

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 24, 1965

Senate called to order by the President.

Prayer by the Rev. Frank L. Irvine of East Winthrop.

On motion by Mr. Willey of Hancock the Journal of yesterday was read and approved.

The PRESIDENT: The Chair at this time will ask the Sergeant-at-Arms to escort the following: Chris Chenard, 14, James Fickett, 14, Dennis McCord, 16, and Michael Atwood, 14, to act this morning as honorary pages. They are Boy Scouts from the town of Rumford. I would like to introduce to you the Senators from your County, which is Oxford County: Senator O'Leary and Senator Norris. (Applause)

The Chair also at this time would like to recognize in the Senate gallery a group of students from Winthrop Junior High School. They are the eighth grade, they are taking Social Studies. They are chaperoned this morning by Mrs. Irene Hibbs, Mrs. Winifred Leavitt, Mrs. Cecile Hardy, and Mrs. Paul Scruton.

We welcome you here this morning and we hope that you enjoy and benefit from your stay here. This will be a welcome day for you because this is Welcome Back Day which is being held by the 102nd Legislature.

They are from the Town of Winthrop. I would like to introduce to you the Senators from your County, which is the County of Kennebec. They are Senator Shiro, Senator Carter and Senator Dunn. (Applause)

Paper from the House**Non-concurrent matter**

Resolve Designating Maine Turnpike and Interstate No. 95 as "The Maine Gold Star Memorial Highway." (H. P. 383) (L. D. 485)

In House, February 26, Passed to Be Engrossed as amended by Committee Amendment "A" (H-59)

In Senate, March 12, Passed to be Engrossed as amended by Com-

mittee Amendment "A" as amended by Senate Amendment "A" (S-64) thereto in Non-concurrence.

Comes from the House, Senate Amendment "A" to Committee Amendment "A" Indefinitely Postponed in Non-concurrence; House Amendment "A" (H-129) Read and Adopted, and the Resolve Passed to be Engrossed, as amended by Committee Amendment "A" and House Amendment "A" in Non-concurrence.

In the Senate, on motion by Mr. Harding of Aroostook, tabled pending consideration.

The PRESIDENT: We have a number of former legislators here, and I am wondering if they would line up in the back of the Senate Chamber, and at the desk of Senator Hilton from Somerset; if they would come forward and state their name and the session that they served in. I know that former politicians are not bashful, so if you will just come forward.

Hon. ROBERT HASKELL: Mr. President, I am "Bob" Haskell, and I had a little service in this body as a Senator from Penobscot County. (Applause)

Mr. BOUTIN: Senator Boutin. I am from Lincoln, Maine, and I was Senator in 1947, 1949 and 1951. (Applause)

Mr. WILMOT DOW: Wilmot Dow, Senator from Lincoln in the 96th, 97th, 98th and 99th Legislatures. (Applause)

Mr. LORIN KIMBALL: I am Lorin Kimball, former Senator in the 101st and I am glad to be back. (Applause)

Mrs. IDA HARRINGTON: I am Ida Harrington from Penobscot County and I served three terms in the House beginning with the 98th and served in the Senate in the 101st. (Applause)

Mr. CARL MCKUSICK: Carl McKusick from Piscataquis County. I served in the 92nd, 93rd, 94th and 95th in the Senate.

Hon. BURTON CROSS: "Burt" Cross, former member of the Senate from Kennebec County, and we did not used to have to have these microphones here. (Applause)

Mr. HILLMAN: Mr. President, I am Earl Hillman from Penobscot County and served in the 97th, 98th, 99th and 100th in the Senate Chamber. (Applause)

Hon. BENJAMIN BUTLER: "Ben" Butler, from Farmington, Franklin County. I served in the Senate in the 96th, 97th and 98th. (Applause)

Hon. HAROLD C. MARDEN: Mr. President, H. C. Marden, Kennebec, in the 88th and 89th Legislatures. (Applause)

Mr. GEORGE HUNT: Mr. President, George Hunt, Kennebec, the 99th Legislature. (Applause)

Mr. ROSWELL BATES: Mr. President, "Ross" Bates, Penobscot County, Senate, 99th and 100th. Glad to be back. (Applause)

Mr. ROBERT OWEN: Mr. President, Robert Owen, 96th, 97th and 98th Legislatures, Senator. (Applause)

Mr. RALPH LEAVITT: Mr. President, Ralph Leavitt of Portland, Maine. I served in the 92nd, 93rd, 94th and 95th in the Senate. (Applause)

Mr. RALPH LOVELL: Ralph Lovell, York County, 100th and 101st, Senate. (Applause)

Mr. GEORGE HURLEY: Mr. President, George Hurley, Kennebec County. I served in the 98th in the Senate.

The PRESIDENT: I want to extend the invitation for the entire Senate. We certainly welcome you back here today; we hope that you enjoy your stay here, and any advice you can give us will be certainly most welcome — I am not saying it will be followed but it will be welcome. (Laughter and applause)

Orders

On motion by Mr. Harding of Aroostook

ORDERED, that a message be sent to the House of Representatives proposing a convention of the two branches of the Legislature at eleven o'clock this morning in the Hall of the House for the purpose of extending to His Excellency Governor John H. Reed an invitation to attend the convention and make such communi-

cation as he may wish, for the purpose of recognizing former members of the Maine State Legislature on this "Welcome Back Day," and for the purpose of making a tribute to the Honorable Percival Proctor Baxter.

Which was Read and Passed.

The Secretary delivered the message.

At this point a message was received from the House of Representatives, through its Clerk, Jerome Plante, that the House concurred in the recent proposal for a Joint Convention to be held in the Hall of the House at the time stated.

The PRESIDENT: I believe there are two other former Senators now in the Senate Chamber. One is the former Senator from Cumberland, Senator Slocum, and a former Senator from Oxford, Senator Thurston. (Applause)

On motion by Mr. Harding of Aroostook,

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate:

Bill, "An Act Relating to Retirement of Employee Option by Local Districts Under Maine State Retirement System." (H. P. 535) (L. D. 709) (S. P. 474)

Which was Read and Passed.

Sent forthwith to the House for concurrence.

Reports of Committees

House

Leave to Withdraw

The Committee on Election Laws on recommitted Bill, "An Act Relating to Appointment of Chairmen of Boards of Registration in Cities of Certain Population." (H. P. 734) (L. D. 972) reported that the same should be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Providing Unemployment Compensation for Seasonal State Employees." (H. P. 827) (L. D. 1055) reported that the same should be granted Leave to Withdraw.

The Committee on Towns and Counties on Bill, "An Act Limiting Number of Deputy Sheriffs in Kennebec County." (H. P. 870) (L. D. 1167) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

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

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on Bill, "An Act Relating to Pensions for Beneficiaries of Members of Lewiston Police and Fire Departments." (H. P. 355) (L. D. 458) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Relating to Hours of Moving Pictures on Sunday." H. P. 421) (L. D. 533) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Relating to Adoption of Ordinances by Tribal Indians." (H. P. 787) (L. D. 1040) reported that the same Ought to Pass.

The Committee on Liquor Control on Bill, "An Act Relating to Delivery of Liquor by Manufacturers for Sales Promotion Purposes." (H. P. 841) (L. D. 1142) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Clarifying the Offense of Procuring Liquor for Certain Persons." (H. P. 890) (L. D. 1187) reported that the same Ought to Pass.

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

Ought to Pass — As Amended

The Committee on Legal Affairs on Bill, "An Act Providing for a Mayor-Council Charter for the City of Westbrook." (H. P. 344) (L. D. 451) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-125)

The same Committee on Bill, "An Act Revising the Laws Relat-

ing to Plumbers." (H. P. 591) (L. D. 783) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-126)

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

Divided Report

The Majority of the Committee on Liquor Control on recommended Bill, "An Act Relating to Malt Liquor Licenses." (H. P. 710) (L. D. 948) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-123)

(Signed)

Senator:

JACQUES of Androscoggin

Representatives:

COTE of Lewiston

LUND of Augusta

HAYNES of Camden

BERNARD of Sanford

FAUCHER of Solon

ROY of Winslow

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

(Signed)

Senators:

SOUTHARD of Penobscot

FALLOON of Penobscot

Representative:

MEISNER

of Dover-Foxcroft

Comes from the House, the Majority Ought to Pass report accepted, and the bill passed to be engrossed as amended.

In the Senate, on motion by Mr. Jacques of Androscoggin, the report was accepted in concurrence, the bill read once, Committee Amendment A read and adopted in concurrence and the bill as amended tomorrow assigned for second reading.

Senate

Leave to Withdraw

Mr. Faloon from the Committee on Education on Bill, "An Act

Authorizing the Municipalities of Avon, Coplin Plt., Eustis, Kingfield, Madrid, New Vineyard, Phillips and Strong to Form a School Administrative District." (S. P. 86) (L. D. 230) reported that the same should be granted Leave to Withdraw.

Ought to Pass — As Amended

Mr. Norris from the Committee on Claims on Resolve to Reimburse Richard Robinson of Robinston for Damage by Highway Construction. (S. P. 142) (L. D. 383) reported that the same Ought to Pass as amended by Committee Amendment "A" (S-76)

Mr. Snow from the Committee on Education on Bill, "An Act Relating to Tuition for Students Attending Secondary School Outside of Residence." (S. P. 335) (L. D. 1080) reported that the same Ought to Pass as amended by Committee Amendment "A" (S-77)

Mr. Southard from the Committee on Liquor Control on Bill, "An Act Relating to Time of Ordering Liquor by Certain Licensees." (S. P. 403) (L. D. 1227) reported that the same Ought to Pass as amended by Committee Amendment "A" (S-74)

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

The PRESIDENT: The Chair would like to recognize in the Senate Chamber a former Senator from Franklin County, former Senator Noyes. Would he please stand and be recognized? (Applause)

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Hilton.

Mr. HILTON: I have a former Senator from Somerset, Senator Ela.

The PRESIDENT: Would he please stand and be recognized? (Applause)

The Chair feels as though he should have a filing clerk up here, and if there are any Senators who come in and are not recognized,

if they would notify one of the other Senators so that they might be.

I believe that Senator Andrew Fournier is present. (Applause)

And I believe a former Senate President, Hon. Horace Hildreth is present here. (Applause)

And will former Senator Robert Martin please stand and be recognized (Applause).

And also former Senator Elliott. Would he please rise. (Applause)

Second Readers

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

House

Bill, "An Act Relating to Extending Hunting Season." (H. P. 63) (L. D. 74)

Resolve Proposing an Amendment to the Constitution to Eliminate the Office of Treasurer of State. (H. P. 256) (L. D. 326)

Bill, "An Act Relating to Taxation of Vehicles." (H. P. 668) (L. D. 895)

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

As Amended

Bill, "An Act Relating to Application of Federal Social Security to Firemen." (H. P. 104) (L. D. 1108)

Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation. (H. P. 6) (L. D. 6)

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

Resolve Authorizing the Director of the Bureau of Public Improvements to Convey Certain Land in Hallowell to City of Hallowell. (H. P. 551) (L. D. 722)

Comes from the House Indefinitely Postponed.

In Senate Read a Second Time and on motion by Mr. Carter of Kennebec, the resolve was tabled pending passage to be engrossed and was especially assigned for April 2.

Senate

Bill, "An Act to Consolidate The Universalist Church of Maine with Northeast District of the Unitarian Universalist Association." (S. P. 472) (L. D. 1411)

Which was Read a Second Time and Passed to be Engrossed. Sent down for concurrence.

As Amended

Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (S. P. 44) (L. D. 215)

Which was Read a Second Time and Passed to be Engrossed, as amended by Committee Amendment "A" (S-68).

Sent down for concurrence.

The PRESIDENT: The Chair at this time would like to recognize a former Senate President, Nathaniel Haskell. Would he please rise? (Applause)

The Chair at this time would like to recognize a former Senator from Somerset County, Clair Lewis. Will he please stand and be recognized? (Applause)

The Chair at this time would also like to recognize in the Senate Chamber a former Senator from York County, former Senator "Pete" Farley. Would he please rise? (Applause)

The Chair would like to recognize in the Senate Chamber a former Senator from Somerset County, former Senator Lloyd Stitham. Would he please rise. (Applause)

Also former Senator Brooks from Cumberland. Will he please rise? (Applause)

Also a former Senator from Cumberland County, Earl Davis. (Applause)

Enactors

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

Bill, "An Act Relating to Definition of Cigarettes under Cigarette Tax Law." (H. P. 555) (L. D. 726)

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

Bill, "An Act Relating to Definition of "Storage" and "Use" in Sales and Use Tax Law." (H. P. 658) (L. D. 885)

Bill, "An Act Relating to Certain Fees of Registers of Deeds." (H. P. 664) (L. D. 891)

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

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

Bill, "An Act Relating to Election of Clerks and Secretaries of Trust Companies." (H. P. 795) (L. D. 1072)

Bill, "An Act Relating to Religious Confessionals as Privileged Communications." (H. P. 1013) (L. D. 1352)

Bill, "An Act Relating to Publication of Foreclosure Notices." (S. P. 208) (L. D. 589)

Bill, "An Act Relating to Authority of Water Companies to Acquire Property." (S. P. 322) (L. D. 1019)

Bill, "An Act Relating to the Validation of Certain Instruments." (S. P. 312) (L. D. 1025)

Bill, "An Act Relating to Trespass on Lands of the University of Maine." (S. P. 357) (L. D. 1120)

Which Bills were Passed to be Enacted.

Resolve Authorizing Mary Howe Goodall and Stanley Howe to Bring Civil Action Against the State of Maine. (S. P. 196) (L. D. 575)

Which Resolve was Finally Passed.

Emergency

Bill, "An Act Authorizing the Municipalities of Acton, Alfred, Limerick, Lyman, Newfield, Shapleigh and Waterboro to Form a School Administrative District." (H. P. 322) (L. D. 425)

This Bill, being an emergency measure and having received the affirmative vote of 30 members of the Senate, was Passed to be Enacted.

Orders of the Day

The President laid before the Senate, the 1st tabled and today assigned item (H. P. 25) (L. D. 203) Bill, "An Act Repealing Milk Control Prices at the Retail Level"; tabled on March 16 by Senator Harding of Aroostook pending motion by Senator Hilton of Somerset to Indefinitely postpone bill and reports; and on further motion by Mr. Harding of Aroostook, the bill was retabled unassigned.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 308) (L. D. 1021) Senate Report, Ought to Pass in New Draft under same title (S. P. 466) (L. D. 1404) from the Committee on Education on Bill, "An Act Relating to Schooling of Children on Indian Reservations"; tabled on March 16 by Senator Snow of Cumberland pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once and tomorrow assigned for second reading.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 575) (L. D. 745) Bill, "An Act Relating to Adequate Brakes on Truck Tractors and Semitrailers"; tabled on March 16 by Senator Mendell of Cumberland pending enactment; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator, the bill was tabled pending passage to be engrossed and was especially assigned for the next legislative day.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 506) (L. D. 659) House Reports from the Committee on Legal Affairs on Bill, "An Act Providing for Election of School Board of City of Old Town"; Majority Report, Ought to Pass with Committee Amendment A Filing No. H-92; Minority Report, Ought Not to Pass; tabled on March 17 by Senator Southard of Penobscot pending motion by

Senator Shiro of Kennebec to accept the Majority Ought to pass report; and on motion by Mr. Shiro of Kennebec, the bill was retabled and especially assigned for March 26.

The President laid before the Senate the 5th tabled and today assigned item (H. P. 471) (L. D. 624) House Report, Ought to pass, as amended by Committee Amendment A, Filing H-50 from the Committee on Election Laws on Bill, "An Act Relating to Boards of Registration in Certain Towns"; tabled on March 19 by Senator Letourneau of York to Indefinitely postpone the bill and reports; and on further motion by Senator Smith of Cumberland, the bill was retabled and especially assigned for March 30.

The President laid before the Senate the 6th tabled and today assigned item (H. P. 730) (L. D. 968) Bill, "An Act Relating to Payment of Insurance Premiums of School Employees"; tabled on March 19 by Senator Snow of Cumberland pending enactment; and on motion by Mr. Snow of Cumberland, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

Thereupon, that Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A (S-72)

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

The President laid before the Senate the 7th tabled and today assigned item (H. P. 330) (L. D. 433) House Report, Leave to Withdraw Covered by Other Legislation, from the Committee on Education on Bill, "An Act Authorizing the Municipalities of Franklin, Gouldsboro, Sorrento, Steuben, Sullivan and Winter Harbor to Form a School Administrative District"; tabled on March 23 by Senator Brown of Hancock pending acceptance of the report; and on further motion by the same Senator, the report was accepted.

The President laid before the Senate the 8th tabled and today assigned item (H. P. 580) (L. D. 772) Bill, "An Act Relating to Applications for School District Formation"; tabled on March 23rd by Senator Snow of Cumberland pending enactment; and on further motion by that Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and the same Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A (S-75)

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

Sent down for concurrence.

Additional Paper from the House, out of order and under suspension of the rules:

Enactor

Bill, "An Act Authorizing Expenditure of Moneys by Oxford County for Economic and Recre-

ational Development." (H. P. 176) (L. D. 197)

This being an emergency measure and having received the affirmative vote of 30 members of the Senate the bill was passed to be enacted.

The PRESIDENT: The Chair at this time would like to recognize in the Senate Chamber a former Senator from Androscoggin County, former Senator Roger Dube. Would he please stand and be recognized? (Applause)

At this point, the Senate retired to the Hall of the House where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

In the Senate

Senate called to order by the President.

On motion by Mr. Harding of Aroostook

Adjourned until Friday morning at ten o'clock.