

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, May 11, 1965

Senate called to order by the President.

Prayer by Rev. Irvin E. Koelker of Berwick.

On motion by Mr. Norris of Oxford, the Journal of yesterday was read and approved.

Mr. Boisvert of Androscoggin was granted unanimous consent to address the Senate:

MR. BOISVERT: Mr. President, The word is out and Maine's agog, from Kittery to Fort Kent

They're discussing busted gavels and the money that's been spent To keep the Senate President supplied with "spears" to wreck If this keeps up we'll have to use the "surplus" soon, by heck!

The Senate's on the job — to the rescue we have come

"Save the Surplus" is our motto, and here's the proof by gum!

With tender, loving care, and using much discretion

This gavel will fill the bill and last throughout the Session!

Mr. Boisvert of Androscoggin presented a "medium size gavel" to the President amidst the applause of the Senate.

Mr. Snow of Cumberland was granted unanimous consent to address the Senate:

MR. SNOW of Cumberland: Mr. President, acting on behalf of the Senator from Cumberland who is not with us, I would like to read this poem:

The little things in life may be inconsequential!

And for that very reason, we made a differential!

A tender little rap requires a dainty little tool,

We hope this fills the bill, we think its very cool!

So save your strength on minor bills, resolves and resolutions

A rap from this cute number still upholds the Constitution.

So treat it nice and gentle as you would your dog or pup

And it will serve you well until your time is up!

Mr. Snow of Cumberland presented a "little gavel" to the President amidst the applause of the Senate.

Mr. Brown of Hancock was granted unanimous consent to address the Senate:

MR. BROWN: Mr. President, Well, now we come to bigger things — like major legislation And this requires a man-sized tool for great administration!

If they need convincing, and sometimes they surely do

Well, here is a convincer that is just a whoop-de-do!

If you want attention, just a gentle tap of course,

But if you want to prove a point, then use a little force!

No matter how you bang it, they're bound to come awake

And we can guarantee it, here's one that YOU CAN'T BREAK.

Now if you'd like to take it home and hang it on the wall,

To serve as a reminder of the "Orders" you did call,

Then forget not, twas MSEA that to your rescue came,

So that "GAVEL BUSTER REED" might be in the Hall of Fame!

Thereupon, Mr. Brown of Hancock accompanied by Mr. Edwards, manager of the shop division of the Maine State Prison, presented a "Giant-size gavel" to the President amid the applause of the Senate.

The PRESIDENT: The Chair would like to thank the Senate. All the tools of the trade are now here. You might watch to see which one I pick up because it might indicate my temperament. (Laughter and applause)

Papers from the House

Non-concurrent

Ought not to pass Report from the Committee on Public Utilities on Bill, "An Act Relating to Hearings for Permits for Contract Carriers." (H. P. 712) (L. D. 950)

In House, April 30, Ought not to pass report accepted.

In Senate, May 5, recommitted to Public Utilities in Non-concurrence.

Comes from the House that body having adhered.

In the Senate, on motion by Mr. Boisvert of Androscoggin, tabled pending consideration.

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

In Senate, March 24, Passed to Be Engrossed as amended by Committee Amendment "A" (S-68)

In House, May 4, Passed to Be Engrossed as amended by House Amendment "A" (H-258) in Non-concurrence.

In Senate, May 5, Receded and Concurred.

Comes from the House having failed of final passage.

In the Senate, on motion by Mr. Mendell of Cumberland, tabled pending consideration.

The PRESIDENT: The Chair at this time would like to recognize in the back of the Senate a group of Key Club members of St. Ignatius High School Government Class: They are Michael Gagne, Roland Legere, Joseph Lincourt, Richard Lamontagne. They are the guests of Senator Letourneau of York. Would these students please stand and be recognized? (Applause)

House Paper

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government is hereby authorized to report a Bill which shall establish a constitutional commission or provide for the calling of a constitutional convention according to the Constitution of the State of Maine, Article IV, part third, Section 15. (H. P. 1117)

Comes from the House, Read and Passed.

In the Senate, read and passed in concurrence.

The PRESIDENT: The Chair at this time would like to recognize in the Senate gallery a group of seventh and eighth grade pupils from Clinton Junior High School. They are chaperoned by Mr.

Holmstrum and Mrs. Hamm. We welcome you here this morning and hope that you enjoy and benefit from your stay here. Clinton is in Kennebec County and I would like to introduce to you the Senators from your county: Senator Shiro, Senator Carter and Senator Dunn. (Applause)

Senator Violette of Aroostook presented the following Order and moved its passage:

SENATE ORDER PROPOUNDING QUESTIONS State of Maine

WHEREAS, it appears to the Senate of the 102nd Legislature that the following are important questions of law, and that the occasion is a solemn one; and

WHEREAS, there is pending before the Senate a Bill entitled "An Act to Authorize Municipalities to Finance Industrial and Recreational Projects," (H. P. 1091), (L. D. 1487); and

WHEREAS, the constitutionality of said Bill has been questioned; and WHEREAS, it is important that the Legislature be informed as to the constitutionality of said Bill: NOW, THEREFORE, BE IT ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate, according to the provisions of the Constitution on its behalf, their opinion on the following questions, to wit:

Question 1:

Will revenue obligation securities issued under the provisions of said bill constitute the creation of a debt or liability of a city or town within the meaning of Article IX, Section 15, of the Maine Constitution which will have to be taken into account in computing the maximum aggregate of debts and liabilities which may be created by a city or town as therein provided for?

Question 2:

Does subsection 1 of Section 5331 of said bill, which provides that no securities shall be issued thereunder until the general purposes for which the securities are

to be issued and the maximum principal amount of such securities "have been approved by a majority of the votes cast on the question and the number of votes cast is at least 20 percent of the total vote for all candidates for governor cast in the municipality at the last gubernatorial election," violate Article IX, Sec. 8-A, of the Maine Constitution which provides that the "registered voters" of a municipality may, "by majority vote" authorize the issuance of notes or bonds?

Question 3:

Do Sections 5339, 5340 and 5341 of said bill, which provide that projects financed under the bill shall be exempt from taxation so long as title thereto remains in the name of the municipality, that the leasehold interest of the lessee of any project is subject to taxation and that, as an alternative to taxation a municipality may provide in the lease or contract for payments in lieu of taxation, violate the provisions of Article IX, Section 8, of the Maine Constitution?

Question 4:

Will revenue obligation securities issued under the provisions of said bill for the purpose of paying the cost of acquiring, constructing, reconstructing, renewing or replacing revenue producing recreational facilities, be issued for a proper municipal purpose?

Which was Read and Passed.

Reports of Committees

House

Leave to Withdraw

The Committee on Health and Institutional Services on Bill, "An Act Relating to the Registration of Apothecary Stores." (H. P. 973) (L. D. 1323) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Providing for the Rehabilitation of Alcoholics." (H. P. 210) (L. D. 278) reported that the same should be granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act to Prevent Pollution of Part of Halfmoon Pond in Wal-

do County." (H. P. 1072) (L. D. 1459) reported that the same should be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Repealing Application of Employment Security Law to Seasonal Employment." (H. P. 975) (L. D. 1325) reported that the same should be granted Leave to Withdraw.

The Committee on Legal Affairs on Bill, "An Act Relating to Renewal of Motor Vehicle Operators' Instruction Permits." (H. P. 1077) (L. D. 1460) reported that the same should be granted Leave to Withdraw.

(On motion by Mr. Brown of Hancock, tabled pending acceptance of the report and especially assigned for the next legislative day.)

The Committee on Towns and Counties on Bill, "An Act Increasing Salary of Judge of Probate of Aroostook County." (H. P. 862) (L. D. 1159) reported that the same should be granted Leave to Withdraw.

The same Committee on Recommended Bill, "An Act Repealing Law Providing for a Fire Marshal for Aroostook County." (H. P. 901) (L. D. 1211) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Taxation on Bill, "An Act Providing a Tax Abatement for Certain Elderly Persons." (H. P. 661) (L. D. 888) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Exemption of Veteran's Property from Taxation." (H. P. 981) (L. D. 1319) reported that the same Ought not to pass.

The same Committee on Recommended Bill, "An Act Relating to Municipal Excise Taxes on Boats." (H. P. 168) (L. D. 189) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Repealing from Sales Tax Exemption on Containers, Packaging and the Like." (H. P. 761) (L. D. 998) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Increasing Property Tax

Exemptions for Veterans." (H. P. 860) (L. D. 1157) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Increasing Property Tax Exemption for Widows of Veterans." (H. P. 935) (L. D. 1272) reported that the same Ought not to pass.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Health and Institutional Services on Bill, "An Act Relating to Sterilization of Bedding and Upholstered Furniture." (H. P. 343) (L. D. 446) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Definition of Aid to Dependent Children." (H. P. 625) (L. D. 832) reported that the same Ought to pass.

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

Ought to Pass — As Amended

The Committee on Business Legislation on Bill, "An Act Increasing Amount of Property of Bethlehem Lodge, No. 35, A.F. and A.M." (H. P. 1027) (L. D. 1397) reported that the same Ought to pass as amended by Committee Amendment "A" (H-289)

The Committee on Health and Institutional Services on Bill, "An Act Relating to Educational Qualifications for Barbers." (H. P. 56) (L. D. 68) reported that the same Ought to pass as amended by Committee Amendment "A" (H-290)

The Committee on Legal Affairs on Bill, "An Act Relating to Term of Office of Mayor of Lewiston." (H. P. 349) (L. D. 452) reported that the same Ought to pass as amended by Committee Amendment "A" (H-291)

The same Committee on Bill, "An Act to Provide Adjustments in Pensions Being Paid to Members of the Police and Fire Departments of the City of Portland." (H. P. 1071) (L. D. 1458) reported that the same Ought to

pass as amended by Committee Amendment "A" (H-292)

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

Ought to Pass in New Draft

The Committee on Health and Institutional Services on Recommended Bill, "An Act Relating to Qualified Assistant Pharmacists." (H. P. 51) (L. D. 63) reported that the same Ought to pass in 2nd New Draft under Title: "An Act Relating to Examinations as Registered Pharmacists by Assistant Pharmacists." (H. P. 1111) (L. D. 1517) which report was read and accepted, the bill read once and this afternoon assigned for second reading.

Divided Reports

The Majority of the Committee on Business Legislation on Bill, "An Act to Establish Savings Bank Life Insurance." (H. P. 992) (L. D. 1373) reported that the same Ought not to pass.

(Signed)

Senators:

BERNARD of Penobscot
BROWN of Hancock
CARTER of Kennebec

Representatives:

McKINNON
of South Portland
FECTEAU of Biddeford
SCOTT of Wilton
LABERGE of Auburn
AVERY of Kittery
BERNARD of Sanford

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

(Signed)

Representative:

HARRIMAN of Hollis

Comes from the House, Indefinitely Postponed.

In the Senate, on motion by Mr. Boisvert of Androscoggin, tabled pending acceptance of either report

and especially assigned for Thursday next.

Five Members of the Committee on Judiciary on Bill, "An Act Relating to Trial Terms of Superior Court in Washington County." (Emergency) (H. P. 416) (L. D. 528) reported in Report "A" that the same Ought to pass.

(Signed)

Senators:

STERN of Penobscot
VIOLETTE of Aroostook

Representatives:

GILLAN of South Portland
BERMAN of Houlton
BISHOP of Presque Isle

Five Members of the same Committee on the same subject matter reported in Report "B" that the same Ought not to pass.

(Signed)

Senator:

GLASS of Waldo

Representatives:

DAVIS of Calais
DANTON
of Old Orchard Beach
BRENNAN of Portland
RICHARDSON
of Cumberland

Comes from the House, the Ought to pass Report Accepted, and the Bill Passed to Be Engrossed.

In the Senate, on motion by Mr. Casey of Washington, tabled pending acceptance of either report.

The Majority of the Committee on State Government on Resolve Proposing an Amendment to the Constitution to Require a Roll Call Vote Upon all Bills on Final Passage. (H. P. 377) (L. D. 479) reported that the same Ought to pass.

(Signed)

Senators:

STERN of Penobscot
WILLEY of Hancock
MAXWELL of Franklin

Representatives:

KATZ of Augusta
LIBHART of Brewer
EDWARDS of Portland
STARBIRD
of Kingman Township

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

(Signed)

Representatives:

BERRY of Cape Elizabeth
PITTS of Harrison
DOSTIE of Lewiston

Comes from the House, the Majority — Ought to pass Report Accepted, and the Bill Passed to Be Engrossed.

In the Senate:

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

Thereupon, on motion by Mr. Glass of Waldo, the bill was tabled pending the motion by Mr. Stern of Penobscot to accept the Majority ought to pass report, and was especially assigned for this afternoon.

The PRESIDENT: The Chair at this time would like to introduce to the Senate a group of seventh and eighth grade students from Saint Rose of Lima school. They are chaperoned by Mother Mary Laurentia and Sister Saint Charles. They are from the County of Franklin and it says here they are from the town of Chisholm. The Chair must admit he did not know there was such a town in the State of Maine. Chisholm is in the County of Franklin and the Chair apologizes for not knowing it. I would like to introduce to you the Senator from your County, Senator Maxwell. (Applause)

Senate

Leave to Withdraw

Mr. Violette from the Committee on Judiciary on Bill, "An Act Relating to Exclusion of Certain Liens from Article 9 of Uniform Commercial Code." (S. P. 289) (L. D. 851) reported that the same should be granted Leave to Withdraw, as Covered by other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

The same Senator from the same Committee on Bill, "An Act Relating to Condemnation of Land for Highway Purposes." (S. P. 498) (L. D. 1477) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Roadside Beautification." (S. P. 499) (L. D. 1476) reported that the same Ought to pass.

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

Ought to Pass in New Draft

Mr. Duquette from the Committee on Appropriations and Financial Affairs on Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1966 and June 30, 1967." (S. P. 81) (L. D. 298) reported that the same Ought to pass in New Draft under the same Title: (S. P. 534) (L. D. 1524)

Which report was Read and Accepted, the Bill Read Once in New Draft, and this afternoon assigned for Second Reading.

Report of Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Coercion in Placing Insurance on Real and Personal Property." (S. P. 395) (L. D. 1219) reported that: the House Recede from its action whereby the Report and Bill were Recommended to the Committee on Business Legislation and Concur with the Senate in Accepting the Report of the Committee on Business Legislation reporting Ought to pass in New Draft (S. P. 510) (L. D. 1480) and Pass the Bill to Be Engrossed in concurrence.

Which report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

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)

Bill, "An Act Increasing Appropriation for Stipend Fund for Disbursements to Certain Agricultural Societies." (H. P. 794) (L. D. 1256)

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)

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)

Bill, "An Act Appropriating Money to Match Federal Funds Provided Under the Manpower Development and Training Act of 1962." (H. P. 1106) (L. D. 1512)

Bill, "An Act Exempting Municipal Development Corporations from Fees Under the Securities Law." (H. P. 1107) (L. D. 1513)

Bill, "An Act Relating to Arrests for Motor Vehicle Violations." (H. P. 1110) (L. D. 1516)

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

House — As Amended

Bill, "An Act to Establish a Bureau of Public Administration at the University of Maine in Orono." (H. P. 439) (L. D. 594)

Bill, "An Act Providing for Longevity Pay for State Department Officers Whose Salaries are Fixed by Statute." (H. P. 970) (L. D. 1347)

Resolve, in Favor of Marine Research Society of Bath for Support and Maintenance of Museum." (H. P. 193) (L. D. 248)

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

Senate

Bill, "An Act Appropriating Money to Match Federal Funds Provided Under Title III and V-A of the National Defense Education Act." (S. P. 56) (L. D. 117)

Bill, "An Act Relating to Amount of Aid to Aged, Blind or Disabled." (S. P. 261) (L. D. 810)

Bill, "An Act Amending the Pittsfield School District." (S. P. 506) (L. D. 1474)

Bill, "An Act to Amend the Charter of the Searsport Water District." (S. P. 508) (L. D. 1478)

Bill, "An Act Relating to Advisory Board on Examinations of Life Insurance Agents." (S. P. 411) (L. D. 1307)

Which were Read a Second Time and Passed to Be Engrossed.
Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Investigation in Divorce Cases Involving Child Custody." (S. P. 410) (L. D. 1306)

Bill, "An Act to Control and Eradicate Salmonella Infections." (S. P. 173) (L. D. 539)

Bill, "An Act Creating a Second Assistant County Attorney for Penobscot County." (S. P. 50) (L. D. 221)

(Which was read a second time and Mr. Stern of Penobscot presented Senate Amendment A (S-188) which was read and adopted.)

Bill, "An Act Imposing Limitation Upon Holding Both Permit for Common Carriers and Contract Carriers." (S. P. 512) (L. D. 1483)

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 Resolve:

Bill, "An Act to Authorize Corporations Without Capital Stock to Commingle Funds." (H. P. 279) (L. D. 361)

Bill, "An Act Relating to Organization of Lewiston Fire Department." (H. P. 351) (L. D. 454)

Bill, "An Act Relating to General Powers of Cities." (H. P. 642) (L. D. 867)

Bill, "An Act Relating to Amending Provisions of Charters and Bylaws of Corporations Relating to Preemptive Rights." (H. P. 644) (L. D. 869)

Bill, "An Act Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers." (H. P. 674) (L. D. 901)

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

Bill, "An Act Establishing a Commercial Standard for Maine White-Cedar Shingles." (H. P. 947) (L. D. 1283)

Bill, "An Act Appropriating Funds to Aid in Dredging the Harbor at Owl's Head." (H. P. 1059) (L. D. 1441)

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

Bill, "An Act Increasing Salaries of Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives." (H. P. 1103) (L. D. 1502)

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

The PRESIDENT: The Chair at this time would like to recognize in the Senate gallery a group of students from Edward Little High School, Auburn. They are chaperoned by their teacher James Randall. We welcome you here this morning and hope that you will enjoy and benefit from your stay here. I would like to introduce to you the Senators from your County of Androscoggin: Senator Jacques, Senator Girard and Senator Boisvert. (Applause)

The PRESIDENT: The Chair would also at this time like to recognize in the back of the Senate chamber a former Senator from Cumberland. Will Senator Robert Porteous please stand and be recognized? (Applause)

Bill, "An Act Relating to Discontinuance of Highways and Town and County Roads." (S. P. 488) (L. D. 1451)

Which Bills were Passed to Be Enacted.

Resolve Appropriating Funds for Maine's share of Financing a Permanent Secretariat to the New England Governors' Conference. (H. P. 617) (L. D. 826)

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

Emergency

Bill, "An Act Providing for New Ferry Landing at Forest City Landing, Peaks Island." (H. P. 113) (L. D. 137)

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

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (S. P. 520) (L. D. 1497) Bill, "An Act Increasing Compensation of Members of the Legislature, the Governor, Court Justices and Certain Department Heads"; tabled on May 4 by Senator Stern of Penobscot pending motion by Senator Sproul of Lincoln to pass the bill to be engrossed; Senator Stern presented Senate Amendment A (S-174) and moved its adoption.

Which amendment was read and adopted, and the bill as amended was passed to be engrossed and sent down for concurrence.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 531) (L. D. 1519) Senate Report, Ought to pass from the Committee on Towns and Counties on Bill, "An Act Relating to Salaries of County Officers in the Several Counties of the State; tabled on May 7 by Senator Shiro of Kennebec pending acceptance of the report; and on motion by Mr. Smith of Cumberland, the bill was retabled and especially assigned for May 13.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 497) (L. D. 1465) Senate Reports from the Committee on Legal Affairs on Bill, "An Act Relating to the Change of Name of Association of Historical Societies and Muse-

ums"; Majority Report, Ought to pass; Minority Report, Ought not to pass; tabled on May 7 by Senator Hoffses of Knox pending motion by Senator Shiro of Kennebec to accept the Minority ought to pass report; and on motion by Mr. Hoffses, the bill was retabled and especially assigned for Thursday next.

On motion by Mr. Glass of Waldo, the Senate voted to reconsider its former action taken earlier this morning whereby it passed to be engrossed, Item 7-7 Bill, "An Act Relating to Arrests for Motor Vehicle Violations" (H. P. 1110) (L. D. 1516) and on further motion by the same Senator, the bill was tabled pending passage to be engrossed and was especially assigned for Thursday next.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table (H. P. 623) (L. D. 830) Bill, "An Act Relating to Kindergarten Education; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table (H. P. 1052) (L. D. 1427) Bill, "An Act Relating to School Construction Aid in Administrative Units; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Brown of Hancock, the Senate voted to take from the table the 13th tabled and unassigned item (H. P. 615) (L. D. 1008) House Report Ought to pass, from the Committee on Agriculture on Bill, "An Act Revising Law Relating to Facility Improvement Fund for Agricultural Fairs"; tabled by that Senator on April 6 pending acceptance of the report.

Mr. BROWN: Mr. President, would it be possible for the Secretary to read the status of the bill.

The Secretary read the status of the bill.

Thereupon, on motion by Mr. Brown of Hancock, the bill was

indefinitely postponed in concurrence.

On motion by Mr. Boisvert of Androscoggin

Recessed until this afternoon at three-thirty.

After Recess

Senate called to order by the President.

Mr. Harding of Aroostook presented the following order and moved its passage:

ORDERED, on days when the Senate is in session in the morning and afternoon, that unless previous notice is given to the Secretary of the Senate by some member of his or her intention to move Reconsideration, the Secretary be authorized to send to the House thirty minutes after the Senate recesses for lunch and also thirty minutes after the Senate adjourns for the day, all matters that require House concurrence, and that after such matters have been so sent to the House by the Secretary, no motion to Reconsider shall be in order.

Which was Read and Passed.

Out of order and under suspension of the rules:

Second Readers

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

House

Bill, "An Act Relating to Examinations as Registered Pharmacists by Assistant Pharmacists." (H. P. 1111) (L. D. 1517)

Bill, "An Act Relating to Sterilization of Bedding and Upholstered Furniture." (H. P. 343) (L. D. 446)

Bill, "An Act Relating to Definition of Aid to Dependent Children." (H. P. 625) (L. D. 832)

Which were passed to be engrossed in concurrence.

House — As Amended

Bill, "An Act Increasing Amount of Property of Bethlehem Lodge." (H. P. 1027) (L. D. 1397)

Bill, "An Act Relating to Educational Qualifications for Barbers" (H. P. 56) (L. D. 68)

Bill, "An Act Relating to Term of Office of Mayor of Lewiston." (H. P. 349) (L. D. 452)

Bill, "An Act to Provide Adjustments in Pensions Being Paid to Members of the Police and Fire Departments of the City of Portland." (H. P. 1071) (L. D. 1458)

Which were read a second time and passed to be engrossed as amended in concurrence.

Senate

Bill, "An Act Relating to Condemnation of Land for Highway Purposes." (S. P. 498) (L. D. 1417)

Bill, "An Act Relating to Roadside Beautification." (S. P. 499) (L. D. 1476)

Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1966 and June 30, 1967." (S. P. 534) (L. D. 1524)

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

Sent down for concurrence.

Out of order and under suspension of the rules,

Enactors

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

Bill "An Act Increasing Retirement Benefits Under State Retirement System." (H. P. 88) (L. D. 97)

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

Bill "An Act Relating to Chairman and Membership of Board of City of Lewiston." (H. P. 354) (L. D. 457)

Bill "An Act Relating to Minimum Wages for Firemen." (H. P. 503) (L. D. 656)

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

Bill "An Act Revising the Savings Banks Laws." (H. P. 620) (L. D. 857)

(On motion by Mr. Carter of Kennebec, tabled pending passage to be enacted.)

Bill "An Act Relating to Game Management Areas under Fish and Game Laws." (H. P. 1080) (L. D. 1463)

Bill "An Act to Grant a New Charter to City of Biddeford." (H. P. 1087) (L. D. 1475)

Bill "An Act Relating to Indemnification of Directors of Corporations." (S. P. 118) (L. D. 344)

Bill "An Act Relating to Election of Directors of Corporations." (S. P. 116) (L. D. 379)

Bill "An Act Increasing Retirement Allowances of State Employees Retired on Council Orders (S. P. 334) (L. D. 1079)

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

Bill "An Act Relating to Time of Terms of the Superior Court in Certain Counties." (S. P. 355) (L. D. 1119)

Bill "An Act Providing for Additional Trial Term in Penobscot County." (S. P. 514) (L. D. 1486)

Resolve Relating to Fish Screen at Outlet of Rangeley Lake. (H. P. 227) (L. D. 294)

Which Resolve was finally passed.

Resolve Appropriating Funds for Ramp and Docking Facilities at Long Island Plantation. (H. P. 392) (L. D. 504)

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

Resolve Appropriating Moneys to Maine Educational Television Network for Outside Audience Training. (H. P. 448) (L. D. 602)

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

Resolve Appropriating Moneys for Improvements at Indian Reservation at Pleasant Point (H. P. 609) (L. D. 801)

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

Emergency

Bill "An Act Relating to Retirement of Justices of the Supreme

Judicial Court and Superior Court." (S. P. 347) (L. D. 1114)

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

Paper from the House

Non-Concurrent Matter

Bill "An Act Relating to Weight of 3-Axle Trucks." (S. P. 155) (L. D. 395)

In Senate, May 5, Majority — Ought to Pass report accepted, passed to be engrossed as Amended by Senate Amendment "A" (S-115)

Comes from the House, passed to be engrossed without Amendment, in non-concurrence.

In the Senate, on motion by Mr. Cahill of Somerset, the Senate voted to insist on its former action and ask for a Committee of Conference.

Reports of Committees

House

Referred to the One Hundred and Third Legislature

The Committee on Education on Bill "An Act Relating to Application of School Building Authority to Private and Public Colleges." (H. P. 1078) (L. D. 1462) reported that the same should be referred to the 103rd Legislature.

Comes from the House, report read and accepted.

In the Senate, that Body voted to accept the report in concurrence.

Reports of Committees

House

Leave to Withdraw

The Committee on Towns and Counties on the following Bills:

Bill, "An Act Increasing Salary of Judge of Probate of Sagadahoc County." (H. P. 103) (L. D. 11)

Bill, "An Act Increasing Salary of Clerk of Courts of York County." (H. P. 558) (L. D. 728)

Bill, "An Act Increasing Salaries of County Commissioners of York County." (H. P. 559) (L. D. 729)

Bill, "An Act Increasing Salaries of County Attorney and

Assistant County Attorney of Aroostook County." (H. P. 861) (L. D. 1158)

Bill, "An Act Increasing Salaries of Clerk of Courts, County Attorney and Sheriff of Sagadahoc County." (H. P. 177) (L. D. 198)

Bill, "An Act Increasing Salaries of County Attorneys and Assistant County Attorneys." (H. P. 569) (L. D. 739)

Bill, "An Act Increasing Salaries of Certain County Officers of Sagadahoc County." (H. P. 572) (L. D. 742)

Bill, "An Act Increasing Salaries of Certain County Officers of Somerset County." (H. P. 665) (L. D. 892)

Bill, "An Act Increasing Salary of Register of Deeds, Kennebec County." (H. P. 562) (L. D. 732)

Bill, "An Act Increasing Salary of Sheriff of Kennebec County." (H. P. 563) (L. D. 733)

Bill, "An Act Increasing Salaries of County Officials of Oxford County." (H. P. 564) (L. D. 734)

Bill, "An Act Increasing Salaries of County Commissioners of Aroostook County." (H. P. 942) (L. D. 1278)

Bill, "An Act Increasing Salary of Register of Deeds, Northern District, Aroostook County." (H. P. 171) (L. D. 192)

Bill, "An Act Increasing Salary of County Attorney and Assistant County Attorney of York County." (H. P. 172) (L. D. 193)

Bill, "An Act Increasing Salary of County Treasurer of York County." (H. P. 173) (L. D. 194)

Bill, "An Act Increasing Salary of Register of Deeds of York County." (H. P. 174) (L. D. 195)

Bill, "An Act Increasing Salary of Sheriff of York County." (H. P. 175) (L. D. 196)

Bill, "An Act Increasing Compensation of Register of Probate of Piscataquis County." (H. P. 262) (L. D. 382)

Bill, "An Act Increasing Salary of Register of Probate of Washington County." (H. P. 607) (L. D. 799)

Bill, "An Act Increasing Compensation of Sheriff of Washington County." (H. P. 864) (L. D. 1161)

Bill, "An Act Increasing Salary of Register of Probate of Wash-

ington County." (H. P. 866) (L. D. 1163)

Bill, "An Act Increasing Salary of Judge of Probate of Kennebec County." (H. P. 868) (L. D. 1165)

Bill, "An Act Increasing Salaries of County Attorney, Assistant County Attorney and Clerk of Courts of Kennebec County." (H. P. 871) (L. D. 1168)

Bill, "An Act Increasing Salary of Sheriff of Knox County." (H. P. 566) (L. D. 736)

Bill, "An Act Increasing Salary of Register of Deeds of Knox County." (H. P. 567) (L. D. 737)

Bill, "An Act Increasing Salary of Clerk of Courts of Knox County." (H. P. 568) (L. D. 738)

Come from the House, the Leave to Withdraw reports read and accepted.

In the Senate, the reports were read and accepted in concurrence.

Reports of Committees House

Ought to Pass

The Committee on Health and Institutional Services on Bill "An Act to Revise the Laws Relating to the Support of Persons in State Institutions." (H. P. 691) (L. D. 928) reported that the same Ought to pass.

The Committee on Labor on Bill "An Act Providing for a Fair Employment Practice Act." (H. P. 896) (L. D. 1206) reported that the same Ought to pass.

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

The Committee on Natural Resources on Bill "An Act Classifying Certain Waters on East Branch of Sebasticook River." (H. P. 842) (L. D. 1148) reported that the same Ought to pass.

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

Ought to Pass — As Amended

The Committee on Highways on "Resolve Authorizing Construction of Bridge to Quigg Island in Stevens Pond, Waldo County." (H. P. 1095) (L. D. 1495) reported that the same Ought to pass As

Amended by Committee Amendment "A." (H-302)

The Committee on Veterans & Military Affairs on "Resolve Designating Certain Bridges of the Interstate System as "Veterans Memorial Bridges." (H. P. 680) (L. D. 907) reported that the same Ought to pass As Amended by Committee Amendment "A." (H-299)

Which reports were read and accepted and the resolves read once; Committee Amendments A were read and adopted, and the bills and resolves were tomorrow assigned for second reading.

Ought to Pass in New Draft

The Committee on Health and Institutional Services on Bill "An Act Relating to Escape of Women Sentenced to the Maine State Prison." (H. P. 799) (L. D. 1076) reported that the same Ought to pass in New Draft under the same title. (H. P. 1116) (L. D. 1523)

(On motion by Mr. Glass of Waldo tabled pending acceptance of the report and especially assigned for Tuesday next.)

The same Committee on Bill "An Act Relating to Records of Tests of Public Water Supplies." (H. P. 949) (L. D. 1285) reported that the same Ought to pass in New Draft under New Title: An Act Relating to Records of Tests of Water Samples." (H. P. 1113) (L. D. 1520)

Comes from the House, report read and accepted and the Bill passed to be engrossed in New Draft.

In the Senate, the report was read and accepted, the bill read once and tomorrow assigned for second reading.

Out of order and under suspension of the rules:

Senate Order

Mr. Casey of Washington presents the following Order and moves its passage:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the Subject matter of Bill: "An Act Relating to Study of Air Pollution." Senate Paper 375, Legislative Document 1192, introduced at the reg-

ular session of the 102nd Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report the results of its study to the 103rd Legislature. (S. P. 536)

Which was read and passed.

Sent down for concurrence.

Divided Reports

The Majority of the Committee on Industrial and Recreational Development on

Resolve To Provide Underwater Weed Cutter for Department of Inland Fisheries and Game. (H. P. 337) (L. D. 440) reported that the same Ought not to pass.

(Signed):

Senator:

HOFFSES of Knox

Representatives:

FORTIER of Waterville

PAYSON of Falmouth

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 to pass, in New Draft Under New Title: "Resolve to Provide for Underwater Weed Cutter," (H. P. 1099) (L. D. 1499).

(Signed)

Senators:

JACQUES

of Androscoggin

MOORE of Washington

Representatives:

KILROY of Portland

BENSON

of Mechanic Falls

Comes from the House, indefinitely postponed.

In the Senate:

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

Thereupon, on motion by Mr. Moore of Washington, the bill was tabled pending the motion by Mr. Hoffses of Knox, and was especially assigned for the next legislative day.

The Majority of the Committee on Taxation on

Bill, "An Act to Increase Cigarette Tax Two Cents." (H. P. 606) (L. D. 798) reported that the same Ought to pass, As Amended by Committee Amendment "A" (H-301).

(Signed)

Senators:

LETOURNEAU of York
WILLEY of Hancock

Representatives:

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

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

(Signed)

Senator:

MAXWELL of Franklin

Comes from the House, passed to be engrossed, As Amended by Committee Amendment "A" (H-301).

In the Senate:

Mr. HARDING of Aroostook: Mr. President, I move that the Majority "Ought to pass" report of the committee be accepted.

Mr. JUTRAS of York: Mr. President, I move that we accept the Minority report and I would like to state my reasons why.

The PRESIDENT: The senator is out of order. The motion before the Senate is the motion of the Senator from Aroostook, Senator Harding, that we accept the Majority "Ought to pass" report of the committee. That motion is debatable and the Senator may speak to that motion.

Mr. JUTRAS: Mr. President, this cigarette tax by the State of Maine I believe is unwise in view of the fact that for the first time we will have a tax on a par and in some cases below the cigarette tax of surrounding states. We have many tourists coming into the State of Maine in the summertime and we hope to have them on a year-round basis.

When they do come, before they reach York County, because of a lower cigarette tax in other states, especially in New England, they buy all of their cigarette supplies in those states. They would not have to do that if we did not at this session raise our cigarette tax just because other states are raising their cigarette tax this year. It would afford us an opportunity to derive as much income by not raising this tax, I believe. I could produce statistics but I will not bother to produce these statistics because, while I believe in them you can make statistics say a lot of things that they do not really mean if you are prejudiced. I am simply stating this as a matter of record: that for the first time the State of Maine has a chance to be below other states and sell more cigarettes and achieve as much revenue by not raising the cigarette tax at this time. For that reason, I am against the "Ought to pass" report.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Aroostook, Senator Harding, to accept the Majority "Ought to pass" report of the committee. All those in favor of accepting the Majority "Ought to pass" report of the committee will please say aye; those opposed no.

A viva voce vote being had, the motion prevailed and the Majority "Ought to pass" report of the committee was accepted, the bill was given its first reading, Committee Amendment "A" was read and adopted and the bill was assigned for second reading on the next legislative day.

Mr. SNOW of Cumberland: Mr. President, I would ask if L. D. 320 is in the possession of the Senate. That is An Act Increasing Salary of Legislative Finance Officer H. P. 252, L. D. 320.

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

Thereupon, on motion by Mr. Snow of Cumberland, the Senate

voted to reconsider its action whereby the bill was passed to be enacted; and on motion by Mr. Duquette of York, the bill was placed on the Special Appropriations Table pending passage to be enacted.

On motion by Mr. Brown of Hancock, the Senate voted to take from the table the 36th tabled and unassigned item (S. P. 371) (L. D. 1138) Bill, "An Act Relating to Operation of Motorcycles While Learning to Drive"; tabled on April 27 by Senator Brown of Hancock pending consideration.

On motion by Mr. Jacques of Androscoggin, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and the same Senator presented Senate Amendment B (S-190) and moved its adoption.

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

On motion of Senator Carter of Kennebec, the Senate voted to take from the table the 59th tabled and unassigned matter, (S. P. 425) (L. D. 1360) Bill, "An Act Regulating Fly Fishing in Certain Portion of Kennebec River," which was tabled on May 6th by that Senator pending consideration.

On motion by Senator Carter the Senate voted to reconsider its action whereby the bill was passed to be engrossed. The same Senator presented Senate Amendment "C" and moved its adoption. Senate Amendment "C" was read and adopted.

Mr. CAHILL of Somerset; Mr. President, this bill is not any better now than it was before. There are three times in a fish's life when he will not rise to a fly: When he is actually in the spawn, if he can't see it and when he is dead.

I move that the bill and all its accompanying papers be indefinitely postponed.

Mr. CARTER of Kennebec; Mr. President, I request a division.

The PRESIDENT: A division on the motion to indefinitely postpone

has been requested. All those in favor of indefinite postponement will please rise and remain standing until the monitors have made and returned the count.

A division was had. Six having voted in the affirmative and twenty-three in the negative, the motion to indefinitely postpone did not prevail, and the bill was thereupon passed to be engrossed in non-concurrence. Sent down for concurrence.

On motion by Mr. Manuel of Aroostook, the Senate voted to take from the table the 62nd tabled and unassigned item (H. P. 874) (L. D. 1171) House Report Ought to pass in new draft under same title (H. P. 1104) (L. D. 1508) from the Committee on Transportation on Bill, "An Act Relating to Inspection of Certain Farm Trucks"; tabled by that Senator on May 6 pending acceptance of the report; and on further motion by the same Senator, the report was accepted and the bill read once.

The same Senator presented Senate Amendment A (S-186) and moved its adoption.

Which amendment was read and adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate, Item 6-22 on today's calendar, House Reports from the Committee on State Government: Majority Report, Ought to pass; Minority Report, Ought not to pass; on Resolve Proposing an Amendment to the Constitution to Require a Roll Call Vote upon all Bills on Final Passage (H. P. 377) (L. D. 479); tabled earlier in today's session by Senator Glass of Waldo pending motion by Senator Stern of Penobscot to accept the Majority Ought to pass report.

Mr. GIRARD of Androscoggin: Mr. President, I ask for a division on the motion.

A division of the Senate was had.

Eighteen having voted in the affirmative and eleven opposed, the motion prevailed, the Majority

Ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

Mr. HARDING of Aroostook: Mr. President, I would like to inquire if L. D. 500, H. P. 387, An Act Reactivating the Governor's Committee on Children and Youth is in the possession of the Senate?

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

Thereupon, on 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.

On motion by Mr. Harding of Aroostock

Adjourned until tomorrow morning at 9:30.