

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First  
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, May 1, 1963

Senate called to order by the President.

Prayer by the Rev. William Chamberlain of South Portland, Maine.

On motion by Mr. Kimball of Hancock, the Journal of yesterday was read and approved.

**House Papers****Joint Orders**

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill: "An Act Providing State Scholarships for Education," L. D. 1305, introduced at the regular session of the 101st Legislature to determine whether the best interests of the State would be served by the adoption of such legislation, and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature. (H. P. 1070)

Comes from the House, read and passed.

In the Senate, on motion by Mr. Brown of Hancock, placed on the Special Legislative Research table pending passage.

The PRESIDENT: The Chair in behalf of the Senate of this State is happy to recognize in the Senate Chamber a group of 36 students from Waldoboro High School. They are accompanied by their teacher, Mr. Blodgett, and former State Senator Wilmot Dow. We are happy indeed to have you here, you are welcome, and we hope you find these proceedings not only enjoyable but educational. May I introduce to you the Senator from your county, Senator Sproul. Would Senator Dow and Senator Sproul please rise and be recognized? (Applause)

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill: "An Act Relating to Tuition for Pupils Attending Secondary School Outside of Residence," (L. D. 271, introduced at the regular session of the 101st Legislature to determine whether the best interests of the State

would be served by the adoption of such legislation; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature. (H. P. 1071)

On motion by Mr. Brown of Hancock, placed on the Special Legislative Research Table pending passage.

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the problems of air pollution within the State; and be it further

ORDERED, that the committee report the results of its study to the 102nd Legislature. (H. P. 1069)

On motion by Mr. Brown of Hancock, placed on the Special Legislative Research Table pending passage.

The PRESIDENT: Is it the pleasure of the Senate that the calendar of the Senate shall indicate a Special Legislative Research Table by number only?

It is a vote.

**Non-concurrent matters**

Bill, "An Act Relating to Power of Eminent Domain of Maine State Park and Recreation Commission." (S. P. 542) (L. D. 1468)

In Senate, March 20, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A, as amended by House Amendment B thereto, in non-concurrence.

In the Senate:

Mr. LOVELL of York: Mr. President, I move that the Senate recede and concur.

Thereupon, on motion by Mr. Farris of Kennebec, the bill was tabled pending Mr. Lovell's motion to recede and concur, and was especially assigned for later in today's session.

Bill, "An Act Increasing Salary of Forest Commissioner." (S. P. 374) (L. D. 1040)

In Senate, March 29, passed to be engrossed as amended by Committee Amendment A (S-106)

Comes from the House, passed to be engrossed, as amended by House Amendment A (H-297) in non-con-

currence, Committee Amendment A having been Indefinitely Postponed.

In the Senate, on motion by Mr. Ferguson of Oxford, House Amendment A was read and the Senate voted to recede and concur.

Thereupon, on motion by Mr. Edmunds of Aroostook, the bill was tabled pending consideration.

Bill, "An Act Relating to Appointment of Chief Engineer of Fire Department of City of Westbrook," (H. P. 384) (L. D. 583)

In House, March 29, passed to be engrossed as amended by Committee Amendment A. (H-162)

In Senate, April 18, passed to be engrossed as amended by Senate Amendment A (S-148) in non-concurrence.

Comes from the House, Indefinitely Postponed in nonconcurrence.

In the Senate, on motion by Mr. Brooks of Cumberland, the Senate voted to recede and concur.

Bill, "An Act Providing for Area Directional Sign on Maine Turnpike for Andover-Rumford Area." (S. P. 360) (L. D. 1026)

In House, April 10, passed to be engrossed as amended by Committee Amendment A (S-130)

In Senate, April 26, passed to be engrossed, as amended by Committee Amendment A and by Senate Amendment A (S-185)

Comes from the House, that body having insisted and asked for a Committee of Conference.

In the Senate, on motion by Mr. Wyman of Washington, the Senate voted to insist and join in the Committee of Conference. Subsequently, the President appointed as Senate conferees, Senators: Wyman of Washington, Cole of Waldo and Ferguson of Oxford.

Bill, "An Act Revising Laws Relating to Elevators." (S. P. 181) (L. D. 480)

In Senate, April 17, passed to be engrossed as amended by Committee Amendment A (S-152)

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

In the Senate:

Mr. HICHBORN of Piscataquis: Mr. President and members of the Senate: L. D. 480 was composed of two parts. One part was considered

rather objectionable because it provided for inspection of elevators on farms. That part was amended out by the committee. Part 1 related to the fees charged for inspection. In view of the fact that we seem to be a little short of money here in the State of Maine and in view of the fact it is not a self-supporting project or service, it would seem that Part 1 has considerable merit. The intent is to make this a self-supporting project, and for that reason I move that we insist and ask for a committee of conference.

The motion to insist and ask for a Committee of Conference prevailed.

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

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches of the Legislature to be held at 1:30 p.m. today in the Hall of the House for the purpose of extending to his Excellency, Governor John H. Reed, his guest, the Honorable Curt Lovill, President of Lions International, and his official party, an invitation to attend the Convention and address to the same, such remarks as either the Governor or his guest may be pleased to make.

Which Order was read and passed, and the Secretary conveyed the message. Subsequently, a message was received from the House, through Harvey Pease, its Clerk, that the House concurred in the recent proposal of the Senate for a Joint Convention to be held at 1:30 today in the Hall of the House for the purpose set forth in the message.

#### Committee Reports — House

##### Leave to Withdraw

The Committee on Judiciary on Bill, "An Act Relating to Public Hearing for Validity of Act of Town Meeting." (H. P. 776) (L. D. 1130) reported that the same should be granted Leave to Withdraw.

##### Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize the Issuance of Bonds in the Amount of One Million

Two Hundred Fifty Thousand Dollars on Behalf of the State for the Purpose of Relocating the Boys Training Center at Quoddy Village." (H. P. 963) (L. D. 1402) reported that the same Ought not to pass.

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

The Committee on Judiciary on Bill, "An Act Relating to Foreclosure of Bonds for Deed and Contracts for Sale of Real Estate." (H. P. 774) (L. D. 1128) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

**Ought to Pass — As Amended**

The Committee on Education on Bill, "An Act Relating to Disposal of Certain Real Property by Directors of School Administrative Districts." (H. P. 724) (L. D. 1053) reported that the same Ought to pass with Committee Amendment A (H-273)

Which report was read and accepted in concurrence, Committee Amendment A was read and adopted in concurrence and the Bill, as amended, read once and tomorrow assigned for second reading.

**Ought to Pass — New Draft — New Title**

The Committee on Legal Affairs on Bill, "An Act Authorizing Governor and Council to Regulate Exits in Certain Buildings." (H. P. 784) L. D. 1137) reported that the same Ought to pass in New Draft under new title: "An Act Authorizing Insurance Commissioner to Regulate Exits in Certain Buildings." (H. P. 1054) (L. D. 1521)

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

**Majority — Ought Not to Pass  
Minority — Ought to Pass with  
Committee Amendment A**

The Majority of the Committee on Legal Affairs on Bill, "An Act Revising Certain Fire Laws." (H. P. 665) (L. D. 921) reported that the same Ought not to pass.

(Signed)

Senators:

STITHAM of Somerset

SPROUL of Lincoln  
ATHERTON of Penobscot

Representatives:

COTE of Lewiston  
WHITE of Guilford  
FOSTER of Mechanic Falls  
COPE of Portland  
BOISSONNEAU  
of Westbrook

The Minority of the same Committee on the same subject matter reported that the same Ought to pass as amended by Committee Amendment A (H-249)

(Signed)

Representatives:

WELLMAN of Bangor  
GILBERT of Eddington

Comes from the House, Majority —Ought not to pass Report accepted.

In the Senate, on motion by Mr. Atherton of Penobscot the Majority Ought not to pass report was accepted in concurrence.

**Majority — Ought to Pass  
Minority — Ought Not to Pass**

The Majority of the Committee on Natural Resources on Bill, "An Act Classifying Certain Tidal Waters in Hancock County." (H. P. 346) (L. D. 501) reported that the same Ought to pass.

(Signed)

Senators:

FERGUSON of Oxford  
COLE of Waldo  
REED of Sagadahoc

Representatives:

SAHAGIAN of Belgrade  
CHOATE of Windsor  
WILLIAMS of Hodgdon  
DUDLEY of Enfield

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

(Signed)

Representatives:

JEWELL of Monticello  
JAMESON of Bangor  
BURNS of Westbrook

Comes from the House, Majority— Ought to pass report accepted, and the Bill passed to be engrossed, as amended by House Amendment A (H-299)

In the Senate, on motion by Mr. Brown of Hancock, the Majority

Ought to pass as amended report was accepted in concurrence, the bill read once, House Amendment A read and adopted and the bill as amended tomorrow assigned for second reading.

**Majority — Ought Not to Pass**  
**Minority — Ought to Pass**

The Majority of the Committee on State Government on Resolve, Authorizing the Disposal of Western Maine Sanatorium. (H. P. 401) (L. D. 600) reported that the same Ought not to pass.

(Signed)

Senators:

CHRISTIE of Aroostook

Representatives:

DENNETT of Kittery

BERMAN of Houlton

THAANUM of Winthrop

SMITH of Strong

BERRY of Cape Elizabeth

DOSTIE of Lewiston

CARTIER of Biddeford

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

(Signed)

Senators:

WHITTAKER of Penobscot

LOVELL of York

Comes from the House, Majority —Ought to pass report accepted, and the Bill passed to be engrossed, as amended by House Amendment A (H-271)

Mr. WHITTAKER of Penobscot: Mr. President, I move that the Senate accept the Majority "Ought to pass" report of the committee.

The PRESIDENT: The Senator from Penobscot, Senator Whittaker, moves that the Senate accept the Minority "Ought to pass" report of the committee in concurrence.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: I am not going to make any motion on this bill but I would like to state my position.

I feel that a good many times a committee will view a property of this type and say, "Oh, it is obsolete. There is nothing we can do with this," when at the same time, for a few thousand or a few hundred thousand dollars that property might be put in excellent con-

dition for use by some department. The departments are always asking for more space. I feel that we should be careful about consigning these properties to destruction or disposal. That is my reason for signing the "Ought not to pass" report."

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Whittaker, that we accept the Minority "Ought to pass" report of the committee. Is this the pleasure of the Senate?

The motion prevailed and the Minority "Ought to pass" report of the committee was accepted and the resolve was given its first reading.

House Amendment "A" was read by the Senate.

Mr. WHITTAKER of Penobscot: Mr. President, I move the indefinite postponement of House Amendment "A" and will state that it is my intention if this motion carries to submit Senate Amendment "A".

House Amendment "A" removes from the bill the emergency preamble and also provides that the resolve shall not take effect until June 1, 1965. It is my opinion, which I hope you may support, that we should remove the latter provision. This property at Hebron is vacant, it is costing the state \$30,000 a year simply to maintain it. When the original report was made suggesting "Ought not to pass" on this legislation there was active consideration of relocating the Boys Training Center on this property. This situation does not prevail at this time, according to my understanding, and therefore, Mr. President, I hope that my motion will carry.

The PRESIDENT: The Senator from Penobscot, Senator Whittaker, moves that House Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed and House Amendment "A" was indefinitely postponed. Mr. Whittaker then presented Senate Amendment "A" and moved its adoption. Senate Amendment "A" was read by the Secretary. On motion by Mr. Ferguson of Oxford, the resolve was tabled and specially assigned for one week from today pending adoption of Senate Amendment "A".

The PRESIDENT: The Chair is very happy to recognize and welcome to the Senate Chamber today 35 students from the Waynflete School in Portland. We are sorry to have kept you waiting and standing there, but you are indeed welcome. These are 7th and 8th grade students. They are accompanied by Mrs. Jackson, the teacher, and also Mr. Palmer. We hope you will find your day here educational and enjoyable. I would like to introduce to you the Senators from Cumberland County, whom you must already know: Senator Cram, Senator Porteous, Senator Brooks and Senator Hinds. (Applause)

**Committee Reports — Senate Ought Not to Pass**

Mr. Farris from the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council. (S. P. 271) (L. D. 785) reported that the same Ought not to pass.

Mr. Atherton from the Committee on Legal Affairs on Bill, "An Act to Authorize School Administrative District No. 17 to Take a School-house Lot by Condemnation in the Towns of Norway and Paris." (S. P. 551) (L. D. 1483) reported that the same Ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

**Ought to Pass — As Amended**

Mr. Campbell from the Committee on Appropriations and Financial Affairs on Resolve, Appropriating Moneys for Support of the Civil Air Patrol Program. (S. P. 31) (L. D. 25) reported that the same Ought to pass as amended by Committee Amendment A (S-191)

The same Senator from the same Committee on Bill, "An Act Increasing Salaries of Justices of Supreme Judicial Court and Superior Court." (S. P. 221) (L. D. 606) reported that the same Ought to pass as amended by Committee Amendment A (S-190)

Mr. Edmunds from the same Committee on Bill, "An Act Increasing Salary of Official Court Reporters." (S. P. 228) (L. D. 609) reported

that the same Ought to pass as amended by Committee Amendment A (S-192)

Mr. Hinds from the Committee on Health and Institutional Services on Bill, "An Act Relating to Adoption of Ordinances by Penobscot Tribe of Indians." (S. P. 246) (L. D. 620) reported that the same Ought to pass as amended by Committee Amendment A (S-193)

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

**Ought to Pass in New Draft — Same Title**

Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1964 and June 30, 1965." (S. P. 147) (L. D. 424) reported that the same Ought to pass in New Draft (S. P. 584)

On motion by Mr. Cole of Waldo, tabled pending acceptance of the report, and especially assigned for the next legislative day.

**Majority — Ought not to Pass  
Minority — Ought to Pass**

The Majority of the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms. (S. P. 2) (L. D. 2) reported that the same Ought not to pass. (Signed)

Senators:

FARRIS of Kennebec  
NOYES of Franklin  
EDMUNDS of Aroostook

Representatives:

SMITH of Bar Harbor  
COTTRELL of Portland  
PEASE of Wiscasset  
WATKINS of Windham  
VILES of Anson  
DENNETT of Kittery  
BERMAN of Houlton  
SMITH of Strong  
CARTIER of Biddeford

The Minority of the same committee on the same subject matter

reported that the same Ought to pass.

Senators:

JACQUES of Androscoggin  
PORTEOUS of Cumberland

Representative:

PLANTE

of Old Orchard Beach

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: May I parenthetically observe that I am glad that not all legislative committees are made up of fifteen members, because it takes too long to read the names on the minority and majority reports.

This bill, on which I have signed "Ought to pass" minority report is one that has been before us before and is one on which I have no illusions as to its chance of final passage. In the 100th Legislature we passed it here in the Senate and it was defeated in the other body. I still think it has merit and that the principle for an increased term for members of the Senate is a good one. The fact that, especially in the larger counties, the candidates are forced to cover such a large area to become well-known and to secure their election is in itself enough of a reason for a longer term so that the candidate will not have to go back each two years to campaign. In a larger county, with advertising and billboards and various campaign aids it becomes expensive, even to the extent of as much as five thousand, which was declared as campaign expenses by one of the candidates in my own county in the last election. Several of the candidates for nomination in the primary campaign spent in the neighborhood of fifteen, sixteen or seventeen hundred dollars. Taken in the light of the magnificent pay that we receive here for our work in the Senate, it does not seem quite justice.

The other reasons are, in my mind, even more valid: that one body should not shift each two years, is a principle that was laid down by the designers of the Constitution of the United States, and I think it is a good principle that one body should have less of a turn-over each election than the other. I would hope and ask that you

support my motion to adopt the minority "Ought to pass" report.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I certainly agree with all of the remarks made by the Senator from Cumberland, Senator Porteous, and in normal times it might be well to consider this problem that we do have in the Senate and the tenure of office of senators, but the primary reason that I signed the Majority "Ought not to pass" report is due to the fact that we are in a state of change. You all are aware of the fact that we are almost compelled to take some action in this legislature and by the people of the State of Maine on the matter of reapportionment. It is still not clear and no strong policy has been adopted even by the Legislative Committee on Constitutional Amendments and Reapportionment as to the manner in which they shall propose to reapportion the House of Representatives. That is the burning issue at this session, and for that reason I feel that we should not become involved in other issues which are not nearly as important, and I would move indefinite postponement.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the bill and report be indefinitely postponed.

Mr. LOVELL of York: Mr. President and members of the Senate: Just briefly, even though the Senate and the House may be up for reapportionment I still feel it good business for a senator to be elected for four years. Along with the reasons that the Senator from Cumberland, Senator Porteous gave, I might state that now in thirty-five states the senators serve for four years. In addition to that, the Council of State Governments states that where the Governor serves four years — and now our Maine Governor serves four years — it is good business for one branch of the legislature to serve the same length of term as the Governor, and naturally the Senate being the logical one, I feel that we should still, even though this bill may be defeated, I still feel that I would like to go on record as voting for



good business and good legislation, so I would request a division when the vote is taken.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the bill be indefinitely postponed. A division has been requested.

A division of the Senate was had.

Fifteen having voted in the affirmative and sixteen opposed, the motion did not prevail.

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

**Second Readers**

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

**House — As Amended**

Bill, "An Act to Authorize Town of Woodville to Pay for Power Line." (H. P. 258) (L. D. 327)

Bill, "An Act Relating to Joint Committee Between George Stevens Academy and Nearby Towns." (H. P. 1062) (L. D. 1524)

Bill, "An Act Revising the Laws Relating to Litter." (H. P. 1055) (L. D. 1522)

Bill, "An Act to Provide for a Civil Service Commission for Town of Kittery." (H. P. 478) (L. D. 681)

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

Bill, "An Act Relating to Permit to Operate Certain Farm Trucks." (H. P. 857) (L. D. 1244)

Which was read a second time and passed to be engrossed, without amendment, House Amendment A having been Indefinitely Postponed, in non-concurrence.

**Senate**

Bill, "An Act Relating to the Dispensing of Flammable Liquids." (S. P. 556) (L. D. 1492)

Bill, "An Act Appropriating Funds for Certain Equipment for Maine Vocational Technical Institute." (S. P. 582) (L. D. 1535)

Which were read a second time and passed to be engrossed. Sent down for concurrence.

Bill, "An Act Relating to Expenses of Advisory Council and Its Approval of Expenditures of Fish and Game Funds."

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

Sent down for concurrence.

**Enactors**

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

Resolve, Reimbursing Bay Ferry Corporation for Loss of Its Business. (H. P. 92) (L. D. 136)

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

Bill, "An Act Providing for the New England Health Services and Facilities Compact." (H. P. 906) (L. D. 1314)

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

Bill, "An Act to Incorporate the Calais Water District." (S. P. 165) (L. D. 441)

Bill, "An Act Relating to Registration of Motor Vehicles Required to be Registered in Another State by Maine Residents." (S. P. 345) (L. D. 1010)

Bill, "An Act Revising the Laws Relating to Registration of Physicians and Surgeons, and Medical Education." (S. P. 461) (L. D. 1288)

Which Bills were passed to be enacted and the Resolve finally passed.

**Orders of the Day**

The President laid before the Senate the 1st tabled and today assigned item (H. P. 234) (L. D. 302) Bill, "An Act Increasing Amount of Wages Exempt from Trustee Process"; tabled on April 23 by Senator Brooks of Cumberland pending enactment; and on further motion by the same Senator, the bill was retabled until later in today's session.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 67) (L. D. 117) Senate Reports from the Committee on Retirements and Pensions on Bill,

"An Act Relating to Application of Federal Social Security to Teachers"; Majority report, Ought not to pass; Minority Report, Ought to pass; tabled on April 24 by Senator Whittaker of Penobscot pending acceptance of either report.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, I rise once again in support of a minority point of view. I should like to move, Mr. President, that the Senate accept the Minority "Ought to pass" report. In explanation, I say that the question of social security for teachers is, in my opinion, a most important one. There is a division of opinion among the teachers of the state concerning the desirability of this coverage. However, the legislation is permissive and there are groups of teachers, notably in the Portland area, who would like to have the coverage. I have been advised that the teachers in South Berwick, Kittery, South Portland, Portland and Bath would like to have this coverage, and since it is permissive legislation, I believe that we should give to the teachers the privilege of coming under the coverage of our social security system. It is my clear conviction that our teachers need both the retirement benefits which they now get and social security. This would certainly be an advantage to recruiters of teachers in our state if we could say that our teachers were under social security.

Now this bill has been before the committee twice. We turned it down the first time that it came to us but the House recommitted it to the committee and it came out of committee 7 to 3 "Ought not to pass." Nevertheless, in view of the permissive nature of the legislation and because I believe it is important to those teachers who want it, I hope that my motion may be supported.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate: As Senator Whittaker said, this bill was before our committee twice, and I think I can speak for the Senate members in saying that we still feel that the matter should be studied, and that that was the wish of the Maine Teachers Association as it was represented to us. If

there was an error in that statement I am sure that the place to take care of that is amongst the teachers themselves. I also took pains to check with one of the local teachers and she felt that they needed time to study it. It is like the railroad retirement situation. I still feel that there needs to be a study on this bill. I have checked with the Retirement Board and they feel the same thing. I hope that the motion of the Senator from Penobscot, Senator Whittaker, does not prevail.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: I opposed this the first time it came up, thinking that there is a study that may or may not be authorized that will be presented to study the retirement system for state employees and teachers to find out just how favorable social security would be to teachers and state employees. There is, however, an additional objection, and that is that at any time, notwithstanding a study, if this were voted it would force many teachers into the social security system who would be better off financially out of it. It does not give each individual teacher a choice; it would only give each individual city or town a choice as to whether they were going to grant social security to teachers. Once granted in a town or in a city all teachers would be covered whether they liked it or not, so I would respectfully request the defeat of the motion by the Senator from Penobscot, Senator Whittaker, for the acceptance of the "Ought to pass" report.

Mr. ATHERTON of Penobscot: Mr. President and members of the Senate: Since I spoke on this previously when we voted on it and since it has been recommitted to the committee of which I am a member also, I have had further indication and letters from teachers in my area, Penobscot County, in opposition to it, which emphasizes to me that the majority of teachers either do not want it or do not know yet whether they want it. For this reason I still feel that it should be held up for another two years. I might say I have no

personal interest whatsoever in the bill myself.

Mrs. SPROUL of Lincoln: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Whittaker, that the Senate accept the Minority Ought to Pass report.

A division of the Senate was had. Nine having voted in the affirmative and twenty-four opposed, the motion did not prevail.

Thereupon, the Ought Not to Pass Report was accepted.

Sent down for concurrence.

The President laid before the Senate the 1st tabled and today assigned item (H. P. 234) (L. D. 302) Bill, "An Act Increasing Amount of Wages Exempt from Trustee Process"; tabled earlier in today's session by Senator Brooks of Cumberland pending enactment; and that Senator yielded to the Senator from Cumberland, Senator Porteous.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I would ask of the Chair, what is the pending question?

The PRESIDENT: The Chair would advise the Senator that the bill was tabled pending final enactment.

Mr. PORTEOUS: Mr. President, I would like to move indefinite postponement of this bill and give the following reasons. In my opinion the amount of wages already exempt from the trustee process is sufficient, that going to the \$40 as quoted in the LD pretty nearly approximates the entire wage of a great many of Maine people.

This bill is designed for two particular purposes. One, and I think this may be a secondary purpose, to protect the little man who is having hard times and can't pay up on some of his obligations, and two, which I think is even more to the point, to save some of Maine's corporations, companies, and manufacturing outfits the trouble of actually putting into process the trusteeship of wages. I realize that this can be quite a headache to a company who has to do it, but at the same time, when you are thinking

of the little man, the little man in business, the little appliance dealer or the little insurance agents — like Senator Brooks — (Laughter) the little automobile dealer, the little tire dealer who has a business that is not a big and thriving business, and for him not to be able to collect on a T.V. set that he sold a particular customer, for him not to be able to collect on the insurance policy or the automobile that he sold the customer, works a hardship on a good business man, a good Maine citizen.

Now, you might say, "Well, why did this person grant credit to the customer in the first place?" Well, if he didn't, he could be called all kinds of names, tightwad or worse and this is the kind of person that does business with him. In the third place, he is not able to avail himself of the advantages in many instances of a good credit bureau such as the larger cities, a credit department such as the larger commercial businesses have. So this is the kind of transaction that may take place unfortunately as it turns out.

With the increase to \$40 in the amount exempt, it leaves him no place to turn. I might submit to you that some of these people in this particular wage group are living with two or three other people who have a similar or perhaps higher wage, and that \$40 is not necessarily the entire wage earned by that particular household, nor \$50 or perhaps \$60. So those who support this bill and those who shed tears for the persons who lost \$2 or \$3 are losing sight of the fact that there is other money coming into the household — perhaps in the form of ADC — I don't know.

So actually this doesn't do what it is supposed to do. It is not really to the advantage of the people it is supposed to help. It is to the advantage of those who don't want to be bothered with the trustee process among their employees and it is unfair to the trusting business man who is doing his business with these people who for one reason or another have to have their wages trusteeed.

So I would move at this time, and appreciate your support, for the

indefinite postponement of L. D. 302.

Mr. STITHAM of Somerset: Mr. President and members of the Senate, I don't want to belabor this matter. The day that this was tabled, I went into it quite extensively although I did not have notes at hand because it was taken off the table unexpectedly and I couldn't find my notes at that time. I spoke from memory and not from actual facts.

I think we have made considerable progress since the State became a state separate from Massachusetts. When we became a state, all wages were exempt from this type of process and then the legislature in its wisdom in 1857, not only said that the wages of an individual should not be attached or trustee, but it added the wages of his wife and minor children were exempt. There was no amount set on it at all. In 1862 was the first time that there was the provision of \$20 being exempt for wages due in one month. That existed unchanged until 1954 when the legislature raised this exemption to \$30 in one month and that is the situation as we have it today. As I mentioned the other day, and I apologize for repeating but I think it is important, twenty or thirty dollars a hundred years ago certainly is a lot different than twenty or thirty dollars today.

I have before me statistics from the Department of Labor. The average weekly wage has been increased 81.08 percent since 1930. That is as far back as I have gone. I also have before me a study as of 1959 which gives the minimum amount necessary for a decent living for one person, and that is \$41.32 for one lone individual. Now the entire purpose of this exemption of \$40 is so that a person can live. I have many other figures here and I won't go into them all. I don't think it is necessary. I call to your attention something that we all know. You can't turn on your television set, you can't pick up a paper or listen to the radio but what all business is begging people to come in. No money down, any time to pay, no searches made as to the credit rating of the individu-

al. In a great many cases they are enticing people to go in. I agree that they should be paid. But a man has got to live and this \$40 is certainly not out of line in any way. It is raising it ten dollars. It is up somewhere near so that a single individual can live. Certainly for a man with a wife and family, \$40 is far from being excessive. If a man is earning \$80, all right. On a trustee process you can hold \$40.

I move for a division on the motion.

Mr. ATHERTON of Penobscot: Mr. President and members of the Senate, I have spoken on this before and I do not of course intend to repeat my previous remarks. I would like to point out just two or three things. First of all, this exemption applies to a week and I do not feel that anyone is going to be seriously handicapped if they have \$30 for one week or even for two weeks. In view of the wage scale in the State of Maine, particularly in most of the smaller areas, if the exemption is increased to \$40 then for all practical purposes it makes this process, I believe, useless.

It is my understanding that those concerned have a large number of employees and favor this increase only because they do not want to be bothered with this trustee process since of course it does make extra bookkeeping for them.

I also point out that actually this affects only those people who do not pay their bills, who refuse to pay them or refuse to make any attempt to. In other words, the so-called deadbeats.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Porteous, that the bill and accompanying papers be indefinitely postponed. A division has been requested. Is the Senate ready for the question?

A division of the Senate was had.

Eighteen having voted in the affirmative and fourteen opposed, the motion prevailed and the bill and accompanying papers were indefinitely postponed.

The President laid before the Senate the 3rd tabled and today as-

signed item (S. P. 6) (L. D. 6) Bill, "An Act Relating to Sunday Sales of Liquor by Hotels and Class A Restaurants"; tabled on April 25 by Senator Brooks of Cumberland pending motion by Senator Christie to recede and concur.

Mr. BROOKS of Cumberland: Mr. President, I request a division when the vote is taken. Before the vote is taken I would like to make it quite clear that the leadership in this body take no position on this question. We ask simply that each of you vote only as your conscience directs on the question before us.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie, that we recede and concur with the other branch. A division has been requested.

Mr. WHITTAKER of Penobscot: Mr. President, may I speak on the motion?

The PRESIDENT: The Senator may proceed.

Mr. WHITTAKER: Mr. President and members of the Senate: In the hope that the law of averages may prevail, I rise to speak in favor of this motion, hoping that I may be on the majority side. It has been said that no votes are ever changed in the Senate by virtue of debate, however I am going to take a chance on that. In my particular profession I have spoken many times and have felt that no good has come from it, so I am used to this kind of result. However, this matter is too important to go by default and I should like to make some statements concerning the issue before us. When it was originally before us I had a five-minute speech prepared, but the issue has now been tabled several times so my speech has grown. However, I shall try to keep my remarks within five minutes.

I should like to have a look at this matter as objectively as possible. It is claimed by the proponents of L. D. 6 that it will benefit certain interests here in the State. We have heard appeals on behalf of our tourists and we have heard appeals on behalf of the hotel interests and the restaurants that will become eligible under this bill. I am sure there is some weight in this argu-

ment but it does suggest to me that this special legislation for the benefit of a few, and I am persuaded that the net result of the passage of this legislative document will not be in the best interests of all the people of this State.

Now in the previous debate it was suggested that those who are opposing passage of L. D. 6 are in favor of prohibition. I want to correct that inference. I do not stand here as one who is favoring prohibition. I stand here as one who is interested in reasonable control over the liquor traffic. We all know the evil results from the use of alcoholic beverages. I agree that we cannot completely legislate against their use. However, as a State we have a responsibility to exercise certain controls over this traffic, especially since as a State we are in the liquor business. This makes it doubly important for us to have reasonable controls. Now we who feel this way have not opposed all legislation presented before this body. We did not oppose, for example, the extension of time on daylight saving time so that liquor could be sold an extra hour each night except Sunday. But this bill has wider implications, so many of us feel that we must oppose it.

It has been suggested that this is for the tourists, for the hospitality of our guests. I know, however, and this has been indicated in previous debate, that an attempt may be made to amend this bill. The only amendment that is in our books is Senate Amendment 145, which would increase the amount of food to be purchased from one dollar to two dollars before anyone could have a drink. This does not sound like hospitality to me. I should like also to speak, without over-emphasizing the point, with regard to the possible effect of the passage of this bill upon our highway safety. Now I am not standing here to suggest that the passage of this bill will necessarily increase the number of fatalities or injuries on our highways by any great percentage, but I have talked with people who are aware of our total situation in this matter, with the former Chairman of the Maine Highway Safety Committee, Mr. Al-

len Barnard, and I asked him if he would care to express an opinion to me as to the effect of this bill. His comment was: certainly its passage will not help the highway safety program. Now I think this is probably an understatement. We are hearing on all sides about the need for support of the highway safety program, the number of fatalities and injuries is rising every month. I think this bill will have a definite bearing on this matter since it will permit our tourists, those who are traveling our highways, to procure liquor easily on Sunday, which is the one day of the week when there are more cars on the road than any other day. Now this is not the only reason, but this, it seems to me, is a major reason for defeat of this legislation.

I should like to suggest also that we have before us and will have in the future certain bills in regard to Sunday sales. Now I believe it is true to say that the consensus concerning Sunday sales is that we should restrict sales to the necessities of life, at least this body had not passed a bill which would open up all Sunday sales. Certainly the sale of alcoholic beverages can hardly qualify under the heading of "necessity," and since it does seem to be the general feeling of the people of our state that Sunday should be a day somewhat different from the other days of the week, and this is another reason for the defeat of this particular legislation.

We have been told that the hotels and the Class A restaurants are interested in the passage of this bill, yet information has come to me from several sources that this is not a unanimous opinion among those who might be allowed to sell liquor if this bill was passed. I have been told, for example, that certain restaurants along our shore line are somewhat reluctant about this matter because they would rather sell food to their customers than they would to have table space taken up by those who will linger over a cocktail or two or three. There is not unanimous opinion among those who would be allowed to sell under this law.

There are many other things that could be said, but perhaps I have said enough and there may be others who wish to speak. I would simply conclude by saying this: The State of Maine last year grossed \$28,000,000 from the sale of liquor, upon which it made a profit of 10.7 millions of dollars. I think this is enough in tax revenue for the State of Maine, and I certainly hope that this state will not follow the path of another state nearby which seeks to raise its revenue from so-called "sin" taxes.

One other thing. I want to reiterate my first point, that I believe this is special legislation; it is designed for the interest of a limited number of our citizens who happen to be in a particular business. I do not believe that its passage is good for the total welfare of the state. I point out to you my final point: that legislation similar to this was disapproved by our Governor two years ago. I point out to you that the people of this state, by their written and spoken word, have made it quite clear that they do not favor this particular bill. The House of Representatives has, in its wisdom, voted that this bill ought not to pass, and I urge you, by your conscience, to support the motion to recede and concur.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: My remarks will be very brief but I would like to say one or two things.

What are you going to say to our youth if you continue to liberalize our liquor laws? They are going to know what we do here. Are we going to say to them by our action, "Go ahead and drink. It is all right with me." Let's think of the comment of my Wisconsin friend: try to keep Maine as it is. Too many teen-age traffic accidents in Wisconsin. You remember I read to you how very prevalent liquor licenses are in that state. Again I beg you: don't let the dollar sign blind your eyes to the danger of more liberalization of our liquor laws. At least try to protect your children and grandchildren from any increase in the liquor menace.

Mr. FARRIS of Kennebec: Mr. President, I certainly am not going to speak for any length of time on this issue. It seems to me that it has been thoroughly debated in both branches of this legislature. I cannot feel that it is as important to either the proponents or the opponents as each side honestly and sincerely present, and I think inasmuch as it has already been vociferously spoken in the other body as to how they feel that we should not continue debating this and having it kicked around this legislature, because we have more important things to consider. I am going to support the motion to recede and concur.

Mr. PIKE of Oxford: Mr. President and members of the Senate: Quite often we hear it mentioned that this person or that person is very much misunderstood, and I belong in that category. After this vote was taken a while ago, whenever it was, I spoke with a few that voted for it, and the other night at the Augusta House one of the Senators was seated next to Mrs. Pike and I, and the fellow that was with him says, "Shall we have a cocktail?" and this Senator, I overheard him say, "We are sitting next to Senator Pike. I guess we better not."

Now I want to say to that Senator and everybody else present that there is nothing I care less about. If he wanted one cocktail or two or three it would not trouble me a mite; it would be perfectly all right as far as I am concerned. But this is what I object to: I would not want him to be out on a nice Sunday, go to a hotel and have two or three drinks and then you and I with our families meet him on the road. He might not hit us and he might. We can't tell about that, but I would rather take my chances if he had not had this drink or two. Now I, of course, like the rest of you, have had lots and lots of letters from people in Oxford County against this thing, but I have not had a single letter in favor of it. I have had letters from men who I know have a drink practically every day and they did not want this thing to go through.

They did not think it was right for the State of Maine to pass such legislation. That is all I have to say.

Mr. PHILBRICK of Penobscot: Mr. President and ladies and gentlemen of the Senate: I do not recall that the Governor's Highway Safety Committee has done any particular lobbying against this bill. I am sure if they considered it to be a hazard to the highways they would have done so.

I have two documents here that I would like to read to you. One document is typical of many that I have received. It comes from the Howland Baptist Church, dated April 12, 1963.

"My dear sir:

I am writing to respectfully request that you vote against bill L. D. No. 6 which comes up in the Senate next Friday. I am sorry that you voted for the bill last week. I realize the pressure you are under from the wet lobbyists." Parenthetically I might note that no wet lobbyist has even spoken to me concerning this bill, but quite a number from the other viewpoint have. "But please realize that this bill is a 'moral' issue, not just another bill. Liquor and all it stands for demoralizes the individual who imbibes and is a curse to this state and nation. You, sir, as our Senator from Penobscot County, reflect the opinions of your voters. There are 150 voters in my parish who I know would vote against any man who stands for the liquor cause. Therefore I would respectfully urge you as our Senator to carefully consider the pros and cons on this issue before voting next Friday, and I respectfully urge you to vote "No" against bill L.D. No. 6. We will be much in prayer as the Senate votes next Friday. May God guide you in your decision.

Respectfully yours,

Clifton L. Hartman,  
Pastor, Howland Baptist  
Church"

On the one hand he tells me there are 150 voters who will note how I vote on this and on the other hand he asks God's guidance in my voting. I have an answer to this

and the title of the clipping is "An Answer" by that esteemed newspaper writer Abigail Van Buren. This is what she has to say:

"Dear Abby:

We have a neighbor who goes through our garbage to seek out whiskey and wine bottles. Then she spreads it all over the neighborhood while spouting religion. One day I got angry enough to tell her that Christ drank wine, too. She replied 'Christ drank only grape juice.' Knowing that you have access to the thinking of learned people could you please tell me where in the Bible it says that Christ drank only grape juice instead of wine? Thanking you,

Mrs. E"

"Dear Mrs. E:

I can best answer your letter by quoting a learned friend:

'Dear Miss Van Buren:

I am not sure that I qualify as one of the learned people to whom you have access, but I am happy to give you such information as may be helpful. Your correspondence neighbor has John the Baptist confused with Christ. Nowhere in the New Testament does it say that Christ drank only grape juice. There have been many attempts to prove that Christ was a total abstainer. Such attempts involve an ignoring of Jewish social custom and the obvious meaning of the Hebrew words involved. No reputable scholar would take these suggestions seriously. References include St. Matthew 11:18-19, John 2:3, Luke 5:39 and Luke 7:34 which indicate that there were overly pious people who criticized Christ himself.

Sincerely yours,

The Rt. Rev. Allan Brown, D.D.  
Bishop Diocese of Albany, N.Y."  
Thank you.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, I rise simply to make this comment, that the point of view expressed by my good friend, the Senator from Penobscot, Senator Philbrick, through his written documents and newspaper clippings is one point of view among Christian

people but there are other points of view, one of which I share.

Mr. STITHAM of Somerset: Mr. President, I think that we have perhaps forgotten a letter which all of us received, dated March 7, 1963, from the owner of the Poland Spring House. I think of all the letters that I have received, this has more reason to it than anything really that has been said in here in favor of this particular bill. Although each and every one of us has received it we probably have forgotten it since March 7th. For the purpose of the record I would like to read it.

"I would like to urge your wholehearted support for the bill presently before the State Legislature pertaining to the Sunday sale of alcoholic beverages in hotels and Class A restaurants. Passing this bill would mean a great deal to the state as well as the private interests involved. Having been a resident and voter in Maine only a short time since buying the Poland Spring property, I have been impressed with the tremendous role the tourist plays in the over-all economy of the State. Passing this bill would be a wonderful boon to the hotel and restaurant industry and its effects would be felt by almost everyone either directly or remotely involved in tourist trade.

"Under our present law, a great deal of tourist trade that might normally traffic to the state is presently being lost to neighboring states where a more practical and liberal attitude has been adopted regarding this matter. Certainly if it is Maine's destiny to lead all other New England States in vacation trade, it behooves the legislature to do everything in its power to accomplish this fact.

"Speaking for myself in my own business, I might add that a large amount of convention business is lost because we are not able to serve cocktails with a Sunday banquet to convention groups and this business no doubt comes to roost in one of our neighboring states where the Sunday sale of liquor is not frowned upon. My own position multiplied a thousandfold over Maine certainly represents a



considerable loss to the industry and to the state in terms of sales tax on food, liquor and room sales.

"As to the moral issue involved, no one who is disposed to habitual drinking will be deterred by the Sunday law, and to say that the passage of the bill presently before the legislature facilitates this sort of thing is absurd.

"We are engaged in a wholesome industry catering to the needs of the traveling public. If we continue to impose this inconvenience, the result of an outmoded and outdated law, it will certainly be to the sheer delight of our neighboring states, each of whom is competing hammer and tong for every tourist dollar in sight."

Thank you.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie, that the Senate recede and concur with the House.

A division of the Senate was had.

Seventeen having voted in the affirmative and sixteen opposed, the motion to recede and concur prevailed.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 783) (L. D. 1136) House Report Ought to Pass with Committee Amendment A from the Committee on Legal Affairs on Bill, "An Act Relating to Notice to Town of Settlement When Persons Found Destitute"; tabled on April 25 by Senator Ferguson of Oxford pending acceptance of the report.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I was opposed to this bill when it was first introduced because I did not think it was good legislation. It deals with notice to the town of settlement. It should really be "residence" because it is so hard to establish the settlement of people under the settlement law. I thought at one time I could go along with it as it was amended. As it was introduced it provided a seven-day notice, that is if a person was found in distress or destitute you might send a notice to the town of settlement within seven

days. This was amended in committee to thirty days, and the statute says now that they have ninety days. This would be an easy matter if we had one or two towns we had to send notices to, but people who are familiar with the administration of the pauper laws in the State of Maine find that in many, many cases that after sending as many as ten, fifteen or twenty notices they still cannot find the town of settlement. We have many people in the State of Maine who were born in the state and who are fifty or sixty years old now who never gained a settlement in the State of Maine under the five-year settlement law; they have shifted from one town to another. Sometimes they get some aid from one town and that, of course, denies them establishing settlement. I worked with the sponsor on one or two amendments but after checking with other municipal officers we feel that this is pretty poor legislation and I am going to move for indefinite postponement of the bill and accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, moves the indefinite postponement of the report and accompanying bill.

Mr. ATHERTON of Penobscot: Mr. President, may I inquire whether this bill has been amended by House Amendment?

The PRESIDENT: The Secretary will read the status of the bill.

(The status of the bill was read by the Secretary)

Mr. ATHERTON of Penobscot: Mr. President and members of the Senate: I have no personal interest in this bill, however it was before the Committee on Legal Affairs and I think I should fairly state the purpose of the bill, and particularly as amended by House Amendment "A".

It is my understanding that this does not in any way change the present provisions as to notice to other towns if a town finds in that town a resident of another town who has a pauper settlement in some other town, but it does give an opportunity for the town where the pauper settlement may be to be more or less forewarned by some notice in advance before a large

bill is run up against them for pauper supplies. As nearly as I can recall now that is the chief purpose of the bill and I do not think it changes existing provisions for notices whatsoever.

Mr. STILPHEN of Knox: Mr. President, I have been approached regarding this legislative document by some of the departments in my area, the overseers of poor and departments of public welfare, and they are quite in sympathy with this particular piece of legislation. Now it does not, as I understand it—and I am in accord with the Senator from Penobscot, Senator Ather-ton—change the old law relative to the ninety days but it does inform the town or city who have the people that are found destitute and who are responsible for them, and it gives them opportunity to either suggest to the other town that the people be brought back to the municipality in which they belong or that they can limit them to what they should be given as far as relief. In other words, if a person from the City of Rockland was found destitute in Bar Harbor the town officials in Bar Harbor, before they could give that person relief for any extended time would have to notify the City of Rockland. It is only fair to a city which apparent residence would affect. I hope the motion for indefinite postponement does not prevail.

Mr. ATHERTON of Penobscot: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Ferguson, that the report and accompanying bill be indefinitely postponed. A division has been requested. All those in favor of the motion of the Senator from Oxford, Senator Ferguson, that the report and accompanying papers be indefinitely postponed will rise and remain in their places until counted.

A division was had.

Seven having voted in the affirmative and twenty-two in the negative, the motion to indefinitely postpone did not prevail. Thereupon the Senate voted to accept the "Ought to pass" report of the committee, the bill was given its first reading,

House Amendment "A" was read and adopted and Committee Amendment "A" was read and adopted and the bill was assigned for second reading on the next legislative day.

The President laid before the Senate the 5th tabled and specially assigned matter (H. P. 736) (L. D. 1065) House Reports from the Committee on Judiciary on Bill, "An Act to Determine Liability and Responsibility of Drivers of Fire Apparatus," Report "A", Ought to pass as amended by Committee Amendment "A" and Report "B" Ought not to pass, which was tabled by Senator Kimball of Hancock on April 30th pending acceptance of either report.

Mr. KIMBALL of Hancock: Mr. President, I would yield to the Senator from Kennebec, Senator Farris.

Mr. FARRIS of Kennebec: Mr. President and ladies and gentlemen of the Senate: This measure, as you will recall, came from the Committee on Judiciary with an evenly divided report, one report being Ought Not to Pass, and the other report, Ought to Pass as Amended. The only thing that the amendment did was to remove the provision where gross negligence would have to be established in order for a community to be responsible in damages for the operation of the motor vehicle by the driver of the fire equipment.

We have no doctrine in the State of Maine of gross negligence and if this bill is passed, I think it is better with the amendment than without it, but this particular problem opens up and is relevant to several questions which are before this legislature and which in my opinion will probably be before future legislatures. It is the doctrine of the defense which municipalities have had historically that when anything is being done in the performance of a governmental function that a verdict shall not be awarded against that municipality. We also have the doctrine of charitable immunity in which charities are immune, I might say, Judgment proof. Both of those issues in their broad scope have been presented to this legislature and are under consid-

eration by the Committee on Judiciary at the present time.

I certainly am in favor of protecting our firemen and I certainly can appreciate their problem and sympathize with their position on this measure. But I would like to point out that if we are to enact legislation of this nature, it probably is not fair to say that we are merely going to have municipalities protect the fireman. We also have the policeman, who if such legislation is desirable, should also be protected. Also the drivers as well as many of public works equipment and other municipal motor vehicles. Another very difficult problem to analyze in this bill—if you will read it, and I think you should, L. D. 1065 — it states that the fire department shall have responsibility of payment for any damage or loss occasioned by the liability and the liability shall be on the municipality owning or using the fire department.

That can raise a lot of problems. For example, suppose there was a fire in Augusta and it was a serious conflagration and the fire department from Winthrop or Hallowell or other surrounding areas was asked to come in to Augusta, and the operator of the out of town equipment was involved in an accident and it was determined that he was negligent, that would immediately cast the burden of payment of damage upon Augusta, conceivably, because Augusta was actually using the fire department. As much as I sympathize with our firemen, I do feel that this issue should be studied in conjunction with other issues where we are considering amending our doctrine of the immunity of municipalities from damages while in the performance of the function of governmental duties and it is for that reason that half of us on the Judiciary Committee felt that this legislation should not be enacted at this session of the legislature.

I would move acceptance of the Ought Not to Pass report.

Mr. KIMBALL of Hancock: Mr. President and members of the Senate, when I came across this question as expressed in this particular bill, I felt that I didn't know

quite enough and asked to have it held over until today. In the meantime, I got in touch first of all with the fire department here in Augusta to get their opinion on it. They in turn referred me to the Chairman of the State Fire Chiefs Association, Wesley Knight who is head of the legislative committee, the Fire Chief of the City of Rockland. I would like to read his letter to me.

"This is to certify that the State Association of Fire Chiefs of Maine strongly support this act to determine liability and responsibility of drivers of fire apparatus. A study of this situation shows that those who most need this protection do not now have it, the call and volunteer firemen. They in most cases are the cross section of any given community who are willing to drop everything at a moment's notice and to risk their lives and fortunes to assist an unfortunate neighbor. We believe they should have some protection while on these errands of mercy.

(Signed) Wesley Knight"

I happen to be a member myself of a small volunteer department. We, in our town, do insure the apparatus and the firemen to be sure that they are covered. However, I do know some fire departments in our own county that are small, manned by volunteers who at the sound of the fire bell drop whatever they are doing, rush to the apparatus and try to get down to save the neighbor's home that is burning. As it stands now, say if a shopkeeper leaves his store and drives the fire apparatus and on his way to the fire has an accident, he is then liable in case of that accident, for whatever damages might come up. Also his store is in jeopardy, his home or whatever it might be. He is not covered by protective insurance in this case.

What is the inclination of that driver going to be? Is he going to hold up on driving down to try to save his neighbor's house? I think every one of us knows the answer. He is going anyway. He is going to do what he can to be helpful. In all due respect to these men who take these chances, I have a feeling that this is a very good

bill to give him some protection if nothing more than to make the municipalities where they are located, see that they are properly insured.

When the vote is taken I ask that it be taken by division.

Mr. BOARDMAN of Washington: Mr. President and members of the Senate, as you probably noted, I was the Senate member so far as this committee is concerned, who went along with Report A Ought to Pass as Amended. The reason for my doing this is the fact that I understood at that time that there was no situation whereby these people could be insured and therefore as far as I was concerned, I wanted to see that they were insured by the localities so that these people would be protected.

However, I feel it does go a little further than that. The drivers of fire department vehicles are in a little different situation. You are called out at all hours of the night. Mental alertness might not be 100 percent as it would be at other times, and as far as I am concerned, I would go along and continue to support Report A which was Ought to Pass.

I have been a regular fireman in Calais. At the present time I am still carried as a substitute. On occasions I have driven the fire apparatus in Calais. In fact we have four pieces of apparatus and I have driven all four pieces at one time or another.

I believe this bill should pass. I still feel that way. It may change the law a little bit as far as the municipality is concerned but I still favor it. I think this is an exceptional case and I will go along with it.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I would hope that the move to indefinitely postpone would be defeated. I feel that the Senator from Kennebec, Senator Farris' concern for these people is commendable but since he can't save all the people he would wish to save by this legislation, he chooses to save none. In a shipwreck it would be like hearing a person cry out in the water and because you can't save all the people in the wa-

ter, you wouldn't save that one person.

I think that these people are much like the state policemen whom we chose to give a state pension to such as Sergeant Regina, and these people who are on public safety missions must be protected so that their personal lives won't be ruined while they are carrying out the duties they are required to perform.

The PRESIDENT: The question before the Senate is the motion of Senator Farris of Kennebec to accept the Report B Ought Not to Pass report of the committee. A division of the Senate has been requested.

A division of the Senate was had. Eight having voted in the affirmative and twenty-three opposed, the motion did not prevail.

Thereupon, the Ought to Pass report was accepted and the bill read once.

Mr. FARRIS: Mr. President, for the purpose of offering an amendment which may actually be helpful in the administration of this law, I would move that it lie on the table.

The motion prevailed and the bill was tabled pending adoption of Committee Amendment A.

The President laid before the Senate the 6th tabled and today assigned item (H. P. 465) (L. D. 669) Bill, "An Act Providing for the Vehicle Equipment Safety Compact"; tabled on April 30 by Senator Farris of Kennebec pending adoption of Senate Amendment A; and on further motion by the same Senator, Senate Amendment A was adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 7th tabled and today assigned item (H. P. 115) (L. D. 159) House Report, Ought Not to Pass as Covered by Other Legislation from the Committee on Labor on Bill, "An Act Amending Certain Provisions of the Employment Security Law"; tabled on April 3 by Senator Johnson of Somerset pending acceptance of the report;

and on further motion by the same Senator, the Ought Not to Pass report was accepted.

The President laid before the Senate the 8th tabled and today assigned item (H. P. 363) (L. D. 892) Bill, "An Act relating to Courses of Study at and Degrees by the State Teachers Colleges"; tabled on April 30 by Senator Edmunds of Aroostook pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Edmunds of Aroostook, the Senate voted to take from the table the 67th tabled and unassigned item (S. P. 490) (L. D. 1342) Bill, "An Act Relating to Services for Locating Deserting Parents and Other Persons Liable for Support of Dependents"; tabled on April 30 by Senator Edmunds of Aroostock pending enactment; and on further motion by the same Senator, the bill was placed on the Special Appropriations Table pending enactment.

On motion by Mr. Brown of Hancock, the Senate voted to take from the table the 53rd tabled and unassigned item (H. P. 904) (L. D. 1312) Bill, "An Act Relating to Optometric Services under Aid to the Blind and Nonprofit Hospital Organizations Laws"; tabled on April 24 by Senator Brown of Hancock pending enactment; and that Senator moved the pending question.

Thereupon, on motion by Mr. Cram of Cumberland, the bill was retabled.

On motion by Mr. Edmunds of Aroostook

Recessed until 1:15 this afternoon.

#### After Recess

The Senate was called to order by the President.

The Senate retired to the Hall of the House where a Joint Convention was held. (For proceedings of Joint Convention, see House Report.)

#### In the Senate

The Senate was called to order by the President.

The President laid before the Senate Item 1-4 Bill, "An Act Relating to Power of Eminent Domain of Maine State Park and Recreation Commission." (S. P. 542) (L. D. 1468) tabled earlier in today's session by Senator Farris of Kennebec, pending motion by Mr. Lovell of York that the Senate recede and concur.

Mr. FARRIS of Kennebec: Mr. President, in view of the fact that there is another companion measure that will be coming along and the success of each bill depends upon the other, I move that this be retabled.

The motion prevailed and the bill was retabled.

Additional Paper from the House, out of order.

#### Emergency Measure

Bill, "An Act to Appropriate Monies for the Expenditures of State Government and for other Purposes for the Fiscal Years ending June 30, 1964 and June 30, 1965" (S. P. 549) (L. D. 1481)

Comes from the House having failed of enactment with the necessary two-thirds majority vote.

Mr. JACQUES of Androscoggin: Mr. President, I ask for a division.

The PRESIDENT: The bill being an emergency measure would require the affirmative vote of two-thirds of the elected membership of the Senate. Is the Senate ready for the question?

A division of the Senate was had.

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

On motion by Mr. Edmunds of Aroostook

Recessed to the sound of the gong.

#### After Recess

The Senate was called to order by the President.

The PRESIDENT: Is it the pleasure of the Senate that S. P. 549, L. D. 1481, Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1964 and June 30, 1965" be sent forthwith to the House?

The Senate so voted, and the bill was sent forthwith to the House.

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On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at ten o'clock.