

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

1967

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, February 21, 1967

Senate called to order by the President.

Prayer by Rev. Carl M. Kinsbury of Rumford Point

Reading of the Journal of yesterday.

The PRESIDENT: The Chair wishes to recognize a class from the Lewiston High School in the care of Miss Geneva Kirk and Robert Provencher. The Chair understands that Miss Kirk is the co-author, or a co-author, of a text on the State of Maine Government published by the State of Maine Teachers' Association, a copy of which is found on your desk today. If you young folks will look forward, I would be very pleased to introduce to you the three Senators from Androscoggin, or two at least today are here, Senator Girard and Senator Boisvert. Will the Senate please greet the class. (Applause)

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

Bill "An Act Relating to Pensions for Members of Lewiston Police Department." (S. P. 197) (L. D. 837)

In Senate, Feb. 14, referred to the Committee on Retirements and Pensions.

Bill "An Act Relating to Pension Adjustments for Former and Present Members of the Lewiston Police Department." (S. P. 196) (L. D. 836)

In Senate, Feb. 14, referred to the Committee on Retirements and Pensions.

Bill "An Act Relating to Pensions for Disabled Members of the Lewiston Police Department." (S. P. 198) (L. D. 838)

In Senate, Feb. 14, referred to the Committee on Retirements and Pensions.

Come from the House, referred to the Committee on Legal Affairs in non-concurrence.

In the Senate: On motion by Mr. Boisvert of Androscoggin, voted to recede and concur with the House.

Communication

STATE OF MAINE

Department of State

To David J. Kennedy, Speaker of the House of Representatives of the One Hundred and Third Legislature:

I have the honor to herewith transmit copies of the estimates of expenses of the sixteen counties within the State for the years 1967 and 1968, the same having been filed in this office according to the provisions of Title 30, Sections 252 and 253 of the Revised Statutes of 1954.

Joseph T. Edgar
Secretary of State

February 15
1967

(H. P. 686)

Comes from the House Read, and with accompanying papers, referred to the Committee on Towns and Counties.

Which was read, and, with accompanying papers, referred to the Committee on Towns and Counties in concurrence.

Joint Order

WHEREAS, it has been learned that a Testimonial Dinner is being held this evening in honor of a great citizen, former Governor and United States municipal leader, former Governor and United States Senator, Frederick B. Payne, sponsored by his friends; be it

ORDERED, the Senate concurring, that the 103rd Maine State Legislature pay special tribute to the gentleman of character and friendliness and pay special respect to him for his many years in service to his State of Maine which he so loves; and be it further

ORDERED, that a framed and attested copy of this Joint Order be forwarded to him and his wife by the Secretary of the Senate. (H. P. 701)

Comes from the House read and Passed.

Which was read and passed in concurrence.

Bill "An Act to Grant a New Charter to the City of Auburn." (H. P. 609) (L. D. 859)

Comes from the House referred to the Committee on Legal Affairs.

Which was referred to the Committee on Legal Affairs in concurrence.

Communication

February 14, 1967

To the Senate and House of Representatives of the One Hundred and Third Legislature

In accordance with the provisions of Title 5, Section 1742, Maine Revised Statutes Annotated, we are submitting herewith the "Recommended Priorities for Projects Contained within Requests for Capital Improvements" for the fiscal years 1968 - 1969.

Respectfully,

Niran C. Bates

State Director of Public Improvements

(S. P. 370)

Read and ordered placed on file.

Sent down for concurrence.

Senate Papers

Appropriations and Financial Affairs

Mr. Johnson of Somerset presented Bill "An Act to Authorize Bond Issue in Amount of One Million One Hundred and Fifty Thousand Dollars for Construction at Pineland Hospital and Training Center and of Regional Care Facilities for the Severely Mentally Retarded at Bangor." (S. P. 371)

Which was referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

Business Legislation

Mr. Mills of Franklin presented Bill "An Act Relating to Security in Small Loan Transactions." (S. P. 372)

The same Senator presented Bill "An Act Reducing Maximum Amount and Duration of Small Loans and Establishing Equitable Rates for Small Loan Agencies." (S. P. 373)

Which were referred to the Committee on Business Legislation and ordered printed.

Sent down for concurrence.

Judiciary

Mr. Mills of Franklin presented Resolve "To Continue Review of Maine Criminal Statutes." (S. P. 374)

The same Senator presented Bill "An Act Authorizing the Taking of Bail in the District Court." (S. P. 375)

The same Senator presented Bill "An Act to Abolish Imprisonment for Debt." (S. P. 376)

The Same Senator presented Bill "An Act Relating to Amount of Wages Subject to Trustee Process." (S. P. 377)

The Same Senator presented Bill "An Act to Clarify Authority of Complaint Justices and District Court Judges." (S. P. 378)

The same Senator presented Bill "An Act Relating to Exemptions of Insurance Benefits from Claims of Creditors." (S. P. 379)

The same Senator presented Bill "An Act Providing for an Additional District Court Judge at Large." (S. P. 380)

The same Senator presented Bill "An Act Relating to List of Prospective Jurors and Selection of Jurors." (S. P. 381)

Which were referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

Legal Affairs

Mr. Mills of Franklin presented Bill "An Act Revising Revocation and Suspension Powers of Bank Commissioner, Restricting Conduct of Other Businesses by Small Loan Agencies and Relating to Reasonable Attorneys' Fees." (S. P. 382)

Which was referred to the Committee on Legal Affairs and ordered printed.

Sent down for concurrence.

State Government

Mr. Stern of Penobscot presented Bill "An Act Establishing a Grievance Procedure and Appeals Board for State Employees." (S. P. 383)

The same Senator presented Bill "An Act Relating to Executive Reorganization." (S. P. 384)

Which were referred to the Committee on State Government and ordered printed.

Sent down for concurrence.

Towns and Counties

Mr. Mills of Franklin presented, Bill "An Act Appropriating County Funds for the Cooperative Extension Service for Franklin County." (S. P. 385)

Which was referred to the Committee on Towns and Counties and ordered Printed.

Sent down for concurrence.

The Chair notes that in the balcony of the chamber are fifteen Boy Scouts from Troop No. 507 from Mexico who are guests of the Senator from Oxford, Senator Ferguson, and they are accompanied by Scout Masters Fred Marston, Lawrence Kerr and Roland Easter. The Chair is very pleased to welcome you Boy Scouts here today and hope that your visit will prove rewarding to you. (Applause.)

**Committee Reports
House**

Ought Not to Pass

The Committee on Judiciary on Bill "An Act Relating to Examination of Vehicles by Police Officers." (H. P. 106) (L. D. 133)

Reported that the same Ought not to Pass.

Comes from the House recommitted to the Committee on Judiciary.

In the Senate: Recommitted to the Committee on Judiciary in concurrence.

Ought to Pass

The Committee on Natural Resources on Bill "An Act Reclassifying Chandler Brook in Pownal." (H. P. 114) (L. D. 141)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill Passed to be Engrossed.

Which report was read and accepted in concurrence, the Bill read once and tomorrow assigned for second reading.

Ought to Pass

The Committee on Natural Resources on Bill "An Act Reclassify-

ing Certain Inland Waters of the Meduxnekeag River Basin." (H. P. 237) (L. D. 345)

Reported that the same Ought to Pass.

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

Which report was read and accepted in concurrence, the Bill Read once and tomorrow assigned for second reading.

The Committee on Natural Resources on Bill "An Act Reclassifying Certain Inland Waters of the Aroostook River Basin." (H. P. 238) (L. D. 346)

Reported that the same Ought to Pass

Comes from the House, Report read and accepted and the Bill passed to be engrossed.

Which report was read and accepted in concurrence, the Bill read once and tomorrow assigned for second reading.

The Committee on Transportation on Bill "An Act Relating to Inspection Certificates for Mechanics in Motor Vehicle Inspection Stations." (H. P. 173) (L. D. 236)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted, and the Bill passed to be engrossed As Amended by House Amendments "A" (H-14) and "B" (H-16)

In the Senate: On motion by Mr. Johnson of Somerset tabled and specially assigned for Wednesday, February 22nd. pending acceptance of the report.

The Committee on Election Laws on Bill "An Act Providing for a Presidential Preference Primary." (H. P. 58) (L. D. 83)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted, and the Bill indefinitely postponed.

On motion by Mr. Anderson of Hancock the Bill was indefinitely postponed in concurrence.

**Ought to Pass in
New Draft - New Title**

The Committee on Election Laws on Bill "An Act Relating to Compensation of Ballot Clerks during Recounts." (H. P. 98) (L. D. 125)

Reported that the same Ought to pass in New Draft under New Title: An Act Relating to Number of and Compensation for Ballot Clerks During Recounts. (H. P. 648) (L. D. 834)

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

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

Ought to Pass in New Draft - Same Title

The Committee on Transportation on Bill "An Act Relating to Registration of Motor Vehicles by Blind Veterans." (H. P. 110) (L. D. 137)

Reported that the same Ought to Pass in New Draft, Same Title (H. P. 647) (L. D. 833)

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

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

Divided Report

The Majority of the Committee on Natural Resources on Bill "An Act Classifying Portion of Presumpscot River Basin." (H. P. 154) L. D. 217)

Reported that the same Ought Not to Pass.

Signed:
Senators:

SEWALL of Penobscot
VILES of Somerset
FERGUSON of Oxford

Representatives:

PIKE of Lubec
SAHAGIAN of Belgrade
BROWN of Augusta
DICKINSON of Mars Hill
FULLER of York
CURRAN of Bangor

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

Signed:

EUSTIS of Dixfield

Comes from the House recommit-

ted to the Committee on Natural Resources.

In the Senate: On motion by Mr. Ferguson of Oxford, recommitted to the Committee on Natural Resources in concurrence.

On motion by Mr. Good of Cumberland, the Senate voted to reconsider its action of today on Bill, "An Act Revising Revocation and Suspension Powers of Bank and Restricting Conduct of Other Businesses by Small Loan Agencies and Relating to Reasonable Attorneys' Fees." (S. P. 382) whereby the Bill was referred to the Committee on Legal Affairs: and on further motion by the same Senator, the Bill was tabled pending the motion to reconsider.

Senate Ought Not to Pass

Mr. Lund for the Committee on State Government on Bill "An Act Increasing Mileage Allowance for State Employees on State Business." (S. P. 183) (L. D. 373)

Reported that the same Ought Not to Pass, covered by other legislation.

Which report was read and accepted and sent down for concurrence.

Ought Not to Pass

Mr. Reny for the Committee on Transportation on Bill "An Act Establishing Classified Motor Vehicle Operators' Licenses." (S. P. 133) (L. D. 261)

Reported that the Bill Ought Not to Pass.

On motion by Mr. Reny of York, tabled pending acceptance of the report.

Ought to Pass

Mr. Berry for the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Educational Loans for Maine Students." (Emergency) (S. P. 151) (L. D. 323)

Reported that the same Ought to Pass.

Which report was read and accepted, the Bill read once.

On motion by Mr. Katz of Kennebec and under suspension of the rules, the Bill was given its second

reading and passed to be engrossed. On further motion by the same Senator, sent down forthwith for concurrence.

Mr. Mills for the Committee on Judiciary on Bill "An Act Relating to Penalty in Prohibiting Dangerous Knives." (S. P. 160) (L. D. 331)

Reported that the same Ought to Pass.

Which report was read and accepted, the Bill read once, and tomorrow assigned for second reading.

Mr. Good for the Committee on Legal Affairs on Bill "An Act Increasing the Borrowing Authority of the Gouldsboro School District." (Emergency) (S. P. 162) (L. D. 333)

Reported that the same Ought to Pass.

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

Mr. Good for the Committee on Legal Affairs on Bill "An Act Increasing the Borrowing Capacity of the Winter Harbor School District." (Emergency) (S. P. 161) (L. D. 332)

Reported that the same Ought to Pass.

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

Mr. Good for the Committee on Legal Affairs on Bill "An Act Relating to Bridge Academy." (S. P. 65) (L. D. 109)

Reported that the same Ought to Pass.

Which report was read and accepted, the Bill Read once and tomorrow assigned for second reading.

Mr. Lund for the Committee on State Government on Bill "An Act Permitting Waiver of Citizenship Requirement for Technical and Professional Personnel." (S. P. 165) (L. D. 336)

Reported that the same Ought to Pass.

Which report was read and accepted, the Bill read once and tomorrow assigned for second reading.

Mr. Johnson for the Committee on Transportation on Bill "An Act Prohibiting Unauthorized Person from Driving a Motor Vehicle." (S. P. 134) (L. D. 262)

Reported that the same Ought to Pass.

Which report was read and accepted, the Bill read once and tomorrow assigned for second reading.

Mr. Burns for the Committee on Transportation on Bill "An Act Relating to Re-registration of Motor Vehicles for Members of Armed Forces Returning from Overseas Duty." (Emergency) (S. P. 135) (L. D. 263)

Reported that the same Ought to Pass.

Which report was read and accepted, the Bill read once and tomorrow assigned for second reading.

Mr. Barnes for the Committee on Transportation on Bill "An Act Relating to Recognition of Certain Motor Vehicle Licenses Held by Members of Armed Forces or Their Spouses." (Emergency) (S. P. 132) (L. D. 260)

Reported that the same Ought to Pass.

Which report was read and accepted, the Bill read once and tomorrow assigned for second reading.

Divided Report

Five members of the Committee on Inland Fisheries and Game on Bill "An Act Repealing Bounty on Bobcat and Canada Lynx." (S. P. 47) (L. D. 37)

Reported, in Report "A", that the same Ought to Pass.

Signed:

Senators:

HOFFSES of Knox
FARLEY of York

Representatives:

LEWIN of Augusta
HAYNES of Camden
GAUDREAU of Lewiston

Five members of the same Committee on the same subject matter reported, in Report "B", that the same Ought not to Pass.

Signed:

Senator:

ANDERSON of Hancock

Representatives:

RACKLIFF of Easton
 THOMPSON of Belfast
 COOKSON of Glenburn
 CHAMPAGNE of Fairfield

On motion by Mr. Hoffses of Knox, tabled pending the acceptance of either report.

Second Readers

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

House

Bill "An Act Relating to Non-lapsing Funds for Armory Construction." (Emergency) (H. P. 52) (L. D. 77)

Bill "An Act Relating to the Powers and Purposes of the Town of Wiscasset School District." (Emergency) (H. P. 131) (L. D. 195)

Bill "An Act Relating to Actions of Married Women for Loss of Consortium of Husband." (H. P. 64) (L. D. 89)

Mr. Mills of Franklin: Mr. President, in moving for the passage of these bills in concurrence, I would like to speak just briefly, if I may, in regard to one of them, Item No. 7-3, Bill, "An Act Relating to Actions of Married Women for Loss of Consortium of Husband."

I would like to note, if I may, Mr. President, that this is a valuable right which is being given, if this bill is enacted, as it undoubtedly will be, because it is going along all right, to the women of this State, unsolicited and unsought-for. It is a bill which might well have been expected to come before this legislature many years ago during the days of the Suffragettes, and in our time we have had some very strong advocates of the right of women to sit in the halls of this legislature, but never before, I believe, has this proposition been suggested or requested; and the significant thing about it, to me, is that this is something that men are doing for women and the women are not asking for it at all. There is no pressure, no agitation. No one appeared at the committee hearing

asking for it, but still it is a very valuable right.

To describe it briefly, I would say that in a law suit, say if a husband is injured and taken out of circulation and put in a hospital for some time, unable to be a companion to his wife, unable to be at home, the wife in the past has had no claim for damages for that loss, whereas the husband has always had it. I think it goes back to the time when the wife had no standing in court anyway and had no right to bring a suit. Down through the years, some of the courts in the country have given the wife this right by adjudication of the law courts; and just recently this matter was brought to the fore by an opinion of our Law Court, Justice Marden writing the opinion, in the case of Barry M. Potter and Sandra Potter vs. Sidney R. Schafter (161 Maine, Page 340). In that case, this right of recovery was sought and it was denied because Justice Marden pointed out very wisely that this is a matter needing legislative attention and if this right was to be given, it should be by act of the Legislature. I believe that is the source of Representative Berman's bill. I believe Representative Berman to be the author of this bill. Justice Marden points out that in only one state in the Union has this been taken care of by legislation, such as we appear to be doing today, Oregon, I think he points out is the other state where this has occurred. Some other states have done this by judicial decree. But here, significantly I think, with all men participating, without any prompting from their wives or from their colleagues on the distaff side they are giving one of the great rights of recovery for our valuable consortium when and if they ever become injured, without solicitation and without any fanfare, and I do think it is a significant day in the legislation of this winter.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that we now pass to be engrossed Item 7-3 Bill, "An Act Relating to Actions of Married

Women for Loss of Consortium of Husband."

The motion prevailed and the bill was passed to be engrossed.

Bill "An Act Relating to Bureau of Corrections of the Department of Mental Health and Corrections." (H. P. 135) (L. D. 199)

Bill "An Act Relating to Collection of Amounts Due for the Support of Persons at State Institutions." (H. P. 136) (L. D. 200)

Bill "An Act Validating the Vote to Convert St. Francis Plantation into the Town of St. Francis." (Emergency) (H. P. 69) (L. D. 94)

Bill "An Act Relating to Initial Type Registration Plates for Motor Vehicles." (H. P. 181) (L. D. 244)

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

House - As Amended

Bill "An Act Relating to Sale of Fireworks." (H. P. 105) (L. D. 132)

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

Senate

Bill "An Act Relating to Duties and Salary of Aroostook County Fire Marshal." (Emergency) (S. P. 33) (L. D. 32)

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

Sent down for concurrence.

Senate - As Amended

Bill "An Act to Provide Funds for Enforcement of the Potato Branding Law." (S. P. 176) (L. D. 421)

Which was read a second time and passed to be engrossed, As Amended.

Sent down for concurrence.

Enactors

Bill "An Act Relating to Sale of Negotiable Checks and Money Orders." (S. P. 77) (L. D. 158)

Bill "An Act Relating to Bylaws of Trust Companies." (S. P. 79) (L. D. 160)

Bill "An Act to Change the Name of Bridgetown Academy to Bridgton Academy." (H. P. 35) (L. D. 55)

Bill "An Act Relating to Poll Taxes Paid to Prentiss Plantation." (H. P. 40) (L. D. 59)

On motion by Mr. Berry of Cumberland the Bill was placed on the Special Appropriations Table pending enactment.

Bill "An Act Relating to Exceptional Children." (H. P. 56) (L. D. 81)

On motion by Mr. Berry of Cumberland, the Bill was placed on the Special Appropriations Table Pending enactment.

Bill "An Act Relating to Suspension of Motor Vehicle Operator's License by Courts." (H. P. 65) (L. D. 90)

Bill "An Act Relating to Augusta Mutual Insurance Company." (H. P. 91) (L. D. 120)

Bill "An Act Relating to the Construction and Assembling of Bombs." (H. P. 108) (L. D. 135)

Which were passed to be enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

Bill "An Act Increasing Indebtedness of Caribou Hospital District." (H. P. 17) (L. D. 31)

This Bill, being an emergency measure and having received the affirmative vote of 32 members of the Senate, was passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

Bill "An Act Relating to the Issuance of Temporary Boat Numbers" (H. P. 3) (L. D. 3)

This Bill, being an emergency measure and having received the affirmative vote of 32 members of the Senate, was passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the fourth tabled and unassigned matter (S. P. 328) Bill, "An Act Appropriating Matching Funds Under Title VI

of the Federal Higher Education Act for Maine Maritime Academy." Tabled February 15 by the Senator pending reference; and on further motion by the same Senator, the Bill was referred to the Committee on Education, ordered printed and sent down for concurrence.

On motion by Mr. Beckett of Washington, the Senate voted to take from the table the second tabled and unassigned matter (H. P. 493) (L. D. 706) Bill "An Act Relating to Weight Tolerances of Vehicles Loaded With Sawed Lumber." Tabled February 15 by the Senator pending reference; and on further motion by the same Senator, the Bill was referred to the Committee on Transportation in non-concurrence and sent down for concurrence.

On motion by Mr. Young of Hancock, the Senate voted to take from the table the third tabled and unassigned matter (H. P. 500) (L. D. 713) Bill "An Act Relating

to Fishing for Bass in Sheepscot River and Tributaries, Lincoln County." Tabled February 15 by that Senator pending reference; and on further motion by the same Senator, the Bill was referred to the Committee on Sea and Shore Fisheries in non-concurrence and sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the fifth tabled and unassigned matter (H. P. 584) (L. D. 831) Bill "An Act Providing for Regulating Water Well Construction and Pump Installation." Tabled by that Senator on February 16 pending reference, and on further motion by the same Senator, the Bill was referred to the Committee on Legal Affairs in non-concurrence and sent down for concurrence.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.