

# 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

Tuesday, September 29, 1964

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

Prayer by the Rev. Mr. Christopher A. Ives of Hallowell.

The journal of yesterday was read and approved.

The SPEAKER: The Chair observes the presence in the House of Representatives Hobbs of Alfred, Cookson of Glenburn and Minsky of Bangor. Without exception they will be added to the rolls of the House, and the Chair understands that these gentlemen were present yesterday, but absent during the organizational roll call.

Also, the Chair observes the presence of Representatives Waterman of Auburn and Jobin of Rumford who were absent yesterday.

### House Reports of Committees Referred to 102nd Legislature

Mr. Dennett from the Committee on Constitutional Amendments and Legislative Reapportionment on Bill "An Act Reactivating the Constitutional Commission" (H. P. 1170) (L. D. 1680) reported that it be referred to the 102nd Legislature.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: It is not my intention this morning to debate the merits of this bill. It is, rather, to offer an explanation for the committee action to this Legislature, to this House, and to the sponsor of the bill, and to all concerned. There is no attempt to embarrass anyone by the committee's action.

We realize the import of the substance of this bill. We further believe that the sponsor, the gentleman from Portland, exhibited the utmost in sincerity in the presentation of this measure. But we feel that while the substance is of great importance, the man-

ner and the time is entirely another matter.

First, let me explain that several years ago we created a Constitutional Commission. This Commission worked long and hard in reviewing the Constitution of the State of Maine and came up with a number of important changes. In the last regular session, I believe that the Legislature refused to reconstitute or to continue the committee, and it went by the wayside. This of course was to reactivate this committee for the sole purpose of studying the reapportionment of one of the Houses of this Legislature.

We further feel that the reapportionment of the Legislature as a whole, or any body of the Legislature, is a matter not only incumbent upon the Legislature, but is a prerogative of the Legislature. We feel that they alone should reapportion.

Now the Constitutional Commission, when it was in being, as well as coming up with some splendid ideas, came up with some schemes or plans to reapportion. They were not accepted by this Legislature. This Legislature was finally—or this House was finally reapportioned by an unofficial committee, a committee that served without pay and paid its own expenses, and it came up with a plan that was basically accepted by the Legislature with only a few minor changes. We believe—and I speak now for the Committee, those members who were present—we believe that a committee of the Legislature could do the same again and, while I would not presume to tell the incoming Legislature what they should do, the suggestion of the committee is that the Committee on Reapportionment and Constitutional Amendments be again reconstituted by the incoming Legislature either as a joint select committee or perhaps even a permanent committee of the Legislature, that this matter may be handled with dispatch.

Again, to the sponsor, we think the idea had substance. It is a matter that is timely perhaps for consideration, although even since

this matter was called for in the Governor's Proclamation, there have been movements, acts in the Congress of the United States that might give us warning that there is still time to consider this action, and for this reason, ladies and gentlemen of the House, we suggest that this be referred to the next Legislature, and I move the acceptance of the Committee Report.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves the acceptance of the Committee Report.

The Chair recognizes the gentleman from Portland, Mr. Cope.

Mr. COPE: Mr. Speaker and Members of the House: I would like to thank the gentleman from Kittery, Mr. Dennett, for his kind remarks about me being the sponsor of the bill. I think the principle established, as he says, has been made. I think that we will not lose any time by having it referred to the next Legislature, because that is the intent of the bill. Thank you.

The SPEAKER: Is it now the pleasure of the House to accept the Committee Report referring this matter to the 102nd Legislature?

The motion prevailed. Sent up for concurrence.

**Ought to Pass  
Printed Bills  
Passed to Be Engrossed**

Mr. Bradeen from the Committee on Education reported "Ought to pass" on Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds by School Administrative District No. 34" (H. P. 1171) (L. D. 1683)

Report was read and accepted, the Bill read twice and, under suspension of the rules, given its third reading, passed to be engrossed and sent to the Senate.

Mr. Snow from the Committee on Education reported "Ought to pass" on 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)

Report was read and accepted, the Bill read twice and, under suspension of the rules, given its third reading.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, I would like to make two inquiries of anyone on the Committee on Education with reference to this bill.

The SPEAKER: The gentleman may proceed.

Mr. RUST: First, I would like to know how many students there are going to be in this proposed school district, and second I would like to know if this bill carries any time limit on voting.

The SPEAKER: The gentleman from York, Mr. Rust, inquires from any member of the Education Committee relative to the school enrollment covered by this bill and any time limit as to its referendum. Does any gentleman of the committee wish to answer the question?

The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: Mr. Speaker, as I understand it, there are two hundred and twenty-six secondary pupils. In the next to the last paragraph, "nothing contained herein shall be construed to limit the number of times that the above-named municipalities may make application to the State Board," so there is no time limit to my knowledge.

The SPEAKER: Does the gentleman consider his question answered?

Mr. RUST: Yes.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

Mr. Nadeau from the Committee on Highways reported "Ought to pass" on 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)

Report was read and accepted, the Bill read twice and, under suspension of the rules, given its third reading, passed to be engrossed and sent to the Senate.

Mr. Thaanum from the Committee on State Government reported "Ought to pass" on Resolve Authorizing the Attorney General to Convey Certain Land in Raymond to the Town of Raymond (H. P. 1174) (L. D. 1690)

Report was read and accepted, the Resolve read once, and assigned for second reading at 10:30 this morning.

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.

#### Order Out of Order

Mr. Berry of Cape Elizabeth presented the following Order and moved its passage:

ORDERED, the Senate concurring, that a joint interim committee be appointed, consisting of 2 on the part of the Senate to be appointed by the President of the Senate and 3 on the part of the House to be appointed by the Speaker of the House, to study and report to the regular session of the 102nd Legislature on a method of implementing the administration of Public Law, 1963, Chapter 398, relating to the mileage and expenses for members of the Legislature. (H. P. 1175)

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BERRY: Mr. Speaker and Members of the House: This order would set up a committee which would present at the beginning of the next session of the Legislature, the mechanics for processing the allowances in mileage, a bill which we passed in the last session. It seems in order to give this matter very careful study, to be sure that it will be administered in a proper manner. I move its passage.

Thereupon, the Order received passage and was sent up for concurrence.

The SPEAKER: Is there objection of the House that all matters requiring Senate concurrence be sent forthwith? The Chair hears none, it is so ordered.

The SPEAKER: The House will be at recess, pending matters

from the Senate, until ten-thirty this morning.

#### After Recess 10:30 A.M.

Called to order by the Speaker.  
The SPEAKER: The Chair is pleased to recognize in the balcony of the House the Project Cause group, which is part of the War on Poverty Program. This group will be working with the disadvantaged youth in the State of Maine. Would you care to rise and be recognized? (Applause)

The SPEAKER: Is there objection to taking up at this time matters on your Supplemental Journal No. 1? The Chair hears none.

#### Passed to Be Engrossed Amended Resolve

Resolve Authorizing the Attorney General to Convey Certain Land in Raymond to the Town of Raymond (H. P. 1174) (L. D. 1690)

Was reported by the Committee on Bills in the Third Reading.

Mr. Edwards of Raymond offered House Amendment "B" and moved its adoption.

House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to H. P. 1174, L. D. 1690, Resolve, Authorizing the Attorney General to Convey Certain Land in Raymond to the Town of Raymond.

Amend said Resolve by striking out all of the first paragraph and inserting in place thereof the following:

'That the Attorney General be authorized and directed to convey by quitclaim deed to the Town of Raymond the interest of the State of Maine for the sum of \$2,837.60 in a certain lot or parcel of land, with buildings thereon, in Raymond, County of Cumberland, and State of Maine, described as follows:'

Further amend said Resolve by striking out all of the last paragraph, before the Statement of Facts, and inserting in place thereof the following:

'Decree of Kennebec Superior Court recorded in Book 2827, page 147, Cumberland Registry of Deeds.'

House Amendment "B" was adopted, the Resolve given its second reading, passed to be engrossed as amended and sent forthwith to the Senate.

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

**Ought to Pass  
Passed To Be Engrossed**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act Providing for Approval of Legislature for Expenditure of Bond Proceeds for Pollution Abatement Facilities" (S. P. 714) (L. D. 1679)

Report of the Committee on Education reporting same on 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 with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence and the Bills read twice. Under suspension of the rules, the Bills were given their third reading and passed to be engrossed in concurrence.

**Ought to Pass with  
Committee Amendment  
Passed to Be Engrossed**

Report of the Committee on Appropriations and Financial Affairs on 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) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Members of the House: With regard to L. D. 1678, we all realize that this pollution program must be pushed to completion, not only as a health endorsement, but to bolster the economy of our state. Our constituents know that this must be done, and they have sent us up here to find the most economical way to pay for this essential project. It is appalling to me that in twenty years on a twenty-five million dollar bond we will pay approximately fifty million dollars. Our bonded indebtedness as of last June is seventy-four million dollars. It seems to me that we are fast nearing the breaking point. This is really saddling posterity. I had hoped that we might pay for this out of current funds, but if this is not possible, then I will reluctantly vote for the twenty-five million dollar bond issue. Thank you.

Thereupon, the 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. 713, L. D. 1678, 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."

Amend said Bill by inserting before the emergency clause a new paragraph to read as follows:

'For the purposes of voting on the question in this Act only, all persons who have made application for and received absent voting ballots for the general election shall be furnished absent voting ballots on the question in this Act.'

Committee Amendment "A" was adopted in concurrence.

Under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended by Committee Amendment "A" in concurrence.

The SPEAKER: Is there objection to sending the material that we have just passed to be engrossed forthwith to the Senate? The Chair hears none. It is so ordered.

On motion of Mr. Tyndale of Kennebunkport,  
Recessed until one-thirty o'clock this afternoon.

**After Recess**  
**1:30 P.M.**

The House was called to order by the Speaker.

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

From the Senate: The following Order:

ORDERED, the House concurring, that three hundred and twenty-five (325) copies of the Legislative Record for this Special Session of the One Hundred and First Legislature, convened on September 28, 1964, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; and be it further

ORDERED, that three hundred and twenty-five copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments, under the direction of the Document Clerk (S. P. 722)

Came from the Senate read and passed.

In the House, the Order was read.

Mr. Wellman of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to Senate Joint Order S. P. 722 relative to printing of Legislative Record.

Amend said order by striking out all of said order after the words "library purposes" in the 7th line thereof and inserting in place thereof a period.

House Amendment "A" was adopted in non-concurrence.

Thereupon, the Order received passage as amended in non-concurrence and was sent up for concurrence.

**Ought Not to Pass**

Report of the Committee on Judiciary on Bill "An Act relating to Supplements as Part of the Revised Statutes" (S. P. 710) (L. D. 1686) reporting "Ought not to pass", as covered by other legislation.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Ought to Pass**

**Passed to Be Engrossed**

Report of the Committee on Judiciary reporting "Ought to pass" on 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)

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

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence and the Bills read twice. Under suspension of the rules, the Bills were given their third reading and passed to be engrossed in concurrence.

**Ought to Pass**

**with Committee Amendment**

**Passed to Be Engrossed**

Report of the Committee on Judiciary on Bill "An Act to Revise and Consolidate the Public Laws of the State" (S. P. 708) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 708, L. D. Bill, "An Act to Revise and Consolidate the Public Laws of the State."

Amend said Bill by inserting after section 4 the following:

**'Sec. 5. Supplements as part of Revised Statutes.** The laws contained in any current pocket parts or supplements to the Revised Statutes, printed and published hereafter under contract or otherwise as may be authorized by law, shall constitute, prima facie, a part of the Revised Statutes if such laws, as so contained, purport to represent reproductions of statutory amendments of the Revised Statutes, as stated in accompanying notes thereto and are so certified by the Secretary of State. If any such pocket parts or supplements are printed and published on a cumulative basis, then only such laws contained in the latest publication thereof shall constitute, prima facie, a part of the Revised Statutes.'

Further amend said Bill by renumbering sections 5 and 6 to be sections 6 and 7.

Committee Amendment "A" was adopted in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Now that we have had the two readings of the bill as amended, I think an explanation of what we are doing is in order.

The regular session of the Legislature appropriated \$190,000 for a revision of the statutes and a revision committee was appointed, consisting of five members, three from the House and two from the Senate. That committee has met on numerous occasions with various publishing houses, and it finally let a contract for \$178,850 for the preparation and publication of a revision of the statutes. The West Publishing Company, which is an experienced company and publishes a great many di-

gests, revised statutes, session laws and so on, combined with the Equity Publishing Company of New Hampshire, and the Boston Law Book Company, entered into a contract with the State of Maine for this figure for the publication.

Now the State of Maine will get two thousand copies for distribution in accordance with L. D. 1687, which you have already had before you. The volumes which were distributed to you yesterday in the box are the volumes making up the bill, they are not the statutes in their final—well, it's the bill in its final form, but they are not the statutes which you will have sent to you with an index. There has been a considerable amount of confusion on that point, so you will receive, as Members of the Legislature, five volumes of the Revised Statutes passed by this Legislature.

In addition to those five volumes, there are published eighteen volumes, annotated volumes of the Revised Statutes, which will be the working volumes for the most part. This annotation, certainly in my opinion and I believe in the opinion of the Committee, will be the most complete statement of the laws of Maine ever published. It will have interpretations as given by the Maine Courts of the Constitution of Maine, interpretations of the various statutes passed over the years, a current consolidation of the Constitution as it has already been amended at the last November election, and as it presumably will be in the next November election amended, will appear in the volumes of the Revised Statutes.

In the Foreword of the volumes you will receive, is a history of the various revisions during the entire history of this state since 1820, and was prepared by Mr. Silsby, the Assistant to the Director of Legislative Research. I am sure you will find this history most enlightening. I call to your attention that this is the tenth revision since the State became a state in 1820. There were revisions in 1840, 1857, 1871,



1883, 1903, 1916, 1930, 1944 and 1954.

A great deal of painstaking proofreading, checking and editorial work as gone into this revision. I feel confident that this Legislature will be proud of the results. I urge you to pass this bill to be enacted, realizing that a clear statement of what our laws are is an indispensable tool in the hands of the public as well as the legal profession in carrying out our form of democratic government.

Thereupon, under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended in concurrence.

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Report of the Committee on Judiciary on Bill "An Act relating to Composition of Certain District Court Districts" (S. P. 715) (L. D. 1689) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

**C O M M I T T E E A M E N D M E N T**  
"A" to S. P. 715, L. D. 1689, Bill, "An Act Relating to Composition of Certain District Court Districts."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

**'Sec. 1. Seventh District.** The 7th District Court judicial district consists of the divisions of Northern Kennebec (Waterville) and Southern Kennebec (Augusta).

**Sec. 2. Eighth District.** The 8th District Court judicial district consists of the divisions of Southern Androscoggin (Lewiston) and Eastern Cumberland (Brunswick).

**Sec. 3. Ninth District.** The 9th District Court judicial district consists of the divisions of Southern Cumberland (Portland) and Northern Cumberland (Bridgton).

**Sec. 4. Eleventh District.** The 11th District Court judicial district consists of the divisions of Northern Androscoggin (Livermore Falls), Franklin (Farmington), Northern Oxford (Rumford) and Southern Oxford (South Paris).

**Sec. 5. Repealing and amending clause.** All Acts or parts thereof inconsistent herewith are hereby repealed or amended to conform to the provisions of this Act.'

Committee Amendment "A" was adopted in concurrence.

Under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended in concurrence.

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#### Referred to the 102nd Legislature

Report of the Committee on Judiciary on 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) reporting that it be referred to the 102nd Legislature for reasons enclosed with the Report.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

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The SPEAKER: Is there objection to these several matters being sent forthwith to the Senate ten minutes after the House is in recess? The Chair hears none. It is so ordered.

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The SPEAKER: We are waiting, ladies and gentlemen, on the action of the Senate, and it will be some time. We will reconvene at the sound of the gong, and the House is now in recess.

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#### After Recess

Called to order by the Speaker.

The SPEAKER: The Chair recognizes the presence in the Hall of the House of the Minority Floor Leader, the gentleman from Old Orchard Beach, Mr. Plante.

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

**Referred to the 102nd Legislature**

Report of the Committee on Judiciary to which was referred Letter of Transmittal from the Secretary of State (S. P. 720) and Memorandum from the Supreme Judicial Court (S. P. 721) reporting that the same be referred to

the 102nd Legislature to accompany S. P. 712, L. D. 1688.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.