

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, March 5, 1965

Senate called to order by the President.

Prayer by the Rev. Otto Palmer of Milo.

On motion by Mr. O'Leary of Oxford, the Journal of yesterday was Read and Approved.

Out of order and under suspension of the rules, on motion by Mr. Harding of Aroostook,

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet on Tuesday, March 9, at 10 o'clock in the morning.

(S. P. 454)

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

Non-concurrent matter

Bill, "An Act Increasing Fees of Innkeepers and Victualers." (S. P. 226) (L. D. 685)

In Senate, February 24, Passed to Be Engrossed.

Comes from the House Indefinitely Postponed in non-concurrence.

In the Senate, on motion by Mr. Jutras of York, the Senate voted to insist and ask for a Committee of Conference. The President appointed as Senate conferees, Senators: Casey of Washington, Jutras of York and Bernard of Penobscot.

The PRESIDENT: The Chair would like to recognize in the back of the Senate Chambers, a group from Milo High School. They are 35 senior students and they are chaperoned by their Principal Kenneth Perry, and their teacher Mrs. Alta Clark, and also Rev. and Mrs. Otto Palmer. We welcome you here this morning. You will be watching the Senate go through its calendar. I think that one of the things you become aware of is the amount of work that goes into a calendar in the preparation for a meeting such as this, before it actually takes place.

One of the things that I keep thinking about is my own last year in school when at a morning breakfast, the President of the col-

lege, said these words to us: "If you learned nothing else in your four years of a liberal arts education other than to take nothing for granted, consider your time and your money well spent." I remember those words so well because at the time they seemed ridiculous to me. After going through the several hours of work before one of these sessions, I think that they consist of a great deal of wisdom. I hope that you students learn in your educational process to take nothing for granted, especially something so dear to you as your freedom and your right to be heard.

We hope that you enjoy and benefit from your stay here and I would like to introduce to you the Senator from your County, the County of Piscataquis, Senator McDonald. (Applause)

House Papers**Joint Orders**

WHEREAS, the United States Coast Guard commanded by Chief Warrant Officer, Leo V. Walsh, performed an invaluable service by rescuing about a dozen lobster boats in the Deer Isle thoroughfare in East Penobscot Bay during registered 70-mile per hour gusts, be it

ORDERED, the Senate concurring, that the 102nd Legislature commend the above Commander, the "skipper" of the United States Coast Guard Cutter, Snohomish, Chief Warrant Officer, Meritt O. Wright, and his crew for their actions which were far beyond the call of normal duty in the saving of property owned by Maine citizens; and be it further

ORDERED, that an attested copy of this Order be sent to the above Commander, "Skipper" and crew of the United States Coast Guard Cutter, Snohomish, by the Clerk of the House. (H. P. 1020)

Which was Read and Passed in concurrence.

WHEREAS, it has been learned that the Mayor of our Capital City, the Honorable Sylvio J. "Turk" Gilbert, has been hospitalized in the Augusta General Hospital, be it

ORDERED, the Senate concurring, that the 102nd Legislature wish him a speedy recovery; and be it further

ORDERED, that an attested copy of this Joint Order be sent to the above party and his family by the Clerk of the House. (H. P. 1019)

Which was Read and Passed in concurrence.

Bill, "An Act to Transfer Duties of Liquor Inspectors to the State Police." (H. P. 987) (L. D. 1382)

The Committee on Reference of Bills suggested this Bill be referred to the Committee on Appropriations and Financial Affairs.

Comes from the House referred to the Committee on State Government.

In the Senate, that body voted to refer to the Committee on State Government in concurrence.

Bill, "An Act Relating to Appointment of Agent or Guardian Ad Litem in Actions for Equitable Relief in Mortgage Foreclosures." (H. P. 1016) (L. D. 1381)

Which was referred to the Committee on Judiciary in Concurrence.

Bill, "An Act to Extend the Territorial Limits of the Dover and Foxcroft Water District." (H. P. 1017) (L. D. 1380)

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

RESOLUTION

Mr. Hilton of Somerset presented,

Joint Resolution Requesting Members of Congress to Support the Agricultural Conservation Program and the Soil Conservation Service.

WHEREAS the preservation of the soils, water, forests and wildlife of this Nation, and in particular the topsoil, is necessary; and

WHEREAS we believe the preservation of these resources is a responsibility of all people; and

WHEREAS farmers and landowners through conservation practices have made Maine a far more beautiful state for both rural and urban people to enjoy; and

WHEREAS the ACP and the technical assistance provided the landowners of Maine by the Soil Conservation Service are a vital link in the overall natural resource conservation movement through the state; and

WHEREAS for the past 30 years the United States Department of Agriculture, through the Agricultural Conservation Program and the Soil Conservation Service, has done much to maintain and improve these resources, and likewise, make landowners and society in general more conscious of the need for such preservation; and

WHEREAS during this period some 25,000 Maine farmers and landowners have put to good use the many conservation practices of the ACP; and

WHEREAS in carrying out these practices Maine farmers and landowners are now more than matching Government funds dollar for dollar; and

WHEREAS through the medium of ASC Farmer - Elected Committeemen and Soil Conservation District Supervisors throughout the State, farm leadership has been developed to a most helpful degree; and

WHEREAS we believe that farmers, particularly through this defense period, should not be forced to exploit their soils in the production of the additional food and fiber needed; and

WHEREAS we firmly believe that such would become a necessity should funds to operate the ACP and the Soil Conservation Service be curtailed: Now, therefore, be it

RESOLVED BY THE MAINE SENATE AND HOUSE OF REPRESENTATIVES:

1. That the Congress of the United States be respectfully urged to give the necessary and adequate support to the continuance of the Agricultural Conservation Program and the Soil Conservation Service; and

2. That Maine Senators Edmund S. Muskie and Margaret Chase Smith and the State Representatives in Congress, William D. Hathaway and Stanley R. Tupper, be asked to give their wholeheart-

ed support to the Agricultural Conservation Program, and, likewise to vote to continue the annual national appropriation of \$250,000,000 for the Agricultural Conservation Program, and to restore the recommended cut of \$20,000,000 in Soil Conservation Service funds.

3. That an adequate amount be set aside from such appropriation to make it possible to administer the program through the present system of farmer-elected committeemen; and

4. That the Secretary of State be directed to transmit duly attested copies of this Resolution to The President of the United States, to the Vice-President of the United States, to the Speaker of the House of Representatives, to the Chairmen of the Senate and House Committees on Agriculture, to the Chairmen of the Senate and House Committees on Appropriations, to the Secretary of Agriculture, and to the Maine Congressional delegation. (S. P. 451)

Which was Read and Adopted.
Sent down for concurrence.

Mr. Manuel of Aroostook presented the following Joint Resolution pursuant to Joint Rule 11-A and with the approval of the majority of the Committee on reference of Bills:

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Second Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, the Constitution of the United States provides that the Congress may regulate commerce among the several states; and

WHEREAS, potatoes are now traded in future contracts on the New York Mercantile Exchange, 6 Harrison Street, New York City, N. Y.; and

WHEREAS, the price at which future contracts are bought and sold has a direct and immediate effect on cash prices received by producers for potatoes in Maine and all other areas producing potatoes for market; and

WHEREAS, futures prices reflect the effects of manipulation and unlimited speculation to the detriment of producers of potatoes; and

WHEREAS, futures trading of potatoes obstructs all attempts of Maine potato producers to market their product in an orderly fashion; and

WHEREAS, futures trading of potatoes encourages over-production in Maine and all other producing areas with resulting disastrously low prices for the producer; and

WHEREAS, experience has proven that futures trading can be carried on without detrimental and depressing effect on price only in the case of those commodities which can be stored for extensive periods of time, either within the areas of production or the areas of marketing and distribution; and

WHEREAS, Irish potatoes are a perishable commodity that do not lend themselves to extended periods of storage, especially following preparation for market; and

WHEREAS, Irish potatoes historically are one of the most volatile commodities in terms of price range and in degree of sensitivity to myriad market factors, including total volume produced, anticipated production, available supply on track and in the market places, as well as many others; and

WHEREAS, many areas of production have vehemently registered their opposition to the continued trading of Irish potatoes futures, either with or without the supervision of The Commodity Exchange Authority of the U.S.D.A.; and producers in Maine, by mail ballot, have voted overwhelmingly in favor of abolishing futures trading in Maine potatoes; and

WHEREAS, the Congress of the United States has already established a precedent for the action to be proposed by this resolution in the instance of another perishable commodity, namely onions, leaving potatoes as the only perishable commodity now being

traded on the futures market; now, therefore, be it

RESOLVED; That we, your Memorialists, recommend that the Congress enact legislation abolishing futures trading in Irish potatoes upon the New York Mercantile Exchange or upon any Commodity Exchange; and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State, by mail, to the Senate and House of Representatives in Congress, and to the members of the said Senate and House of Representatives from this State.

(S. P. 452)

Which was Read and Adopted.
Sent down for concurrence.

The PRESIDENT: At this time the Chair would like to recognize the presence in the Senate Chamber of the Honorable Senator William Gove of Concord, N. H., Chairman of the Joint Standing Committee on Public Works of the New Hampshire Legislature, and also Senators: Laurier Lamontagne of Berlin, N. H. and Douglas Hunter of Hampton, N. H.

These Senators are with us today for the purpose of discussing with our Joint Standing Committee on Highways and the Maine State Highway Commission, the proposed high-level bridge between Maine and New Hampshire. Would the Sergeant-at-arms please escort the three Senators to seats on the rostrum.

The Chair would ask the Senator from Somerset, Senator Cahill to approach the rostrum. (Applause)

Mr. CAHILL of Somerset: Mr. President, members of the Senate and visitors, it gives me some pleasure at least to welcome these Senators from New Hampshire, Senator Gove, Senator Lamontagne and Senator Hunter. I would like to present to you something to take back with you to New Hampshire from Maine that you may wear on your tie clip. We are also getting a little advertising from it, — our Maine lobster. We will

look forward to seeing you at dinner and then at our meeting after dinner. We hope the meeting will be fruitful.

Senator GOVE of New Hampshire: Thank you. Mr. President and members of the Senate, it gives us a great, great deal of pleasure to come here to Maine and see you people operate your House and Senate. It is always a lesson in democracy and a lesson in other methods of operation that we appreciate. Speaking for the whole committee, I think this will be a fruitful day. I didn't come here to make speeches but to learn; that is what we are here for. Thank you very much. (Applause)

Order

On motion by Mr. Faloon of Penobscot

ORDERED, the House concurring, that there is created a Legislative Study Committee to investigate the feasibility of consolidating the school districts of the State into a lesser number of more efficient size school districts, such study to emphasize the amount of savings, if any, by such consolidation. The committee shall consist of 2 Senators to be appointed by the President of the Senate and 3 Representatives to be appointed by the Speaker of the House. The President of the Senate shall designate the Chairman; and be it further

ORDERED, that the committee shall meet at the call of the Chairman. The members shall be paid necessary expenses incurred in the performance of their duties; and be it further

ORDERED, that the committee report the results of its study together with any recommended legislation to the 102nd Legislature or any special session prior to the 103rd Legislature but no later than the 103rd Legislature; and be it further

ORDERED, that there is appropriated from the Legislative Appropriation the sum of \$1500 to carry out the purposes of this order. Said appropriation shall remain a continuing carrying ac-

count until the purposes of this order have been accomplished. (S. P. 453)

Which was read and adopted.
Sent down for concurrence.

Committee Reports **House**

Ought not to pass

The Committee on Highways on Bill, "An Act Relating to Fee for Licenses or Permits for Licenses or Permits for Outdoor Advertisers." (H. P. 484) (L. D. 637) reported that the same Ought Not to Pass.

Which report was Read and Accepted in concurrence.

Ought to Pass — As Amended

The Committee on Claims on Resolve to Reimburse Daniel S. Webb of Wilton for Loss of Calves Killed by Bears. (H. P. 401) (L. D. 513) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-71)

The same Committee on Resolve to Reimburse Arthur E. Thompson of New Gloucester for Fire Loss. (H. P. 460) (L. D. 614) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-72).

The same Committee on Resolve in Favor of Margaret Sinclair of Windham for Fire Loss. (H. P. 461) (L. D. 615) reported that the same Ought to Pass, as amended by Committee Amendment "A" (H-73)

Which reports were Read and Accepted in concurrence.

The Resolves were Read Once. Committee Amendments "A" were Read and Adopted in concurrence, and the Resolves, as amended, tomorrow assigned for second reading.

The Committee on Transportation on Bill, "An Act Relating to Adequate Brakes on Truck Tractors and Semi-trailers." (H. P. 575) (L. D. 745) reported that the same Ought to Pass.

Comes from the House Passed to Be Engrossed as amended by House Amendment "A" (H-78)

In the Senate, the report was read and accepted in concurrence,

the bill read once, House Amendment A read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

Committee Reports **Senate**

Leave to Withdraw

Mr. Snow from the Committee on Education on Bill, "An Act Providing for a Legislative Recess Committee to Study Consolidation of School Districts." (S. P. 190) (L. D. 555) reported that the same should be granted Leave to Withdraw, as covered by other legislation.

Mr. Casey from the Committee on Towns and Counties on Bill, "An Act Relating to Office Hours for Registry of Deeds." (S. P. 272) (L. D. 820) reported that the same should be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

Change of Reference

Mr. Norris from the Committee on Claims on Resolve to Reimburse Fred P. Haskell of New Gloucester for Fire Damage. (S. P. 185) (L. D. 550) reported that the same should be referred to the Committee on Judiciary.

On motion by Mr. Violette of Aroostook, tabled pending acceptance of the report.

Ought to Pass

Mr. Manuel from the Committee on Agriculture on Bill, "An Act Relating to Schedule of Transportation Charges Under Milk Commission Law." (S. P. 278) (L. D. 840) reported that the same Ought to Pass.

Mr. Glass from the Committee on Judiciary on Bill, "An Act Providing Remedies for the Unauthorized Practice of Law." (S. P. 288) (L. D. 850) reported that the same Ought to Pass.

Mr. Shiro from the Committee on Legal Affairs on Bill, "An Act Permitting Municipalities to Provide for Single Assessor." (S. P. 245) (L. D. 755) reported that the same Ought to Pass.

The same Senator from the same Committee on Bill, "An Act Relating to Valuation of Shares of Joint Owners for Inheritance Tax Purposes." (S. P. 233) (L. D. 691) reported that the same Ought to Pass.

Mr. Jacques from the same Committee on Bill, "An Act Relating to Executions on Civil Judgment." (S. P. 232) (L. D. 690) reported that the same Ought to Pass.

Mr. Violette from the Committee on Public Utilities on Bill, "An Act Relating to Authority of Water Companies to Acquire Property." (S. P. 322) (L. D. 1019) reported that the same Ought to Pass.

(Which report was read, and on motion by Mr. Boisvert of Androscoggin, the bill was tabled pending acceptance of the report and especially assigned for Wednesday next.)

Mr. Casey from the Committee on Towns and Counties on Bill, "An Act Relating to Approval of Appointment of Assistant County Attorney for Kennebec County." (S. P. 299) (L. D. 913) reported that the same Ought to Pass.

The same Senator from the same Committee on Bill, "An Act Increasing Payments to Lincoln County Law Library." (S. P. 253) (L. D. 763) reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Shiro from the Committee on Legal Affairs on Bill, "An Act Relating to Term of Single Municipal Assessors." (S. P. 246) (L. D. 756) reported that the same Ought to Pass as amended by Committee Amendment "A" (S-45)

The same Senator from the same Committee on Bill, "An Act Relating to Boards of Assessment Review in Certain Municipalities." (S. P. 247) (L. D. 757) reported that the same Ought to Pass, as amended by Committee Amendment "A" (S-46)

Mr. Jacques from the same Committee on Bill, "An Act Re-

lating to Publication of Foreclosure Notices." (S. P. 208) (L. D. 589) reported that the same Ought to Pass, as amended by Committee Amendment "A" (S-44)

The same Senator from the same Committee on Bill, "An Act Relating to Duties of Pawnbrokers." (S. P. 207) (L. D. 588) reported that the same Ought to Pass as amended by Committee Amendment "A" (S-43)

Mr. Casey from the Committee on Towns and Counties on Bill, "An Act Relating to Ways to Great Ponds." (S. P. 252) (L. D. 762) reported that the same Ought to Pass as amended by Committee Amendment "A" (S-42)

The same Senator from the same Committee on Bill, "An Act Authorizing Androscoggin County to Raise Money for Garage and Court House Capital Improvements." (S. P. 154) (L. D. 1124) reported that the same Ought to Pass as amended by Committee Amendment "A" (S-41)

Which reports were Read and Accepted, and the Bills Read Once. Committee Amendment "A" were Read and Accepted, and the Bills, as amended, tomorrow assigned for second reading.

Ought to Pass in New Draft, same title

Mr. Bernard from the Committee on Business Legislation on Bill, "An Act Relating to Loans by Development Credit Corporation of Maine." (S. P. 182) (L. D. 547) reported that the same Ought to Pass in New Draft, under same title, (S. P. 450) (L. D. 1385)

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

Divided Report

The Majority of the Committee on Judiciary on Resolve Authorizing the Estate of Frank E. Lemli, Formerly of the Forks, Maine, to Sue the State of Maine. (S. P. 150) (L. D. 391) reported that the same Ought to Pass.

(Signed)

Senators:

VIOLETTE of Aroostook
STERN of Penobscot

Representatives:

DANTON
of Old Orchard Beach
BRENNAN of Portland
DAVIS of Calais

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

(Signed)

Representatives:

BERMAN of Houlton
GILLAN of South Portland

On motion by Mr. Violette of Aroostook, the resolve was recommitted to the Committee on Judiciary.

Sent down for concurrence.

Second Readers**House**

Bill, "An Act Revising the Savings and Loan Association Laws." (H. P. 621) (L. D. 828)

Bill, "An Act Increasing Compensation of Treasurer of Georges Valley Community School District." (H. P. 203) (L. D. 258)

Bill, "An Act Authorizing the Municipalities of Atkinson, Lake View Plantation and Milo to Form a School Administrative District." (H. P. 207) (L. D. 275)

Bill, "An Act Relating to Pine-land Hospital and Training Center's Admission Procedures." (H. P. 474) (L. D. 627)

Bill, "An Act Prohibiting Sale of Finger Alphabet Cards, or Use Thereof, as an Inducement in the Sale of Merchandise." (H. P. 477) (L. D. 630)

Bill, "An Act Authorizing Position to Mobilize Volunteer Services Within Department of Health and Welfare." (H. P. 478) (L. D. 631)

(Which was read a second time. Mr. Duquette of York presented Senate Amendment A and moved its adoption. Senate Amendment A (S-47) was read and adopted and the bill as amended was passed to be engrossed in non-concurrence. Sent down for concurrence.)

Bill, "An Act Relating to Half-way House Program at Reformatory for Women." (H. P. 479) (L. D. 632)

Resolve, Opening Certain Waters in Aroostook and Piscataquis County to Ice Fishing. (H. P. 494) (L. D. 647)

Bill, "An Act to Clarify the Council - Manager Charter of City of South Portland." (H. P. 358) (L. D. 461)

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

Bill, "An Act Repealing Regulation on Dragging for Scallops in Bagaduce River and Bay." (H. P. 431) (L. D. 560)

Bill, "An Act Relating to Type of Dredge to Dig Clams in Town of Phippsburg." (H. P. 539) (L. D. 713)

Bill, "An Act Relating to Certain Financial Provisions of Charter of City of Rockland." (H. P. 1014) (L. D. 1371)

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

House — As Amended

Bill, "An Act to Reconstitute School Administrative District No. 33." (H. P. 468) (L. D. 621)

Bill, "An Act Relating to Improper Conditions for Industrial Safety." (H. P. 420) (L. D. 532)

(Which was read a second time and on motion by Mr. O'Leary of Oxford was tabled pending passage to be engrossed and especially assigned for Tuesday next.)

Bill, "An Act Relating to Decisions Under Liquor Law Pending Appeal." (H. P. 138) (L. D. 161)

Bill, "An Act to Amend the Charter of the Auburn Sewerage District." (H. P. 245) (L. D. 323)

Bill, "An Act to Create the Mapleton Sewer District." (H. P. 426) (L. D. 569)

Bill, "An Act to Create the Van Buren Sewer District." (H. P. 428) (L. D. 570)

Bill, "An Act to Provide Adequate Illumination of Switching Leads in Railroad Yards." (H. P. 532) (L. D. 706)

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

Bill, "An Act Providing Complimentary Fishing Licenses for Persons over Seventy Years of Age." (H. P. 630) (L. D. 837)

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

Sent down for concurrence.

Enactors

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

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

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

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

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

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

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

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

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

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 Application of Slaughterhouse Law to Domestic Rabbits." (S. P. 257) (L. D. 806)

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

Bill, "An Act Relating to Bow and Arrow Hunting on Mount Desert Island, Hancock County." (H. P. 131) (L. D. 155)

Bill, "An Act Extending Jurisdiction of Courts in Probation Cases." (H. P. 141) (L. D. 164)

Bill, "An Act Permitting County Commissioners of Somerset County to Combine Certain Unorganized Territory Road Accounts." (H. P. 179) (L. D. 200)

Bill, "An Act Relating to Display of Lights on Motor Vehicles During Fog." (H. P. 181) (L. D. 202)

Bill, "An Act Relating to Definition and Standards for Appren-

ticeship Agreements." (H. P. 231) (L. D. 300)

Bill, "An Act Requiring Approval of Early Childhood Education Programs." (H. P. 268) (L. D. 350)

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

Bill, "An Act to Reconstitute School Administrative District No. 29." (H. P. 321) (L. D. 424)

Bill, "An Act to Reconstitute School Administrative District No. 21." (H. P. 323) (L. D. 426)

Bill, "An Act to Reconstitute School Administrative District No. 36." (H. P. 324) (L. D. 427)

Bill, "An Act to Reconstitute School Administrative District No. 30." (H. P. 325) (L. D. 428)

Bill, "An Act to Reconstitute School Administrative District No. 25." (H. P. 326) (L. D. 429)

Bill, "An Act to Reconstitute School Administrative District No. 26." (H. P. 328) (L. D. 431)

Bill, "An Act to Reconstitute School Administrative District No. 27." (H. P. 403) (L. D. 515)

Bill, "An Act to Reconstitute School Administrative District No. 37." (H. P. 406) (L. D. 518)

Bill, "An Act to Incorporate Mapleton Water District." (H. P. 427) (L. D. 558)

Bill, "An Act Relating to Boundaries of Madawaska Water District." (H. P. 530) (L. D. 704)

Bill, "An Act Relating to School Observance of November Twenty-Second as John F. Kennedy Day." (H. P. 84) (L. D. 1254)

Which Bills were Passed to Be Enacted.

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

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

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

(On motion by Mr. Duquette of York, placed on the Special Ap-

propriations Table pending enactment.)

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

Resolve to Reimburse George S. Graffam of Whitefield for Loss by Spraying Neighboring Blueberry Fields. (H. P. 320) (L. D. 423)

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

Resolve in Favor of Town of Milo. (H. P. 398) (L. D. 510)

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

Which Resolves were Finally Passed.

Emergency

Bill, "An Act Relating to Board Approval of School Administrative Districts." (H. P. 983) (L. D. 1255)

Mr. O'LEARY of Oxford: Mr. President and members of the Senate, I am bewildered and befuddled by this bill, 1255. It was brought to my attention just this morning and it worries me. One thing that worries me is the emergency preamble. I can see no need why this is an emergency. There is nothing in this about public hearings so that the opponents of any of the acts that may be taken by this department could be heard. I believe it abrogates the power of the legislature and places the power in the heads of the department.

Historically the people of this state have had the right to be heard and I will never vote for any legislation that denies them this right. I move for the indefinite postponement of this bill and all its papers.

Mr. SNOW of Cumberland: Mr. President, the purpose of L. D. 1255 is to permit the Department of Education to act by itself in approving school districts with fewer than 300 secondary pupils. This bill was endorsed by the education committee for several reasons. One reason being that we feel that the approval of these

districts should be an administrative and not a legislative matter. We feel this because since the establishment of the Sinclair Act, the legislature has seen fit in only one or two instances — I am not sure whether it is one or two — to overturn the recommendations of the Department of Education with respect to school administrative districts of this size.

Another point: We would note that communities which wish to form school administrative districts who are denied this privilege by the Department of Education may still come before the legislature and request action.

Another point: I would note that if this bill is enacted it will save many communities the necessity of traveling to Augusta to be represented in what we believe is an administrative and not a legislative matter.

And my final point would be that school administrative districts are not formed without a fair vote of the people in the communities which wish to join the district, so that they are heard when the vote is taken upon their request to form a school administrative district. I would ask the Senate to defeat Senator O'Leary's motion to indefinitely postpone L. D. 1255.

Mrs. SPROUL of Lincoln: Mr. President, I haven't had a chance to read this nor have I had a chance to get it through my head. I would move to table this until next Tuesday.

The motion prevailed and the bill was tabled pending enactment and specially assigned for Tuesday next.

Additional Paper from the House Committee Report

The Committee on Public Utilities on Bill, "An Act Relating to Cumberland Water District and Portland Water District." (H. P. 429) (L. D. 568) reported that the same Ought to Pass.

Comes from the House, report Read and Accepted and the Bill Passed to Be Engrossed. (Under suspension of the rules)

In Senate, Report Read and Accepted in concurrence, and the

Bill Read Once. On motion by Mr. Boisvert of Androscoggin, under suspension of the rules the Bill was given its second reading and Passed to Be Engrossed in concurrence.

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 147) (L. D. 170) Bill, "An Act Increasing Compensation of Councilmen of City of South Portland"; tabled on March 2 by Senator Snow of Cumberland pending passage to be engrossed.

That Senator presented Senate Amendment A (S-38) and moved its adoption.

Which amendment was read and adopted and on motion by Mr. Jacques of Androscoggin, the bill and accompanying papers were tabled pending passage to be engrossed and especially assigned for Tuesday next.

On motion by Mr. O'Leary of Oxford, the Senate voted to take from the table the 12th tabled and unassigned item (H. P. 989) (L. D. 1334) Bill, "An Act Relating to Unlawful Practices under Unfair Sales Act"; tabled by that Senator on February 26 pending reference to a committee; and on further motion by the same Senator, the bill was referred to the Committee on Business Legislation in concurrence.

On motion by Mr. O'Leary of Oxford, the Senate voted to take from the table the 4th tabled and unassigned item (H. P. 46) (L. D. 58) Bill, "An Act Relating to Attending Secondary School Outside of Residence"; tabled by that Senator on February 17 pending passage to be engrossed; and on motion by Mr. Snow of Cumberland, the bill was recommitted to the Committee on Education.

Sent down for concurrence.

The PRESIDENT: The Senate will be at ease for a moment.

(At ease)

Called to order by the President.

On motion by Mr. Jutras of York, the Senate voted to take

from the table the 27th tabled and unassigned matter, (H. P. 436) (L. D. 565) Bill, "An Act Providing for Safety Seat Belts for Motor Vehicles," which was tabled by that Senator on March 3rd pending enactment.

Mr. JUTRAS: Mr. President, I now yield to the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President, I move that the Senate reconsider its action whereby L. D. 565 was passed to be engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Stern, moves that the Senate reconsider its action whereby L. D. 565 was passed to be engrossed.

Mr. MENDELL of Cumberland: Mr. President, we are shortly going to be in receipt of some additional information on this matter, and I ask the Senator from Penobscot County to table this until next Friday until we get the information in.

The PRESIDENT: The Senator from Cumberland, Senator Mendell, requests through the Chair that the Senator from Penobscot, Senator Stern, table this matter until Friday next. The Senator may if he so desires.

Mr. STERN: At this time, Mr. President, I would not so desire. I would like to state my reasons.

The PRESIDENT: The motion before the Senate is the motion to reconsider our action whereby we passed this bill to be engrossed and that motion is debatable. The Senator may proceed.

Mr. STERN: Mr. President, I have an amendment which I want to propose at this time. The reason that I do not want any delay on it is that there may be some discussion, there may be query for explanation, and I would be glad to explain my reasons, because if I delay it until next week then perhaps other senators will want further delay to appreciate and understand what I am trying to do by this postponed amendment. I would like to have the amendment adopted at this time and then I have no objection to it being tabled until next week, and then they will know what is all about.

The PRESIDENT: The motion before the Senate is the motion to reconsider our action whereby we passed L. D. 565 to be engrossed.

Mr. SHIRO of Kennebec: Mr. President, I ask whether the Senator from Penobscot is out of order in that the amendment has not been reproduced.

Mr. STERN of Penobscot: Mr. President, to overcome the Senator's objection, I would present Senate Amendment "A".

The PRESIDENT: Has Senate Amendment "A" been reproduced and is it in the Senators' books?

Mr. STERN: Filing S-39.

The PRESIDENT: The motion before the Senate is not the amendment, it is the motion to reconsider our action whereby we passed this bill to be engrossed. Does the Senator from Penobscot wish to say anything further?

Mr. STERN: Mr. President, I would like to present Senate Amendment "A".

The PRESIDENT: We have not voted on the reconsideration motion which is the motion before us. Until we reconsider the passage to be engrossed no amendment can be presented.

Mr. STERN: Well, Mr. President, I request that you ask for a vote.

The PRESIDENT: This is what the Chair will do, but the Senator from Cumberland, Senator Mendell, would like to speak on the motion, and the motion is debatable.

Mr. MENDELL of Cumberland: Mr. President, I am not trying to give anybody a hard time here, but on this amendment which everybody has in front of him right now—

The PRESIDENT: The Senator will please confine his remarks to debating the motion which is before us, which is the motion to reconsider our action whereby we passed this bill to be engrossed.

Mr. MENDELL: I would ask for a division, Mr. President.

The PRESIDENT: A division has been requested on the motion to reconsider our action whereby this bill was passed to be engrossed. A reconsideration motion

takes a two-thirds vote of those members present.

Mr. SHIRO of Kennebec: Mr. President, may I approach the rostrum?

The PRESIDENT: The Senator may. The Senate will be at ease.

(At ease)

Called to order by the President.

The PRESIDENT: The Chair must insist that before anyone approaches the rostrum they should first seek permission.

The motion before the Senate is now the motion to reconsider our action whereby L. D. 565 was passed to be engrossed.

Mr. SHIRO of Kennebec: Mr. President, I would ask the Senate that we do not reconsider our action whereby we passed this bill to be engrossed at this time because we have further information which we will have available and we would like just a few more days to obtain this information, and I think it would be helpful to the Senators in deciding what disposition to make of this bill, therefore we would hope that the motion to reconsider does not prevail.

Mr. GLASS of Waldo: Mr. President, contrary to the remarks of my colleague, Senator Shiro, I would hope that the Senate would reconsider its action since it would at least permit subsequent amendments to this bill to be filed.

May I ask a question through the Chair of Senator Stern at this time?

The PRESIDENT: The Senator may.

Mr. GLASS: I would like to ask Senator Stern if the Senate should reconsider its action, if the vote should be favorable, would the Senator then table the bill?

The PRESIDENT: The Senator from Waldo, Senator Glass, addresses a question through the Chair to the Senator from Penobscot, Senator Storm, who may answer if he chooses.

Mr. STERN: The answer is "No."

Mr. President, if I understand the rules of parliamentary procedure correctly, I have been in-

formed that if this bill comes to a vote and is turned down the amendment which I propose to make will not be permitted to be made thereafter. If this is so, this would be a dangerous thing, in my humble opinion, for this bill, because what I propose to do by this amendment is to harm no one but to help everyone. It is a legal matter, and I would like to explain it so this Senate can vote intelligently on whether or not this matter should be reconsidered.

I want to point out to this Senate that I am not opposed to the seat belt law, and I have stated already on this floor that I am heartily in accord with the proposal, but I do want to point out a hypothetical case because there are many who are opposed to the passage of this bill, and to satisfy them I want to bring out a hypothetical case.

Supposing a person decided to go downtown for a package of cigarettes and the store was half a mile away and he got in his car and he was going ten miles an hour, driving carefully and properly under the circumstances, and along comes a reckless driver who strikes him in the rear with terrific force and propels him through the windshield of his car, splits his head open, and he suffers severe injuries. Under the bill as it now stands I can just hear that Judge in his charge before the jury: "Ladies and gentlemen of the Jury, if you feel that the plaintiff contributed to his own injury, his own harm, to his own damage, by reason of the fact that he did not secure himself with his safety belt, then you are to take this into consideration as to the amount of damages he is to recover if he is to recover anything at all."

The purpose of my amendment is to protect the public. The belts are there and if they want to use them fine, but the purpose of my amendment is that if someone, in the case of extenuating circumstances which I mentioned, sees fit not to use the belt this should not be considered in any way in any case that may arise in court. I think the Senate should know the purpose of my amendment,

and now I have no objection to having the vote on this reconsideration.

Mr. MENDELL of Cumberland: Mr. President, I am in entire agreement with the Senator from Penobscot County. However, in regard to this particular amendment he has, we are going to give concrete evidence as to the 26 states in the United States having the seat belt plus our own State of Maine, and our Attorney General is going to comment on this. All I am asking is that we wait until next Friday when these letters get in and we will have comments from 26 Attorney Generals, including our own.

Mr. SHIRO of Kennebec: Mr. President, with very few exceptions I agree for the most extent with the Senator from Penobscot, Senator Stern, and it may be that an amendment to this bill might very well be in order. However, it might also be that an amendment to this bill might be unnecessary, as stated by Senator Mendell. If we can not do so, I think I would be one of the first to be in accord with the Senator from Penobscot that his amendment should be added. So at this moment I would like to move that this matter be tabled to one week from today.

The PRESIDENT: The Senator is out of order, having debated his tabling motion.

Mr. O'LEARY of Oxford: Mr. President, I move that this matter lie on the table and be specially assigned for Friday, March 12th.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that L. D. 565 lie on the table until March 12th, on Friday, pending the motion of the Senator from Penobscot, Senator Stern, that we reconsider our action whereby we passed this item to be engrossed.

Mr. CAHILL of Somerset: Mr. President, may I approach the rostrum?

The PRESIDENT: The Senator may.

(At ease)

Called to order by the President.

Mr. O'LEARY of Oxford: Mr. President, I wish to withdraw my motion and I wish now to make a new motion.

The PRESIDENT: Up until the time the vote is taken the Senator may withdraw his motion.

Mr. O'LEARY: Mr. President, I wish to move now that this item be tabled and specially assigned for one week from this coming Tuesday.

The motion prevailed and the bill was tabled and specially assigned for Tuesday, March 16th, pending the motion of the Senator from Penobscot, Senator Stern, that the Senate reconsider its action whereby it passed the bill to be engrossed.

On motion by Mr. Violette of Aroostook, the Senate recessed for one-half hour.

After Recess

Senate called to order by the President.

Additional Paper from the House Joint Order

ORDERED, the Senate Concurring, that a Joint Convention be held forthwith in the Hall of the House for the purpose of having the Governor attend and address the Legislature. (H. P. 1026)

Which was Read and Passed in concurrence.

The Chair appointed the Secretary to report to the House that the Senate concurs in the matter of a Joint Convention to be held forthwith.

Thereupon the Secretary returned to the Senate having delivered the message with which he was charged.

The Senators retired to the House.

(For proceedings of Joint Convention see House Report)

In the Senate

Senate called to order by the President.

Additional Paper from the House:

Out of order and under suspension of the rules,

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

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

Mr. MAXWELL of Franklin: Mr. President and ladies and gentlemen: I won't take much of your time. I merely want to stand up again today as I did Wednesday in opposition to the downgrading of any waters in the State of Maine. I want to say to you there should have been provision made in the first place for an additional contract to take care of any pollution these people may have done. Up in the town of Jay where I come from International Paper Company is spending fifty-four million dollars on a plant. They told us at the hearing that water coming out of this plant would be cleaner than water they are going to take in from the Androscoggin to start with. I believe this could have been done in this case. We had another instance in a town near by me, the town of Wilton. A tannery was put in there. The town of Wilton raised money, the State put money into it and bonds were sold and this tannery before operating put in a sewerage system.

There are many questions in my mind about this bill, some questions I would like to have answered. I won't ask to have them answered, I would merely like to repeat the questions perhaps. I wonder why we just voted a \$25 million bond issue to aid towns in their pollution problems. I wonder what price we must pay and I wonder how our neighbors look upon this, our neighbors from New Hampshire and Canada and I wonder if you know that this stream has the very best trout fishing left in the State of Maine. I had a man come all the way down from Aroostook County yesterday and told me this. He said, "I can take you up there next spring if they don't get it polluted before fishing season opens and you can catch the very best trout there are in the State of Maine."

To me there are a lot of unanswered questions on this bill. We heard a little question this morning in the other end of the corridor about its being legal. Mars Hill I understand by a phone call I received last evening, is very unhappy about this. They have spent thousands of dollars to put in a system of their own on this same stream.

I wonder if there is any reason why this in the very near future couldn't be turned into a starch factory or a potato peeling factory and this stuff dumped into this stream. There are all of these things that come to my mind. My stand on it is this: That once a stream has been classified, it in no way should be downgraded. I also wonder at the validity of this company that is being formed. I wonder what Washington thinks about this. I also would like to bring to your attention that in Washington there is a bill being filed at the present time on pollution, pollution of water and air. This bill has far reaching effects, perhaps it might affect this situation in the very near future. So as not to take up any more of your time, I will now sit down. I hope I have put my point across.

Mr. CAHILL of Somerset: Mr. President, I merely rise to take the same stand I took the other day. Perhaps I would like to point out that Aroostook County is the only County that has been mentioned in this thing, I see no reason why some of the other counties in the near future may be able to participate in their sugar beet industry.

From reliable sources I have been informed that measures will be taken to correct the pollution of the stream in the very near future.

Mr. MAXWELL: Mr. President, ladies and gentlemen of the Senate, I sat down without reading a telegram. I have several telegrams but I especially wanted to read one that I received.

This I received here at the state house yesterday. It says,

"Dear Sid:

Thank God we have a man representing Franklin County who is willing to stand on his own two feet and be counted. May I commend you and Senator Reed in your attitude in refusing to downgrade our natural resources for the benefit of private industry. We have enough polluted water without adding to it and this action will seriously hinder the effectiveness of the water pollution board and will deter municipalities in the future to clean up their own pollution.

"It is also a slap in the face to those communities who have already installed sewerage systems in order to comply with the then existing requirements. How about laying the bill on the table until later? I know you will do all that can be done under the circumstances.

Sincerely,
Benjamin Butler,
Chairman
Natural Resources
Committee for the 96th,
97th, and 98th Legislatures.

Mr. MOORE of Washington: Mr. President and members of the Senate, as a result of the so-called rush job, and I personally consider it a rush job on this bill through the Natural Resources Committee, public hearing that is, I feel that we did not have adequate time to thoroughly discuss the pros and cons of this situation even though, I will add, I signed the so-called Majority report in favor. After being able to hear two discussions in the House of Representatives on this measure, I would like to state that I personally now feel that a limitation would have been desirable to the extent of perhaps satisfying many people who I believe are perhaps voting for this measure against some of their better judgment.

I have tried during our extended recesses here today to try to find some verification, written verification, not by word of mouth, because in politics sometimes, acceptance of word of mouth phrases can be dangerous. As a result of

not finding this verification in regard to the acceptance of this limitation through the area redevelopment administration, I feel that I must still uphold my signature on the majority report of ought to pass on this legislation.

Mr. HOFFSES of Knox: Mr. President, ladies and gentlemen of the Senate, I concur heartily with my good colleague, Senator Maxwell and also my colleague, Senator Moore in the statements which they have made. I am going to say that I am inclined to vote in favor of this bill in the interest of the economic expansion of this State of Maine which I am sure we are all aware is necessary. I concur that a time limitation should be placed on the downgrading of this stream. I am going to accept His Excellency, the Governor and this concern which is endeavoring to build this sugar refining plant, at their face value. I certainly hope that neither of them let us down.

I would further say that any other legislation which is jammed through this session I shall object

to very strenuously. I think that we have the time. The people of this state have the confidence in us to use our good judgment but our good judgment must be cultivated by ample time and consideration of all of the aspects of all of these measures. I would say again that I strenuously object to any further legislation of any nature of this kind being jammed through this 102nd Legislature. Thank you.

The PRESIDENT: The motion before the Senate is the motion to enact L. D. 1266.

This being an emergency measure.

A division of the Senate was had.

Twenty-five having voted in the affirmative and two in the negative, the bill was passed to be enacted.

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

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