

# 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

**ERRATA:**

**The header on page 1753**

**in the Regular Session**

**should read**

**“SENATE, MAY 7, 1963”**

**instead of**

**“SENATE, MAY 3, 1963”**

## SENATE

Tuesday, May 7, 1963

Senate called to order by the President.

Prayer by Rev. Kenneth Brookes of Augusta.

On motion by Mr. Lovell of York, the Journal of May 3rd was read and approved.

## House Papers

### Non-Concurrent Matter

Bill, "An Act Providing for Safety Seat Belts for Automobiles and School Busses." (H. P. 996) (L. D. 1437)

In Senate, March 27, passed to be engrossed, as amended by House Amendment A (H-113) in concurrence.

In House, April 2, indefinitely postponed in non-concurrence.

In Senate, May 2, passed to be engrossed as amended by House Amendment A and by Senate Amendment A (S-188) in Non-concurrence.

Comes from the House, that body having voted to adhere.

Mr. PORTEOUS of Cumberland: Mr. President, I have an amendment here which I would like to present to this bill, with the idea of adopting the amendment and then insisting on our former action and asking for a committee of conference on this bill as it would be as amended if Committee Amendment "B" is adopted. It is filing 205. What this amendment does is to remove the clause in here which would make it mandatory for the buyer of a new motor vehicle to have seat belts installed by the dealer. From the lobbyists for the Automobile Dealers Association I understand that they think very favorably of this because they did not want this requirement in there. It makes for unfavorable public relations when a person has to buy from them. One of the members of this body who bought a 1962 vehicle much the same as mine except it is a different model was quoted by the dealer \$22.50 for seat belts and instead of that was able

to go out and purchase them some place for \$6.00 and install them himself.

Now most vehicles today, I think all new vehicles coming out, are equipped with the holes already bored and all that has to be removed is a small grommet there to attach the seat belts properly. This amendment would permit the individual, within ten days after purchase, which normally would be within the time that temporary plates are on the car, to go to an automotive supply store, buy them himself and have them put on some place else. In other words, it would give him freedom of choice in regard to buying seat belts where he could get them at the lowest price or buy them at a place such as Chevron where they have made quite a campaign in favor of seat belts.

I think that perhaps with this amendment, which liberalized it to some extent, that the other body might go along in a committee of conference and I have reason to believe there might be more support for it with this amendment. The State Highway Safety Committee strongly supports this measure. I think perhaps with the change-over in the leadership there they have not supported this bill as strongly as they might have liked to have supported it because they had some other things to attend to. I think the public is pretty well sold on this idea. The figures that we get from the national investigation of it is that more and more people are using them and that they are extremely effective. I won't go into that part of it, but I would like to ask your support in this as you have in the past supported the bill and see if we cannot come to a good conclusion with this particular amendment. I now move the adoption of Senate Amendment "B".

The PRESIDENT: The Chair appreciates the remarks of the Senator but would inform the Senator that as a procedural matter first we must suspend the rules for the purpose of reconsidering our action whereby we passed the bill to be engrossed. If this takes place, then the amendment may be offered, and

if adopted must be sent to the House for concurrence.

Mr. PORTEOUS: I thank the Chair for his advice and would move that we reconsider our action whereby we passed this bill to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Porteous, moves that the rules be suspended in order that he may make a reconsideration motion. Is this the pleasure of the Senate?

Mr. PHILBRICK of Penobscot: Mr. President, I request a division.

The PRESIDENT: A division has been requested. All those in favor of the motion of the Senator from Cumberland, Senator Porteous, that we suspend the rules for the purpose of his reconsideration motion will stand and remain in their places until counted.

A division was had. 23 having voted in the affirmative and 8 in the negative, the motion prevailed and the rules were suspended. Mr. Porteous of Cumberland then moved reconsideration of the action of the Senate whereby the bill was passed to be engrossed, which motion prevailed.

Senate Amendment "B" was read by the Secretary.

Mr. CYR of Aroostook: Mr. President, I am wondering if the Senator from Cumberland would consider removing the item where it refers to "school bus." I would be in favor of the amendment except where it applies to school busses.

You have a lot of school busses that seat three youngsters on a seat, and just imagine yourself putting three seat belts on one of those seats. Also many of those youngsters are just little tots and possibly would not be able to handle that seat belt themselves so they would have to have assistance from either the driver or some older person, which would make it very unwieldy. Also in regard to the purpose of seat belts in the cars, when you strike an object it is the impact that sends the passenger through the windshield and in most cases it results in fatalities, and the seat belts would prevent that. Now in the school bus where you

have a very heavy vehicle you would not have the same type of impact. Even if you were struck by another car or any vehicle or hit another obstruction you would not have the impact that you have in cars. I am just wondering whether it is wise or even commendable to have seat belts in school busses. First of all the cost would be very high and I do not believe the effectiveness would be very good. I am just wondering if the good Senator from Cumberland has considered this angle, and if he has not if he would consider possibly striking out the paragraph pertaining to school bus safety belts.

Mr. JOHNSON of Somerset: Mr. President, for the benefit of the Senator from Aroostook, Senator Cyr, I would like to say that the committee has deleted anything in this bill that pertains to school busses. I will say, however, that the title is misleading because it does say "school busses" but there is nothing in the bill, if you will read it, which says that it applies to school busses.

Mr. CYR of Aroostook: Mr. President, in the amendment it says "such passenger automobiles shall be equipped with safety belts installed in the left front and right front seats thereof and such school busses shall be equipped with safety belts installed for use in all seats," so if we accept this amendment we are accepting this.

On motion by Mr. Johnson of Somerset, the bill was tabled until later in today's session pending adoption of Senate Amendment "B."

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Bill, "An Act Relating to the Admission of Attorneys to the Bar of the State of Maine." (S. P. 62) (L. D. 112)

In Senate, April 25, passed to be engrossed.

Comes from the House Indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Campbell of Kennebec, the Senate voted to insist on its former action and ask for a Committee of Conference.

**Communication**  
**MAINE CIVIL WAR**  
**CENTENNIAL COMMISSION**  
 State House  
 Augusta, Maine

May 1, 1963

Hon. Robert Marden  
 President of the Senate  
 State House  
 Augusta, Maine

Dear Senator Marden,

The Members of the Maine Civil War Centennial Commission were saddened this week by the death of one of its members, former Senator James E. Coffin.

Will you please appoint a member of the Senate of the 101st Legislature to take the place of the late James Coffin on the Maine Civil War Centennial Commission.

Awaiting the name of the new member of the Commission and hoping that he will have a great interest in the Civil War Centennial.

Most sincerely,

RUTH V. HUSSEY  
 Secretary MCWCC.

Which was read and placed on file.

**Committee Reports — House**

**Referred to 102nd Legislature**

The Committee on Public Utilities on Bill, "An Act Providing for the Formation of Sanitary Districts." (H. P. 301) (L. D. 409) reported that the same should be Referred to the 102nd Legislature.

Comes from the House, Bill substituted for the report, and passed to be engrossed, as amended by House Amendment A. (H-327)

In the Senate, on motion by Mr. Philbrick of Penobscot, tabled pending acceptance of the report.

**Ought Not to Pass**

The Committee on Towns and Counties on Bill, "An Act Relating to Compensation of Special Deputy Sheriffs." (H. P. 796) (L. D. 1149) reported that the same Ought not to pass — covered by other legislation.

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

The same Committee on Bill, "An Act Increasing Compensation of

Full-time Deputy Sheriffs." (H. P. 259) (L. D. 328) reported that the same Ought not to pass — covered by other legislation.

The same Committee on Bill, "An Act Relating to Payment to Sheriffs for Attendance Upon the Courts." (H. P. 139) (L. D. 182) reported that the same Ought not to pass — covered by Other Legislation.

Which reports were read and accepted in concurrence.

**Ought to Pass**

The Committee on Taxation on Bill, "An Act Relating to Refund of Excise Taxes on Malt Beverages Sold to Maine Army National Guard Training Site." (H. P. 875) (L. D. 1379) reported that the same Ought to pass.

On motion by Mr. Couture of Androscoggin, tabled pending acceptance of the report.

**Ought to Pass — As Amended**

The Committee on Constitutional Amendments and Legislative Reapportionment on Resolve, Proposing an Amendment to the Constitution Eliminating the Requirement that the Governor Communicate Pardons to the Legislature. (H. P. 987) (L. D. 1430) reported that the same Ought to pass as amended by Committee Amendment A (H-315)

The same Committee on Resolve, Proposing an Amendment to the Constitution to Provide for Taking Oaths of Senators and Representatives in Absence of Governor and Council. (H. P. 988) (L. D. 1431) reported that the same Ought to pass as amended by Committee Amendment A (H-317)

The same Committee on Resolve, Proposing an Amendment to the Constitution Relative to Examination of Returns for Senators and to Provide for Election of Senators to Fill Vacancies. (H. P. 990) (L. D. 1433) reported that the same Ought to pass as amended by Committee Amendment A (H-318)

The same Committee on Resolve, Proposing an Amendment to the Constitution Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House. (H. P. 992) (L. D. 1435) reported that the same Ought to pass as

amended by Committee Amendment A (H-319)

The Committee on Judiciary on Bill, "An Act Relating to Release of Spouse's Right by Descent." (H. P. 775) (L. D. 1129) reported that the same Ought to pass as amended by Committee Amendment A (H-305)

Which reports were read and accepted in concurrence; Committee Amendments A were read and adopted in concurrence, and the Bill and Resolves, as amended, read once and tomorrow assigned for second reading.

#### Ought to Pass — New Draft — New Title

The Committee on Agriculture on Bill, "An Act Clarifying the Labeling of Canned Food." (H. P. 1050) (L. D. 1517) reported that the same Ought to pass in New Draft, under New Title: "An Act Clarifying the Labeling of Packaged Food." (H. P. 1076) (L. D. 1543)

The Committee on Natural Resources on Recommended Bill, "An Act Repealing Law Allocating Moneys from Organized Township's Fund for Managing Public Reserved Lots in Plantations." (H. P. 163) (L. D. 212) reported that the same Ought to pass in New Draft, under title: "An Act Relating to Allocating Moneys from Organized Township's Fund for Managing Public Reserved Lots in Plantations." (H. P. 1037) (L. D. 1503)

(On motion by Mr. Ferguson of Oxford, tabled pending acceptance of the report and especially assigned for one week from today.)

The Committee on Taxation on Bill, "An Act Relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies." (H. P. 694) (L. D. 950) reported that the same Ought to pass in New Draft under the same title (H. P. 1077) (L. D. 1544)

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

#### Report of Conference Committee

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

"An Act Creating a Bureau of Corrections Within Department of Mental Health and Corrections" (S. P. 124) (L. D. 351) reported that they are unable to agree.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, I move that the Senate reject the report of the Committee of Conference and I would like to speak on the motion.

The PRESIDENT: The Senator may proceed.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate: This L. D. represents an important part of the Governor's program. There is provision made in the supplemental budget for funds to support the establishment of a Bureau of Corrections within the Department of Mental Health and Corrections. I feel very strongly that the Senate should take a definite stand in this matter at the present time, although the subject will come up for further debate, or discussion at least, when the supplemental budget is presented.

The purpose of this legislation is to complete the establishment of the Bureau of Mental Health and Corrections. In recent years under the Commissioner of Mental Health and Corrections there has been established a Director of the Division of Mental Health in the person of Dr. William Schumacher, who is a psychiatrist and especially trained for work in this important field. To defeat this particular legislation would leave this important part of our state government without adequate leadership with respect to our institutions of correction. There are five such institutions which, in accord with the Governor's program and according to my own feeling in the matter, need the services of a man especially trained to deal with the rehabilitation of those who for one reason or another find themselves living in our correctional institutions: the Maine State Prison, the Reformatory for Men, Reformatory for Women, the Boys Training Center and the Stevens Training Center.

Now the job specification presented for this particular position requires that the person called to the position if it is established shall have special training in penology,

he should be, according to the job specification, one who is a college graduate, one who has done graduate work and has achieved at least a Master's degree in psychology, sociology, social work or other fields related to the understanding and control of human behavior.

I suggest that we in the State of Maine need to take seriously our responsibility to those who are living in our correctional institutions. Now those who oppose this particular legislation — and they are concentrated in the other body — claim that for economy reasons we should not establish this new position which would complete the ideals set forth by the late Perry Hayden. I suggest to you that this is false economy, that we need to spend the \$38,000 for the biennium, which is in the supplemental budget, to establish this position, and that thereby we shall make available to those who need the help the process of rehabilitation. Every time we rehabilitate one who is in the Boys Training Center, for example, we save money for the State of Maine, but, more importantly, we save a life. I think it is essential that we establish this position.

Now in the Committee of Conference there was represented two points of view, the Senate point of view and the House of Representatives point of view. It was essentially the same division that came about when this bill was heard and considered by the Committee on State Government. I am suggesting that, if this is proper procedure, that it should go to another committee of conference. I am suggesting that this is the first of what may be other attacks on the supplemental budget presented by our Governor, and I feel very strongly that the Senate should stand firm on this matter and should support the Governor and should not allow this first attack upon the supplemental budget. I therefore move, Mr. President, that the Senate reject the report of the committee of conference, and, if it is in order, appoint a new committee to consider this matter. I will request the appointment of such a committee.

The PRESIDENT: The Senator from Penobscot, Senator Whittak-

er, moves that we reject the report of the conference committee. Is this the pleasure of the Senate?

The motion prevailed and the report of the conference committee was rejected. On further motion by the same Senator, the Senate voted to insist and ask for another committee of conference.

#### Leave to Withdraw

Mr. Porteous from the Committee on Appropriations and Financial Affairs on Bill, "An Act Directing a Study and Pilot Program of Property Tax Administration." (S. P. 200) (L. D. 510) reported that the same should be granted Leave to Withdraw.

Mr. Campbell from the Committee on Judiciary on Bill, "An Act Amending the Rules of Descent." (S. P. 274) (L. D. 788) reported that the same should be granted Leave to Withdraw.

Mr. Farris from the same Committee on Bill, "An Act Requiring Approval of County Commissioners of Court Term Bills." (S. P. 364) (L. D. 1030) reported that the same should be granted Leave to Withdraw.

Mr. Boardman from the same Committee on Bill, "An Act Relating to Acknowledgment and Validation of Deeds and Other Instruments Conveying Real Property." (S. P. 473) (L. D. 1325) reported that the same should be granted Leave to Withdraw.

#### Ought Not to Pass

Mr. Campbell from the Committee on Appropriations and Financial Affairs on Resolve, Appropriating Money to Encourage Maine Youth to Develop Their Potential Through Education. (S. P. 172) (L. D. 471) reported that the same Ought not to pass.

The same Senator from the same Committee on Bill, "An Act Proposing a Study of Cost and Efficiency of Municipal and County Government." (S. P. 266) (L. D. 780) reported that the same Ought not to pass.

(On motion by Mr. Cram of Cumberland, tabled pending acceptance of the report.)

Which reports were read and accepted.

Sent down for concurrence.



**Ought to Pass — As Amended**

Mr. Farris from the Committee on Judiciary on Bill, "An Act Relating to Penalties for Possession of Narcotic Drugs." (S. P. 149) (L. D. 426) reported that the same Ought to pass as amended by Committee Amendment A (S-207)

Mr. Boardman from the same Committee on Bill, "An Act Relating to Habeas Corpus and Post Conviction Procedure in Criminal Cases." (S. P. 316) (L. D. 982) reported that the same Ought to pass as amended by Committee Amendment A (S-206)

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

**Ought to Pass in New Draft**

Mr. Farris from the Committee on Judiciary on Bill, "An Act Relating to Disposition of Persons Pleading Insanity." (S. P. 104) (L. D. 332) reported that the same Ought to pass in New Draft (S. P. 588)

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

**Majority — Ought to be adopted  
Minority — Ought Not to be adopted.**

The Majority of the Committee on Public Utilities on Joint Resolution Memorializing Congress Recommending Full Development of Electric Power Potential of Passamaquoddy Bay and Upper Saint John River. (S. P. 129) (L. D. 442) reported that the same Ought to be adopted.

(Signed)

Senators:

HARRINGTON of Penobscot  
PHILBRICK of Penobscot  
BOISVERT of Androscoggin

Representatives:

PITTS of Harrison  
TAYLOR of South Portland  
PLANTE  
of Old Orchard Beach

The Minority of the same Committee on the same subject matter

reported that the same Ought not to be adopted.

(Signed)

Representatives:

RAND of Yarmouth  
WELCH of Chapman  
TYNDALE

of Kennebunkport  
PHILBRICK of Augusta

On motion by Mr. Cyr of Aroostook, the Majority Ought to be Adopted report was accepted and the Joint Resolution was adopted.

Sent down for concurrence.

**Second Readers**

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

**House**

Resolve, Granting to the State Park and Recreation Commission the Power to Acquire by Eminent Domain Land at West Quoddy Head. (H. P. 979) (L. D. 1418)

Bill, "An Act Relating to Travel Allowance for Jurors." (H. P. 1073) (L. D. 1538)

(On motion by Mr. Brown of Hancock, the bill was read a second time and tabled pending passage to be engrossed; especially assigned for Thursday next.)

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

**House — As Amended**

Bill, "An Act Repealing the Two-Inch Clam Law." (H. P. 309) (L. D. 402)

Which was read a second time and passed to be engrossed, as amended by Senate Amendment A, in non-concurrence.

**Senate**

Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms. (S. P. 2) (L. D. 2)

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

Sent down for concurrence.

**Enactor**

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

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

Bill, "An Act Relating to Redistribution of Axle Loads on Commercial Vehicles." (S. P. 577) (L. D. 1530)

(On motion by Mr. Johnson of Aroostook, tabled pending passage to be enacted.)

Which Bills were passed to be enacted.

### Emergency

Bill, "An Act to Authorize Town of Woodville to Provide Electricity for Municipal Use." (H. P. 258) (L. D. 327)

Which Bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

### Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (S. P. 480) (L. D. 1332) Senate Reports from the Committee on Natural Resources on Bill, "An Act Establishing a Forest Products Marketing Law"; Majority Report, Ought Not to Pass; Minority Report, Ought to Pass in New Draft." (S. P. 575) (L. D. 1525) tabled on April 19 by Senator Ferguson of Oxford pending acceptance of either report; and that Senator asked the Secretary to read the status of the bill.

The Secretary read the status of the bill.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I move that we accept the "Ought not to pass" majority report of the committee. My reason for that is I think everybody has had a chance to read this new draft which has been on the table for a couple of weeks and will realize that this L. D. 1332 and the new draft, L. D. 1525 is not workable. It provides for so many restrictions that we had many objections to it from people in the area, not only people who are normally engaged in the lumbering business but also from individual owners of woodland. And certainly one of the factors in going along with the "Ought not to pass" report of this committee should be that on May 3rd I asked the Attorney General's office for an opin-

ion, and I am going to read their answer to my question.

"Dear Senator Ferguson:

We are in receipt of your request dated 3 May 1963, asking for an opinion as to the constitutionality of L. D. 1332 "An Act Establishing a Forest Products Marketing Law". We are of the opinion, for the following reasons, that the bill, if enacted into law would be unconstitutional.

1. Section 1 states, inter alia:

" . . . Any wood cut in Maine for commercial purposes shall be done in accordance with a license issued by the Forest Commissioner, and the timber cut shall be wholly or partially worked within the State of Maine. Timber is wholly or partially worked within the meaning of this chapter when it shall have undergone all treatments and manufacturing processes and after it has gone through all the stages of transformation necessary to make such timber ready for the use for which it was ultimately destined, in such a way that its products shall have acquired the final form in which the merchandise is to be delivered to the consumer."

The foregoing section is violative of Article 1, section 8, United States Constitution, which states:

"The Congress shall have power to lay and collect taxes, duties, imports and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imports, and excises shall be uniform throughout the United States; . . . To regulate commerce with foreign nations, and among the several states and with the Indian tribes".

Section 1 is also violative of the 5th and 14th amendments to the United States Constitution, and Article 1, section 6, Constitution of Maine. These sections all deal with the taking of property without due process of law.

2. Section 2 deals with permits, their procurement, and the fees to be set. This section goes beyond the police power of the Legislature, inasmuch as there is no rational basis for the licensing. The section is so vague and ambiguous as to be violative of due process of law, and puts an unconscionable degree of power and discretion in the For-

est Commissioner and the "marketing board." This section is further violative of the equal protection clause of the 14th amendment to the United States Constitution.

3. Section 4 is in violation of the due process clause of the 14th amendment to the United States Constitution. The Forest Commissioner, with the approval of the marketing board, can arbitrarily stop issuing permits if he feels that the 'industrial, commercial or economic conditions' of the state so warrant. Once again, this is not a rational basis under which the police power of the Legislature can be invoked. As such, this section is in violation of both the due process and equal protection clauses of the 14th amendment.

Time does not permit a more comprehensive analysis of this bill and its constitutional implications.

Sincerely yours,

(Signed)

Wayne B. Hollingsworth  
Assistant Attorney General"

Mr. President and ladies and gentlemen of the Senate: I see this letter refers to L. D. 1332, but there is so little difference in the new draft that it is all aiming at the same thing, so therefore I hope that the Senate will go along with the acceptance of the "Ought not to pass" report of the Natural Resources Committee.

Mr. CYR of Aroostook: Mr. President and members of the Senate: This bill was presented by me in an attempt to stop or at least to control the exportation of logs in the log form to Canada. I think there is a problem, which I will attempt to show to you, that needs our attention.

If we look at the 1961 statistics on hardwood timber cut in Aroostook County we find that the total cut for 1961 was 35,288,000 board feet of hardwood. Out of this 13,352,000 feet moved to Canada. During the same season in 1961 in the softwood timber cut Aroostook County cut 91,442,000 feet. Out of this 67,837,000 feet went to Canada. In my own section we are very close to this and it is also quite a problem to us. We see our natural resources being exploited, being depleted, without offering any job op-

portunities to our people. We have many Canadian operators that come on our side of the border with their own crew, their own equipment, their own trucks, cut the logs, haul them across and semi-finish or process those logs in Canada.

Now the problem boils down to a wage differential. In Canada they can get a man for thirty-five or forty dollars a week and work him sixty hours. The American operator cannot do that, so consequently we see our logs being moved across the line and being processed in Canada, and then we in turn have traced back most of the products that have been semi-processed to the American market. In the hardwood operation, for instance, we have had DED make a comprehensive study as to what happens to the logs that are transferred to Canada, and in many cases they have found that these appear on our market in the furniture centers.

I would also like to quote this paragraph:

"Approximately 25 per cent of the total volume of the standing timber in Maine is located in Aroostook County, yet Aroostook County has less than six per cent of the woodworking industry and less than ten per cent of the sawmills in the State."

We have seen many of our small sawmills disappear in the area because they cannot compete with their Canadian competition. Through our Industrial Department we have tried to encourage or bring small woodworking industries into the area, and every time we are bucking the same proposition. They cannot compete with the cheap labor in Canada.

Now this bill, L. D. 1525, attempts to limit the exportation of logs in the log form. We recommend that it should be semi-processed here in the State. Now by semi-processed it may be long lumber that is in the semi-processed stage or it may be furniture stock. In this bill we have put this under a permit or license system. The Forest Commissioner would issue the license. Then we also create the Forest Products Marketing Board, made up of the Commissioner of DED or his representative, the head

of the Forestry Department at the University of Maine or his representative, the head of Extension Service in the Area or his representative, and then four members, two chosen by the Forest Products Council of Maine, which represents the industry, and two appointed by the Governor. Now this board would act as an advisory board to the Forest Commissioner and it would also act as a board of appeals. If somebody's license has been rescinded he may appeal to this board, so you have a safety clause there. Then I also introduced in Section 4 what I call a flexibility clause. In case this legislation should create economic hardship, through this flexibility clause they may adjust the situation, they may relax the regulations. I am thinking particularly of the first two, three or four years before woodworking industry projects can be introduced into this area and take up this market. In that case the Forestry Commissioner may, through this clause, release a certain amount of the timber to be taken across. Also in areas such as the western part of the State, in the Daaquam area where there is no American community, there is no railroad and no road on the American side, through the flexibility clause they may issue permits without regulation. Also in the section of the Blue River, where you are facing the same situation of no American community and no railroad and no road, you can still harvest your crop to Canada, thereby allowing the timber owners to harvest their crop when it is ready to be harvested. It offers a market for them, so through this flexibility clause I feel nobody would be hurt.

Now you just heard commentary in regard to the constitutionality of this law. In this redraft most of this has been taken care of. Instead of having the timber processed or semi-processed within the State of Maine, which would interfere with the interstate commerce, this has been corrected to partially work within the United States, therefore you are not controlling interstate commerce in any way whatsoever.

In regard to forcing people to do certain things that possibly they do not want to do without due proc-

ess of law and so forth, I brought the commentary at the hearing: that this was no different from the Fernald Law which restricted exporting of power outside of the State of Maine. That stood on our books for fifty years, and, as you know, it is only four years ago that this law was taken off the books, but it was not taken off the books because of constitutionality, it was taken off the books because it was no longer needed.

Now I hope that the motion of the good Senator from Oxford, Senator Ferguson, does not prevail, and if his motion does not prevail I will make a motion to accept the minority "Ought to pass" report for the purpose of offering an amendment. The original of the amendment is on my desk, and I notice that it has not been reproduced as yet, but my amendment is to restrict this and apply it only to Aroostook County. It seems that Aroostook County is the county that is hit the most by these goings on. I have a letter from a large company that has just settled in Presque Isle advising me that they are very much in favor of this legislation. There is an outfit in Fort Kent which, if this law is passed to regulate the exportation of our logs in log form, is ready to go ahead with a million-dollar sawmill. This operation depends on whether this law passes or not, for the reason that he had had his market surveyed and if cutting and exportation is allowed to continue the way it is now he figures he won't be able to amortize his cost before his raw material is depleted. It is that important to us. People have made the comment to me that this law should have been on our books ten years ago. What is happening now is that the annual cut is smaller than the annual growth but our best timber is being depleted, our best hardwoods particularly. They just come in and cut the best ones and the hardwood is being depleted faster than the annual growth. It is not in the softwood, but there again they are just picking out the best timber that we have, and if this is allowed to continue you will find that within ten years from now Aroostook will not any longer have the natural resource of forest prod-

ucts to attract any industry. I hope that the motion by Senator Ferguson does not prevail.

Mr. FARRIS of Kennebec: Mr. President, I would like to inquire through the Chair as to whether the Senator from Aroostook, Senator Cyr, has discussed these other matters that apparently have not been brought within the constitutional limitation as has apparently a part of the problem which the Attorney General mentioned with reference to his opinion on the original bill.

The PRESIDENT: The Senator from Kennebec, Senator Farris, poses a question through the Chair of the Senator from Aroostook, Senator Cyr, who may answer if he chooses.

Mr. CYR: Mr. President, I have had the constitutionality studied and I have heard conflicting reports by several members. For instance, when I brought in the Fernald Law they were all surprised that this applied to a similar product, the exportation of power. Also, I am told that this law, if it was to apply on timber that is already cut, would not be constitutional but these regulations on timber that has not been cut — you apply for a license and you have a license issued and there is a regulation in regard to exportation, then you are not in personal conflict with the individual. Also, I am told that some of the powers that apply to zoning for the public good, the powers referring to the public good, which this would be, would also apply in this case. Now I do not have a legal mind and I cannot debate the legality of the thing, but I am also told that there are several laws on our books that if they were to be brought before the Supreme Court would probably be declared unconstitutional. So why not have another one that would bring all these job opportunities to the people. We are spending a lot of money in DED trying to bring job opportunities to the people of Maine, and here we have an opportunity to create a lot of jobs in Maine. I think there should be certain regulations in regard to this exportation. On the counterparts of Aroostook County in Canada they have depleted the forest products, and

that is why they are over on our side. They are a lot smarter than we are because they know where to go for the product, and they bring it back home and make a good thing of it, and it is up to us to look out for our own interests. I don't know whether I have answered satisfactorily the legal part of the thing and I do not intend to get into a legal debate, particularly with Senator Farris.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I would like to call your attention to Section 2 of the new draft which deals with permits required: that a permit from the Forest Commissioner would be required and application would be made upon blanks prepared by the Commissioner for the purpose of giving the names of the owners and location of lots to be cut and a description, and an estimate of the amount of wood products to be removed and those left as growing stumps. This is a very difficult thing to comply with. It is certainly difficult for many farmers throughout the State of Maine who own woodlots to go out and pinpoint a given lot. Where they have a corner lot with outside lines to the abutting owners this would not be a problem, but certainly it would be a problem to comply with some of these requirements written into the new draft, L. D. 1525.

As you notice, under Section 9 there is a penalty for violation: "Whoever violates this chapter shall be punished by a fine of not less than \$500 or not more than \$2000." I am afraid that some of these people will go out and cut a few thousand feet of lumber this year to pay their taxes and other things will get slapped with a \$2000 fine or six months in jail if it is not paid, and it will not be very pleasant and I feel there will be quite a lot of repercussions in the legislature.

In Aroostook County I do think possibly they have a problem, but I should not say this is the approach to it. You have got quite a lot of over-matured lumber there. I have seen it myself. It is lumber that should have been cut forty or fifty years ago. It is just waste and they are cutting it down at

quite an expense to the operators, which still makes my objection to this bill much more binding. In regard to the labor market and creating jobs, I was up on the Allagash area last year and talked to one of the operators up there, and he told me that some of these fellows who come across from Canada make up to \$200 a week on a contract basis. That is the way they are doing it. It is also difficult to go anywhere, not only in that section of the State of Maine but in other sections, and to get the type of people that are going to do this type of work. They just do not want to have anything to do with it, and if this lumber is going to be harvested you have got to go to Canada and get these people who will accept those jobs. With these remarks, I hope that you will go along with my motion.

Mr. CYR of Aroostook: Mr. President, first of all this does not affect the Canadian laborers whatsoever. The law does not prevent the Canadian laborers from cutting lumber. Now in this Section 2 the home owners, the farmer that has a woodlot does not have to get a permit to cut his own woodlot for his own use because that is waived. If the fines seem to be too high, that can be reduced and I can reduce it in my amendment that I will present for making this applicable only to Aroostook County.

Mr. CRAM of Cumberland: Mr. President and members of the Senate: I have not made a study of the constitutionality of this law but it seems to me we could well use such a law in the state. I know there are many timber operators who will go in and cut woodlots to such an extent that after it has been cut it would make better blueberry land than anything else. They leave nothing for reseeded or reforestation. You should know, if not by training at least by observation that a lot can reseed itself with white pine to make a profitable stand in forty or fifty years, whereas if the lot is cut so bad that nothing comes in but scrub growth it may be a hundred years before there is another profitable crop on it.

I think we would have to believe that this law would be administered

reasonably by the Commissioner. I do not think you should go on the assumption that the Commissioner would be unreasonable, because he would certainly make himself very unpopular in a short period of time. Therefore I think it would be a good idea to have such a law on the books and try it out for a time and after it has been on the books for a short time modifications would be made, but our forest resource is one of our outstanding resources and this law could certainly be administered in such a way that much more wood could be produced, and much more timber and lumber produced in this state.

Mr. REED of Sagadahoc: Mr. President and members of the Senate: I signed the "Ought not to pass" report and I feel that so far as Sagadahoc County goes it should be "Ought not to pass." I think that they do have a problem in Aroostook County however. One of the things that bothers me is that we do not have the roads that we should up there and I believe that some of the mills are not quite as efficient as they should be. However, I have not been there to look them over. I do feel that if the Aroostook delegation is solidly behind this thing and would like to try it for several years I personally have no objection, and therefore I would go along with Senator Cyr if he would like to amend this to strictly Aroostook County.

Mr. LOVELL of York: Mr. President and members of the Senate: I believe there has not been a division requested, so I would like to request a division.

I would like to say that the Committee on Industrial and Recreational Development held a public session in Houlton in Aroostook County and this was discussed at great length. I think that the majority of the committee felt that this was a problem and that it was costing Maine hundreds of jobs and probably millions in cash and in our over-all economy. Now whether or not this is constitutional can be decided later, but I would like to go along with the "Ought to pass" report and an amendment can be put on and it can be judged at a future time. As far as having it just for Aroostook County, I think that is

good, because I think in many cases if we had cut off Aroostook County on some bills we might have been better off, but if this is just for Aroostook County there certainly is no problem for the rest of us, so I would like to go along with Senator Cyr on this.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Ferguson, that the Senate accept the Majority Ought Not to Pass Report. 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, on motion by Mr. Cyr of Aroostook, the Minority Report, Ought to Pass in New Draft was accepted, the bill read once, and on motion by Mr. Edmunds of Aroostook, the bill was tabled pending assignment for second reading and was especially assigned for Friday next.

The PRESIDENT: The Chair is happy to recognize in the Senate Chambers a former Senator from Sagadahoc County, Howard Mayo. (Applause)

The President laid before the Senate the 2nd tabled and today assigned item, (H. P. 1015) (L. D. 1469) Bill, "An Act Authorizing Forest Commissioner to Permit and Regulate Dredging in Great Ponds"; tabled on April 30 by Senator Couture of Androscoggin pending adoption of House Amendment A; and that Senator yielded to Senator Stitham of Somerset.

Mr. STITHAM of Somerset: Mr. President and members of the Senate, I have done quite a bit of studying on this particular matter and I think I have something worked out, if the Chair will bear with me on the matter of procedure. First, I ask that the rules be suspended for the purpose of reconsidering our former action whereby we indefinitely postponed House Amendment B.

The motion prevailed, the rules were suspended and the Senate voted to reconsider its former action whereby it indefinitely postponed House Amendment B.

Thereupon, on further motion by the same Senator, House Amendment B was adopted and the same Senator presented Senate Amendment B and moved its adoption.

The Secretary read Senate Amendment B - S-202.

Which amendment was adopted.

Mr. STITHAM of Somerset: Mr. President, may I now inquire as to the status of House Amendment A.

The PRESIDENT: The Chair would reply that this item was placed on the table on April 30 pending adoption of House Amendment A.

Thereupon, on motion by Mr. Stitham of Somerset, House Amendment A was adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 477) (L. D. 1323) Senate Report, Ought to Pass in New Draft same Title from the Committee on Labor on Bill, "An Act Revising Certain Laws Under the Workmen's Compensation Law"; tabled on May 2 by Senator Johnson of Somerset pending acceptance of the report, and on further motion by the same Senator, the bill was retabled and especially assigned for Tuesday next.

The President laid before the Senate (S. P. 241) (L. D. 615) Resolve in Favor of Allie P. Lewis of Palmyra for Property Damage; tabled on May 3 by Senator Johnson of Somerset pending motion by Senator Hichborn of Piscataquis to indefinitely postpone; and Senator Johnson of Somerset moved the pending question.

Thereupon, the resolve was indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate Item 1-1 on today's calendar Bill, "An Act Providing for Safety Belts for Automobiles and School Busses" (H. P. 996) (L. D. 1437) tabled earlier in today's session by Senator Johnson of Somerset pending adoption of Senate Amendment B; and that Senator yielded to the Senator from Cumberland, Senator Porteous.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I apologize for not having scrutinized the amendment which was offered earlier which left school busses in the bill, and I thank the Senator from Aroostook, Senator Cyr for calling that to my attention. I would call your attention to Senate Amendment C, S-201, which is the same as Senate Amendment B except that it removes school busses from the amendment. Under suspension of the rules I would therefore move that the Senate reconsider its action whereby it adopted Senate Amendment B.

The PRESIDENT: The Chair will advise the Senator from Cumberland, Senator Porteous, that we did not adopt Senate Amendment B, and the Senator may withdraw his motion or Senate Amendment B may be indefinitely postponed.

Thereupon, on motion by Mr. Porteous of Cumberland, Senate Amendment B was indefinitely postponed.

The same Senator presented Senate Amendment C.

The Secretary read Senate Amendment C.

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

Mr. FARRIS of Kennebec: Mr. President, may I inquire as to the status of Item 6-14? I understand that this body rejected the report of the Committee of Conference and has requested a new committee. I would move that the bill be tabled and especially assigned for one week from today.

Mr. WHITTAKER of Penobscot: Mr. President, I request a division.  
Senate at Ease

Mr. FARRIS of Kennebec: Mr. President, I request permission to withdraw my motion to table Item 6-14.

There being no objection, the motion was withdrawn.

The PRESIDENT: The Chair will inform the Senate with regard to L. D. 87, An Act Relating to Purchase of Lands by Atlantic Sea Run Salmon Commission, the Chair appoints Senator Wyman of Washing-

ton, Atherton of Penobscot and Sproul of Lincoln. In connection with the Communication on the Maine Civil War Centennial Commission, the Chair appoints the Senator from Aroostook, Senator Christie.

On motion by Mr. Brown of Hancock, the Senate voted to take from the table the 49th tabled and unassigned item (H. P. 475) (L. D. 678) House Report, Ought to Pass with Committee Amendment A from the Committee on Education on Bill, "An Act to Create a Mount Desert Island Regional School District"; tabled by that Senator on April 26 pending acceptance of the report; and that Senator yielded to the Senator from Hancock, Senator Kimball.

Mr. KIMBALL of Hancock: Mr. President, ladies and gentlemen of the Senate, there are times when each of us is faced with a very difficult decision. This is one of the occasions where I feel faced with a very difficult decision. For fourteen years, I have worked with a group that has been very anxious to support and engender a school on the secondary level for Mt. Desert Island pupils. I am very much in favor of this school and continue to be, yet when the bill was drawn up and heard before the Committee on Education, a large group of Southwest Harbor people came in with the plea that they not be included in this vote which would call for a vote in each of the four towns, and which in turn would be simply permissive legislation to let them consider this bill.

At this time I appeared as a proponent for the school yet offered regretfully a suggestion to the committee to bring out a Committee Amendment omitting the town of Southwest Harbor from the consideration at the present time. The reason behind that is a little odd. It is because there is a very large group in the town of Southwest Harbor that does not want to have to consider the possibilities of what it would mean to have this vote come before this town meeting. They have had very unpleasant experiences in the past three times when they have been called upon to vote. As



a record of their vote, the first time they voted almost two to one against being included in this school. The next time they voted two to one against being included. The third time they voted it was by a vote of approximately three to one. In the process of the vote, feeling was so engendered in the town that brother wasn't speaking to sister, the business man who appeared on one side of the question was carefully avoided by people, as far as business was concerned, who had voted or were interested in the other side. It was an extremely savage reaction to the question of the bill.

When such a large group appeared at that meeting still feeling as they had before that the bill would be defeated if it were to come before them in referendum on their calendar for a town meeting and knowing from questioning that it would be possible for them to join in at a later date should they be interested, I felt that the only reasonable way of preserving the bill and trying to keep going with the school was to have the other three towns of the island vote at that time.

The Committee came out with a unanimous report favoring the idea of allowing the island communities to establish a school union rather than a district and brought out a Committee Amendment omitting the name of Southwest Harbor from voting on that particular item. As it has come to us, the Committee Amendment has been voted out and indefinitely postponed and an additional amendment has been added which would extend the time from a three year period to a four year period. Trying to get the sentiment of the local voters and get the feeling, my colleague, Senator Brown, has held the bill here as you know since the 26th day of April and in that approximately a week's time I have kept a running count of what has come in as far as concerns letters, telephone calls and so on with regard to the people of Southwest Harbor and their interest in the bill. I will call to your attention that to this point I have received 54 communications, by letter, telephone and telegram

in favor of retaining the Committee Amendment. I have received 49 communications in favor of omitting the amendment. In addition to that I have received a list of names from Southwest Harbor people with a total of 315 names asking to be excluded from having to vote on this situation.

I am in the unfortunate position of being very interested in the school and in the bill and yet I feel, very regretfully again, that I must urge upon the Senate to accept the Committee Report which would retain the amendment in non-concurrence with the House.

Mr. LOVELL of York: Mr. President, it is out of my territory but I would like to ask through the Chair a question of the Senator from Hancock, Senator Kimball, whether or not this is a secret ballot when these people vote. I believe in local referendum. I think most everybody does here. I think the people should have a chance to vote. Is this a secret ballot so that it won't cause any hard feelings or fights in the area, allowing the people to vote on it?

The PRESIDENT: The Senator from York, Senator Lovell poses a question through the Chair to the Senator from Hancock, Senator Kimball who may answer if he chooses.

Mr. KIMBALL of Hancock: Mr. President, I would answer at this time that Southwest Harbor at long last has adopted the secret ballot in its last town meeting so at this time it would be by secret ballot.

Mr. LOVELL of York: Mr. President, if the delegation from Hancock County in the other body seems to be for allowing the people the privilege of voting on this, I think we should not go against democracy to that extent.

Mr. WYMAN of Washington: Mr. President, I would like to ask a question through the Chair if anyone cares to answer. If Southwest Harbor should vote against this and the rest of the towns in the district vote for it, would Southwest Harbor be forced into the district even though they voted against it?

Mr. KIMBALL of Hancock: Mr. President, that is an easy question to answer. Southwest Harbor would not be required to be in the district

if they voted against it, and what is more, the other three towns would then again be able to have an additional vote should they so choose to be able to go into a district of the three towns omitting Southwest Harbor. If I may I will add that the question is not of whether or not the vote would come out one way or the other. Again I say this is permissive legislation. My only basic reason for urging retaining the Committee Amendment is the intense feeling in the town and the feeling of literally fear on the part of many people that this will come back before them and will again bring all the repercussions that it has in the past.

Mr. WHITTAKER: Mr. President, I rise with some reluctance on this matter, but it does seem to me that someone on the Committee on Education should say a word or two. This was a difficult question when it was considered by the committee and while it was a unanimous report, I for one was somewhat reluctant about suggesting that we should deny these people of Southwest Harbor who wanted to vote, an opportunity to do so. I hesitate to express any strong opinion in the matter but upon reflection it seems to me, even though I may be opposing the position of the Senator from Hancock, Senator Kimball, that all things considered, in a democratic form of government, those who want an opportunity to vote for this school should have an opportunity to do so. I am moved in this direction in part by the position of the representative of the town involved, who has taken a very strong position that his people should have an opportunity to vote.

Mr. LOVELL of York: Mr. President, I request a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Kimball, that the Senate accept the Ought to Pass report of the Committee. 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.

Mr. FARRIS of Kennebec: Mr. President, do I understand correctly

that we have just defeated acceptance of a bill without reaching the point of voting upon an amendment so that they cannot have a district in the other towns?

The PRESIDENT: The Chair will inform the Senator that the question before the Senate was on the acceptance of the Ought to Pass Report of the Committee, which failed of passage by one vote.

Mr. STITHAM of Somerset: Mr. President, having voted with the majority, I now move reconsideration of the last action.

The motion prevailed and the Senate voted to reconsider its action whereby it failed to accept the Ought to Pass report of the Committee.

Mr. STITHAM of Somerset: Mr. President, as I understand it, if we vote to accept the Committee Report — and Mr. President, I ask for information — if we vote to accept the Committee Report, then we still will have the question as to the amendment? For that purpose I now move acceptance of the Ought to Pass report of the Committee.

The motion prevailed, the Ought to Pass report of the Committee was accepted, the bill read once and Committee Amendment A was read.

Mr. STITHAM of Somerset: Mr. President, I now move the indefinite postponement of Committee Amendment A.

Mr. KIMBALL of Hancock: Mr. President, I request a division.

Mr. CRAM of Cumberland: Mr. President, I am wondering if we are talking about Senate Amendment, H-298 which does not appear to say anything about Southwest Harbor. Would somebody explain this?

The PRESIDENT: It is the understanding of the Chair that the amendment now under consideration is the Committee Amendment A, H-287, and the question before the Senate is the adoption of Committee Amendment A, H-287, and a division has been requested.

Mr. HICHBORN of Piscataquis: Mr. President and members of the Senate, the good Senator from Penobscot, Senator Whittaker has indicated previously that this was a

very touchy problem and it received a lot of consideration by the Education Committee. One of our objectives, quite naturally, is an improvement in educational programs and standards throughout the state. The Committee as a group I am sure is very much interested in the formation of districts where they have a reasonably good chance of success. There was no desire on the part of the committee to withhold a voting right or privilege from anybody but it was called to the committee's attention that this community had already voted three times and that the third vote was even more decisive than the first two. There was a sizeable delegation in appearance at that hearing opposing the inclusion of Southwest Harbor in this proposal and since that hearing was held I have had a number of letters and calls from people opposed to the inclusion of Southwest Harbor. We have a petition signed by over 300 residents of Southwest Harbor and it was the committee's thinking at that time that if we could forestall any complications for the future, that it ought to be done. Under the present law it would be very easily possible for Southwest Harbor to be left out of this bill and yet to be a part of this district in a matter of a few weeks. If the other three towns form a school administrative district and Southwest Harbor wishes to be included, all they have to do is to have a vote of their people to request inclusion in the district at any later date. This needs to be approved by the school district commission which no doubt would approve it and then if the other three towns already in the district vote to accept them, they are in the district. It did not seem that we were denying unfairly a right to vote. We were trying to prevent trouble.

Mr. LOVELL of York: Mr. President, it has come to my attention that at that hearing there were 35 from Southwest Harbor that were against the bill and there are 941 registered voters in Southwest Harbor. I still feel that we should have democracy and allow, as the good Senator from Penobscot, Senator

Whittaker, has said, allow the people the right to vote on this.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Stitham, that C o m m i t t e e Amendment A be indefinitely postponed in concurrence. A division has been requested.

A division of the Senate was had. Fourteen having voted in the affirmative and eighteen opposed, the motion did not prevail.

Thereupon, Committee Amendment A was adopted.

The Secretary read House Amendment A.

Mr. LOVELL of York: Mr. President, I am seem to be lost. Is House Amendment A the one that we are now to vote on, is that the amendment that will allow Southwest Harbor to have their proper rights?

The PRESIDENT: The Senator from York, Senator Lovell, poses a question through the Chair to any Senator who may answer if they choose. The question now before the Senate is the adoption of House Amendment A.

Mr. KIMBALL of Hancock: Mr. President, to try to help out the apparent confusion. House Amendment A simply extends the time that this bill may be considered by the local towns, from a two year period to a four year period. Committee Amendment A is the one that excludes Southwest Harbor from being included in consideration of this bill.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment A?

Mr. KIMBALL of Hancock: Mr. President, I will again speak for a moment on this question. Many of the people who are worried about having Southwest Harbor included have also stressed the fact that were this amendment to be accepted it would prolong the agony, as they put it, for an additional two years and they were very much against it. I am in a position where I don't know which way to vote but in consideration of the very fact that they do not want to be in, I assume my logical motion would be to move the indefinite postponement of House Amendment A and I so move.

Mr. BROOKS of Cumberland: Mr. President, I request a division.

A division of the Senate was had.

Twenty-five voted in the affirmative.

Mr. LOVELL of York: Mr. President, I am confused on this. May we have a few minutes recess? I don't know what I am voting on.

The PRESIDENT: The Chair will inform the Senator respectfully that a vote is in the process of being taken and his request at this time is out of order.

Mr. LOVELL of York: Mr. President, would a request to table until later in the day be in order?

The PRESIDENT: The Chair replies in the negative. Those opposed to the motion to indefinitely postpone, will rise and stand in their places until counted.

Mr. LOVELL of York: Mr. President, there are a number of Senators who did not vote.

The PRESIDENT: The Chair declares the vote invalid.

Mr. STILPHEN of Knox: Mr. President, now that we are not in the process of taking the vote, I move that this be tabled until tomorrow.

The motion prevailed and the bill was tabled pending motion by Senator Kimball to indefinitely postpone House Amendment A. and was especially assigned for tomorrow.

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On motion by Mr. Hinds of Cumberland, the Senate voted to take from the table the 55th tabled and unassigned item (HP 610) (LD 845) House Reports from the Committee on Public Utilities on bill, "An Act Transferring South Portland Sewerage District to City of South Portland"; Report A, Ought to Pass as Amended with Committee Amendment A; Report B, Ought Not to Pass; tabled by that Senator on April 30 pending acceptance of either report; and on further motion by the same Senator, Report A was accepted, the bill read once, Committee Amendment A read and adopted and the bill as amended tomorrow assigned for second reading.

On motion by Mr. Brooks of Cumberland, the Senate voted to take from the table (S. P. 180) (L. D. 479) Senate Report from the Committee on Labor on Bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law": Majority Report, Ought to Pass; Minority Report, Ought Not to Pass; tabled by that Senator on February 26 pending motion by Senator Whittaker of Penobscot to accept the Ought to Pass report.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, I have among my friends, persons who have and are practicing the art of chiropractic treatment and I am sure that with the training they have had and the work that they do they are serving their purpose here in this state. However this bill has nothing to do with the practising art of doctors of chiropractic. This bill is specifically related to their practising under Workmen's Compensation Laws in the State of Maine, and my interest, as it must be, is for the welfare of those persons who benefit under this Workmen's Compensation Law which is a child of the state.

I would like to cite an example if I may. Perhaps one of the more commonly known injuries sustained today under Workmen's Compensation as under other general areas is the back injury. We all know a back injury can be the result of nothing more than a strain or sprain or it can be a prior and more complicated injury, the cause being something of an internal nature.

I would simply like to bring to your attention, ladies and gentlemen, that chiropractors are not qualified to make internal diagnosis nor are they legally allowed in this state to make internal diagnosis and for those reasons I rise in opposition to the motion of the Senator from Penobscot, Senator Whittaker that we accept the Ought to Pass report and I request a division when the vote is taken.

Mr. WHITTAKER, of Penobscot: Mr. President and members of the Senate, it is not often that I rise

in opposition to my good friend, the Senator from Cumberland, Senator Brooks, but in this particular case, as the sponsor of this bill, I must speak in support of the motion which is to accept the Majority Report of the Committee. May I first express my disagreement on the point elaborated by Senator Brooks. The question before us does involve the Workmen's Compensation Act, to be sure, but it also involves the right of those who are licensed by the state to engage in the practise of chiropractic. I would argue that if chiropractors are licensed by the state, as they are, to engage in the practice of chiropractic, there is no logical reason to exclude them from treating those who need attention under the Workmen's Compensation Act.

Now I do not wish to become involved nor have I become involved at any time in the question concerning the relative medical or professional competence of medical doctors versus chiropractors. Before I agreed to sponsor this bill, I discussed its contents with three good friends who are medical doctors. I found that one of them was very definitely opposed to this bill. The other two were quite relaxed about it. Based upon this information and in view of the fact that I had been asked to sponsor this legislation by a good friend who is a respected chiropractor in the Bangor area, I did present this bill for consideration.

I should like to make just two points. The State of Maine through its statutes, notably Chapter 72, Sections 4 and 5, carefully describes the art of chiropractic, it sets educational requirements, the law is here before me and I am sure you can read it as well as I, but I would call attention to certain provisions in the law. Certificates for the practice of chiropractic are to be issued under Sections 4 and 5 of Chapter 72 only upon the basis of an examination and upon completion of educational requirements which at the present time and since 1957 have required two years of general college education

plus four years of professional training in the particular art of chiropractic. This, I maintain, is a relatively high standard of educational requirement. During the course of preparation for this particular profession the candidate is required to pass examinations in such subjects as anatomy, physiology, symptomatology, hygiene, sanitation, chemistry, pathology, bacteriology and several other subjects. All of these are prescribed in the law.

The law also provides in Section 8, Chapter 72 that there will be penalties for exceeding the limits of chiropractic into the field of "treating diseases of the human body". Thus protection is written into the law and those who engage in chiropractic are prohibited from extending their activities beyond their particular field. The bill under consideration L. D. 479 makes this point quite clear by its wording. "Chiropractic treatment shall not be defined as the practise of medicine or surgery". I maintain, ladies and gentlemen of the Senate, that the law properly prescribes training for those who would engage in the practise of chiropractic, the activities of those in this profession are carefully prescribed. Educational requirements have been made of them ever since the state of Maine along with most of the other states, forty in number at least, decided to issue licenses to practice to chiropractors. There is no valid reason to deny these men the right to treat cases which come to them under the Workmen's Compensation law.

My second point is a much briefer one. I believe that there is involved in this particular question before us, the right of individual freedom. It seems to me quite clear that if an employer or an employee desires to engage the services of a chiropractor, a chiropractor who is licensed by the state, that employer or that employee should under all constitutional guarantees in our nation, have that right. I therefore hope that my motion may prevail.

Mr. LOVELL of York: Mr. President, I hate to disagree with Senator Whittaker of Penobscot,

but I would like to point out that I have had a number of physicians contact me in regard to this bill and I would like to point out that a physician has to go eight years to college and serve two years internship instead of two years to college and four year practical training that the chiropractor has. Now I think that this is not against the rights of citizens. I think citizens need to be protected for their health and that they should go to a licensed physician who has these years of experience.

The past president of the Maine Medical Association stated to me that a patient had gone to a chiropractor for a deep seated bone injury and had been treated by the chiropractor for some time and finally came to the physician. They discovered that it was bone cancer and the patient died.

Those facts can be verified.

If there was an amendment to this bill, and some physicians have mentioned this to me, if there was an amendment stating that the person, after being X-rayed and treated by the physician and found that chiropractic treatment, they in many cases, in my own particular community for instance, have referred the cases to the chiropractor. But this does not so state. In this, a person with a broken neck from injury could go to a chiropractor and get chiropractic treatment or massage and could well break it more. That's my understanding.

As far as getting paid is concerned, I do understand that chiropractors under Workmen's Compensation are not supposed to be paid but in most cases they are paid if the person, the worker so requests of the insurance company. The insurance companies have paid the chiropractors. So I feel that at this time I would like to move indefinite postponement of the bill and all its papers.

Mr. HINDS of Cumberland: Mr. President, ladies and gentlemen, I certainly concur with the remarks made by Senator Whittaker of Penobscot. This bill was heard before the Labor Committee and had a good hearing. The only opposition at the hearing to this bill, or at

least a large part of the opposition were lobbyists for the insurance companies. At that time I asked these people if this would mean an increase in cost to them if chiropractors were allowed to come under Workman's Compensation. I was answered, No, it would mean no increase in cost but I think we have found out since that perhaps it would mean a little increase in cost to them and perhaps this is one of their reasons in objecting to this. I don't think this has anything to do with extending the practice of a chiropractor whatsoever. I think all we are asking here is to allow patients of chiropractors who wish to go to them for treatment of back injuries, to collect under Workmen's Compensation.

We were presented at the hearing with several photostatic copies of checks of several insurance companies that do recognize chiropractors treatment now and the photostatic copies were shown to us that they have paid chiropractors for their treatment here in the State of Maine. It seems that there are only four states left that insurance companies are fighting chiropractic treatment and this type of bill. I would hope the Senate would be just and fair and go along with this measure.

Mr. ATHERTON of Penobscot: Mr. President and members of the Senate, I just want to say very briefly, one thing. When I was a member of the other body I introduced this very legislation myself. I do not know of anything I can add to the remarks already made by the good Senators Whittaker and Hinds, but I still feel that this is legislation that should be adopted and I concur with all their remarks.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, this bill has been debated in past sessions. It was defeated in the last session and I think nothing has changed since then. Except for the demise of chiropractic as a way of treatment in the State of Maine through the findings of people that this is not, and is so treated in the law, not in any way the practice of medicine or surgery. That is stated in the bill. "Chiropractic treatment shall not be defined as the

practice of medicine or surgery.” I am very favorably impressed by the medical climate in the State of Maine, by the type of doctors that we have in the state, by their honesty and integrity, by the treatment they have given people of the state and people from outside the state.

I am often very pleased when people from areas such as New York, Philadelphia, Boston, who are here visiting or for the summer say that one of the things that gives them the greatest confidence coming to the State of Maine, is the high level of medical treatment they are able to obtain here while in the state.

Therefore it is with sincere thoughts on the subject that I give their point of view that the chief argument against granting of the privilege of treatment by chiropractors in workmen's compensation cases, is that they have no diagnostic capability. In these interior injuries in the spinal section, they just do not have that. If we are talking about protecting the working man of the state, this should be of prime consideration. Certainly they have done good work in their field of relieving pain and pressure by their methods but in this particular instance, the three words, “No diagnostic capability” are important. I think this bill should be defeated.

Mr. WHITTAKER: Mr. President, I have no further comment on this bill; I simply rise to request a division.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, I rise merely to concur in what has been already stated in favor of this bill. It is a fair bill and a just bill. The history since 1945 on six occasions that this measure has been brought before the legislature has been that it has passed in the Senate three times and failed in the House, and conversely on other years it has passed in the House and failed in the Senate. It certainly demonstrates the amount of work done by opponents to this particular measure.

I would like to point out, however, that under the Workmen's Compensation Law, if an employer wishes to have his employee examined or

treated by a physician or someone other than a chiropractor, he has that right to send the employee to a medical doctor for examination and failure of the employee to cooperate could result in suspension of his workmen's compensation benefits.

Certainly the chiropractic profession over the years has substantially upgraded its standards and it deserves to take its place in the State of Maine for treatment under the Workman's Compensation Act as is accorded it in practically all other jurisdictions and I would sincerely hope that at this session that this measure which had the support of the majority of the committee and which in the past on many occasions has had the majority support of the Labor Committee be passed by this body and the other body and at long last the chiropractor will be fully recognized as he so richly deserves.

Mr. PIKE of Oxford: Mr. President and fellow Senators: My very good seatmate and fellow Senator from Oxford County, Norman Ferguson and I have missed only one session, I think, since the time when our present Governor was a freshman at the other end of the corridor. We were there with him as well as Senator Paul Couture of Lewiston, and I think there have been very few sessions when we haven't had this bill. Perhaps one or two sessions have gone by without it and it has always been defeated. Now this proves one thing to me very conclusively, and that is that these chiropractors have a lot of sticktoitiveness. I always respect anybody who has that element because they are always sure to sometime win. Now of course we know that the biggest part of the regular M. D.'s do not care for this bill. We know that Tom Weeks does not care for it and many of the insurance companies do not care for it.

I have always had a soft spot in my heart for the chiropractor. Back some years ago Mrs. Pike had something happen to her all of a sudden with her back and she was in terrible agony. We have as good a regular M. D. as there

is in this part of the state, and the only thing he could do was to give her a little dope. We got her into an automobile with pillows and blankets and one thing or another and got her to one of these chiropractors. After we got her into the office and on the table I do not believe it was ten minutes before she came out smiling and she has been smiling ever since.

Now I wish we could surprise these little fellows just a little and pass this bill at this time, because I think they are entitled to it. I am going along with the Senator from Penobscot, Senator Whitaker on this thing and I am sorry to oppose the Senator from York, Senator Lovell.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate: I have enjoyed the past few minutes in listening to the platitudes passed out in favor of chiropractors and I am inclined to agree they are very fine fellows and that they are well qualified in the type of work which they are trained to do.

It has been mentioned here this morning that the insurance companies are very much upset. I can see no advantage or disadvantage one way or the other so far as the insurance companies are concerned. I personally am not interested in their feelings. It goes much deeper than that. I am quite sure, as Senator Pike of Oxford has

stated, that his wife received very good treatment from a chiropractor, and I am sure many other people have done so of their own free choice. We are not dealing here this morning with the authenticity of the practice of chiropractic in this state; as I said earlier, we are dealing with their practice under Workmens Compensation law of the State of Maine. I want to leave with you ladies and gentlemen of the Senate with this thought: they are not qualified to diagnose internally and they are not allowed to do it. Under the Workmens Compensation law we are delegated in this body to protect the workers in the State of Maine.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from York, Senator Lovell, that the report and bill be indefinitely postponed. A division has been requested. All those in favor of the motion will rise and remain in their places until counted.

A division was had. Seventeen having voted in the affirmative and fifteen in the negative, the motion prevailed and the report and bill were indefinitely postponed.

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On motion by Mr. Edmunds of Aroostook, Adjourned until 10:00 A. M. tomorrow.