

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 17 - JUNE 4, 1965

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, June 3, 1965

Senate called to order by the President.

Prayer by Rev. Gary Johnson of Augusta.

On motion by Mr. Carter of Kennebec, the Journal of yesterday was Read and Approved.

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

Bill, "An Act Creating the Allagash Wilderness Waterway." (S. P. 554) (L. D. 1556)

In Senate, June 2, Indefinitely Postponed.

Comes from the House, Majority Ought to Pass Report of the Committee Accepted and the Bill Passed to be Engrossed in Non-concurrence.

In the Senate:

Mr. MAXWELL of Franklin: Mr. President, I move that the Senate recede and concur.

Mr. HARDING of Aroostook: Mr. President, I had hoped that in these waning hours of this legislature we would not go through another debate on this matter. I think the will of this body is known on it. I believe the will is not going to be changed by the action which was taken in the other body. I am opposed, and the leadership is opposed to the motion by Senator Maxwell and I ask for a division.

A division of the Senate was had.

Six having voted in the affirmative and twenty-six opposed, the motion to recede and concur did not prevail.

On motion by Mr. Harding of Aroostook, the Senate voted to adhere.

Bill, "An Act Creating the State of Maine Power Authority Act." (S. P. 321) (L. D. 1070)

In Senate, June 2, referred to a study committee.

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

In the Senate, on motion by Mr. Harding of Aroostook, the Senate voted to adhere.

**Communication**

State of Maine  
House of Representatives  
Office of the Clerk

June 2, 1965

Honorable Edwin H. Pert  
Secretary of the Senate  
102nd Legislature

Sir:

The Governor of the State having returned to the House "An Act Relating to Credit for Military Service under State Retirement Law." (S. P. 366) (L. D. 1133) with his objections to same, the House proceeded to vote on the question: Shall the Bill become law notwithstanding the objections of the Governor. A ye and nay vote was taken. Seventy-two members voted in the affirmative and sixty-one in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,

JEROME G. PLANTE  
Clerk of the House

Which was Read and Ordered  
Placed on File.

**Orders of the Day**

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 2nd tabled and unassigned item (S. P. 417) (L. D. 1312) bill, "An Act Relating to Costs and Attorney's Fees under Workmen's Compensation Law; tabled on June 2 by Senator Harding of Aroostook pending enactment; and on further motion by the same Senator, the bill was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table, "An Act Creating the Office of State Archivist," (H. P. 768) (L. D. 1012); and on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; the same Senator presented Senate Amendment "A" and moved its adoption.

Which amendment was read and adopted (S-313) and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Harding of Aroostook

Recessed to the sound of the gong.

#### After Recess

Senate called to order by the President.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table "An Act Providing State Aid to Towns for Care of Poor Persons." (S. P. 80) (L. D. 225); and on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Committee Amendment "A" was adopted.

The same Senator presented Senate Amendment "A" to Committee Amendment "A".

Senate Amendment "A" (S-316) to Committee Amendment "A" was read and adopted; Committee Amendment "A" as amended by Senate Amendment "A" was read and adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table "An Act Appropriating Funds for Classroom Building at Erskine Academy" (H. P. 444) (L. D. 598); and on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Committee Amendment "A" was adopted.

The Same Senator presented Senate Amendment "A" to Committee Amendment "A" and moved its adoption.

Which amendment (S-315) was read and adopted; Committee Amendment "A" as amended by Senate Amendment "A" was read

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

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table "An Act Entering the State of Maine into the New England State Police Compact" (S. P. 179) (L. D. 765); and on motion by Mr. Harding of Aroostook, the the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Committee Amendment "A" was adopted.

The same Senator presented Senate Amendment "A" to Committee Amendment "A" and moved its adoption.

Which amendment (S-314) 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 in non-concurrence.

Sent down for concurrence.

#### Orders

On motion by Mr. Brown of Hancock

ORDERED, that the desk, chair and equipment in the office of the President of the Senate, together with the remainder of such supplies as were required to carry out the duties of his office, be presented to the President of the Senate, and delivered to his home address.

On motion by Mr. Violette of Aroostook,

ORDERED, the House concurring, that the State Librarian mail to each member of the Senate and House, the Clerk and Assistant Clerk of the House, and the Secretary and Assistant Secretary of the Senate, a copy of the Laws of this session when completed. (S. P. 594)

On motion by Mr. Duquette of York,

ORDERED, the House concurring, that the Secretary of the Senate, in his capacity as Executive Officer of the Senate when the Senate is not in session, be

and hereby is authorized to retain whatever members of his staff may be necessary to complete the records of the Senate, and approve payment for same. (S. P. 595)

On motion by Mrs. Sproul of Lincoln,

ORDERED, the House concurring, that the State Librarian mail to each member of the Senate and House the balance of the Legislative Record. (S. P. 596)

On motion by Mrs. Chisholm of Cumberland,

ORDERED, the House concurring, that the State Librarian be directed to forward bound copies of the Legislative Record to members of the Senate and House, and to the Clerk and Assistant Clerk of the House, and the Secretary and Assistant Secretary of the Senate, at their home addresses. (S. P. 598)

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that there be prepared after adjournment of the present session, under the direction of the Clerk of the House, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve, and that there be printed six hundred copies of the same.

The Clerk of the House is hereby authorized to employ the necessary clerical assistance to prepare such register.

The Clerk shall mail a copy of the Register to each member and officer of the Legislature and the State Library shall receive such number of copies as may be required. (S. P. 597)

On motion by Mr. Bernard of Penobscot,

ORDERED, that the President of the Senate appoint Senator Floyd Harding of Aroostook to represent the Senate on the Maine to Quebec Caravan in 1966.

Which orders were read and passed.

### Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill, "An Act Relating to Employment of Minors Under 16 Years of Age." (H. P. 342) (L. D. 445) reported that they are Unable to Agree.

Which report was read and accepted.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table Resolve, in Favor of Development of State Park on Lower Range Pond, Poland, Androscoggin County (H. P. 303) (L. D. 406); and on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Committee Amendment "A" was adopted.

The same Senator presented Senate Amendment "A" to Committee Amendment "A" and moved its adoption.

Which amendment was read (S-318) and adopted; Committee Amendment "A" as amended by Senate Amendment "A" was adopted; and the bill as amended was passed to be engrossed in non-concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table An Act Increasing Appropriations for Stipend Fund for Disbursements to Certain Agricultural Societies (H. P. 794) (L. D. 1256); and on motion by Mr. Harding of Aroostook, 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-317) was read and adopted; and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 5th tabled and unassigned item (S. P. 591) Joint Order Relative to Interim Committee to Study Allagash, Cross Rock and related proposals; tabled on June 2 by that Senator

pending consideration; and on further motion by the same Senator, the Senate voted to insist on the passage of the order; and the Order was sent forthwith to the House.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table An Act Increasing the Number of Justices of the Superior Court (S. P. 290) (L. D. 852); and on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Committee Amendment A was adopted; and the same Senator presented Senate Amendment A to Committee Amendment A and moved its adoption.

Which amendment (S-319) 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 in non-concurrence.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table An Act Exempting Liquor Bottled or Manufactured in Maine from Additional Taxes (S. P. 326) (L. D. 1048); and on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby House Amendment A was adopted; the same Senator presented Senate Amendment A to House Amendment A.

Which amendment (S-320) was read and adopted; House Amendment A as amended by Senate Amendment A was adopted; and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

#### Enactors

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

Bill, "An Act Defining Nursing Home Under Health and Welfare Laws." (H. P. 688) (L. D. 925)

Bill, "An Act to Authorize Municipalities to Finance Industrial and Recreational Projects." (H. P. 1091) (L. D. 1487)

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

Bill, "An Act Relating to Definition of Hotel Under Liquor Laws." (S. P. 560) (L. D. 1567).

Bill, "An Act Relating to Petition for Release of Respondents Acquitted on Basis of Mental Defect.

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

Bill, "An Act Directing Review of Governmental Immunity. (S. P. 561) (L. D. 1573)

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

Bill, "An Act Relating to Appropriation for Certain Legislative Documents." (S. P. 578) (L. D. 1490) which was passed to be enacted.

#### Emergency

Resolve, Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens. (H. P. 248) (L. D. 316)

Which resolve, having received the affirmative vote of 29 members of the Senate was finally passed.

#### Bond Issue

Bill, "An Act to Authorize Bond Issue in Amount of Six Million Nine Hundred Seventy Thousand Dollars for Capital Improvements, Construction and Repairs at University of Maine." (S. P. 568) (L. D. 1581)

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

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations

Table "An Act Appropriating Funds to Aid in Dredging the Royal River and Basin" (H. P. 389) (L. D. 501); on motion by Mr. Harding of Aroostook, 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-321) was read and adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table, "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, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Committee Amendment "A" was adopted; the same Senator presented Senate Amendment "A" to Committee Amendment "A" and moved its adoption.

Which amendment (S-322) 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 in non-concurrence.

Sent down for concurrence.

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

### Joint Orders

Relative to Completion of Records of House of Representatives. (H. P. 1162)

Relative to Delegates to National Legislative Conference, 1966. (H. P. 1160)

Relative to Interim Joint Committee to Study Seasonal Employment. (H. P. 1161)

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

Which orders came from the House Read and Passed.

In the Senate read and passed in concurrence.

### Constitutional Amendment

Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate. (S. P. 530) (L. D. 1529)

(On motion by Mr. Harding of Aroostook, tabled pending consideration.)

On motion by Mr. Harding of Aroostook

Recessed to the sound of the gong.

### After Recess

Senate called to order by the President.

### Non-concurrent matters

Bill, "An Act Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit." (H. P. 589) (L. D. 781)

Which was Passed to Be Engrossed in both branches, comes from the House Indefinitely Postponed in Non-Concurrence.

In the Senate, on motion by Mr. Jacques of Androscoggin, the Senate voted to recede and concur.

Bill, "An Act Relating to State Retirement Benefits for Certain Teachers and Increasing Pensions for Certain Retired School Superintendents." (H. P. 788) (L. D. 931)

In Senate, June 2, Passed to Be Engrossed As Amended by Senate Amendment "A" (S-307) and as amended by House Amendment "B" (H-76) in Non-Concurrence.

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

Bill, "An Act Revising Certain Laws Under the Workmen's Compensation Law." (H. P. 1147) (L. D. 1571)

In Senate, June 1, Receded and Concurred with House in Engrossment As Amended by House Amendment "A".

Comes from the House, Passed to Be Engrossed As Amended by House Amendment "A" (H-401) and as amended by House Amendment "B" (H-425) in Non-Concurrence.

In the Senate, on motion by Mr. O'Leary of Oxford, the Senate voted to recede and concur.

On motion by Mr. Harding of Aroostook, out of order and under suspension of the rules:

ORDERED, the House concurring, that there be created an interim joint committee to consist of 2 Senators and 3 Representatives, appointed respectively by the President of the Senate and the Speaker of the House, to study and report to the 103rd Legislature concerning a third institution in the State of Maine for the housing and treatment of all offenders committed to the State Prison or correctional state institutions; and be it further

ORDERED, that the members of the committee serve without compensation but shall be reimbursed for their expenses incurred in the performance of their duties under this order; and be it further

ORDERED, that there is appropriated to the committee from the legislative appropriation the sum of \$1,000 to carry out the purposes of this order. (S. P. 599)

Which was read and passed and sent down for concurrence.

#### Enactors

Bill, An Act Relating to Time of Payments of Benefits Under Employment Security Law. (H. P. 1092) (L. D. 1488)

Bill, An Act Relating to Comparative Negligence in Civil Actions. (S. P. 565) (L. D. 1577)

Which were passed to be enacted.

Mr. Stern of Penobscot was granted unanimous consent to address the Senate.

Mr. STERN: Mr. President, I would just like to have this opportunity to thank my fellow Senators and commend them upon their great intelligence and wisdom in passing this last measure. (Laughter)

#### Senate Orders

On motion by Mr. Carter of Kennebec,

ORDERED, the House concurring, that the Legislative Re-

search Committee is directed to study the classification processes and procedures governing the employment of professional and technical employees in the Federal Government and other states for the purpose of determining necessary and possible improvements in the classification of such personnel in this State; and be it further

ORDERED, that the Committee report the results of its study to a special session of the 102nd Legislature or to the 103rd Legislature. (S. P. 600)

Which was read and passed.

On motion by Mr. Brown of Hancock

ORDERED, that the desk, chair, and filing cabinet in the Office of the Secretary of the Senate be presented to the Secretary of the Senate and delivered to his home address.

Which was read and passed.

#### Enactor

Bill, An Act Authorizing Qualified Licenses After Conviction for Drunken Driving if Essential to Livelihood. (H. P. 1144) (L. D. 1568)

On motion by Mr. Hoffses of Knox, a division of the Senate was had.

Twenty-seven having voted in the affirmative and three opposed, the bill was passed to be enacted.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table An Act Providing for New Ferry Landing at Forest City Landing, Peaks Island (H. P. 113) (L. D. 137); on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Committee Amendment A was adopted.

The same Senator presented Senate Amendment A to Committee Amendment A and moved its adoption.

Which amendment was read (S-330) and adopted; Committee Amendment A as amended by Senate Amendment A was adopt-



ed; and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table 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) and on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

The same Senator presented Senate Amendment A and moved its adoption.

Which amendment (S-329) was read and adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table, An Act to Authorize the Town of Pownal to Form a School Administrative District (H. P. 47) (L. D. 59); on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Committee of Conference Amendment A was adopted; and under suspension of the rules, Senate Amendment A to Committee of Conference Amendment A was read (S-328) and adopted; Committee of Conference Amendment A as amended by Senate Amendment A was adopted; and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair at this time would like to recognize in the back of the Senate Chamber, Clyde R. Chapman of Belfast who was a former Clerk of the House from 1919 to 1933 and was thereafter elected and served as Attorney General under Governor Brann.

Would Mr. Chapman please stand and be recognized? The Chair would request the Sergeant at Arms to escort Mr. Chapman to the rostrum where he can observe the Senate. The Chair can use all the help he can get today. (Applause)

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table An Act Providing Moneys for National Legislative Conference to be Held in Maine in 1966 (S. P. 37) (L. D. 377); on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; the same Senator presented Senate Amendment A and moved its adoption.

Which amendment (S-327) was read and adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table An Act Continuing the Committee on Aging (H. P. 1094) (L. D. 1490); on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be enacted; the same Senator presented Senate Amendment A and moved its adoption.

Which amendment (S-325) was read and adopted; and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table bill, An Act Relating to Retirement of Justices of the Supreme Judicial Court and Superior Court (S. P. 347) (L. D. 1114); and on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Committee Amendment A was adopted; the

same Senator presented Senate Amendment A to Committee Amendment A and moved its adoption.

Which amendment was read (S-331) and adopted; Committee Amendment A as amended by Senate Amendment A was adopted; and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table "An Act Increasing Compensation of Members of the Legislature, the Governor, Court Justices and Certain Department Heads" (S. P. 520) (L. D. 1497); on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Senate Amendment A was adopted; on further motion by the same Senator, Senate Amendment A was indefinitely postponed; and the same Senator presented Senate Amendment B and moved its adoption.

Which amendment was read (S-332) and adopted.

Under suspension of the rules, the same Senator presented Senate Amendment C and moved its adoption.

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

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table "An Act to Reactivate Maine Committee on Problems of the Mentally Retarded" (S. P. 527) (L. D. 1505); on motion by Mr. Harding of Aroostook, 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 was read (S-326) and adopted; and the bill as amended was passed to be engrossed.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table, "An Act Relating to Death Benefits for Members of the State Police" (H. P. 13) (L. D. 13) 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, "An Act to Extend Retirement Benefits to Wives of State Police Members Retired Under Noncontributory Statute" (S. P. 2) (L. D. 21) 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 Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 47) (L. D. 218) 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 "An Act Establishing the Fire Fighters Arbitration Law" (H. P. 742) (L. D. 979) 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 "An Act Increasing Salary of Reporter of Decisions" (S. P. 328) (L. D. 1050); 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 "An Act Increasing Salaries of Clerks of the Law Court" (S. P. 329) (L. D. 1051) 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 "An Act Providing for a Fair

Employment Practice Act" (H. P. 896) (L. D. 1206); 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 "An Act to Clarify Certain Portions of Election Laws Relating to Ballots" (H. P. 907) (L. D. 1235) 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 "An Act to Provide Funds for Expansion of Vending Stand Program for the Blind" (H. P. 1054) (L. D. 1430); 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 Resolve, to provide Funds for the Purchase of Copies of the "History of Madison."; and on further motion by the same Senator the resolve was finally passed.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table 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); 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 An Act Relating to Salaries of County Officers in the Several Counties of the State (S. P. 531) (L. D. 1519); and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table Item 1-3 (H. P. 1161) Joint Order Relative to Interim Joint Committee to Study Seasonal Employment tabled

by that Senator earlier in today's session pending passage; and on further motion by the same Senator, the Joint Order was indefinitely postponed and sent down for concurrence.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table Item 1-4 (S. P. 539) (L. D. 1529) tabled by that Senator earlier in today's session.

Mr. HARDING of Aroostook: Mr. President, I move that we recede and concur, and I would like to speak briefly on my motion.

The PRESIDENT: The Senator may.

Mr. HARDING: Mr. President and members of the Senate: The leadership of the Democratic Party was very much concerned during the session because, according to our understanding of the law, this Senate is not apportioned in accordance with the Constitution of the United States as interpreted by the Supreme Court. The fact that we are not properly reapportioned could cause all of the senators to run at large in the next state election if someone should protest the situation by bringing a suit in the District Court. We have attempted, by various measures, to rectify the situation and we have not been able to do so, primarily because we have not been able to get the required two-thirds vote in the other house. I feel that we must call attention to the fact that if there is a statewide election for all state senators we can know where the responsibility lies. If it is necessary for this legislature to be brought back into special session to correct this situation I think the people of the State of Maine will know where the responsibility lies. I feel that the majority party has done all it can to correct the situation. We are near the end of the session, there is nothing further we can do, and that is the reason for my motion at this time.

Mr. GLASS of Waldo: Mr. President, in response to the remarks made by the Majority Leader, let me say this: that

House Amendment "A" — I cannot quickly find the reference to the filing number — to the legislative document now under consideration, was offered by the minority party but the majority party refused to accept it. It was clearly indicated in the other body that were the majority party willing to accept House Amendment "A", which we felt made a better bill out of this legislative document, the minority party would go along with it. Consequently I do not feel it is fair or completely true to state that the responsibility lies with the minority party for failing to reapportion, and if anything it is joint responsibility.

Mr. HARDING of Aroostook: Mr. President, the amendment to which my colleague, the Senator from Waldo, Senator Glass, refers is a matter of record. The people of the State of Maine can look at that and see whether that would make a just reapportionment of the State Senate and whether or not it was politically possible to do so. I still say that they will be able to make their judgment and I believe the majority party has done all within its power to do that which ought to have been done here and that is to reapportion the State Senate.

Mr. HOFFSES of Knox: Mr. President and members of the Senate: I rise rather reluctantly to take issue with my very good friend and colleague, the Senator from Aroostook, but it is my understanding that, according to the Supreme Court, a perfect apportionment is a percentage of forty-nine-fifty-one. We have a forty-seven percent, forty-five is considered that which is acceptable by the Supreme Court, so we are therefore well within the bounds of the regulations set down by the Supreme Court, so I am not too fearful that we are going to bring down the wrath of the Supreme Court upon this State Senate or upon the State of Maine by our failure to reapportion the State Senate at this time.

Mr. HARDING of Aroostook: Mr. President, in response to the Senator from Knox, Senator Hoffses, in the opinion of attorneys

who I know are familiar with the law and the ruling of the Supreme Court, we are certainly not properly apportioned as far as the State Senate is concerned. You only have to look at the population of the small counties to see that a senator may be elected to represent something like seventeen thousand people in one county and in another county a senator will be representing approximately forty-five thousand. This is not a proper apportionment, and of course the only way we will know who is right in what we say, Senator Hoffses and myself, is when and if a suit is brought in the United States District Court for the State of Maine. If that court holds as all other courts have held on the reapportionment measures we will have to reapportion the State Senate.

Thereupon the Senate voted to recede and concur.

On motion by Mr. Harding of Aroostook, the Senate recessed for five minutes.

(Recess)

Called to order by the President.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table "An Act Providing State Scholarships for Higher Education" (H. P. 1156) (L. D. 1587) and on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed. The same Senator presented Senate Amendment A.

Which amendment (S-334) was read and adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Duquette of York the Senate voted to take from the Special Appropriations Table "An Act Relating to Advisory Committee on Health and Welfare" (H. P. 1070) (L. D. 1445); on motion by Mr. Carter of Kennebec, the Senate voted to recon-

sider its former action whereby the bill was passed to be engrossed; the same Senator presented Senate Amendment B.

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

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table, the 4th tabled and unassigned item, (H. P. 369) (L. D. 471) bill, "An Act Relating to Retirement Benefits for Fish and Game Wardens and Coastal Wardens under State Retirement System; and on further motion by that Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed. The same Senator then presented Senate Amendment B and moved its adoption.

Which amendment was read (S-337) and adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Harding, out of order and under suspension of the rules:

ORDERED, the House concurring, that there is created a Joint Interim Committee on Legislative Reapportionment consisting of 5 Senators, to be appointed by the President of the Senate, and 5 Representatives, to be appointed by the Speaker of the House of Representatives, to study the apportionment of the Senate for such changes and amendments as may appear to be necessary or desirable; and be it further

ORDERED, that the Committee shall report the results of its study to a special session of the 102nd Legislature or to the 103rd Legislature; and be it further

ORDERED, that the members of the Committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Appropriation; and be it further

ORDERED, that there is appropriated to the Committee from the Legislative Appropriation the sum of \$1,000 to carry out the purposes of this order. (S. P. 601)

Which was read and passed and sent down for concurrence.

#### **Paper from the House Non-Concurrent Matter**

##### **JOINT ORDER**

WHEREAS, Legislative Document 1575, Senate Paper 563, "An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the fiscal years ending June 30, 1966 and June 30, 1967," in section B thereof, provides an appropriation in the sum of \$791,000 for construction at the Augusta State Airport; and

WHEREAS, there is serious and substantial question that the expansion of the Augusta State Airport does not conform to the National Airport Plan, and is thereby not eligible for financial assistance under the Federal Airport Program; now, therefore, be it

ORDERED, the House concurring, that the Senate hereby declares its legislative intent, that the aforesaid appropriation of \$791,000 for the Augusta State Airport, not be expended if the expansion program is not eligible for financial assistance under the Federal Airport Program. (S. P. 593)

In Senate, June 2, Read and Passed.

Comes from the House, Passed As Amended by House Amendment "A" (H-426) in Non-Concurrence.

In the Senate, on Motion by Mr. Harding of Aroostook, tabled pending consideration and especially assigned for tomorrow.

#### **Senate Order**

On motion by Mr. Harding of Aroostook, out of order and under suspension of the rules:

ORDERED, the House concurring, that free telephone service be provided after final adjournment of the Legislature, during the remainder of the biennium,

for each member of the Senate and House of Representatives, to the number of 50 calls of reasonable duration from the member's home to any state department, commission or agency within the limits of the State of Maine, and that the cost of this service be paid to the New England Telephone and Telegraph Company at regular tariff rates. (S. P. 602)

Which was read and passed and sent down for concurrence.

### Committee of Conference Report

A Second Committee of Conference on the disagreeing action of the two branches on Bill, An Act Clarifying the Inland Fisheries and Game Laws. (S. P. 428) (L. D. 1375) reported that the House Reconsider its action whereby it Passed this Bill to be Engrossed, Adopt Committee of Conference Amendment "B" (S-338); and Pass The Bill To Be Engrossed, as Amended by Committee Amendment "A" (S-172), as Arranged by House Amendment "A" (H-303) thereto, as Amended by House Amendment "A" (H-214), as Amended by House Amendment "B" (H-304), as Amended by House Amendment "C" (H-316), and as amended by Committee of Conference Amendment "B" (S-338) that the Senate Reconsider its action whereby it Passed this Bill To Be Engrossed; Reconsider its action whereby it Adopted Senate Amendment "A" (S-230); Indefinitely Postpone Senate Amendment "A;" Adopt Committee of Conference Amendment "B;" and Pass The Bill To Be Engrossed, As Amended.

Mr. O'LEARY of Oxford: Mr. President, I move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that L. D. 1375 and all its accompanying papers be indefinitely postponed.

Mr. MANUEL of Aroostook: Mr. President, I ask for a division, and I would like to briefly comment on this.

The PRESIDENT: The Senator may debate the motion.

Mr. MANUEL: Mr. President, this omnibus bill of the Fish and Game Department is a bill that has been kicked around now for about six weeks. It covers many, many things, such as \$50,000 for the Fish and Game Department, the free fishing license for seventy-year-olds, and many other things. Actually this is a very important bill. There was one amendment on it, and that was my amendment, that was very much in controversy in the House, and what I have done here now is withdraw this amendment, which is the famous moose amendment, and I would hope now that this bill would be passed as it is extremely important to the Fish and Game Department.

Mr. HOFFSES of Knox: Mr. President, as a member of the Fish and Game Committee, I would wholeheartedly concur with our chairman, Senator Manuel, in regard to this matter.

Mr. O'LEARY of Oxford: Mr. President, after listening to the explanation of the chairman of the Fish and Game Committee, I would like to withdraw my motion to indefinitely postpone this bill and all its accompanying papers.

The PRESIDENT: The Senator may.

Mr. O'LEARY: Mr. President, I would now move that Committee of Conference Amendment "B" be indefinitely postponed.

The PRESIDENT: The motion before the Senate is the acceptance of the Committee of Conference report.

Mr. VIOLETTE of Aroostook: Mr. President, I don't know how I got into this in the first instance, but the effect of the second Committee of Conference Amendment "B" is to remove the moose hunting amendment that was placed on the bill. Senator Manuel put me on this committee as one of his good friends and allies from the county, but I think on real sober reflection that this bill as it was amended to include this moose hunting would have run grave risk of being defeated again in the House because it was defeated on two previous occasions,

and another defeat of this amendment in the House would have meant defeat of the entire bill which is an extremely important bill, and that is the reason for the report which our Committee of Conference put out. I personally would just as soon have seen the type of moose hunting that Senator Manuel placed in the bill, and I concur with his thinking on it, but the fact is, facing realities, I do not think it will get through this legislature, and with time running out as it is, I think that we just have to face facts and accept the situation as it is and remove that portion of the bill that was originally in it. This is what this Committee of Conference Amendment "B" does, and I hope it is not indefinitely postponed, and I would ask for a division.

Mr. O'LEARY of Oxford: Mr. President, perhaps I am in error, but the amendment before me reads "Southwestern zone from November 5th to December 5th." I do not see anything in this amendment that has to do with moose.

This is Committee of Conference Amendment "B" we are discussing, isn't it?

The PRESIDENT: The filing number of Committee of Conference Amendment "B" is 338.

Mr. O'LEARY: Am I right, Mr. President, that we are not talking about moose, that we are talking about the southwestern zone? Unless there is a wrong filing number here, on my amendment it says, "Section 13-A of the Revised Statutes, Title 12, Sub-section 2353, amended. The 10th paragraph of section 2353 of Title 12 of the Revised Statutes is amended to read as follows: 'Southwestern Zone;' and then it strikes out the words "The month of," November 5th to December 5th." It says Committee of Conference Amendment "B" to S. P. 428, L. D. 1375." This is the amendment I am talking about and this is the one I wish to indefinitely postpone.

Mr. MANUEL of Aroostook: Mr. President, Senator O'Leary is talking about the first Committee of

Conference Report and not the one that we have just adopted now. I would merely like to say that the change of dates in the deer hunting season has nothing to do with the moose hunting.

Mr. BROWN of Hancock: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator may state his point of order.

Mr. BROWN: Do we not have to either accept or reject the Conference Committee report?

The PRESIDENT: The motion before the Senate will be to either accept or reject the Conference Committee report. The motion to indefinitely postpone the amendment at this time is not in order.

Mr. O'LEARY of Oxford: Mr. President, may the Senator from Aroostook, Senator Manuel, and I approach the rostrum?

The PRESIDENT: The senators may and the Senate will be at ease.

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(At ease)

Called to order by the President.

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Mr. O'LEARY of Oxford: Mr. President, I move the indefinite postponement of the Committee of Conference report.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves rejection of the Committee of Conference report.

Mr. MANUEL of Aroostook: Mr. President, I ask for a division.

The PRESIDENT: A division on the motion has been requested.

Mr. BERNARD of Penobscot: Mr. President, just for the record. I would like to concur with Senator Manuel because I like this bill the way it is now, and another reason is because I think it has got more amendments than any bill we have had here, and that makes it interesting too.

Mr. O'LEARY of Oxford: Mr. President, what disturbs me is the fact that in the southwestern zone we are going to have, instead of November 1st to November 30th,

we will move back from November 5th to December 5th. There are in the one plant where I am employed in the neighborhood of 2400 employees, not counting the salaried employees who take their vacations throughout the year, and I would say twenty-five per cent of the employees save one week or two weeks of their vacation time for the month of November. Under our contract we have to stipulate our vacation preference by the 1st of April. Now here we are down here passing a piece of legislation that is going to tell those employees who have already gone out and hired their camps, paid for them, made their plans, "This year you do not hunt. You can go into your camp but just stay in the camp and don't go in the woods." And this is just in my one town alone. Let's take the rest of Oxford County, Cumberland County and York County. How many employees are there that have already hired their camps? And because the department over here, some egg-head who considers himself to be a biologist, whose work has to do with disease and not the keeping of our wild life here in the state, he is going to tell us this year what we are going to do. If they had amended the bill to start in 1966 I would not have fought it anywhere along the line, but it seems that the department is going to ram this down our throats, and I am opposed to it.

Just think of everyone in the southwestern zone. This goes all the way from the Penobscot River at Bangor and it follows a line across Route 2 from Bangor to Farmington and thereon from Farmington to Rangeley and from Rangeley through Route 16, I believe it is, to the New Hampshire border. Everyone who is southwest of that line is involved in this, and how many people do you suppose there are in this area. I would say one-third of the population of this state or perhaps forty-five percent of the population. How many people are there who have already made their plans, spent their money, and now the Department is telling them, "Just go to the camp, and don't you hunt?"

I move once again that the Committee of Conference report be indefinitely postponed.

Mr. MANUEL of Aroostook: Mr. President, as Chairman of the Joint Standing Committee on Inland Fisheries and Game, I would like to state once again that this is probably one of the most important bills that we have had. It is important because there is \$50,000 of money which the department sorely needs, there is the 70 year old free fishing license for people, there is the upgrading of the wardens of one grade, there are six pages of revision of the basic law that the department has requested. Our committee has done a great deal of work on this. It came out of the committee with a unanimous "Ought to pass" report. Various amendments have been put on which have been thoroughly debated. The one really controversial amendment was the one I had put on myself, the one calling for a combined open season and conservation on moose on a very limited scale. I realized that this was very controversial, but I felt so sincerely that this bill should pass that I have withdrawn the part that I personally wanted. I believe that we would be doing a great injustice to Inland Fisheries and Game Department if this bill were defeated, and I would request that the Senate go along with me.

Mr. O'LEARY of Oxford: Mr. President, I would remind each and every one of you that there are any number of people that come in here from other states, I cannot remember the number, but the revenue to the department is a lot more from these people than the revenue from within the state. There is a bill, I believe, that has already gone through raising the hunting and fishing license fees. I would say that there are 200,000 hunters here in the State of Maine and we are raising the revenue of this department by about \$200,000, but the five-dollar increase for the out-of-state hunters is going to bring in, I would say roughly another \$300,000. I think half a million dollars is enough for this



department and \$50,000 is peanuts.

The PRESIDENT: The motion before the Senate is the motion to reject the Committee Report. Is the Senate ready for the question?

Mr. BERNARD of Penobscot: Mr. President, I would like to ask through the Chair what were the hunting dates for the southwestern zone before the amendment was put on?

The PRESIDENT: The Senator from Penobscot, Senator Bernard, directs a question through the Chair of any Senator who may answer if he so chooses.

Mr. O'LEARY: Mr. President, the dates for the southwestern zone were from November 1st to November 30.

The PRESIDENT: The motion before the Senate is the motion of Senator O'Leary of Oxford that the report of the Conference Committee be rejected. A division has been requested.

A division of the Senate was had.

Three having voted in the affirmative and twenty-two opposed, the motion did not prevail.

Thereupon, the report of the Conference Committee was accepted.

Mr. O'LEARY of Oxford: Mr. President, is the Committee of Conference amendment before us at this time?

The PRESIDENT: The Committee of Conference Amendment is not now before us.

Thereupon, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its action whereby Senate Amendment A was adopted.

Senate Amendment A was indefinitely postponed.

The Secretary read Conference Committee Amendment B.

Mr. O'LEARY of Oxford: Mr. President, I would move indefinite postponement of Conference Committee Amendment B and ask for a division.

The PRESIDENT: The Senator's motion is not in order.

Thereupon, Committee of Conference Amendment B was adopted and the bill as amended was passed to be engrossed.

Committee of Conference on Bill, An Act Authorizing Public Utilities Commission to Require the Interchange of Electric Energy (H. P. 846) (L. D. 1147) report that the Senate recede from its action whereby House Amendment A was indefinitely postponed; that the Senate adopt House Amendment A in concurrence and that the bill be passed to be engrossed as amended by House Amendment A in concurrence.

Comes from the House read and accepted.

In the Senate, the report of the Conference Committee was read and accepted and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, and to further reconsider its action whereby House Amendment A was indefinitely postponed; House Amendment A was then adopted, and the bill as amended was passed to be engrossed in concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table An Act Establishing a State Board of Pesticides Control (S. P. 420) (L. D. 1329); and on motion by Mr. Hilton of Somerset, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

The same Senator presented Senate Amendment B and moved its adoption.

Which amendment (S-335) was read and adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Harding of Aroostook,

Adjourned until tomorrow morning at nine o'clock.