

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

Wednesday, March 22, 1961

Senate called to order by the President.

Prayer by Rev. Alfred H. Ives of Gardiner

On motion by Mr. Wyman of Washington,

Journal of yesterday was read and approved.

**House Committee Reports
Leave to Withdraw**

The Committee on Education on Bill, "An Act to Authorize the Municipalities of Fryeburg and Stow to Form a School Administrative District." (H. P. 384) (L. D. 559) reported that the same should be granted Leave to Withdraw.

The Committee on Health and Institutional Services on Bill, "An Act Relating to Exceptions to License Requirements for Lodging Places." (H. P. 194) (L. D. 289) reported that the same should be granted Leave to Withdraw.

Which reports were read and accepted in concurrence.

Recommitted

The Committee on Towns and Counties on Bill, "An Act Relating to Disposition of County Fees and Charges." (H. P. 36) (L. D. 70) reported that the same Ought to Pass in New Draft, under New Title: "An Act Relating to Disposition of Certain Fees of Registers of Deeds and Registers of Probate." (H. P. 1063) (L. D. 1461)

Comes from the House, recommitted to Committee on Towns and Counties.

In the Senate, on motion by Mr. Wyman of Washington, tabled pending acceptance of the report.

The PRESIDENT: The Chair recognizes in the Senate Chamber a group of talented youngster students from Portland under the direction of David Astor. These young people appear regularly without pay on his show for teenagers only. It certainly is a pleasure for the members of the Senate to have this young group with us visiting both the House and the Senate. We hope that some day you can take your place here in

the Senate Chamber representing the Counties from which you come. In the Senate this morning are three of the four Senators from Cumberland County and the Chair would like to introduce to you Senators Lord, Porteous and Davis of Cumberland County. Senator Brooks does not happen to be in the Senate Chamber at this time.

Ought Not to Pass

The Committee on Claims on Resolve, in Favor of Millinocket Community Hospital. (H. P. 653) (L. D. 936) reported that the same Ought not to pass.

The same Committee on Resolve, in Favor of John McVay of Millinocket. (H. P. 659) (L. D. 937) reported that the same Ought not to pass.

The same Committee on Resolve, in Favor of Harold Gallant of Millinocket. (H. P. 660) (L. D. 938) reported that the same Ought not to pass.

The same Committee on Resolve, in Favor of Elmer L. Spaulding of Mechanic Falls for Well Damage. (H. P. 795) (L. D. 1109) reported that the same Ought not to pass.

The Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Establish Life Tenure for Justices of the Supreme Judicial Court and the Superior Court. (H. P. 706) (L. D. 984) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Appointment to Vacancies in Office of County Treasurer." (H. P. 839) (L. D. 1154) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Inland Fisheries and Game on Resolve, for Repairing Fish Screen at Outlet of Messalonskee Lake in Oakland. (H. P. 35) (L. D. 69) reported that the same Ought to pass.

The same Committee on Bill, "An Act Prohibiting Use of Power Boats on Pennemaquan River, Town of Pembroke." (H. P. 927) (L. D. 1275) reported that the same Ought to pass.

The Committee on Judiciary on Bill, "An Act Providing for Emergency Interim Executive and Judicial Succession." (H. P. 492) (L. D. 692) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Canes Carried on Public Streets or Highways by Blind Persons." (H. P. 753) (L. D. 1039) reported that the same Ought to pass.

The Committee on Towns and Counties on Bill, "An Act Relating to Raising Money for Support of Poor in Pleasant Ridge Plantation, Somerset County." (H. P. 362) (L. D. 514) reported that the same Ought to pass.

Which reports were read and accepted in concurrence, the Bills and Resolves read once and tomorrow assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Education on Bill, "An Act Defining Junior High School." (H. P. 803) (L. D. 1117) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-116)

The Committee on Inland Fisheries and Game on Resolve, Opening Desert Pond, Kennebec County, to Fishing. (H. P. 44) (L. D. 85) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-111)

The same Committee on Resolve, Regulating Fishing in Temple Pond, Somerset County. (H. P. 147) (L. D. 210) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-112)

The Committee on Judiciary on Resolve, Authorizing Cianchette Bros., Inc. to Bring Civil Action Against State of Maine. (H. P. 402) (L. D. 577) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-110)

Which reports were severally read and accepted in concurrence. The Bill and Resolves were read once. Committee Amendments "A" were read and adopted in concurrence, and the Bill and Resolves tomorrow assigned for second reading.

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Hunting and Fishing Licenses to Canadian Soldiers Stationed in Maine." (H. P. 980) (L. D. 1367) reported that the same Ought to pass.

Comes from the House passed to be engrossed as amended by House Amendment "A" (Filing H-120)

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

Ought to Pass — New Draft "B"

The Committee on Judiciary on Recommended 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 "B", under the same title.

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

Indefinitely Postponed

MAJORITY — Ought to Pass

MINORITY — Ought Not to Pass

The Majority of the Committee on Sea and Shore Fisheries on Bill, "An Act Repealing Certain Laws Permitting Taking of Clams for Bait Purposes in Polluted Areas." (H. P. 342) (L. D. 494) reported that the same Ought to pass.

(Signed)

Senators: MAYO of Sagadahoc
CHASE of Lincoln

Representatives:

PIKE of Lubec
PRINCE of Harpswell
YOUNG of Gouldsboro
LOWERY of Brunswick

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed)

Senator: BREWSTER of York

Representatives:

SEVIGNY of Biddeford
MADDOX of Vinalhaven
TYNDALE

of Kennebunkport

Comes from the House, Majority—Ought to pass Report accepted, and the Bill subsequently indefinitely postponed.

In the Senate, on motion by Mr. Chase of Lincoln, the Majority Ought to pass report was accepted in non-concurrence, the bill read once and tomorrow assigned for second reading.

Senate Committee Reports Ought Not to Pass

Mr. Edmunds from the Committee on Labor on Bill, "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (S. P. 349) (L. D. 1082) reported that the same Ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass

Mrs. Lord from the Committee on Legal Affairs on Bill, "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels." (S. P. 90) (L. D. 186) reported that the same Ought to pass.

Mr. Farris from the same Committee on Bill, "An Act Relating to License Fees by Boxing Commission." (S. P. 175) (L. D. 421) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act to Repeal the Acts Creating the Oxford Village Corporation." (S. P. 143) (L. D. 326) reported that the same Ought to pass.

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

Ought to Pass — As Amended

Mr. Porteous from the Committee on Business Legislation on Bill, "An Act Revising the Savings and Loan Laws." (S. P. 404) (L. D. 1386) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing S-57)

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

House

Bill, "An Act Removing Exemption of Certain Employees From Minimum Wage Law." (H. P. 80) (L. D. 123)

Bill, "An Act Exempting Proceeds of Pension and Profit Sharing Plans from Inheritance Tax Law." (H. P. 423) (L. D. 598)

Bill, "An Act Relating to Night Hunting of Wild Birds." (H. P. 879) (L. D. 1214)

Bill, "An Act Relating to the Control of Sources of Ionizing Radiation." (H. P. 925) (L. D. 1273)

Bill, "An Act Increasing Lobster and Crab Fishing License Fee and Establishing the Lobster Fund." (H. P. 1082) (L. D. 1491)

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

House — As Amended

Bill, "An Act Relating to Workmen's Compensation Insurance." (H. P. 201) (L. D. 296) amended by Committee Amendment "A" (Filing H-106)

Resolve, in Favor of Myron Reynolds of Brooks. (H. P. 233) (L. D. 347) Committee Amendment "A" (Filing H-24)

Bill, "An Act Regulating Vaccine Dealers and Distributors." (H. P. 956) (L. D. 1323) amended by House Amendment "A" (Filing H-10)

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

Senate

Bill, "An Act Authorizing Department of Education to Join Educational Organizations." (S. P. 412) (L. D. 1353)

Resolve, Reimbursing City of Bangor for Improving Bass Park. (S. P. 279) (L. D. 880)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following Bills and Resolves:

Bill, "An Act to Authorize Cumberland County to Raise Money for the Construction of a County Jail." (H. P. 428) (L. D. 603)

Bill, "An Act Amending Charter of the Telephone Workers Credit Union of Maine." (H. P. 655) (L. D. 933)

Bill, "An Act Relating to Election of Governors and Representatives to the Legislature of Passamaquoddy Tribe of Indians." (H. P. 1054) (L. D. 1454)

Bill, "An Act to Create the Bethel Utilities District." (H. P. 1073) (L. D. 1478)

Bill, "An Act Relating to Renewal Motor Vehicle Instruction Permits." (S. P. 212) (L. D. 545)

Bill, "An Act Relating to the Interstate Compact on Placement of Children." (S. P. 215) (L. D. 548)

Bill, "An Act Relating to Maximum Grants in Some Public Assistance Categories." (S. P. 310) (L. D. 898)

Bill, "An Act Exempting Taking of Alewives in Part of Kennebec River from Law Prohibiting Artificial Lights." (S. P. 356) (L. D. 1089)

Bill, "An Act Relating to Fee for Registration of Farm Trailers." (S. P. 452) (L. D. 1400)

Which Bills were passed to be enacted.

Resolve, Regulating Fishing in Moose River, Somerset County. (H. P. 242) (L. D. 356)

Resolve, Authorizing Construction of Causeway in Little Sebago Lake. (H. P. 694) (L. D. 972)

Which resolves were finally passed.

Emergency

Bill, "An Act Increasing Indebtedness of Town of Orono High School District." (H. P. 409) (L. D. 584)

Which Bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (S. P. 325) (L. D. 1000) Bill, "An Act Relating to Chiropractic Treatment Under

Workmen's Compensation Law," tabled on March 21 by Senator Sampson of Somerset pending motion by Senator Edmunds of Aroostook to indefinitely postpone.

Mr. SAMPSON of Somerset: Mr. President, I move the pending question.

The PRESIDENT: The question is on the motion of Senator Edmunds of Aroostook that the bill and papers be indefinitely postponed.

Mr. FARRIS of Kennebec: Mr. President, inasmuch as I did present an amendment to this bill and inasmuch as that amendment has not yet been read into the record other than having been printed and reproduced, I would merely like to explain the purpose of the amendment.

I spoke at quite some length previously upon this measure and explained that all that the proposed bill does is to permit our chiropractors to be paid under the Workmen's Compensation Act for the chiropractic treatment which they render in accordance with the license which they hold and in accordance with the law of the State of Maine. It is a very simple issue, a very fair and equitable one and certainly worthy of passage.

Now the amendment completely clarifies any questions which anyone might have as to control in regard to the chiropractic treatment to be rendered. In other words, we insert after the words "chiropractic treatment" that this is to be performed or permitted subject to the approval of the employer. It is specifically spelled out, there can be no damage to the employer, to industry, and certainly to the public, because the public merely will be entitled to have payment made by the employer under the terms of the Workmen's Compensation Act in the event that he goes to his chiropractor as a result of an industrial accident rather than as a result of any other accident where he would be going to his own chiropractor.

I certainly, in fairness, equity and good conscience urge that the motion of the Senator from Aroostook, Senator Edmunds, to indefinitely postpone be defeated.

The PRESIDENT: The question is on the motion of Senator Edmunds to indefinitely postpone, and a division has been requested.

A division of the Senate was had. Sixteen voted in the affirmative and fifteen opposed.

The PRESIDENT: In order to keep this measure open, the Chair will vote No.

Sixteen having voted in the affirmative and sixteen opposed, the motion to indefinitely postpone did not prevail.

Mr. FARRIS of Kennebec: Mr. President, I now move that this matter lie upon the table.

Mr. MAYO of Sagadahoc: Mr. President, I request a division.

A division of the Senate was had. Fifteen having voted in the affirmative and sixteen opposed, the motion to table did not prevail.

Mr. FARRIS of Kennebec: Mr. President, I now move adoption of Senate Amendment A.

The Secretary read Senate Amendment A to S. P. 325, L. D. 1000:

“Amend said bill in the 5th line by adding after the words ‘chiropractic treatment’ the underlined words ‘subject to the approval of employer’.”

Mr. EDMUNDS of Aroostook: Mr. President, I request a division when the vote is taken on the motion of Senator Farris of Kennebec.

The PRESIDENT: The question before the Senate is on the motion of Senator Farris of Kennebec to adopt Senate Amendment A.

A division of the Senate was had. Eighteen having voted in the affirmative and twelve opposed, Senate Amendment A was adopted, and the bill as amended was tomorrow assigned for second reading.

Mrs. LORD of Cumberland: Mr. President, I rise to a point of order. I believe we have not accepted the bill and it has not been read.

The PRESIDENT: The Secretary will read the endorsements.

The SECRETARY: In the Senate, on March 14, the Majority Ought to Pass report prevailed. On March 14th, the bill was read once and Senate Amendment A was presented. The bill was tabled pending adoption of Senate Amend-

ment A. On March 21, a motion to indefinitely postpone was made by Senator Edmunds of Aroostook and the bill was tabled on March 21st by Senator Sampson of Somerset, pending the motion by Senator Edmunds.

Mr. FARRIS of Kennebec: Mr. President, is it now in order to move for second reading on this legislative day?

The PRESIDENT: The bill must now be assigned for second reading.

Thereupon, the bill was tomorrow assigned for second reading.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 3365) (L. D. 1098) Bill, “An Act Permitting Municipalities to Raise Money for Youth Programs.” tabled on March 21 by Senator Wyman of Washington pending adoption and reproduction of Senate Amendment A; and on further motion by the same Senator, Senate Amendment A was read and adopted and the bill was passed to be engrossed. Sent down for concurrence.

Mr. Gilbert of Kennebec was granted unanimous consent to address the Senate.

Mr. GILBERT: Mr. President and members of the Senate: It seems that back here two weeks ago every member of his respective community was introducing so-called State Champions, and today I have the pleasure of presenting a National Champion. I have the honor of introducing young Gerald Varnam — “Jerry” as he is known to us here in his home, the City of Augusta. Jerry has just turned 17, he is a member of our local Cony High School and is the son of Mr. and Mrs. Gerald F. Varnam.

Last week he won the United States National Junior Nordic Cross Country Championship at Lake Placid, New York, against the best of competition. As you know, cross country skiing is among the most grueling of sports, requiring great stamina as well as great skill and conditioning, and Jerry has all of that.

What is particularly striking about his feat is that Jerry took

up competitive skiing seriously only this winter — and, by the way, he did not own a pair of skis; he used his coach's skis — and by the end of the winter he was a national champion. He won the Maine and Eastern Junior crowns first, and then capped his record by placing first in the nationals, not only defeating ex-champions of the United States but also Champion Reece of Canada.

It takes no great skill to forecast the future of Jerry as he will go into the United States Olympics.

With him is his skiing coach at Cony High, a former member of the skiing team at the University of Maine — and I am sure that Senator Brooks will like this—Graydon P. Erickson, who has spent a great deal of time with the boy, taking him from the time he started, and I am sure that Graydon Erickson is just as proud of Jerry as the people of the City of Augusta are.

It gives me great pleasure to present to you young Jerry Varnam and his coach, Graydon P. Erickson. (Applause)

The PRESIDENT: The Chair would ask the Senator from Kennebec, Senator Gilbert, to escort Mr. Varnam to the rostrum. (Applause, members rising)

Mr. GERALD VARNAM: Mr. President, I am pleased to be here and I am glad to do what I did for the State of Maine. Thank you. (Applause)

The PRESIDENT: It certainly is nice to have a young man like Mr. Varnam representing the State of Maine. (Applause)

The Chair also notes in the Senate Chamber the presence of one of our former Senators, Senator

Joseph Harvey of Biddeford. It is certainly a pleasure to have Senator Harvey with us, and I will ask the Sergeant-at-Arms to escort former Senator Harvey to the rostrum and we will give him a big hand when he comes up. (Applause)

Mr. JOSEPH HARVEY: Mr. President and members of the Senate: This is indeed an unexpected pleasure on my part. When I look back to sitting on this rostrum twenty years ago and see this fine setting that you have here now and the great group of legislators that is here, I do not know as I can recall any of them being here while I was here. I want to say that you have done a splendid job so far from what I have read, and I trust that when the session is over the people of the State of Maine will appreciate your good work and your efforts in behalf of legislation that is worth passing. (Applause)

PRESIDENT HILLMAN: Thank you for your kind words.

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table the 42nd tabled and unassigned item (S. P. 400) (L. D. 1347) Bill, "An Act Revising Dog Registration and Licensing Laws." tabled on March 21 by Senator Stilphen of Knox pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Noyes of Franklin

Adjourned until Friday morning at ten o'clock.