

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

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DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**SENATE**

Friday, May 26, 1961

Senate called to order by the President.

Prayer by Rev. Malcolm A. MacDuffie of Gardiner.

On motion by Mr. Ferguson of Oxford, Journal of yesterday was Read and Approved.

On motion by Mr. NOYES of Franklin, out of order and under suspension of the rules, ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to meet on Wednesday, May 31, at ten o'clock in the morning. (S. P. 570)

Which was Read and Passed.

Sent forthwith to the House for concurrence.

The PRESIDENT: The Chair notes in the Senate Chambers a young man from Aroostook County. This time before the young man is introduced, the Chair would like to recognize the Senator from Aroostook, Senator Cyr.

The Senator from Aroostook, Senator Cyr was granted unanimous consent to address the Senate.

Mr. CYR of Aroostook: Mr. President and members of the Senate, a year ago today, Madawaska experienced one of the worst tragic events in its history. Most of you probably read the account in the newspapers when the Madawaska band was struck by a runaway car. As we were assembling for a parade to dedicate the new custom house and the new filter plant, a runaway car cut a swath through our band and hospitalized ten people. One of these young people that was injured was this young man whom I will introduce to you later, Lionel Martin. We picked him up, he and another fellow from underneath the car, after it landed in a garden nearby. He was dragged approximately two hundred feet with the other fellow and we had to tip the car on its side to be able to extricate the two young people from underneath the car.

Lionel received a fractured right shoulder, a fractured left collarbone, a fractured left arm, concussion of the brain and a fractured left leg, fractured in three major places; in all fifteen fractures on his left leg. Just prior to this event, about a month before, Lionel was awarded the Science Award for the State of Maine at Bates College. Scholastically he has always been a very high ranking student and he is a fellow with a lot of courage and certainly to come out the way he did, and to be able to walk the way he is walking today, I would say is almost miraculous.

At this time I will turn the floor back to the President.

The PRESIDENT: Thank you Senator Cyr. It is certainly a pleasure to have this young man with us. We appreciate him coming down and we hope that he enjoys his day. At this time, the Chair would like to introduce to the Senate and at the same time announce that he is to be Honorary Page for the Day, Lionel Martin of Madawaska. The Chair will ask the pages to escort him to a seat with the pages.

Lionel Martin of Madawaska was then escorted to a seat with the Pages, to act as Honorary Page for the day. (Applause)

**Paper From the House**

Joint Order — (H. P. 1173) relative to recalling (H. P. 561) (L. D. 758) An Act relating to Weight of Commercial Vehicles Hauling Forest Products. From the Legislative Files to the House for the purpose of further consideration.

Comes from the House Read and Passed.

On motion by Mr. Stilphen of Knox, tabled pending passage, and especially assigned for Wednesday next.

**Non-concurrent Matters**

Joint Order — Relative to Recalling H. P. 707, L. D. 985, Legislative Internship Plan. (S. P. 567) from the Legislative files to the Senate.

In Senate, May 24, Read and Passed.

Comes from the House Indefinitely Postponed in Non-concurrence.

In the Senate, on motion by Mr. Edgar of Hancock, the Senate voted to recede and concur.

Bill, "An Act Relating to Power of Sale in a Mortgage and Sale Under a Power in a Mortgage." (H. P. 995) (L. D. 1382)

In House, May 10, Ought not to pass Report Read and Accepted.

In Senate, May 24, Passed to be Engrossed, As Amended by Senate Amendment "A" in Non-concurrence.

Comes from the House, that body having Adhered.

In the Senate, on motion by Mr. Lovell of York tabled pending consideration and especially assigned for the next legislative day.

## COMMUNICATIONS

### STATE OF MAINE

May 24, 1961

Hon. Chester T. Winslow  
Secretary of the Senate  
State House  
Augusta, Maine

Dear Mr. Winslow:

I am enclosing a report on action taken under Resolves 1959, c. 106, entitled "Resolve Creating a Committee on the Uniform Commercial Code."

Sincerely yours,

ROBERT T. WILLIAMSON  
Chief Justice

To the Honorable Senate and House of Representatives:

Pursuant to Chapter 106 of the Resolves of 1959, entitled "Resolve Creating a Committee on the Uniform Commercial Code," I appointed a committee of three members of the Bar to arrange for the preparation of the necessary repealing and amendatory provisions of the Revised Statutes to bring them into conformity with the terms of the Uniform Commercial Code, and to annotate the Code with relation to existing statute and case law.

The Committee has completed its duties. Of the sum of \$2,500 appropriated for this work there

remains \$404.20 unexpended. The members of the committee were: Thomas N. Weeks, Esq. of Waterville, Merrill R. Bradford, Esq. of Bangor, and Jotham D. Pierce, Esq. of Portland. Each has served without compensation and without reimbursement for any expense. The expenditures from the appropriation have been for research typing, and costs incurred by those employed by the committee.

In the records of this 100th Legislature the Code and repealer appear as S. P. 456, L. D. 1462, and amendments suggested thereto appear as L. D. 1578.

For reference by this or further Legislatures a copy of the annotations has been filed with the Director of Legislative Research, with the State Library, with the Clerk of the Law Court in Portland, and the files of the Supreme Judicial Court in my office.

Respectfully submitted,

ROBERT B. WILLIAMSON  
Chief Justice

Which was Read and Ordered Placed on File.

Sent down for concurrence.

### House Committee Reports Ought Not to Pass

The Committee on State Government on Bill, "An Act Relating to Disposition of Property in Hebron, formerly Western Maine Sanatorium." (H. P. 355) (L. D. 507) reported that the same Ought not to pass.

The Committee on Natural Resources on Bill, "An Act Classifying Halfmoon Pond, Waldo County." (H. P. 831) (L. D. 1146) reported that the same Ought not to pass.

Which reports were Read and Accepted in concurrence.

### Ought to Pass

The Committee on State Government on Bill, "An Act Relating to Number of Aides-de-Camp Appointed by Governor." (H. P. 1168) (L. D. 1613) 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.

**Ought to Pass—As Amended**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Monies to Effectuate Compensation for State Employees." (H. P. 565) (L. D. 785) reported that the same Ought to pass As Amended by Committee Amendment "A" (Filing H-300)

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted, and the Bill, As Amended, tomorrow assigned for second reading.

The same Committee on Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963. (H. P. 451) (L. D. 651) reported that the same Ought to pass in New Draft, under the same Title (H. P. 1165) (L. D. 1606)

In House, Report Read and Accepted, and the Bill Passed to be Engrossed As Amended by:

House Amendment "A" (Filing No. H-317)

House Amendment "C" (Filing No. H-321)

House Amendment "D" (Filing No. H-323)

House Amendment "E" (Filing No. H-324)

House Amendment "F" (Filing No. H-326)

House Amendment "G" (Filing No. H-325)

House Amendment "J" (Filing No. H-330)

In the Senate, the report was read and accepted, the bill read once, and on motion by Mr. Davis of Cumberland, was tabled pending assignment for second reading.

**Majority—Ought to Pass, As Amended by Committee Amendment "A"**

**Minority—Ought to Pass, As Amended by Committee Amendment "A" and by Committee Amendment "B"**

The Majority of the Committee on Legal Affairs on Bill, "An Act

Providing for a Revised Charter for the City of Portland." (H. P. 326) (L. D. 478) reported that the same Ought to pass As Amended by Committee Amendment "A" (Filing L. D. 1611)

(Signed)

Senators:

FARRIS of Kennebec  
LORD of Cumberland  
NOYES of Franklin

Representatives:

KNAPP of Yarmouth  
BERMAN of Houlton  
STEWART of Presque Isle  
BERRY of Cape Elizabeth

The Minority of the same Committee on the same subject matter reported that the same Ought to pass As Amended by Committee Amendment "A" and by Committee Amendment "B" (Filing L. D. 1612)

In House, the Majority, Ought to pass, As Amended by Committee Amendment "A" was Read and Accepted.

In the Senate, on motion by Mr. Farris of Kennebec, the Majority Ought to pass report was accepted, the bill read once, Committee Amendment A read and adopted, and the bill tomorrow assigned for second reading.

**SECOND READERS**

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

**House—As Amended**

Bill, "An Act Relating to Mandatory Fines on Axle Weights of Commercial Vehicles." (H. P. 563) (L. D. 760)

Senate Amendment "A" (Filing S-115)

Which was Read a Second Time and Passed to be Engrossed as Amended, in Non-concurrence.

Bill, "An Act Permitting Certain Commercial Vehicles to Exceed Weight Limits." (H. P. 560) (L. D. 757)

House Amendment "A" (Filing H-173)

Bill, "An Act Relating to Weight Tolerances for Motor Vehicles carrying Firewood, Pulpwood,

Logs or Bolts." (H. P. 861) (L. D. 1175)

Committee Amendment "A" (Filing H-283)

Bill, "An Act Creating the Fort Kent Utilities District." (H. P. 1155) (L. D. 1593)

House Amendment "A" (Filing No. H-319)

Which Bills were Read a Second Time and Passed to be Engrossed, As Amended, in concurrence.

### Senate

Bill, "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium." (S. P. 311) (L. D. 899)

Amended by Senate Amendment "A" (Filing No. S- )

Which was Read a Second Time and on motion by Mr. Edmunds of Aroostook, was tabled pending passage to be engrossed.

Bill, "An Act Exempting Certain Machinery from Sales and Use Tax." (S. P. 565) (L. D. 1618)

On motion by Mr. Couture of Androscoggin, read a second time and tabled pending passage to be engrossed.

### ENACTORS

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

Bill, "An Act Providing for a Review of Laws of Forestry Department." (H. P. 143) (L. D. 206)

Bill, "An Act Providing for Municipal Court Conferences." (H. P. 321) (L. D. 473)

Bill, "An Act Reactivating the State Committee on Children and Youth." (H. P. 452) (L. D. 652)

Bill, "An Act Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled." (H. P. 501) (L. D. 700)

Bill, "An Act Appropriating Moneys for Maine Civil War Commission." (H. P. 1137) (L. D. 1567)

Bill, "An Act Creating a District Court to Integrate Activities of Municipal Courts and Trial Justices." (H. P. 1157) (L. D. 1594)

Bill, "An Act Providing for an Assistant County Attorney for York County." (S. P. 21) (L. D. 46)

Bill, "An Act Relating to Disability Benefits Under Maine State Retirement System." (S. P. 203) (L. D. 536)

Bill, "An Act Providing for a Review of Laws of Department of Mental Health and Corrections." (S. P. 220) (L. D. 625)

Bill, "An Act Creating a Committee to Plan for an Institution Serving as a Reception Treatment Center." (S. P. 322) (L. D. 997)

On motion by Mr. Davis of Cumberland, the bills were laid upon the Special Appropriations Table pending enactment.

Resolve, Appropriating Funds for Advisory Committee on Education. (H. P. 227) (L. D. 341)

Resolve, Appropriating Funds for Publication of Civil War History in Maine. (H. P. 569) (L. D. 819)

Resolve, Providing for Publication of Maine's Water Recreational Facilities. (H. P. 1118) (L. D. 1540)

On motion by Mr. Davis of Cumberland, the resolves were laid upon the Special Appropriations table pending final passage.

Bill, "An Act Increasing Certain Sheriff Fees." (H. P. 887) (L. D. 1267)

On motion by Mr. Wyman of Washington, tabled pending passage to be enacted.

### Emergency

Bill, "An Act Relating to Outdoor Advertising on the Interstate System." (S. P. 417) (L. D. 1356)

Which bill, being an emergency measure, and, having received the affirmative vote of 27 members of the Senate, was Passed to be Enacted.

### Non-Concurrent Action on Enactors

Bill, "An Act Relating to Sales of Discontinued Items of Liquor in State Stores." (S. P. 436) (L. D. 1308)

In Senate, March 14, Passed to be Engrossed.

**Engrossing Reconsidered.**

In House - Passed to be Engrossed, As Amended by House Amendments "A" and "B" (H-334) (H-343) in Non-concurrence.

Mr. MAYO of Sagadahoc: Mr. President, I would ask that this be tabled and especially assigned for next Wednesday. I have read the amendments and I want to do some real checking on the amendments that come from the House.

The motion prevailed and the bill was tabled pending consideration and was especially assigned for Wednesday next.

Bill, "An Act Relating to the Inspection of County Jails." (S. P. 504) (L. D. 1518)

In Senate, May 18, Passed to be Engrossed, as Amended by House Amendment "A" (Filing No. H-177)

In House, Passed to be Engrossed, as Amended by House Amendment "A" and by House Amendment "B" (H-342) in Non-concurrence.

On motion by Mrs. Lord of Cumberland, the Senate voted to recede and concur.

**Orders of the Day**

The President laid before the Senate the first tabled and especially assigned matter (S. P. 165) (L. D. 411) Bill "An Act Relating to Retirement of Chief Warden of Inland Fisheries and Game," which was tabled on May 25th by Mr. Mayo of Sagadahoc, pending acceptance of Majority "Ought to pass" report. (Motion by Senator Carpenter of Somerset.)

Mr. MAYO of Sagadahoc: Mr. President, may I first ask what the status of the bill is at the present time?

The PRESIDENT: The Secretary will read the status of the bill.

The endorsements were read by the Secretary.

Mr. MAYO: Mr. President, I now move that this bill and all accompanying papers be indefinitely postponed.

Mr. CARPENTER of Somerset: Mr. President, when the vote is taken I ask for a division.

This bill has been thoroughly discussed in previous days and I feel it is not necessary to debate it any longer unless amendments are offered. I am opposed to the motion of the Senator from Sagadahoc, Senator Mayo.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: To those of you who will be opposing the motion of the Senator from Sagadahoc, Senator Mayo, I call to your attention Filing No. S-216, which is an amendment not yet reproduced but which is an amendment which surely will be offered should this motion not prevail, because you see the department involved, as the law now reads, receives special consideration under the Maine State Retirement System. My apologies are due you if I have not up to this point made myself clear.

Presumably because of the youth and athletic type of individual necessary in this type of work and wardens at the prison and so forth, a different provision of the retirement system applies. These gentlemen can retire at half pay, if they have 25 years of service, at age 55. Now if you are going to fool around with the law and the retirement of specific individuals in this department, then what is fair on one side must be fair on the other. Therefore, if this bill is not indefinitely postponed—as it should be—then I am going to offer Senate Amendment "A" which will put these gentlemen involved in the same category as all other state employees.

Mr. COLE of Waldo: Mr. President, I ask consent of the Senate to be excused from voting when my name is called because of the fact I have paired my vote with that of the Senator from Androscoggin, Senator Boisvert who is unavoidably absent today. If present, Senator Boisvert would vote for the bill and I would vote against it.

The PRESIDENT: Is it the pleasure of the Senate that the request of the Senator from Waldo, Senator Cole, be granted? The request is granted.

The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Mayo, that this bill and all accompanying papers be indefinitely postponed. A division has been requested.

All those in favor of the motion of the Senator from Sagadahoc, Senator Mayo, will rise and stand in their places until counted.

A division was had.

Sixteen having voted in the affirmative and eleven in the negative, the motion prevailed.

The President laid before the Senate the second tabled matter (H. P. 603) (L. D. 862) House Reports from the Committee on Labor on Bill, "An Act to Amend the Employment Security Law," Minority Report "B", "Ought not to pass"; Minority Report "A" "Ought to pass with Committee Amendment "B"; Majority Report "Ought to pass with Committee Amendment "A", which was tabled on May 25th by Mr. Wyman of Washington pending acceptance of any report.

On motion by Mr. Wyman of Washington, the bill was retabled pending acceptance of either report.

The President laid before the Senate the third tabled and unassigned matter, (H. P. 435) (L. D. 610) Bill, "An Act Relating to Length of Motor Vehicle Trucks," which was tabled on May 25th by Mr. Edmunds of Aroostook, pending passage to be engrossed.

On motion by Mr. Edmunds of Aroostook, the bill was passed to be engrossed in concurrence.

Mr. NOYES of Franklin: Mr. President, out of order and under suspension of the rules, I move that S. P. 265, L. D. 782, "An Act Relating to the Completion of the

York River Project in York County" be recalled from the engrossing department because of a technicality.

The PRESIDENT: Will the Senator approach the rostrum?

(Recess)

Called to order by the President.

Mr. NOYES of Franklin: Mr. President I will withdraw my motion which I previously made.

On motion by Mr. Couture of Androscoggin, the Senate voted to take from the table Item 7-6 bill, "An Act Exempting Certain Machinery from Sales and Use Tax" (S. P. 565) (L. D. 1618) which was tabled by that Senator earlier in today's session.

Mr. COUTURE: Mr. President, now I have had a chance to read the bill I move that it be passed to be engrossed.

The bill was thereupon passed to be engrossed.

Sent down for concurrence.

#### Additional Paper From the House

The following Bill approved by a majority of the Committee on Reference of Bills for appearance on Calendar:

#### Emergency

Bill, "An Act to Provide Funds for Repairs to Landing Terminals of the Casco Bay Lines." (H. P. 1177)

Comes from the House, referred to Committee on Public Utilities, and by Unanimous Consent sent forthwith to the Senate for concurrence.

In the Senate: referred to the Committee on Public Utilities in concurrence.

On motion by Mr. Noyes of Franklin

Adjourned until Wednesday, May 31st at 10:30 A.M.