

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

Friday, February 12, 1965

Senate called to order by the President.

Prayer by Rev. William Chamberlain of Winthrop.

On motion by Mr. Hoffses of Knox, the Journal of yesterday was Read and Approved.

**Order
(Out of Order)**

On motion by Mr. Boisvert of Androscoggin, out of order and under suspension of the rules:

ORDERED, the House concurring, that when the Senate and the House adjourn, they adjourn to meet on Tuesday, February 16th at 10 o'clock in the morning. (S. P. 372)

Which was Read and Passed.
Sent forthwith to the House for concurrence.

Papers from the House

Non-concurrent matters

Divided Report from the Committee on Election Laws on Bill, "An Act Determining Position of Names of Candidates on Primary Ballot." (S. P. 60) (L. D. 121)
Majority Report — Ought Not to Pass.

Minority Report — Ought to Pass.

In Senate, February 10, recommit-
ted to Committee on Election Laws.

Comes from the House, Majority — Ought Not to Pass report Accepted in Non-concurrence.

In the Senate, on motion by Mr. Letourneau of York, the Senate voted to recede and concur.

The PRESIDENT: The Chair at this time would like to recognize in the back of the Chamber a former Senator of this body, the Senator from Aroostook County, Mrs. Augusta K. Christie. (Applause)

Divided Report from the Committee on Election Laws on Bill, "An Act Determining Position of Names of Nominees on General Election Ballot." (S. P. 61) (L. D. 122)

Majority Report — Ought Not to Pass.

Minority Report — Ought to Pass.

In Senate, February 10, Re-
mitted to Committee on Election Laws.

Comes from the House, Majority — Ought Not to Pass report Accepted in Non-concurrence.

In the Senate, on motion by Mr. Letourneau of York, the Senate voted to recede and concur.

House Papers

Bill, "An Act Appropriating Funds to the Division of Vocational Rehabilitation, Department of Education." (H. P. 786) (L. D. 1039)

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

Bill, "An Act Relating to Community Antenna Television System." (H. P. 775) (L. D. 1029)

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

Bill, "An Act Relating to Additional Fee for Lobster and Crab Fishing License." (H. P. 776) (L. D. 1030)

Which was referred to the Committee on Sea and Shore Fisheries in concurrence.

Bill, "An Act Creating a Department of Indian Affairs." (H. P. 777) (L. D. 1031)

Bill, "An Act Relating to Services for Locating Deserting Parents and Other Persons Liable for Support of Dependents." (H. P. 779) (L. D. 1032)

Bill, "An Act Conferring Upon Others the Powers now Vested in the Executive Council." (H. P. 543) (L. D. 1028)

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

Bill, "An Act Relating to Exemption of Certain Motor Vehicle Fuel from the Sales Tax." (H. P. 780) (L. D. 1033)

Bill, "An Act Relating to Excise Tax on Aircraft." (H. P. 781) (L. D. 1034)

Bill, "An Act Exempting Gas for Cooking and Heating in Homes for Sales Tax." (H. P. 782) (L. D. 1035)

Which were referred to the Committee on Taxation in concurrence.

Bill, "An Act Relating to Notice to Utilities in Discontinuing Town and County Roads." (H. P. 783) (L. D. 1036)

Bill, "An Act Increasing Salary of Superior Court Messenger of Cumberland County." (H. P. 784) (L. D. 1037)

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

Bill, "An Act Relating to Settlements of Paupers." (H. P. 785) (L. D. 1038)

Which was referred to the Committee on Welfare in concurrence.

Communications

Augusta, Maine
February 11, 1965

To the Honorable Senate
and House of Representatives
102nd Legislature

Pursuant to a Joint Order, I am pleased to submit herewith a study report by the Joint Interim Committee created by the 101st Legislature to study State certification of teachers.

Respectfully,

RALPH W. FARRIS, Jr.
Chairman

RWF-efb (SP 362)

Which was Read and Ordered
Placed on File with accompanying
report.

Sent down for concurrence.

JOINT RESOLUTION

Mr. Southard of Penobscot presented the following Resolution and moved its adoption:

In the Year of our Lord One Thousand Nine Hundred and Sixty-Five.

Joint Resolution Protesting the Ordered Closing of VA Hospitals, Domiciliaries and Regional Offices.

WHEREAS, the Administrator of Veterans Affairs, Veterans Administration has summarily and publicly announced the intention of closing permanently thirty-one Veterans Administration facilities

throughout the nation, including eleven hospitals and four soldiers' home; and

WHEREAS, the Veterans Administration plans to transfer these veterans who are patients to other facilities, presumably including the Togus, Maine Veterans Administration hospital which is already filled to capacity, thereby creating hardships on Maine veterans; and

WHEREAS, the ordered closings of the Veterans Administration Regional Offices in New Hampshire and Vermont and the merging of their functions with the Boston Veterans Administration office raises grave doubts as to the future of the Togus Regional Office; and

WHEREAS, it was clearly the intent of the Congress of the United States, the veterans organizations and a grateful nation that our disabled veterans be cared for and that they and their dependents be rendered every possible assistance in applying for the other benefits to which they are rightly entitled; and

WHEREAS, the ordered closings of the Veterans Administration facilities will render undue hardship to our Maine veterans and their families, as well as those in New England and the entire nation, in seeking care and benefits;

NOW, THEREFORE, BE IT RESOLVED that the members of the United States Congress from the State of Maine are hereby urgently requested to use every possible means to cause the decision to close said facilities to be reversed; and

BE IT FURTHER RESOLVED that a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Lyndon B. Johnson, President of the United States; to the Honorable Ralph W. Yarborough, Chairman of the Senate Committee on Veterans Affairs; to the Honorable Olin E. Teague, Chairman of the Veterans Affairs Committee of the House of Representatives; to the Honorable William J. Driver, Administrator of Veterans Affairs, Veterans Administration; and to

the members of the United States Congress from the State of Maine.

Senator DONALD E. SOUTHARD

Which was Read and Adopted.

Sent down for concurrence. (S. P. 373)

Mr. Boisvert of Androscoggin presented the following Resolution and moved its adoption:

Joint Resolution Honoring The University of Maine On Its Centennial.

WHEREAS, February 25, 1965 marks the centennial of the legislation providing for the establishment of the University of Maine; and

WHEREAS, the State of Maine has been the beneficiary of the extensive teaching, research, and service programs of this excellent institution; and

WHEREAS, its students, faculty and alumni have contributed immeasurably to the betterment of the State and Nation; now, therefore, be it

RESOLVED: That this 102nd Maine Legislature designates 1965 as the Centennial Year for Maine's only State University, takes great pride in recognizing the accomplishments of the institution during the past 100 years, offers its support and encouragement as the University launches into its second century of progress, and names the President of the Senate and the Speaker of the House and such members of the Legislature as each may appoint to represent this Legislature at the special Founders Day Convocation at the University on February 25, 1965. (SP 374)

Which was Read and Adopted.

Sent down for concurrence forthwith.

Senate Papers

(Referred to Committees and ordered printed)

Business Legislation

Mr. Letourneau of York presented Bill, "An Act Relating to Production Quotas for Debit Insurance Agents." (S. P. 363)

Which was referred to the Committee on Business Legislation.

Sent down for concurrence.

Health and Institutional Services

Mr. Girard of Androscoggin presented Bill, "An Act to Authorize State Participation in Federally Aided Health Facilities Program." (S. P. 364)

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

Sent down for concurrence.

Highways

Mr. Brown of Hancock presented Bill, "An Act to Provide for Partial Discontinuance of Highways." (S. P. 365)

Which was referred to the Committee on Highways.

Sent down for concurrence.

Retirements and Pensions

Mr. Boisvert of Androscoggin presented Bill, "An Act Relating to Credit for Military Service Under State Retirement Law." (S. P. 366)

Which was referred to the Committee on Retirements and Pensions.

Sent down for concurrence.

Sea and Shore Fisheries

Mr. Jutras of York presented Bill, "An Act to Provide Special Lobster and Crab Licenses in York County." (S. P. 367)

Which was referred to the Committee on Sea and Shore Fisheries.

Sent down for concurrence.

Transportation

Mr. O'Leary of Oxford presented Bill, "An Act Revising the Motor Vehicle Dealer Registration Law." (S. P. 368)

Mr. Jacques of Androscoggin presented Bill, "An Act Relating to Size of Temporary Number Plates for Motorcycles." (S. P. 369)

The same Senator presented Bill, "An Act Relating to Number Plates on Motorcycles." (S. P. 370)

The same Senator presented Bill, "An Act Relating to Operation of Motorcycles While Learning to Drive." (S. P. 371)

Which were referred to the Committee on Transportation.

Sent down for concurrence.

Committee Reports**House****Leave to Withdraw**

The Committee on Sea and Shore Fisheries on Bill, "An Act Regulating the Digging of Clams in Wells, York County." (H. P. 93) (L. D. 102) reported that the same should be granted Leave to Withdraw, as covered by other legislation.

Comes from the House Report Read and Accepted.

In the Senate, read and accepted in concurrence.

Ought Not to Pass

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Setting Traps Near Beaver Dams." (H. P. 220) (L. D. 288) reported that the same Ought Not to Pass.

The same Committee on Bill, "An Act Relating to Fees for Tagging and Marking Beaver Skins." (H. P. 221) (L. D. 289) reported that the same Ought Not to Pass.

The same Committee on Bill, "An Act Relating to Hunting for Pheasants." (H. P. 217) (L. D. D. 285) reported that the same Ought Not to Pass.

The same Committee on Bill, "An Act Providing for a Bounty on Bears." (H. P. 222) (L. D. 290) reported that the same Ought Not to Pass.

Which reports were read and accepted in concurrence.

The Committee on Taxation on Bill, "An Act Relating to Municipal Excise Taxes on Boats." (H. P. 168) (L. D. 189) reported that the same Ought Not to Pass.

(On motion by Mr. Maxwell of Franklin, tabled pending acceptance of the report.)

Ought to Pass — As Amended

The Committee on Judiciary on Resolve Authorizing Kermit O. Stadig to Bring Civil Action Against State of Maine. (H. P. 230) (L. D. 299) reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-20)

Which report was Read and accepted in concurrence and the Re-

solve Read Once. Committee Amendment "A" adopted in concurrence, and the Bill, as amended tomorrow assigned for second reading.

Change of Reference

The Committee on Education on Resolve to Provide Funds for Teaching Boat Building in SAD No. 5 by Maine Vocational Technical Institute. (H. P. 209) (L. D. 277) reported that the same should be referred to the Committee on Appropriations and Financial Affairs.

Which report was Read and Accepted in concurrence.

Divided Report

The Majority of the Committee on Education on Bill, "An Act Requiring Childhood Education Programs for Five-Year-Olds." (H. P. 202) (L. D. 257) reported that the same Ought Not to Pass.

(Signed)
Senators:

SNOW of Cumberland
FALOON of Penobscot
MENDELL of Cumberland

Representatives:

CARROLL of Limerick
HANSON of Lebanon
GIFFORD of Manchester
RICHARDSON
of Stonington

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

(Signed)
Representative:

GRAHAM of Freeport

Comes from the House, Majority — Ought Not to Pass report Read and Accepted.

In the Senate, the reports were read.

Mr. SNOW of Cumberland: Mr. President, I move for the acceptance of the Majority "Ought not to pass" report on this measure, L. D. 257, H. P. 202, and I would like to make a brief comment in connection with this.

The Committee on Education has before it many bills of a compulsory or mandatory nature.

The Committee recognizes the value of sub-primary programs in our school systems but it feels that this and other legislation which will be reported later should not be a mandatory affair and the Department of Education should make more of an effort to sell the communities which do not have this and other programs of a similar nature rather than seeking to mandate adoption of the programs.

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

Committee Reports

Senate

Leave to Withdraw

Mr. Jacques from the Committee on Legal Affairs on Bill, "An Act Prohibiting Sunday Auctions." (S. P. 68) (L. D. 129) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

Mr. Stern from the Committee on Judiciary on Bill, "An Act Relating to Statements of Ministers, Priests and Rabbis as Privileged Communications." (S. P. 15) (L. D. 28) reported that the same Ought Not to Pass.

Mr. CAHILL of Somerset: Mr. President, I move that we accept the Committee report and I would like to speak to the motion.

The PRESIDENT: The Senator may proceed.

Mr. CAHILL: Mr. President, this particular bill probably will affect more people in the State of Maine than any other legislation that we have before us. For some reason the committee feels unanimously that it should not pass. However we do have in our statutes at the present time laws that allow certain groups privileged communication, and certainly in the instance of religious leaders it would seem that they should enjoy the same privileged communications. Some of them must at times receive communications from people who perhaps have violated the law and they could be called before the courts at the present time and be made to testify and put in jail if they don't.

I would like just a little explanation from someone, if I can inquire through the Chair, as to why the report of the committee was this way, and any Senator may answer who so desires.

Mr. STERN of Penobscot: Mr. President, I would be very happy to answer Senator Cahill and explain as best I can briefly — which is difficult in regard to this particular bill.

I think it should be sufficient to say that there are two bills that are pending before our Judiciary Committee, and we felt that this particular bill was not worded so that we should decide it should pass. We still have under advisement a bill which is worded a bit differently and which purports to contain the same subject-matter with relation to statements of ministers, priests and rabbis. This bill has not been reported, we have not acted on it and we are still deliberating. We appreciate and understand that there is a lot of feeling on both sides in regard to this particular matter. I do not feel that this particular bill which we recommend "Ought not to pass" will affect our decision on the other bill, and there is a particular reason why we feel this "Ought not to pass" report should be accepted which has nothing whatever to do with the subject-matter because we are still taking under advisement this bill which is still pending.

I might say that even though there may be a divided report on the other bill there are many reasons why there is so much feeling among lawyers on this particular bill. We feel that a side from the demand on the part of the rabbis and the priests and the ministers that they should have the privilege of not being forced to testify, that this may open the door to many special groups such as physicians for instance, and before we know it we are going to have many groups that will demand that they be extended the same privilege.

Now we feel we are embarrassed because at present the only ones who have this privilege are the attorneys, and we are between the devil and the deep blue sea

because if we do not vote to give others the benefit of this privilege many of you lay people are going to say the lawyers want it all their way. So we are between the devil and the deep blue sea, but I think that after we deliberate on this other bill which contains the same subject matter that we will come up with what I hope will be an intelligent decision that we hope will satisfy the members of this Senate. Thank you.

Mr. CAHILL: Mr. President, I would like to thank the Senator from Penobscot. I will bow to the will of the Committee and I am glad that there is other subject matter that will cover this, and I am sure I shall support it.

Thereupon, the Majority Ought not to pass report was accepted. Sent down for concurrence.

Ought to Pass

Mr. Carter from the Committee on Business Legislation on Bill, "An Act Relating to Group Life Insurance for State Employees Retired for Other than Occupational Liability." (S. P. 57) (L. D. 118) reported that the same Ought to Pass.

Mrs. Chisholm from the Committee on Labor on Bill, "An Act Exempting Firemen from Waiting Period Under Workmen's Compensation." (S. P. 42) (L. D. 213) reported that the same Ought to Pass.

Mr. Jacques from the Committee on Legal Affairs on Bill, "An Act Relating to Traffic Ordinances." (S. P. 98) (L. D. 265) reported that the same Ought to Pass.

The same Senator from the same Committee on Bill, "An Act Permitting Merger of Maine General Hospital with Maine Medical Center." (S. P. 69) (L. D. 130) reported that the same Ought to Pass.

Mr. Jutras from the Committee on Veterans and Military Affairs on Bill, "An Act to Extend the Military Law to Females." (S. P. 105) (L. D. 272) reported that the same Ought to Pass.

Mr. Southard from the same Committee on Resolve Designating U. S. Route No. 2 as the 43rd Infantry Division Memorial High-

way. (S. P. 156) (L. D. 396) reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Faloon from the Committee on Education on Bill, "An Act Relating to Part-Time School Attendance." (S. P. 59) (L. D. 120) reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-10)

Mr. Jutras from the Committee on Sea and Shore Fisheries on Bill, "An Act to Correct Errors and Inconsistencies in the Sea and Shore Fisheries Laws." (S. P. 100) (L. D. 267) reported that the same Ought to Pass with Committee Amendment "A" (S-9)

Mr. Letourneau from the Committee on Taxation on Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (S. P. 47) (L. D. 218) reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-8)

Which reports were Read and Accepted and the Bill and Resolve, read once. Committee Amendments "A" were Read and Adopted, and the Bills and Resolve, As Amended, tomorrow assigned for second reading.

Second Readers

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

House

Bill, "An Act Relating to False Registration of Livestock." (H. P. 183) (L. D. 238)

Bill, "An Act Relating to Time for Draggings for Scallops in Harrington River and Pleasant River, Washington County." (H. P. 159) (L. D. 182)

Bill, "An Act Relating to Appointment, Rank and Duties of Assistant Adjutants General." (H. P. 163) (L. D. 185)

Bill, "An Act Increasing Compensation of Trustees of Mexico Sewer District." (H. P. 285) (L. D. 367)

Bill, "An Act to Increase Borrowing Capacity of the Fort Fairfield Utilities District." (H. P. 366) (L. D. 468)

Bill, "An Act Relating to State Retirement Benefits for Certain Teachers." (H. P. 788) (L. D. 931)

Bill, "An Act Exempting Certain Non-resident Aircraft and Pilots from Registration under Maine Aeronautics Act." (H. P. 162) (L. D. 184)

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

Senate

Bill, "An Act Relating to Licensing Dogs in Unorganized Territory." (S. P. 51) (L. D. 222)

Bill, "An Act to Amend the Charter of the Union Mutual Life Insurance Company." (S. P. 83) (L. D. 227)

Bill, "An Act to Adjust Payments for Edmunds School Addition to Coincide with Actual Construction Cost." (S. P. 89) (L. D. 233)

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

Sent down for concurrence.

Enactors

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

Bill, "An Act to Extend Retirement Benefits to Wives of State Police Members Retired Under Non-contributory Statute." (S. P. 2) (L. D. 21)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act to Create a Committee to Study Effect of Foreign Labor in Maine." (S. P. 16) (L. D. 29)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Relating to Secondary Tuition for Children Committed to the Stevens Training Center." (H. P. 54) (L. D. 66)

Bill, "An Act Relating to Informal Admission of the Mentally Ill." (H. P. 55) (L. D. 67)

Bill, "An Act Relating to Obstructing Personnel of Fire Departments in Their Duties." (H. P. 79) (L. D. 89)

Bill, "An Act Changing the Time of the Annual Meeting of Kittery Water District." (H. P. 82) (L. D. 92)

Bill, "An Act Ratifying Lease Given by the State to Portland Pipe Line Corporation." (H. P. 85) (L. D. 94)

Bill, "An Act to Increase Pensions of Elderly Teachers." (H. P. 90) (L. D. 99)

(On motion by Mr. Duquette of Aroostook, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Providing Voting Place for Kingman." (H. P. 127) (L. D. 151)

Bill, "An Act Relating to Exemption of Houses of Religious Worship." (H. P. 384) (L. D. 313)

Which Bills were Passed to be Enacted.

The PRESIDENT: The Chair would like to recognize at this time in the back of the Senate a group of uniformed young men here today. These are outstanding Scouts who represent communities all over the State of Maine. As you all know, this is National Boy Scout week and as part of Maine's program for this week, this is Official Scout Recognition Day.

We certainly welcome you here this morning and we commend you on the fine work you have done. We certainly hope that you have many continued years of success. We welcome you here this morning. (Applause)

Would any of the gentlemen here like to say a few words at this time?

The Senate is proceeding under Enactors. We have just enacted bills, and the next step will be to send them to the Governor to be signed. If he chooses to sign them they will then become law.

Resolve in Favor of Daisy A. Reed of Millinocket for Injuries

Sustained at State Armory. (H. P. 40) (L. D. 52)

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

Resolve to Permit Howard G. Richardson, Readfield, Use of His Out-of-State Credits to Obtain a Retirement Allowance. (H. P. 19) (L. D. 19)

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

Emergency

Resolve Regulating Ice Fishing on Echo Lake, Hancock County. (H. P. 134) (L. D. 158)

Which Resolve, being an emergency measure and having received the affirmative vote of 25 members of the Senate, was finally passed.

Emergency

Bill, "An Act Relating to the Bonded Indebtedness and Stock Structure of Island Falls Water Company." (H. P. 87) (L. D. 96)

Which Bill, being an emergency measure and having received the affirmative vote of 25 members of the Senate, was Passed to be Enacted.

Orders of the Day

Mr. O'LEARY of Oxford: Mr. President, I would like to know if H. P. 216, L. D. 284 is in the possession of the Senate

The PRESIDENT: The Chair would inform the Senator that it is, having been requested by that Senator.

Thereupon, on motion by Mr. O'Leary of Oxford, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act Relating to Sale of Publications of Department of Inland Fisheries and Game was recommitted to the Committee on Inland Fisheries and Game; and on further motion by the same Senator, the Ought to Pass report of the Committee was accepted and the bill read once.

Mr. Manuel of Aroostook presented Senate Amendment A.

The Secretary read Senate Amendment A.

Thereupon, on motion by Mr. O'Leary of Oxford, the bill and accompanying papers were laid upon the table pending adoption of Senate Amendment A.

On motion by Mr. Snow of Cumberland, the Senate voted to take from the table the 9th tabled and unassigned item (S. P. 359) Bill, "An Act Creating the State Airport Authority" tabled on February 11 by that Senator pending reference to a committee; and on further motion by the same Senator, the bill was referred to the Committee on Appropriations and Financial Affairs.

Sent down for concurrence.

On motion by Mr. Faloon of Penobscot, the Senate voted to take from the table the 6th tabled and unassigned item, (H. P. 135) (L. D. 159) Resolve Regulating Fishing in Certain Waters in Penobscot and Piscataquis Counties, tabled on February 10 by that Senator pending passage to be engrossed; and the same Senator presented Senate Amendment A (S-7) and moved its adoption.

Which amendment was read and adopted and the resolve as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Shiro of Kennebec, the Senate voted to take from the table the 11th tabled and unassigned item (H. P. 8) (L. D. 8) Bill, "An Act Clarifying Excise Taxes and Fees for Camp Trailers" tabled on February 11 by that Senator pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

The Adjournment Order having been received from the House, read and passed in concurrence, the Senate

Adjourned until Tuesday next at ten o'clock in the morning.