

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, April 27, 1965

Senate called to order by the President.

Prayer by Rev. Royal Parent of Old Orchard.

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

Papers from the House**Non-concurrent matters**

Bill, "An Act Requiring Permits to Dam Waters for Recreational Purposes." (S. P. 342) (L. D. 1087)

In Senate, April 14, Passed to Be Engrossed as amended by Committee Amendment "A". (S-122)

Comes from the House, Indefinitely Postponed in non-concurrence.

In the Senate, on motion by Mr. Maxwell of Franklin, the Senate voted to insist.

Resolve, Proposing Amendment to the Constitution Relating to Bond Issues to be Voted Upon by the People. (H. P. 612) (L. D. 804)

In Senate, April 2, Passed to Be Engrossed in concurrence. Comes from the House passed to be engrossed as amended by House Amendment "A" (H-225) in Non-concurrence.

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

Bill, "An Act Relating to Closed Time on Deer in Certain Zones." (S. P. 413) (L. D. 1309)

In Senate, April 7, Passed to Be Engrossed as amended by Committee Amendment "A" (S-85) and by Senate Amendment "A" (S-113)

Comes from the House, Passed to Be Engrossed as amended by Committee Amendment "A" and by House Amendment "A" (H-213) in Non-concurrence.

In the Senate:

Mr. O'LEARY of Oxford: Mr. President, I move that the Senate insist.

Thereupon, on motion by Mr. Manuel of Aroostook, the bill was

tabled pending the motion by Mr. O'Leary of Oxford to insist.

Bill, "An Act Relating to Coercion in Placing Insurance on Real and Personal Property." (S. P. 510) (L. D. 1480)

In Senate, April 22, Passed to Be Engrossed.

Comes from the House, Recommended to the Committee on Business Legislation in non-concurrence.

In the Senate, on motion by Mr. Brown of Hancock, the Senate voted to insist and to request a Committee of Conference. The President appointed as Senate conferees, Senators: Brown of Hancock, Carter of Kennebec and Bernard of Penobscot.

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Funds for a School Library Supervisor in the Department of Education." (H. P. 187) (L. D. 242) reported that the same should be granted Leave to Withdraw.

The same Committee on Resolve, Providing for a Study of Public School Laws. (H. P. 393) (L. D. 505) reported that the same should be granted Leave to Withdraw.

The Committee on Business Legislation on Bill, "An Act Relating to Interest Rate for Licensed Small Loan Agencies." (H. P. 455) (L. D. 609) reported that the same should be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Relating to Costs of Witness and Attorney Fees Under Workmen's Compensation Act." (H. P. 826) (L. D. 1259) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Resolve to Provide Funds for Construction of a Water Storage Dam Across the Weskeag River. (H. P. 191) (L. D. 246) reported that the same Ought Not to pass.

The Committee on Judiciary on Bill, "An Act Relating to Number of Official Court Reporters." (H.

P. 586) (L. D. 778) reported that the same Ought Not to pass — covered by other legislation.

The Committee on Labor on Bill, "An Act Permitting Injured Employee Under Workmen's Compensation Act to Choose Physician From Panel Named by Employer." (H. P. 893) (L. D. 1190) reported that the same Ought Not to pass — covered by other legislation.

The same Committee on Bill, "An Act Relating to Defenses for Employers Employing Five or Less Workmen and to Certain Farm Laborers Under Workmen's Compensation Law." (H. P. 638) (L. D. 863) reported that the same Ought Not to pass as covered by other legislation.

The same Committee on Bill, "An Act to Provide Witness and Attorney Fees Under Workmen's Compensation Act." (H. P. 640) (L. D. 865) reported that the same Ought not to pass as covered by other legislation.

The same Committee on Bill, "An Act Revising the Maine Employment Security Law and Increasing Benefits Thereunder. (H. P. 829) (L. D. 1057) reported that the same Ought Not to pass as covered by other Legislation.

Which reports were Read and accepted in concurrence.

Ought to Pass in New Draft under New Title

The Committee on Appropriations and Financial Affairs on Resolve to Provide Funds for the Renovation of a Training Vessel at Southern Maine Vocational Technical Institute in South Portland. (H. P. 391) (L. D. 503) reported that the same Ought to pass in New Draft under New Title: Resolve to provide Funds for a Training Vessel at Southern Maine Vocational Technical Institute in South Portland. (H. P. 1090) (L. D. 1484)

Which report was Read and Accepted in concurrence, and the Resolve, in New Draft, read once and tomorrow assigned for second reading.

Divided Report

The Majority of the Committee on Transportation on Bill, "An Act Relating to Registration Fee for Motor Vehicles Operated Exclusively on Certain Islands." (H. P. 1024) (L. D. 1387) reported that the same Ought not to pass.

(Signed)

Senators:

SHIRO of Kennebec
MENDELL of Cumberland
CAHILL of Somerset

Representatives:

BEANE of Moscow
LEBEL of Van Buren
HUBER of Rockland
CROSBY of Kennebunk
STORM of Sherman
KEYTE of Dexter

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

(Signed)

Representative:

BUSSIÈRE of Lewiston

Comes from the House, Passed to Be Engrossed.

In the Senate, on motion by Mr. Snow of Cumberland, tabled pending acceptance of either report and especially assigned for Thursday next.

Senate

Ought to Pass — As Amended

Mr. Manuel from the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Fees for Fishing and Hunting Licenses." (S. P. 427) (L. D. 1362) reported that the same Ought to Pass as amended by Committee Amendment "A" (S-153)

On motion by Mr. Manuel of Penobscot, tabled pending acceptance of the report.

Mr. Bernard from the Committee on Towns and Counties on Bill, "An Act Authorizing Town of Island Falls to Construct Certain Road." (S. P. 492) (L. D. 1457) reported that the same Ought to pass as amended by Committee Amendment "A" (S-154)

Which reports were Read and Accepted. Committee Amendments

"A" were Read and adopted, and the Bills, as amended, tomorrow assigned for second reading.

Ought to Pass — in New Draft — Same Title

Mr. Violette from the Committee on Judiciary on Bill, "An Act Providing for Additional Trial Term in Penobscot County." (S. P. 211) (L. D. 592) reported that the same Ought to pass in New Draft under the same title: (S. P. 514) (L. D. 1486)

On motion by Mr. Stern of Penobscot, tabled pending acceptance of the report.

Mr. Shiro from the Committee on Legal Affairs on Bill, "An Act Relating to Disposal of Dangerous Buildings in Municipalities." (S. P. 318) (L. D. 1018) reported that the same Ought to pass in New Draft under the same title: (S. P. 515) (L. D. 1491)

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

Divided Report

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Providing for a Limited Open Season on Moose." (S. P. 284) (L. D. 846) reported that the same Ought to pass in New Draft Under New Title: "An Act Providing for a Limited Open Season on Moose in Aroostook County for Conservation Research Purposes", (S. P. 518) (L. D. 1492)

(Signed)

Senators:

MANUEL of Aroostook
HOFFSES of Knox
McDONALD

of Piscataquis

Representatives:

COOKSON of Glenburn
ROBERTS

of South Berwick
BALDIC of Waterville
GAUDREAU of Lewiston
CHAMPAGNE of Fairfield
POULIN of Skowhegan

The Minority of the same Committee on the same subject matter

reported that the same Ought not to pass.

(Signed)

Representative:

ANDERSON of Ellsworth

On motion by Mr. Manuel of Penobscot, the Majority Ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

Second Readers

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

House

Bill, "An Act Relating to Appointments to the Maine Motor Vehicle Dealer Registration Board." (H. P. 1089) (L. D. 1481)

Which was Read a second time and on motion by Mr. Mendell of Cumberland was tabled pending passage to be engrossed and especially assigned for April 29.

Senate

Bill, "An Act Relating to Costs and Attorney's Fees Under Workmen's Compensation Law." (S. P. 417) (L. D. 1312)

Which was Read a second time and passed to be engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Use of Moneys Received from the Potato Tax." (S. P. 490) (L. D. 1453)

Bill, "An Act to Provide Aerial Photos of Maine's Forest Lands." (S. P. 279) (L. D. 841)

Which was read a second time and on motion by Mr. Brown of Hancock, tabled pending passage to be engrossed and especially assigned for later in today's session.

Resolve, Appropriating Money to Continue Review of Maine Criminal Statutes. (S. P. 445) (L. D. 1384)

Bill, "An Act Increasing Salaries of Official Court Reporters." (S. P. 164) (L. D. 494)

Which were Read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

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

Bill, "An Act Appropriating Funds to Construct Windbreak on Bridge Between Old Town and Indian Island." (H. P. 386) (L. D. 499)

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

Bill, "An Act Revising the Laws Relating to Plumbers." (H. P. 591) (L. D. 783)

Bill, "An Act Relating to Definition of Agricultural Societies to Qualify for Stipend." (H. P. 602) (L. D. 823)

Bill, "An Act Relating to Operation of Homemaker Service by Department of Health and Welfare." (H. P. 806) (L. D. 1098)

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

Bill, "An Act Increasing Renewal Fee of Certificate to Practice Chiropractic." (H. P. 996) (L. D. 1346)

Bill, "An Act Repealing Westbrook Sewerage District and Transferring Assets to City of Westbrook." (H. P. 1039) (L. D. 1413)

Bill, "An Act Providing for an Additional District Court Judge and Relating to Composition of Certain District Court Districts." (S. P. 65) (L. D. 126)

Bill, "An Act Relating to Compensation of Reporters in Probate Court." (S. P. 286) (L. D. 848)

Bill, "An Act Relating to Public Notice in Probate Proceedings and Return Dates." (S. P. 295) (L. D. 910)

Bill, "An Act Relating to Authorized Acts of Dental Hygienists and Penalty for Exceeding Such Authority." (S. P. 309) (L. D. 1022)

Bill, "An Act Relating to Jurisdiction of District Courts." (S. P. 352) (L. D. 1117)

Bill, "An Act Relating to Membership of Judicial Council." (S. P. 430) (L. D. 1364)

Which Bills were Passed to Be Enacted.

Resolve Appropriating Money to Continue Preparation of Court Rules of Criminal Procedure. (H. P. 418) (L. D. 530)

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

Resolve Relating to Taxation of Hungry Island in the County of Lincoln. (H. P. 1086) (L. D. 1472)

Which resolve was finally passed.

Resolve in Favor of Carroll Linnell of Benton for Well Damage by Highway Construction. (S. P. 473) (L. D. 1425)

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

Emergency

Bill, "An Act Relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of Town of Wells." (H. P. 235) (L. D. 304)

This Bill, being an emergency measure and having received the affirmative vote of 28 members of the Senate was Passed to Be Enacted.

Emergency

Bill, "An Act Appropriating Moneys for Maine Civil War Commission." (H. P. 1082) (L. D. 1471)

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

Emergency

Bill, "An Act to Clarify Condemnation of Schoolhouse Lots." (S. P. 505) (L. D. 1473)

This Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be enacted.

The PRESIDENT: The Chair would like to recognize in the back of the Senate Chamber a former Senator from Aroostook County. Would George Blanchard please

stand and be recognized? (Applause)

Emergency

Resolve Providing Funds for Conservation Education. (H. P. 192) (L. D. 247)

This Resolve, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was finally passed.

Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes. (H. P. 582) (L. D. 774)

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

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (S. P. 371) (L. D. 1138) Bill, "An Act Relating to Operation of Motorcycles While Learning to Drive", tabled on April 20 by Senator Mendell of Cumberland pending consideration; and on motion by Mr. Brown of Hancock, the bill was retabled.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 671) (L. D. 898) Bill, "An Act Relating to Equipment and Inspection of Motor Vehicles"; tabled on April 22 by Senator O'Leary of Oxford pending assignment for second reading; and on further motion by the same Senator, the bill was given its second reading and passed to be engrossed in concurrence.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 399) (L. D. 1224) Bill, "An Act Relating to Title Reference in Conveyances of Real Estate" tabled on April 23 by Senator Glass of Waldo pending consideration; and on further motion by the same Senator, the bill was retabled and especially assigned for May 4.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 210) (L. D. 591) Senate Report, Ought not to pass as covered by other legislation from the Committee on Labor on Bill, "An Act to Revise Certain Portions of Workmen's Compensation Law"; tabled on April 23 by Senator Chisholm of Cumberland pending acceptance of the report; and on further motion by the same Senator, the report was accepted.

Sent down for concurrence.

The Chair laid before the Senate the 5th tabled and today assigned matter (S. P. 504) (L. D. 1470) Bill, "An Act Relating to Exemption from Sales Tax of Boats Sold to Nonresidents," which was tabled by Senator Mendell of Cumberland on April 23rd pending motion by Senator Sproul of Lincoln to indefinitely postpone bill and report.

Mr. MENDELL: Mr. President, I now move the pending question.

Mr. MAXWELL of Franklin: Mr. President, I would move for a division.

Mrs. SPROUL of Lincoln: Mr. President, I stand merely because I want to withdraw my motion for indefinite postponement. Although I am not very happy because I feel that this exemption will mean more taxes for someone else to make up I have been furnished a list of employment at the Bath Ironworks and in looking over my county as well as several others I know what it means in the way of employment, and for that reason I withdraw my motion to indefinitely postpone and move for the passage of the bill.

The PRESIDENT: The Senator from Lincoln, Senator Sproul, requests leave to withdraw her motion, which she may do.

Thereupon on motion by the same Senator the bill was given its second reading and passed to be engrossed. Sent down for concurrence.

The President laid before the Senate the 6th tabled and today assigned matter, (H. P. 1025) (L. D. 1388) Bill, "An Act Relating to the Reporting of Traffic Accidents, which was tabled on April 23rd by

Senator Violette of Aroostook pending passage to be engrossed.

Mr. BROWN of Hancock: Mr. President, in talking with my lawyer friends I find I made a small error in my amendment, and for that reason I move that we reconsider our action whereby we adopted Senate Amendment "A".

The motion prevailed. On further motion by the same Senator the Senate voted to indefinitely postpone Senate Amendment "A" and on further motion by the same Senator the bill was passed to be engrossed.

On motion by Senator O'Leary of Oxford the Senate voted to take from the table the 5th tabled and unassigned matter, (H. P. 902) (L. D. 1212) Bill, "An Act Relating to Remedy for Paupers' Refusal to be Removed," which was tabled by that Senator on March 12th pending passage to be engrossed, and on motion by the same Senator the bill was passed to be engrossed.

On motion by Mr. Harding of Aroostook the Senate voted to take from the table the 37th tabled and unassigned matter, (S. P. 219) (L. D. 678) Bill, "An Act Authorizing the Appointment of the Commissioner of Agriculture by the Governor," which was tabled by that Senator on April 21st pending consideration.

On motion by the same Senator the Senate voted to reconsider its action whereby the bill was passed to be engrossed as amended by House Amendment "A" and on further motion by the same Senator the Senate voted to reconsider its action whereby it adopted Senate Amendment "A". On further motion by the same Senator the Senate voted to indefinitely postpone House Amendment "A". The same Senator offered Senate Amendment "A" and moved its adoption. Senate Amendment "A" was read and adopted and the bill was passed to be engrossed as

amended in non-concurrence and sent down for concurrence.

On motion by Mr. Brown of Hancock, the Senate voted to take from the table the 36th tabled and unassigned item (H. P. 385) (L. D. 498) House Reports from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Remove Floating Islands in Toddy Pond in Surry": Majority Report, Ought not to pass; Minority report, Ought to pass; tabled on April 20 by Senator Brown of Hancock pending acceptance of either report; and on further motion by that Senator, the Majority Ought not to pass report was accepted.

On motion by Mr. Duquette of York, the Senate voted to take from the table the 44th tabled and unassigned item (H. P. 121) (L. D. 145) House Reports from the Committee on Appropriations and Financial Affairs on Resolve to Provide Funds to Convert Ferry Terminal at North Haven; Majority Report, Ought not to pass; Minority Report, Ought to pass; tabled on April 23 by Senator Duquette of York pending acceptance of either report; and on further motion by the same Senator, the Ought not to pass Majority report was accepted.

The President laid before the Senate Item 7-4 Bill, "An Act to Provide Aerial Photos of Maine's Forest Lands" (S. P. 279) (L. D. 841) tabled earlier in today's session by Senator Brown of Hancock pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Harding of Aroostook

Adjourned until tomorrow morning at 9:30 o'clock.