

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, January 13, 1964

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

Prayer by the Rev. Mr. John W. Meisner of Dover-Foxcroft.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

**Paper from the Senate
Report of Committee
Ought to Pass in New Draft**

Report of the Committee on Towns and Counties on Bill "An Act relating to Detention by Counties and Municipalities of Persons Arrested by State Law Enforcement Officers" (S. P. 663) (L. D. 1644) reporting same in a new draft (S. P. 694) (L. D. 1672) under title of "An Act relating to Detention by Counties and Municipalities of Persons Arrested by Law Enforcement Officers" and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

**Orders
Tabled and Assigned**

Mr. Kent of Benton presented the following Order and moved its passage:

WHEREAS, the Governor of the State of Maine has indicated that an appropriation of \$445,000 made at this Special Session would be sufficient to restore the 700 welfare cases recently dropped from the State's public assistance rolls by the Department of Health and Welfare; and

WHEREAS, the Commissioner of Health and Welfare has indicated before the Appropriations Committee that this would not be the case; now, therefore, be it

ORDERED, the Senate concurring, that the Commissioner of

Health and Welfare submit to the Joint Standing Committee on Welfare of the 101st Legislature on or before Thursday, January 16, 1964 the names and addresses of the recipients so dropped, together with the names and addresses of the field workers handling the respective cases.

(On motion of Mr. Jalbert of Lewiston, tabled pending passage, ordered reproduced, and assigned for the next legislative day.)

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

ORDERED, that Mr. Rust of York be excused from attendance at this Special Session for the duration of his illness and that Mr. Hendsbee of Madison be excused from attendance today because of business.

On motion of the gentlewoman from Falmouth, Mrs. Smith, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Jobin, in his seat and the Clerk will enter his name upon the rolls of the House.

Passed to Be Engrossed

Bill "An Act to Make Allocations from the General Highway Fund for Motor Vehicle Driver Examination Program and for Maintenance of Certain Roads in Baxter State Park" (S. P. 691) (L. D. 1666)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act relating to False Alarms and Reports Made to Municipal, County and State Departments" (S. P. 672) (L. D. 1635)

Bill "An Act to Incorporate the South Berwick Sewer District" (H. P. 1154) (L. D. 1625)

Resolve Appropriating Funds for Development of Owl's Head Light-

house Area (H. P. 1133) (L. D. 1604)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act to Correct an Inconsistency in the Educational Foundation Program Allowance and Providing for Supplemental Payments of 1963 and 1964 Educational Subsidies for Various Special Programs" (S. P. 650) (L. D. 1656)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

Resolve Authorizing the Maine Defense Commission to Convey Certain Land in Gardiner and Authorizing Maine Sardine Council to Purchase Property in Brewer (S. P. 666) (L. D. 1642)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act Increasing Borrowing Capacity of Ashland Water and Sewer District (S. P. 648) (L. D. 1654)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 118 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Charter of the Union Mutual Life Insurance Company (S. P. 652) (L. D. 1658)

Was reported by the Committee on Engrossed Bills as truly and

strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 118 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Revise Laws Relating to Support of Patients at State Institutions under the Control of the Department of Mental Health and Corrections (S. P. 658) (L. D. 1650)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Increase the Indebtedness of the Town of Canaan School District (S. P. 668) (L. D. 1639)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Permitting Complaint by a County Attorney for Discovery of Property of Deceased Persons or Wards (S. P. 673) (L. D. 1636)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and none against, and accordingly the Bill was passed

to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Promote Mining in the State and Reclassifying Certain Waters in Hancock County (S. P. 680) L. D. 1663)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Mr. JAMESON of Bangor: Mr. Speaker, would you set this aside?

The SPEAKER: This matter is before the House as an Emergency Measure. Does the gentleman care to speak on the measure?

Mr. JAMESON: Mr. Speaker and Ladies and Gentlemen: I was one of the signers of that majority report. It came out nine to one, divided report, and it was called to my attention by a very good client of mine in Ellsworth that he didn't see my name on that majority report "ought to pass." As I looked over the journal for that day and the proof, my name was not mentioned. But I was in favor, I was one of the nine signers in favor of this bill.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 120 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to the Disposition of Hundredweight Fees Payable to the Maine Milk Commission and the Maine Dairy Council Committee (H. P. 1130) (L. D. 1601)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Municipalities of Canton, Hartford, Buckfield and Sumner to Form a School Administrative District (H. P. 1136) (L. D. 1607)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Authorizing the Municipalities of Benton, Clinton and Albion to Form a School Administrative District (H. P. 1137) (L. D. 1608)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Municipalities of Blaine and Mars Hill to Form a School Administrative District (H. P. 1138) (L. D. 1609)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 114 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Issuing Licenses for Beano to Volunteer Fire Departments (H. P. 1145) (L. D. 1616)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 114 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Increase the Indebtedness of Old Town High School District (H. P. 1146) (L. D. 1617)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 117 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Incorporate the Town of Milbridge High School District (H. P. 1147) (L. D. 1618)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Increase the Indebtedness of the Town of Hermon School District (H. P. 1148) (L. D. 1619)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Increase the Borrowing Capacity of the Waldoboro Sewer District and to Authorize the Town of Waldoboro to Contribute to Construction Costs (H. P. 1150) (L. D. 1621)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Increasing Indebtedness of Mexico Sewer District (H. P. 1151) (L. D. 1622)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Permitting Monhegan Plantation to Generate Electricity (H. P. 1152) (L. D. 1623)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 114 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Construction and Operation of Intrastate Natural Gas Pipe Lines (H. P. 1153) (L. D. 1624)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being

an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Permitting Children to Serve Meals and Work in Dining Areas in School Lunch Program (H. P. 1158) (L. D. 1661)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker, I wish to table this item for one day.

The SPEAKER: The gentleman from Dexter, Mr. Harrington, moves this matter be tabled until the next legislative day. Is this the pleasure of the House?

(Cries of "No")

All those in favor of the tabling motion will say yes, those opposed, no.

A viva voce vote being taken, the tabling motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker, I would move that this bill and all its accompanying papers be indefinitely postponed, and I would like to speak briefly.

The SPEAKER: The gentleman may proceed.

Mr. HARRINGTON: Mr. Speaker and Members of the House: This was called to my attention during the weekend by some members of various school boards, and they told me that they thought it would cause them a lot more grief than it would do them good because in their opinion by allowing these children to work on these hot lunch programs you would find a kid might be coming down with the measles or the mumps or something and it would put him right in contact with all the food that the children are eating, so they have no quarrel with the kids

working there; they just found it was the best policy for the children not to be there, and they feel with this on the books it will just cause a little more hassle. That is my only reason for opposing it and I believe that these fellows who called me were sincere, and I believe they have a point, because you have a lot of children eating with a lot of other children and the kids handling the food, the older people don't have the communicable diseases. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Chapman.

Mr. CHAPMAN: Mr. Speaker, I rise for a point of information. As I understand this bill, it is purely permissive, and each district may apply it or not as they see fit. If anyone has further information, I would appreciate it.

The SPEAKER: The gentleman from Norway, Mr. Chapman, poses a question through the Chair to any member who may answer if they so desire. The Chair recognizes the gentleman from Strong, Mr. Smith

Mr. SMITH: Mr. Speaker, this bill I was in hopes I wouldn't have to say much about because it is a small matter. In answer to the question of the gentleman from Norway, Mr. Chapman, it is of course purely permissive.

We find ourselves over the State of Maine, in our small schools especially, in the position where it is almost impossible to get people over fourteen years of age to work in the school lunch program for what we can give them. The general practice is almost to ignore the law, and I believe in hundreds of our schools youngsters under the age of fourteen have been serving in the serving line and working in the dining room, until probably most of you folks here feel that that has been legal anyway. The problem before us resulted in the fact that we were faced in many of our small schools with three choices: either to ignore the law, which we didn't want to do; or hire people to work in our school lunch programs, which we couldn't

afford; or to do away with the school lunch programs, which we didn't want to do. The only other thing we could do was to bring this bill before this House.

A couple of months ago I took this bill before the Attorney General and it met with no objection from him. I took it before the Department of Labor and it meets with no objection in the Department of Labor. We took it before the screening committee and it met with no objection. We took it before the Committee on Labor and they passed it out unanimously, there was no objection. There was no one that spoke against it, and the Superintendents Conference of Maine sent their representative to speak for it. It has sailed majestically through the House and Senate thus far without any objection, and it is quite amazing to me that it receives any at this point, but with this brief explanation of the fact that it meets with the approval of all of these concerned individuals that I have mentioned today, I trust that this motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, I only wish to rise in support of my good friend the gentleman from Strong, Mr. Smith. This is the only way that the smaller towns can keep our school lunch program going. We can't afford to hire these waitresses, and we depend on the surplus food and what the children pay themselves for their meals to run the whole program, and in my own areas the children are helping with the serving, and I certainly hope that this bill is not indefinitely postponed.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to wholeheartedly concur with my good friend, Representative Smith. There was not one sole objector that appeared before the Committee on Labor to this bill. If this bill does not pass,

it has been brought to our attention that the school lunch programs in many areas will have to close down. They just cannot get the children over fifteen and sixteen years old to work in the lunch rooms. We have been assured that the children will not work in any hazardous place. They will only work on the serving counter or around the tables. I certainly hope that this bill does pass.

The SPEAKER: The question before the House is the motion of the gentleman from Dexter, Mr. Harrington, that this Bill be indefinitely postponed. All those in favor of indefinite postponement will say yes; those opposed, no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 116 voted in favor of same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

Resolve Appropriating Funds for Purchase of Snow Removal Equipment at the Augusta State Airport (H. P. 1132) (L. D. 1603)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 115 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Joint Share Accounts of the Railroad Workers Credit Union of Maine and the Federal Employees' Credit Union of Maine (S. P. 651) (L. D. 1659)

An Act Permitting Insurance Companies to Join Together to Offer Health Insurance for the Aged (S. P. 653) (L. D. 1657)

An Act relating to Lapsing of Appropriation for Legislative Research Committee (S. P. 660) (L. D. 1652)

An Act Authorizing Hancock County to Construct an Addition and Make Renovations to the County Court House (S. P. 662) (L. D. 1645)

An Act relating to Employment of Prisoners (S. P. 664) (L. D. 1643)

An Act to Amend the Charter of the Auburn Water District (H. P. 1156) (L. D. 1627)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following paper from the Senate was taken up out of order by unanimous consent:

**Tabled Until Later
in Today's Session**

From the Senate:
The following Order:

ORDERED, the House concurring, that all Joint Standing Committees and Joint Select Committees are hereby directed to report all Bills and Resolves in their possession with their recommendation thereon not later than 9 a.m. Tuesday, January 14, and it is further

ORDERED, the House concurring, that any committee not so reporting shall be discharged from further consideration of any Bill or Resolve in its possession and such Bills or Resolves shall be returned by the committee to the branch in which it originated and without action of either branch shall be placed in the Legislative files (S. P. 696)

Came from the Senate passed as amended by Senate Amendment "A" as follows:

Amend said Order by striking out in the 4th line the figure and letters "9 a.m." and inserting in place thereof the figure and letters '1 p.m.'

In the House, the Order was read. Senate Amendment "A" was read.

The SPEAKER: Is it the pleasure of the House that Senate

Amendment "A" to this Order be adopted?

The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, this order even as amended bothers me in just one particular. Of all the committees in the House I think of only one committee which might be badly affected by it. Now as I understand it, the basic purpose of this special session was reapportionment, and I am speaking now of the Committee on Reapportionment. We have had the cooperation of every county on this reapportionment proposition. Now of the sixteen counties, I believe there are six counties and fourteen municipalities who could be involved in multiple representation. Now in the County of Androscoggin we have had the cooperation of Auburn and Lewiston. In the County of Aroostook we have had the cooperation of Presque Isle and Houlton. In the County of Cumberland we have had the cooperation of Portland, South Portland, Brunswick and Westbrook. In the County of Kennebec we have had the cooperation of Waterville and Augusta. In the County of Penobscot we have had the cooperation of Bangor. In the County of York we have had the cooperation of Biddeford and Sanford. Now I am suggesting that we could go along with this order if it didn't affect the Committee on Reapportionment, because there is one municipality that is involved here and they find themselves in an unhappy situation, but we certainly wouldn't want to do anything in our committee as far as that municipality is concerned without at least hearing from the representative of that community who is charged with the responsibility of suggesting a plan to us. So I would hope that if this order receives passage it would exclude the Committee on Constitutional Amendments until we can get this one municipality's representative before us like we have the other thirteen to give us some suggestion of what can be done.

Thereupon, on motion of Mr. Wellman of Bangor, tabled until later in today's session.

Orders of the Day

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

SENATE REPORT—Ought to Pass—Committee on Municipal Affairs—on Bill “An Act to Amend the Paris Village Corporation.” (S. P. 667) (L. D. 1640)—In Senate Engrossed.

Tabled—January 10, by Mr. Rust of York.

Pending—Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Paris, Mr. Hammond.

Mr. HAMMOND: Mr. Speaker, this matter was tabled January 10 by the gentlemen from York, Mr. Rust. This bill affects a municipality in one of the towns which I represent, and as Mr. Rust is absent because of illness I respectfully move that this bill be tabled until the next legislative day.

The SPEAKER: The gentleman from Paris, Mr. Hammond, moves that item one be retabled until the next legislative day pending the acceptance of the report. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The House will be at ease for just a few moments.

House at Ease

Called to order by the Speaker.

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

SENATE REPORT — Ought to Pass with Committee Amendment “A” (Filing S-351)—Committee on Appropriations and Financial Affairs on Bill “An Act to Appropriate Moneys for Legislative Expenditures.” (S. P. 657) (L. D. 1649)—In Senate Engrossed as Amended.

Tabled—January 10, by Mr. Bragdon of Perham.

Pending—Acceptance of Report.

Thereupon, the Senate “Ought to pass” Report was accepted in concurrence and the Bill read twice.

Committee Amendment “A” was read by the Clerk as follows:

COMMITTEE AMENDMENT “A” to S. P. 657, L. D. 1649, Bill, “An Act to Appropriate Moneys for Legislative Expenditures.”

Amend said Bill by striking out in the 6th line from the end the figure “63,000,” and inserting in place thereof the figure ‘31,500’; and by striking out in the 5th line from the end the figure “37,000” and inserting in place thereof the figure ‘18,500’

On motion of Mr. Wellman of Bangor, Committee Amendment “A” was indefinitely postponed in non-concurrence and tomorrow assigned for third reading of the Bill.

The SPEAKER: The Chair now lays before the House the Senate Order that was tabled for later in today's session, Senate Paper 696.

The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker and Ladies and Gentlemen of the House: This as you can see is a clearance order requesting that all the committee work of a bill or a resolve nature — this does not include the memorials or the resolutions — must be back in the hands of the House at one o'clock tomorrow. Now, two things have happened since this came to us. One is a problem has arisen on the Reapportionment Committee. I certainly will hope that somebody will make the proper motion. First I would like to explain the second part of that. In order that these committees may clean their docket and do their work, and in order that committee hearings on the poll tax amendment may be heard tomorrow, when we adjourn, I will move that we adjourn until 3:00 o'clock tomorrow afternoon. So that we can mesh all these things, I hope that somebody will now move that this order under consideration be tabled until tomorrow's session.

Thereupon, on motion of Mr. Tyndale of Kennebunkport, the

matter was tabled pending adoption of Senate Amendment "A" in concurrence and tomorrow assigned.

On motion of Mr. Wellman of Bangor,
Adjourned until three o'clock tomorrow afternoon.