

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, March 7, 1961

Senate called to order by the President.

Prayer by Rev. Joseph Craig of Augusta.

On motion by Mr. Mayo of Sagadahoc

Journal of yesterday read and approved.

Communication

David H. Stevens, Chairman of the Maine-New Hampshire Interstate Bridge Authority, submitted the eleventh Biennial Report of the Authority in accordance with an Act of the Legislature of the State of Maine, Chapter 18, Article VI, Private and Special Laws of 1937, and an Act of the Legislature of the State of New Hampshire, Chapter 4, Special Session 1936. (S. P. 486)

Which was read and ordered placed on file.

Sent down for concurrence.

Order

On motion by Mr. Parker of Piscataquis

WHEREAS, a bill entitled "An Act Relating to Payment by Dealers to Producers for Milk Purchased" (Senate Paper 402, Legislative Document 1345) is pending before the Senate of the 100th Legislature and it is important that the Legislature be informed as to the constitutionality of the proposed bill; and

WHEREAS, it appears to members of the Senate of the 100th Legislature that certain provisions of this bill present important questions of law and the occasion is a solemn one;

THEREFORE, be it ordered, that in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give this Legislature their opinion on the following questions:

1. Is this proposed legislation in conformity with Article I, Section 1, of the Constitution of the State of Maine as a valid exercise of the police power and the protection of the public welfare?

2. Is this proposed legislation valid under the 14th Amendment to the Constitution of the United States, or is it subject to the objection that it places upon a limited class of debtors an additional process to enforce payment of bills, to which process other classes of debtors are not subjected?

3. Is this proposed legislation valid under Article I, Section 11, of the Constitution of the State of Maine, and Article I, Section 10, of the Constitution of the United States of America, which sections prohibit the State from passing any law impairing the obligation of contracts?

Which Order received a passage.

Committee Reports**House****Change of Reference**

The Committee on Business Legislation on Bill, "An Act Relating to Dissolution of Corporations by Action of Stockholders." (H. P. 791) (L. D. 1105) reported that the same should be referred to the Committee on Judiciary.

Which report was read and accepted in concurrence.

The Committee on Highways on Resolve, Authorizing State Highway Commission to Study Desirability of a Bridge Across Taunton River. (H. P. 747) (L. D. 1033) reported that the same should be referred to the Committee on Industrial and Recreational Development.

Which report was read and accepted in concurrence.

Ought Not to Pass

The Committee on Inland Fisheries and Game on Bill, "An Act Prohibiting Hunting from State Highways." (H. P. 481) (L. D. 681) reported that the same Ought not to pass.

Which report was read and accepted in concurrence.

Ought Not to Pass — Recommended

The Committee on Transportation on Bill, "An Act Relating to Warning Lights on Motor Vehicles." (H. P. 916) (L. D. 1250) reported that the same Ought not to pass.

In House, recommended to same Committee.

In Senate, recommitted in concurrence.

Ought to Pass — As Amended

The Committee on Legal Affairs on Bill, "An Act to Increase Borrowing Capacity of City of Calais School District." (H. P. 257) (L. D. 371) reported that the same Ought to pass as amended by Committee Amendment "A". (Filing H-64)

Which report was read and accepted in concurrence, and the Bill read once. Committee Amendment "A" was read and adopted in concurrence, and the Bill, as amended, tomorrow assigned for second reading.

The Committee on Inland Fisheries and Game on Resolve, Regulating Fishing in Wiggin Brook, Piscataquis County. (H. P. 145) (L. D. 208) reported that the same Ought to pass.

In House, amended by House Amendment "A" (Filing H-69) and passed to be engrossed as amended.

In Senate, Report read and accepted, Resolve read once. House Amendment "A" read and adopted in concurrence, and the Resolve, as amended, tomorrow assigned for second reading.

Ought to Pass — New Draft —

The Committee on Judiciary on Bill, "An Act Relating to First Baptist Church of Kittery Point." (H. P. 248) (L. D. 362) reported that the same Ought to pass in New Draft, under the same title. (H. P. 1066) (L. D. 1463)

In House, recommitted to Committee on Judiciary.

In Senate, recommitted in concurrence.

MAJORITY — Ought Not to Pass

The Majority of the Committee on Inland Fisheries and Game on Resolve, Regulating Fishing in Katahdin Lake, Penobscot County. (H. P. 673) (L. D. 951) reported that the same Ought not to pass.

(Signed)

Senators: CARPENTER

of Somerset
STILPHEN of Knox
CYR of Aroostook

Representatives:

ANDERSON of Ellsworth
WADE of Skowhegan
MOORE of Casco
DODGE of Guilford
MERRILL of Stetson
HANSON of Bradford

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

(Signed)

Representative:

WALLS of Millinocket

In House, Majority Report—Ought not to pass — accepted.

In the Senate, on motion by Mr. Carpenter of Somerset, the Majority Report, Ought not to pass, was accepted in concurrence.

**MAJORITY — Ought Not to Pass
MINORITY — Ought to Pass**

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Changing Date of General Election. (H. P. 634) (L. D. 851) reported that the same Ought not to pass.

(Signed)

Senators: NOYES of Franklin
CHRISTIE of Aroostook
LOVELL of York

Representatives:

DENNETT of Kittery
KIMBALL
of Mount Desert
HAUGHN of Bridgton
WHITMAN of Woodstock
BEARCE of Bucksport
DOSTIE of Lewiston

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

(Signed)

Representative:

NOEL of Waterville

In House, Majority Ought not to pass report accepted.

In Senate, on motion by Mr. Noyes of Franklin, Majority Report accepted in concurrence.

**MAJORITY — Ought Not to Pass
MINORITY — Ought to Pass**

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Creating the Office of

Lieutenant-Governor and Providing for Succession of Office of the Governor. (H. P. 422) (L. D. 597) reported that the same Ought not to pass.

(Signed)

Senators: NOYES of Franklin
CHRISTIE of Aroostook
LOVELL of York

Representatives:

DENNETT of Kittery
KIMBALL
of Mount Desert
HAUGHN of Bridgton
WHITMAN of Woodstock
BEARCE of Bucksport

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

(Signed)

Representatives:

DOSTIE of Lewiston
NOEL of Waterville

In House, Majority Ought not to pass Report accepted.

In Senate, on motion by Mr. Noyes of Franklin, Majority report accepted in concurrence.

**Senate
Ought Not to Pass**

Mr. Porteous from the Committee on Business Legislation on Bill, "An Act Regulating Collection Agencies." (S. P. 407) (L. D. 1349) reported that the same Ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Chase from the same Committee on Bill, "An Act Relating to Assigned Risks." (S. P. 370) (L. D. 1181) reported that the same Ought to pass.

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

Ought to Pass — As Amended

Mr. Brown from the same Committee on Bill, "An Act Relating to Fraternal Benefit Societies." (S. P. 394) (L. D. 1260) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing S-36)

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

The PRESIDENT: The Chair notes in the Senate Chamber one of our former Senate members and also a member of the Governor's Council. It gives the Chair great pleasure to introduce this gentleman and to ask the Sergeant-at-Arms to escort to the rostrum, Arthur Ela of Somerset County. (Applause)

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

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs be instructed to originate a bill providing for improvements, renovations and repairs of state buildings and facilities for the fiscal year ending June 30, 1962 and June 30, 1963.

Which Order received a passage. Sent forthwith to the House, on motion by Mr. Davis of Cumberland.

Second Readers

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

House

Bill, "An Act Relating to Bonds of Buckfield Village Corporation to Acquire Property and for Construction Work." (H. P. 333) (L. D. 485)

Bill, "An Act Authorizing Municipalities to Record Certain Instruments by Microfilm." (H. P. 401) (L. D. 576)

(On motion by Mr. Marden of Kennebec, tabled pending passage to be engrossed.)

Bill, "An Act Creating the Old Town Junior High School District." (H. P. 509) (L. D. 707)

Bill, "An Act to Reconstitute School Administrative District No. 16." (H. P. 585) (L. D. 806)

Bill, "An Act to Reconstitute School Administrative District No. 15." (H. P. 587) (L. D. 808)

Bill, "An Act to Reconstitute School Administrative District No. 14." (H. P. 590) (L. D. 811)

Bill, "An Act to Enlarge the Powers of the Town of Wiscasset School District." (H. P. 611) (L. D. 828)

Bill, "An Act to Incorporate the Town of Bradford School District." (H. P. 684) (L. D. 962)

Bill, "An Act Relating to School Administrative Districts Contracting for Secondary Education with other Administrative Units." (H. P. 734) (L. D. 1022)

Bill, "An Act Relating to Microfilm of Criminal Records by Clerks of Courts." (H. P. 814) (L. D. 1129)

Bill, "An Act Exempting Certain Aircraft from Sales Tax." (H. P. 850) (L. D. 1164)

Bill, "An Act to Provide Schooling in Brunswick for Tuition Pupils from Certain Other Towns." (H. P. 1068) (L. D. 1469)

Bill, "An Act Relating to Tuition for Summer School Attendance." (H. P. 1069) (L. D. 1470)

Resolve, Regulating Fishing in Bugeye Pond, Franklin County. H. P. 245) (L. D. 359)

Resolve, Regulating Fishing in Squaw Pond, T3, R5, Piscataquis County. (H. P. 146) (L. D. 209)

Resolve, Regulating Fishing in Certain Waters in Piscataquis County. (H. P. 596) (L. D. 817)

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

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

Resolve, Regulating Fishing in Little Jim Pond, Franklin County. (H. P. 246) (L. D. 360)

Read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

As Amended

Bill, "An Act Relating to Funds in Custody of Clerks of Courts." (H. P. 318) (L. D. 470)

Amended — Com. Amend. "A" (Filing H-57)

Bill, "An Act to Incorporate the Town of Etna School District." (H. P. 329) (L. D. 481)

Amended — Com. Amend. "A" (Filing H-59)

Bill, "An Act Relating to Number of Councillors and Superintending School Board of Town of Fort Fairfield." (H. P. 515) (L. D. 713)

Amended — Com. Amend. "A" (Filing H-60)

Bill, "An Act Relating to Apportionments of Educational Subsidies to School Administrative Districts." (H. P. 589) (L. D. 810)

Amended — Com. Amend. "A" (Filing H-55)

Bill, "An Act to Incorporate the Town of Carmel School District." (H. P. 609) (L. D. 826)

Amended — Com. Amend. "A" (Filing H-58)

Resolve, Designating Bridge Between Livermore and Livermore Falls as "Veterans Memorial Bridge." (H. P. 669) (L. D. 947)

Amended — Com. Amend "A" (H-56) House Amend "A" (Filing H-65)

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

Senate

Bill, "An Act Relating to Remedy of Coram Nobis." (S. P. 171) (L. D. 417)

Bill, "An Act Repealing the Tax on Quahogs." (S. P. 236) (L. D. 640)

Bill, "An Act to Bring State Police, Coastal Wardens and Fish and Game Wardens Under Personnel Law." (S. P. 261) (L. D. 778)

Bill, "An Act Enlarging Boomage Area of Scott Paper Company in the Kennebec River." (S. P. 298) (L. D. 909)

Bill, "An Act Relating to Rabbit Hunting in Lincoln County." (S. P. 323) (L. D. 998)

Bill, "An Act Permitting Municipalities to Raise Money for Youth Program." (S. P. 365) (L. D. 1098)

Bill, "An Act Relating to Penalty for Failure of Owners of Motor Vehicles to Have Vehicles Inspected." (S. P. 451) (L. D. 1316)

Bill, "An Act to Clarify the Laws of the Real Estate Commission." (S. P. 480) (L. D. 1472)

Bill, "An Act Relating to Certificate of Secretary of State as Evidence and Suspension of Right

to Operate in Motor Vehicle Cases." (S. P. 482) (L. D. 1474)

Bill, "An Act Requiring the Humane Slaughtering of Livestock." (S. P. 483) (L. D. 1475)

Bill, "An Act Relating to Jurisdiction of Public Utilities Commission over Motor Vehicles Carrying Passengers for Hire." (S. P. 484) (L. D. 1476)

Resolve, Authorizing Charlotte Alex to Bring Action Against the State of Maine. (S. P. 4) (L. D. 4)

Resolve, Proposing an Amendment to the Constitution Relating to Residence Requirements to Vote for President and Vice-President. (S. P. 238) (L. D. 642)

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

Sent down for concurrence.

As Amended

Bill, "An Act Prohibiting Dumping of Oil Which May Pollute Waters." (S. P. 76) (L. D. 176) Committee Amend. "A" (Filing S-31)

Bill, "An Act Increasing Fees for Certificates of Approval under Liquor Laws." (S. P. 354) (L. D. 1087) Committee Amend. "A" (Filing S-34)

Resolve, Regulating Fishing in Johnston Pond, TA R10, Piscataquis County. (S. P. 111) (L. D. 256) Committee Amend. "A" (Filing S-33)

Resolve, Regulating Fishing in Long Pond, Franklin County. (S. P. 167) (L. D. 413) Committee Amend. "A" (Filing S-35)

Which were read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate the first tabled and today assigned item (S. P. 442) (L. D. 1396) Senate Report from the Committee on Sea and Shore Fisheries on Bill, "An Act Relating to the Shucking of Shellfish,"; Majority Report, Ought not to pass; Minority report, Ought to pass tabled on March 3 by the Senator from Hancock, Senator Brown pending acceptance of either report; and on further motion by the same Senator, the Majority Re-

port, Ought not to pass, was accepted.

Sent down for concurrence.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 237) (L. D. 641) Senate Report from the Committee on State Government on bill, "An Act Relating to Term of Office of Department Heads Appointed by Governor;" Report A Ought to pass; Report B, Ought not to pass, tabled on March 3 by the Senator from Aroostook, Senator Christie pending acceptance of either report.

Mrs. CHRISTIE of Aroostook: Mr. President I move the acceptance of the Report B, Ought not to pass.

Mr. LOVELL of York: Mr. President and members of the Senate: I signed the minority report on this particular bill. To me it seems like good, progressive government and what is being done in many states of the United States as well as in Washington, in our nation's capital. When a new Governor comes into office he has a definite planned program, he has a program that he has pledged to during his campaign, he has pledged on his party platform, and, to me, without question he should have the privilege of naming the heads of the various departments under his state government to carry on his program. Consequently, it would seem to me that to have a department head named for four years in concurrence with the Governor would be definitely good government, because it allows the new Governor to pick his department heads, and the deputy administrator or the one in charge of the department can carry it on until the new head is acclimated to the new position. So I would move for a division on this bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie that Report B, Ought not to pass, be adopted.

A division of the Senate was had.

Twenty-five having voted in the affirmative and six opposed, Report B was adopted.

Sent down for concurrence.

The President laid before the Senate the third tabled and today assigned item (S. P. 206) (L. D. 539) Senate Report from the Committee on State Government on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four Year Terms, "Majority Report, Ought not to pass; Minority Report Ought to pass; tabled on March 3 by the Senator from Somerset, Senator Carpenter pending motion by Senator Christie of Aroostook to accept the Majority Ought not to pass report.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate, I tabled this bill Friday on account of a member of the minority committee being absent, Senator Lovell, who signed the Ought to pass report. I now move the pending question.

The PRESIDENT: The question before the Senate is on the motion of Senator Christie of Aroostook to accept the Majority Ought not to pass report.

Mr. LOVELL of York: Mr. President and members of the Senate: There is no question in my mind that this Senate wants good progressive government in Maine. I was requested to enter this particular bill by the Sheriffs Association of Maine, and the entire Association when they met voted at that particular meeting unanimously that the sheriffs should be elected for four years. For instance, Sheriff Jones of Cumberland County stated that there are only three states now where the sheriffs do not serve from four to six years, and certainly his arguments on progressiveness and good government were very convincing. If a sheriff goes in for two years it takes him very nearly that time to get acclimated to the position, to train his deputies to work under him properly, and if his term terminates in two years he has lost this particular training for his deputies. In addition to that, it takes him a great deal of time to set up a juvenile program for the children in his particular county. As Sheriff Jones stated at that meeting there were some ten or eleven high sheriffs there who testified in favor of this bill pass-

ing to go to referendum for four years. They also stated that the present way elections are run a sheriff has to campaign from the first of January up to November 8th and a good portion of his time which should be spent in his work is spent in campaigning. Also, the particular programs he wishes to set up in his county, two years just is not enough to get the entire program lined up and rolling when he may lose his bid for re-election. Consequently, I move for a division on this bill also.

A division of the Senate was had. Twenty-five having voted in the affirmative and 6 opposed, the motion to accept the Ought not to pass report prevailed.

Sent down for concurrence.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 325) (L. D. 1000) Senate Report from the Committee on Labor on bill "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law," Majority Report, Ought to pass; Minority Report, Ought not to pass; tabled on March 3 by Senator Marden of Kennebec, pending motion by Senator Chase of Lincoln to reconsider action whereby the Minority Ought not to pass Report was accepted.

Mr. MARDEN of Kennebec: Mr. President, the reason for my tabling this was because of the absence of four members of the Senate. A better attendance being obvious this day, I now move the pending question.

The PRESIDENT: The question is on the motion of Senator Chase of Lincoln for reconsideration.

Thereupon, on motion by Mr. Sampson of Somerset, the bill was tabled pending motion by Senator Chase of Lincoln for reconsideration and was especially assigned for Friday next.

On motion by Mr. Mayo of Sagadahoc, the Senate voted to take from the table the 35th tabled and unassigned item (H. P. 505) (L. D. 704) House Report from the Committee on Labor on bill, "An Act Relating to Minimum Wage for Firemen"; Majority Re-

port, Ought to pass; Minority Report, Ought not to pass, tabled on March 3 by Senator Mayo of Sagadahoc pending that Senator's motion to accept the Majority Ought to pass report; and that Senator then moved the pending question.

Mr. EDGAR of Hancock: Mr. President, I move for the indefinite postponement of this bill in concurrence.

I am very reluctant to belabor this point and I would not do so if the Town Council and the City Manager in my particular community were not so very deeply concerned about this issue.

It is an acknowledged fact that a very small percentage of the communities of the State of Maine would be affected by the passage of this bill. Most of the communities and particularly the larger communities are now paying their firemen a dollar an hour or more. However, I believe the figure has been stated as five per cent of the smaller communities within the State who do not pay their firemen a dollar an hour and who would be very definitely affected by the passage of this bill. Now many of the communities who do not now pay a dollar an hour do not pay the dollar an hour because they simply cannot afford it. I cannot help but wonder, if this measure is passed, what we would see here in the next session of the Legislature by way of legislation to pay policemen a dollar an hour or town truck-drivers a dollar an hour or town highway crews a dollar an hour; in fact all municipal employees.

If the larger communities and if 95 per cent of the communities in the state are now paying one dollar an hour, I do not see why they should be so interested in compelling the smaller communities to pay a dollar an hour. It is a situation which will affect very few and yet the few who are affected will be affected very seriously. I hope that this bill will be indefinitely postponed.

Mr. SAMPSON of Somerset: Mr. President, I move that this item be tabled until Friday next.

The PRESIDENT: The Senator from Somerset, Senator Sampson moves that the bill be tabled un-

til Friday next pending motion by Senator Edgar of Hancock to indefinitely postpone.'

Mr. FARRIS of Kennebec: Mr. President I rise to a point of information from the Chair. As I recall on this measure, Senator Bates of Penobscot moved indefinite postponement of this measure on the last legislative day. Is that same motion again in order after this Body has voted against the motion to indefinitely postpone?

The PRESIDENT: The Chair will rule that the motion of Senator Edgar of Hancock is in order. The question now before the Senate is on the motion of the Senator from Somerset, Senator Sampson that the bill be tabled and especially assigned for Friday next, pending motion by Senator Edgar of Hancock to indefinitely postpone.

Mr. MAYO of Sagadahoc: Mr. President, I ask for a division.

Nineteen having voted in the affirmative and twelve opposed, the motion to table prevailed.

On motion by Mr. Couture of Androscoggin, the Senate voted to take from the table the 12th tabled and unassigned item (H. P. 1042) (L. D. 1443) Bill, "An Act Increasing Salary of Recorder of Lewiston Municipal Court.," tabled on February 12 by Senator Couture of Androscoggin pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Towns and Counties in concurrence.

On motion by Mr. Couture of Androscoggin, the Senate voted to take from the table the 11th tabled and unassigned matter, (H. P. 1041) Bill, "An Act Increasing Salaries of Register of Deeds and Register of Probate of Androscoggin County," which was tabled by that Senator on February 14th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Towns and Counties in concurrence.

On motion by Mr. Couture of Androscoggin, the Senate voted to take from the table the 13th tabled and unassigned matter, (H.

P. 1044) (L. D. 1445) Bill, "An Act Increasing Salary of Judge of Livermore Falls Municipal Court," which was tabled by that Senator on February 14th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Towns and Counties in concurrence.

On motion by Mr. Ferguson of Oxford, the Senate voted to take from the table the 21st tabled and

unassigned matter (H. P. 549) (L. D. 746) Bill "An Act to Simplify Exemption of Veteran's Property from Taxation," which was tabled on February 22nd by that Senator pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed in concurrence.

On motion by Mr. Noyes of Franklin,

Adjourned until 10:00 A.M. tomorrow.