

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

**STATE OF MAINE**

**Volume II**

**May 9, 1969 to June 17, 1969**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**SENATE**

Tuesday, May 20, 1969

Senate called to order by the President.

Prayer by the Rev. John W. Meisner of Dover-Foxcroft.

Reading of the Journal of yesterday.

**Papers From the House  
Non-Concurrent Matter**

Resolve, Proposing an Amendment to the Constitution to Provide for Temporary Assignments of Justices of the Superior Court to the Supreme Judicial Court. (S. P. 171) (L. D. 545)

In the Senate May 8, 1969, Majority Ought to Pass Report Read and Accepted and the Bill on May 9, 1969, Passed to be Engrossed.

In the House, May 13, 1969, Minority Ought Not to Pass Report Read and Accepted.

In the Senate May 16, 1969, the Senate voted to Insist.

Comes from the House, that Body having Insisted and asked for a Committee of Conference.

On motion by Mr. Beliveau of Oxford, the Senate voted to Insist and Join in a Committee of Conference.

**Non-Concurrent Matter**

Bill, "An Act to Create a Hearing Aid Dealer Board and Provide for Licensing of Hearing Aid Dealers and Fitters." (H. P. 1168) (L. D. 1489)

In the Senate May 15, 1969, Passed to be Engrossed as Amended by Senate Amendment "A" (S-135) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-135) and House Amendment "A" (H-341) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Creating the Uniform Limited Partnership Act." (H. P. 978) (L. D. 1262)

In the Senate May 14, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-295) in concurrence.

Comes from the House, Passed to be Engrossed as Amended by

Committee Amendment "A" (H-295) and House Amendment "A" (H-342) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Senate Papers**

Mr. Conley of Cumberland presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Sixty-Nine, Joint Resolution Memorializing the United States to Take Appropriate Action to Alleviate the Crisis in Northern Ireland.

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fourth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, the conditions in Northern Ireland have deteriorated to the point where loss of life and property is imminent unless steps are taken to avert a crisis; and

WHEREAS, the primary issue is that a large segment of the adult population is being denied the right to vote, a right that is traditional in western democracies; and

WHEREAS, former Prime Minister Terrence O'Neill faced overwhelming opposition because of his support of the concept of one man - one vote; and

WHEREAS, the State of Maine has traditionally supported the principle of one man - one vote; now, therefore, be it

RESOLVED: That We, the Memorialists, recommend and urge the United Nations to take whatever appropriate action that may be necessary to help achieve a peaceful solution to the problem now confronting Northern Ireland; and be it further

RESOLVED: That a copy of this Memorial duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to U Thant, Secretary General of the United Nations and to each member of the Maine Congressional Delegation.

(Approved for appearance on the calendar pursuant to Joint Rule No. 11.

Signed:

JERROLD B. SPEERS  
Secretary of the Senate  
(S. P. 466)

Which was Read.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Adoption.

#### Joint Order

Mr. Hoffses of Knox, presented the following order and moved its Passage:

ORDERED, the House concurring, that the Joint Standing Committee on Inland Fisheries and Game report out a bill segregating, apportioning and expending for the next 2 fiscal years - July 1, 1969 to June 30, 1970 and from July 1, 1970 to June 30, 1971 - all funds received by the Department of Inland Fisheries and Game under the Revised Statutes, Title 12, section 3061. (S. P. 467)

Which was Read.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage.

#### Committee Reports

##### House

##### Ought Not to Pass

The Committee on Retirements and Pensions on Bill, "An Act Relating to State Contributions to the Several Funds of the Maine State Retirement System." (H. P. 441) (L. D. 565)

Reported that the same Ought Not to Pass.

The Committee on Industrial and Recreational Development on Bill, "An Act Relating to Preservation of the Economy, and to Service Enterprises Under the Maine Industrial Building Authority Act." (H. P. 989) (L. D. 1273)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on Judiciary on Bill, "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon." (H. P. 1031) (L. D. 1361)

Reported that the same Ought Not to Pass.

Comes from the House, the Bill Substituted for the Report and the Bill subsequently Recommended to the Committee on Judiciary.

Which report was Read.

On motion by Mr. Beliveau of Oxford, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

##### Ought to Pass

The Committee on Claims on Resolve, Reimbursing the Town of Sullivan for Winter Road Maintenance. (H. P. 853) (L. D. 1095)

Reported that the same Ought to Pass.

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

Which report was Read.

On motion by Mr. Cianchette of Somerset tabled and tomorrow assigned, pending acceptance of the Committee Report.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to Defray Part of Cost of Radio Homing Beacon at Norridgewock Airport." (H. P. 914) (L. D. 1175)

Reported that the same Ought to Pass.

The Committee on Claims on Resolve, to Reimburse Julia Junkins of South Portland for Damage to Property. (H. P. 1078) (L. D. 1401)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bill and Resolve Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bill and Resolves Read Once and tomorrow assigned for Second Reading.

##### Ought to Pass - As Amended

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Increased Board Payments for State Wards." (H. P. 620) (L. D. 808)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-329).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as

Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Judiciary on Bill, "An Act Relating to Lack of Privity as a Defense in Action Against Manufacturer or Seller of Goods Under the Uniform Commercial Code." (H. P. 167) (L. D. 206)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Lack of Privity as a Defense in Action Against Manufacturer, Seller or Supplier of Goods." (H. P. 1195) (L. D. 1516)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill, in New Draft, Read Once and tomorrow assigned for Second Reading.

The Committee on Natural Resources on Bill, "An Act Relating to Approval of Refuse Disposal Areas." (H. P. 739) (L. D. 957)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1196) (L. D. 1517)

Comes from the House, the report Read and Accepted and the Bill, in new Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-340).

Which report was Read and Accepted in concurrence and the Bill, in New Draft, Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Labor on Bill, "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 694) (L. D. 894)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot  
PEABODY of Aroostook  
BELIVEAU of Oxford

Representatives:

GOOD of Westfield  
CASEY of Baileyville  
BEDARD of Saco  
McTEAGUE of Brunswick  
HUBER of Rockland

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

Signed:

Representatives:

DURGIN of Raymond  
HASKELL of Houlton

Comes from the House, the Majority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

On motion by Mr. Beliveau of Oxford, tabled and tomorrow assigned, pending Acceptance of Either Report.

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Jurisdiction of Probate Court in Adoption Cases." (H. P. 690) (L. D. 890)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-333).

Signed:

Senators:

MILLS of Franklin  
VIOLETTE of Aroostook  
QUINN of Penobscot

Representatives:

MORESHEAD of Augusta  
HESELTON of Gardiner  
FOSTER of Mechanic Falls  
HEWES of Cape Elizabeth  
DANTON of Old Orchard Beach  
BRENNAN of Portland

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

Signed:

Representative:

BERMAN of Houlton

Comes from the House, the Majority Ought to Pass a s Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Education on Bill, "An Act to Create a School Administrative District in the Town of Sanford." (H. P. 1065) (L. D. 1394)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-331).

Signed:

Senators:

STUART of Cumberland  
KELLAM of Cumberland

Representatives:

RICHARDSON of  
Stonington

ALLEN of Caribou  
CHICK of Monmouth  
WAXMAN of Portland  
KILROY of Portland

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

Signed:

Senator:

KATZ of Kennebec

Representatives:

MILLET of Dixmont  
CUMMINGS of Newport

Comes from the House, the Majority Ought to Pass a s Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-331).

Which reports were Read,

Mr. Letourneau of York moved Acceptance of the Majority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I oppose the motion and

request a division. Several times in recent years the Maine Legislature has created single town districts, sometimes with wisdom and sometimes with a surprising lack of wisdom. I feel it would be regrettable to create a single town district in this particular case. The only particular advantage to Sanford would be that it would get more money. I am not quite certain that there is need for more money but, of course, as a member of a district they would qualify for a ten per cent bonus.

The districting, the finality of the districting procedure in the State of Maine hasn't been arrived at. Many of the areas are still in doubt. In the area of Sanford, most districting has been completed, but I am not certain that it is in final form.

The logic of taking the City of Sanford, which is one study of the State Board of Education was listed ultimately to be a single district, escapes me at a time when things are not in final form. Sanford would be required to create another layer of government over the existing layer of government.

My position, regrettably, will be consistent when the Portland School Administrative District Bill comes along. I do not feel that this is a step in the direction of better education. I feel the only possible justification is to solve some fiscal matters down in Sanford.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Letourneau.

Mr. LETOURNEAU of York: Mr. President and Members of the Senate: It is true what the good Senator from Kennebec has said, this is to get more money; that is why we are doing it. But I would remind you that under the proposed act, master plan act of March 2, 1967, it was recommended that Sanford become a single unit under SAD. Also, here we have a letter from the State Board of Education, recommending that Sanford be one single administrative district.

In Sanford, right now, as I have circulated to you Senators, we are building a new Sanford High School, also a Vocational Regional

School. In this Vocational Regional School, we would take in sixty per cent of the students from the York County area; the other forty per cent going to Biddeford.

Also, in June of this year, St. Ignatius Catholic High School is going to be phased out, and we will have to assume the obligation of educating 243 more high school students. It is also a possibility that our elementary school in Springvale will be closed this year. It stands to reason that, with the building of the new school, and the added cost of construction that keeps spiraling, we are very high on our borrowing capacity. We feel that Sanford, over the past years, through the hardship of losing its major industry, has persistently worked and paid taxes to promote a high-grade education, and I feel that we should be entitled to this school administrative district. I hope for your support.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I signed the Majority Ought to Pass Report here because I genuinely believe that Sanford, and I would say Portland, are special cases. I think they should be one - municipality SAD's. I think the Department of Education recommended that they be. There are no other towns that they should go in with. I would not say that my town of Brunswick should be a single municipality SAD; there are three other towns that they should join. This, as I say, is a special situation, and I hope you will support the Majority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to address a few remarks to the comments which have just been made by the previous two Senators. First, I am singularly unimpressed with the recommendation by the State Department of Education, which in 1967 recommended a State - wide system of districting which created a single town unit in Sanford. It

was reported out of the Committee on Education in the last session ten - to - nothing unanimously Ought to Pass, and not a whisper was raised on the floor of either House to support it. So, let us dispose of the myth that Sanford is supposed to be a single-town district. If it was supposed to be, it didn't have any support last session, and apparently it has substantially more this year.

Sanford, has done a commendable job. I have nothing but praise for the people of Sanford. It is true that they may very well have a problem with the closing of St. Ignatius, but the Maine Legislature has anticipated this in the special session of last year, or the regular session of the last legislature, by saying that when a parochial school closes, for the purposes of school subsidy, they may be counted immediately as if they had attended public schools the previous year.

This legislature is addressing its attention to the question of what school closes, and our answer, I think, is that when part of a parochial school closes, those students which are then put as a burden upon the public school system also shall be counted for subsidy purposes as if they had been in the public school system the previous year.

Mention has been made of the vocational school, the area vocational school, in Sanford. I point out to the gentlemen of the Senate that the State pays seventy - five per cent of the construction cost of this school and, I believe, sixty - seven per cent of the operating cost of the school. The question here is not whether it would be nice to make Sanford a single town district; the question here is the strait jacket, the fiscal strait jacket which we find ourselves in, with a given amount of money, like \$45,000,000 by one group, or \$51,000,000 by another. Within this financial strait jacket of available money to school subsidies, do you give it to Sanford, or do you direct your attention to other communities where the children are not receiving anywhere near a quality education? I think

this is a basic decision here this morning.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Letourneau.

Mr. LETOURNEAU of York: Mr. President and Members of the Senate: It seems to me, if I can remember correctly, when SAD was first formed here in the State of Maine, I think under the administration of Governor Muskie, as far as Sanford was concerned, they had a limitation as to the number of students in the high school. I know that we didn't qualify, Bath didn't qualify, and Rumford didn't qualify. There were about ten or eleven towns that didn't qualify. While these SAD districts were getting benefits from the State of Maine, we went for years and we never received any. It was only eight to ten years later that we were able to come in and get some benefits.

As far as the master plan, and nothing being said two years ago, this is the first attempt that we have made to join in a single administrative district. It was stated in the newspapers last week that we had tried but had failed, which isn't so; this is our first attempt. As far as joining any other school administrative district, we have no one to join in our area, even if we wanted to; everyone belongs to a school administrative district. Now, the Town of Acton did join SAD 57, and for some reason of their own they withdrew from it. How they were able to do it, I don't know, I can't tell you, but they did. That is the only town that remains in our vicinity and surely, if you are acquainted with the Towns of Acton and Sanford, you would agree with me that it is infeasible for us to join with them.

As far as saying you don't care much about the opinion of the State Board of Education, I might agree in some instances, but I am sure if you want to do anything concerning your education you have got to come up here in Augusta, you have to convince them that you are right, and they have to agree with you before you can proceed any further. That we have done, and the State Department of

Education has agreed that Sanford should become a single administrative district.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I rise with some reluctance to speak on this matter. I am probably not qualified to do so, but I rise in support of the position of the good Senator from York, Senator Letourneau. Some people could say that we are establishing a precedent here, but I think the precedent has already been established. I think there are other municipalities that have a single district. A case in point is a little town in my own bailiwick, the Town of Fort Fairfield. I think what is fair for them is fair for the City of Sanford.

I think if these other municipalities are entitled to this consideration, then I think the City of Sanford is entitled to the same consideration. Regardless of what the Department of Education or anybody else may say, I think what is fair for one is fair for the other. So I want to support the position and I vote for the motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Letourneau, on Bill, "An Act to Create a School Administrative District in the Town of Sanford", to Accept the Majority Ought to Pass Report of the Committee. A division has been requested.

As many Senators as are in favor of accepting the Majority Ought to Pass Report of the Committee will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Twenty-four Senators having voted in the affirmative, and four Senators having voted in the negative, the motion prevailed, and the Bill was Read Once.

Thereupon, Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.



**Divided Report**

Five members of the Committee on Labor on Bill, "An Act Providing for Unemployment Compensation for State and Municipal Employees." (H. P. 819) (L. D. 1058)

Reported in Report "A" that the same Ought to Pass in New Draft Under Same Title. (H. P. 1201) (L. D. 1524)

Signed:  
Senator:

BELIVEAU of Oxford

Representatives:

McTEAGUE of Brunswick  
CASEY of Baileyville  
BEDARD of Saco  
GOOD of Westfield

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:  
Senators:

TANOUS of Penobscot  
PEABODY of Aroostook

Representatives:

HUBER of Rockland  
DURGIN of Raymond  
HASKELL of Houlton

Comes from the House, Report "B", Ought Not to Pass, Read and Accepted.

Which reports were Read.

On motion by Mr. Beliveau of Oxford, tabled and tomorrow assigned, pending Acceptance of Either Report.

**Divided Report**

Five members of the Committee on State Government on Bill, "An Act Relating to Time of Payment of Salaries of Members of the Legislature." (H. P. 1008) (L. D. 1310)

Reported in Report "A" that the same Ought to Pass.

Signed:  
Senators:

WYMAN of Washington  
LETOURNEAU of York  
BELIVEAU of Oxford

Representatives:

STARBIRD of Kingman  
D'ALFONSO of Portland

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Representatives:

DENNETT of Kittery  
DONAGHY of Lubec  
RIDEOUT of Manchester  
WATSON of Bath  
MARSTALLER of

Freeport

Comes from the House, Report "B", Ought Not to Pass, Read and Accepted.

Which reports were Read.

Mr. Wyman of Washington moved Acceptance of the Ought to Pass Report "A" of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Speaking as a Senator from Kennebec, I have read the bill, and I am under the impression that the individual legislator can stipulate exactly how he wants his pay to be doled out to him. I am wondering if, within the framework of this bill, a Senator could come into the next legislative session and demand his entire pay in advance, say, during the month of January? I wonder if this is possible, under the wording of this present bill, and I would ask the question through the Chair to a member of the committee.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I am not qualified to answer that question at this moment. If I remember correctly, I did talk to the Legislative Finance Officer, and as I discussed it, there did not seem to be any problem. Some of the legislators prefer to have their salaries spread over a longer period of time, and that seemed reasonable. The only question was whether the Bureau of Internal Revenue would respect this. But it seemed to me logical, and I supported the Ought to Pass Report.

I would be very glad to have somebody retable it, and I will check to see if it would be possible for a member of the legislature to have all of his salary in one payment at the beginning of the session.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I see no point to slowing the bill down if there is no reason why we can't accept the Majority Report. It is just a three-line bill, glancing at it and, under the present writing of the bill, the member could indeed come in the first day of the session and demand his whole pay in a single lump sum, under the wording of the bill, I think. Perhaps it might be possible, prior to passage to be engrossed, to make sure the intent of the bill is to permit him to spread his payments out longer, if that was the desire of the committee.

The PRESIDENT: The pending question is the motion of the Senator from Washington, Senator Wyman, to accept the Ought to Pass Report "A" of the Committee. Is this the pleasure of the Senate?

Thereupon, the Ought to Pass Report "A" of the Committee was Accepted in non-concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Increasing Certain Liquor License Fees." (H. P. 1005) (L. D. 1307)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-332).

Signed:

Senators:

BERRY of Cumberland  
CONLEY of Cumberland  
BOISVERT of Androscoggin

Representatives:

STILLINGS of Berwick  
CHANDLER of Orono  
HICHENS of Elliot  
LEIBOWITZ of Portland

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

Signed:

Representatives:

TANGUAY of Lewiston  
COUTURE of Lewiston  
FAUCHER of Solon

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted.

Which reports were Read.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in non-concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Enacting Building Codes by Municipalities." (H. P. 698) (L. D. 898)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CONLEY of Cumberland  
TANOUS of Penobscot  
KELLAM of Cumberland

Representatives:

SHAW of Chelsea  
CUSHING of Bucksport  
BAKER of Orrington  
COTE of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-334).

Signed:

Representatives:

NORRIS of Brewer  
COX of Bangor  
WHEELER of Portland

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which reports were Read.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in Concurrence.

#### Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Permitting Attendance Promotions by Liquor Licensees." (H. P. 779) (L. D. 1012)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1198) (L. D. 1519)

Signed:

Senators:

CONLEY of Cumberland

BOISVERT of Andros-  
coggin

Representatives:

CHANDLER of Orono  
COUTURE of Lewiston  
LEIBOWITZ of Portland  
TANGUAY of Lewiston

The Minority of the same Com-  
mittee on the same subject matter  
reported that the same Ought Not  
to Pass.

Signed:

Senator:

BERRY of Cumberland

Representatives:

HICHENS of Eliot  
FAUCHER of Solon  
STILLINGS of Berwick

Comes from the House, the  
Majority Ought to Pass in New  
Draft Report Read and Accepted  
and the Bill, in New Draft, Passed  
to be Engrossed.

Which reports were Read.

Thereupon, the Majority Ought  
to Pass in New Draft Report of  
the Committee was Accepted in  
Concurrence, the Bill, in New  
Draft, Read Once and tomorrow  
assigned for Second Reading.

#### Divided Report

The Majority of the Committee  
on Health and Institutional Ser-  
vices on Bill, "An Act Relating to  
Welfare Assistance." (H. P. 687)  
(L. D. 918)

Reported that the same Ought  
to Pass.

Signed:

Senators:

STUART of Cumberland  
MINKOWSKY of  
Andros-coggin

Representatives:

SOULAS of Bangor  
WHITE of Guilford  
BINNETTE of Old Town  
FRASER of Mexico  
CARRIER of Westbrook  
NOYES of Limestone

The Minority of the same Com-  
mittee on the same subject matter  
reported that the same Ought Not  
to Pass.

Signed:

Senator:

GREELEY of Waldo

Representative:

PAYSON of Falmouth

Comes from the House, the Ma-  
jority Ought to Pass Report Read

and Accepted and the Bill Indef-  
initely Postponed.

Which reports were Read.

Mr. Greeley of Waldo moved  
Acceptance of the Minority Ought  
Not to Pass Report of the Com-  
mittee.

Mr. Minkowsky of Andros-coggin  
requested a division.

Thereupon, on motion by Mr.  
Reed of Sagadahoc, tabled and spe-  
cially assigned for May 22, 1969,  
pending the motion by Mr. Greeley  
of Waldo to Accept the Minority  
Ought Not to Pass Report of the  
Committee.

#### Senate

##### Ought to Pass

Mr. Conley for the Committee  
on Legal Affairs on Bill, "An Act  
to Clarify the Charter of the City  
of South Portland." (Emergency)  
(S. P. 451) (L. D. 1491)

Reported that the same Ought  
to Pass.

Which report was Read and Ac-  
cepted, the Bill Read Once and  
tomorrow assigned for Second Rea-  
ding.

#### Second Readers

The Committee on Bills in the  
Second Reading reported the fol-  
lowing:

#### House

Bill, "An Act Increasing Mileage  
Allowance for State Employees on  
State Business." (H. P. 308) (L.  
D. 395)

Bill, "An Act Revising the Maine  
Mining Law." (H. P. 339) (L. D.  
448)

(On motion by Mr. Berry of  
Cumberland, tabled until later in  
today's session.)

Bill, "An Act Relating to Hus-  
band or Wife of the Accused as  
Witness in Criminal Cases." (H.  
P. 468) (L. D. 605)

Bill, "An Act Relocating Cer-  
tain Bond Issue Funds for  
Norridgewock Airport." (H. P. 939)  
(L. D. 1200)

Bill, "An Act Providing a Bond  
Issue in the Amount of Two Hun-  
dred and Thirteen Thousand Dol-  
lars for Construction of Necessary  
Added Facilities at Camp Waban,  
York County." (H. P. 949) (L. D.  
1227)

(On motion by Mr. Dunn of Ox-  
ford, temporarily set aside.)

Bill, "An Act Increasing Salary of Selectmen of Town of Mount Desert." (H. P. 1110) (L. D. 1431)

Bill, "An Act Relating to Sick Leave Under Lewiston City Charter." (H. P. 1160) (L. D. 1481)

Bill, "An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities." (H. P. 1192) (L. D. 1514)

Bill, "An Act Relating to the Motor Vehicle Dealer Registration Board." (H. P. 1180) (L. D. 1500)

Which were Read a Second Time and, except for the tabled matters, Passed to be Engrossed in concurrence.

On the matter set aside at the request of Mr. Dunn of Oxford, Bill, "An Act Providing a Bond Issue in the Amount of Two Hundred and Thirteen Thousand Dollars for Construction of Necessary Added Facilities at Camp Waban, York County." (H. P. 949) (L. D. 1227), the same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-164, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Application for Class A Restaurant Liquor License." (H. P. 1197) (L. D. 1518)

Bill, "An Act Revising the Motor Vehicle Dealer Registration Law." (H. P. 1184) (L. D. 1505)

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

Sent down for concurrence.

#### House - As Amended

Bill, "An Act Redefining the Bounds of Merrymeeting Bay Game Sanctuary." (H. P. 815) (L. D. 1054)

(On motion by Mr. Reed of Sagadahoc, tabled and specially assigned for May 23, 1969 pending Passage to be Engrossed.)

Bill, "An Act Relating to Arrest of Parole Violators." (H. P. 469) (L. D. 606)

Bill, "An Act Appropriating Funds to Expand Homemaker Services in the Department of Health

and Welfare." (H. P. 539) (L. D. 718)

Bill, "An Act to Clarify the State Records Law." (H. P. 991) (L. D. 1275)

(On motion by Mr. Berry of Cumberland, tabled until later in today's session.)

Bill, "An Act Relating to the State Probation and Parole Board." (H. P. 993) (L. D. 1277)

Bill, "An Act to Authorize Bond Issues in the Amount of \$8,200,000 to provide funds for School Building Construction under the provisions of Section 3457 and Section 3459 of Title 20, R. S. and \$1,600,000 to provide funds for the Construction of Regional Technical and Vocational Centers under the provisions of Section 2356-B of Title 20, R. S." (H. P. 402) (L. D. 513)

Which were Read a Second Time and, except for the tabled matters, Passed to be Engrossed, as Amended, in concurrence.

#### Senate—As Amended

Bill, "An Act Providing a Bond Issue in the Amount of One Hundred Seventy - Five Thousand Dollars for Docking Facilities at Matinicus Island." (S. P. 374) (L. D. 1284)

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

The PRESIDENT: We are most pleased to have in our midst this morning, one of Maine's noted sons, a resident of Bingham, who returns today as a special guest of the State of Maine. Widely known, especially in the sports world, this gentleman is none other than "The Flying Fisherman, Gadabout Gaddis," whose officially recorded name is R. Vernon Gaddis, and who has been engaged in all types of fishing for sixty years in every state except Hawaii.

As many of you know, Mr. Gaddis has a widely distributed weekly television program showing him casting about in the many inland and sea waters of this country. His presence in Maine at this time is for the special occasion of the premiere showing of the spectacular color film "Fishing U.S.A." in the Lewiston Theater tonight, with

Mr. Gaddis in the leading role. Meanwhile, the Governor has proclaimed today as "Gadabout Gaddis Day" in Maine, and will entertain Mr. Gaddis at a luncheon at the Blaine Mansion, where he will be especially honored for his promotion of Maine tourism and conservation.

It is a pleasure for me in behalf of the Senate to welcome Mr. Gaddis here this morning, and extend hearty congratulations and best wishes for continued good fishing for many years to come.

Mr. Gaddis will you step forward so that the Senate can recognize you.

Mr. GADDIS: Ladies and Gentlemen of the Senate here, I am very proud to be here. I never expected in my life to go before such a distinguished group as this. You know, I do so much fishing that when I put on a white shirt I feel like a mule looking over a white-washed fence. So, that is the way I feel. but I am very proud to be here in this State. I came here in 1929. I have been promoting it, I like it. I have had my choice all over this country, but I fell in love with the Kennebec Valley and the famous Kennebec River. So now. I have a nice place on there. I own an air strip and I am doing everything in my power to make this a better State for the tourist and to keep the waters in this State clean. Thank you very much for having me before this Senate. Thank you very much.

(Applause)

#### Enactors

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

An Act Providing for Scholarship Aid for Students from Low Income Families. (S. P. 345) (L. D. 1211)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to Appointment of Town Clerk of Jay. (H. P. 363) (L. D. 471)

An Act Relating to Vacating of Street Locations on Plans. (H. P. 495) (L. D. 649)

An Act Relating to Orders of Care Pending Hearing in Child

Custody Cases. (H. P. 554) (L. D. 735)

An Act Revising Probate Fees. (H. P. 1083) (L. D. 1404)

An Act to Change the Time of Apportionment of Educational Subsidies to Administrative Units. (H. P. 1144) (L. D. 1468)

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

#### Emergency

An Act Granting a Council - Manager Charter for the Town of Bucksport. (H. P. 605) (L. D. 786)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Contracts for Support." (H. P. 863) (L. D. 1105) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A", Filing H-304.

Tabled — May 14, 1969 by Senator Mills of Franklin.

Pending — Acceptance of Either Report.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the second tabled and specially assigned matter:

SENATE REPORT — Ought Not to Pass from the Committee on Towns and Counties on Bill, "An Act Relating to County Advisory Organizations." (S. P. 118) (L. D. 328)

Tabled — May 14, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Report.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I would like to move to substitute the Bill for the Report. In support of this I will say that due to some oversights in previous legislation this bill is needed to correct these oversights which, according to a strict interpretation of law, we have already enacted, would prevent counties from contributing to civil defense, 4-H, and various other organizations to which they contribute. If this motion prevails, I will ask to table the Bill and within the week will have an amendment which I hope will be acceptable to all, and which will not provide for a county legislative agent.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that the Senate substitute the Bill for the Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed, and the Bill was Read Once.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, retabled and specially assigned for May 23, 1969, pending Assignment for Second Reading.

The President laid before the Senate the third tabled and specially assigned matter:

HOUSE REPORT — Ought Not to Pass from the Committee on State Government on Bill, "An Act to Provide a Uniform Fiscal Year for Municipalities." (H. P. 98) (L. D. 106)

Tabled — May 15, 1969 by Senator Wyman of Washington.

Pending — Motion by Senator Katz of Kennebec to Substitute Bill for the Report.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I don't think it would be mischievous for us to get this bill on its way. It has an ultimate effective date of June 30, 1972. I

feel quite certain that it might possibly need some amending, but I, for one, would like to see us begin to establish this principle, therefore, I move the pending question.

The motion prevailed and the Bill was Substituted for the Report of the Committee in non-concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

The President laid before the Senate the fourth tabled and specially assigned matter:

HOUSE REPORT—Ought to Pass in New Draft Under Same Title (H. P. 1155) (L. D. 1477) from the Committee on State Government on Bill, "An Act Relating to Hunting, Fishing and Trapping by Indians." (H. P. 446) (L. D. 570)

Tabled — May 15, 1969 by Senator Hoffses of Knox.

Pending — Acceptance of Report.

Thereupon, on motion by Mr. Hoffses of Knox, retabled and tomorrow assigned, pending Acceptance of the Committee Report.

The President laid before the Senate the fifth tabled and specially assigned matter:

HOUSE REPORT — Ought Not to Pass from the Committee on Highways on Bill, "An Act to Provide Funding for Police Professional Liability Insurance for Maine State Police Officers." (H. P. 855) (L. D. 1097)

Tabled — May 16, 1969 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

Thereupon, on motion by Mr. Logan of York, retabled and tomorrow assigned, pending Acceptance of the Committee Report.

The President laid before the Senate the sixth tabled and specially assigned matter:

Bill "An Act to Create the Mountain Resorts Airport Authority." (S. P. 368) (L. D. 1281)

Tabled — May 16, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I present Senate Amendment "B" and move its adoption.

Senate Amendment "B", Filing No. S-163, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President and Members of the Senate: Briefly this amendment is intended to clarify and to restrict. It very clearly indicates the purpose is to limit it to airports. It changes the method of meeting a quorum of the directors by increasing the number to make the quorum from four to five directors. It very clearly restricts their ability to generate power, to restrict it to that which they need for emergency facilities. It indicates that any eminent domain procedures shall be very strictly in accordance with the restrictive provisions of Title 35, Chapter 263, and that the authority shall pay the costs of the eminent domain procedures. It restricts the maximum amount of bonding they can do from \$20 million to \$5 million. I think, in general, it has made the bill substantially more palatable.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As you know, I was very much opposed to this bill the other day. Having read this amendment, I believe that it does correct those matters which I did object to most strenuously. I can now endorse the bill as amended.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This is the bill where I was first on one side and then the other. I still don't like this authority having the power to go anywhere in the State of Maine and exercise eminent domain in establishing airports. Unless this eminent domain is removed - I won't oppose this going to a second reading - unless this eminent

domain is removed, or is restricted to the area in which the proponents claim to want to use it, up in Franklin County near Flagstaff, then I shall have to vote against the bill.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: In the development of a grammar school there must certainly be several areas around the city so that if one is not acceptable another might be acceptable, but an airport with a jet-length runway is not that easy to locate, and there are precious few areas within hundreds of square miles where you can build an airport of this kind. I have a feeling it would be impractical to put together, gosh knows how many dozens of square miles for an airport development, and have one person stand in the way. I think it is completely impractical to talk about this development without a provision for eminent domain.

I notice under the purpose of the bill, and I call this to the attention of the Senator from Washington County, it says that the purpose is to further encourage the general business and recreational expansion in the mountain resorts areas of the State of Maine. I think this is very clearly the intent of the bill.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: I concur with the amendment that is being offered to this bill. I think it does take out the prior objections that the opponents had. I trust that you will support the amendment and support the bill.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The last time this bill was debated I am sure I tried the patience of the members of the Senate by my detailed analysis of the bill. Looking over the amendment, and listening to the com-

ments, I would say that an attempt has been made to straighten the bill out so that we can all support it which, of course, I am sure every member of the Senate does. We are all for the principle of economic climate improvement in the State of Maine.

I do feel—not only feel, I know—that the amendment does not go far enough to clean up the objections that have been raised, quite logically and properly, against the bill. I am not going to go into the items that I consider inimical to the passage of good legislation; I would just cite that there has been no attempt whatever to clear up the almost ludicrous Section 7064, entitled "Taxes", which goes so far as to put on our books an item which has never before been put on our books, and that is that profit from the sale of the bonds shall not be taxable. This is irrelevant, it has nothing to do - we have no income tax in the State of Maine now and make no attempt to tax the income from the sale of bonds, and such language has no place in the bill.

I consider that the police powers under 7065, which is still in the bill, are almost unconstitutional, and a grant of authority that the legislature is in no position to make legally to a pseudo - quasi - municipal operation, which would be set up under this.

I am not going to oppose the adoption of the amendment or the passage of the bill to be engrossed, in the fervent hope that somebody will give this measure the attention that it deserves to put it in proper form.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "B" be adopted?

The motion prevailed.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the seventh tabled and specially assigned matter:

Bill, "An Act Relating to the Statute of Limitations for the Malpractice of Physicians." (S. P. 85) (L. D. 279)

Tabled — May 16, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I didn't speak about this bill the last time it was before us because, frankly, I didn't know that much about it, but I have looked into it since and, while I thought it was reasonable before, I have changed my mind now.

The present statute of limitations that pertains to doctors, as people practicing the healing arts, is two years. The two years, as it is now, goes from the time of the wrongful act, the insult, or what have you, for two years after that. Now they have changed it so it is two years from the time of discovery and, of course, this means that it could be discovered thirty years later, so the doctor is liable forever. But they amended the bill, and as we have it now it is amended to say "not to exceed six years." So the doctor is not absolved until six years later. But I see no real need for this change in the statute here in Maine.

In New Hampshire it is two years, Massachusetts is two years, Rhode Island two, New York two, so why do we have this legislation before us at this time? I am not aware that the doctors in this State are malpracticing, committing more wrongful acts than they are in any other state, and I see no reason for it and I do not think they deserve this legislation. I think we are opening Pandora's Box here. We know that there would certainly be many more suits if people were encouraged to sue their doctor for every little thing. I know that in one state, I think it is Colorado, they have a problem there. Only two companies are issuing malpractice insurance, the rates are very high, and the doctors are talking about leaving the state. We are having a very difficult time to get doctors to come to Maine, and I see no reason to raise the statute of limitations to six years.

I consulted with the Executive Secretary of the Maine Medical Association, and he did not see any



need for this legislation. I called the President of the Maine Bar Association, and he did not see any need for this legislation. Therefore, I move that we indefinitely postpone this bill with all its accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Stuart, moves that Legislative Document 279, Bill, "An Act Relating to the Statute of Limitations for the Malpractice of Physicians," be indefinitely postponed.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: This bill is not a bill to encourage malpractice suits against doctors or dentists. This bill is not designed in any way to give anything but fair play to a person who is injured. I will give you a very plain illustration of what the bill would do.

If a doctor, as they sometimes do, makes a mistake in an operation and leaves a sponge in a body, and if that sponge isn't discovered for some time then the malpractice isn't known for some time. All this bill would do would be to say that when the injury is learned of, and it has become known, then the statute of limitations would start to run, and it would run for two years, never to exceed six years under any circumstances.

Now, I expect that the figure of six years isn't recognized immediately by most of you, unless you are aware of what the general statute of limitations is in negligence matters. If you or I are in an automobile accident while driving an automobile and are charged with negligence, then anyone bringing a suit against us must do so within six years. The statute of limitations runs in six years. Generally speaking, in regard to all negligence matters, six years is the statute. Six years was the statute in regard to doctors and dentists, it was forever the statute, up until some years ago, and I recall the instance very well. I was associated then with the lobbyists for the Maine Medical Association who got through this piece of legislation cutting it down to two

years at the behest of the insurance companies.

Now, this statute says that two years is fair enough, or this proposed bill says that two years is fair enough, providing the person who is injured has become aware of his injury. There are many times in the healing art, as the good dentist knows, when his negligence, if he commits any negligence in treating a patient, and for which his insurance company will stand behind him, isn't known, isn't discovered. Maybe it takes the technique of another dentist to find it out and to determine that he has performed some act for which he should be responsible. He will admit that those things do occur in the dentist's chair as well as on the operating table, and in all areas of the healing art, for which people have a proper recourse and should have a recourse. That is what insurance companies are for, to stand behind them.

So, it is a fair play type of bill, that only when the negligence is discovered shall this special statute, which was put through for the doctors and the dentists, come into play. It will come into play, if this statute is passed, when the negligence is discovered. But the right is forever cut off, regardless of any circumstance, when six years have passed. That is the law that applies to you and me in regard to any negligence that we may be charged with.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I would just like to repeat that the fact remains that at present the statute of limitations is two years. If we pass this legislation it will be up to six years. I submit that the exposure to risk of doctors is much greater than, say, lawyers, and I still ask the big question? Why this legislation now?

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: As sponsor of this L.D. I would like to answer some of the

questions that were raised by Senator Stuart.

First of all, when the negligence statute of limitations was passed years ago, doctors were not exempt, nor were any members of the healing arts profession. Then, for some reason, several years ago, the statute of limitations, as it applied to them, was reduced to two years. Now, I think we ought to consider very carefully here why we enact legislation. We don't look to the President of the Maine Bar Association or the Executive Secretary of the Maine Medical Association for their endorsement and approval of all these various bills, for if we were to do so we would be practically abdicating our responsibilities. The problem is that there were some real problems in this area.

This bill is not designed and is not intended to expose the doctors to a greater risk, but is intended to protect the citizens of this State, because frequently today doctors and physicians are becoming more involved in more technical and complicated operations where the effects and complications develop years after the operation itself is performed. Under our present law, after a period of two years has expired from the date of the operation, or the incident itself, the injured party is precluded from pursuing his claim.

The good Senator said that the exposure to risk of a doctor is greater. There is no denying this. Also, the damage to the injury that a person sustains is much greater. I don't think that we should approach this from a viewpoint that the insurance premiums for a physician will be greater, or that the insurance companies will be required to pay additional sums of money. We are very fortunate in Maine that we do have physicians in all our various professions who exercise a high degree of care in the performance of their professions. We are very fortunate that we have a very low percentage in numbers of claims that are filed against our physicians. This bill would not increase the number of claims. This will place the physician in the same position that the rest of us are in in this body.

The statute of limitations, for instance, as the good Senator from Franklin pointed out, is that all civil actions shall be commenced within six years after the cause of action accrues, and not afterwards. It says all civil actions, except those engaged in the healing arts. This is particularly significant when we consider that this bill, or the exception relating to the healing arts, is not limited to doctors, but it applies also to nurses, osteopaths, anyone who qualifies, whether it be an M.D., a D.O., a chiropractor - it wasn't too many days ago that the Maine Medical Association defeated a so-called chiropractor bill. I supported them on this measure because I felt it was ill-timed, it was ill-needed, and that it would serve the best interests of this State if it was defeated. I also feel that it is in the best interests of all of us to pass this legislation, because there is no denying that physicians occupy a very special place in this State, and in many respects they should be permitted to do so, but not when it results in jeopardizing many people in preventing them from asserting valid, bonafide claims against physicians, nurses, and it also applies to a certain degree to hospitals who carry liability insurance, who, up until a few years ago, were exempt from any form of negligence suit.

Finally, it was my feeling when I introduced this document that this would not open the door to an increased number or greater number of claims. It would only be correcting an inequity that exists in our statute of limitation laws. So, I trust that you will support us and, hopefully, this bill will be passed to be engrossed.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: Having worked my way through an estate that was held up by this six - year statute of limitations, I would like to say at the outset that I have never been happy about the six - year period. In my humble opinion, and from my bitter experience, it is far too long.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I don't think that this bill is necessary now in the State of Maine. I don't think we want to put ourselves in the same position the State of California is in now, where the insurance rates are very high for the doctors and, therefore, the poor people are suffering because the doctor has to charge them a higher fee.

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

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

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Stuart, that Legislative Document 279, Bill, "An Act Relating to the Statute of Limitations for the Malpractice of Physicians," be indefinitely postponed.

As many as are in favor of the motion to indefinitely postpone the bill will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Seventeen Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion prevailed and the Bill was Indefinitely Postponed.

Sent down for concurrence.

The President laid before the Senate the eighth tabled and specially assigned matter:

Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License for Nonappearance in Court." (S. P. 398) (L. D. 1350)

Tabled — May 16, 1969 by Senator Barnes of Aroostook.

Pending — Motion by Senator Berry of Cumberland to Indefinitely Postpone Bill.

On motion by Mr. Berry of Cumberland, retabled and tomorrow assigned, pending the motion by the same Senator that the Bill be Indefinitely Postponed.

The President laid before the Senate the ninth tabled and specially assigned matter:

HOUSE REPORTS — From the Committee on Towns and Counties on Bill, "An Act Creating Aroostook County Commissioner Districts." (H. P. 49) (L. D. 50) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — May 16, 1969 by Senator Reed of Sagadahoc.

Pending — Motion by Senator Peabody of Aroostook to Accept the Majority Ought to Pass Report.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

The President laid before the Senate the tenth tabled and specially assigned matter:

HOUSE REPORT — Ought Not to Pass from the Committee on State Government on Bill, "An Act Authorizing the Legislative Bodies of Municipalities to Reapportion Council Districts." (H. P. 838) (L. D. 1076)

Tabled — May 16, 1969 by Senator Logan of York.

Pending — Acceptance of Report.

On motion by Mr. Wyman of Washington, retabled and specially assigned for May 22, 1969, pending Acceptance of the Committee Report.

The President laid before the Senate the eleventh tabled and specially assigned matter:

Bill, "An Act Declaring Procedures for Acquiring and Protecting Antiquities on State Lands." (S. P. 389) (L. D. 1314)

Tabled — May 16, 1969 by Senator Bernard of Androscoggin.

Pending — Passage to be Engrossed.

On motion by Mr. Bernard of Androscoggin, retabled and tomorrow assigned, pending Passage to be Engrossed.

The President laid before the Senate the twelfth tabled and specially assigned matter:

JOINT ORDER — Relative to Proposed Consumer Code for State

of Maine to be Presented to the 105th Legislature. (S. P. 465)

Tabled — May 19, 1969 by Senator Katz of Kennebec.

Pending — Passage.

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Passage.

The President laid before the Senate the thirteenth tabled and specially assigned matter:

Bill, "An Act Creating an Administrative Assistant to the Chief Justice of the Supreme Judicial Court." (S. P. 369) (L. D. 1282)

Tabled — May 19, 1969 by Senator Mills of Franklin.

Pending — Passage to be Engrossed.

Mr. Mills of Franklin then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-165, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the fourteenth tabled and specially assigned matter:

Bill, "An Act Relating to Defenses of Family Relationships in Civil Actions." (H. P. 168) (L. D. 207)

Tabled — May 19, 1969 by Senator Mills of Franklin.

Pending — Motion by Senator Berry of Cumberland to Indefinitely Postpone the Bill.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, would the Secretary give us the status of this Bill? I believe there is an amendment there which doesn't show on the tabled item, and I would like to have reference to it, if I may.

The SECRETARY: This bill comes from the House, the Majority Ought to Pass Report read and accepted and the bill subsequently indefinitely postponed. In the Senate May 15, 1969, the Majority Ought to Pass Report was read and accepted in concurrence; tabled pending the

motion by Senator Berry of Cumberland to indefinitely postpone the bill.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: There is no amendment, apparently, at this point. In opposing the motion to indefinitely postpone, I would state that this bill has had a stormy career in the other branch, and I have been advised that preparations are under way there for an amendment to it to restrict it to automobile situations. The wording of the bill, and it is only two lines, changes the family relationship doctrine. As you know, at the present time, if you are in an automobile accident, and no matter how severely negligent you may be, there is no cause of action that can be brought against you by the members of your immediate family. This would allow you, and under the proposed amendment restricting it to automobile cases, it would allow you to extend your insurance coverage to give you a policy which would protect the members of your family against your negligence, or against the negligence of any member of the family who is now within the family relationship. Due to the doctrine established by the courts over the years, that it is against the domestic tranquillity to allow a husband, for instance, to sue his wife, or wife to sue her husband, in a negligence matter, this would allow for insurance to cover such negligence when it might exist.

Now, you may not be aware, but there is the right to bring such actions in other areas of contract, of course, but in areas of negligence it doesn't exist at the present time. This would extend that right and give a person the right to buy coverage so that if his family were injured due to his negligence, or the wife's negligence, or any negligence of any member of the family, other members of the family could recover for it.

I hope the motion will not prevail and that the bill may survive to be further amended.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am happy that Senator Mills has focused attention, under the proposed amendment, on the nub of the problem, and that is accident cases, their cost to the people of the State of Maine, and the danger inherent in this bill in the cost of automobile insurance to our citizens.

Let me say first that the vast majority of the citizens do carry accident insurance on their riders in their car, and if any member of the family is injured, in most cases, their expenses, regardless of whether there is a claim of negligence against a member of the family or not, are taken care of. So, it seems that the real need for the bill to look out for members of your family is really taken care of.

I think we are opening up a Pandora's Box here. My question to any member of the Judiciary Committee at the time the bill was reported out was: Would this permit a husband to sue a wife, and vice - versa, riding in the car? Of course, the purport of my question was that were we, under this legislation, setting the stage where there could be an artificial situation and somebody might be able to make some money out of a false situation? It seems to me that it is awful easy to fake an automobile accident injury. You can claim a back injury, and no one is going to say that you don't love your husband because your wife sues you because you have got a back injury. The net result of this, members of the Senate, would be an increase, an unwarranted increase, in the cost of insurance of a significant amount to the rest of the people of the State of Maine.

I think, as I said, this opens up vast new avenues which can only lead to abuse. This is the reason for my opposition, and I hope you would support my motion.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Sen-

ate: Once again I will try to give my position on this bill. Several months ago I had occasion to do some research on this issue, and I learned that at least fourteen states have similar legislation on their books. One in particular was the adjoining State of New Hampshire. I had occasion to talk to the Insurance Commissioner of New Hampshire, to other people concerned with the administration of this law, people involved in the insurance field, and attorneys as well. They find their records indicate that since New Hampshire enacted this law that there has not been a significant, or for that matter, any increase in the insurance premiums that can be attributed to this particular bill.

Now, this law would permit, if we defeat the pending motion and an amendment is offered and adopted, would permit claims to be filed by members of the family against the driver of the car, or the parent, where he or she were negligent. For the most part, we all carry liability insurance to protect ourselves from claims for negligence, yet we do not permit members of the family to recover under an insurance policy because of our statutory restriction - I shouldn't say "statutory"; it is a common law restriction by the court.

Again I think it is important to focus on the real question here. The practice in the history of the other states indicates that this will not result in any increase in unfounded claims by members of a family against another member of the family. This will simply permit heads of families to insure the members of their family against their negligence. Believe me, this will be reflected in the premiums. We all pay substantial premiums for liability insurance today. Now, we are not here to protect insurance companies. We seem to be dividing ourselves into various interest groups here as to suggest that it is the consumer against insurance companies, or that we are considering the best interests of the citizens of this State who are concerned with an increase in premiums. But we also have a responsibility to the citizens of this

State to permit them to be protected from the negligence of a person, whether it be their mother, father, sister or brother. Insurance companies will be protected. You can rest assured that their premiums will reflect whatever demands are necessary.

In the fourteen states that I am familiar with, and more particularly the State of New Hampshire, that have had and permitted this type of a claim for many years, has not led us to the conclusion that the good Senator from Cumberland would suggest. I would strongly urge the members of this body to oppose the pending motion. This legislation is badly needed.

I know of two instances where persons in this State were precluded from filing a claim against a father where the members in the family were badly injured, where the father ran a red light, and they were not permitted to file a claim for the permanent injury that they sustained.

The Senator from Cumberland suggested that there is adequate coverage in insurance policies today, and I assume he is referring to the medical payments coverage, which in most policies, if not all policies, is limited to \$500 for each claim. We all know that, with the increased costs of hospitalization and related medical costs, that \$500 for a personal injury is certainly insufficient to cover the needs and the costs involved.

This is very good legislation. It appears to me that those who are opposed to it are the insurance companies. If we want to make a determination today that we are going to protect the insurance companies, fine. I think the line should be drawn here today for us to make a judgment as to whether we are going to consider the best interests of the citizens of this State and permit them to file claims for negligence because, believe you me, that if it is an unfounded claim the insurance companies will not pay them. Whether it is a cervical strain or a whiplash, it has to be documented by a physician and by medical reports, which is practically impossible to acquire, and

insurance companies are very reluctant and in most cases will not pay claims unless they are well documented and supported by medical evidence. So, I urge the members of the Senate to vote against the pending motion.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Bill be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Senator Beliveau has attempted to polarize the thinking pro and con on this bill to, on one end, the insurance companies, saying that the opponents were speaking and working on behalf of the insurance companies. I am, so far, the only opponent, therefore, his comments must apply to me, and I would completely deny them. I think I made it as explicit as it is possible to make it understandable that my concern is with the average person in the State of Maine, the average automobile driver, the average person who pays the insurance premium, the average husband, the average wife. These are the people that I concern myself with.

Now, if we are going to polarize the thinking on L. D. 207, I would suggest that it be polarized with the Trial Lawyers' Association on one pole and somebody else on the other pole. I refuse to take either position. My position is the concern of the average citizen of the State of Maine, who will be the ultimate person who pays the unwarranted increase in his insurance costs from the activities which might arise out of this bill.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I have just a comment or two on this bill. I may be probably not more qualified to speak than anyone but, at least, I think I can take an impartial look at the bill.

As an attorney, I do very, very little negligence work, and so I really don't have a great deal of

interest as to what does happen with the bill personally, as far as my own practice is concerned, because negligence work is a very, very small part of my practice.

I gave consideration to some of the items that Senator Berry mentioned, and with which he is concerned, regarding the possible falsehood of claims and so forth, collusion between husband and wife, and I think that, with all the laws of discovery we have today in our rules of court concerning negligence cases, that the defendants in negligence trials have as much opportunity and as many avenues in examining people and finding out what their positions are, that it is practically impossible to really fake a claim and carry it on through a jury trial.

I did have some qualms about it, as Senator Berry but, in toto, I resolved that this bill was a good bill, that it did serve a good purpose, so I supported and voted for it. I think in toto and in balance it would resolve itself in favor of our public, and I support the bill.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I hesitate to rise on this bill, but I oppose the bill, and I think I would support the motion of the Senator from Cumberland, Senator Berry. I don't do so on the basis of money one way or the other. It doesn't seem to me that this is a factor. Maybe I am incorrect in taking this position, but it does seem to me that this is really the second piece of legislation which I have sat down and said nothing on. The other one was commented on by the Senator from York, Senator Logan. I feel that the structure of the family is being partially destroyed.

It just doesn't seem to me that a youngster should have the right, even though the old man was negligent, to be able to bring him into court and present a case. I suppose this doesn't have much logic, but it is just the way I feel and, therefore, I will probably support the motion that is now before us.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Just briefly, in regard to the last comment, the young man, if he is struck by his father with his fists, assaulted by his father with his fists, of course, you can bring him into court for assault and battery. However, that same assault is a civil injury, of course, for which damages would ordinarily accrue to the son - the son's jaw could be broken and he could lose his teeth - but he wouldn't have any negligence claim against his father, however much he might be able to bring him into court and make him answer in the criminal court for his act. He would have no recourse civilly, which I think you will agree is a very illogical situation.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I just want to say that the good Senator from Cumberland, Senator Berry, will not stand alone on this bill. I am with him on the indefinite postponement.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Cumberland, that Bill, "An Act Relating to Defenses of Family Relationships in Civil Actions," be indefinitely postponed. As many as are in favor of the motion to indefinitely postpone will say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion prevailed and the Bill was Indefinitely Postponed in concurrence.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Berry of Cumberland, Bill, "An Act Revising the Maine Mining Law" (H. P. 339) (L. D. 448), pending Passage to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-166, was Read and Adopted,

and the Bill, as Amended, Passed to be Engrossed in non - concurrence.

Sent down for concurrence.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Berry of Cumberland, Bill, "An Act to Clarify the State Records Law" (H. P. 991) (L. D. 1275).

Thereupon, the Bill, as Amended, was Passed to be Engrossed in concurrence.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Katz of Kennebec, Joint Order - Relative to Proposed Consumer Code for State of Maine to be Presented to the 105th Legislature (S. P. 465).

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I recall reading the order earlier today, and I am wondering whether the good Senator would explain in detail exactly what this order would provide. I have read it but, again, there seems to be a few problems here.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, poses a question through the Chair, which the Senator may answer if he so desires.

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: The Business Legislation Committee was presented with a very provocative document this session, "An Act Providing for a Uniform Consumer Credit Code." This bill, some ninety - odd pages long, has been presented to forty - seven of our States, and it is a rather stormy and controversial measure. In a rather precedent setting move, the United States Congress held hearings on it, unprecedented, because they normally don't look at legislation presented to the States, but the hearings were held because there is an interaction with this code and the truth-lending law which will be going into effect on July 1.

Now, this document was provocative in a number of ways because it suggested areas in our consumer credit that certainly need study. It discusses holder in due course, the three-day cooling off period on door to door sales, the whole topic of repossessions, credit security, this balloon payment situation, referral sales, credit life and health insurance, the whole area of small loans and behavior, garnishment of wages, and the area of interest rates. It is a very broad document. In the form that it was presented to us, it could not be enacted in this session.

However, the Business Legislation Committee felt very strongly that the Maine statute in regard to consumer credit now should be reviewed, with proper counsel made available, and proper talent made available, so that it may be presented to the 105th Legislature. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I don't intend to belabor this any further, but am I to understand that passage of this joint order would result in an appropriation of monies to retain private counsel to review a proposed consumer code?

The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: Not exactly. Certainly monies are provided, the commission and the arrangements of the order, and the way the people are selected, is similar, very similar, to the commission that was created to revise our insurance code. The consumer credit code is not the subject of this commission. This particular bill is not the subject of this commission. This particular bill is merely a platform or point of departure for a study of the entire consumer credit statute. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled and



tomorrow assigned, pending Passage.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act Amending Laws Pertaining to the Maine State Prison. (H. P. 667) (L. D. 854).

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I move that we reconsider our action whereby this Bill, L. D. 854, was Passed to be Engrossed, and I will speak briefly to my motion.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the rules be suspended for the purpose of the Senate reconsidering its action whereby this bill was passed to be engrossed.

The Chair recognizes the same Senator.

Mr. HOFFSES: Mr. President and Members of the Senate: The purpose of this amendment which I would like to offer will just simply reduce the amount of money from fifty dollars, which the bill proposed, back to the original twenty - five dollars which is now in existence pertaining to a prisoner who is being discharged from the Maine State Prison. By the adoption of this amendment, it would remove the money appropriation from the L.D. I, therefore, submit Senate Amendment "A" and move its adoption.

The PRESIDENT: The Chair would request the Senator to defer offering the amendment until the Senate suspends the rules and reconsiders its action whereby the Bill was passed to be engrossed.

Is it now the pleasure of the Senate to suspend the rules for the purpose of reconsidering its action whereby this Bill, L. D. 854, An Act Amending Laws Pertaining to the Maine State Prison, was passed to be engrossed?

The motion prevailed.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Is the pending matter before the body, is it subject for debate?

The PRESIDENT: Yes, the matter is before the body.

Mr. MILLS: I am a great admirer of the administration of the Maine State Prison. I am not informed as to the status of this matter, and I think Warden Robbins and his administration down there has been outstanding over the years. I wondered if the good Senator could inform us as to what this bill does? Is this something that the administration at the prison likes and wants, or is it something that they oppose? I would be very much affected by the attitude down there.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: In answer to the question from the good Senator from Franklin, Senator Mills, I can assure him that this action has the wholehearted endorsement of Warden Robbins, and the bill, as it was written, would call for a fifty dollar allocation to a parolee being discharged from the prison. My proposed amendment would reduce that figure back to its present status of twenty - five dollars.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: As I look at the bill, it says that the warden may furnish him, that is, the prisoner, a sum not exceeding, not exceeding fifty dollars, with the twenty - five dollars scratched out. That is the intent of putting the amendment on it, bringing it back to twenty - five dollars again.

I just wondered what the cost of this would be to the State, under the fifty dollars, and I wonder as to when the twenty - five dollars was reached. It seems to me that somebody coming out of prison after spending an amount of time down there ought to at least get a new suit and fifty bucks to carry him on, or up to fifty dollars. I

would oppose the adoption of the amendment.

The PRESIDENT: Is the Senate ready for the question? The Chair understands that the Senator from Knox, Senator Hoffses, offers Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-162, was Read.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, as I understand it, is the purpose for this amendment to permit the enactment of this bill without having it on the Appropriations Table? If so, I would support Senator Conley's position that this be discretionary with the warden, that he can expend a sum up to fifty dollars. Certainly when we release a person from State prison today and, if he is given fifty dollars, certainly that is not an unreasonable sum of money.

First of all, I would oppose the motion for what appears to be a

tactical reason for presenting it, to avoid placing this document on the Appropriations Table. Secondly, on the merits, because, first of all, it is discretionary with the board and, secondly, fifty dollars for a person being discharged from the State Prison without, in most cases, a position or a job to go to, and in many cases without a home to go to, is not an unreasonable sum of money. I think that if these people are released without any money, and then if they have to find money, we don't want them to resort to their former tactics to acquire money. They should be given an opportunity to find employment. I would oppose the motion for those two reasons.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Thereupon, on motion by Mr. Sewall of Penobscot, retabled and tomorrow assigned, pending Adoption of Senate Amendment "A".

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.