

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

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and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Wednesday, May 15, 1963

Senate called to order by the President.

Prayer by Rev. Fr. Frederick T. Dougherty of Augusta.

On motion by Mr. Porteous of Cumberland, the

Journal of yesterday was read and approved.

The PRESIDENT: The Chair in behalf of the Senate of this State is happy to recognize in the Senate gallery 29 students from Camden High School, representing Future Homemakers of America. They are accompanied by their teacher J. Guy Levesque. We are happy indeed to have you here, and we hope that you find these proceedings not only enjoyable but educational. We would like to have you recognize and be recognized by the Senator from Knox, Senator Stilphen. (Applause)

Is Miss Linda Jean Clark of Dover-Foxcroft in the Senate chamber? If so, will she please rise and will the Sergeant-at-Arms please escort her to the rostrum?

Miss Linda Jean Clark was escorted to the rostrum amid the applause of the Senate.

The PRESIDENT: At their convention last July in Salt Lake City, Utah, the Future Homemakers of America elected this young lady, Miss Linda Jean Clark of Dover-Foxcroft, their National President. She is accompanied, incidentally, today by her teacher Mrs. Hewes.

To qualify for such an honor, Miss Clark has held offices in her local chapter at Foxcroft Academy, served as Chairman of the district which represents her area of the state, and last year was Project Chairman for the State of Maine.

The Future Homemakers of America is the national organization of over 500,000 high school students studying Home Economics in 10,466 chapters throughout the United States, Puerto Rico, and the Virgin Islands.

This organization is working toward four objectives:

1. Discovering myself and my worth to others.

2. Contributions to the joys and satisfactions of family living.

3. Launching good citizenship through homemaking.

4. Strengthening my education for future roles.

Miss Clark will preside over the four-day national convention of this organization to be held this summer in Kansas City.

In addition to her duties as Chairman of the National Executive Council, Miss Clark has been working in Maine on one of the National Projects — "Be Smart — Stay in School." In connection with this project, she has served as a youth member of the HYPO Committee which originated in the State Department of Education, and which has been working for over a year to attempt to improve the Drop-out situation in the State of Maine.

It is significant, Linda Jean Clark, that the Senate of this State could recognize the organization with which you are connected and of which you are now National President. We think highly of the youth of this State and think that Maine's future lies in your success and the success of others like you. We would like to honor you here today and we would be very pleased if you would care to make any remarks to the Senate.

Miss LINDA JEAN CLARK: It is indeed a great honor and privilege to be recognized by the Senate. Before coming here I noticed there has been a lot of business in the Senate, and Mrs. Hughes and I are going over to the House of Representatives to be recognized there. I would like to thank you very much for this wonderful opportunity. (Applause)

The PRESIDENT: The Chair would like to appoint as President Pro Tem for part of the remainder of these proceedings the Senator from Hancock, Senator Brown, and the Chair appreciates very much his willingness so to serve.

### Non-concurrent matters

Bill, "An Act to Revise the Boating Law and Extend Boat Registration and Safety Law to Cover Coastal Waters." (S. P. 585) (L. D. 1542)

In Senate May 9, passed to be engrossed as amended by Senate Amendments "A" (S-209) and "B" (S-220)

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

In the Senate, on motion by Mr. Atherton of Penobscot, tabled pending consideration.

Bill, "An Act Providing for the Formation of Sanitary Districts." (H. P. 301) (L. D. 409)

In House, May 3, passed to be engrossed as amended by House Amendment "A".

In Senate, May 10, referred to 102nd Legislature in Non-concurrence.

In the Senate, on motion by Mr. Philbrick of Penobscot, the Senate voted to insist and ask for a Committee of Conference.

**Communication**

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
Office of Clerk  
Augusta

May 14, 1963

Hon. Chester T. Winslow  
Secretary of the Senate  
101st Legislature

Sir:

The Speaker has appointed the following Committees of Conference on the Disagreeing Actions of the two branches of the Legislature on:

An Act Providing for Area Directional Sign on Maine Turnpike for Rumford (SP 360, LD 1026)

Messrs: ROSS of Brownville  
DRAKE of Bath  
TURNER of Auburn

An Act Relating to the Admission of Attorneys to the Bar of the State of Maine. (SP 62, LD 112)

Messrs: RUST of York  
MINSKY of Bangor  
KNIGHT of Rockland

Respectfully,  
HARVEY R. PEASE  
Clerk of the House

HRP SR

Which was read and ordered placed on file.

**Committee Reports — House**

**Leave to Withdraw**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Regional Airport in the Gray Area to Service Central Maine." (H. P. 519) (L. D. 736) reported that the same should be granted Leave to Withdraw.

Mr. JACQUES of Androscoggin: Mr. President, I move that this be tabled.

On motion by Mr. Edmunds of Aroostook

A division of the Senate was had. Five having voted in the affirmative and twenty-four opposed, the motion did not prevail. Thereupon, on motion by Mr. Edmunds of Aroostook, the report was accepted.

The same Committee on Resolve, Appropriating Funds for Certain Construction at Augusta State Airport. (H. P. 358) (L. D. 532) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act to Authorize the Issuance of Bonds in the Amount of One Million Nine Hundred Thousand Dollars on Behalf of the State for the Purpose of Construction and Renovating at the Boys' Training Center." (H. P. 962) (L. D. 1401) reported that the same should be granted Leave to Withdraw — as covered by other Legislation.

The same Committee on Resolve, Appropriating Funds for Construction and Renovating at Boys' Training Center. (H. P. 964) (L. D. 1403) reported that the same should be granted Leave to Withdraw — As Covered by other Legislation.

**Ought Not to Pass**

The same Committee on Resolve, to Provide Funds to Convert Ferry Terminal at North Haven. (H. P. 323) (L. D. 450) reported that the same Ought not to pass.

The same Committee on Resolve, Appropriating Moneys for Removal of Shoal Ledge in Entrance to Wasscasset Harbor. (H. P. 417) (L. D. 570) reported that the same Ought not to pass.

The same Committee on Resolve, Providing Funds for Urban Planning. (H. P. 418) (L. D. 571) re-

ported that the same Ought not to pass.

The same Committee on Bill, "An Act Providing for Working Capital for Bureau of Purchases." (H. P. 718) (L. D. 1047) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

**Ought to Pass in New Draft**

The Committee on Judiciary on Bill, "An Act Relating to Search Warrants." (H. P. 925) (L. D. 1359) reported that the same Ought to pass in New Draft — Same Title (H. P. 1090) (L. D. 1562)

On motion by Mr. Farris of Kennebec, tabled pending acceptance of the report.

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

The Majority of the Committee on Public Utilities on Bill, "An Act to Regulate Sewer Utilities." (H. P. 487) (L. D. 689) reported that the same Ought not to pass.

(Signed)

Senators:

- PHILBRICK of Penobscot
- BOISVERT of Androscoggin
- HARRINGTON of Penobscot

Representatives:

- PITTS of Harrison
- TAYLOR of South Portland
- PLANTE of Old Orchard Beach
- WELCH of Chapman
- PHILBRICK of Augusta
- TYNDALE of Kennebunkport

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

(Signed)

Representative:

- RAND of Yarmouth.

Comes from the House, Indefinitely postponed.

In the Senate, on motion by Mr. Philbrick of Penobscot, the Majority Ought Not to Pass report was accepted.

**Second Readers**

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

**House**

Bill, "An Act Relating to Allocating Moneys from Organized Township's Fund for Managing Public Reserved Lots in Plantations." (H. P. 1037) (L. D. 1503)

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

**House — As Amended**

Bill, "An Act Establishing the Uniform Commercial Code." (H. P. 79) (L. D. 95)

Bill, "An Act to Increase the Term of Office of the Mayor, City Council, Board of Police and Board of Education, Warden and Ward Clerk for the City of Biddeford." (H. P. 546) (L. D. 762)

Resolve, Appropriating Funds for Development of Owl's Head Light-house Area. (H. P. 181) (L. D. 250)

Bill, "An Act Relating to Compensation of and Per Diem Fees of Deputy Sheriffs." (H. P. 1082) (L. D. 1549)

(Which was read a second time and on motion by Mr. Ferguson of Oxford, tabled pending passage to be engrossed.)

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

**Senate**

Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure." (S. P. 596) (L. D. 1563)

(Which was read a second time, and on motion by Mr. Farris of Kennebec, was tabled pending passage to be engrossed, and especially assigned for Wednesday next.)

Resolve, Appropriating Moneys to Promote and Advertise Maine's Ski Business. (S. P. 96) (L. D. 233)

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

Sent down for concurrence.

**Senate — As Amended**

Bill, "An Act Providing for the Study of a State Building Code and Anti-Shack Statute." (S. P. 202) (L. D. 512)

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:**

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)

Bill, "An Act Relating to Junk Motor Vehicles as Public Nuisances." (H. P. 1073) (L. D. 1545)

Bill, "An Act Relating to the Taxation of House Trailers." (H. P. 1083) (L. D. 1550)

Bill, "An Act Relating to Disposition of Part of Tax on Pari Mutuel Pools on Running Horse Racing." (H. P. 1084) (L. D. 1551)

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

Bill, "An Act Increasing Salary of Superior Court Messenger of Cumberland County." (S. P. 404) (L. D. 1107)

Bill, "An Act Adjusting Salary for the Supreme Judicial Court Messenger in Cumberland County." (S. P. 435) (L. D. 1178)

Bill, "An Act Relating to Motor Vehicle Registration Plates." (S. P. 569) (L. D. 1514)

Bill, "An Act Providing Access Roads to Ski Areas Open to General Public." (S. P. 570) (L. D. 1515)

(On motion by Mr. Edmunds of Aroostook, tabled pending enactment and especially assigned for later in today's session.)

Which Bills were passed to be enacted.

**Emergency**

Bill, "An Act Creating a Sewer District in the Town of Corinna." (H. P. 394) (L. D. 593)

This being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

**(Recess)**

Called to order by the President.

The PRESIDENT: The Chair wishes to compliment the Senator from Hancock, Senator Brown, for

serving as President pro tem. (Applause)

The PRESIDENT: With reference to "Resolve Authorizing Disposal of the Western Maine Sanatorium" the Chair will appoint to the Committee of Conference on behalf of the Senate: Senators Whittaker of Penobscot, Senator Lovell of York, and Senator Ferguson of Oxford.

**Order Out of Order**

Mr. COLE of Waldo: Mr. President, I present an order out of order and would like permission to speak to the order.

The PRESIDENT: The Senator may proceed.

Mr. COLE: Mr. President and members of the Senate: Twenty years ago, Maine's career state employees banded together and formed what we now know as the Maine State Employees Association.

This week, in fact this very day, the State Employees Association is celebrating its Twentieth Anniversary.

I would like to suggest that the Senate pay tribute to the M.S.E.A. today for the association's record on behalf of all state personnel, for the association's well-known cooperation in helping to implement state programs and for its continual efforts in working for the benefit and betterment of state government, always in conjunction with our three branches of government.

I think it would be entirely fitting for this Senate to publicly wish the Maine State Employees Association a Very Happy Birthday and a Very Healthy and Happy Future, and I so move.

The order was read by the Secretary as follows:

ORDERED, that the Senate pay tribute to the Maine State Employees Association on the occasion of its Twentieth Anniversary, and that

The Senate does recognize the important role of the Maine State Employees Association on behalf of the career employees of the Maine State Government, and that

The Senate wishes the M.S.E.A. a Very Happy Birthday and a Healthy and Happy Future.

The PRESIDENT: The Chair in behalf of the Senate concurs in the

remarks of the Senator from Waldo, Senator Cole.

Thereupon the order received passage.

The President laid before the Senate Item 8-3 Bill, "An Act Providing Access Roads to Ski Areas Open to General Public" (S. P. 570) (L. D. 1515) tabled earlier in today's session by Mr. Edmunds of Aroostook pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

The President laid before the Senate the 1st tabled and today assigned item (S. P. 283) (L. D. 797) Bill, "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements" tabled on May 10 by Senator Cram of Cumberland pending consideration; and on further motion by the same Senator, the rules were suspended, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and to further reconsider its action whereby Committee Amendment A was adopted; on further motion by the same Senator, Committee Amendment A was indefinitely postponed.

Mr. CRAM of Cumberland: Mr. President, I might explain at this point that all I am trying to do is to reduce the amount in the bill, which stood at \$200 thousand, to \$60 thousand which has been agreed to by the conference between the delegates of Cumberland County. I now move the adoption of Senate Amendment A which I presented herewith.

The Secretary read Senate Amendment A (S-234)

Which amendment was adopted and the bill as amended was passed to be engrossed.

The PRESIDENT: The Senate may wonder why the Chair was confused, because this is obviously the first time that the Chair was ever confused about anything. The reason is because we have two Potato Queens in the Senate Chambers, the New Brunswick Potato Queen and the Maine Potato Blossom Queen.

Miss Marlene Hughes is the New Brunswick Potato Queen, and she is the daughter of Mr. and Mrs. John H. Hughes of Grand Falls, New Brunswick. She is the New Brunswick Potato Queen for 1962-63. She is 18 years old and is a senior at the Grand Falls Composite High School.

Miss Sylvia St. John is the daughter of Mr. and Mrs. Louis St. John of Fort Kent, Maine. She is the Maine Potato Queen for 1962-63. Miss St. John is 19 years old and is a sophomore at St. Joseph's College, North Windham, Maine.

The Chair would ask the Senator from Aroostook, Senator Edmunds, to overcome his emotions and escort these two lovely ladies to the rostrum.

Miss Hughes and Miss St. John were escorted to the rostrum by Senator Edmunds amid the applause of the Senate.

The PRESIDENT: The Chair is pleased to introduce Miss Sylvia St. John, Potato Blossom Queen.

Miss SYLVIA ST. JOHN: Mr. President, it is a pleasure indeed for me to appear before you today. I want you to know that I have had a tremendous year in representing the Maine Potato Industry. Everywhere I have gone I have met so many wonderful people. I have been throughout the State of Maine and into Boston and also into Canada where our gracious friends were ever so kind to me. Thank you so much for the privilege. (Applause)

And I would like to present to the President of the Senate a small briefcase on which it states: "State of Maine Potatoes. The Main Difference is Flavor." That is what I am promoting, so I have got to get a plug in for them. (Applause)

Miss MARLENE HUGHES: Thank you very much, Mr. President.

Mr. President and distinguished ladies and gentlemen: First of all, I would like to say: Greetings to all of you from the Province of New Brunswick. I do not quite know how to say how very grateful I am to have this opportunity to appear before you here today in your beautiful capitol. I think it will be a fine climax to my year as New Brunswick Potato Queen. Like Sylvia, I have been involved

in quite a number of potato promotion programs, and as my year approaches its final climax I hope that I have done my share as Potato Queen in helping to promote our New Brunswick potato industry. I just want to say thank you to all the people of Maine for having helped me feel so welcome each time I have visited your friendly state.

The PRESIDENT: Thank you very much. It is nice to have you here.

Mr. Edmunds of Aroostook was granted unanimous consent to address the Senate.

Mr. EDMUNDS: Mr. President, I believe all of the members of the Senate have on their desks this morning five pounds of our famous Aroostook County Maine potatoes, and I am sure you will agree with me that there is no question that these are the finest potatoes. I heartily recommend that each and every one of you take them home and try them any way you care to prepare them, and I am sure that you will find they are the equal of any potatoes in the market any place. I am also sure you will agree with me that we have just had on the rostrum 105 pounds of the most attractive part of Aroostook County, our young lady. I would like you to know that she comes from the St. John River valley, and indicative of the type of woman from that sector is also the wife of our good Senator Cyr, who is equally attractive.

I would also like to note that New Brunswick raises excellent potatoes, almost as good as those potatoes we raise in Aroostook County. (Applause)

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 50) (L. D. 100) Senate Report, Ought Not to Pass, from the Committee on Education on Bill, "An Act Providing a Bond Issue in the Amount of Ten Million Dollars for a Vocational Educational Institute"; tabled on May 10 by Senator Lovell of York pending motion by that Senator to substitute the bill for the report.

Mr. LOVELL of York: Mr. President and members of the Senate, I have an amendment prepared for this bill which the Secretary has.

I might state that we have talked about this at some length but this amendment has amended the bill down to two and a half million dollars, and if it is passed by the House and Senate and signed by the Governor it will go out to referendum in November of 1964, and it will be some two years after that before this third vocational college would be able to function.

I would just like to mention, as you may remember, that Dr. George Ellis, the President of the Federal Reserve Bank in Bangor stated: "Maine's future economic strength will be governed largely by Maine's ability to transform its manufacturing operations into newer research-based industries. A labor force moving steadily into high skills is essential if manufacturing is successfully to negotiate such a transition. A large public effort in support of more vocational education will be necessary if Maine is to achieve this highest goal."

I might say that as we who are today in the Senate and will be in the coming days, realize that non-durable goods are gradually losing employment. Our three leading manufacturing products, shoes, textiles and wood-working, are gradually losing personnel, laying off people. The textile industry as I have mentioned, has lost some 16,000 jobs and as time goes on, as we enter the European common market, we are going to lose more jobs. And now is the time to start the program for higher trained skills to get in industries that are manufacturing durable goods. If we wait too long, we will not only be losing one percent of our population as we are losing now to other states—our youth going out to get positions—but unless we get new industry into Maine and broaden our tax base with more jobs, more payrolls, more tourists, we are going to be faced in the next two years and every two years thereafter, with an increase in taxes in some form. We are going to be in a position that our population will increase in the population of persons 65 years and over which is now eleven percent and 110 thousand and people. When you have to put on an income tax, you are going

to drive many of these people out of Maine or many of them will not come in to Maine.

I think that our unemployment of some 25,000 is indicative and most of these people are unskilled in any particular type of line. So I present this amendment and here again I might say that in the durable goods the wage scale will be higher than in the non-durable goods and as you well know, Maine's wage scale is the lowest of any State in New England and at the present time we have the highest tax of any state in New England, and if I am any judge we are going to be even higher than that in the next few weeks. Consequently I would urge that the Senate go along with my efforts to substitute the bill for the report so that I may put on this amendment.

Mr. BROOKS of Cumberland: Mr. President, I rise reluctantly to oppose the motion of the Senator from York, Senator Lovell. I would like to make just a few points clear again if I may, regarding the development of our post secondary vocational training schools in the State of Maine. It was said the other day that we have already established two, one in the northern part of the state and one in the southern part of the state. It is the plan eventually to create two more post secondary vocational schools in the State of Maine. This bill would raise moneys for capital construction. However, I would remind you that what we are attempting to do is to develop in orderly fashion the secondary, post-secondary vocational-technical schools in the State of Maine and I am, as you are all well aware, a firm supporter of this project as well as the other educational programs planned for the state.

I would just like to make this point clear, and you are all quite aware of it. We are having a most difficult time at this point to even get enough money to operate the present school in South Portland, maintain it at its level presently, let alone attempt to develop it more, which should be done and done immediately. The same is true with the school at Presque Isle. I can see no good reason why we

should develop or build another school in another section of the state, and then have to raise money to operate the schools when at this present time we can't even get enough money to operate the two schools that we have. I submit, ladies and gentlemen, that we should get the two schools in effect now, operating and operating properly.

I request a division when the vote is taken.

Mr. LOVELL of York: Mr. President, one more word or two. If we are to increase our income in the State of Maine from the taxes that we now have, then the salvation and the only way we can do that is to increase the wages of the people or get in new industries with more payrolls and we must lock forward and look ahead to do this, because if we do not then we are just going to tax ourselves completely out of competition with New Hampshire and surrounding states which we have already done as far as York County is concerned.

This vocational college calls for a bond issue and it is not my intention that the students are to go there tuition free. It is my intention that the students should pay tuition so as to amortize the cost of this educational program, and if we do not have a vocational educational program in this Waterville or Bangor area, then this area is going to have a great deal of difficulty in getting new industry into that section. I am doing this very unselfishly because I am from York County and we can attend the South Portland vocational institute, but I am doing it for the entire State of Maine. It is my deep conviction that here is one avenue that we must progress on even if it means cutting back on certain services until we can earn sufficient money to increase those services.

Mr. EDMUNDS of Aroostook: Mr. President, I merely rise to point out as I did the other day that the Appropriations Committee does have before it a vehicle which would implement a third vocational school here in the State of Maine, probably in the Lewiston area. For that reason I would hope that the

motion of the Senator from York, Senator Lovell, would not prevail.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I would like to tell you of my feeling that we need to further vocational training in this state but at the same time I concur with my colleague, Senator Brooks, that we should concentrate on the schools that we already have in existence.

To get this on the record, on Monday I was speaking with the Vice President of the S. D. Warren Company in Westbrook and he said to me that the latest figures show that the entire labor force of this country will need retraining on the basis of every ten or twelve years in the next fifty years; that technological changes, changes in the products being made, the necessity for keeping up with other countries, is growing all the time and this re-education and education of the young people coming into the work force is one of the most pressing needs that we have. I think that it is a little late in this session of the 101st Legislature to change our actions very much, but I do believe that somewhere in the next two years, each of us must re-think our feelings on the expenditures that we spend in this state for the various forms of welfare items, for education, for penology and for the other things that we spend, because I do believe that we are not spending enough in this area to keep up with the rest of this country and with the world.

I would very sincerely hope that sometime in the near future, a third vocational technical school of the calibre that Senator Lovell of York feels is necessary be built, and that the funds be available, but not until we do a good job in the two schools that we have.

Mr. FARRIS of Kennebec: Mr. President, ladies and gentlemen of the Senate, I would like to point out that this Legislative Document 100 is merely, if the amendment is accepted, is merely an authorization whereby there would be two and a half million dollars available for the purpose of constructing another post secondary vocational

training institution. There is nothing in this legislation which mandates or specifically directs the construction. And it would seem to me, particularly in view of the remarks of Senator Porteous of Cumberland who has pointed out the great need for making a start in this type of programming, or accelerating our present programming, that it would be well if we did have legislation already enacted so that at the proper time we could make further strides in this most important field.

I believe I mentioned previously that there is much legislation in Congress at the present time. There are very strong indications, assuming that we have authority for issuing bonds, that there would be substantial funds available to supplement our programming here in the State of Maine. I do not feel that we should wait longer. I feel that we should at least have the authorized bond issues available, and certainly at a time when we are spending so much money each biennium to promote our industrial development, which is actually taking tax dollars right out of our public treasury, it just seems logical that we should have some long range planning available and I am certainly wholeheartedly in support of this document as amended.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Lovell, that the bill be substituted for the report. Is the Senate ready for the question.

A division of the Senate was had.

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

Thereupon, the report of the Committee was accepted.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 930) (L. D. 1364) House Reports from the Committee on Legal Affairs on Bill, "An Act Relating to Operating on Sunday and Certain Holidays"; Majority Report, Ought to Pass with Committee Amendment A; Minority Report, Ought Not to Pass; tabled on May 10 by Senator Atherton of Penobscot pending acceptance of

either report; and on further motion by the same Senator, the bill was retabled and especially assigned for Friday next.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 180) (L. D. 479) Bill, "An Act Relating to Chiropractic Treatment under Workmen's Compensation Law" tabled on May 14 by Senator Whittaker of Penobscot pending motion by Senator Brooks of Cumberland that the Senate adhere.

Mr. WHITTAKER of Penobscot: Mr. President, I move that the Senate recede from its present position whereby it has indefinitely postponed this piece of legislation. If the motion is in order, I should like to speak to it.

The PRESIDENT: The Senator's motion is in order. The motion takes precedence over the motion to adhere and the Senator may proceed.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate: Without rehearsing the former debate on this matter, I want to say two or three things very briefly.

First of all, this type of legislation has been before the two bodies of our legislature since 1945. I should hope this time it might be dealt with favorably and thereby be removed from future consideration. In the second place, I should like to reiterate what I said before: that the practice of chiropractic is very carefully covered by our statutes in regard to educational requirements, in regard to penalties for malpractice, under Chapter 72 of the Revised Statutes. I maintain, once again, that there is no valid reason why those who are licensed by the State to practice should not be allowed to practice under the Workmen's Compensation Act.

One other matter. In the earlier debate one of the chief arguments used against this legislation was that chiropractors are not trained in diagnosis. It is my belief, based upon consultation with several persons, that it is not essentially true, that chiropractors are trained in diagnosis in their schools. Therefore I hold that this argument does not have validity. I would urge, there-

fore, that my motion might be supported in the interests of fair play. I would call the attention of the members of the Senate to the fact that we have in this session passed legislation in regard to optometrists over the objection of ophthalmologists, and I should hope that we might pass this legislation in favor of chiropractors over the objection of the medical doctors.

The PRESIDENT: The Senator from Penobscot, Senator Whittaker, moves that we recede from our former action whereby we indefinitely postponed the bill.

Mr. BROOKS of Cumberland: Mr. President, I would hope the motion of the Senator from Penobscot, Senator Whittaker, does not prevail. As has been stated, this bill has been before us since 1945 and that perhaps this year it should be passed simply because it has been before us since 1945. I submit that is no argument and no reason for passing the bill. It is not a good bill.

It has also been stated that the chiropractors are qualified to make diagnoses, and I am sure they are in a limited sort of way. I will bring to your attention again this morning the fact that I stated they are not qualified nor are they legally allowed to make internal diagnosis, which is most important in the practice of medicine. Under the Workmen's Compensation laws of Maine the employees are, I think, a responsibility of ours as far as seeing that they go and get proper treatment, and many cases of injury do require internal diagnosis.

I am not attempting to state this morning that the practice of chiropractic is not proper, and the gentlemen I know who practice chiropractic are very well trained in this particular field.

I submit once again, ladies and gentlemen of the Senate, that these gentlemen are not qualified to diagnose internally, and for that reason, as I said earlier, I do hope that this motion does not prevail.

Mr. HINDS of Cumberland: Mr. President and ladies and gentlemen of the Senate: This item has certainly been amply debated, and I would just like to say that I endorse the remarks of the Senator

from Penobscot, Senator Whittaker, and I hope that the Senate will go along with the lower body and pass this legislation.

Mr. STITHAM of Somerset: Mr. President, I ask for a division when the vote is taken and I would like to speak briefly.

The PRESIDENT: The Senator may proceed.

Mr. STITHAM: Mr. President, I voted before against this measure and I propose to do the same thing this time. I have not spoken on the matter, and I can assure the Senate that my vote was not because the medical doctors have prevailed upon me to vote that way. I was more or less taken to task because I voted the way I did, and I resent it, and I think others in the Senate were approached in the same way. I do think that I owe the Senate an explanation of why I feel this is not good legislation, and I will do it quite briefly.

I have represented quite a few persons who have been hurt in various industries before the Commission. I think I know how the Commission works, the type of evidence that is necessary in order to protect my clients, and in thinking this matter out in my own mind, for the protection of such clients as I might have that would go before the Commission for determination of compensation, that I would be at a distinct disadvantage and would be unable adequately to represent my clients if the only treatment they had received had been from a member of the chiropractic association. If I appeared before the Commission with only that type of evidence and the insurance company came in with qualified specialists from the medical profession I am quite sure they could raise questions that would affect the decision of the Commission, and I feel that it would be a disadvantage for those who are injured if the only treatment they had was from this profession. That is my reason. I have thought it out in my own mind, I have not been pressured into it in any way, and that is my explanation of why I shall vote the way that I did before.

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Penobscot, Senator Whittaker, that the Senate recede. A division has been requested.

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

Thereupon, the Senate voted to adhere.

The PRESIDENT: The Chair would like to recognize in the Senate Chambers today, ex-Senator Dube of Androscoggin County. Senator, would you rise please? It is nice to have you here.

Mr. WHITTAKER of Penobscot: Mr. President, may I inquire as to the status of the item No. 1, tabled and especially assigned for Thursday. We took action on that earlier. If the action we took prevailed, I should like to ask for reconsideration.

The PRESIDENT: The Chair will reply to the Senator that the action taken was an error of the Chair, and under the rules, it is legislatively and procedurally impossible to take from the table matter especially assigned for another day. Therefore, the Chair will rule that Item No. 1, tabled and especially assigned for Thursday, May 16, will remain in this status.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 50th tabled and unassigned item (H. P. 1058) (L. D. 1523) Bill, "An Act Relating to Election Recounts"; tabled on May 2 by that Senator pending enactment.

On motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; the same Senator then presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A. (S-233)

Which amendment was adopted, and the bill as amended was passed to be engrossed.

On motion by Mr. Farris of Kennebec, the Senate voted to take

from the table the 48th tabled and unassigned item (H. P. 736) (L. D. 1065) Bill, "An Act to Determine Liability and Responsibility of Drivers of Fire Apparatus"; tabled by that Senator on May 1 pending adoption of Committee Amendment A; and on further motion by the same Senator, Committee Amendment A was adopted and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table the 63rd tabled and unassigned item (H. P. 668) (L. D. 924) House Reports from the Committee on Liquor Control on Bill, "An Act Relating to Sale on Sunday Afternoons of Malt Liquor not to be Consumed on the Premises"; Majority Report, Ought Not to Pass; Minority Report, Ought to Pass; tabled on May 10 by that Senator pending motion by Senator Kimball of Hancock to accept the Majority Ought Not to Pass report.

Mr. JACQUES of Androscoggin: Mr. President, I hope that I don't stand up alone today.

When this came out of committee I was voting in favor of this Bill, "An Act relating to sales of malt liquor on Sunday afternoon." We held this bill up in committee for months, not knowing what would happen to the other bill

for selling liquor on Sunday. So I would at this time, Mr. President, move that we accept the "Ought not to pass" report, and I would like to say at this time that I would like to see this bill come up again at the 102nd Legislature and pass.

The PRESIDENT: The Senator from Androscoggin, Senator Jacques, moves that we accept the "Ought not to pass" report of the committee.

Mrs. CHRISTIE of Aroostook: Mr. President, I feel that this would be perhaps even worse than the bill which we defeated two days ago, and it is my feeling that we should not enact this bill. I move for indefinite postponement and I would ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie who moves indefinite postponement of the bill and all accompanying papers. A division has been requested.

A division of the Senate was had. Twenty-seven having voted in the affirmative and three opposed, the bill and all accompanying papers were indefinitely postponed.

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at ten o'clock.