

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

VOLUME II

1959  
and  
SPECIAL SESSION  
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**SENATE**

Tuesday, May 19, 1959

Senate called to order by the President.

Prayer by Capt. William Ash, Salvation Army, Augusta.

On motion by Mr. Carpenter of Somerset, Journal of yesterday read and approved.

The PRESIDENT: At this time it is the Chair's pleasure to invite another distinguished member of the Maine Senate to preside as President pro tem for a portion of today's session, and the Chair would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Rogerson to the rostrum.

This was done amidst the applause of the Senate, the members rising; and Senator Rogerson of Cumberland assumed the Chair, The President retiring.

**Papers from the House**

Bill, "An Act Relating to State Owned Automobiles for Liquor Inspectors." (S. P. 420) (L. D. 1204)

In Senate, Majority (OTP) Report of the Committee on State Government accepted and bill passed to be engrossed.

Comes from the House, reports and bill Indefinitely Postponed in non-concurrence.

In the Senate, on motion by Mr. Hillman of Penobscot, the Senate voted to adhere.

Bill, "An Act Revising Election Provisions in Charter of City of Lewiston." (H. P. 844) (L. D. 1207)

In Senate on May 15, passed to be engrossed as amended by Senate Amendment A (Filing No. 387) in non-concurrence.

Comes from the House, passed to be engrossed without amendments, in non-concurrence.

In the Senate:

Mr. LESSARD of Androscoggin: Mr. President, in the absence of Senator Boucher of Androscoggin, I move that this bill lie on the table.

The motion prevailed and the bill was tabled pending consideration.

**House Committee Reports  
Ought to Pass — N.D.**

The Committee on Natural Resources on Bill, "An Act Providing for Northeastern Water and Related Land Resources Compact." (H. P. 724) (L. D. 1029) reported same in New Draft (H. P. 966) (L. D. 1372) and under New Title: "An Act Providing for a State Committee on Natural Resources." and that it Ought to pass.

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

**Ought to Pass — as Amended**

The Committee on Judiciary on recommitted Bill, "An Act Relating to Pauper Settlement of Patients and Employees of Central Maine Sanatorium." (H. P. 247) (L. D. 358) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 373)

Comes from the House, report accepted and bill passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (Filing No. 377)

In the Senate, the report was read and accepted in concurrence, Committee Amendment A read and adopted in concurrence; House Amendment A read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

**Communication**

STATE OF MAINE  
Supreme Judicial Court  
Augusta

May 18, 1959

Honorable Chester T. Winslow  
Secretary of the Senate  
State House  
Augusta, Maine.

Dear Mr. Winslow:

There are enclosed the Answers of the Justices to the Questions of May 7, 1959, relative to "An Act Classifying Certain Waters in Meduxnekeag River Basin" (L. D. 587), and "An Act Relating to the

Classification of Prestile Stream in Aroostook County." (L. D. 954).

Respectfully yours,

(Signed) Robert B. Williamson  
Enc.

#### ANSWERS OF THE JUSTICES

To the Honorable Senate of the State of Maine

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on May 7, 1959.

**QUESTION 1:** Do any of the provisions of House Paper 403, Legislative Document 587, conflict with the provisions of the Treaty Between the United States and Great Britain, relative to Boundary Waters Between the United States and Canada, (signed January 11, 1909), in violation of Article VI, Clause 2, of the Constitution of the United States?

**ANSWER:** We answer in the negative.

**QUESTION 2:** Do any of the provisions of House Paper 661, Legislative Document 954, conflict with the provisions of the Treaty Between the United States and Great Britain, relative to Boundary Waters Between the United States and Canada, (signed January 11, 1909), in violation of Article VI, Clause 2, of the Constitution of the United States?

**ANSWER:** We answer in the negative.

The first and second questions relating to L. D. 587, "An Act Classifying Certain Waters in Meduxnekeag River Basin" and L. D. 954, "An Act Relating to the Classification of Prestile Stream in Aroostook County" present identical issues, and may be answered together. "The effect of each Legislative Document (to use the words of the preamble to the questions) is alike in that, if enacted, each would lower the classification (permit the discharge of a greater amount of pollution) of a portion of

the respective waters, which waters flow across the international boundary into Canada; . . ."

The Meduxnekeag River and Prestile Stream run from Maine into Canada, and thus are "waters flowing across the boundary" under the Treaty. The portions of both streams covered by the proposed legislation are now classified waters by action of the Legislature in 1955. Under L. D. 587, Meduxnekeag River from a point in Houlton to the boundary would be changed from Class C to Class D; and under L. D. 954, the main stem of Prestile Stream from below the bridge at Mars Hill to the boundary would be changed from Class B-2 to unclassified waters. See R.S. c. 79 as amended in 1957, entitled "Water Improvement Commission"; Sec. 2 Standards of classification; Sec. 15 Meduxnekeag River Basin, Par. III, Prestile stream, and Par. XI Meduxnekeag River.

The Treaty is "the supreme law of the land," and we are governed by its terms in the event the state law is in conflict therewith. Article VI, clause 2, of the Federal Constitution reads:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding."

The Supreme Court of the United States has stated the principle in these words:

"Treaties are to be liberally construed so as to effect the apparent intention of the parties. . . . When a treaty provision fairly admits of two constructions, one restricting, the other enlarging rights which may be claimed under it, the more liberal interpretation is to be preferred, . . . and as the treaty-making power is independent of and superior to the legislative power of the states, the meaning of treaty provisions so construed is not restricted by any necessity of avoid-

ing possible conflict with state legislation and when so ascertained must prevail over inconsistent state enactments. . . . When their meaning is uncertain, recourse may be had to the negotiations and diplomatic correspondence of the contracting parties relating to the subject matter and to their own practical construction of it. . . ." *Nielsen v. Johnson*, 49 S. Ct. 223, 279 U.S. 47, 51.

"But state law must yield when it is inconsistent with or impairs the policy or provisions of a treaty or of an international compact or agreement." *United States v. Pink* (N.Y.) 62 S. Ct. 552, 566, 315 U.S. 203.

See also U.S. Code Annotated Constitution, Art. 6, cl. 2, Treaties.

The only provision of the Treaty specifically relating to pollution reads:

"It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other." Art. IV.

This, it should be noted, is a statement of the policy of the governments. No machinery for enforcement is set forth. In practice, questions involving pollution have been referred to the International Joint Commission, established under the Treaty for investigation and report under Article IX, which reads:

"The High Contracting Parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred."

**In Boundary Waters Problems of Canada and the United States,**

Bloomfield and Fitzgerald (1958) on page 20 it is stated:

"True, pollution is expressly mentioned in paragraph 2 of Article IV which records an agreement between the Parties to the Treaty to the effect that not only boundary waters, but also 'waters flowing across the boundary, shall not be polluted on either side to the injury of health or property on the other.' But this provision does not confer jurisdiction over pollution on the Commission. In fact, the pollution of Boundary Waters references (Nos. 4, 53 and 55) were brought before the Commission under the power of investigation conferred on it by Article IX."

On the one hand, there are the state statutes dealing with the problem of pollution and the classification of waters, and the proposed amendments (L. D. 587) and (L. D. 954) permitting an increase in pollution. On the other hand, and controlling, there is the Treaty with its stated policy against pollution "on either side to the injury of health or property on the other."

In our opinion there is nothing in either legislative document that conflicts with the Treaty. The People, through the Legislature, in classifying, reclassifying or removing from classification waters of the Meduxnekeag River Basin within the state, in no way create or authorize pollution "to the injury of health or property" in Canada. Whether such injuries result from pollution in Maine is a matter for determination when and if claim thereof is made in proper proceedings.

Injured parties are granted certain rights under Article II of the Treaty, which reads:

"Each of the High Contracting Parties reserves to itself or to the several State Governments on the one side and the Dominion or Provincial Governments on the other as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across

the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties thereto."

It would not be appropriate in answering the questions submitted to discuss the legal remedies which may be open to injured parties under this Article.

**QUESTION 3:** Would either House Paper 403, Legislative Document 587, "An Act Classifying Certain Waters in Meduxnekeag River Basin," or House Paper 661, Legislative Document 954, "An Act Relating to the Classification of Pres-tile Stream in Aroostook County," if enacted by the Legislature, be valid and constitutional under the Maine and United States Constitutions?

**ANSWER:** We are satisfied the question was asked only with reference to the validity and constitutionality of L. D. 587 and L. D. 954 in light of the Treaty. If we are correct in this view, we have, we believe, sufficiently covered the issues in our answers to the first and second questions.

If, however, it was intended that we give an advisory opinion generally upon the constitutionality of the proposed legislation under both the Maine and Federal Constitutions, or either, we must respectfully decline to answer. Such a question would obviously require an opinion, not upon the amendments in classification of waters here proposed, but upon the entire legislative program relating to pollution, classification of waters and other related matters found in R.S. c. 79. The question is too general to be a proper vehicle for such a purpose.

Dated at Augusta, Maine, this eighteenth day of May, 1959.

Respectfully submitted:

ROBERT B. WILLIAMSON  
DONALD W. WEBBER  
WALTER M. TAPLEY, JR.  
FRANCIS W. SULLIVAN  
F. HAROLD DUBORD  
CECIL J. SIDDALL

Which was Read and ordered placed on file.

### Order

Mr. Wyman of Washington presented the following order and moved its passage.

**ORDERED,** the House concurring, that the Legislative Research Committee be and hereby is directed to study the economic aspects of the Maine hearing fishery to determine how this resource may be best utilized to the best interest of the state and its inhabitants; and be it further

**ORDERED,** that the committee shall make such report or reports and recommendations as it concludes to the 100th Legislature.

Thereupon, on motion by Mr. Woodcock of Penobscot, the Order was tabled pending passage.

### Senate Committee Reports Ought Not to Pass

Mrs. Lord from the Committee on Towns and Counties on Bill, "An Act Relating to Salary of the Judge of Waldo County Municipal Court." (S. P. 61) (L. D. 94) reported that the same Ought not to pass as covered by other legislation.

The same Senator from the same Committee on Bill, "An Act Increasing Salaries of County Officers of Waldo County." (S. P. 62) (L. D. 95) reported that the same Ought not to pass as covered by other legislation.

Mr. Farley from the same Committee on Bill, "An Act Increasing Salary of Judge of the Lincoln Municipal Court, Lincoln County." (S. P. 63) (L. D. 96) reported that the same Ought not to pass as covered by other legislation.

The same Senator from the same Committee on Bill, "An Act Increasing Clerk Hire and Salaries of certain Lincoln County Officers."

(S. P. 64) (L. D. 97) reported that the same Ought not to pass as covered by other legislation.

The same Senator from the same Committee on Bill, "An Act Increasing Salaries of County Officers of Knox County." (S. P. 198) (L. D. 493) reported that the same Ought not to pass as covered by other legislation.

Mrs. Lord from the same Committee on Bill, "An Act Increasing Salary of Judge of Rockland Municipal Court." (S. P. 199) (L. D. 494) reported that the same Ought not to pass as covered by other legislation.

Mr. Farley from the same Committee on Bill, "An Act Increasing Clerk Hire in County Offices in Oxford County." (S. P. 220) (L. D. 559) reported that the same Ought not to pass as covered by other legislation.

The same Senator from the same Committee on Bill, "An Act Increasing Salary of Judge of Rumford Municipal Court and Providing Clerk Hire." (S. P. 221) (L. D. 560) reported that the same Ought not to pass as covered by other legislation.

Mrs. Lord from the same Committee on Bill, "An Act Increasing Salaries of Certain Officers of Kennebec County." (S. P. 241) (L. D. 624) reported that the same Ought not to pass as covered by other legislation.

Mr. Wyman from the same Committee on Bill, "An Act Increasing Salaries of County Officers of Sagadahoc County." (S. P. 243) (L. D. 626) reported that the same Ought not to pass as covered by other legislation.

The same Senator from the same Committee on Bill, "An Act Increasing Salaries of Judge and Recorder of Bath Municipal Court." (S. P. 248) (L. D. 631) reported that the same Ought not to pass as covered by other legislation.

Mrs. Lord from the same Committee on Bill, "An Act Increasing Salary of County Attorney of Somerset County." (S. P. 260) (L. D. 673) reported that the same Ought not to pass as covered by other legislation.

The same Senator from the same Committee on Bill, "An Act Increasing Salary of County Attorney

of York County." (S. P. 282) (L. D. 744) reported that the same Ought not to pass as covered by other legislation.

The same Senator from the same Committee on Bill, "An Act Increasing Salaries of Judge and Recorder of Saco Municipal Court." (S. P. 287) (L. D. 749) reported that the same Ought not to pass as covered by other legislation.

Mr. Wyman from the same Committee on Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorney of Penobscot County." (S. P. 341) (L. D. 917) reported that the same Ought not to pass as covered by other legislation.

Mr. Farley from the same Committee on Bill, "An Act Increasing Salaries of County Commissioners of Lincoln County." (S. P. 351) (L. D. 978) reported that the same Ought not to pass as covered by other legislation.

Which reports were severally read and accepted.

Sent down for concurrence.

**Majority — ONTP**  
**Minority — OTP**

The Majority of the Committee on Labor on Bill, "An Act Permitting Injured Employee under Workmen's Compensation Act to Choose Physician from Panel Named by Employer." (S. P. 346) (L. D. 973) reported that the same Ought not to pass.

(Signed)

Senator

ROSS of Sagadahoc

Representatives:

HANCOCK of Nobleboro

HARDY of Hope

WINCHENPAW

of Friendship

TREWORGY of Orono

LETOURNEAU of Sanford

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

(Signed)

Senators:

BATES of Penobscot

MacDONALD of Oxford

Representatives:

KARKOS of Lisbon

MILLER of Portland

On motion by Mr. Hunt of Kennebec, tabled pending acceptance of either report.

#### Second Readers

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

#### House — as Amended

“Resolve Relating to Non-lapsing Moneys for Construction of Eastport-Perry Causeway-Dam.” (H. P. 884) (L. D. 1258)

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

#### Senate

Bill, “An Act Relating to Certain Per Diem Fees of Deputy Sheriffs.” (S. P. 482) (L. D. 1353)

Mr. Weeks of Cumberland presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: In support of the motion which I have just made for the adoption of Senate Amendment A, I will say that we have a member of the Sheriff's department who is on continuous duty with the Superior Court. He is designated as messenger but he is a deputy sheriff. Under the wording of this act before us all the other deputy sheriffs are increased in their pay but he is not, so the amendment was drawn to add him while he is serving in the capacity of messenger to the Superior Court.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that Senate Amendment A be adopted.

The motion prevailed, Senate Amendment A was adopted and the bill was given its second reading, and passed to be engrossed.

Sent down for concurrence.

Bill, “An Act Relating to Licensing and Safety Operation of Boats.” (S. P. 494) (L. D. 1374)

Thereupon, on motion by Mr. Carpenter of Somerset, the bill L. D. 1374, and accompanying papers

were tabled pending passage to be engrossed.

#### Senate — as Amended

Bill, “An Act Relating to Number and Compensation of Special Deputy Sheriffs in Cumberland County.” (S. P. 183) (L. D. 426)

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 Hunting Deer with Bow and Arrow in Islesboro, Waldo County.” (H. P. 620) (L. D. 888.)

Bill, “An Act Relating to Certain Acts Constituting Lotteries.” (H. P. 813) (L. D. 1151)

Bill, “An Act Increasing Number of Medical Examiners in Lincoln County.” (H. P. 823) (L. D. 1161)

Which bills were severally passed to be enacted.

At this point the President assumed the Chair, Mr. Rogerson retiring, amidst the applause of the Senate.

The PRESIDENT: The Chair wishes to thank his colleague from Aroostook County Senator Rogerson, for his very excellent services presiding as President pro tem during a portion of today's calendar.

#### Orders of the Day

The President laid before the Senate the first tabled and today assigned item being “Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational and Industrial Park Purposes.” (S. P. 178) (L. D. 422) tabled on May 15 by the Senator from Sagadahoc, Senator Ross, pending consideration.

Mr. ROSS of Sagadahoc: In order that I might make a parliamentary inquiry, I move that the Senate recess for a very few minutes.

The motion prevailed.

#### After Recess

The Senate was called to order by the President.



Mr. NOYES of Franklin: Mr. President, concerning L. D. 422, I move that the Senate insist and ask for a Committee of Conference.

The motion prevailed and the Senate voted to insist on its previous action and request a Committee of Conference; the President appointed as Senate member of such committee, Senator Noyes of Franklin, Ross of Sagadahoc and Hillman of Penobscot.

The President laid before the Senate the 2nd tabled and today assigned item being, bill, "An Act Regulating Certain Insurance Sold in Connection with Credit Transactions." (H. P. 947) (L. D. 1343) tabled on May 18 by the Senator from Cumberland, Senator Charles pending passage to be engrossed; and that Senator moved the pending question.

The motion prevailed and the bill was passed to be engrossed in concurrence.

Mr. Willey of Hancock was granted unanimous consent to address the Senate.

Mr. WILLEY of Hancock: Mr. President and members of the Senate: It is my sad duty to inform the State of Maine Senate officially of the sudden death of my colleague, the Hon. Myron Shepard of Stonington, Hancock County. Mr. Shepard was born in Stonington on September 18, 1912. He was a life-long resident there. He was serving his second term as representative to the Maine Legislature. He will be truly missed by all of us who knew him well.

The PRESIDENT: The Chair on behalf of the Senate thanks the Senator from Hancock, Senator Willey, for making these very appropriate comments on the loss of a legislator whom I am sure we all agree was a splendid fellow and an excellent legislator and that his loss is a great loss to the State of Maine. Once again, the Chair thanks the Senator from Hancock, Senator Willey, for his very appropriate comments on the passing of Representative Myron F. Shepard.

Mr. Charles of Cumberland was granted unanimous consent to address the Senate.

Mr. CHARLES: Mr. President and members of the Senate: I would like to add my condolences to the family of Brother Myron Shepard who was a member of my Committee on Business Legislation. Representative Shepard conducted himself with high responsibility and he was a very valuable member of our committee. He served with me for the past two sessions and I found him very considerate and very valuable to all the citizens and to the Legislature of Maine. It is with regret that we lose him, and I hope that through the record we may make known to his wife and family the feelings which we have expressed here today.

The PRESIDENT: On behalf of the Senate the Chair likewise thanks the Senator from Cumberland, Senator Charles, for additional appropriate remarks on the passing of our fine friend, Representative Myron Shepard.

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table the 29th tabled item being House Report from the Committee on Legal Affairs: Ought to pass as amended by Committee Amendment A on bill, "An Act Relating to Time of Elections for City of Portland." (H. P. 398) (L. D. 581) tabled by that Senator on April 22 pending acceptance of the report.

Mrs. LORD of Cumberland: Mr. President, as I have stated before, the City Council of the City of Portland has appointed a Citizens' Committee to study the Charter of the City of Portland and to make recommendations to the 100th Legislature. In view of this fact, I would move indefinite postponement of this bill.

I would also like to add that I attended the hearing on this bill and there were two people that appeared for the bill and two who appeared against it. I think that is quite a departure from our former proceedings.

I move indefinite postponement of this bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Lord, that the bill be in-

definitely postponed in non-concurrence.

The motion to indefinitely postpone prevailed.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Reports from the Committee on Legal Affairs Majority Report, Ought not to pass; Minority report, Ought to pass, on bill, "An Act Establishing Columbus Day as a Legal Holiday" (S. P. 416) (L. D. 1200) tabled by that Senator on March 26 pending acceptance of the majority report (motion by Senator Martin of Kennebec.)

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: This bill was introduced by me four years ago and went through the Senate at that time and was defeated in the House. I again presented this bill this year and the Committee on Legal Affairs reported 6 to 4, 6 against and 4 for the bill. It is a worse condition than I had two years ago, but, being rather persistent, until I get what I want, I keep asking so I am coming back this morning and asking that you members give serious consideration to the setting up of Columbus Day as a holiday in the State of Maine.

I hate to say this again because I have said it several times in this session and past sessions, but why must the State of Maine be different from other states all the time? Why must it be behind the times at all times?

All the New England States, every single one of them excepting Maine, has Columbus Day. Practically all of the states in the Union have Columbus Day excepting Alaska, which is of course a new state and probably will have it before Maine, The District of Columbia, Idaho, Mississippi, North Carolina, South Carolina, South Dakota, Tennessee, Virginia and Wyoming. Alabama celebrates it as Federal Day -- they wanted to be a little different. It might be the same in Maine; we might call it something different than Columbus Day but we should celebrate it on that day. They call it Discovery Day in Indi-

ana, North Dakota and Ohio; in Wisconsin it is Landing Day and Memorial Day in Arkansas, Iowa and Oregon. In Michigan and Oklahoma it is optional.

We are one of the few states that do not care to recognize the discoverer of America. Out of fifty states now about forty celebrate or recognize Columbus Day. Maine has never seen fit to do it.

Now if this bill required the closing of industry on that day or affected the economy of the State of Maine in any way, shape or manner. I could understand that there would be some objection to it, but this bill calls only for the closing of the banks, the schools and a court holiday. It is not a bill calling for a layoff of all employees and all industry.

I repeat: Most every state in the Union has it and all of the New England States but Maine have it. I cannot understand the reason why Maine does not get into line and join the march. I am asking you this morning to favor this bill, at least in this Senate, and see what the other body wants to do with it. In the past we have passed it several times and it has been defeated in the House. I hope that it will have better treatment by them this time.

And so, Mr. President, I understand that the motion of the Senator from Kennebec, Senator Martin, is to accept the majority report which is "Ought not to pass." I hope that you will not favor his motion and that you will go along with me.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate: It is certainly difficult to have to oppose my good friend, the Senator from Androscoggin, Senator Boucher, but I feel that I must uphold the majority of the committee who voted "Ought not to pass."

I thought for a while that the good Senator was not going to take the bill off the table until we had observed Columbus Day, but I am glad that he has.

He states that it would not create a paid holiday. I refer you to the bill itself. All of the holidays listed are paid holidays.

I think perhaps the feeling of committee was, if you will look at

the bill, that all holidays we observe now and all of these declared legal holidays are holidays which affect groups or certain events in this country's history, such as Patriots Day, Memorial Day, Armistice Day or Veterans Day, Thanksgiving Day, the Fourth of July. You can see that more of these days affect a single individual except one and that is Christmas Day which is the birth of our Lord. So I think it resolves itself to this question: Do you wish to elevate another gentleman on the plane of Christmas Day? If you do, you should vote for this measure. I know we all like Columbus, and I am very grateful to him because it is the only date that I can remember --1492.

What I really mean to say is that I think we have enough days. I am sure that all of the school children celebrate in their own way Columbus Day, as we all do. We are certainly grateful to him for sailing over here and finding America, but I think we can celebrate it in other ways than by declaring this a legal holiday. I therefore hope that you will support the majority report of the committee, "Ought not to pass."

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I cannot find anything in my bill which gives the impression that the good Senator from Kennebec, Senator Martin, has stated. There is nothing in there that says that industry must stop on that day and must pay their employees for time off. It refers to courts, schools, and banks, and I didn't know that the industries of Maine were known as schools or courts or banks.

The Senator accuses me of waiting until Columbus Day. He might have to eat those words: we might still be here on Columbus Day if somebody doesn't start to do something. I hope that if we are here it will be a special session.

All of the reasons that he has given do not sound very logical to me, because why should all the other New England states and the great majority of the states in this country observe that day if it is not of any importance. He wants to put Columbus on the same footing as Jesus Christ and I would not

dare to do that. Although Columbus was a great man, he could not favorably be compared with Jesus Christ. I certainly don't want to exchange Columbus Day for Christmas Day. It is quite an expensive day for me with my big family.

But I do hope that you will give this bill a chance to survive. Let us get this discussion to the other branch of the legislature and let's listen to what they have to say about it.

My main reason is, let's get Maine up on the same level with the other states in this country. Why must we forever be all alone in our thinking and our doing? I have accused this state of ours in the past, of still fighting the Civil War and apparently if you have listened to the states that I have named that have not passed Columbus Day, they are mostly southern states and are still fighting the Civil War. And so I hope you will follow the motto of Maine and go forward - "Dirigo."

Mr. ROSS of Sagadahoc: Mr. President, either two or four years ago this bill went before the State Government Committee. I feel the same way now as I did then. It is very easy to take a part of a thing and plead that cause with compassion without looking at the whole. For instance when the Senator from Androscoggin, Senator Boucher says that Maine is backward and not in keeping with other states, he does not mention to you that in observing Patriot's Day, we are one of the two states in the union that have that day as a legal holiday. I wonder if he would be willing to swap Patriot's Day for Columbus Day because certainly we have as many total holidays as the other states in this country and why should Maine now go ahead of the others by putting this in along with Patriots Day and I certainly support the motion of the Senator from Kennebec, Senator Martin.

Mr. BOUCHER of Androscoggin: Mr. President, I am glad that the Senator from Sagadahoc, Senator Ross, brought this question up. We do celebrate Patriots Day. So does Massachusetts and so does Massachusetts celebrate Columbus Day, too. I remind him that the State of

Massachusetts does celebrate Columbus Day; New Hampshire celebrates Columbus Day; Vermont celebrates Columbus Day. We have been compared to Vermont many a time. I will remind him of that. Connecticut celebrates Columbus Day; Rhode Island celebrates Columbus Day. I don't think his argument has very much value, that we celebrate Patriots Day and I don't want to change Patriots Day for Columbus Day but I say that Massachusetts celebrates both Patriots Day and Columbus Day.

Mr. DOW of Lincoln: Mr. President, I did not plan to get into this discussion until a few moments ago, but I seem to remember that there is a dispute as to whether Columbus was the discoverer of America. I have seen history books and newspaper articles that state that Lief Ericson, a Norwegian, was the first person to discover America. Therefore there is a question in my mind whether we would set up a holiday for Columbus and leave poor Mr. Ericson out of it. I don't feel I can support this piece of legislation.

Mr. BOUCHER of Androscoggin: Mr. President, I see that the Senator from Lincoln, Senator Dow has found another reason. He has a doubt in his mind as to who discovered America. Well, I will promise, Mr. President, if I am back here in two years I shall introduce a bill to find out who discovered America and to honor that gentleman in the course of the year.

Mr. FARLEY of York: Mr. President, I might just as well get in on this too. I don't like the statement made by the Senator from Lincoln, Senator Dow. I graduated from the public schools, the 9th grade, and I would hate to admit that after going through the 9th grade that I didn't know who discovered America.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Martin, that the Senate accept the Majority Ought not to pass report of the committee on L. D. 1200.

A viva voce vote being doubted by the Chair,

A division of the Senate was had.

Fourteen having voted in the affirmative and fifteen opposed, the motion did not prevail.

Thereupon, the minority Ought to pass report of the committee was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Coffin of Cumberland, the Senate voted to take from the table the 53rd tabled item being, House Reports from the Committee on Legal Affairs: Majority Report Ought not to pass; Minority report, Ought to pass, on bill, "An Act Relating to Election of Council Members of City of Portland." "(H. P. 211) (L. D. 302) tabled by that Senator on May 6 pending acceptance of either report.

Mr. COFFIN of Cumberland: Mr. President, I move that the Senate accept the Minority Ought to pass report.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate, this came before the Committee on Legal Affairs of which I am a member, and my signature was on the majority Ought not to pass report. I signed the ought not to pass report not because of the nature of the bill in itself but purely on the evidence that was presented to us in committee by members of the Citizens Committee and also members of the city council, the governing body of the City of Portland. I look upon this bill purely as a measure for information and study. Since the city has already appointed a citizens charter committee to study such matters, the message was brought to us that they preferred not to discuss the pros and cons of the measure at this time but to give the City of Portland an opportunity of studying the purpose of the legislation and to come back later on with an opinion and a decision as to what to do for later consideration and for that reason I will move that this bill be indefinitely postponed purely on the basis of this study committee for later consideration.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate, for a number of years the city council of Portland has been more or less notorious for the attitude that has been taken relative to

their election. I might add that the word "notorious" should have been used because of the very low percentage point of votes that Portland produces each year at their annual election. As a matter of fact there is very little interest that has been shown in local elections in the City of Portland in the last ten years, and it has been getting increasingly worse to the present time.

Actually we have had several bills connected with the City of Portland and I would like to say that this survey that was set up was not set up until March 12 and was not even thought of until these various bills began to flow into the legislature. Actually I don't mean to set myself up and say perhaps that I am qualified to say what is right or what is wrong for the City of Portland, but I have been reading the editorials in the various papers from time to time and it has seemed to me that the opinion has been that there has been some dissatisfaction. Personally I can't see any great harm that we'd be doing by passing this bill. I can't see why it would upset even that surveying committee that came into the picture so late. Actually this is a bill with a referendum attached to it. The people are going to have the right to say whether they would like to have the council elected in this method or not, and I feel that not only the City of Portland but other cities are getting further away from the voice of the people. I feel that this thing here will have quite some effect in allowing for better interest in the local elections in the City of Portland.

I have nothing against the city council there or against anyone in the City of Portland—I love 'em all—but I do think that there is a chance here to do something for the City of Portland and I stand here to disagree with Senator Charles motion. Thank you.

Mrs. LORD of Cumberland: Mr. President, I rise to support Senator Charles. I was in attendance at this hearing and there were very few people present. I think if there is the demand for this situation in Portland that we should have more people come to the public hearing. I also think that the dis-

tricts have to be realigned. Some districts have many more voters than others and I think this bill should be indefinitely postponed and that the charter people, the people who are going to rewrite the charter should have a chance without a lot of amendments already on. I support the motion of Senator Charles.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate, it might be well at this time if I remind this august body that the original sponsor of this bill, Representative Russell is also a member of the charter study committee.

Mr. COFFIN of Cumberland: Mr. President, I would like to say also that this bill, practically this same bill was presented to this Senate two years ago by the good Senator from Cumberland, Senator Lord, or one or two sessions ago. May I ask Senator Lord if that is the case?

The PRESIDENT: The Senator from Cumberland, Senator Coffin, has posed a question to the Senator from Cumberland, Senator Lord, through the Chair, and that Senator may answer if she so desires.

Mrs. LORD of Cumberland: Mr. President, when I was in the House in 1953 I was asked by a Senator to present this bill which I did.

Mr. COFFIN: Mr. President, I can't see why this is such a bad bill now if it was such a good bill then. I feel that the bill has merit and I hope that Senator Charles' motion does not prevail.

Mr. CHARLES: Mr. President, when the vote is taken I ask for a division.

Mrs. LORD of Cumberland: Mr. President, may I say in defense of my position that I found out the hard way that this was not a good bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Charles, that L. D. 302 be indefinitely postponed; and a division has been requested.

A division of the Senate was had.

Twenty-two having voted in the affirmative and six opposed, the motion prevailed, and the bill and

accompanying papers were indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 33rd tabled item, being House Report from the Committee on Claims: Ought to pass, on "Resolve in Favor of Wild Acres Turkey Farm of Standish." (H. P. 184) (L. D. 277) tabled by that Senator on April 23 pending acceptance of the report.

Mr. CARPENTER of Somerset: Mr. President, I tabled this bill at the request of an individual and after I tabled it I began looking it over and I found out it was not too good a type of bill. This is a claim against the state, of Mr. Frederick Adams in payment for turkeys killed supposedly by raccoons.

It is my understanding that Mr. Adams has several hundred acres of land enclosed perhaps by fence, and which is marked closed to all hunting. Had this land not been closed to hunting I certainly would have gone along with this but owing to the fact that his several hundred acres are closed to hunting, I now move the indefinite postponement of this bill.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate, this farm which is under question right now is located in Cumberland County in Steep Falls. Last summer I took the trouble to make a business call myself at Wild Acres Farm plantation. This is a tremendous plantation and it is just what the title says—Wild Acres.

I talked with Mr. Adams personally, also in connection with the posting of signs which I did not think was going to be an issue at this time. He told me he had to put up these signs purely for safety reasons and because of the isolation of his farm and also again for the safety of his flock of turkeys. He did tell me that if anybody would only come to him and ask permission to hunt on the property he would be very glad to extend the right. He said, "I would like to know who is on my property and what they are hunting purely for my own safety and the safety of my family and also for the flock of

chickens and turkeys that I have for sale." He said, "It is very difficult sometimes to know what a man is there for. If I know he is there for purpose of hunting, then certainly I would give him permission."

I have also inspected his cages and the places where he keeps his turkeys. He takes every precaution possible to protect them against damage from wild animals, but nature is unpredictable. Therefore I say that Mr. Adams has done everything possible that he could do. He has only posted for his own protection and I challenge any member of this Senate to go to Mr. Adams and ask permission to hunt and I am sure he will permit you to hunt if you only ask permission.

I certainly hope that the motion of Senator Carpenter of Somerset does not prevail.

Mr. DOW of Lincoln: Mr. President, I would like to ask, through the Chair, a question of Senator Charles of Cumberland, as to whether any claim for loss of turkeys by wild animals was put in through the regular channels of the Department of Agriculture which can be done when chickens and turkeys are killed by foxes, coons, etc.?

The PRESIDENT: The Senator from Lincoln, Senator Dow, has posed a question to the Senator from Cumberland, Senator Charles, who may answer if he wishes.

Mr. CHARLES of Cumberland: Mr. President, I can only answer that question by pleading ignorance to whether he did place the claim in the right channels or not. I am not sure and therefore cannot answer the question.

Mr. STILPHEN of Knox: Mr. President and members of the Senate, I stood here the other day on a claim relative to loss of business. I stood on principle and establishing a precedent, I feel supporting the motion of the Senator from Somerset, Senator Carpenter, that this would definitely establish a precedent.

Down through our area we have quite extensive chicken farms and it is not unusual each and every spring prior to the opening of the coon season for much damage to be done to chickens on the range by coon. I happen to have a hobby

of coon hunting myself and have two nice dogs, and it is not unusual for the owners of these chicken ranches to contact the wardens there and they in turn contact us and with our dogs we help relieve the situation when coons are troublesome. Those farmers I am sure would not think of coming into the Legislature, the State Senate and asking for a claim for their chickens when there are other processes they can resort to. I therefore, knowing that damages other than this would come in and this would definitely establish a precedent, I shall support the motion of Senator Carpenter of Somerset and hope it does prevail.

Mr. BRIGGS of Aroostook : Mr. President and members of the Senate, I would like to be as sympathetic as possible with the problem of the aforementioned agriculturist or turkey grower, Mr. Adams, but I would like to point out to the members of the Senate, that it is exceedingly difficult as a policy of state government to protect every pursuit of business against the hazards of nature. It has been displayed here today that this area was in a rather wild remote region and perhaps those hazards are a little more than would be ordinarily were they a little closer to that great city of Portland, the heart of Cumberland County. But all of us, in the pursuit of our business have the problems whereby at one time or another there are certain conditions of nature that make our business the more difficult and where we have set out to honestly defend persons against those hazards, I am afraid we would find it an exceedingly difficult problem.

Therefore I am happy to support the motion of the Senator from Somerset, Senator Carpenter, for indefinite postponement.

Mr. CHARLES: Mr. President and members of the Senate, I might also add that Mr. Adams and his turkey promotion has made the turkey business for the State of Maine and if it hadn't been for this wild area, he would not have had the type of turkey that has made the product as popular as it is today. I don't know his total production, but that man came to Maine several years ago with nothing but an idea

of fishing on Sebago Lake. He later developed himself into buying more area and he bought acres and acres year after year, and upon his retirement from the investment business he started a few turkeys and then developed them and that has kept him in the State of Maine. It has brought a new industry. If he has managed to survive and to continue in business in the State of Maine, he must have the facilities to do so. Therefore I do not consider the argument of isolation as as detriment to the claim. Anybody who wants to establish himself in this state in a business of this type must have the type of facilities that he needs. Therefore I believe that we as a governing body here should consider these facts and grant his claim.

Mr. DOW of Lincoln: Mr. President and members of the Senate, I raised chickens for a number of years and during that time I fought coons, foxes, skunks and some humans. With the exception of the human element, any time a farmer has damage from a wild animal and most of that comes from coons and foxes, all he has to do is call the selectman in his town to survey the damage and the selectman will clarify that the number of birds lost or damaged by these animals and that report is forwarded to the Department of Agriculture here in Augusta and claim is paid in the amount of whatever the market value is on the birds lost.

My experience with foxes is that oftentimes you can't actually tell how many chickens the foxes did kill, because foxes will carry them off, and for a selectman to certify that so many chickens were lost, he has to see the chickens.

With a coon, I found that most of the damage done by coons was done on the spot. At night they eat the chicken on the spot and don't carry them off into the woods, so it is quite easy to survey the damage done by coons. There is a channel through which a farmer can collect damages, by the method I have explained. That is why I wondered why this certain farmer hadn't, if he hadn't, made an effort to collect damage through regular channels as provided by law that we have. I am sure that if he did

have damage which could be evaluated, he certainly would have been paid for any turkey loss he suffered from wild animals.

Mr. PARKER of Piscataquis: Mr. President, in order that I may perhaps clear up some of the things on this bill, I would like to explain that although I was Chairman of the Claims Committee before which this claim was heard rather earlier in the session, I was not present at the hearing, because of illness, but I do have before me a great deal of evidence that was presented at the hearing, and I would say that these various papers I have here indicate that at a great many times during the summer of 1958 the Wild Acres Turkey Farm did petition and write and call the selectman in that town explaining the number of turkeys that were killed and asking them to come out and investigate the loss. I find one witness' signature that states: "This is to certify that on several occasions during the spring and summer of 1958 I assisted in unpling the turkeys that had stampered as a result of attack by raccoon. Some of the birds were mangled, with chewed legs and wings and a greater number were suffocated as a result of the pile up. After keeping these birds in the rear of pens for a few days, I was instructed to haul them to the dump and keep them in one pile which I did. I do not remember the number that were killed as a result, but I would say there were considerably over a hundred" and this is signed by one Carleton E. Murch and witnessed by Francis Dupre.

I can only say that we, as members of this Senate, are only listening to the objections to the payment of this claim by, I believe in most cases, persons who did not attend the hearing and who have no knowledge except in reading the bill and objecting to having it paid. I am sure that every member of this body realizes that to my knowledge I have never advocated paying taxpayers' money for something that is not justified. I can only point out that of the nine members that were present at the hearing and after listening to all of the evidence and the nine members of the committee, who should be well qualified to

judge in this case, it came out unanimously ought to pass. I have no doubt if I had been there I would have voted and there would have been ten members. For that reason I shall certainly oppose the motion of the Senator from Somerset, Senator Carpenter.

Mr. BRIGGS of Aroostook: Mr. President, it seems to be necessary to go into this matter at a little bit greater length. What I want to say is that I did not in any way mean to say that because of the isolated nature of the farm which we are discussing that there was any more reason why he should not be entitled to the purposes of this resolve. What I did mean to say is that there are a lot of other isolated businesses like sporting camps and businesses of all types which are not within the confines of the built-up areas. These things are damaged by falling trees and damaged by bear, porcupines and I don't know what, and if we start out by paying damages in the amount of \$484.74, or whatever the amount is, I think we will run into difficulty, because they do have these damages in all areas where wild lands are a factor. I think this is a precedent - setting claim which we are being requested to pay, and it is similar, I think, to the danger of precedent which was so strongly opposed by the Senator from Piscataquis, Senator Parker, last week on a different type of resolve. Furthermore, in L. D. 277 I notice it goes on to say that the \$484.74 that is to be paid to Wild Acres Turkey Farm of Standish will be paid as usual from the dog tax fund. That is another bone of contention. All in all, there are a lot of problems connected with it. I do not know of any reason why a lot of people who are honest enough to pay taxes on their dogs ought to be required to establish this precedent whereby they will pay for damages to turkeys, as described in the resolve, by raccoons, although I realize that the dog tax is much abused for that purpose. I am not in favor of it, nevertheless. I would therefore like to say again that I hope that the proper motion made by the Senator from Somerset, Senator Carpenter,



to indefinitely postpone this resolve will be accepted.

Mr. DOW of Lincoln: Mr. President, unless some member of the Senate or some member of the Claims Committee can answer my question as to whether or not an attempt was made to collect a legal claim in this case, I would move that this lie on the table until we find out.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter, that the Senate indefinitely postpone L. D. 277.

Mr. CARPENTER of Somerset: Mr. President, I ask for a division of the tabling motion.

A division of the Senate was had.

Nine having voted in the affirmative and twenty opposed, the motion to table did not prevail.

Mr. WYMAN of Washington: Mr. President and members of the Senate: This admittedly is a very small matter. However, we do have a claims committee and the claims committee had plenty of time to hear the evidence and I think they knew a great deal more about the matter than we do. For that reason, I want to support the motion of Senator Parker of Piscataquis in opposing the motion to indefinitely postpone. This committee report was unanimous and it seems to me we should back up our committee which heard the claim and knew the facts.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: In view of the evidence submitted by the Senator from Piscataquis, Senator Parker, and in view of his strict opinion on such claims, I consider it a compliment, his support of this bill, and I really mean it. Very seldom does he ever stand up and support a claim, because of a principle involved, but in this particular case he understands what happened in the committee, he has had the opinions of both sides, and he has also submitted evidence that something was done by Mr. Adams to substantiate his claim by contacting the local selectmen.

When the vote is taken I request a division.

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

of the Senator from Somerset, Senator Carpenter that the Senate indefinitely postpone L. D. 277.

A division of the Senate was had. Twenty having voted in the affirmative and nine opposed, the motion prevailed and the bill and accompanying papers were indefinitely postponed in non-concurrence. Sent down for concurrence.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber, the United States History Class from Cony High School of Augusta, accompanied by Miss Ann Webster and Mr. Charles Arbor.

On behalf of the entire membership of the Senate, it is a privilege to welcome you young folks here, and to welcome your instructors. We trust you will find your visit here to be educational and enjoyable. A cordial and hearty welcome to all of you. (Applause.)

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table the 60th tabled item being bill, "An Act Relating to Chiropractic Treatment under Workmen's Compensation Law." (H. P. 940) (L. D. 1327) tabled by that Senator on May 8 pending motion by Senator Lessard of Androscoggin for Adoption of Senate Amendment B; and Mr. Weeks of Cumberland yielded to the Senator from Androscoggin, Senator Lessard.

Mr. LESSARD of Androscoggin: Mr. President, the pending motion as I understand is that the Senate adopt Senate Amendment B. I think I explained the motion the last time I spoke on it. I have not the amendment before me at the present time.

The PRESIDENT: Does the Senator wish the Secretary to read Senate Amendment B?

Mr. LESSARD: I do, Mr. President.

The Secretary read Senate Amendment B.

Mr. LESSARD: Mr. President and members of the Senate: You recall that the reason for the amendment was that there was some question in regard to some of our border communities whereby some of the practicing chiropractors or physicians come across the border to treat people in the State of

Maine. Under the present writing of the bill it would say they had to be licensed and the amendment uses the words "duly authorized" which would allow our medical boards to permit these men to practice in the State of Maine and give them authorization to do so. That is the purpose of the amendment.

The PRESIDENT: Is it the pleasure of the Senate to adopt Senate Amendment B?

The motion prevailed and Senate Amendment B was adopted.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I now move that this legislative document be indefinitely postponed. In support of that motion, I will offer a few remarks and I hope they will be fairly brief. However, it can take quite a little time.

In the first place, I want to call your attention to the fact that the Workmens Compensation Act has been on the books for some thirty odd years, and it applies — I quote the act: "This act shall be compulsory to the State, counties, cities, water districts and all other quasi-municipal corporations of a similar nature." I quote that because in my experience I have found many people thinking that the Workmens Compensation Act applies to industry alone. For your information, the only department of State which carries a separate budget to take care of items of this character is the Highway Department, and I believe that the Highway Department budget item is somewhere in the vicinity of fifty thousand dollars and that one member of the Attorney General's Department is frequently at hearings of the Industrial Accident Commission. It does represent money out of the taxpayers of the State of Maine as well as out of the hands of industrial companies.

This is not the first time that a measure of this character has been before the Legislature. Except for one year, there has been a bill of one type or another before every Legislature since 1945. There was no bill in 1957. Each time the measure has not met with favor.

The present act started out as L. D. 938 which has only three lines, so I will quote it: "During

the first thirty days after an injury — "aforesaid" has been marked out of the present statute, "the employee shall be entitled to reasonable medical, surgical, hospital services, nursing and medicines" — and then the words 'chiropractic treatment' have been inserted — "and mechanical and surgical aids when they are needed."

In the committee it was considered and reported out in a re-draft which you will find in your present acts, No. 1327, and the word "aforesaid" is still left crossed out, but the words "under direction of a physician licensed by the board of registration of medicine and or the board of osteopathic examination and registration" were inserted, and then the words "and chiropractic treatment within the scope of its practice" was inserted.

Now there is some misapprehension as to what was the significance of crossing out the word "aforesaid." Of course the word "aforesaid" referred back to — this being Section 9 it refers back to Section 8, which refers specifically to injury arising out of or in the course of employment. The only inference that can be drawn—maybe I am wrong—from crossing out the word "aforesaid" it would mean that any employee, if he has difficulties that he feels can be cured by chiropractic, a lame back or what have you, he could consult a chiropractor at his convenience whether there was a medical officer in attendance or not. That word "aforesaid" has been reinserted in the proposed measure and it has now been changed, as you heard the Senator from Androscoggin, Senator Lessard, say, that the word "licensed" has been changed to "duly authorized." I do not know whether that might contemplate a situation where he would be duly authorized after the event or before the event. Of course he was specifically referring to a situation which prevails along our borders, where many times woodsmen or those employed in border locations are injured and they have the advantage of having doctors from the Canadian side, and they have been have been recognized.

The act tends, as near as possible to put chiropractors on the same plan as medical men. Let's consider the chiropractic definition as contained in our statutes: "Chiropractic defined. The system, method or science commonly known as chiropractic, or the practice of chiropractic, is defined to be the science of palpating and adjusting the segments and articulations of the human spinal column by hand and locating and correcting interference with nerve transmission and expression by hand or by electrical treatment, hydrotherapy and diet without the use of drugs or surgery, and any and all other methods are declared not to be chiropractic, and chiropractic is declared not to be the practice of medicine, surgery, dentistry or osteopathy."

It doesn't take but a minute to know that you cannot have a chiropractor taking stitches, repairing fractures, lacerations or applying bandages or splints and hospitals and anaesthetics are not available. As it is defined, they are limited to the use of hands on the spinal column. It is obvious, therefore, that they should not seek to take over and treat industrial accident cases, which almost entirely involve lacerations and fractures. It does not take but a moment to look at the original report which is supposed to be filed with the Industrial Accident Commission by the attending physician. After several questions dealing with the identity of the individual, the fourth question is: "Was first treatment by a physician?" The seventh question: "Who furnished necessary medical supplies?" The eighth question: "Was a nurse ordered?" The ninth question: "Was hospital treatment necessary." The next question: "Give an accurate description of the nature and extent of the injury." The eleventh question: "Describe the treatment." The twelfth question: "Are the symptoms from which he is suffering due entirely to this injury?" "Has the injury resulted in permanent disability." "For what period from the date of accident is disability likely to exist?"

There is a questionnaire which involves both diagnosis and prog-

nosis, if he is going to be able to answer them intelligently, of the elements of medicine.

Now of course the statute says "During the first thirty days," but those of us who have had experience with industrial accident cases — and it refers to a limit of \$100 — we all know that the words "unless a longer period or a greater sum is allowed by the commission" have some real teeth, because we know that the commission on many cases has extended payments up to as much as five hundred weeks. Consequently, when you are talking in terms of \$100 it doesn't mean anything as long as the Commission has the authority to give much more than that at its own discretion.

This matter has been discussed, and you can find in the legislative record innumerable references to it over the last ten years. I refer to a gentleman by the name of Adam Walsh. He at one time made the statement in the legislative record:

"I too was treated by a chiropractor for six months, then went to an orthopedic to find out that I had two herniated discs in my spinal column which no chiropractor could cure. Any of us can go to a chiropractor or to the osteopath, they are specialists, any time we so desire, but this bit of legislation would allow a chiropractor's evidence in court to be on the same equal basis as a physician and a surgeon. This bit of legislation would allow a chiropractor to treat anyone for any ailment, real or imaginary. The purpose of this legislation that was passed in this legislature in 1923 was to confine the chiropractic field to the confines to which it belonged. The purpose of this legislation in my opinion is merely a way to give legal recognition to the chiropractors and allow them to roam at large." He was speaking in support of the motion to indefinitely postpone.

Now we have an obligation, having passed this act so many years ago — and it has worked very well, I don't believe that there is a soul who finds fault with the Workmens Compensation Act. But it is supported by State funds so far as municipal bodies are covered by it, and they must be covered by it.

There is fifty thousand dollars from your own Highway Department every year. Incidentally, other departments where they have accidents snatch it out of other funds they have available and they have no specific budget item in their particular department.

In referring to this same type of legislation, an article in the Milwaukee, Wisconsin Journal of 1957 states: "The truth — which the legislators must know — was simply stated by the head of the University of Wisconsin medical school: Medical knowledge has expanded so greatly and good medical care now involves so many specialties and skills that the training given chiropractors simply cannot be sufficient, even if the chiropractic theory of healing were correct.

"A person spending his own money may have the right to choose treatment from such a practitioner even though sometimes to his ultimate harm. The state, however, has a direct hand in the workmen's compensation and has clear responsibility to see that the injured man or woman gets the best available kind of care. The legislature would be betraying the contributors, the public, and the intended beneficiaries by opening the door to the chiropractor." And I agree with that proposition, that we would be betraying those intended beneficiaries and also the employees in Maine by opening the door. I think it should be confined to medical men. If this bill passed the responsibility would not be under the direction of medical men but would be under the direction of those who have no medical or surgical knowledge.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that L. D. 1327 and all accompanying papers be indefinitely postponed.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate: I support the motion to indefinitely postpone even though I was a member of the Labor Committee who reported unanimously "Ought to pass" on the new draft.

History often repeats itself, and I find myself this morning in the same position that I was in four

years ago except that I have changed from the end of the corridor down there to the end of the corridor up here. I was on the Labor Committee at that time and in the committee I went along reluctantly with the chiropractic bill, but later on, after a more mature consideration, I reversed my stand and I helped to fight the move and moved indefinite postponement in the House. Now this year, so that I would not be in the same predicament, I at first was determined that I would sign a minority "Ought not to pass" report, but there was a great deal of sentiment in favor of this shown by various members of the committee, and the Chairman of the committee, the Senator from Penobscot, Senator Bates, worked very diligently on a redraft, and my first reaction to this redraft was that it was a satisfactory solution and that it was a good compromise to the entire situation. Once again I refused to challenge in committee, but once again, after much deliberation, I must oppose it on the floor of this Senate.

Now at first blush this might sound like it was inexcusable indecision, but aside from that, at times, as you know, legislators have to have a flexible mind. The indecision, if it is called that, was caused by a basic desire on my part for fair play. The sentimental and emotional aspects point to the fact that if it is fair for one person to come under the industrial accident laws it should be fair for another.

Now I know that many persons go to chiropractors and I know that many persons have excellent results from them, and the amendment that the chiropractors would just practice within the scope they are allowed to practice under law seemed reasonable to me. But when we are dealing with unfortunate workers who have industrial accidents, we must base our conclusions on logic and not on feeling.

May I also quote a couple of definitions from Webster's Dictionary? "Chiropractic. A system of adjusting the joints, especially the spine, by hand, for curing disease." Funk & Wagnall: "Chiropractic. A drugless method of treating disease

by manipulation of the spinal column." And Tabor's Medical Dictionary: "The correction by spinal adjustment for diseases." Now all three of these specifically mention the one word "diseases," and under the workmen's compensation laws we are considering industrial accidents, which are usually traumatic accidents and not diseases. Here we must differentiate if we have any genuine concern for the worker. I will admit that spinal manipulation may be fine for some things, but it certainly could be devastating to something like a serious back injury. For instance, consider where such treatment might lead if a person had a ruptured disc.

In the final analysis, even though we have compassion for and respect the rights of others, we must view this entire subject from all aspects. We must remember that aside from treatment qualified opinions must be given as to the causal relationship, the extent of disability and the extent to which pre-existing conditions contributed to the disability; and these opinions are legal only from persons licensed to practice medicine and chiropractors are not. So I think that sound judgment dictates that we concur with the motion to indefinitely postpone.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that L. D. 1327 be indefinitely postponed.

A viva voce vote being had,

The bill and accompanying papers were indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Hunt of Kennebec, the Senate voted to take from the table Item 6-17 on Page 7, Senate Committee Reports from the Committee on Labor: Majority report, ought not to pass; Minority report, ought to pass, on bill, "An Act Permitting Injured Employee under Workmen's Compensation Act to Choose Physician from Panel Named by Employer." (S. P. 346) (L. D. 973) tabled by that Senator earlier in today's session pending acceptance of either report; and that Senator yielded to the Sen-

ator from Penobscot, Senator Bates.

On motion by Mr. Bates of Penobscot, the bill was retabled pending acceptance of either report.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table the 70th tabled item being Senate Report from the Committee on Appropriations and Financial Affairs: Ought to pass in new draft (S. P. 492) (L. D. 1370) under new Title: "An Act Reactivating the State Committee on Aging," on bill, "An Act Creating a Permanent Committee on Aging." (S. P. 266) (L. D. 728) tabled by that Senator on May 14 pending acceptance of the report; and on further motion by the same Senator, the ought to pass in new draft was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table Item 1-2, Page 1, being, bill, "An Act Revising Election Provisions in Charter of City of Lewiston," (H. P. 844) (L. D. 1207) tabled by that Senator earlier in today's session pending consideration; and that Senator yielded to the Senator from Androscoggin, Senator Boucher; and on motion by that Senator, the Senate voted to insist on its previous action.

Mr. Hunt of Kennebec was granted unanimous consent to address the Senate.

Mr. HUNT: Mr. President and members of the Senate: You all have on your desks a notice sent by our good Senate President and the Speaker of the House with regard to a Mr. Emmett O'Brien who is the Director of Vocational Education in Connecticut, who will be here tomorrow night to address a joint session of the House and Senate in the House Chamber.

As a little background to this, I would like to mention that at the last session of the Legislature there were three bills introduced for vocational schools throughout the State, and although none of them passed, the Legislature voted to have a special research committee

study the problem and report back to this session of the Legislature. This was done, and a Vocational Educational Committee was appointed, consisting of such people as Maurice Roux of the Pepperell Manufacturing Company, Marion Martin, the Commissioner of Labor, Dr. Harrison C. Lyseth of Portland, Mrs. Jean Sampson of Lewiston, Senator Clarence Parker of our own group, Harold Schnurle of the Central Maine Power Company, James Nolan of the Oxford Paper Company, and many others. Also Jesse Fuller, whom many of you remember as being in the House in the last session.

This committee made its report and suggested that a series of vocational schools should be established throughout the State at some time in the future. In line with this report, this bill, No. 1006, was introduced at this session which set up a first or pilot plant in this series of vocational schools in this State. The location of this school under the bill would be determined by the State Board of Education.

Sometime ago we had a hearing before the Appropriations Committee on this bill and there were several important questions raised at that time.

In order that everyone who had any question upon the matter of this importance should have a chance to ask it, we felt that some speaker perhaps should be asked to attend, someone who had had some experience in schools of this type. I might mention that the vocational school as set forth in L. D. 1006 is based pretty much upon the Connecticut system which has fourteen regional schools covering the entire State of Connecticut; and so Mr. Emmett O'Brien, who is Director and has been for some time of all the Vocational Education Schools of the State of Connecticut, was asked to speak here tomorrow night at eight o'clock. Incidentally, it is expected that he will be here sometime in the afternoon, and I am sure that any who wish to see him before the meeting will have a chance to do so.

The basic question involved in this legislation, and it is a very important one and will have to be decided by this legislature is:

Whether it is better to follow the Connecticut type of vocational education which sets up separate schools on a district basis, or whether we shall continue as we have, to have what I call industrial arts education in conjunction with our comprehensive high school. The difference between industrial arts educational and vocational education may be basic, and I would simply like to define it in this way: Industrial arts education is education that acquaints pupils with the different tools of a particular industry but does not particularly qualify them to accept any job. Vocational education, on the other hand, as we find it in Connecticut and Massachusetts and New Jersey, is education which tends to qualify students for a particular job, and in these three states the directors of the various schools rate themselves upon the percentage of their boys and girls whom they are able immediately to place in a given industry for which a pupil has been trained. And so this bill, L. D. 1006, which as not yet come out of committee but is expected to soon, will raise the problem of whether Maine wants to start on a new course of vocational education in line with all these other states of New Jersey, Massachusetts and Connecticut which definitely prepares pupils for immediate employment after graduation in specific industries, or whether we wish to continue as we have. I think a very important newspaper release of last week has an important bearing on it, and that was an article in the Kennebec Journal of May 11th which indicated that a group of evaluators at Cony High School had made a report on the value of the industrial arts program there and had in effect suggested that it be done away with.

And so we feel that this talk by Mr. Emmett O'Brien will be very timely, it will be upon this most important question which will have to be decided once the bill comes up for debate, and inasmuch as Connecticut has had several years of experience, in fact fifty years to be exact, in vocational education on a district basis such as we are here talking about in this L. D.

1006, I am sure that he will be able to give us information on how this type of legislation has worked in Connecticut, what results the students who have graduated from that type of school have had when they go out into industry, and whether or not from their experience in Connecticut they feel that this type of vocational education is better than that type which is connected with a comprehensive high school and is more of an industrial arts type of education. I hope that everyone will try at least to be present and hear Mr. O'Brien tomorrow evening at eight o'clock in the House Chamber.

The PRESIDENT: The Chair thanks the Senator from Kennebec, Senator Hunt, for bringing this to the attention of the Senate and certainly hopes that all of the members of the Senate will attend.

Mr. PARKER of Piscataquis: Mr. President, I simply rise to add my voice to that of the Senator from Kennebec, Senator Hunt in his invitation to everyone of this body to be present tomorrow night to hear Mr. O'Brien. I believe very sincerely that this is a subject that I am well aware has not been fully explained to many of the members and I know they have many questions in their minds that have not been cleared up. I hope that you will take the time tomorrow night to attend this explanation of Mr. O'Brien and that you will come away with a much clearer view of what a vocational school is and what it has done for the State of Connecticut, and if you believe, as

I do, that the future of the State of Maine is going to be largely what we do industrialwise, I think you will agree that that is something that must be started in a not too far distant day, to train some of our young people in such a school as is now being used in the State of Connecticut. I am sure that the committee on which I had the honor to serve went into this very carefully, and it was their unanimous opinion, after many months of hard work and hearings, that our future, as far as educational training goes in the State of Maine should be something in the nature of the bill that has been presented by my good friend, the Senator from Kennebec, Senator Hunt. I surely hope that everyone who can possibly do so will attend.

I notice in the pamphlet that it mentions interested members of the Legislature and invited guests. I do not want to assume the responsibility of going farther than that, but I will say this: that I believe any interested member of the public that would like to come in and listen will be certainly very welcome.

The PRESIDENT: The Chair thanks the Senator from Piscataquis, Senator Parker, for his additional information on the vocational school meeting tomorrow night.

---

On motion by Mr. Charles of Cumberland

Adjourned until tomorrow morning at nine-thirty o'clock.