

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Second Special Session*

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

September 28 - September 30, 1964

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Monday, September 28, 1964

This being the day designated in the proclamation of the Governor for the meeting of the One Hundred and First Legislature in a second extra session, the members of the House of Representatives assembled in their hall at ten o'clock in the forenoon and were called to order by the Speaker.

Prayer was offered by the Rev. Mr. Royal Brown of Gardiner.

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

The following Proclamation:

STATE OF MAINE  
PROCLAMATION  
BY THE GOVERNOR

WHEREAS, I deem it advisable that the Legislature of this State should meet in special session for the purpose of considering the following legislation:

Enactment of the Revised Statutes of 1964 and acts relating thereto;

Authorizing a General Fund Bond Issue for construction and equipment of pollution abatement facilities and acts relating thereto;

Pertaining to School Administrative Districts Nos. 31 and 34 and creating new School Administrative Districts;

Relating to composition of certain District Court Districts;

Authorizing the Maine-New Hampshire Interstate Bridge Authority to install a draw span on the Piscataqua River Bridge;

Authorizing the Attorney General to convey certain land to the Town of Raymond;

An Act Recreating the Constitutional Commission:

To consider any other legislation to promote the general welfare of the State.

NOW, THEREFORE, I, JOHN H. REED, Governor of the State of Maine, by virtue of the power vested in me as Governor, convene

the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Monday, the twenty-eighth day of September, 1964 at ten o'clock in the morning in order to receive such communication as may then be made to them and to consider and determine on such measures as in their judgment will best promote the welfare of the State.

GIVEN at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine, this eighth day of September in the year of our Lord One Thousand Nine Hundred and Sixty-four, and of the Independence of the United States of America, the One Hundred and Eighty-ninth.

(Signed) JOHN H. REED  
Governor

PAUL A. MacDONALD  
Secretary of State

A true copy.

Attest:  
(Signed) JOSEPH T. EDGAR  
Deputy Secretary of State

The Proclamation was read by the Clerk and ordered placed on file.

The Clerk thereupon called the roll of the House. 140 members answered to their names and accordingly a quorum was found to be present.

Those who were absent were Messrs. Cookson, Hobbs, Jobin, Lebel, Minsky, Plante, Tardiff, Wade, Ward and Waterman.

There were eleven absentees.  
(Lacharite of Brunswick, re-signed)

On motion of Mr. Wellman of Bangor, it was

ORDERED, that a Committee of seven be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of

such business as may come before the House.

The Chair appointed the following members to the Committee:

Messrs. **WELLMAN** of Bangor  
**WILLIAMS** of Hodgdon  
**TURNER** of Auburn  
**THORNTON** of Belfast  
**CHAPMAN** of Norway  
**CARTER** of Etna  
**NADEAU** of Biddeford

Subsequently Mr. Wellman for the Committee reported that it had attended to the duty to which it was assigned.

At this time, a message was received from the Senate, borne by Senator Edmunds of Aroostook, informing the House that a quorum was present and that the Senate was ready to transact such business as might properly come before it.

On motion of Mr. Tyndale of Kennebunkport, it was

**ORDERED**, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Thereupon, Mr. Tyndale was appointed to convey the message and subsequently reported that he had performed the duty assigned him.

At this time, a message was received from the Senate, borne by its Secretary, proposing a Joint Convention to be held forthwith in the Hall of the House of Representatives for the purpose of listening to an address by His Excellency, Honorable John H. Reed, Governor of Maine.

The Clerk was charged with and conveyed a message to the Senate informing that body that the House concurred in the proposal for a Joint Convention.

The Clerk subsequently reported that he had delivered the message with which he was charged.

The following Communication:

STATE OF MAINE  
 DEPARTMENT OF STATE  
 AUGUSTA

September 28, 1964

To Harvey R. Pease,  
 Clerk of the House of Representatives of the One Hundred and First Legislature:

In compliance with Section 1 of Chapter 10 of the Revised Statutes of 1954, notification is hereby given of a vacancy in the Town of Brunswick, created by the resignation of Bertrand A. Lacharite of Brunswick, a copy of his resignation being submitted herewith.

Because of the nearness of the forthcoming November election, the Board of Selectmen of the Town of Brunswick have voted not to hold a special election to replace Mr. Lacharite. A copy of the letter from the Chairman of the Board of Selectmen is enclosed herewith.

Respectfully,

(Signed)

PAUL A. MacDONALD  
 Secretary of State

The Communication was read and ordered placed on file, and the name stricken from the rolls of the House.

**Orders Out of Order**

On motion of Mr. Mendes of Topsham, it was

**ORDERED**, that Mr. Waterman of Auburn be excused from attendance because of illness.

On motion of Mr. Wellman of Bangor, it was

**ORDERED**, that Michael McCourt and Steven Richardson, both of Patten, serve as Acting Pages of the House during this Special Session.

On motion of Mrs. Smith of Falmouth, it was

**ORDERED**, that Mr. Tardiff of Lewiston be excused from attendance during this Special Session because of illness.

The **SPEAKER**: The Chair would address the House relative

to a matter that has been happening, I feel, too often.

I am sure you are all as anxious as I am to maintain the good decorum of this House of which we are very proud. I feel that when the other body comes to visit us, that the applause that we give them in cadence is a demonstration rather than a motion of approval. I hope you good people will bear with me, and when they do come in, and when they retire, that you will give them spontaneous applause, rather than applause in cadence. Thank you very much. The House is at ease.

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#### House at Ease

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Called to order by the Speaker.

The Senate then entered the Hall of the House and a Joint Convention was formed.

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#### In Convention

President Marden of the Senate in the Chair.

On motion of Senator Edmunds of Aroostook, it was

ORDERED, that a Committee be appointed to wait upon the Honorable JOHN H. REED, Governor, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that Committee on the part of the Senate:

Senators:

EDMUNDS of Aroostook  
BROOKS of Cumberland  
REED of Sagadahoc  
and on the part of the House:

Representatives:

KATZ of Augusta  
CURTIS of Searsport  
EVANS of Freedom  
WATKINS of Windham  
DUNN of Denmark  
KILROY of Portland  
ROY of Winslow

Subsequently, Mr. Edmunds for the Committee reported that the Committee had discharged the duty assigned to it, and that the Governor was pleased to say that he would attend forthwith.

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#### Convention at Ease

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Called to order by the Chairman.

Thereupon, the Honorable John H. Reed, accompanied by the Executive Council and Paul A. MacDonald, Secretary of State, entered the Hall of the House of Representatives amid applause, the audience rising, and Governor Reed then addressed the Convention as follows:

Mr. President and Members of the 101st Legislature:

I am pleased today to welcome you back to the Capitol for the purposes of this Second Special Session. I have always enjoyed my association with members of this Legislature and I hope to have an opportunity to meet all of you personally during the next few days.

The season of autumn has emblazoned its glory across the Maine countryside once again. Its color and climate have quickened the pace of life in the Pine Tree State.

Many of you are engaged in gathering the bounties of another rich harvest. Some of you face pressing business commitments. Most of you are deeply involved with the exciting and demanding activities of this election year.

All of you, however, by virtue of your office, recognize your first responsibility to the people of Maine. They appreciate, as do I, your taking time from your personal pursuits to come to Augusta for this Special Session.

In my official call to you I listed several matters of an emergency nature facing the State. I shall now discuss each with you briefly.

#### Enactment of Revised Statutes

My decision to request you to convene again this year was determined by the necessity for enactment of the Revised Statutes of 1964.

I recommend that you accept the Legislative Committee's report on the Revision of the Maine Statutes. The Committee has made an excellent revision, well indexed and annotated, and is deserving of our highest compliments.

#### **Pollution Abatement Bond Issue**

At the last Special Session this Legislature created an interim committee to study and report on contributions to be made by the State to the expense of pollution abatement construction programs and methods of financing such contributions.

Your committee has carried out its assignment diligently and has rendered a commendable report. Their appraisal of the situation is a realistic one and merits your careful attention.

The State of Maine, for more than 20 years, has been engaged in a pollution control and elimination program conducted by the Water Improvement Commission. Considerable progress has been made by this and preceding Legislatures in the classification of waters with reasonable time schedules established for compliance.

To assist the municipalities in meeting the burden of cost for the construction of pollution abatement facilities the State now matches dollar-for-dollar a 30 per cent contribution by the Federal government. The remaining 40 per cent of the total must be provided at the local level.

Up to this time, the State has contributed matching funds in the amount of \$3.7 million dollars from General Fund revenue sources.

Your committee estimates that the total cost of implementing the State's pollution abatement program over the next 20 years will approximate \$97 million dollars. Of the total amount the sum to be contributed by the State in grants-in-aid would be approximately \$25 million dollars.

Each biennium brings new demands upon our General Fund revenue sources and surpluses. This Legislature is well aware of the heavy obligations in such fields as education and welfare.

I believe it advisable, therefore, for the State to turn to the method of bond financing for its pollution abatement program. This program is basically one of capital construction of a long-term nature. Maine Legislatures in the past have found bond financing to be a reasonable method for providing funds for the construction of highways, bridges and college buildings.

I recommend the enactment of enabling legislation to authorize a General Fund Bond Issue in the amount of \$25 million dollars for the construction of pollution abatement facilities. Such authorization will permit the State to complete its long-term pollution abatement program which is of great importance to the future health and economic well-being of our people.

Concurrently, I propose that the Legislature retain the right to determine each biennium the amount to be allocated from the issuance of bonds to meet the State's share of the matching costs. This would, in my opinion, be a desirable and reasonable stipulation to the expenditure of such funds.

Enactment of this legislation now will permit the submission of a referendum to the voters for ratification at the General Election on November 3.

The need for legislative action is made even more urgent by the fact that approximately \$700,000 in Federal funds will lapse in December, 1964, unless an equal amount of State money is provided.

I firmly believe that enactment of this bond issue will provide the State a feasible method of meeting its obligations to an excellent long-term program designed to eliminate a problem of long-standing.

#### **Maine-New Hampshire Bridge Improvement**

I recommend that this Legislature consider an act to enable the Maine-New Hampshire Interstate Bridge Authority to install a movable draw span on the lower deck level of the Piscataqua

River Bridge at a cost not exceeding \$400,000. The Authority has sufficient funds to finance this project.

Such a draw span would permit opening the lower level of the bridge to harbor traffic without interfering with the passage of vehicles on the upper, or highway level. Enactment of this legislation now and similar action by the New Hampshire General Court at its next session will permit the installation of the span prior to the heavy summer traffic season of 1965.

#### **School Administrative Districts**

I direct your attention to two School Administrative District matters and recommend the enactment of legislation to authorize these Districts to issue bonds for school construction purposes.

Authorization is sought by School Administrative District No. 31 to issue bonds in the amount of \$300,000 to construct a gymnasium, cafeteria and shop facilities at the site of the District High School in Howland.

School Administrative District No. 34 seeks to issue bonds in the amount of \$1,100,000 to construct a new high school in Belfast and a new elementary school in Searsport.

Enactment of these legislative requests will facilitate the early construction of these much needed buildings.

In addition, I recommend that you enact legislation authorizing the Town of Milbridge and other surrounding towns to form a School Administrative District.

#### **Conveying Land to Town of Raymond**

I also propose that you enact legislation permitting the Attorney General to convey certain land belonging to the State to the Town of Raymond. This request is valid since this land is not being utilized by the State and is ideally situated for the construction of an urgently needed fire station in that community.

#### **District Courts**

I direct your attention to a matter concerning the District Court system. The Judicial Council of Maine has made a study of ways to equalize the case load of the new District Court.

It now appears advisable to make certain geographical changes in the Districts as they were constituted originally by the Legislature. It would also be most desirable to accomplish these changes before the courts in these Districts are activated. Appropriate legislation will be presented to accomplish the desired adjustments.

#### **Constitutional Commission**

I ask you to give consideration now to the reactivation of the Maine Constitutional Commission which was established by the 100th Legislature. The Constitutional Commission rendered valuable service to the Legislature for the reapportionment of the House of Representatives.

In view of the recent decision by the Supreme Court of the United States relative to the composition of the Senates of the States, it would seem advisable to study the apportionment question in Maine with a view toward any possible action which may be required of the 102nd Legislature.

We are fortunate in having an experienced group for such study in our State and I recommend its reactivation.

#### **Financial Status of the State**

I am pleased to report to you that the Unappropriated Surplus of the General Fund on July 1, 1964 was \$3,658,000. Revenues exceeded estimates by \$2.3 million dollars and unexpended departmental balances of \$1.4 million dollars were lapsed at the end of the fiscal year.

A conservative approach for estimating revenue and a concerted attempt to effect greater economy in administration, together with a continuing favorable economic climate, have resulted in the surplus.

The need for revenue by the 102nd Legislature will be a serious problem. It is my recommendation, therefore, that only minor appropriations be made at this time.

#### Conclusion

I have presented to you the recommendations included in the call for this Special Session. Your legislative leaders are in agreement with me that the business of a Special Session should be limited to that of an emergency nature. I hope you agree with us.

My message to you today has been brief. I hope that it will set the tone for the action you will take. We recognize the purposes for which this Special Session has been called and by completing our tasks swiftly and efficiently the best interests of the State will be served.

In all probability this will be the last occasion I shall address you and I wish to take this opportunity to commend you for your service to the people of Maine.

As Governor, I shall look back with pride on the accomplishments we have made together for our State. They could not have been possible without your cooperation and that of the dedicated department heads of my administration and our loyal state employees.

Let us go forward now — in these next few days — in resolute determination to do the very best we possibly can for those we serve — the people of our beloved State of Maine.

At the close of the Governor's address, the Governor and suite withdrew, amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved, and the Senate retired to its Chamber, amid the applause of the House, the members rising.

#### In the House

The House was called to order by Speaker Kennedy.

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

#### Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that unless received by unanimous consent in both branches, no bill or resolve be considered at this Special Session except those designated Senate Paper 708, An Act to Revise and Consolidate the Public Laws of the State, and Legislative Documents Nos. 1678 to 1690 inclusive.

This order shall not apply to such bills or resolves as are intended only to facilitate the business of the Special Session. (S. P. 717)

Came from the Senate read and passed.

In the House, the Order was read and passed 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:

#### Constitutional Amendments and Legislative Reapportionment

Bill "An Act Reactivating the Constitutional Commission" (H. P. 1170) (L. D. 1680) (Presented by Mr. Cope of Portland)  
(Ordered Printed)

Sent up for concurrence.

#### Education

Bill "An Act to Authorize the Municipalities of Addison, Cherryfield, Columbia, Columbia Falls, Harrington and Milbridge to Form a School Administrative District." (H. P. 1172) (L. D. 1682) (Presented by Mr. Kennedy of Milbridge)  
(Ordered Printed)

Bill "An Act to Validate Proceedings Authorizing the Issuance



of Bonds by School Administrative District No. 34" (H. P. 1171) (L. D. 1683) (Presented by Mr. Thornton of Belfast)  
 (Ordered Printed)  
 Sent up for concurrence.

**Highways**

Bill "An Act Authorizing the Maine-New Hampshire Interstate Bridge Authority to Install a Movable Draw Span on the Lower Deck Level at Pier 21 of the Piscataqua River Bridge." (H. P. 1173) (L. D. 1684) (Presented by Mr. Dennett of Kittery)  
 (Ordered Printed)  
 Sent up for concurrence.

**State Government**

Resolve Authorizing the Attorney General to Convey Certain Land in Raymond to the Town of Raymond. (H. P. 1174) (L. D. 1690) (Presented by Mr. Edwards of Raymond)  
 (Ordered Printed)  
 Sent up for concurrence.

The SPEAKER: Is there objection to sending these matters which have just been referred to Committees forthwith to the Senate at this time? The Chair hears none. They will be sent forthwith.

**Orders of the Day**

The SPEAKER: The House will be at ease until we receive papers from the Senate that should receive House action this morning.

**House at Ease**

Called to order by the Speaker.  
 The SPEAKER: Is there objection to taking up papers from the Senate out of order and under suspension of the rules? The Chair hears none.

From the Senate: The following Communication. (S. P. 720)

DEPARTMENT OF STATE  
 STATE OF MAINE  
 AUGUSTA

September 28, 1964

To the One Hundred and First Legislature:

In accordance with the request of Chief Justice Robert B. Williamson, I herewith transmit his arrangement of the Constitution with accompanying letter of transmittal and Memorandum.

(Signed)

PAUL A. MacDONALD  
 Secretary 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. Subsequently the House reconsidered its action whereby the Communication was placed on file and it was referred to the Committee on Judiciary in non-concurrence and sent up for concurrence.

From the Senate: The following Communication: (S. P. 721)

STATE OF MAINE  
 SUPREME JUDICIAL COURT  
 AUGUSTA

To the 101st Legislature of the State of Maine:

In accordance with the provisions of Section 6, Article X of the Constitution of the State of Maine, I have the honor to submit herewith to the Legislature for approval an arrangement of the Constitution, as amended, "under appropriate titles and in proper articles, parts and sections, omitting all sections, clauses and words not in force and making no other changes in the provisions or language thereof."

I have adopted, with minor exceptions noted in an accompanying memorandum, the arrangement made by Chief Justice Fellows in 1954, which was approved by the Legislature, and published under the direction of the Secretary of State as authorized by Chapter 206 of the Resolves of 1953.

The present draft includes Articles LXXVIII through LXXXIX of the Amendments adopted since the publication of the arrangement made by Chief Justice Fellows.

On approval of a draft and arrangement, a table of amendments will be prepared substantially in

the form found in the pamphlet containing the Constitution entitled "Codification of 1955 with Supplemental Amendments" published by the Secretary of State.

Dated: September 22, 1964

Respectfully,  
**ROBERT B. WILLIAMSON**  
 Chief Justice of the  
 Supreme Judicial Court

Came from the Senate, read and referred to the Committee on Judiciary.

In the House, the Communication with accompanying papers was referred to the Committee on Judiciary in concurrence.

The following papers from the Senate were taken up out of order by unanimous consent:

From the Senate: The following Orders:

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish to each member and officer of the Senate and House a copy of the State newspaper each morning during the present special session of the Legislature (S. P. 718)

ORDERED, the House concurring, that free telephone service be provided for each member of the Senate and House to the number of twenty-five (25) calls of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member of the Senate and House be provided with a card to be certified to by the Secretary of the Senate and Clerk of the House, respectively; the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates (S. P. 719)

Came from the Senate read and passed.

In the House the Orders were read and passed in concurrence.

From the Senate:

Bill "An Act to Authorize General Fund Bond Issue in Amount of Twenty-five Million Dollars and to Appropriate Moneys for Construction and Equipment of Pollution Abatement Facilities" (S. P. 713) (L. D. 1678)

Bill "An Act Providing for Approval of Legislature for Expenditure of Bond Proceeds for Pollution Abatement Facilities" (S. P. 714) (L. D. 1679)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act to Authorize School Administrative District No. 31 to Issue Bonds or Notes for Capital Outlay Purposes in an Amount Not to Exceed \$300,000" (S. P. 716) (L. D. 1681)

Came from the Senate referred to the Committee on Education.

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

From the Senate:

Bill "An Act to Revise and Consolidate the Public Laws of the State" (S. P. 708)

Bill "An Act to Repeal the Acts Consolidated in the Revised Statutes of the Year One Thousand Nine Hundred and Sixty-four" (S. P. 709) (L. D. 1685)

Bill "An Act relating to Supplements as Part of the Revised Statutes" (S. P. 710) (L. D. 1686)

Bill "An Act relating to Sale and Distribution of the Revised Statutes, Supplements Thereto and the Session Laws" (S. P. 711) (L. D. 1687)

Bill "An Act relating to Composition of Certain District Court Districts" (S. P. 715) (L. D. 1689)

Resolve Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution (S. P. 712) (L. D. 1688)

Came from the Senate referred to the Committee on Judiciary.

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

#### Order Out of Order

Mrs. Smith of Falmouth presented the following Order and moved its passage:

ORDERED, that Mr. Wade of Skowhegan be excused from attendance during this Special Session because of illness.

The SPEAKER: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: I have just been told that Representative Wade had a very severe heart attack about five weeks ago, and he is still in the Redington Memorial Hospital at Skowhegan.

Whereupon, the Order received passage.

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

Mr. HAMMOND: Mr. Speaker, Ladies and Gentlemen: I ask unanimous consent to introduce a bill before this honorable body entitled "An Act to Permit the Citizens of School Administrative District No. 17 to Vote on Dissolving said District."

The SPEAKER: The gentleman from South Paris, Mr. Hammond, requests unanimous consent to present a bill notwithstanding the cloture order. Is there objection?

The Chair hears objection. The bill is not received.

The SPEAKER: The Chair recognizes the gentleman from Oakfield, Mr. Prince.

Mr. PRINCE: Mr. Speaker, I would like to request the unanimous consent of this body to present an emergency bill, which I consider an emergency bill at this time, and to address the House briefly on the contents.

The SPEAKER: The Chair would advise the gentleman that you cannot debate a unanimous consent proposition. The Clerk will read the title of the bill.

The CLERK: "Resolve Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens."

The SPEAKER: The gentleman from Oakfield, Mr. Prince, presents a resolve under unanimous consent. Is there objection? The Chair hears objection. The resolve is not received.

On motion of Mr. Wellman of Bangor,

Adjourned until nine o'clock tomorrow morning.