

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, April 28, 1965

Senate called to order by the President.

Prayer by Rev. Joseph LeMaster of Monmouth.

On motion by Mr. Letourneau of Androscoggin, the Journal of yesterday was Read and Approved.

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

Bill, "An Act Revising the Laws Relating to Registration of Physicians and Surgeons." (S. P. 351) (L. D. 1126)

In Senate, April 6, Passed to Be Engrossed as amended by Committee Amendment "A" (S-100)

Comes from the House, Passed to Be Engrossed without Amendment in Non-concurrence.

In the Senate, on motion by Mr. Bernard of Penobscot, the Senate voted to recede and concur.

Senate Paper

The following bill was transmitted to the Committee on Reference of Bills on April 27, 1965, and approved for appearance on the calendar by the majority of the Committee, pursuant to Joint Rule 19-C:

Mr. Cahill of Somerset presented Bill, "An Act Relating to Hunting Buck Deer." (S. P. 522)

Which was received by unanimous consent and referred to the Committee on Inland Fisheries and Game.

Sent down for concurrence.

**Reports of Committees
House****Leave to Withdraw**

The Committee on Inland Fisheries and Game on Bill, "An Act Increasing Salary of Commissioner of Inland Fisheries and Game." (H. P. 251) (L. D. 319) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Towns and Counties on Bill, "An Act Relating

to Clerk Hire of Clerk of Courts and County Attorney in York County." (H. P. 1012) (L. D. 1372) reported that the same Ought not to pass.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill, "An Act Relating to Fees of Clerks of the Judicial Courts." (H. P. 632) (L. D. 839) reported that the same Ought to pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Chairman and Membership of Board of Finance of City of Lewiston." (H. P. 354) (L. D. 457) 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.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Supplement Loans by Maine School Building Authority." (H. P. 298) (L. D. 401) reported that the same Ought to pass.

Which comes from the House Passed to Be Engrossed as amended by House Amendment "A" (H-254)

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

**Ought to Pass in New Draft —
Same Title**

The Committee on Judiciary on Bill, "An Act to Authorize Municipalities to Finance Industrial and Recreational Projects." (H. P. 822) (L. D. 1113) reported that the same Ought to pass in New Draft under the same title: (H. P. 1091) (L. D. 1487)

Which report was read and accepted and the bill read once. Mr. Violette of Aroostook presented Senate Amendment A and moved its adoption.

Which amendment (S-156) was read and adopted and the bill as

amended was tomorrow assigned for second reading.

The Committee on Transportation on Bill, "An Act to Clarify the Motor Vehicle Laws." (H. P. 666) (L. D. 893) reported that the same Ought to pass in New Draft under the same title: (H. P. 1093) (L. D. 1489)

Ought to Pass in New Draft — New Title

The Committee on Appropriations and Financial Affairs on Bill, "An Act Reactivating the Maine Governor's Committee on Aging." (H. P. 793) (L. D. 1071) reported that the same Ought to pass in New Draft under New Title: "An Act Continuing the Committee on Aging." (H. P. 1094) (L. D. 1490)

Which reports were Read and Accepted in concurrence, the Bills in New Draft read once and tomorrow assigned for second reading.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys for Study of Maine Motor Vehicle Laws." (H. P. 388) (L. D. 871) reported that the same Ought to pass as amended by Committee Amendment "A" (H-245)

The same Committee on Bill, "An Act Relating to Funeral Expenses of Recipients of Aid to the Aged, Blind or Disabled." (H. P. 578) (L. D. 770) reported that the same Ought to pass as amended by Committee Amendment "A" (H-244)

The Committee on Legal Affairs on Bill, "An Act Providing for a Council - Manager Form of Government for Town of Limestone." (H. P. 520) (L. D. 693) reported that the same Ought to pass as amended by Committee Amendment "A" (H-242)

The same Committee on Bill, "An Act Relating to Junk Yards." (H. P. 832) (L. D. 1059) reported that the same Ought to pass as amended by Committee Amendment "A" (H-241)

The same Committee on Bill, "An Act to Grant a New Charter for the Town of Scarborough." (H. P. 361) (L. D. 486) reported that

the same Ought to pass as amended by Committee Amendment "A" (H-243)

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

The Majority of the Committee on State Government on Bill, "An Act to Transfer Duties of Liquor Inspectors to the State Police." (H. P. 987) (L. D. 1382) reported that the same Ought not to pass.

(Signed)

Senators:

STERN of Penobscot
WILLEY of Hancock
MAXWELL of Franklin

Representatives:

PITTS of Harrison
DOSTIE of Lewiston
BERRY

of Cape Elizabeth
EDWARDS of Portland
KATZ of Augusta
LIBHART of Brewer

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

(Signed)

Representative:

STARBIRD

of Kingman Township

Comes from the House, Indefinitely Postponed.

In the Senate, on motion by Mr. Maxwell of Franklin, the bill was indefinitely postponed in concurrence.

The Majority of the Committee on Transportation on Bill, "An Act Relating to Penalty for Weight Violations of Trucks." (H. P. 158) (L. D. 181) reported that the same Ought to pass, as amended by Committee Amendment "A" (H-218)

(Signed)

Senators:

MENDELL
of Cumberland
SHIRO of Kennebec

Representatives:

BEANE of Moscow
KEYTE of Dexter

HUBER of Rockland
LEBEL of Van Buren
STORM of Sherman
CROSBY of Kennebunk
BUSSIÈRE of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed)

Senator:

CAHILL of Somerset

Comes from the House, Passed to Be Engrossed, as amended by House Amendment "A" (H-255).

In the Senate, on motion by Mr. Mendell of Cumberland, the Majority Ought to pass report was accepted, the bill read once and Committee Amendment A was read.

Thereupon, on motion by Mr. O'Leary of Oxford, the bill was tabled pending adoption of Committee Amendment A and especially assigned for the next legislative day.

On motion by Mr. Jutras of York, the Senate voted to reconsider its action taken earlier in today's session whereby it assigned for second reading (Item 6-10) Bill, "An Act Relating to Funeral Expenses of Recipients of Aid to the Aged, Blind or Disabled" (H. P. 578) (L. D. 871) and on further motion by the same Senator, the bill was tabled pending assignment for second reading and especially assigned for the next legislative day.

Senate

Ought Not to Pass

Mr. Willey from the Committee on State Government on Bill, "An Act Increasing Compensation of Members of Employment Security Commission." (S. P. 166) (L. D. 496) reported that the same Ought not to pass.

On motion by Mrs. Chisholm of Cumberland tabled pending acceptance of the report and especially assigned for May 14.

Ought to Pass — As Amended

The same Senator from the same Committee on Bill, "An Act Relating to Compensation of Rep-

resentative of Indian Tribes at the Legislature." (S. P. 406) (L. D. 1229) reported that the same Ought to pass, as amended by Committee Amendment "A" (S-160)

Mr. Stern from the same Committee on Bill, "An Act Increasing Salaries of Members of Industrial Accident Commission." (S. P. 24) (L. D. 36) reported that the same Ought to pass, as amended by Committee Amendment "A" (S-158)

Mr. Maxwell from the same Committee on Bill, "An Act Increasing Salary of Commissioner of Agriculture." (S. P. 224) (L. D. 683) reported that the same Ought to pass, as amended by Committee Amendment "A" (S-159)

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

Ought to Pass in New Draft — New Title

Mr. Stern from the same Committee on Bill, "An Act Increasing Compensation of Members of the Legislature." (S. P. 460) (L. D. 1396) reported that the same Ought to pass in New Draft, under New Title: "An Act Increasing Compensation of Members of the Legislature, the Governor, Court Justices and Certain Department Heads." (S. P. 520) (L. D. 1497)

Which report was read and accepted, the bill in new draft read once and tomorrow assigned for second reading.

The same Senator from the same Committee on Bill, "An Act Increasing Salaries of Members of Liquor Commission." (S. P. 325) (L. D. 1047) reported that the same Ought to pass in New Draft, under New Title: "An Act Relating to Expenses of Members of Liquor Commission." (S. P. 519) (L. D. 1496)

On motion by Mr. Jacques of Androscoggin, tabled pending acceptance of the report.

Divided Report

The Majority of the Committee on Industrial and Recreational De-

velopment on Bill, "An Act Creating Special Legislative Committee to Study Need for Bridge and Causeway to Chebeague Island, Cumberland County." (S. P. 110) (L. D. 337) reported that the same Ought to pass, as amended by Committee Amendment "A" (S-155).

(Signed)

Senators:

JACQUES of Androscoggin
MOORE of Washington

Representatives:

KILROY of Portland
FORTIER of Waterville
BENSON
of Mechanic Falls
NORTON of Caribou
LITTLEFIELD

of Hampden
TRUMAN of Biddeford

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed)

Senator:

HOFFSES of Knox

Representative:

PAYSON of Falmouth

On motion by Mr. Jacques of Androscoggin, the Majority Ought to pass report was accepted, the bill read once, Committee Amendment A read and adopted and the bill as amended tomorrow assigned for second reading.

The Majority of the Committee on Public Utilities on Bill, "An Act Relating to Transportation of Commodities for Hire by a Common Carrier." (S. P. 298) (L. D. 912) reported that the same Ought to pass in New Draft Under Same Title: (S. P. 521) (L. D. 1498)

(Signed)

Senators:

VIOLETTE of Aroostook
BOISVERT
of Androscoggin

Representatives:

D'ALFONSO of Portland
PIKE of Lubec
DOYLE of Caribou
SAWYER of Brunswick

The Minority of the same Committee on the same subject mat-

ter reported that the same Ought not to pass.

(Signed)

Senator:

LETOURNEAU of York

Representatives:

ERWIN of York
PENDERGAST
of Kennebunkport
SEARLES of Bangor

On motion by Mr. Boisvert of Androscoggin, recommitted to the Committee on Public Utilities.

Sent down for concurrence.

Second Readers

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

House

Resolve to Provide Funds for a Training Vessel at Southern Maine Vocational Technical Institute in South Portland. (H. P. 1090) (L. D. 1484)

Senate

Bill, "An Act Providing for a Limited Open Season on Moose in Aroostook County for Conservation Research Purposes." (S. P. 518) (L. D. 1492)

Bill, "An Act Relating to Disposal of Dangerous Buildings in Municipalities." (S. P. 515) (L. D. 1491)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Authorizing Town of Island Falls to Construct Certain Road." (S. P. 492) (L. D. 1457)

Which was read a second time; and on motion by Mr. Violette of Aroostook, the Senate voted to reconsider its former action whereby it adopted Committee Amendment A. The same Senator presented Senate Amendment A to Committee Amendment A and moved its adoption.

Which amendment (S-157) was read and adopted, Committee Amendment A as amended by Senate Amendment A was adopted and the bill as amended was

passed to be engrossed and sent down for concurrence.

Enactors

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

Bill, "An Act Providing for Penobscot County Funds for Buildings for Education Programs for Retarded Children." (H. P. 16) (L. D. 16)

(On motion by Mr. Faloan of Penobscot, tabled pending passage to be enacted.)

Bill, "An Act Relating to Establishment and Operation of Regional Technical and Vocational Centers." (H. P. 32) (L. D. 44)

(On motion by Mr. Harding of Aroostook, tabled pending passage to be enacted.)

Bill, "An Act Relating to Kindergarten Education." (H. P. 623) (L. D. 830)

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

Bill, "An Act Relating to Rules for and Enforcement of Channel Lines by Municipal Officers." (H. P. 835) (L. D. 1062)

Bill, "An Act Providing Only One Way to Split a General Election Ballot." (H. P. 884) (L. D. 1181)

(On motion by Mr. Harding of Aroostook, tabled pending passage to be enacted.)

Bill, "An Act Defining Class A Taverns Under Liquor Law." (H. P. 1058) (L. D. 1434)

Bill, "An Act Entering the State of Maine into the New England State Police Compact." (S. P. 179) (L. D. 765)

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

Which Bills were Passed to Be Enacted.

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

Non-concurrent Matters

Enactor

Resolve Proposing an Amendment to the Constitution Creating

the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor. (S. P. 168) (L. D. 497)

Comes from the House having failed of final passage.

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

Bill, "An Act Relating to Hunting by Non-resident Aliens." (H. P. 699) (L. D. 937)

In Senate, April 14, Passed to Be Engrossed as amended by House Amendment "B" (H-16) in non-concurrence.

Comes from the House, Passed to Be Engrossed as amended by House Amendment "D" (H-256) in non-concurrence.

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

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

In Senate, April 15 Passed to Be Engrossed as amended by Committee Amendment "A" (H-163)

Comes from the House Passed to Be Engrossed as amended by House Amendment "A" (H-247) and by Committee Amendment "A" (H-163) in Non-concurrence.

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

Bill, "An Act Relating to Election of Certain Municipal Officials." (H. P. 470) (L. D. 623)

In Senate, April 12, Passed to Be Engrossed.

Comes from the House, Passed to Be Engrossed as amended by House Amendment "A" (H-236) in Non-concurrence.

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

Bill, "An Act Creating the Office of State Archivist." (H. P. 768) (L. D. 1012)

In Senate, April 21, Passed to Be Engrossed.

Comes from the House, Passed to Be Engrossed, as amended by House Amendment "A" (H-253) in Non-concurrence.

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

House Committee Reports**Divided Report**

The Majority of the Committee on Business Legislation on Bill, "An Act for Shrinkage Allowance on Motor Fuel for Service Stations." (H. P. 557) (L. D. 873) reported that the same Ought to pass as amended by Committee Amendment "A" (H-206)

(Signed:)

Senators:

CARTER of Kennebec
BERNARD of Penobscot

Representatives:

BERNARD of Sanford
McKINNON
of South Portland
LABERGE of Auburn
AVERY of Kittery
FECTEAU of Biddeford
HARRIMAN of Hollis

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed:)

Senators:

BROWN of Hancock

Representative:

SCOTT of Wilton

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A".

In the Senate:

Mr. BERNARD of Penobscot: Mr. President, I move acceptance of the Majority "Ought to pass" report of the committee.

Mr. BROWN of Hancock: I rise in opposition to my good friend the Senator from Penobscot Senator Bernard's motion to accept the majority "Ought to pass" report and I would like to speak briefly on it.

I have a memo here from Ernest Johnson, State Tax Assessor which says: "Based on the assumption that this bill relates to gasoline only and that virtually all gasoline ultimately is sold at retail, it is estimated that enactment of this measure would result in a loss of approximately \$105,000 in highway revenue for the first year of the biennium and \$130,000 the next year. The difference is due to the fact that the bill would not become effective until 90 days after

legislature adjourns. Enactment of this bill as printed would result in additional administrative costs amounting to \$9,842."

For these reasons, Mr. President, I move for the indefinite postponement of this bill.

On motion by Mr. Bernard of Penobscot the bill was tabled until May 6th pending the motion of the Senator from Hancock, Senator Brown, that the bill and accompanying report be indefinitely postponed.

The Majority of the Committee on Labor on Bill, "An Act Relating to Legal Fees in Court Proceedings for Benefits Under Employment Security Law." (H. P. 825) (L. D. 1258) reported that the same Ought to pass.

Signed:

Senators:

O'LEARY of Oxford
CHISHOLM

of Cumberland
SMITH of Cumberland

Representatives:

BEDARD of Saco
GAUVIN of Auburn
LEVESQUE

of Madawaska
DUMONT of Augusta

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

Signed

Representatives:

BENSON

of Southwest Harbor
BAKER of Winthrop
KITTREDDGE

of South Thomaston

Comes from the House, Passed to Be Engrossed as amended by House Amendment "A" (H-257)

In the Senate, on motion by Mr O'Leary of Oxford, the Majority Ought to pass report was accepted and the bill read once; House Amendment A was read, and on motion by Mr. Harding of Aroostook, the bill was tabled pending adoption of House Amendment A.

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (S. P. 95) (L. D.

262) Bill, "An Act Relating to Chiropractic Treatment under Workmen's Compensation Law"; tabled on April 14 by Senator O'Leary of Oxford pending motion by Senator Glass of Waldo to recede and concur.

Mr. O'LEARY of Oxford: Mr. President, this bill has all the earmarks of being kicked around like the seat belt law. I know it is a good bill but I am preparing an amendment that I think will do away with a lot of the objections that the opponents have to this measure. If someone will honor me by tabling this for me I shall have an amendment prepared.

On motion by Senator Bernard of Penobscot the bill was tabled pending the motion of the Senator from Waldo, Senator Glass, to recede and concur.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 763) (L. D. 1000) Bill, "An Act Increasing Fees of Registers of Deeds"; tabled on April 23 by Senator Sproul of Lincoln pending passage to be engrossed; and on further motion by the same Senator, the bill was retabled and especially assigned for Friday next.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table (S. P. 335) (L. D. 1080) Bill, "An Act Relating to Tuition for Students Attending Secondary School Outside of Residence"; and on motion by Mr. Snow of Cumberland, 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.

Which amendment (S-161) was read and adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: At this time the Chair would like to recognize in the back of the Senate Chamber a group of 12 children from the Cerebral Palsy School, ungraded

classes. They are chaperoned this morning by Mrs. Mitchell, Mrs. Sanborn, Mrs. Starks, Mrs. Porter and Mrs. Flanagan. We welcome you here this morning and hope that you enjoy and benefit from your visit here. They are from the City of Bangor which, of course, is in the county of Penobscot, and the Chair would like to introduce the Senators from that County, Senator Stern, Senator Bernard and Senator Faloona. (Applause)

On motion by Mr. Snow of Cumberland, the Senate voted to take from the table the 39th tabled and unassigned item (S. P. 171) (L. D. 537) Resolve Authorizing Improvements to Road to WCBB Transmitting Facilities in Litchfield tabled on April 22 by Senator Snow of Cumberland pending passage to be engrossed; and that Senator moved the pending question.

Thereupon, the resolve was passed to be engrossed and sent down for concurrence.

On motion by Senator Hoffses of Knox: the Senate voted to take from the table (H. P. 165) (L. D. 186) House Reports from the Committee on State Government on Resolve Transferring Ownership of Rockland Airport to State of Maine, Majority report "Ought not to pass"; Minority Report "Ought to pass" which was tabled by that Senator on February 26th pending acceptance of either report.

Mr. HOFFSES: Mr. President, I would like permission to briefly speak on this matter, at the close of which I will make a motion.

The PRESIDENT: The Senator may.

Mr. HOFFSES: Mr. President and members of the Senate: On this L. D. 186, Resolve, Transferring Ownership of Rockland Airport to State of Maine I am very well aware of the precedent that this resolve could possibly establish. I am also aware of the financial burden the airport places on the City of Rockland and, in turn, the benefits from it: approx-

imately only forty per cent by its existence and use as an airfield for commercial flights. I am aware of its geographical location approximately half way between Portland and Bar Harbor and fifty miles from Augusta. This airport serves a large area along the coast and off-shore islands as well. As a tight-fisted Yankee I am most conscious of fiscal and financial responsibility in government as well as in private enterprise, so it is with reluctance but with full understanding of the situation that I move we accept the majority report "Ought not to pass."

The motion prevailed and the majority "Ought not to pass" report was accepted.

On motion by Senator Brown of Hancock the Senate voted to take from the table (H. P. 265) (L. D. 347) Bill, "An Act Providing for a Legislative Conference Prior to the Convening of the 103rd Legislature," which was tabled on April 13th by that Senator pending adoption of House Amendment "A" Filing H-191 to Committee Amendment "A" Filing H-183.

Mr. BROWN: Mr. President, usually it has been customary for the Legislative Research Committee to decide where the pre-legislative conferences will be held. As many of you probably know,

the Research Committee is made up of eight members of the Senate and eight members of the House including the President of the Senate and the Speaker of the House. For this reason, Mr. President, I feel the individuals on this committee are qualified to judge, and I move that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The motion prevailed and House Amendment "A" to Committee A was indefinitely postponed.

Thereupon, Committee Amendment A was adopted, and the bill as amended was tomorrow assigned for second reading.

The PRESIDENT: The Chair would like to recognize in the Senate Chamber a group of 8th grade Maine History students from the Anson Elementary School, accompanied this morning by their Principal, Kenneth Taylor. Since you are from the Town of Anson and Somerset County, the Chair would like to introduce to you the Senators from that County, Senator Hilton and Senator Cahill. We welcome you here this morning and hope you enjoy and benefit from your visit here. (Applause)

On motion by Mr. Harding of Aroostook

Adjourned until tomorrow morning at nine o'clock.