

# 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**

Thursday, February 11, 1965

Senate called to order by the President.

Prayer by Rev. Edward F. Allen of Augusta.

On motion by Mr. Hilton of Somerset, the Journal of yesterday was Read and Approved.

**Paper from the House**

State of Maine  
102nd Legislature

**Joint Resolution**

WHEREAS, the Town of Lisbon was dealt a severe economic blow, through the closure of its two mills;

WHEREAS, a loss of over nine hundred employment opportunities ensued;

WHEREAS, the Town of Lisbon was not in a position of self aid due to lack of resources and technical knowledge;

WHEREAS, a Presidential Task Force was assigned to the Town of Lisbon in which Col. Iverson Mitchell, in a spirit of true dedication, united a local force and worked unwaveringly until the objective was clear;

BE IT HEREBY RESOLVED that this 102nd Maine Legislature go on record to declare its recognition to Federal, State and local agencies which contributed, and were instrumental in restoring a favorable economic climate to the Town of Lisbon as recognized and defined below:

President Lyndon B. Johnson; The Presidential Task Force, under the direction of Col. Iverson Mitchell, and assisted by Mr. Jerome Barnett; The Small Business Administration, headed by Mr. Thomas Noonan; The U. S. Department of Agriculture; The Members of Maine Congressional Delegation; John H. Reed, Governor of the State of Maine; The Department of Economic Development, headed by Commissioner Standish K. Bachman and assisted by Mr. Robert Ransone; and The Maine Employment Security Commission;

BE IT FURTHER RESOLVED that copies of this Joint Resolu-

tion be transmitted by the Clerk of the House to the Secretary of Commerce, and heads of other assisting agencies, with the request that they accept this commendation with the sincere gratitude of the Town of Lisbon and the 102nd Maine Legislature. (H. P. 879)

Presented by Mr. Hunter of Durham.

Comes from the House, Read and Adopted.

In the Senate, read and adopted in concurrence.

**House Papers**

Bill, "An Act Revising Law Relating to Facility Improvement Fund for Agricultural Fairs." (H. P. 615) (L. D. 1008)

Which was referred to the Committee on Agriculture in concurrence.

Bill, "An Act Reestablishing Western Maine Sanatorium in Hebron as a Nursing Home for the Elderly." (H. P. 443) (L. D. 1010)

Bill, "An Act Providing State Scholarships for Higher Education." (H. P. 767) (L. D. 1011)

Bill, "An Act Creating the Office of State Archivist." (H. P. 768) (L. D. 1012)

Bill, "An Act Providing State Scholarships for Education." (H. P. 769) (L. D. 1013)

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

Bill, "An Act Transferring Education of Indians to the Department of Education." (H. P. 770) (L. D. 1014)

Which was referred to the Committee on Education in concurrence.

Bill, "An Act Relating to Sale or Compounding of Drugs by Apothecary Only." (H. P. 772) (L. D. 1015)

Which was referred to the Committee on Health and Institutional Services in concurrence.

Bill, "An Act Relating to Free Public Access to Waters Stocked with Fish Raised by State." (H. P. 735) (L. D. 1009)

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

Bill, "An Act Prohibiting Minors from Entering Running Horse Race Tracks While Pari-Mutuel Pool is in Progress." (H. P. 773) (L. D. 1016)

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

Bill, "An Act Relating to Local Option Questions on Sale of Liquor." (H. P. 774) (L. D. 1017)

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

### **Senate Papers**

Referred to Committees and ordered printed

### **Appropriations and Financial Affairs**

Bill, "An Act Relating to Retirement of Justices of the Supreme Judicial Court and Superior Court." (S. P. 347)

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

Sent down for concurrence.

### **Business Legislation**

Mr. Harding of Aroostook presented Bill, "An Act Relating to Organization of Small Loan Companies." (S. P. 348)

The same Senator presented Bill, "An Act Relating to Licensing Small Loan Agencies." (S. P. 350)

Mr. Stern of Penobscot presented Bill, "An Act Revising the Laws Relating to Registration of Physicians and Surgeons." (S. P. 351)

Which were referred to the Committee on Business Legislation.

Sent down for concurrence.

### **Education**

Mr. Snow of Cumberland presented Bill, "An Act Requiring all Municipalities to Join School Administrative Districts by 1970." (S. P. 349)

Which was referred to the Committee on Education.

Sent down for concurrence.

### **Judiciary**

Mr. Harding of Aroostook presented Bill, "An Act Relating to Jurisdiction of District Courts." (S. P. 352)

The same Senator presented Bill, "An Act Providing for Appeal of Sentence in Criminal Cases." (S. P. 353)

Mr. Violette of Aroostook presented Bill, "An Act Relating to Bail Jumping." (S. P. 354)

The same Senator presented Bill, "An Act Relating to Time of Terms of the Superior Court in Certain Counties." (S. P. 355)

The same Senator presented Bill, "An Act Affecting Certain Statutes Pertaining to Court Process and Procedure in Criminal Cases and to Kindred Matters." (S. P. 356)

Mr. Stern of Penobscot presented Bill, "An Act Relating to Trespass on Lands of the University of Maine." (S. P. 357)

Which were referred to the Committee on Judiciary.

Sent down for concurrence.

### **Liquor Control**

Mr. Stern of Penobscot presented Bill, "An Act Relating to Drinking in Unlicensed Public Places." (S. P. 358)

Which was referred to the Committee on Liquor Control.

Sent down for concurrence.

### **Transportation**

Mr. Snow of Cumberland presented Bill, "An Act Creating the State Airport Authority." (S. P. 359)

On motion by Mr. Snow of Cumberland, tabled pending reference to a committee.

The following Bills were approved for appearance on the Calendar by the majority of the Committee on Reference of Bills:

### **Business Legislation**

Mr. Hilton of Somerset presented Bill, "An Act Relating to Labeling of Imported Meats Sold in Retail Stores." (S. P. 360)

Which was received by unanimous consent and referred to the Committee on Business Legislation.

Sent down for concurrence.

### Legal Affairs

Mr. Faloon of Penobscot presented Bill, "An Act to Annex Certain Territories to the Town of Howland." (S. P. 361)

Which was received by unanimous consent and referred to the Committee on Legal Affairs.

Sent down for concurrence.

### Committee Reports

#### House

#### Ought Not to Pass

The Committee on Public Utilities on Bill, "An Act Relating to Snowplows on Railroads." (H. P. 83) (L. D. 93) reported that the same Ought Not to Pass.

On motion by Mr. Boisvert of Androscoggin, tabled pending acceptance of the report.

#### Ought to Pass

The Committee on Agriculture on Bill, "An Act Relating to False Registration of Livestock." (H. P. 183) (L. D. 238) reported that the same Ought to Pass.

The Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Time for Dragging for Scallops in Harrington River and Pleasant River, Washington County." (H. P. 159) (L. D. 182) reported that the same Ought to Pass.

The Committee on State Government on Bill, "An Act Relating to Appointment, Rank and Duties of Assistant Adjutants General." (H. P. 163) (L. D. 185) reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Increasing Compensation of Trustees of Mexico Sewer District." (H. P. 285) (L. D. 367) reported that the same Ought to Pass.

The same Committee on Bill, "An Act to Increase Borrowing Capacity of the Fort Fairfield Utilities District." (H. P. 366) (L. D. 468) reported that the same Ought to Pass.

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

#### Ought to Pass — in New Draft

The Committee on Retirements and Pensions on Bill, "An Act

Relating to Pensions for Certain Retired Teachers." (H. P. 89) (L. D. 98) reported that the same Ought to Pass in New Draft, under title of "An Act Relating to State Retirement Benefits for Certain Teachers." (H. P. 788) (L. D. 931)

Which report was Read and Accepted in concurrence, the Bill Read Once in New Draft, and tomorrow assigned for second reading.

### Divided Report

The Majority of the Committee on State Government on Bill, "An Act Exempting Certain non-resident Aircraft and Pilots from Registration under Maine Aeronautics Act." (H. P. 162) (L. D. 184) reported that the same Ought to Pass.

(Signed)

Senators:

STERN of Penobscot  
MAXWELL of Franklin  
WILLEY of Hancock

Representatives:

DOSTIE of Lewiston  
EDWARDS of Portland  
STARBIRD of Kingman  
BERRY of Cape Elizabeth  
KATZ of Augusta  
LIBHART of Brewer

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

(Signed)

Representative:

PITTS of Harrison

Comes from the House, Majority — Ought to Pass report Accepted.

In the Senate, on motion by Mr. Sterns of Cumberland, the Majority Ought to Pass report was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

### Committee Reports

#### Senate

Mr. Casey from the Committee on Towns and Counties on Bill, "An Act Relating to Licensing Dogs in Unorganized Territory." (S. P. 51) (L. D. 222) reported that the same Ought to Pass.

Mr. Bernard from the Committee on Business Legislation on Bill, "An Act to Amend the Charter of the Union Mutual Life Insurance Company." (S. P. 83) (L. D. 227) reported that the same Ought to Pass.

Mr. Snow from the Committee on Education on Bill, "An Act to Adjust Payments for Edmunds School Addition to Coincide with Actual Construction Cost." (S. P. 89) (L. D. 233)

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

### Second Readers

**The Committee on Bills in the Second Reading reported the following Bills:**

#### House

Bill, "An Act Authorizing the Municipalities of Cumberland and North Yarmouth to Form a School Administrative District." (H. P. 48) (L. D. 60)

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

#### House — As Amended

Bill, "An Act Clarifying Excise Taxes and Fees for Camp Trailers." (H. P. 8) (L. D. 8)

Which was read a second time, and on motion by Mr. Shiro of Kennebec was tabled pending passage to be engrossed.

Bill, "An Act Relating to Attending Secondary School Outside of Residence." (H. P. 46) (L. D. 58)

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

### Enactors

**The Committee on engrossed bills reported as truly and strictly engrossed, the following Bills:**

Bill, "An Act Relating to Civil Rights of Persons Hospitalized for Mental Illness." (H. P. 69) (L. D. 80)

Bill, "An Act Relating to Powers and Duties of School Committee of the City of Portland." (H. P. 80) (L. D. 90)

Bill, "An Act Increasing Salaries of and Relating to Vacancies in Trustees of Boothbay-Boothbay Harbor Community School District." (H. P. 126) (L. D. 150)

Which Bills were Passed to be Enacted.

Resolve to Reimburse Allen Bragdon of Ashland for Loss of Poultry. (S. P. 58) (L. D. 119)

(On motion by Mr. Duquette of York, placed on the Special Appropriations table pending final passage.)

### Emergency

Bill, "An Act Relating to Beano." (S. P. 235) (L. D. 535)

Which Bill, being an Emergency Measure and having received the affirmative vote of 32 members of the Senate, was Passed to be Enacted.

### Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 741) (L. D. 978) Bill, "An Act Protecting the Right of Public Employees to Join Labor Organizations"; tabled on February 10 by Senator Harding of Aroostook pending reference; and on motion by that Senator, the bill was referred to the Committee on Labor in concurrence.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 742) (L. D. 979) Bill, "An Act Establishing the Fire Fighters Arbitration Law"; tabled on February 10 by Senator Harding of Aroostook pending reference; and on motion by that Senator, the bill was referred to the Committee on Labor in concurrence.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 743) (L. D. 980) Bill, "An Act to Provide for Fair Minimum Wages for Construction of Public Improvements" tabled on February 10 by Senator Harding of Aroostook; and on motion by that Senator, the bill was referred to the Committee on Labor in concurrence.

The President laid before the Senate the 4th tabled and today

assigned item (H. P. 216) (L. D. 284) Committee Report, Ought to Pass, from the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Sale of Publications of Department of Inland Fisheries and Game"; tabled on February 10 by Senator Glass of Waldo pending acceptance of the report.

Mr. O'LEARY of Oxford: Mr. President, I have many misgivings about this act and I would like to request that it be referred to the Committee on Inland Fisheries and Game.

The motion prevailed and the bill was recommitted to the Committee on Inland Fisheries and Game.

Sent down for concurrence.

The President laid before the Senate the 5th tabled and today assigned matter (S. P. 90) (L. D. 234) Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws," which was tabled by that Senator on February 10 pending Adoption of Senate Amendment "A".

Mr. O'LEARY: Mr. President, in regard to this Senate Amendment, Filing S-6, I have many misgivings about this amendment and I would question the germaneness of this amendment to Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws."

The PRESIDENT: Does the Chair understand the Senator to question the germaneness of the amendment?

Mr. O'LEARY: I do, Mr. President.

The PRESIDENT: The Senate may be at ease.

(At ease)

Called to order by the President.

The PRESIDENT: The Chair rules that the amendment is germane.

Mr. O'LEARY: Mr. President, I was wishing that the Chair would rule that the amendment was not germane so I would not have the unpleasant task of standing here asking for the indefinite postponement of this amendment, but I shall now make a short statement as to what I believe is

in the area of its ungermaneness to this bill.

At the end of the amendment it says: "Busses operated by a motor carrier having a certificate of public convenience and necessity issued by the Public Utilities Commission under Title 35, Sections 1501 to 1518 which comply with the requirements of the Commission shall not be regarded as school busses."

I believe this should not be under this one section but should belong under another, regulated by the Public Utilities, so I therefore ask that this amendment be indefinitely postponed.

The PRESIDENT: Does the Chair understand the Senator's motion to be to indefinitely postpone, or is the Senator questioning the ruling of the Chair which is his prerogative?

Mr. O'LEARY of Oxford: Mr. President, I move the indefinite postponement of Senate Amendment A.

Thereupon, on motion by Mr. Snow of Cumberland, the bill and accompanying papers were tabled pending motion by Mr. O'Leary of Oxford to indefinitely postpone Senate Amendment A.

Mrs. SPROUL of Lincoln: Mr. President, I move that the Senate reconsider its action taken on Item 7-3, L. D. 58.

The motion prevailed and the Senate voted to reconsider its action taken earlier in today's session whereby Bill, "An Act Relating to Attending Secondary School Outside of Residence" (H. P. 46) (L. D. 58) was passed to be engrossed.

Mrs. SPROUL of Lincoln: Mr. President, I would like some member of the Education Committee to explain to me just what this bill does. If it does what I think it does, I strenuously object.

The PRESIDENT: The Senator from Lincoln, Senator Sproul requests a member of the Education Committee to explain to her what this bill does. Any member of the Committee who wishes may answer.

Thereupon, on motion by Mr. Snow of Cumberland, the bill was

tabled pending passage to be engrossed.

On motion by Mr. Bernard of Penobscot, the Senate voted to reconsider its action taken earlier in today's session whereby (Item 1-1) Bill "An Act Revising Law Relating to Facility Improvement Fund for Agricultural Fairs" H. P. 615) (L. D. 1008) was referred to the Committee on Agriculture; and on further motion by the same Senator, the bill was tabled pending reference.

On motion by Mr. Snow of Cumberland, the Senate voted to take from the table the 12th tabled and unassigned item (H. P. 729) (L. D. 967) Bill, "An Act to Pay School Subsidies on the Basis of Cumberland pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

Sent down for concurrence.

On motion by Mr. Stern of Penobscot, the Senate voted to take from the table the 11th tabled and unassigned item (H. P. 716) (L. D. 954) Bill, "An Act Increasing State Tax in Unorganized Territory"; tabled on February 10 by Senator Stern of Penobscot pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Taxation in non-concurrence.

Sent down for concurrence.

On motion by Mr. Glass of Waldo, the Senate voted to take from the table the 6th tabled and unassigned item (H. P. 639) (L. D. 864) Bill, "An Act to Provide for Review of Law and Fact in Appeal Cases under Workmen's Compensation Act"; tabled on Febru-

ary 9 by Senator Glass of Waldo pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Judiciary in non-concurrence.

Sent down for concurrence.

On motion by Mr. Cahill of Somerset, the Senate voted to take from the table the 8th tabled and unassigned item (H. P. 214) (L. D. 282) House Report, Ought Not to Pass from the Committee on Inland Fisheries and Game on Bill, "An Act Creating a Hunting Accident Reserve Fund; tabled by that Senator on February 9 pending acceptance of the report.

Mr. CAHILL of Somerset: Mr. President, as many of you know, I tabled this for the purpose of offering an amendment. While everyone was very sympathetic, no one seemed to think he would vote for it anyway so I shall bow to the will of the committee.

Thereupon, the Ought Not to Pass report was accepted in concurrence.

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table the 1st tabled and unassigned item (S. P. 154) Bill, "An Act Authorizing Androscoggin County to Raise Money for Garage and Court House Capital Improvements"; tabled by that Senator on January 21 pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Towns and Counties and sent down for concurrence.

On motion by Mr. Harding of Aroostook

Adjourned until tomorrow morning at ten o'clock.