

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, April 14, 1967

Senate called to order by the President.

Prayer by Rev. Vernon T. Holmes of Gardiner.

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 18, at ten o'clock in the morning. (S. P. 601)

Which was Read and Passed, and sent forthwith to the House for concurrence.

Papers from the House Non-concurrent matter

Bill "An Act Prohibiting the Sale of Bear." (H. P. 354) (L. D. 501)

In House April 7, Minority — Ought Not to Pass Report of the Committee Read and Accepted.

In Senate, April 12, Passed to be Engrossed in non-concurrence.

Comes from the House, that body having Insisted.

(On motion by Mr. Hoffses of Knox, tabled pending further consideration.)

Joint Order

Indians residing on tribal reservations at Peter Dana Point, Pleasant Point and Indian Island should vote for Representatives in the Legislature as authorized by the Maine Constitution; now therefore, be it

ORDERED, the Senate concurring, that the Committee on Senatorial Reapportionment be directed to report out a Bill which will assure the placement of Indian reservations within Representative Class Districts in compliance with constitutional provisions of this State. (H. P. 1111)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Paper

Bill "An Act Relating to the Payment of the Salaries of Certain

Members of the Legislature." (H. P. 1108) (L. D. 1576)

Comes from the House referred to the Committee on State Government.

Which was referred to the Committee on State Government in concurrence.

Communication

State of Maine
House of Representatives
Office of the Clerk

April 13, 1967

Hon. Jerrold B. Speers
Secretary of the Senate
103rd Legislature

Dear Sir:

The Speaker on April 12, 1967 appointed the newly-elected Representative from Brunswick, Mrs. Mary E. Sawyer, to fill the vacancy on the Joint Standing Committee on Public Utilities.

Respectfully
BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered Placed on File.

Order

On motion by Mr. Snow of Cumberland

ORDERED, the House concurring, that the Joint Committee on Education hold a public hearing on the subject matter contained in S. P. 63, L. D. 107, as amended by Senate Amendment "A" (S-70), and that said public hearing be held on Thursday, April 20th. (S. P. 600)

Which was Read and Passed.
Sent down forthwith for concurrence.

Committee Reports

House

Ordered Placed on File

The Committee on Judiciary on Petition by Henry D. McAvoy, President of the Waterville Hotel Corporation, to the 103rd Legislature, filed under Article 1, Section 15, of the State Constitution. (H. P. 338)

Reported that the same should be ordered Placed on File.

Comes from the House, report Read and Accepted.

Which report was Read and Accepted in concurrence.

Leave to Withdraw

The Committee on Legal Affairs on Bill "An Act to Nullify Indemnifying Clauses in Contracts." (H. P. 717) (L. D. 1012)

Reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Indian Affairs on Bill "An Act Relating to Special Offices for Indian Tribes." (H. P. 747) (L. D. 1094)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

(On motion by Mr. Beckett of Washington, tabled pending acceptance of the Committee report.)

The Committee on Indian affairs on Bill "An Act Relating to Degree of Blood of Penobscot Indians for Purposes of State Law." (H. P. 749) (L. D. 1096)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Judiciary on Bill "An Act Relating to Use of Certain Radio Receiving Sets in Motor Vehicles." (H. P. 898) (L. D. 1311)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Judiciary on Bill "An Act Relating to Hearings in Juvenile Courts." (H. P. 226) (L. D. 316)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Judiciary on Bill "An Act Relating to Address of Purchaser on Deeds." (H. P. 148) (L. D. 212)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Legal Affairs on Bill "An Act Relating to Election of Alderman at Large for City of Lewiston; and Increasing Their Compensation." (H. P. 1014) (L. D. 1479)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Retirements and Pensions on Resolve, to Provide Retirement Credit for Seth A. Whitcomb of Readfield. (H. P. 808) (L. D. 1184)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Taxation on Bill "An Act Relating to Excise Tax on Motor Vehicles." (H. P. 1037) (L. D. 1506)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Taxation on Bill "An Act Relating to Refunding Motor Fuel Taxes to Political Subdivisions of the State." (H. P. 812) (L. D. 1188)

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 Legal Affairs on Bill "An Act Authorizing the City of Portland to Use Park Lands for Public Highway Purposes." (H. P. 520) (L. D. 732)

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 Amendment "A" (H-171)

Which report was Read and Accepted in concurrence and the Bill read once, House Amendment "A" was Read and Adopted, and the Bill, As Amended, tomorrow assigned for second reading.

The Committee on State Government on Resolve Authorizing Conveyance of State Land and Easement of the City of Portland

for the Portland Municipal Airport." (H. P. 919) (L. D. 1328)

Reported that the same Ought to Pass.

Comes from the House, report Read and Accepted and the Resolve Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Resolve read once, and tomorrow assigned for Second Reading.

Ought to Pass As Amended

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Payment of Funeral Expenses of Recipients of Aid to the Aged, Blind or Disabled." (H. P. 461) (L. D. 674)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-163)

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

The Committee on Appropriations and Financial Affairs on Bill "An Act Authorizing the Commissioner of Health and Welfare to Accept Federal Funds and Commodities." (H. P. 890) (L. D. 1304)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-161)

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

The Committee on Appropriations and Financial Affairs on Resolve Providing for Purchase of Fifty Copies of History of Bridgton Bicentennial Edition. (H. P. 704) (L. D. 999)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-162)

Comes from the House, report Read and Accepted and the Resolve Passed to be Engrossed As amended by Committee Amendment "A".

Which reports were Read and Accepted in concurrence, and the Bills and Resolve read once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bills and Resolve, As

Amended, tomorrow assigned for second reading.

Senate

Leave to Withdraw

Mrs. Sproul for the Committee on Towns and Counties on Bill "An Act Increasing Payments to Kennebec County Law Library." (S. P. 353) (L. D. 937)

Reported that the same should be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Ferguson for the Committee on Highways on Bill "An Act Relating to Payments to the State by Municipalities for Winter Maintenance on State Highways." (S. P. 10) (L. D. 16)

Reported that the same Ought Not to Pass.

Mrs. Sproul for the Committee on Towns and Counties on Bill "An Act Relating to Automobile Mileage Allowable to County Commissioners." (S. P. 417) (L. D. 1046)

Reported that the same Ought Not to Pass.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans." (S. P. 173) (L. D. 365)

Reported that the same Ought to Pass.

The Committee on Claims on Resolve to Reimburse Raymond Lammers of Augusta for Payment of Restaurant Liquor License." (S. P. 518) (L. D. 1338)

Reported that the same Ought to Pass.

The Committee on Towns and Counties on Bill "An Act Relating to Line Budgets for All Counties." (S. P. 567) (L. D. 1437)

Reported that the same Ought to Pass.

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

Reading and specially assigned for Thursday, April 20.)

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

Second Readers

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

House

Bill "An Act Amending the Charter of the City of Augusta." (H. P. 323) (L. D. 457)

Bill "An Act Relating to Keeping Dogs Within an Enclosure Under Kennel Licenses." (H. P. 610) (L. D. 853)

Bill "An Act Relating to Compensation for Appointive Members of the Various Boards and Commissions in City of Lewiston." (H. P. 799) (L. D. 1177)

(On motion by Mr. Couturier of Androscoggin, tabled pending passage to be engrossed.)

Bill "An Act Relating to War Orphans." (H. P. 1107) (L. D. 1574)

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

House — As Amended

Bill "An Act Providing for a Council-Manager Charter for the Town of Cape Elizabeth." (H. P. 233) (L. D. 341)

Resolve "Authorizing Seaward Construction Company, Inc. to bring Civil Action Against the State of Maine." (H. P. 513) (L. D. 726)

Bill "An Act Clarifying the Law Relating to Serving Liquor to Minors in the Home." (H. P. 527) (L. D. 758)

Bill "An Act to Require Lobster and Crab Fishing License Applicants to Describe Their Buoy Colors on License Application and Display Colors on Boat." (H. P. 545) (L. D. 777)

Bill "An Act Relating to Disability Compensation for Members of Maine State Guard." (H. P. 567) (L. D. 799)

Bill "An Act to Create the Orrington Water District." (H. P. 913) (L. D. 1336)

Which were Read a Second Time and Passed to be Engrossed, As amended, in concurrence.

Senate

Bill "An Act Relating to Examination to Determine Sanity of Accused in the District Court." (S. P. 191) (L. D. 426)

Resolve to Increase Retirement Benefit for Susie H. Yeaton of Harrington. (S. P. 278) (L. D. 658)

Bill "An Act Relating to Unindorsed Checks of Recipients of Aid to the Aged, Blind and Disabled." (S. P. 346) (L. D. 930)

Bill "An Act Relating to the New England Compact on Radiological Health Protection." (S. P. 82) (L. D. 1203)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill "An Act Revising Laws on Dealers in Poultry." (S. P. 420) (L. D. 1074)

Bill "An Act Increasing Compensation of Members of the Legislature." (S. P. 67) (L. D. 338)

Which were Read a Second Time, and Passed to be Engrossed, As Amended.

Sent down for concurrence.

Enactors

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

An Act Relating to Definition of Elevator Under Board of Elevator Rules and Regulations. (H. P. 1100) (L. D. 1567)

(On motion by Mr. Johnson of Somerset, tabled pending passage to be enacted and specially assigned for Wednesday, April 19.)

An Act Requiring Trucks Carrying Explosive or Inflammable Car-goes to Stop at Railroad Crossings. (H. P. 1101) (L. D. 1568)

Which was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Resolve, to Provide Funds to Convert Ferry Terminal at North Haven." (S. P. 243) (L. D. 603)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Resolve, to Reimburse Wayne Smith of East Dixfield for Loss of Sheep. (H. P. 735) (L. D. 1058)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Orders of the Day

The PRESIDENT: The Chair lays before the Senate the first tabled and today assigned matter (H. P. 262) (L. D. 383) House Reports — from the Committee on Education on Bill, "An Act Relating to Conferring Degrees by Bliss College." Majority Report, Ought to Pass; Minority Report, Ought Not to Pass. Tabled April 6 by Senator Couturier of Androscoggin pending Acceptance of Either Report.

On motion by Senator Couturier of Androscoggin, the Majority Ought to Pass Report of the Committee was accepted, and the Bill given its first reading. House Amendment "A" was read and adopted, and the Bill as amended tomorrow assigned for second reading.

The PRESIDENT: The Chair lays before the Senate the second tabled and today assigned matter (H. P. 920) (L. D. 1329) House Report — Ought Not to Pass from the Committee on Taxation on Bill, "An Act Establishing an Excise Tax on Livestock." Tabled April 7 by Senator Ross of Piscataquis pending Acceptance of Report.

On motion by Senator Ross of Piscataquis the Senate voted to accept the Ought Not to Pass Report of the Committee in Concurrence.

The PRESIDENT: The Chair lays before the Senate the Third tabled and today assigned matter (S. P. 213) (L. D. 476) Bill, "An Act Relating to School Entrance Age Requirements." Tabled April 12 by Senator Ross of Piscataquis pending Consideration.

The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: I have been forced to a posi-

tion of retreat by a small army of lady legislators. If the Senate will bear with me, I would like to propose an amendment. I would move that the rules be suspended and that the Senate reconsider its action whereby it passed the bill to be engrossed as amended by Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Snow, moves that we now suspend the rules and the Senate reconsider its action whereby it passed the bill to be engrossed as amended by Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed. On further motion by the same Senator the Senate voted to reconsider its action whereby it adopted Committee Amendment "A".

On further motion by the same Senator, Committee Amendment "A" was indefinitely postponed.

On further motion by the same Senator, House Amendment "A" was indefinitely postponed.

On further motion by the same Senator, House Amendment "B" was indefinitely postponed. Then the same Senator presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A" Filing S-74 was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 213, L. D. 476, Bill, "An Act Relating to School Entrance Age Requirements."

Amend said Bill by striking out all of the 2nd, 3rd and 4th paragraphs (same in L. D. 476) and inserting in place thereof the following:

'In the public schools of the State only those children who are or will become 6 years of age on or before October 15th **September 1st** of the school year shall be admitted to grade one.

In schools which offer a one year childhood education program prior to grade one **kindergarten program**, only those children who will be 5 years of age on or before October 15th **September 1st** of the school year shall be admitted, except that not more than 5 pilot programs related to school entrance age may be administered

locally with approval of the State Board of Education during the 1965-66, 1966-67 school years only. Grade one age limitations shall not apply to children participating in these pilot programs.

In schools which offer a 2 year childhood education program prior to grade one **kindergarten and prekindergarten program**, only those children who will be 4 years of age on or before October 15th **September 1st** of the school year shall be admitted.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW: Mr. President and Members of the Senate: I feel the Senate deserves a brief explanation of this amendment. The purpose of the amendment changes the date from October 15 as the birthday of children who are about to enter school. This, as I said to the Senate before, is in line with studies and research which has been done in this area according to the fact that our children should be slightly older than they now are before they are permitted to enter school.

The original bill called for a June 1st date for boys and a September 1st date for girls. Then we found that the lady legislators generally objected to this. Apparently they were willing to accept the fact that they are smarter than the males at a young age, but they are not willing to see it written into law because, as I understand it, they do not want this fact publicly recognized. I would find it impossible to enact a bill in this form. I would also like to note that an informal opinion from the Attorney General's office on the subject refers to such legislation as was originally proposed as class legislation and, therefore, they would not endorse it. I now hope that the Senate will accept Senate Amendment "A" which places males and females on an equal footing on the subject of entering school.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Snow, that we now adopt Senate Amendment "A". As many as are in favor of the adoption of Senate

Amendment "A" will say "Yes". Those opposed "No."

A viva voce vote being taken.

The motion prevailed. Thereupon, under suspension of the rules, the bill was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair lays before the Senate the fourth tabled and today assigned matter (S. P. 3) (L. D. 6) Bill, "An Act Establishing Two Zones for Open Season on Deer." Tabled April 12 by Senator Viles of Somerset pending Enactment.

The Chair recognizes the Senator from Somerset, Senator Viles.

Mr. VILES of Somerset: Mr. President and Members of the Senate, I would offer Senate Amendment "B" to L. D. 6, Filing No. S-73 and move its adoption.

The PRESIDENT: The Senator from Somerset, Senator Viles, moves that we suspend the rules and reconsider our action whereby this bill was passed to be engrossed. As many as are in favor of the motion to reconsider our former action will stand in their places and remain standing until counted. As many as are opposed to the motion to reconsider will stand in their places until counted.

A Division was had.

Three Senators having voted in the affirmative, and 29 Senators having voted in the negative, the motion to reconsider did not prevail.

Thereupon, the bill was passed to be enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Reny of York the Senate voted to take from the table the 24th tabled and unassigned matter (H. P. 927) (L. D. 1335) House Report — Ought Not to Pass from the Committee on Transportation on Bill "An Act Relating to Windshield Wipers on Motor Vehicles." Tabled April 8 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 in concurrence.

On motion by Mr. Young of Hancock, the Senate voted to take from the table the 40th tabled and unassigned matter, (H. P. 502) (L. D. 715) Bill, "An Act Repealing Bounty on Porcupine." Tabled April 13 by Senator Young of Hancock pending Passage to be Engrossed.

Then the same Senator offered Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing S-77, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 502, L. D. 715, Bill, "An Act Repealing Bounty on Porcupine."

Amend said Bill by inserting at the beginning of the first line (same in L. D. 715) the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by adding at the end (same in L. D. 715) the following Section:

'Sec. 2. Limitation. This Act shall be effective for 2 years only.'

Senate Amendment "A" was adopted.

On motion by Mr. Hoffses of Knox, tabled until Wednesday, April 19, pending passage to be engrossed.

On motion by Mr. Johnson of Somerset, the Senate voted to take from the table the 22nd tabled and unassigned matter (S. P. 154) (L. D. 325) Senate Reports — from the Committee on Education on Bill, "An Act Authorizing Beal Business School to Confer Associate Degrees." Majority Report, Ought to Pass; Minority Report, Ought Not to Pass. Tabled April 5 by Senator Johnson of Somerset, pending Acceptance of Either Report.

On motion of Mr. MacLeod of Penobscot, the Senate voted to accept the Majority Ought to Pass Report of the Committee. Thereupon, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 23rd tabled and unassigned matter (S. P. 391) (L. D. 1024) Senate Report — Ought

Not to Pass from the Committee on Business Legislation on Bill, An Act Relating to Purchase of M.S.B. Fund Shares by Trustees, Officers and Employees of Mutual Savings Bank." Tabled April 6 by Senator Harding of Aroostook 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.

Sent down for concurrence.

On motion by Mr. Johnson of Somerset, the Senate voted to take from the table the 41st tabled and unassigned matter (S. P. 115) (L. D. 264) Bill, "An Act to Clarify the Motor Vehicle Laws." Tabled April 13 by Senator Johnson of Somerset pending Passage to be Engrossed.

Then the same Senator presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A" Filing S-75 was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 115, L. D. 264, Bill, "An Act to Clarify the Motor Vehicle Laws."

Amend said Bill by inserting after section 10 (same in L. D. 264) a new section 10-A, as follows:

'Sec. 10-A. R. S., T. 29, S539-A, additional. Title 29 of the Revised Statutes is amended by adding a new section 539-A, to read as follows:

S539-A. Permanent license number

The Secretary of State may require the submission of an applicant's social security number when making application for an original or renewal operator's license, for the purpose of establishing a permanent number to be assigned to the operator's license.'

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON: Mr. President, this amendment has to do with the permanent number of driver's licenses. It is permissive legislation. The present licenses which we have have no numbers on them and the Secretary of State feels that in the future, perhaps in the near future, the state will be re-

quired to have numbers. And he feels that this amendment will give him the right to ask for the Social Security numbers which would be the logical ones to have on your licenses.

Senate Amendment "A" was adopted, and the Bill, As Amended, by Committee Amendment "A" and Senate Amendment "A" was passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Additional Paper from the House

Out of order and under suspension of the rules,

The Committee on Engrossed Bills reported as truly and strictly engrossed the following Act.

Emergency

An Act Relating to School Administrative District No. 60 and the Formation of a New District Among the Towns of Berwick, Lebanon and North Berwick. (H. P. 1098) (L. D. 1564)

This being an emergency measure and having received the affirmative vote of 30 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.

The adjournment order having been received from the House, on motion by Mr. Ross of Piscataquis, adjourned until Tuesday, April 18th at ten o'clock in the morning.