

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, May 7, 1965

Senate called to order by the President.

Prayer by Rev. John Meisner of Dover-Foxcroft.

On motion by Mr. Moore of Washington, 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, May 11th. (S. P. 532)

Which was read and passed and sent forthwith to the House for concurrence.

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

Bill "An Act Defining a Public School." (H. P. 1069) (L. D. 1444)

In Senate, April, 14 passed to be engrossed.

Comes from the House, indefinitely postponed in Non-concurrence.

In the Senate, on motion by Mr. Snow of Cumberland, the Senate voted to recede and concur.

Orders

On motion by Mr. Harding of Aroostook

ORDERED, the House concurring, that free additional telephone service be provided for each member of the Senate and House to the number of twenty-five (25) calls of reasonable duration from Augusta to points within the limits of the State of Maine; charge for this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (S. P. 533)

Which was read and passed.
Sent down for concurrence.

**Reports of Committees
House****Referred to the 103rd Legislature**

The Committee on State Government on Bill "An Act to Cre-

ate the Maine Recreation Authority." (H. P. 1003) (L. D. 1350) reported that the same should be referred to the 103rd Legislature.

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on Bill "An Act Providing for an Apprenticeship Representative Under State Apprenticeship Council Law." (H. P. 446) (L. D. 600) reported that the same should be granted Leave to withdraw.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on "Resolve Appropriating Money for Renovation of Administration Building at Boys Training Center." (H. P. 304) (L. D. 407) reported that the same Ought not to pass.

The same Committee on Bill "An Act Appropriating Moneys to Maine Maritime Academy for Construction of Warehouse and Garage." (H. P. 300) (L. D. 403) reported that the same Ought not to pass.

The same Committee on Bill "An Act Appropriating Moneys to Maine Maritime Academy for Reconstruction of Dismukes Hall." (H. P. 301) (L. D. 404) reported that the same Ought not to pass.

The Committee on Education on Recommended Bill "An Act Relating to School Buses." (H. P. 1044) (L. D. 1422) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds for the Continuing of Maine's Participation in the New England Pavilion at the New York World's Fair." (H. P. 616) (L. D. 825) reported that the same Ought to pass.

The same Committee on Bill "An Act Increasing Appropriation for Stipend Fund for Disbursements to Certain Agricultural Societies." (H. P. 794) (L. D. 1256) reported that the same Ought to pass.

The Committee on Highways on Recommitted Bill "An Act to Authorize the Issuance of Bonds in the Amount of Nine Million Six Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways." (H. P. 482) (L. D. 635) reported that the same Ought to pass.

The Committee on Judiciary on 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) 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 in New Draft

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Monies to the Employment Security Commission and the Department of Education to Match Federal Funds Under Manpower Development and Training Act of 1962." (H. P. 675) (L. D. 902) reported that the same Ought to pass in New Draft under New Title: "An Act Appropriating Money to Match Federal Funds Provided under the Manpower Development and Training Act of 1962." (H. P. 1106) (L. D. 1512)

The Committee on Business Legislation on Bill "An Act Relating to Definition of Securities Under Dealers in Securities Law." (H. P. 622) (L. D. 829) reported that the same Ought to pass in New Draft under new title: An Act Exempting Municipal Development Corporations from Fees Under the Securities Law." (H. P. 1107) (L. D. 1513)

The Committee on Judiciary on Bill "An Act Relating to Arrests for Motor Vehicle Violations." (H. P. 637) (L. D. 862) reported that the same Ought to pass in New Draft under the same title: (H. P. 1110) (L. D. 1516)

Which reports were read and accepted in concurrence, and 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 to Establish a Bureau of Public Administration at the University of Maine in Orono." (H. P. 439) (L. D. 594) reported that the same Ought to pass As Amended by Committee Amendment "A" (H-280)

The same Committee on Bill "An Act Providing for Longevity Pay for State Department Officers Whose Salaries are Fixed by Statute." (H. P. 970) (L. D. 1347) reported that the same Ought to pass As Amended by Committee Amendment "A." (H-282)

The same Committee on "Resolve in Favor of Marine Research Society of Bath for Support and Maintenance of Museum." (H. P. 193) (L. D. 248) reported that the same Ought to pass As Amended by Committee Amendment "A." (H-281)

Which reports were read and accepted in concurrence. The Bills and Resolve were read once. Committee Amendments "A" were read and adopted, and the Bills and Resolve As Amended, tomorrow assigned for second reading.

Divided Reports

The Majority of the Committee on State Government on "Resolve Proposing an Amendment to the Constitution Providing for the Election of the Secretary of State and His Succession to the Office of Governor." (H. P. 553) (L. D. 724) reported that the same Ought not to pass.

(Signed)

Senators:

MAXWELL of Franklin
WILLEY of Hancock

Representatives:

LIBHART of Brewer
BERRY of Cape Elizabeth
KATZ of Augusta
PITTS of Harrison

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

(Signed)

Senator:

STERN of Penobscot

Representatives:

STARBIRD
of Kingman Township
EDWARDS of Portland
DOSTIE of Lewiston

Comes from the House, the Majority — Ought not to Pass Report accepted.

In the Senate:

Mr. MAXWELL of Franklin: Mr. President, I move acceptance of the Majority Ought not to pass report.

Thereupon, on motion by Mr. Violette of Aroostook, the bill and reports were tabled pending the motion by Mr. Maxwell of Franklin and were especially assigned for Wednesday next.

The Majority of the Committee on Taxation on Bill "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax." (H. P. 782) (L. D. 1035) reported that the same Ought not to pass.

(Signed)

Senators:

LETOURNEAU of York
WILLEY of Hancock

Representatives:

COTTRELL of Portland
DRIGOTAS of Auburn
CURRAN of Bangor
WOOD of Webster
MARTIN of Eagle Lake
ROSS of Bath

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

(Signed)

Senator:

MAXWELL of Franklin

Representative:

HANSON of Gardiner

Comes from the House, Majority—Ought not to pass report accepted.

In the Senate, on motion by Mr. Harding of Aroostook, tabled pending acceptance of either report.

Senate

Leave to Withdraw

Mr. Hilton from the Committee on Health and Institutional Services on Bill "An Act Relating to Training Qualifications for Prac-

tice of Hairdressing and Beauty Culture." (S. P. 424) (L. D. 1359) reported that the same should be granted Leave to withdraw.

Ought Not to Pass

Mr. Brown from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Sabbatical Leaves for Faculty Members at the State Teachers Colleges." (S. P. 54) (L. D. 116) reported that the same Ought not to pass.

Mr. Letourneau from the Committee on Taxation on Bill "An Act Eliminating Use of Stamps Under Cigarette Law." (S. P. 437) (L. D. 1369) reported that the same Ought not to pass.

(On motion by Mr. Carter of Kennebec, tabled pending acceptance of the report.)

Which reports were read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Brown from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Money to Match Federal Funds Provided Under Titles III and V-A of the National Defense Education Act." (S. P. 56) (L. D. 117) reported that the same Ought to pass.

Mr. Carter from the Committee on Health and Institutional Services on Bill "An Act Relating to Amount of Aid to Aged, Blind or Disabled." (S. P. 261) (L. D. 810) reported that the same Ought to pass.

Mr. Shiro from the Committee on Legal Affairs on Bill "An Act Amending the Pittsfield School District." (S. P. 506) (L. D. 1474) reported that the same Ought to pass.

Mr. Boisvert from the Committee on Public Utilities on Bill "An Act to Amend the Charter of the Searsport Water District." (S. P. 508) (L. D. 1478) reported that the same Ought to pass.

Which reports were read and accepted, the Bills read once, and tomorrow assigned for second reading.

Pursuant to Joint Order (S. P. 484)

Mr. Casey from the Committee on Towns and Counties presented Bill "An Act Relating to Salaries of County Officers in the Several Counties of the State." (S. P. 531) (L. D. 1519) and reported that it Ought to pass.

On motion by Mr. Girard of Androscoggin, tabled pending acceptance of the report and especially assigned for Tuesday next.

Ought to Pass — As Amended

Mr. Harding from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Investigation in Divorce Cases Involving Child Custody." (S. P. 410) (L. D. 1306) reported that the same Ought to pass As Amended by Committee Amendment "A." (S-182)

Mr. Brown from the same Committee on Bill "An Act to Control and Eradicate Salmonella Infections." (S. P. 173) (L. D. 539) reported that the same Ought to pass As Amended by Committee Amendment "A." (S-183)

Mr. Girard from the Committee on Towns and Counties on Bill "An Act Creating a Second Assistant County Attorney for Penobscot County." (S. P. 50) (L. D. 221) reported that the same Ought to pass As Amended by Committee Amendment "A." (S-184)

Which reports were read and accepted, and the Bills read once Committee Amendments "A" were read and adopted, and the Bills, As Amended, tomorrow assigned for second reading.

Final Report

Mr. Cahill, Chairman of the Joint Standing Committee on Highways submitted the Final Report of the Committee.

Which report was read and accepted and ordered placed on file.

Mr. Snow, Chairman of the Joint Standing Committee on Education submitted the Final Report of the Committee.

Which report was read and accepted and ordered placed on file.

The PRESIDENT: The Chair would like to congratulate the two Senators.

Divided Report

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to the Change of Name of Association of Historical Societies and Museums." (S. P. 497) (L. D. 1465) reported that the same Ought to pass.

(Signed)

Senators:

SHIRO of Kennebec
SPROUL of Lincoln

Representatives:

WHEELER of Portland
HUNTER of Clinton
BAKER of Orrington
CONLEY of Portland
COTE of Lewiston

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

(Signed)

Senator:

JACQUES of Androscoggin

Representatives:

BOISSONNEAU
of Westbrook
LIBHART of Brewer

Mr. SHIRO of Kennebec: Mr. President, I move that the Majority Report be accepted.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: Maybe it would be well for you to look at what the bill really means. It changes the name of the Society to the "Maine Association of Historical Societies and Museums." This has not been done in the past. I remember that a few years ago we had a debate in the Senate for almost an hour and a half when the Portland Symphony Orchestra wanted to be called the Maine Portland Symphony Orchestra. This was turned down because we did not want to use the word "Maine." Naturally the word "Maine" builds up the organization and sometimes the organization does not function properly and the name "Maine" is not well thought of. This is one of the reasons I signed the "Ought not to pass" report and others felt the same way. I think, Mr.

President and members of the Senate, if we start this here today, tomorrow we will have the Maine Band Association and we will have the Maine Chiropractic Association and they will come here asking to use the word "Maine" in their organization. I hope that the Senate does not go along with this.

Mr. SHIRO of Kennebec: Mr. President, the majority of the committee felt that it was suitable to allow this association to change its name simply by adding the word "Maine" to it. This bill was sponsored by Senator Snow of Cumberland County and he spoke before the committee. I do not know if he is a member of this particular association, perhaps he may be. However the change of name by allowing them to use the word "Maine" is not without precedent. This, of course, is a non-profit organization or a charitable organization and there are many precedents in the state for allowing this. We had one individual check with the Attorney General's office and there was no objection by the Attorney General's office. We felt that it would not become confused with any official department or agency of the State of Maine. I urge that the majority report be accepted and I would ask for a division.

Mr. JUTRAS of York: Mr. President, I would like to go on record as agreeing with Senator Jacques of Androscoggin County.

Mr. SNOW of Cumberland: Mr. President, I would like to have you note that the bill is co-sponsored by Senator Hoffses in whose community this organization has its headquarters. The purpose of the Association of Historical Societies and Museums is to promote a close liaison among historical societies and museums in the State of Maine and to stimulate discussion of mutual problems and practices to assist the several societies and museums in developing educational programs and strengthening their organizations, and so forth. I do not feel, Mr. President, that this can be compared to the situation two years ago where the symphony orchestra in Portland wished to

change its name to the Maine Symphony Orchestra. The reason for denying this was that it singled out an orchestra from one community and gave it a state designation. This is statewide organization, and as Senator Shiro has pointed out there is precedent for this action. As far as the advantages to the society are concerned, I think that it is obvious in that it will help those interested in locating this association and working with it to identify it. I would also note that one of the trustees of this organization is Miss Edith Hary, who is well known to all of us, and she appeared as one of the proponents on behalf of the bill. She agrees with what I have said as to the purposes of the organization and as to the value of making this change. I would urge the Senate to vote to accept the majority "Ought to pass" report.

Mr. SMITH of Cumberland: Mr. President, this is quite a thing. With all due respect to my colleague, Mr. Snow, I have been around quite a while, and in regard to the use of the word "Maine" I have known some respectable establishments that have been requested by legislatures in the past to take "State of Maine" off of their titles, so I will go along wholeheartedly with Mr. Jacques. I think that the name "State of Maine" should be used only by the State of Maine.

Mr. CAHILL of Somerset: Mr. President, I would like to ask a question. In the title of this organization where would the name "Maine" be placed?

The PRESIDENT: The Senator from Somerset, Senator Cahill, puts a question through the Chair to any Senator, who may answer it they so choose.

Mr. SNOW of Cumberland: Mr. President, it would be called the Maine Association of Historical Societies and Museums, in other words the word "Maine" would appear at the beginning.

Mr. CAHILL of Somerset: Mr. President, I agree with both parties, however, I believe if the name is Maine Association of Historical Societies and Museums it could very well do what Mr.

Jacques is opposed to by inferring that it was a society sponsored by the state whereas if it was called Association of Historical Societies and Museums of Maine it perhaps would not be associated as an organization sponsored by the State. I do not know if I am clear on that or not.

Mr. SNOW of Cumberland: Mr. President, I apologize to the Senate. I erred in stating the name which would be adopted. If this legislation is enacted the name sought is the "Maine League of Historical Societies and Museums."

On motion by Mr. Hoffses of Knox the bill was tabled until the next legislative day pending the motion of the Senator from Kennebec, Senator Shiro, to accept the majority "Ought to pass" report.

Second Readers

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

House

Resolve, Repealing Authorization for Disposal of Western Maine Sanatorium. (H. P. 1096) (L. D. 1493)

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

House—As Amended

Bill, "An Act Increasing Salaries of Members of Harness Racing Commission and Running Horse Racing Commission." (H. P. 545) (L. D. 717)

Which was read a second time and Passed to be engrossed, As Amended, in non-concurrence.

Senate

Bill, "An Act Relating to Qualifications for Practice of Hair-dressing and Beauty Culture." (S. P. 491) (L. D. 1456)

Bill, "An Act Relating to Governor, Lieutenant Governor and Tribal Committee of the Passamaquoddy Tribe." (S. P. 402) (L. D. 1222)

Which were read a second time and passed to be engrossed.

Sent down for concurrence.

Enactors

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

Bill, "An Act Relating to Penalty for Weight Violations of Trucks." (H. P. 158) (L. D. 181)

Bill, "An Act Increasing Salary of Legislative Finance Officer." (H. P. 252) (L. D. 320)

Bill, "An Act Increasing Compensation of Members of Personnel Board." (H. P. 253) (L. D. 321)

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

Bill, "An Act Increasing Salary of the Adjutant General." (H. P. 544) (L. D. 716)

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

Bill, "An Act Increasing Fees of Registers of Deeds." (H. P. 763) (L. D. 1000)

Bill, "An Act Relating to Closed Season on Bear." (H. P. 886) (L. D. 1183)

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

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

Bill, "An Act Increasing Salaries of Members of Industrial Accident Commission." (S. P. 24) (L. D. 36)

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

Bill, "An Act Creating Special Legislative Committee to Study Need for Bridge and Causeway to Chebeague Island, Cumberland County." (H. P. 110) (L. D. 337)

Bill, "An Act to Eliminate Straight Ballot Voting in Elections and Order of Offices on Ballots." (S. P. 191) (L. D. 571)

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

Bill, "An Act Increasing Salary of Commissioner of Agriculture." (S. P. 224) (L. D. 683)

(On motion by Mrs. Chisholm of Cumberland, tabled pending passage to be enacted.)

Bill, "An Act Eliminating Residence Requirements in Public Assistance." (S. P. 227) (L. D. 686)

Bill, "An Act Relating to Compensation of Representative of Indian Tribes at the Legislature." (S. P. 406) (L. D. 1229)

(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.

Resolve to Reimburse William Young of Alton for Well Damage Resulting from Highway Construction." (H. P. 1033) (L. D. 1402)

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

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 681) (L. D. 918) House Report, Ought not to pass, from the Committee on Appropriations and Financial Affairs on bill, "An Act Relating to Financial Assistance to Institutional Teachers in Obtaining Professional Credits"; tabled on April 30 by Senator Dunn of Kennebec pending acceptance of the report; and on further motion by the same Senator, the Ought not to pass report was accepted.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 261) (L. D. 331) House Reports from the Committee on Towns and Counties on bill, "An Act Relating to Compensation of and Per Diem Fees of Deputy Sheriffs"; Majority Report, Ought to pass as amended by committee Amendment A; Minority Report, Ought not to pass;

tabled on May 4 by Senator Smith of Cumberland pending acceptance of either report; and on further motion by that Senator, the bill was retabled and especially assigned for May 12.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 344) (L. D. 1089) Senate Report, Ought to pass, from the Committee on Taxation on bill, "An Act Relating to Allocations from Gasoline Tax for Public Facilities for Boats"; tabled on May 5 by Senator Maxwell of Franklin pending acceptance of the report; and on further motion by that Senator, the bill was recommitted to the Committee on Taxation and sent down for concurrence.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 491) (L. D. 644) House Reports from the Committee on Legal Affairs on bill, "An Act Permitting the Establishment of Private Shooting Preserves"; Majority Report, Ought not to pass; Minority Report, Ought to pass; tabled on May 6 by Senator Carter of Kennebec pending motion by Senator Jacques of Androscoggin to accept the Minority Ought to pass report; and on motion by Mr. Shiro of Kennebec, the bill was retabled and especially assigned for May 13.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 512) (L. D. 1483) bill, "An Act Imposing Limitation upon Holding Both Permit for Common Carriers and Contract Carriers"; tabled on May 6 by Senator Violette of Aroostook pending adoption of Senate Amendment A; and that Senator moved the pending question.

Thereupon, Senate Amendment A was adopted and the bill was tomorrow assigned for second reading.

Mr. CARTER of Kennebec: Mr. President, is the Senate in possession of S. P. 411, L. D. 1307, bill, An Act Relating to Advisory

Board on Examinations of Life Insurance Agents?

The PRESIDENT: The Chair would inform the Senator that it is, having been held at the request of the Senator.

Thereupon, on motion by Mr. Carter of Kennebec, the Senate voted to reconsider its former action whereby the bill was recommitted to the Committee on Business Legislation and further voted to substitute the bill for the report.

Thereupon, the bill was given its first reading and tomorrow assigned for second reading.

The PRESIDENT: The Chair would like to recognize in the back of the Senate Chambers 28 pupils from the 4th grade of the Wiscasset Grammar School chaperoned this morning by Miss Silver and Mrs. Hanson. We welcome you here this morning and hope that you enjoy and benefit from your visit here. You are from the town of Wiscasset in the County of Lincoln and the Chair would like to introduce to you the Senator from your County, Senator Sproul. (Applause)

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table the 64th tabled and unassigned item (H. P. 832) (L. D. 1059) bill, "An Act Relating to Junk Yards"; tabled on May 6 by that Senator pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

Mr. Harding of Aroostook was granted unanimous consent to address the Senate.

Mr. HARDING of Aroostook: Mr. President and members of the Senate, if you will check your desks, you will notice that the Secretary has been good enough to prepare for each Senator, a list of the items he has tabled unassigned. I realize that the reasons that you have tabled some of these items are varied and I don't wish to go into that. However, I do know that in many cases the reasons they are tabled is that you wish to make an amendment or wish to discuss the particular bill with your people back home.

Now, we are moving, I hope, towards the end of the session and it would be very helpful if on these tabled items where you have just a minor matter to be taken care of you can do it and get them off the table, especially now that the committees have finished with the work and you will have time to have the amendments drawn and presented and to do a good job on your bill. So it would be helpful to us if you will bear that in mind. That is the purpose of this list being given to you of the items that you have on the table. Thank you.

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

Adjourned until Tuesday next at 10:00 o'clock in the morning.