

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, February 10, 1965

Senate called to order by the President.

Prayer by Rev. Victor Musk of Augusta.

On motion by Mr. Glass of Waldo, the

Journal of yesterday was read and approved.

The PRESIDENT: The Chair would like to recognize in the Senate Chambers a former Senator from Aroostook County and his wife who are here this morning, former Senator from Aroostook, Senator Cyr and his wife. (Applause)

The Chair would also like to recognize a former Senator from Oxford County, former Senator Ferguson and Mrs. Ferguson. (Applause)

The Chair would also like to recognize a former Governor of the State and former U. S. Senator, Hon. Frederick G. Payne. (Applause)

Papers from the House**Joint Order**

ORDERED, the Senate concurring, that notwithstanding the provisions of Joint Rule 19-B, measures, other than Private and Special or Resolves, now in the office of the Director of Legislative Research shall be introduced in complete final form in the appropriate house not later than 1 p.m. of Friday, February 19, 1965. (H. P. 789)

Comes from the House Read and Passed.

In the Senate, read and passed in concurrence.

House Papers

Bill, "An Act Establishing the Maine Apple Fund and Maine Apple Commission." (H. P. 657) (L. D. 966)

The Committee on Reference of Bills suggested reference to the Committee on State Government.

Comes from the House referred to the Committee on Agriculture.

In Senate referred to the Committee on Agriculture in concurrence.

Bill, "An Act Providing Funds to Create a Division of Indian Affairs within the Department of Health and Welfare." (H. P. 720) (L. D. 958)

Bill, "An Act Appropriating Moneys for Construction of a Reception Diagnostic Treatment Center for Persons Committed to any Penal Institution." (H. P. 721) (L. D. 959)

Bill, "An Act Providing for Lease of Moosehorn National Wildlife Refuge, Washington County." (H. P. 722) (L. D. 960)

Bill, "An Act Relating to Development of a Day Care Project in Bangor." (H. P. 723) (L. D. 961)

Bill, "An Act Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers." (H. P. 724) (L. D. 962)

Which were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill, "An Act to Incorporate the Allied Loan Company." (H. P. 725) (L. D. 963)

Bill, "An Act to Incorporate Plymouth Capital Finance Company." (H. P. 726) (L. D. 964)

Bill, "An Act to Incorporate the Federal Finance Company." (H. P. 727) (L. D. 965)

Which Bills were referred to the Committee on Business Legislation in concurrence.

Bill, "An Act to Pay School Subsidies on the Basis of Uniform Local Effort." (H. P. 729) (L. D. 967)

(On motion by Mr. Snow of Cumberland, tabled pending reference.)

Bill, "An Act Relating to Payment of Insurance Premiums of School Employees." (H. P. 730) (L. D. 968)

Bill, "An Act Relating to Computation of Net Operating Costs in Allocating School Subsidies." (H. P. 731) (L. D. 969)

Bill, "An Act Relating to Duties of Indian Constables." (H. P. 732) (L. D. 970)

Bill, "An Act Clarifying the Education of Penobscot and Passamaquoddy Indian Children." (H. P. 733) (L. D. 971)

Which were referred to the Committee on Education in concurrence.

Bill, "An Act Relating to Appointment of Chairmen of Boards of Registration in Cities of Certain Population." (H. P. 734) (L. D. 972)

Which was referred to the Committee on Election Laws in concurrence.

Bill, "An Act Relating to Boundaries of Merrymeeting Bay Game Sanctuary." (H. P. 736) (L. D. 973)

Which was referred to the Committee on Inland Fisheries and Game in concurrence.

Bill, "An Act Relating to Driving Motor Vehicle Under Influence of Combination of Drugs and Liquor." (H. P. 737) (L. D. 974)

Bill, "An Act Revising the Lien Law on Buildings." (H. P. 738) (L. D. 975)

Bill, "An Act Relating to Relocation Payments in Eminent Domain." (H. P. 739) (L. D. 976)

Bill, "An Act Relating to Effect of Recording of Plans of Lots on Rights-of-Way." (H. P. 740) (L. D. 977)

Which were referred to the Committee on Judiciary in concurrence.

Bill, "An Act Protecting the Right of Public Employees to Join Labor Organizations." (H. P. 741) (L. D. 978)

Bill, "An Act Establishing the Fire Fighters Arbitration Law." (H. P. 742) (L. D. 979)

Bill, "An Act to Provide for Fair Minimum Wages for Construction of Public Improvements." (H. P. 743) (L. D. 980)

On motion by Mr. Harding of Aroostook, the above three bills were tabled pending reference to a committee, and especially assigned for the next legislative day.

Bill, "An Act Relating to Number of Members of Superintending School Committee of Town of Old Orchard Beach." (H. P. 744) (L. D. 981)

Bill, "An Act Relating to Operation of Retail Stores on Sundays

and Certain Holidays." (H. P. 745) (L. D. 982)

Bill, "An Act Relating to Time of Abolition of Urban Renewal Authorities." (H. P. 746) (L. D. 983)

Bill, "An Act Relating to Approval of Urban Renewal Plans." (H. P. 747) (L. D. 984)

Which were referred to the Committee on Legal Affairs in concurrence.

Bill, "An Act Relating to Definition of Hotel Under Liquor Law." (H. P. 748) (L. D. 985)

Bill, "An Act Relating to Certain Liquor Licensees Providing Entertainment to Charge Admission." (H. P. 749) (L. D. 986)

Bill, "An Act Relating to Liquor Fees of Hotels Serving and Not Serving Meals." (H. P. 750) (L. D. 987)

Bill, "An Act Relating to Definition of Hotel Under Liquor Laws." (H. P. 751) (L. D. 988)

Bill, "An Act Relating to Place of Keeping Records of Liquor Licensees." (H. P. 752) (L. D. 989)

Bill, "An Act Relating to Definition of Premise Under Liquor Laws." (H. P. 753) (L. D. 990)

Bill, "An Act Relating to Definition of Restaurant Under Liquor Law." (H. P. 754) (L. D. 991)

Bill, "An Act Regulating Liquor Salesmen." (H. P. 755) (L. D. 992)

Which were referred to the Committee on Liquor Control in concurrence.

Bill, "An Act Changing the Designation of Clerk of the Public Utilities Commission to Secretary of the Commission." (H. P. 713) (L. D. 951)

Bill, "An Act Providing for Public Utilities Commission Determination of Utility Debt Retirement." (H. P. 714) (L. D. 952)

Bill, "An Act Relating to Rules and Regulations for Safety and Welfare of Railroad Employees." (H. P. 756) (L. D. 993)

Bill, "An Act Authorizing Municipalities to Raise Money for Assistance to Water or Sewer Districts." (H. P. 757) (L. D. 994)

Bill, "An Act Creating the Newport Water District." (H. P. 764) (L. D. 1001)

Bill, "An Act Creating a Sewer District in the Town of Newport." (H. P. 765) (L. D. 1002)

Bill, "An Act Creating a Sewer District in the Town of Corinna." (H. P. 766) (L. D. 1003)

Which were referred to the Committee on Public Utilities in concurrence.

Bill, "An Act Relating to Rules Regarding Retirement of Teachers." (H. P. 758) (L. D. 995)

Which was referred to the Committee on Retirements and Pensions in concurrence.

Bill, "An Act Transferring Alcoholic Rehabilitation to Department of Mental Health and Corrections." (H. P. 759) (L. D. 996)

Bill, "An Act to Exempt University of Maine from Laws Relating to Bureau of Public Improvements." (H. P. 715) (L. D. 953)

Bill, "An Act Increasing State Tax in Unorganized Territory." (H. P. 716) (L. D. 954)

(On motion by Mr. Stern of Penobscot, tabled pending reference.)

Which were referred to the Committee on State Government in concurrence.

Bill, "An Act Creating a State Lottery Drawing for the State of Maine." (H. P. 717) (L. D. 955)

Bill, "An Act Relating to Definition of Farm Tractor Under Sales and Use Tax Law." (H. P. 718) (L. D. 956)

Bill, "An Act Relating to Payments by Baxter State Park Authority to Maine Forestry District." (H. P. 719) (L. D. 957)

Bill, "An Act Repealing Property Tax Exemption for Pleasure Boats in the State for Storage or Repair." (H. P. 760) (L. D. 997)

Bill, "An Act Repealing from Sales Tax Exemption on Containers, Packaging and the Like." (H. P. 761) (L. D. 998)

Bill, "An Act Relating to Excise Tax on Vehicles of Certain Public Utilities." (H. P. 762) (L. D. 999)

Which were referred to the Committee on Taxation in concurrence.

Bill, "An Act Increasing Fees of Registers of Deeds." (H. P. 763) (L. D. 1000)

Which was referred to the Committee on Towns and Counties in concurrence.

Senate Papers

(Referred to Committees and ordered printed)

Appropriations and Financial Affairs

Mr. Girard of Androscoggin presented Bill, "An Act Relating to Definition of Dependent Children." (S. P. 333)

Mr. Maxwell of Franklin presented Bill, "An Act Increasing Retirement Allowance of State Employees Retired on Council Orders." (S. P. 334)

Which were referred to the Committee on Appropriations and Financial Affairs.

Sent down for concurrence.

Education

Mr. Maxwell of Franklin presented Bill, "An Act Relating to Tuition for Students Attending Secondary School Outside of Residence." (S. P. 335)

Which was referred to the Committee on Education.

Sent down for concurrence.

Health and Institutional Services

Mr. Hoffses of Knox presented Bill, "An Act Relating to Bringing Contraband Articles Within the State Prison." (S. P. 336)

The same Senator presented Bill, "An Act Relating to Good Time Deductions for Convicts at the Maine State Prison." (S. P. 337)

Which were referred to the Committee on Health and Institutional Services.

Sent down for concurrence.

Inland Fisheries and Game

Mr. Maxwell of Franklin presented Bill, "An Act Relating to Visiting Traps Under Fish and Game Laws." (S. P. 338)

The same Senator presented Bill, "An Act Relating to Trapping Beaver." (S. P. 339)

Which were referred to the Committee on Inland Fisheries and Game.

Sent down for concurrence.

Judiciary

Mr. O'Leary of Oxford presented Bill, "An Act Relating to Shooting Animals in Roadside Menageries." (S. P. 340)

Which was referred to the Committee on Judiciary.

Sent down for concurrence.

Liquor Control

Mr. Cahill of Somerset presented Bill, "An Act Relating to Proximity of State Liquor Stores to Recreation Buildings and Playgrounds." (S. P. 341)

Which was referred to the Committee on Liquor Control.

Sent down for concurrence.

Natural Resources

Mr. Maxwell of Franklin presented Bill, "An Act Requiring Permits to Dam Waters for Recreational Purposes." (S. P. 342)

Which was referred to the Committee on Natural Resources.

Sent down for concurrence.

Public Utilities

Mr. Maxwell of Franklin presented Bill, "An Act Imposing Limitation Upon Holding Both Permit for Common Carriers and Contract Carriers." (S. P. 343)

Which was referred to the Committee on Public Utilities.

Sent down for concurrence.

Taxation

Mr. Maxwell of Franklin and Mr. Glass of Waldo presented Bill, "An Act Relating to Allocations from Gasoline Tax for Public Facilities for Boats." (S. P. 344)

Which was referred to the Committee on Taxation.

Sent down for concurrence.

Transportation

Mr. Maxwell of Franklin presented Bill, "An Act Relating to Signaling Devices on Motor Vehicles Used by State Liquor Inspectors." (S. P. 345)

The same Senator presented Bill, "An Act Relating to Lights Used on Motor Vehicles Operated by State Liquor Inspectors." (S. P. 346)

Which were referred to the Committee on Transportation.

Sent down for concurrence.

**Reports of Committees
House****Ought Not to Pass**

The Committee on Public Utilities on Bill, "An Act Authorizing Public Utilities Commission to Transfer Certain Telephone Lines in Knox County." (H. P. 365) (L. D. 467) reported that the same Ought Not to Pass.

The Committee on Retirements and Pensions on Bill, "An Act Increasing Pensions for Certain Retired Superintendents." (H. P. 91) (L. D. 100) reported that the same Ought Not to Pass — Covered by other legislation.

(Comes from the House, reports Read and Accepted.)

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Education on Bill, "An Act Authorizing the Municipalities of Cumberland and North Yarmouth to Form a School Administrative District." (H. P. 48) (L. D. 60) reported that the same Ought to Pass.

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Sale of Publications of Department of Inland Fisheries and Game." (H. P. 216) (L. D. 284) reported that the same Ought to Pass.

(On motion by Mr. Glass of Waldo, tabled pending acceptance of the report.)

(Comes from the House, Reports Read and Accepted and the Bills Passed to be Engrossed.)

Which reports were Read and Accepted in concurrence, the Bills Read Once and tomorrow assigned for second reading.

The Committee on Taxation on Bill, "An Act Clarifying Excise Taxes and Fees for Camp Trailers." (H. P. 8) (L. D. 8) reported that the same Ought to Pass.

(Comes from the House, Report Read and Accepted, and the Bill Passed to be Engrossed, As Amended by House Amendment "A" (H-18))

Which report was Read and Accepted in concurrence, and the Bill Read Once. House Amendment "A" (H-18) was Read and Adopted in concurrence, and the

Bill, As Amended, tomorrow assigned for second reading.

Ought to Pass — As Amended

The Committee on Education on Bill, "An Act Relating to Attending Secondary School Outside of Residence." (H. P. 46) (L. D. 58) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-17).

(Comes from the House Report Read and Accepted, and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-17) and by House Amendment "A" (H-19) thereto.)

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" (H-17) as Amended by House Amendment "A" (H-19) thereto, was Read and Adopted in concurrence, and the Bill, As Amended, tomorrow assigned for second reading.

The PRESIDENT: The Chair would like to recognize in the Senate Chamber a group from Clinton High School Civics Class. They are chaperoned by Mr. Hope. We welcome you here this morning.

I would like to say that once Thomas Jefferson said, and I quote: "Above all else, I hope that the education of the common man is attended to, convinced that on his good judgment we may rely with the most security upon the preservation of a due degree of liberty."

I mention this to you here this morning because I think we too often forget what was the original purpose and, I still feel, the principal purpose of public education today, and that is to teach young people how to govern themselves, because no matter what else it achieves, if it fails to do this then we lose our freedom and we have nothing.

We hope that you enjoy and benefit from your stay here today.

I would like to introduce to you the Senators from your County, the County of Kennebec: Senator Carter, Senator Dunn and Senator Shiro. (Applause)

Divided Report

The Majority of the Committee on Education on Bill, "An Act to Authorize the Town of Pownal to Form a School Administrative District." (H. P. 47) (L. D. 59) reported that the same Ought Not to Pass.

(Signed)

SNOW of Cumberland
FALOOD of Penobscot

Representatives:

CARROLL of Limerick
LEVESQUE
of Madawaska
HANSON of Lebanon
GIFFORD of Manchester

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

(Signed)

Senator:

MENDELL of Cumberland

Comes from the House, Minority — Ought to Pass Report Accepted, and the Bill Passed to be Engrossed.

In the Senate, the reports were read and on motion by Mr. Snow of Cumberland, the Majority Ought Not to Pass report was accepted in non-concurrence and sent down for concurrence.

The PRESIDENT: The Chair would also like to recognize in the balcony a group from Bristol Consolidated School, chaperoned by Mrs. Poole and Mrs. Hope. They are from Lincoln County. We welcome you here this morning, and we hope that you enjoy and benefit from your stay here. I would like to introduce to you the Senator from your County, Senator Sproul. (Applause)

Second Readers

House

Bill, "An Act Relating to the Display of Boat Numbers." (H. P. 70) (L. D. 204)

Which was Read a Second Time and Passed to be Engrossed in concurrence.

House — As Amended

Bill, "An Act Relating to Hunting on Mount Desert Island, Han-

cock County." (H. P. 132) (L. D. 156)

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

Senate

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 90) (L. D. 234)

Mr. Snow of Cumberland presented Senate Amendment A, S-6, which was read; on motion by Mr. O'Leary of Oxford, the bill and the amendment were tabled pending motion by Mr. Snow to adopt Senate Amendment A; and the bill was especially assigned for the next legislative day.

Resolve Appropriating Moneys for Search of Lost Persons in the Woodlands of the State. (S. P. 92) (L. D. 236)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Age of Compulsory Education." (S. P. 85) (L. D. 229) Committee Amendment (S-3)

Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory. (S. P. 73) (L. D. 134) Committee Amendment (S-4)

Bill, "An Act to Revise the Laws Relating to the District Court." (S. P. 67) (L. D. 128) Committee Amendment (S-2)

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

Sent down for concurrence.

Enactors

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

Bill, "An Act Providing for Training in Safe Handling of Firearms by Certain Minors." (H. P. 61) (L. D. 72)

(On motion by Mr. Harding of Aroostook, tabled pending passage to be enacted)

Bill, "An Act Relating to Length of Time for Controlled Atmos-

phere Storage of Apples." (H. P. 26) (L. D. 38)

Which Bill was Passed to be Enacted.

Orders of the Day

The PRESIDENT: The Chair would like to welcome in the Senate balcony a group of Hallowell High School students. They are from the class on Problems of Democracy and are chaperoned by Mr. Weber and Mrs. Gypson. They are from the City of Hallowell which is in the County of Kennebec. We hope that you both enjoy and profit from your stay here.

I would like to introduce to you the Senators from Kennebec County: Senator Carter, Senator Shiro and Senator Dunn. (Applause)

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (S. P. 61) (L. D. 122) Senate Reports from the Committee on Election Laws on Bill, "An Act Determining Position of Names of Candidates on Primary Ballot" Majority Report, Ought Not to Pass; Minority Report, Ought to pass; tabled on February 4 by Senator Cahill of Somerset pending motion by Senator Snow of Cumberland to accept the Minority Ought to pass report; and on motion by Mr. Harding of Aroostook, the bill was recommitted to the Committee on Election Laws.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 454) (L. D. 608) Bill, "An Act Decreasing Interest Rate for Small Loan Agencies"; tabled on February 9 by Senator Harding of Aroostook pending motion by Senator Jacques of Androscoggin to refer to the Committee on Legal Affairs.

Mr. HARDING of Aroostook: Mr. President, may I inquire, through the Chair, of the Senator from Androscoggin, Senator Jacques, if he at this time would be willing to withdraw his motion to refer the bill to the Committee on Legal Affairs?

The PRESIDENT: The Senator from Aroostook, Senator Harding has directed an inquiry, through the Chair, to the Senator from Androscoggin, Senator Jacques who may answer if he wishes.

Mr. JACQUES of Androscoggin: Mr. President, I withdraw my motion.

Thereupon, on motion by Mr. Harding of Aroostook, the bill was referred to the Committee on Business Legislation in concurrence.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 38) (L. D. 50) Resolve in Favor of Town of Dixmont for Certain Snow Removal; tabled on February 9 by Senator Cahill of Somerset pending final passage; and on motion by that Senator, the resolve was finally passed.

Mr. MAXWELL of Franklin: Mr. President, may I inquire if L. D. 873, H. P. 557, "An Act for Shrinkage Allowance on Motor Fuel for Service Stations is in the possession of the Senate?

The PRESIDENT: The Chair would answer that it is, having been held at the request of the Senator.

Thereupon, on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was referred to the committee on Business Legislation; and on further motion by the same Senator, the bill was tabled pending reference to a committee.

On motion by Mr. Glass of Waldo, the Senate voted to take from the table the 3rd tabled and unassigned item (H. P. 94) (L. D. 103) Bill, "An Act Relating to License for Sardine Packers"; tabled by that Senator on February 3rd pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

Mr. FALON of Penobscot: Mr. President, may I inquire if (H.

P. 135), (L. D. 159), Resolve Regulating Fishing in Certain Waters in Penobscot and Piscataquis Counties is in the possession of the Senate?

The PRESIDENT: The Chair will state that it is, having been requested by the Senator.

Thereupon, on further motion by Mr. Faloon of Penobscot, the Senate voted to reconsider its former action whereby the resolve was passed to be engrossed and on further motion by the same Senator, the resolve was tabled pending passage to be engrossed.

On motion by Mr. Letourneau of York, the Senate voted to take from the table the 6th tabled and unassigned item (H. P. 75) (L. D. 85) Bill, "An Act Providing Compensation for Members of Park Commission, School Committee and Police Commissioners of Town of Sanford"; tabled by that Senator on February 4 pending passage to be engrossed.

Mr. LETOURNEAU of York: Mr. President, in conference with the members of the different departments of the town of Sanford, and with the sponsor of the bill, I move that the bill be indefinitely postponed.

The motion prevailed and the bill was indefinitely postponed in non-concurrence and sent down for concurrence.

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table the 2nd tabled and unassigned matter, (H. P. 455) (L. D. 609) Bill, "An Act Relating to Interest Rate for Licensed Small Loan Agencies," which was tabled by that Senator on February 2nd pending reference; and on further motion by the same Senator the bill was referred to the Committee on Business Legislation in concurrence.

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table the 8th tabled and unassigned matter, (S. P. 315) Bill, "An Act Relating to Payments under Industrial Accident Commission Decrees," which

was tabled by that Senator on February 9th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Labor.

Sent down for concurrence.

On motion by Mr. Norris of Oxford, the Senate voted to reconsider its action whereby (H. P. 38) (L. D. 50). "Resolve, in Favor of Town of Dixmont for Certain Snow Removal" was finally passed, and on further motion by the same Senator the resolve was laid on the Special Highway Appropriations Table pending final passage.

The PRESIDENT: The Chair would like to welcome a group of 5th and 6th grade students from the South Gardiner Grammar School, chaperoned by Mr. Bragdon, Principal. The Town of South Gardiner is in Kennebec County. I would like to welcome you here this morning, and we hope you enjoy and benefit from your stay here. I would like to present the Senators from your County: Senator Dunn, Senator Carter and Senator Shiro. (Applause)

On motion by Mr. Harding of Aroostook

Adjourned until ten o'clock tomorrow morning.