

# 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**

Friday, March 31, 1967

Senate called to order by the President.

Prayer by the Rev. Father Marcus Rogers of Augusta.

Reading of the Journal of yesterday.

Out of order and under suspension of the rules, on motion by Mr. Ross of Piscataquis,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, April 4, at ten o'clock in the morning. (S. P. 591)

Which was read and passed.

Sent forthwith to the House for concurrence.

The PRESIDENT: The Chair will ask the Sergeant-at-Arms to escort to the rostrum the Senator from Cumberland, Senator Good, who will act as Speaker pro-tem.

Thereupon, Senator Good was escorted to the rostrum by the Sergeant-at-Arms amid the applause of the Senate, the President retiring.

**Committee Reports****House****Leave to Withdraw**

The Committee on Business Legislation on Bill "An Act Relating to Assignment of Refunds for Shrinkage Allowance on Motor Fuel for Service Stations." (H. P. 828) (L. D. 1236)

Reported that the same should be granted Leave to Withdraw.

Comes from the House, report read and accepted.

The Committee on Judiciary on Bill "An Act Relating to Signatures of Those Acknowledging Instruments to be Recorded." (H. P. 897) (L. D. 1310)

Reported that the same should be granted leave to withdraw.

Comes from the House, report read and accepted.

Which reports were read and accepted in concurrence.

**Ought Not to Pass**

The Committee on Judiciary on Bill "An Act Prohibiting Lowering of Water Levels of Inland Waters to Endanger Fish." (H. P. 1003) (L. D. 1479)

Reported that the same Ought not to Pass.

Comes from the House, report read and accepted.

The Committee on Liquor Control on Bill "An Act Relating to Annual Review of all Applications for Liquor Licenses." (H. P. 637) (L. D. 893)

Reported that the same Ought not to Pass.

Comes from the House, report read and accepted.

The Committee on Public Utilities on Bill "An Act Relating to Municipal Regulation of Rates for Cable Television Services." (H. P. 855) (L. D. 1268)

Reported that the same Ought not to Pass.

Comes from the House, report read and accepted.

Which reports were read and accepted in concurrence.

**Ought to Pass**

The Committee on Education on Bill "An Act to Authorize the Plantation of Matinicus Isle to Form a School Administrative District." (H. P. 482) (L. D. 695)

Reported that the same Ought to Pass.

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

The Committee on Education on Bill "An Act Relating to Definition of a Junior High School." (H. P. 783) (L. D. 1145)

Reported that the same Ought to Pass.

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

The Committee on Education on Bill "An Act Relating to Use of Interest of Organized Townships Fund by Lakeville Plantation." (H. P. 312) (L. D. 446)

Reported that the same Ought to Pass.

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

The Committee on Towns and Counties on Bill "An Act Permitting Town of Brunswick to Raise Money for Boarding Home." (H. P. 394) (L. D. 541)

Reported that the same Ought to Pass.

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

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

#### House — As Amended

The Committee on Inland Fisheries and Game on Bill "An Act Increasing Penalties for Violation of Fishing Regulations." (H. P. 840) (L. D. 1248)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-111)

Comes from the House, report read and accepted and the Bill passed to be engrossed As Amended by Committee Amendment "A"

The Committee on Legal Affairs on Bill "An Act Providing for a Council-Manager Charter of Town of Gorham." (H. P. 529) (L. D. 769)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-114)

Comes from the House, report read and accepted and the Bill Passed to be engrossed As Amended by Committee Amendment "A"

The Committee on Legal Affairs on Bill "An Act Describing the Boundary Line Between the Towns of Paris and West Paris." (H. P. 413) (L. D. 579)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-115)

Comes from the House, report read and accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act Creating a Hospital Administrative District No. 1 in Penobscot County." (Emergency) (H. P. 278) (L. D. 398)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-113)

Comes from the House, report read and accepted and the Bill passed to be engrossed As Amended by Committee Amendment "A"

The Committee on Legal Affairs on Bill "An Act to Provide a Council-Manager Charter for the Town of Cumberland." (H. P. 195) (L. D. 284)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-116)

Comes from the House, report read and accepted and the Bill Passed to be engrossed As Amended by Committee Amendment "A"

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

#### Ought to Pass in New Draft

The Committee on Inland Fisheries and Game on Bill "An Act Prohibiting Shooting at or Near Wildfowl Decoys of Another." (H. P. 692) (L. D. 973)

Reported that the same Ought to Pass in New Draft under same title H. P. 1090 L. D. 1557

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

The Committee on Transportation on Bill "An Act Relating to Removal of Motor Vehicles Parked Illegally on Highways and Highway Rights of Way." (H. P. 731) (L. D. 1055)

Reported that the same Ought to Pass in New Draft, H. P. 1085 L. D. 1545, under same title.

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

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

#### Divided Report

The Majority of the Committee on Judiciary on Bill "An Act Relating to Equal Fault of Claimant Under Comparative Negligence Law." (H. P. 605) (L. D. 849)

Reported that the same Ought to Pass.

(Signed)  
Senators:

MILLS of Franklin  
HARDING of Aroostook

Representatives:

BRENNAN of Portland  
BERMAN of Houlton  
QUINN of Bangor  
DANTON  
of Old Orchard Beach  
DAREY  
of Livermore Falls

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

(Signed)

Senator:

Hildreth of  
Cumberland

Representatives:

FOSTER  
of Mechanic Falls  
HEWES of Cape Elizabeth

Comes from the House Majority — Ought to Pass Report accepted. Acceptance reconsidered and the Bill and accompanying reports indefinitely postponed.

On motion by Mr. Stern of Penobscot, tabled and specially assigned for Tuesday, April 4th.

### Senate

#### Ought Not to Pass

Mr. Good for the Committee on Labor on Bill "An Act Relating to Definition of Employee Under Minimum Wage Law." (S. P. 179) (L. D. 369)

Reported that the same Ought not to Pass.

Mr. Reny for the Committee on Sea and Shore Fisheries on Bill "An Act Relating to Taking Herring by Use of Artificial Lights." (S. P. 307) (L. D. 746)

Reported that the same Ought not to Pass.

Mr. Beckett for the Committee on Sea and Shore Fisheries on Bill "An Act Limiting Number of Lobster Traps Per Person." (S. P. 308) (L. D. 747)

Reported that the same ought not to pass.

Which reports were read and accepted.

Sent down for concurrence.

#### Ought to Pass

Mr. Wyman for the Committee on State Government on Bill "An Act Increasing the Number of Justices of the Superior Court." (S. P. 222) (L. D. 485)

Reported that the same Ought to Pass.

Mr. Lund for the Committee on State Government on Bill "An Act Providing for Group Life Insurance for Justices of the Supreme Judicial and Superior Courts and Judges of the District Court." (S. P. 557) (L. D. 1430)

Reported that the same Ought to Pass.

Which reports were read and accepted, the Bills read once and tomorrow assigned for Second Reading.

#### Ought to Pass — As Amended

Mr. Ferguson for the Committee on Natural Resources on Bill "An Act Relating to Membership of State Soil and Water Conservation Committee." (S. P. 50) (L. D. 40)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-53)

Which report was read and accepted and the bill read once. Committee Amendment "A" (Filing S-50) was read by the Secretary as Follows:

COMMITTEE AMENDMENT "A" to S. P. 50, L. D. 40, Bill, "An Act Relating to Membership of State Soil and Water Conservation Committee."

Amend said Bill in the 8th line (6th line in L. D. 40) by striking out the underlined figure "10" and inserting in place thereof the underlined figure '11'; and by striking out in the 10th line (9th line in L. D. 40) the underlined word and punctuation "Game," and inserting in place thereof the underlined words 'Game and'; and by striking out in the 11th and 12th lines (9th and 10th in L. D. 40) the underlined punctuation and words ", and the State director of Parks and Recreation"

Further amend said Bill in the last line (same in L. D. 40) by inserting after the word "County" the underlined punctuation and words ', and 2 soil conservation representatives to be appointed by the 4 district supervisors'

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

Mr. Harding for the Committee on Judiciary on Bill "An Act Relating to Protection of Corporate Name of Corporations Excused or Suspended." (S. P. 339) (L. D. 872)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-50)

Which report was read and accepted and the bill read once.

Committee Amendment "A" (Filing S-50) was read by the Secretary as follows.

**COMMITTEE AMENDMENT "A" to S. P. 339, L. D. 872, Bill, "An Act Relating to Protection of Corporate Name of Corporations Excused or Suspended."**

Amend said Bill by Adding at the end (same in L. D. 872) the following underlined sentence:

**'When an excused or suspended corporation votes to resume business, it shall adopt a new name if another corporation has adopted its old name or if the o'd name so nearly resembles the name of another corporation as to be a colorable imitation thereof.'**

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

Mr. Harding for the Committee on Judiciary on Bill "An Act Relating to Bail for Juvenile Offenders." (S. P. 406) (L. D. 1037)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-51)

Which report was read and accepted and the bill read once. Committee Amendment "A" (Filing S-51) was read by the Secretary as follows:

**COMMITTEE AMENDMENT "A" to S. P. 406, L. D. 1037, Bill, "An Act Relating to Bail for Juvenile Offenders."**

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following (same in L. D. 1037):

**'R. S., T. 15, S2661, sub-S3, additional. Section 2661 of Title 15 of the Revised Statutes is amended**

by adding a new subsection 3, to read as follows:

**3. Bail, Notwithstanding any other provisions of law, a ny juvenile, adjudged by the juvenile court to have committed a juvenile offense, shall be admitted to bail upon appeal unless the court shall make a finding of fact with a stenographic record that the juvenile is a danger to himself or the community. If bail is denied, the juvenile may petition for review by the Superior Court in the same manner insofar as the same is appropriated as provided in subsection 1.'**

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

Mr. Mills for the Committee on Judiciary on Bill, "An Act Relating to Powers of Attorneys in Taking Acknowledgments for Instruments for Recording." (S. P. 430) (L. D. 1084)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-52)

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

Which report was read and accepted and the bill read once. Committee Amendment "A" (Filing S-52) was read by the Secretary as follows:

**COMMITTEE AMENDMENT "A" to S. P. 430, L. D. 1084, Bill, "An Act Relating to Powers of Attorneys in Taking Acknowledgments for Instruments for Recording."**

Amend said Bill by striking out all of the last underlined paragraph and inserting in place thereof the following:

**'Attorneys at law duly admitted and eligible to practice in the courts of the State shall have all of the powers of justices of the peace and notaries public and be authorized to do all acts which may be done by justices of the peace and notaries public with the same effect thereof and have the same territorial jurisdiction.'**

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

#### Divided Report

The Majority of the Committee on Education on Bill "An Act Authorizing Real Business School to Confer Associate Degrees." (S. P. 154) (L. D. 325)

Reported that the same Ought to Pass.

(Signed)  
Senator:

MacLEOD of Penobscot

Representatives:

BAKER of Winthrop  
LEVESQUE

of Madawaska  
RICHARDSON

of Stonington  
HANSON of Lebanon  
SHUTE of Farmington  
CARROLL of Limerick

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

(Signed)

Senators:

KATZ of Kennebec  
SNOW of Cumberland

Representative:

ALLEN of Caribou

On motion by Mr. MacLeod of Penobscot, tabled and specially assigned for Wednesday, April 5th pending acceptance of either report.

At this point President Campbell resumed the Chair, Senator Good retiring amid the applause of the Senate.

The PRESIDENT: The Chair certainly thanks Senator Good for presiding so well. (Applause)

#### Second Readers

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

##### House

Bill "An Act Relating to Validation of Defects in Foreclosure of Real Estate Mortgages." (H. P. 753) (L. D. 1100)

Bill "An Act to Change the Name of the Congregational-

Christian Conference of Maine and to Enlarge its Purposes." (H. P. 530) (L. D. 760)

Bill "An Act Relating to Children Needing Protective Custody." (H. P. 1089) (L. D. 1556)

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

#### House — As Amended

Bill "An Act Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers." (H. P. 777) (L. D. 1139)

Bill "An Act Relating to Detention of Juveniles." (H. P. 407) (L. D. 573)

Bill "An Act Relating to Suspension of Motor Vehicle Operator's License Pending Appeal in Operating Under the Influence Cases." (H. P. 270) (L. D. 391)

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

#### Senate — As Amended

Bill "An Act Relating to Trespass on Unimproved Land Devoted to Preservation of Wildlife." (S. P. 177) (L. D. 367)

Which was read a second time and passed to be engrossed As Amended by Committee Amendment "A" (S-48)

Bill "An Act Relating to School Entrance Age Requirements." (S. P. 213) (L. D. 476)

Which was read a second time and passed to be engrossed As Amended by Committee Amendment "A" (S-43)

#### Enactors

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

An Act Relating to Legal Size of Salmon Taken from Green Lake, Alligator Lake, Spring River Lake and Upper Middle Branch Pond, Aurora, and T 28 MD, Hancock County. (S. P. 108) (L. D. 179)

An Act Prohibiting Use of the Name Industrial Bank. (H. P. 467) (L. D. 680)

An Act to Exempt Certain Paraplegic Veterans from a Por-

tion of Real Estate Taxation. (H. P. 1081) (L. D. 1543)

An Act Increasing Fees for Registration of Barbers. (H. P. 487) (L. D. 700)

An Act Relating to Definition of the Practice of Barbering. (H. P. 488) (L. D. 701)

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

An Act Relating to Social Security Payments to Beneficiaries after Death of Individual. (H. P. 137) (L. D. 201)

This being an emergency measure and having received the affirmative vote of 31 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

An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 36. (H. P. 663) (L. D. 918)

This 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.

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

Mr. BERRY: Mr. President and members of the Senate: Yesterday, the newspapers carried the very, very welcome news that the Federal Aviation Administration had approved the application of Northeast to fly from Portland to Montreal. This is a significant breakthrough in the solution of our air transportation problem in Maine. The event should receive our attention, and I wanted to ask your indulgence in calling it to your attention, because I believe, and I think most people who are familiar with our problem in air trans-

port believe, that this is the beginning of a new era for air transportation in the State.

It should also not go unnoticed that the impetus and origin for this came from former Governor John Reed, who instituted the request and last fall made the announcement that it would be approved, and yesterday it was formalized.

There is a little bit more significance to this than just the fact that we now have air transport from Maine to Canada. We are surrounded on the northwest, the north and the east by another country. Our ties with this country, historically, have been far too weak; there have been instances of misunderstanding. The increase in facility of communication with Canada, the Provinces of New Brunswick and Quebec, really foretell a new and glowing era for our State. I am sure you share with me my enthusiasm on this momentous occasion.

#### Orders of the Day

The Chair laid before the Senate the first tabled and today assigned matter (H. P. 229) (L. D. 319) House Report Ought not to pass from the Committee on Legal Affairs on Bill, "An Act to Amend the Charter of the City of Saco." Tabled March 28, 1967 by Senator Reny of York pending acceptance of report.

On further motion by the same Senator, the Senate voted to accept the Ought not to pass report of the Committee.

Mr. Ross of Piscataquis presented the following order and moved its passage:

ORDERED, that the resignation of Paul H. Dillaway, Jr., as Assistant Sergeant-At-Arms be accepted; and be it further

ORDERED that the President is hereby authorized to appoint an acting Assistant Sergeant-At-Arms for the remainder of the political year 1967 and for the political year 1968.

Mr. ROSS: Mr. President and members of the Senate: I am sure we are all going to miss seeing Paul's red head bouncing around here. Our loss is the Army's gain.



I never saw any greater dedication to duty than was exhibited by Paul during the first few weeks of the session when the young lady from Colby College was here — he hardly ever left the hall of the Senate.

However, in all sincerity, Paul, we wish you the best of everything. Godspeed and success in everything you do. And here is a small token of appreciation from every member of the Senate and the Secretary. (Applause)

Mr. HARDING of Aroostook: Mr. President, I would like to speak briefly in support of the order, if I might. I will say that as far as I am personally concerned it has been a great pleasure to have had Paul working here in the Senate. I have two children of my own who happen to have the same tincture of hair color that he has, and it has been a pleasure to see him here.

Seriously, we do appreciate very much, Paul, the courtesy which has always been forthcoming from you and the dispatch you have

given to matters which the minority members have asked you to help them with.

I know that perhaps this isn't pleasant to you, to leave for the armed services and the duties which will befall upon you, but I think that those of us who have served feel that we benefitted from it, and I am sure that with your attitude and with your industry you will too. So, from the minority members of the Senate, I wish to express our warmest and best wishes to you. (Applause)

The order received passage.

The PRESIDENT: The Chair will appoint as the Acting Assistant Sergeant-at-Arms Erskine L. Dodge of Farmingdale. So as to introduce him to you, he is the gentleman standing between Paul and our Page, Mrs. Morrison.

The adjournment order having been received from the House, on motion by Mr. Ross of Piscataquis, adjourned until Tuesday, April 4th at ten o'clock in the morning.