial & Recreational Development

Mr. Lovell of York presented Bill, "An Act Establishing the Maine Industrial Promotion Corporation Act." (S. P. 105)

Mr. FARRIS of Kennebec: Mr. President, might I also inquire of the President along the same lines as the Senator from Sagadahoc, Senator Mayo inquired as to appropriations. Yesterday we did refer a number of bills to this new Committee on Industrial and Recreational Development, bills which entailed legal matters. There could be questions of Constitutionality, conflict of statutes and so forth. Will it also be that the Committee on Industrial and Recreational Development will after this hearing refer this to the Committee on Judiciary for further hearing?

The PRESIDENT: It could be if it needed to have legal interpretation.

Mr. NOYES of Franklin: Mr. President, perhaps I can clear up some of the misunderstanding here. In this particular case, this bill was discussed by the Committee on Reference, and this bill provides for a bond issue; it is a municipal proposition; it does not call for an appropriation, and, because of the subject matter, it was referred to the new Committee on Industrial and Recreational Development to see whether or not the subject matter was good or bad, with the recommendation that after the bill was reported out, if it was reported out favorably, "Ought to pass" it would be referred either to the Committee on Legal Affairs or Judiciary.

The PRESIDENT: Does that answer the question of the Senator from Kennebec, Senator Farris?

Mr. FARRIS: Thank you, Mr. President.

Thereupon the bill was referred to the Committee on Industrial and Recreational Development. Sent down for concurrence.

Inland Fisheries and Game

Mr. Carpenter of Somerset presented Bill, "An Act Abolishing the Merrymeeting Bay Game Sanctuary." (S. P. 106)

Mr. Lovell of York presented Bill, "An Act Relating to Open Season for Trout in York County." (S. P. 107)

The same Senator presented Bill, "An Act Relating to Name on Arrows of Those Hunting with Bow and Arrow." (S. P. 108)

The same Senator presented Bill, "An Act Relating to Exchange of Non-resident Hunting License for Deer Hunting License." (S. P. 109)

Mr. Carpenter of Somerset presented "Resolve, Regulating Ice Fishing in Spring Lake, T3, R4, Somerset County." (S. P. 110)

The same Senator presented "Resolve, Regulating Fishing in Johnston Pond, TA R10 Piscataquis County." (S. P. 111)

Which were severally referred to the Committee on Inland Fisheries and Game and ordered printed.

Sent down for concurrence.

Judiciary

Mr. Farris of Kennebec presented Bill, "An Act Relating to Burden of Proof on Questions of Fact in Industrial Accident Commission Decisions." (S. P. 112)

Mr. Lovell of York presented Bill, "An Act Relating to Disposition of Eyes After Death." (S. P. 113)

Mr. Carpenter of Somerset presented Bill, "An Act to Ratify the Incorporation of Pierce Cemetery Association." (S. P. 114)

Which were severally referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

Labor

Mr. Couture of Androscoggin presented Bill, "An Act Relating to Dependency Allowances Under Employment Security Law." (S. P. 115)

Which was referred to the Committee on Labor and ordered printed.

Sent down for concurrence.

Legal Affairs

Mr. Porteous of Cumberland presented Bill, "An Act Relating to

Steam Engineers and Firemen." (S. P. 116)

The same Senator presented Bill, "An Act Relating to Improper Operation of Steam Boilers." (S. P. 117)

Which were referred to the Committee on Legal Affairs and ordered printed.

Sent down for concurrence.

The same Senator presented Bill, "An Act to Incorporate the Town of Harpswell Neck. (S. P. 118)

On motion by Mr. Farris of Kennebec, referred to the Committee on Towns and Counties and ordered printed.

Sent down for concurrence.

Liquor Control

Mr. Lovell of York presented Bill, "An Act Relating to State-wide Sale of Liquor." (S. P. 119)

Which was referred to the Committee on Liquor Control and ordered printed.

Sent down for concurrence.

Natural Resources

The same Senator presented Bill, "An Act Relating to Bulldozing into Great Ponds." (S. P. 120)

The same Senator presented Bill, "An Act Relating to Transporting Wastes for Disposal in Maine." (S. P. 121)

Which were referred to the Committee on Natural Resources and ordered printed.

Sent down for concurrence.

Retirements & Pensions

Mr. Marden of Kennebec presented Bill, "An Act to Correct Inconsistencies and Inequities in the Maine State Retirement System Law. (S. P. 122)

Mrs. Lord of Cumberland presented "Resolve, to Provide a Retirement Benefit for Doris E. Bourgeois, of Portland." (S. P. 123)

Which were referred to the Committee on Retirements and Pensions and ordered printed.

Sent down for concurrence.

State Government

Mr. Marden of Kennebec presented Bill, "An Act Establishing a Deputy Director in Maine Aeronautics Commission." (S. P. 124)

Mrs. Lord of Cumberland presented Bill, "An Act Increasing Compensation of Members of Maine State Park Commission." (S. P. 125)

Mr. Erwin of York presented Bill, "An Act Creating a Constitutional and State Government Committee." (S. P. 126)

Mr. Noyes of Franklin presented Bill, "An Act to Clarify and Revise Laws of Department of Economic Development." (S. P. 127)

Mr. Porteous of Cumberland presented Bill, "An Act Relating to Accounting by Maine Port Authority." (S. P. 128)

Which were severally referred to the Committee on State Government and ordered printed.

Sent down for concurrence.

Towns & Counties

Mr. Erwin of York presented Bill, "An Act Relating to Payment of Tax Money from Town of York to York Harbor Village Corporation." (S. P. 129)

Which was referred to the Committee on Towns and Counties and ordered printed.

Sent down for concurrence.

Mr. EDGAR of Hancock: Mr. President, I would like to inquire whether H. P. 13, L. D. 32 is in the possession of the Senate?

The PRESIDENT: The Chair will inform the Senator that H. P. 13, L. D. 32 is in the possession of the Senate.

Mr. EDGAR: Mr. President, I would then move that the Senate reconsider its action whereby yesterday the Senate referred this document, L. D. 32, Bill, "An Act Relating to Certain Standards for Nursing Homes" to the Committee on Business Legislation.

In support of this motion, I might state that this bill has to do with the health and safety regulations in regard to boarders and lodgers and patients in lodging homes and nursing homes which can accommodate five or less boarders, lodgers or patients, in view of the fact that this bill has to do with the health and safety of these boarders, lodgers and patients. If my motion to reconsider the action whereby this was referred to the Committee on Business Legislation does prevail, I will

then move that this bill be referred to the Committee on Public Health and Institutions.

In support of my motion, I might also add that this motion to reconsider and my coming motion to refer it to the Committee on Public Health and Institutions has been cleared with and gotten the approval of the leadership of both branches.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Edgar, that the Senate reconsider its action taken yesterday, whereby bill, An Act Relating to Certain Standards in Nursing Homes (H. P. 13) (L. D. 32) was referred to the Committee on Business Legislation.

The motion to reconsider prevailed.

Thereupon, on further motion by Mr. Edgar of Hancock, the bill was referred to the Committee on Health and Institutional Services.

Sent down for concurrence.

On motion by Mr. Noyes of Franklin

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches of the Legislature to be held forthwith in the Hall of the House, for the purpose of extending to His Excellency, Governor John H. Reed, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The Secretary delivered the message and subsequently reported that he had performed the duty assigned to him.

Subsequently a message was received from the House through Mr.

Pease, its Clerk, concurring in the proposition.

The Senate retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention see House Report)

In Senate

The Senate was called to order by the President.

On motion by Mr. Mayo of Sagadahoc, the Senate voted to take from the table Resolve Appropriating Moneys to Provide Promotion for Maine's Industrial Development (S. P. 102) tabled by that Senator earlier in today's session, pending motion by Mr. Lovell of York that the bill be referred to the Committee on Industrial and Recreational Development; and that Senator yielded to the Senator from York, Senator Lovell.

There being no objection, Mr. Lovell of York was granted permission to withdraw his motion.

Thereupon, on motion by Mr. Mayo of Sagadahoc, the resolve was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent down for concurrence.

On motion by Mr. Edmunds of Aroostook

ORDERED, that 3,500 copies of the Governor's Budget Message be printed.

Which was Read and Passed.

On motion by Mr. Stanley of Penobscot

Adjourned until Tuesday, January 17, at ten o'clock in the morning.