

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

Tuesday, February 23, 1965

Senate called to order by the President.

Prayer by Rev. John Clancy of Brownville Junction.

On motion by Mr. Manuel of Aroostook, the Journal of previous session was Read and Approved.

Papers from the House

The PRESIDENT: At this time the Chair would like to recognize in the Senate Chamber the wife of one of our Senators, Mrs. O'Leary, wife of Senator O'Leary of Oxford. The Chair would also like to recognize Mrs. Norris, wife of Senator Norris of Oxford. We welcome you here this morning. (Applause)

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 a New Draft, under New Title: "An Act Relating to State Retirement Benefits for Certain Teachers." (H. P. 788), (L. D. 931)

In House, February 10, Passed to Be Engrossed.

In Senate, February 12, Passed to Be Engrossed in concurrence.

Comes from the House, action Reconsidered, House Amendment "A" Adopted, and the Bill Passed to Be Engrossed, as amended by House Amendment "A" in non-concurrence. (H-49)

In the Senate, that body voted to recede and concur.

The PRESIDENT: At this time, the Chair would like to recognize in the Senate chamber, the wife of another of our Senators, Mrs. Cahill, wife of Senator Cahill of Somerset. We welcome you here this morning. (Applause)

House Papers

Bill, "An Act Creating Facility Improvement Fund for Certain Recipients of Stipend Fund." (H. P. 853) (L. D. 1263)

The Committee on Reference of Bills suggested reference to the

Committee on State Government. Comes from the House referred to the Committee on Agriculture. Which was referred to the Committee on Agriculture in concurrence.

Bill, "An Act Increasing Appropriation for Stipend Fund for Disbursements to Certain Agricultural Societies." (H. P. 794) (L. D. 1256)

Bill, "An Act to Create a Maine State Board of Human Research and Development." (H. P. 904) (L. D. 1232)

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

Bill, "An Act Providing for Tax Sheltered Annuities for Employees of School Administrative Units." (H. P. 905) (L. D. 1233)

Which was referred to the Committee on Business Legislation in concurrence.

Bill, "An Act Relating to Inequities in Subsidies to School Administrative Units." (H. P. 906) (L. D. 1234)

Bill, "An Act Relating to Purposes of Old Town High School District." (H. P. 943) (L. D. 1279)

Which were referred to the Committee on Education in concurrence.

Bill, "An Act to Clarify Certain Portions of Election Laws Relating to Ballots." (H. P. 907) (L. D. 1235)

Bill, "An Act Revising the Laws Relating to Voting Machines." (H. P. 908) (L. D. 1236)

Bill, "An Act Prohibiting the Solicitation of Votes from Persons in Mental Hospitals." (H. P. 909) (L. D. 1237)

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

Bill, "An Act Providing for an Interchange to the Maine Turnpike from the Town of Old Orchard Beach." (H. P. 911) (L. D. 1239)

Bill, "An Act Providing for Area Directional Sign for Sebago and Long Lakes on Maine Turnpike." (H. P. 917) (L. D. 1240)

Which were referred to the Committee on Highways in concurrence.

Bill, "An Act Relating to Closed Season on Bears." (H. P. 912) (L. D. 1241)

Bill, "An Act Relating to Legal Length of Salmon Taken from Sebago Lake." (H. P. 913) (L. D. 1242)

Bill, "An Act Relating to Boundaries of Standish Game Preserve." (H. P. 914) (L. D. 1243)

Bill, "An Act Relating to Weight and Number of Salmon and Trout Taken from Sebago Lake, Cumberland County." (H. P. 915) (L. D. 1244)

Bill, "An Act Establishing Raymond Cape as Game Preserve." (H. P. 916) (L. D. 1245)

Bill, "An Act Creating an Inland Fisheries and Game Commission." (H. P. 918) (L. D. 1246)

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

Bill, "An Act Relating to Persons Summoned for Violation of Motor Vehicle Laws." (H. P. 919) (L. D. 1247)

Bill, "An Act Relating to Trespass on Public Beaches and Shores." (H. P. 920) (L. D. 1248)

Bill, "An Act Providing for an Additional District Court Judge for District 10." (H. P. 921) (L. D. 1249)

Bill, "An Act Relating to Intoxication on Premises Licensed to Sell Liquor." (H. P. 922) (L. D. 1250)

Bill, "An Act Relating to a Power of Sale in a Mortgage and Sale Under a Power in a Mortgage." (H. P. 923) (L. D. 1251)

Bill, "An Act Adopting the Uniform Arbitration Act." (H. P. 924) (L. D. 1252)

The Committee on Reference of Bills suggested reference to the Committee on Labor.

Comes from the House referred to the Committee on Judiciary.

Which were referred to the Committee on Judiciary in concurrence.

Bill, "An Act to Revise the Workmen's Compensation Law." (H. P. 894) (L. D. 1253)

Bill, "An Act Relating to Legal Fees in Court Proceeding for Benefits Under Employment Security Law." (H. P. 825) (L. D. 1258)

Bill, "An Act Relating to Costs of Witness and Attorney Fees Under Workmen's Compensation Act." (H. P. 826) (L. D. 1259)

Which were referred to the Committee on Labor in concurrence.

Bill, "An Act Permitting Officers Without Warrants to Enter Buildings Where Animals or Birds Not Properly Cared For." (H. P. 830) (L. D. 1260)

Bill, "An Act Providing for the Registration of Home Improvement Companies and Salesmen." (H. P. 926) (L. D. 1264)

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

Bill, "An Act Relating to Lighting of Premises Licensed for Sale of Liquor to be Consumed on the Premises." (H. P. 927) (L. D. 1265)

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

Bill, "An Act Requiring Landowner's Permission to Trap Beaver." (H. P. 814) (L. D. 1257)

The Committee on Reference of Bills suggested reference to the Committee on Inland Fisheries and Game.

Comes from the House referred to the Committee on Natural Resources.

Bill, "An Act to Promote the Production of Sugar Beets in the State and Reclassifying Certain Waters in Aroostook County." (H. P. 928) (L. D. 1266)

Which were referred to the Committee on Natural Resources in concurrence.

Bill, "An Act Relating to Contract Motor Carrier Permits." (H. P. 929) (L. D. 1267)

Bill, "An Act Defining Public Utility in Relation to Certain Sewer Districts and Systems." (H. P. 930) (L. D. 1268)

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

Bill, "An Act Providing for the New England Welfare Compact." (H. P. 932) (L. D. 1269)

Bill, "An Act to Create the Maine Indian Housing Authority." (H. P. 933) (L. D. 1270)

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

Bill, "An Act Relating to Use of Sardine Tax Revenues for Advertising." (H. P. 849) (L. D. 1262)

The Committee on Reference of Bills suggested reference to the Committee on Sea and Shore Fisheries.

Comes from the House referred to the Committee on Taxation.

Bill, "An Act Relating to Repeal of Sardine Tax on Exports." (H. P. 848) (L. D. 1261)

The Committee on Reference of Bills suggested reference to the Committee on Sea and Shore Fisheries.

Comes from the House referred to the Committee on Taxation.

Bill, "An Act Relating to Sales Tax on Rooming House Rentals." (H. P. 934) (L. D. 1271)

Bill, "An Act Increasing Property Tax Exemption for Widows of Veterans." (H. P. 935) (L. D. 1272)

Bill, "An Act Relating to Payment of Sales Tax on Motor Vehicles." (H. P. 936) (L. D. 1273)

Bill, "An Act to Encourage Conservation of Forest Resources Through Uniformity of Tax Assessment." (H. P. 937) (L. D. 1274)

Which were referred to the Committee on Taxation in concurrence.

Bill, "An Act Establishing Clerk of Courts in Androscoggin County as Full-Time and Providing Compensation Therefor." (H. P. 939) (L. D. 1275)

Bill, "An Act Relating to Post-audit Statement in County Reports." (H. P. 940) (L. D. 1276)

Bill, "An Act Relating to County Estimates Sent to Municipalities." (H. P. 941) (L. D. 1277)

Bill, "An Act Increasing Salaries of County Commissioners of Aroostook County." (H. P. 942) (L. D. 1278)

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

Bill, "An Act Authorizing Department of Health and Welfare to Offer Complementary Services Under Social Security Act." (H. P. 910) (L. D. 1238)

The Committee on Reference of Bills suggested reference to the Committee on Health and Institutional Services.

Comes from the House referred to the Committee on Welfare.

Which was referred to the Committee on Welfare in concurrence.

The PRESIDENT: The Chair would like to recognize in the Senate Chamber Pack 94 of the Cub Scouts from Brunswick, with their Den Mothers, Mrs. Walker Cooper, Mrs. George Labbee, Mrs. Frederick Mitchell, Mrs. Richard Fuller, Mrs. Romeo Biette and Mrs. Ralph Papitto. There are sixteen in the group. We welcome you here this morning.

I think it is noteworthy that one of the ladies, Mrs. Romeo Biette, is the sister of our Senate Secretary.

We welcome you here this morning and hope that you enjoy and benefit from your stay here. (Applause)

The Chair would also like to recognize in the balcony a group of 32 Sunday School Children from Orr's and Bailey Island. They are chaperoned by Mayata Hillman, Freda Jones, Sandra Jones, Natalie Johnson, Pam Johnson, Ethlyn Johnson, Louise Coombs and Vera Sylvester. They are from the Town of Harpswell and they are from the County of Cumberland as was the previous group from Brunswick. I would like to point out to you the Senators from your County: Senators Chisholm, Mendell, Smith and Snow. We welcome you here this morning. (Applause)

The Chair would also at this time like to recognize in the Senate Chamber the wife of another one of our Senators, Mrs. Jutras, together with their son David Jutras. The Chair would request the Sergeant-at-Arms to escort David to the rostrum to be an honorary Page this morning. (Applause)

Communication
STATE OF MAINE
 House of Representatives
 Office of the Clerk
 Augusta, Maine

February 19, 1965

Honorable Edwin H. Pert
 Secretary of the Senate
 102nd Legislature

Sir:

The Speaker of the House today appointed the following Conferees on the part of the House on the disagreeing actions of the two branches of the Legislature on H. P. 47, L. D. 59, Bill, "An Act to Authorize the Town of Pownal to form a School Administrative District":

Messrs: GRAHAM of Freeport
 MARTIN of Eagle Lake
 HAMMOND of South Paris
 Respectfully submitted,
 JEROME G. PLANTE
 Clerk of the House

Which was Read and Ordered
 Placed on File.

Committee Reports

House

Ought Not to Pass

The Committee on Agriculture on Bill, "An Act Repealing the Bounty on Porcupines." (H. P. 218) (L. D. 286) reported that the same Ought not to pass.

The Committee on Claims on Resolve in Favor of Harry B. Philbrick of Augusta. (H. P. 397) (L. D. 509) reported that the same Ought not to pass.

The Committee on Liquor Control on Bill, "An Act Relating to False Identification of Minors Under Liquor Law." (H. P. 522) (L. D. 695) reported that the same Ought not to pass.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Education on Bill, "An Act Relating to Secondary Facilities in a School Administrative District." (H. P. 269) (L. D. 351) reported that the same Ought to pass.

The Committee on Health and Institutional Services on Bill, "An Act Relating to Certificates of

Registration and Instructors Licenses Under Barber Law." (H. P. 57) (L. D. 69) reported that the same Ought to pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Ex-Officio Member of Board of Education of City of Bath." (H. P. 77) (L. D. 87) 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 in concurrence.

Ought to Pass — As Amended

The Committee on Public Utilities on Bill, "An Act Relating to the Freeport Water Company." (H. P. 286) (L. D. 368) reported that the same Ought to pass as amended by Committee Amendment "A" (H-24)

Which report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" (H-24) Read and Adopted in concurrence, and the Bill, as amended, tomorrow assigned for second reading.

Ought to Pass in New Draft — New Title

The Committee on Legal Affairs on Bill, "An Act Relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of the Town of Boothbay Harbor." (H. P. 233) (L. D. 302) reported that the same Ought to Pass in New Draft under new title: "An Act Relating to Granting Licenses by Municipalities for Certain Businesses and Purposes." (H. P. 968) (L. D. 1191)

Comes from the House Recommended to the Committee on Legal Affairs.

In the Senate, the bill was recommended to the Committee on Legal Affairs in concurrence.

Change of Reference

The Committee on Appropriations and Financial Affairs on Bill, "An Act Creating the Land Compensation Board Relating to Soil Conservation." (H. P. 302) (L. D. 405) reported that the same should be referred to the Committee on State Government.

Which report was read and accepted.

and was especially assigned for Friday next.

Committee Reports

Senate

Mr. Casey from the Committee on Towns and Counties on Bill, "An Act Increasing Fees of Innkeepers and Victualers." (S. P. 226) (L. D. 685) reported that the same Ought to pass.

Mr. Jutras from the Committee on Sea and Shore Fisheries on Bill, "An Act Providing for Research of Commercial Fishery Resources by Department of Sea and Shore Fisheries." (S. P. 99) (L. D. 266) reported that the same Ought to pass.

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

Divided Report

The majority of the Committee on Election Laws on Bill, "An Act to Eliminate Straight Ballot Voting in Elections." (S. P. 191) (L. D. 571) reported that the same Ought not to pass.

(Signed)
Senators:

LETOURNEAU of York

McDONALD

of Piscataquis

Representatives:

BINNETTE of Old Town

BOURGAIN of Fort Kent

WUORI of Oxford

CUSHING of Bucksport

HAWES of Union

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

(Signed)
Senator:

DUNN of Kennebec

Representatives:

JORDAN of Lincoln

DICKINSON of Mars Hill

Mr. SNOW of Cumberland: Mr. President, I would like to have this matter tabled until Friday next when my colleague and co-sponsor will, we hope, have recovered from a recent illness.

The motion prevailed and the bill and reports were tabled pending acceptance of either report,

Second Readers

House

Bill, "An Act Appropriating Monies to Department of Mental Health and Corrections for Inspection of County Jails." (H. P. 955) (L. D. 1069)

Bill, "An Act Permitting Livermore Falls Water District to Take Water from Certain Sources." (H. P. 946) (L. D. 1066)

Bill, "An Act Repealing the Law Regulating the Canning of Herring." (H. P. 95) (L. D. 104)

(On motion by Mrs. Sproul, the bill was read a second time and tabled pending passage to be engrossed.)

Bill, "An Act Relating to Meetings of the Public Safety Council in Civil Defense and Public Safety." (H. P. 290) (L. D. 372)

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

House — As Amended

Bill, "An Act Providing Construction Aid for the Flander's Bay Community School District." (H. P. 329) (L. D. 432)

Which was Read a Second Time and Passed to Be Engrossed, as Amended, in concurrence.

Bill, "An Act Providing for Safety Seat Belts for Motor Vehicles." (H. P. 436) (L. D. 565)

Which was read a second time and on motion by Mr. O'Leary of Oxford was tabled pending passage to be engrossed.

Senate

Bill, "An Act Relating to Application of Slaughterhouse Law to Domestic Rabbits." (S. P. 257) (L. D. 806)

Bill, "An Act to Reconstitute School Administrative District No. 28." (S. P. 91) (L. D. 235)

Bill, "An Act to Reconstitute School Administrative District No. 34." (S. P. 145) (L. D. 386)

Resolve to Change the Name of Muddy Pond, Damariscotta, to Paradise Pond. (S. P. 248) (L. D. 758)

Bill, "An Act to Clarify the Charter of the Kennebec Water District." (S. P. 215) (L. D. 674)

Bill, "An Act to Permit Legislative Service as Credit for Members of State Retirement System." (S. P. 152) (L. D. 393)

Bill, "An Act Relating to Retirement Benefit for Sheriffs and Full-Time Deputies under Retirement System." (S. P. 249) (L. D. 759)

Bill, "An Act Relating to School Administrative District Budget Meetings." (S. P. 115) (L. D. 342)

Which were Read a Second Time and Passed to Be Engrossed and sent down for concurrence.

Senate — As Amended

Resolve to Reimburse Hotel Rumford for Additional Payment for Hotel Liquor License. (S. P. 143) (L. D. 384)

Resolve to Reimburse Hotel Harris, Rumford, for Additional Payment for Hotel Liquor License. (S. P. 144) (L. D. 385)

Bill, "An Act Approving the Course of Study in Private Schools." (S. P. 87) (L. D. 231)

Bill, "An Act Relating to Penalties under Dealer of Livestock Law." (S. P. 66) (L. D. 127)

Which were Read a Second Time and Passed to Be Engrossed as Amended.

Sent down for concurrence.

The PRESIDENT: The Chair at this time would like to recognize in the balcony a group from Lewiston High School, fifty High School Seniors. They are chaperoned by Miss Geneva Kirt and Mr. and Mrs. Robert Connors. They are from the City of Lewiston, which is, of course, in the County of Androscoggin. We welcome you here this morning.

I would like to introduce to you the Senators from your County: Senators Boisvert, Girard and Jacques. (Applause)

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (S. P. 90) (L. D. 234) Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws"; tabled on February 17 by Senator Brown of Hancock pending adoption of Senate Amendment A.

That Senator presented Senate Amendment A to Senate Amendment A. Which amendment was read and adopted, Senate Amendment A as amended by Senate Amendment A was read and adopted, and the bill as amended was passed to be engrossed and sent down for concurrence.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 150) (L. D. 173) House Report, Ought to Pass in New Draft under title of "An Act Relating to Hours for Sale of Liquor" (H. P. 945) (L. D. 1065) from the Committee on Liquor Control on Bill, "An Act Relating to Hours for Sale of Liquor by Hotels and Class A Restaurants"; tabled on February 19 by Senator Jacques of Androscoggin pending that Senator's motion to accept the Ought to Pass Report; and that Senator moved the pending question.

Mrs. SPROUL of Lincoln: Mr. President, it was my understanding that on this bill there was supposed to be an amendment. This I learned from certain opposition to this bill. As for myself, I am opposed to it anyway, but, as I say, it is my understanding there was supposed to be an amendment. I also learned from talking with the Senator from Androscoggin that there was supposed to be an amendment, and he stated that this was not an easy bill to amend but that he would amend one somewhere along the line.

I fully recognize that will probably happen here, but I do feel that the opposition should at least have a chance to talk in hearing again and state their position rather than be lulled into a sort of sleep by the promise of an amendment. I therefore request that this be recommitted to the Committee on Liquor Control.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: The Committee spent almost two hours trying to draw up this amendment to make this bill workable. As you know, in the summer time now they operate until one a.m. under the prevailing time, Eastern Daylight

Saving Time, and in the winter they operate until twelve o'clock, so we had to find a way to amend this bill.

The opposition agreed that this was a good bill. The only thing that they did not agree on is that we told them what we would do would be to take the two a.m. law, where you operate until two a.m. New Years unless it falls on a Sunday, and the Committee told them that we would go along with it, but when this new draft came out it was almost impossible to amend to make it workable. I did not know that this had not come true until we discussed it with the Attorney General's office and he told me that this bill was doing exactly what it says, and the liquor establishments would be open the year round until one a.m. except we have a special law that they may be open until two a.m. on New Years unless it falls on Sunday. Now I agreed with the opposition that there is another bill that we have in committee—and this is a new draft that we have on the table here today, Mr. President — that we would amend another bill to take away the two a.m. law. So I hope the members of the Senate do not go along with recommitting this bill. We have about thirty more bills that we have to hear; we have nine bills to be heard today, and I do not think that the committee would like to have this bill back again, so I hope the motion to recommit this bill does not prevail.

Mrs. SPROUL of Lincoln: Mr. President: As you well know, I tried to table this bill the other day in the hope that it would straighten itself out, but the good Senator from Androscoggin suggested that it be tabled until today. I haven't had a chance to understand the thing fully, and neither have I had a chance to talk with the opposition. I am not trying to slow up the session, if that is the thought here, but I would really like to see the bill recommitment and have another hearing or else have this lie on the table.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Lincoln, Sen-

ator Sproul that the bill be recommitment to the Committee on Liquor Control.

Mr. JACQUES of Androscoggin: Mr. President, I ask for a division.

A division of the Senate was had.

Two having voted in the affirmative and thirty-one opposed, the motion did not prevail.

Mr. FALON of Penobscot: Mr. President, I move that the bill be tabled.

Mr. JACQUES of Androscoggin: Mr. President, I ask for a division.

A division of the Senate was had.

Ten having voted in the affirmative and twenty-two opposed, the motion did not prevail.

Thereupon, the Ought to Pass report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mrs. Sproul of Lincoln, the Senate voted to take from the table the 1st tabled and unassigned item (S. P. 84) (L. D. 228) Senate Report Ought not to Pass from the Committee on Claims on Resolve in Favor of Gordon Weeks of Bristol for Motor Vehicle Damage by Moose; tabled by that Senator on February 4 pending acceptance of the report; and on further motion by the same Senator, the Ought Not to Pass report was accepted and the bill sent down for concurrence.

On motion by Mr. O'Leary of Oxford, the Senate voted to take from the table the 17th tabled and unassigned item (H. P. 890) (L. D. 1187) Bill, "An Act Clarifying the Offense of Procuring Liquor for Certain Persons"; tabled by that Senator on February 19 pending reference to a committee; and on further motion by the same Senator, the bill was referred to the Committee on Liquor Control in non-concurrence.

Sent down for concurrence.

On motion by Mr. Girard of Androscoggin, the Senate voted to take from the table the 11th tabled and unassigned item (H. P. 885) (L. D. 1182) Bill, "An Act

Relating to Parental Responsibility to Support Children Receiving Aid to Dependent Children"; tabled by that Senator on February 19 pending reference to a committee; and on further motion by the same Senator, the bill was referred to the Committee on Welfare in non-concurrence.

Sent down for concurrence.

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table the 15th tabled and unassigned item (S. P. 418) Bill, "An Act to Create a State Commission of Culture and Recreation"; tabled by that Senator on February 19 pending reference to a committee; and on further motion by the same Senator, the bill was referred to the Committee on Industrial and Recreational Development.

Sent down for concurrence.

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table the 16th tabled and unassigned item (H. P. 897) (L. D. 1207) Bill, "An Act Authorizing Municipalities to Establish Park and Conservation Commissions"; tabled by that Senator on February 19 pending reference to a committee; and on further motion by the same Senator, the bill was referred to the Committee on Industrial and Recreational Development in non-concurrence.

Sent down for concurrence.

On motion by Mr. Harding of Aroostook

Adjourned until tomorrow morning at ten o'clock.