

# 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**

Tuesday, January 31, 1961

Senate called to order by the President.

Prayer by Rev. Charles E. Schleich of Bangor.

On motion by Mrs. Christie of Aroostook,

Journal of yesterday read and approved.

**House Papers**

Bill, "An Act Appropriating Monies to Effectuate Compensation for State Employees." (H. P. 565) (L. D. 785)

Bill, "An Act Providing for the Construction of Health and Physical Education Facilities at the State Teachers Colleges and Fort Kent State Normal School." (H. P. 566) (L. D. 786)

Bill, "An Act Providing for the Construction of an Addition to Edmunds Elementary School in the Unorganized Territory." (H. P. 567) (L. D. 787)

Resolve, Appropriating Funds for Regional Airport to Service Augusta, Waterville and Surrounding Areas. (H. P. 568) (L. D. 788)

Bill, "An Act Relating to Automobile Travel by State Employees." (H. P. 540) (L. D. 784)

Which were severally referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill, "An Act Revising the Laws Relating to the Organization and General Supervisory Powers of the Department of Banks and Banking." (H. P. 494) (L. D. 805)

Which was referred to the Committee on Business Legislation in concurrence.

Bill, "An Act Relating to Sewage Treatment Plant for City of Saco." (H. P. 508) (L. D. 783)

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

**Communication from the Attorney General**

STATE OF MAINE  
DEPARTMENT OF THE  
ATTORNEY GENERAL

Augusta

January 26, 1961

To the Honorable Senate and House of Representatives of the One-Hundredth Legislature:

Pursuant to Article V, Part 4, Section 2, of the Constitution of Maine, we are transmitting herewith seven bonds of the Honorable Frank S. Carpenter, Treasurer of State, totaling \$500,000, one written by the Peerless Insurance Company of New Hampshire in the amount of \$75,000; one written by the Hartford Accident and Indemnity Company of Hartford, Connecticut in the amount of \$75,000; two written by the Maine Bonding and Casualty Company of Portland, Maine, the first in the amount of \$75,000 and the second in the amount of \$50,000; two written by the United States Fidelity and Guaranty Company of Baltimore, Maryland, each in the amount of \$75,000; and one written by The Travelers Indemnity Company of Hartford, Connecticut in the amount of \$75,000, and each payable to the State of Maine.

These bonds bear the Deputy's approval as to form.

Respectfully,

(Signed) FRANK E. HANCOCK  
Attorney General

(S. P. 314)

Which communication and accompanying bonds were read and ordered placed on file with the State Auditor.

Sent to the House.

**Senate Orders**

On motion by Mr. Stanley of Penobscot, out of order and under suspension of the rules

ORDERED, the House concurring, that the seven bonds of the Honorable Frank S. Carpenter, Treasurer of State, totaling \$500,000, one written by the Peerless Insurance Company of New Hampshire in the amount of \$75,000; one written by the Hartford Accident and Indemnity Company of Hartford, Connecticut in the amount of \$75,000; two written by

the Maine Bonding and Casualty Company of Portland, Maine, the first in the amount of \$75,000 and the second in the amount of \$50,000; two written by the United States Fidelity and Guaranty Company of Baltimore, Maryland, each in the amount of \$75,000; and one written by the Travelers Indemnity Company of Hartford, Connecticut, in the amount of \$75,000, and each payable to the State of Maine, and each bearing the certificate of approval of the Deputy Attorney General, be and hereby are approved. (S. P. 338)

Which was read and passed.  
Sent down for concurrence.

**Communication from the Governor**

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
Augusta

January 26, 1961

To the Honorable Senate and House of Representatives of the 100th Legislature:

I have the honor to transmit herewith certificates of the Clerk of the House of Representatives of the United States, together with accompanying papers, regarding the apportionment of representatives in Congress, pursuant to the Act of the Congress of the United States entitled "An Act to Provide for the fifteenth and subsequent decennial censuses and to provide for the apportionment of Representatives in Congress.

Respectfully submitted,

(Signed) JOHN H. REED  
Governor

(S. P. 337)

Which was read and ordered placed on file.

**Senate Papers  
Appropriations and Financial Affairs**

Mr. Parker of Piscataquis presented Resolve, Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers. (S. P. 315)

The same Senator presented Resolve, Providing for a Vocational Technical Institute in Eastern Maine. (S. P. 316)

Mrs. Christie of Aroostook presented Resolve, Appropriating Mon-

ey's for Vocational and Technical Institute in Northern Maine. (S. P. 317)

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

Sent down for concurrence.

**Education**

Mr. Cole of Waldo presented Bill, "An Act to Authorize the Withdrawal of Town of Liberty from School Administrative District No. 3." (S. P. 318)

(On motion by Mr. Cole of Waldo, tabled pending reference to a committee.)

Mr. Boisvert of Androscoggin presented Bill, "An Act Relating to School Sessions on Saturdays and Sundays." (S. P. 319)

Which Bills were referred to the Committee on Education, and ordered printed.

Sent down for concurrence.

**Health and Institutional Services**

Mr. Cyr of Aroostook presented Bill, "An Act Relating to Public Health Nursing." (S. P. 320)

Mr. Farris of Kennebec presented Bill, "An Act to Clarify the Nursing Law." (S. P. 321)

Mr. Stilphen of Knox presented Bill, "An Act Creating a Committee to Plan for an Institution Serving as a Reception and Treatment Center." (S. P. 322)

Which were severally referred to the Committee on Health and Institutional Services, and ordered printed.

Sent down for concurrence.

**Inland Fisheries and Game**

Mr. Chase of Lincoln presented Bill, "An Act Relating to Rabbit Hunting in Lincoln County." (S. P. 323)

Which was referred to the Committee on Inland Fisheries and Game, and ordered printed.

Sent down for concurrence.

**Judiciary**

Mr. Erwin of York presented Bill, "An Act Relating to Time of the Report of the Judicial Council." (S. P. 324)

Which was referred to the Committee on Judiciary, and ordered printed.

Sent down for concurrence.

**Labor**

Mr. Sampson of Somerset presented Bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law." (S. P. 325)

The same Senator presented Bill, "An Act Exempting Services of Corporate Officers as Employment Under Employment Security Law." (S. P. 326)

Which were referred to the Committee on Labor, and ordered printed.

Sent down for concurrence.

**Legal Affairs**

Mr. Boardman of Washington presented Bill, "An Act Relating to Operating Business on Sunday." (S. P. 327)

Mr. Boisvert of Androscoggin presented Bill, "An Act Providing for Compensation for Members of the Planning Board of the City of Lewiston." (S. P. 328)

Mr. Jacques of Androscoggin presented Bill, "An Act Relating to Passage of Ordinances by Lewiston City Council." (S. P. 329)

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

Sent down for concurrence.

**Natural Resources**

Mr. Cole of Waldo presented Bill, "An Act Transferring Moose Point State Park to Private Ownership." (S. P. 330)

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

Sent down for concurrence.

**State Government**

Mr. Brooks of Cumberland presented Bill, "An Act Increasing Salary of the Adjutant General." (S. P. 331)

Which was referred to the Committee on State Government, and ordered printed.

Sent down for concurrence.

**Towns and Counties**

Mr. Edmunds of Aroostook presented Bill, "An Act Increasing

Salary of Clerk of Courts of Aroostook County." (S. P. 332)

The same Senator presented Bill, "An Act Relating to Resident County Commissioner of Aroostook County." (S. P. 333)

The same Senator presented Bill, "An Act Increasing salaries of Registers of Deeds of Aroostook County." (S. P. 334)

The same Senator presented Bill, "An Act Increasing Salary of Sheriff of Aroostook County." (S. P. 335)

The same Senator presented Bill, "An Act Increasing Salary of Register of Probate of Aroostook County." (S. P. 336)

Which bills were severally referred to the Committee on Towns and Counties, and ordered printed.

Sent down for concurrence.

**House Committee Reports Ought Not to Pass**

The Committee on Election Laws on Bill, "An Act Providing for Alphabetical Listing of Candidates on Election Ballot." (H. P. 135) (L. D. 198) reported that the same Ought Not to pass.

The Committee on Election Laws on Bill, "An Act to Eliminate the Straight Party Ballot in Elections." (H. P. 11) (L. D. 30) reported that the same Ought Not to pass.

The Committee on Inland Fisheries and Game on Bill, "An Act Establishing Limited Open Season on Moose." (H. P. 19) (L. D. 38) reported that the same Ought Not to pass.

The same Committee on Bill, "An Act Relating to Open Season on Wild Hares and Rabbits in Knox County." (H. P. 16) (L. D. 35) reported that the same Ought Not to pass.

The Committee on Inland Fisheries and Game on Bill, "An Act Providing Free Fishing Licenses to Residents Seventy Years of Age." (H. P. 91) (L. D. 131) reported that the same Ought Not to pass.

The Committee on Judiciary on Bill, "An Act Relating to Editorials in Maine Newspapers." (H. P. 73) (L. D. 115) reported that the same Ought Not to pass.

The same Committee on Bill, "An Act Relating to Mental Responsibility for Criminal Conduct."

(H. P. 34) (L. D. 68) reported that the same Ought Not to pass.

The Committee on Retirements and Pensions on Resolve, in Favor of Harold E. Carson of Hartland. (H. P. 46) (L. D. 87) reported that the same Ought Not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on State Government on Bill, "An Act Relating to Bids for State Purchases." (H. P. 122) (L. D. 162) reported that the same Ought to pass.

Mr. STANLEY of Penobscot: Mr. President, I am not too well acquainted with this bill but I assume about the only thing that it does different from what our statutes say now is that in the case of a tie products which are made in the State of Maine or services of Maine people would get priority. If that is true, but if we left it up to the purchasing agent, as it says here, to serve the best interests of the State without spelling out that we use Maine products, we being a smaller state than most of the other states, if we confine ourselves to using our own products and we get boycotted by other states we would be in a worse position than we are now. It seems to me that we are in a position where we shouldn't say that we do not want bidders from other states, that we are going to give priority to our own. We have something to sell; we want people to come here during the summer time. If we put restrictions on people who bid on items I think we are hurting ourselves. I would think if we left it to the purchasing agent to serve the best interests of the people of Maine that is all that would be necessary.

The PRESIDENT: Does the Senator from Penobscot, Senator Stanley, wish to table this bill.

Mr. STANLEY: No, Mr. President, I do not think that is necessary. I would like to have some information from the committee as to their thinking.

The PRESIDENT: Would the Senator from Aroostook, Senator Christie, care to answer the Senator from Penobscot, Senator Stanley?

Mrs. CHRISTIE of Aroostook: Mr. President, I am afraid I can not answer it.

(On motion by Mr. Mayo of Sagadahoc, the report was tabled until later in today's session, pending acceptance of the report.)

The same Committee on Resolve, Authorizing the State Military Defense Commission to Convey Certain Land in Rockland. (H. P. 22) (L. D. 41) reported that the same Ought to pass.

The same Committee on Resolve, Loaning to City of Hallowell the Replaced Furniture of the Executive Council Chambers. (H. P. 50) (L. D. 91) reported that the same Ought to pass.

The same Committee on Resolve, Authorizing the Maine Military Defense Commission to Convey Certain Land in Bangor. (H. P. 163) (L. D. 226) reported that the same Ought to pass.

Which reports were read and accepted, the bill and resolve read once and tomorrow assigned for second reading.

The Committee on Transportation on Bill, "An Act Relating to Exemption from Laws Regulating Motor Trucks for Hire." (H. P. 218) (L. D. 313) reported that the same Ought to pass.

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

#### Senate Ought Not to Pass

Mr. Cyr from the Committee on Inland Fisheries and Game on Bill, "An Act Permitting Archery Licensees to Hunt During Regular Season." (S. P. 7) (L. D. 7) reported that the same Ought Not to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Seine or Bag Net of Bait Dealers Under Fish and Game Law." (S. P. 29) (L. D. 54) reported that the same Ought Not to pass.

Which reports were read and accepted.

Sent down for concurrence.

**Ought to Pass**

Mr. Porteous from the Committee on Claims on Resolve, in Favor of Wayne Innis of Bath. (S. P. 35) (L. D. 77) reported that the same Ought to pass.

Mr. Marden from the Committee on Health and Institutional Services on Bill, "An Act Relating to Permits for Applicants to Practice Barbering." (S. P. 93) (L. D. 189) reported that the same Ought to pass.

Mr. Stilphen from the Committee on Inland Fisheries and Game on Bill, "An Act Repealing Reports by Trappers of Wild Animals." (S. P. 27) (L. D. 52) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Relating to License Fee for Non-resident Hunting Licenses." (S. P. 17) (L. D. 17) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Prohibiting the Use of Power Boats on Quimby Pond, Rangeley." (S. P. 40) (L. D. 82) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Prohibited Implements in Hunting Wild Birds or Animals." (S. P. 32) (L. D. 57) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Regulating Fishing for White Perch in Certain Counties." (S. P. 30) (L. D. 55) reported that the same Ought to pass.

Mr. Cyr from the Committee on Inland Fisheries and Game on Bill, "An Act Repealing Reports by Guides Under Fish and Game Laws." (S. P. 28) (L. D. 53) reported that the same Ought to pass.

Mr. Farris from the Committee on Legal Affairs on Bill, "An Act Providing for Reciprocity Between States Relative to Funeral Directors and Embalmers." (S. P. 72) (L. D. 172) reported that the same Ought to pass.

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

**Ought to Pass - As Amended**

Mr. Boardman from the Committee on Judiciary on Bill, "An Act Relating to Notification to Attorney General on Petitions for Pardon and Commutation Sentences." (S. P. 11) (L. D. 11) reported that the same Ought to pass as amended by Committee Amendment "A." (Filing No. S-5)

Which report was read and accepted and the bill read once. Committee Amendment A was read and adopted, and the bill as so amended was tomorrow assigned for second reading.

**Majority - ONTP  
Minority - OTP**

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms. (S. P. 5) (L. D. 5) reported that the same Ought Not to pass.

(Signed)

Senators: NOYES of Franklin  
CHRISTIE of Aroostook

Representatives:

DENNETT of Kittery  
KIMBALL of Mt. Desert  
HAUGHN of Bridgton  
WHITMAN of Woodstock  
BEARCE of Bucksport  
DOSTIE of Lewiston  
NOEL of Waterville

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

(Signed)

Senator: LOVELL of York

Mr. LOVELL of York: Mr. President, it seems to me after considering this bill that since our United States Senators have six year terms and it seems very successful, and since the Governor's term has been increased to four years — we don't know whether or not it will be successful but it was passed by this legislature — and since thirty-four states in our country have four year terms for their Senators and also because of the expense of campaigning throughout the county every two years, particularly for Senators, and because Senators certainly, after serving during one session be-

come more acclimated and more experienced — for these reasons it seems to me this bill should be given deep consideration by this Senate. I am sure the Senate realizes this would be a great advantage to good government. I move that the minority report be substituted for the majority report.

Mr. PORTEOUS of Cumberland: Mr. President, I would like to speak on this bill.

There are two points of particular importance that Senator Lovell has spoken about that I would like to emphasize. One is the fact that in this Senate we have but ten out of thirty-three who were re-elected.

One of the principles in setting up the federal government, in setting up a two-year term for representatives and six for senators was that the Senate would be a stable body which would not change in view of public reaction every two years, the House of Representatives was the body to check on the Senate. It could change every two years; it could be completely changed in that period of time. I think that the founding fathers showed great wisdom in their judgment. It may come to pass in this state at some time it would have been wise not to have had as big a change as we have had this year.

Then too, I submit, especially to the senators from the larger counties, and I think the senators from the smaller counties might agree, that the more people you have to become known to, the larger the expense is and the greater the number of days away from your business. In my own case I declared as a member of the Senate on February 3rd, nearly a year ago, and from then on I campaigned actively for nomination. There were ten candidates at that time for nomination for four seats. As soon as the nomination was over and the Republican electorate had given the four of us the right to run against the four Democrats we started to campaign throughout our county. We felt it was the right thing to do; we had the trust of those people who had voted for us in the primary, and who had worked for us. It

took many days away from work and it took somewhere in the neighborhood of five hundred to a thousand dollars for our own personal expenses, because we had no help from the State organization except that from the money that we did contribute a nominal amount was sent back to our county chairman for the use of ourselves in the county. There are several such counties in the State where this is a problem.

Now some of us were well-known in our own county before we ran and some were not. I would submit in my own case I was fairly well-known throughout the county, but for some person who wished to run for public office, particularly the Senate, and had to campaign throughout the county, although he might be well known in his own town of Bridgton or Yarmouth or part of Portland or South Portland, it would be a very different matter than campaigning throughout the county. It would cost him a lot of money particularly in proportion to his income.

In view of these factors, the fact I believe that the founding fathers had a sound principle and the fact that in fairness to the unknown who wishes to run for the Senate, and the expense involved and the time taken away from his own business, I think this matter deserves the consideration of this body.

Mr. WYMAN of Washington: Mr. President, I want to rise in support of the motion to substitute the minority report for the majority report on this bill and I subscribe to the opinions expressed by the previous speakers. In the case of Washington County, it is a large county and when I visit the northern part it requires a round trip of approximately 300 miles. When I visit the eastern part of the county along the St. Croix River where the larger part of the population is located, it required a round trip of 150 miles. I expect that in the great county of Aroostook, the mileage required for candidates for the Senate to cover their constituents is vastly greater and I certainly think this is a good bill and would be a great



help to the Senatorial candidates of both parties.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate, I note that one of the members who signed the "Ought Not to pass" report is absent. I move that this be tabled.

The motion prevailed and the bill was laid upon the table pending motion by Mr. Lovell of York to accept the Minority "Ought to Pass" report.

The PRESIDENT: The Chair recognizes in the Senate Chamber, the Senator from Aroostook, Senator Edmunds who, I think, has been on a business trip. We welcome you, Senator, and hope that you may give us a resume of your trip.

Mr. EDMUNDS of Aroostook: Mr. President, I would be very happy to.

**The Committee on Bills in the Second Reading reported the following Bills and Resolve:**

**House**

Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds by School Administrative District No. 11." (H. P. 6) (L. D. 25)

Bill, "An Act Relating to Notes Issued by School Administrative Districts." (H. P. 32) (L. D. 66)

Bill, "An Act Authorizing Selectmen or Municipal Officers to Fill Vacancies on Board of School Directors." (H. P. 79) (L. D. 122)

Bill, "An Act Relating to Maintenance of Morse's Bridge, Bangor." (H. P. 3) (L. D. 22)

Bill, "An Act Relating to Payments by Baxter State Park Authority to Maine Forestry District." (H. P. 75) (L. D. 117)

Resolve, Authorizing Forest Commissioner to Occupy Certain State Property. (H. P. 102) (L. D. 142)

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

**Senate**

Bill, "An Act Clarifying Selection of Additional Jurors by Jury Commissioners." (S. P. 10) (L. D. 10)

Bill, "An Act Clarifying Challenges in Trials of Offenses Punish-

able by Imprisonment for Life." (S. P. 12) (L. D. 12)

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

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

Sent down for concurrence.

**Orders of the Day**

Mr. Stilphen of Knox was granted unanimous consent to address the Senate.

Mr. STILPHEN of Knox: Mr. President and members of the Senate, I would just like to call the attention of the Senators to the paper which was placed on your desks this morning. I brought it here and gave it to each Senator through the courtesy of the Courier Gazette, our local paper. It is the industrial review of 1961 on Knox County and coastal Maine. It will indicate to you that we have a county down there that is coming.

Mrs. Lord of Cumberland was granted unanimous consent to address the Senate.

Mrs. LORD: Mr. President and members of the Senate: I would call to your attention the green booklet that was placed on your desks today, entitled Problems and Prospects on Mentally-retarded in Maine. It is quite a long report. The reason I want to speak about it is because we have so many of these booklets that we are apt to neglect to read them, and I think there are a few things in it that are very important.

We have organized and have a full-time secretary and we have been able to accomplish quite a lot this year. Through this secretary we have a pilot project and the money is coming from the Kate J. Anthony fund which is a charitable foundation, and it is costing the State of Maine nothing.

I think we must realize that three per cent of our inhabitants come under this category of mentally-retarded. Some of them are educable and can be taught to perhaps earn their own living; others are trainable, and some you can do nothing with.

In the back of the book you will find the research that has been done, and I think Maine

ranks No. 1 in the nation in research on mentally-retarded. Also, Appendix 1 has the public laws concerning the mentally-retarded in the State of Maine.

I wish you would read that pamphlet and perhaps suggest changes if you think they are needed. It would help the committee very much.

The President: The Chair thanks the Senator for her timely remarks. The Senate will be in recess for five minutes.

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#### After Recess

The President laid before the Senate, House Committee Report "Ought to Pass" on Bill, "An Act Relating to Bids for State Purchases." (H. P. 122) (L. D. 87) tabled by Mr. Mayo of Sagadahoc

earlier in today's session pending acceptance of the report.

Mr. MAYO of Sagadahoc: Mr. President, in reference to this bill that I tabled earlier in the session, I have checked with Mr. Dyer regarding the bill and find that it is a department bill which seeks to clarify the present law and it makes no changes in reference to tie bids or alternate bids. I therefore move the acceptance of the ought to pass report.

The motion prevailed, the ought to pass report was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

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On motion by Mr. Stanley of Penobscot

Adjourned until tomorrow morning at ten o'clock.