

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, January 17, 1963

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Charles Karsten of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Personnel Board place into effect January 26, 1963, for the classifications of Highway Maintenance-man I, Highway Maintenance-man II, Highway Maintenance-man II A, Highway Maintenance-man III, Highway Maintenance-man IV, Highway Foreman I, and Highway Foreman II, longevity provisions in the J. L. Jacobs Company's proposals as set forth in its report to the State Personnel Board dated October, 1960 (S. P. 86)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate:

Bill "An Act Requiring Information from Banks for Division of Veterans Affairs" (S. P. 76) (L. D. 184)

Came from the Senate referred to the Committee on Business Legislation.

In the House, referred to the Committee on Business Legislation in concurrence.

From the Senate:

Bill "An Act relating to Power of Eminent Domain of Maine State Park Commission" (S. P. 77) (L. D. 185)

Bill "An Act Revising Laws Relating to Benefits for State Employees While in the Armed Forces" (S. P. 78) (L. D. 186)

Bill "An Act relating to Age in Criminal Offenses" (S. P. 79) (L. D. 187)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate:

Bill "An Act relating to Weekly Benefit for Partial Unemployment under Employment Security Law" (S. P. 80) (L. D. 188)

Came from the Senate referred to the Committee on Labor.

In the House, referred to the Committee on Labor in concurrence.

From the Senate:

Bill "An Act relating to False Report as to Bombs" (S. P. 81) (L. D. 189)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act Providing for a Continuance of the Constitutional Commission" (S. P. 83) (L. D. 190)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

From the Senate:

Bill "An Act relating to Initial Motor Vehicle Registration Plates" (S. P. 84) (L. D. 191)

Came from the Senate referred to the Committee on Transportation.

In the House, referred to the Committee on Transportation in concurrence.

From the Senate:

Bill "An Act relating to the Organization of the Maine State Guard" (S. P. 85) (L. D. 192)

Came from the Senate referred to the Committee on Veterans and Military Affairs.

In the House, referred to the Committee on Veterans and Military Affairs in concurrence.

From the Senate: The following Communication: (S. P. 87)

STATE OF MAINE
TREASURY DEPARTMENT

Augusta, Maine
June 30, 1962

To the Honorable Senate
and House of Representatives:

Pursuant to the Constitution of the State of Maine, I have the hon-

or to submit herewith the biennial report of the financial transactions of the Treasury Department of the State of Maine for the two years ended June 30, 1962.

Most respectfully submitted,
FRANK S. CARPENTER
Treasurer of State

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act relating to Certificates for Female Dogs" (H. P. 261) (Presented by Mr. Rust of York)

(Ordered Printed)
Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Increasing Working Capital of Liquor Commission" (H. P. 262) (Presented by Mr. Chapman of Norway)

(Ordered Printed)

Bill "An Act to Authorize General Fund Bond Issue in Amount of Seventeen Million Dollars and to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Year Ending June 30, 1964" (H. P. 263) (Presented by Mr. Minsky of Bangor)

(Ordered Printed)

Bill "An Act relating to Deficiency Appropriation for State Treasury" (H. P. 263) (Presented by Mr. Rankin of Southport)

(Ordered Printed)

Bill "An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Years Ending June 30, 1964 and June 30, 1965" (H. P. 265) (Presented by Mrs. Smith of Falmouth)

(Ordered Printed)

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other

Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965" (H. P. 266) (Presented by same member)

(Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act to Incorporate Maine Hospital Association, Inc." (H. P. 267) (Presented by Mr. Drake of Bath)

(Ordered Printed)
Sent up for concurrence.

Senate Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, January 22, at ten o'clock in the morning. (S. P. 128)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Claims

Resolve in favor of Edwin C. Chick of Norway (H. P. 268) (Presented by Mr. Hammond of Paris)

(Ordered Printed)

Resolve in favor of Arthur J. Valley, Sr. of Bethel for Damage to Water Supply (H. P. 269) (Presented by Mrs. Lincoln of Bethel)

(Ordered Printed)

Resolve in favor of Town of Burlington for Winter Road Maintenance (H. P. 270) (Presented by Mr. Whitney of Winn)

(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act to Authorize the Municipalities of Etna and Plymouth to Form a School Administrative District" (H. P. 271) (Presented by Mr. Carter of Etna)

(Ordered Printed)

Bill "An Act to Reconstitute School Administrative District No. 17" (H. P. 272) (Presented by Mr. Hammond of Paris)

(Ordered Printed)

Bill "An Act to Incorporate the City of Belfast as a School Admin-

istrative District" (H. P. 273) (Presented by Mr. Thornton of Belfast) (Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act to Hold the Primary Election on the Second Tuesday after Labor Day" (H. P. 280) (Presented by Mr. Jalbert of Lewiston) (Ordered Printed)
Sent up for concurrence.

Highways

Bill "An Act to Authorize the Issuance of Bonds in the Amount of Fifty Million Dollars on Behalf of the State of Maine to Build State Highways" (H. P. 274) (Presented by Mr. Cressey of North Berwick) (Ordered Printed)

Bill "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island" (H. P. 275) (Presented by Mr. Prince of Harpswell) (Ordered Printed)

Resolve Authorizing Survey and Plans for an Interchange to Interstate Highway in the Town of York (H. P. 276) (Presented by Mr. Rust of York) (Ordered Printed)

Resolve Designating the Veterans Memorial Bridge at Belfast (H. P. 277) (Presented by Mr. Thornton of Belfast) (Ordered Printed)

Resolve for Removal of Old Bridge Across Mattawamkeag River in Haynesville (H. P. 278) (Presented by Mr. Turner of Auburn) (Ordered Printed)

Sent up for concurrence.

Industrial and Recreational Development

Bill "An Act Promoting New Industrial Plant Locations" (H. P. 279) (Presented by Mr. Burns of Westbrook) (Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to Size of Salmon Taken from Waters of Aroostook County" (H. P. 281) (Presented by Mr. Albair of Caribou) (Ordered Printed)

Bill "An Act relating to Closed Season on Bears" (H. P. 282) (Presented by Mr. Benson of Southwest Harbor) (Ordered Printed)

Bill "An Act relating to Equipment and Safe Operation of Boats" (H. P. 283) (Presented by Mr. Cressey of North Berwick) (Ordered Printed)

Bill "An Act Prohibiting Use of Power Boats on Tim Pond and Mud Pond, Franklin County" (H. P. 284) (Presented by Mr. Hutchins of Kingfield) (Ordered Printed)

Bill "An Act Repealing Bounty on Bobcats and Lynx" (H. P. 285) (Presented by Mr. Reynolds of Buxton) (Ordered Printed)

Bill "An Act relating to Reciprocal Enforcement of Violations of Boating Law in Boundary Waters" (H. P. 286) (Presented by Mr. Rust of York) (Ordered Printed)

Bill "An Act Clarifying the Inland Fish and Game Laws" (H. P. 287) (Presented by Mr. Wade of Skowhegan) (Ordered Printed)

Resolve Correcting Errors in Certain Fish and Game Resolves (H. P. 288) (Presented by Mr. Benson of Southwest Harbor) (Ordered Printed)

Resolve Opening Carrabassett River to Fly Fishing Only (H. P. 289) (Presented by Mr. Hutchins of Kingfield) (Ordered Printed)

Resolve Regulating Fishing for Bass in Nequasset Pond, Sagadahoc County (H. P. 290) (Presented by Mr. Mendes of Topsham) (Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Authorize the Building of a Private Road Across a Portion of Square Pond in Shapleigh" (H. P. 291) (Presented by Mr. Bradeen of Waterboro) (Ordered Printed)

Bill "An Act relating to a Power of Sale in a Mortgage and Sale under a Power in a Mortgage" (H. P. 292) (Presented by Mr. Rust of York) (Ordered Printed)

Resolve Authorizing Clarkeson Engineering Company to Bring Civil

Action Against State of Maine (H. P. 293) (Presented by Mr. Pease of Wiscasset)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act relating to Time Limitations for Filing Petitions under Workmen's Compensation Act" (H. P. 294) (Presented by Mr. Berman of Houlton)

(800 copies Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Consolidate the Maine Unitarian Association with Northeast District of the Unitarian Universalist Association" (H. P. 295) (Presented by Mr. Mendes of Topsham)

(Ordered Printed)

Bill "An Act to Consolidate the Universalist Church of Maine with Northeast District of the Unitarian Universalist Association" (H. P. 296) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Hours for Dancing and Entertainment in Public Places" (H. P. 297) (Presented by Mr. Rust of York)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act Decreasing Minimum Food Sale in Class A Restaurants under Liquor Law" (H. P. 298) (Presented by Mr. Crockett of Freeport by request)

(Ordered Printed)

Bill "An Act relating to Definition of 'Hotel' under Liquor Law" (H. P. 299) (Presented by Mr. Rust of York)

(Ordered Printed)

Sent up for concurrence.

Municipal Affairs

Bill "An Act relating to Sick Leave for Members of Police Department of City of Lewiston" (H. P. 300) (Presented by Mr. Tardiff of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Providing for the Formation of Sanitary Districts" (H.

P. 301) (Presented by Mr. Berry of Cape Elizabeth)

(Ordered Printed)

Bill "An Act to Amend the Charter of the Norway Water District to Create a Source of Supply in the Town of Oxford" (H. P. 302) (Presented by Mr. Chapman of Norway)

(Ordered Printed)

Bill "An Act to Increase the Borrowing Capacity of the Topsham Sewer District, to Authorize the Town to Contribute to Construction Costs and Otherwise Amend the Charter" (H. P. 303) (Presented by Mr. Mendes of Topsham)

(Ordered Printed)

Bill "An Act Increasing Indebtedness of Limestone Water and Sewer District" (H. P. 304) (Presented by Mr. Ward of Limestone)

(Ordered Printed)

Sent up for concurrence.

Retirements and Pensions

Bill "An Act relating to Retirement of Policemen and Firemen by Local Districts Participating in Maine State Retirement System" (H. P. 305) (Presented by Mr. Philbrick of Augusta)

(Ordered Printed)

Bill "An Act relating to Benefits for Policemen under the Maine State Retirement System" (H. P. 306) (Presented by Mr. Tardiff of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act relating to Publishing of Regulations Closing Contaminated Shores, Waters or Flats" (H. P. 307) (Presented by Mr. MacGregor of Eastport)

(Ordered Printed)

Bill "An Act to Correct Errors and Omissions in the Public Laws Relating to Sea and Shore Fisheries" (H. P. 308) (Presented by Mr. Maddox of Vinalhaven)

(Ordered Printed)

Bill "An Act Repealing the Two Inch Clam Law" (H. P. 309) (Presented by Mr. Richardson of Stonington)

(Ordered Printed)

Bill "An Act Repealing Law Permitting Trapping of Eels in Baga-

duce River" (H. P. 310) (Presented by same gentleman)
 (Ordered Printed)
 Sent up for concurrence.

State Government

Bill "An Act Transferring Burial Allowance Program for Veterans from Department of Health and Welfare to Division of Veterans Affairs" (H. P. 311) (Presented by Mrs. Oakes of Portland)
 (Ordered Printed)

Resolve Authorizing Director of Public Improvements to Convey Land in Scarborough to George W. Scamman, Robert W. Scamman and Wentworth W. Scamman (H. P. 312) (Presented by Mr. Childs of Portland)

(Ordered Printed)
 Sent up for concurrence.

Taxation

Bill "An Act Increasing Sales Tax" (H. P. 313) (Presented by Mr. Albair of Caribou)

(1,000 copies Ordered Printed)

Bill "An Act Increasing the Tax on Gasoline" (H. P. 314) (Presented by Mr. Cressey of North Berwick)

(Ordered Printed)

Bill "An Act relating to Reimbursement of Fuel Tax for Miles Traveled on Maine Turnpike" (H. P. 315) (Presented by Mr. Hammond of Paris)

(Ordered Printed)
 Sent up for concurrence.

Orders

Mr. Smith of Bar Harbor presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Director of the Bureau of Public Improvements be authorized and directed to provide courtesy parking privileges in the Legislative Parking Area during the present session of the Legislature to members of the Constitutional Commission for meetings of the commission held at the State House. (H. P. 316)

The Order received passage and was sent up for concurrence.

Mr. Hardy of Hope presented the following Order and moved its passage:

WHEREAS, the fairer sex of the State of Maine have won a major victory very recently when they succeeded in having the hair color requirement removed from our driver's licenses; and

WHEREAS, the members of the Maine House of Representatives must soon decide on what color we wish our legislative plates to be for the years of 1963-1964; and

WHEREAS, the gentlemen of this House wish to pay tribute to the ladies for this major victory;

BE IT ORDERED, that we relinquish all rights to the decision of color of plates and hereby turn the task over to the 8 lady members of the House for their choice. But please ladies, no pastel pink or moongold!

The Order received passage.

On motion of Mr. Benson of Southwest Harbor, it was

ORDERED, that Mr. Poirier of Van Buren be excused from attendance for the duration of his illness.

Tabled and Assigned

Mr. Childs of Portland presented the following Order:

WHEREAS, Section 3 of Article IV, Part First, of the Constitution of Maine provides that no city or town shall ever be entitled to more than seven representatives in the House of Representatives with an exception not here applicable; and

WHEREAS, there is pending before the 101st Legislature a resolve proposing an amendment to the Constitution, H. P. No. 199, L. D. No. 268, "Resolve Proposing an Amendment to the Constitution Increasing Limitation of Number of Representatives from One City from Seven to Twelve", which Resolve provides for changing the aforesaid limitation on the number of representatives from seven to twelve; and

WHEREAS, the opinion of the Supreme Court of the United States in Baker et al. v. Carr et al., 369, U. S. 186, raises a serious question as to the legality of the aforesaid limitation on the number of representatives from any city or town; and

WHEREAS, the foregoing facts appear to create a solemn occasion

while the following question appears to be an important question of law within the meaning of Section 3 of Article VI of the Constitution; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court be respectfully requested to give their opinion on the following question:

QUESTION — Does the proposed constitutional amendment, which limits the number of representatives to which any city or town may be entitled, violate the Constitution of the United States of America?

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, as required under Rule 46 of the Rules of the House, I move this matter lie on the table and be specially assigned for next Tuesday.

Thereupon, the Order was tabled

pending passage and specially assigned for Tuesday, January 22.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act Creating an Allagash River Authority for State of Maine" (S. P. 65) (L. D. 115) — (In Senate January 10th, referred to Com. on Natural Resources.)

Tabled — January 16, by Mr. Plante of Old Orchard Beach.

Pending — Reference.

Thereupon, on motion of Mr. Plante of Old Orchard Beach, the Bill was referred to the Committee on Natural Resources in concurrence.

On motion of Mrs. White of Guilford,

Adjourned until Tuesday, January 22, at ten o'clock in the morning.