

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, April 18, 1961

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Zaven Dohanian of the Church of the Nazarene, Freeport.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of forty students from the Russell School in Gray, accompanied by Louise Doughty, Leona D'Arcangelo and Elinor Foster.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

**Papers from the Senate  
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve Proposing an Amendment to the Constitution to Allow the Governor by Appointment to Fill Vacancies in the Legislature (S. P. 307) (L. D. 895) reporting that they are unable to agree.

(Signed)

MAYO of Sagadahoc

ERWIN of York

Committee on part of Senate

HAUGHN of Bridgton

DENNETT of Kittery

Committee on part of House

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Joint Resolution  
Tabled and Assigned**

Joint Resolution relative to Economy of Maine (S. P. 520)

Came from the Senate read and adopted.

In the House, the Joint Resolution was read as follows:

**STATE OF MAINE  
JOINT RESOLUTION**

WHEREAS, in the State of Maine there have been over 30,000 people unemployed for a long period, and Maine is the 49th State in the United States in number of unemployed percentagewise; and

WHEREAS, the per capita income in Maine is the lowest of any State in New England; and

WHEREAS, the tax per capita is the 2nd highest in New England; and

WHEREAS, much tax money has been spent on non-income producing fields; and

WHEREAS, Maine has lost over 6,000 manufacturing jobs in the last eight years; and

WHEREAS, the textile industry employment has dropped from 27 percent to 17 percent of total manufacturing employment; and

WHEREAS, Maine is the 44th State in the United States in population increase; and

WHEREAS, in recreational development, Maine is far behind other States in their overall program; and

WHEREAS, Maine spends far too little compared to other States in publicity of the State in tourism; and

WHEREAS, Maine lags in its development of the State Park program; and

WHEREAS, Maine is backward in upgrading and developing new recreational facilities; and

WHEREAS, Maine now gets in return from tourist business \$16.00 in direct taxes for each dollar spent and \$145.00 for each dollar spent in gross business, more advertising is essential; now, therefore be it

RESOLVED that this 100th Legislature give primary and urgent consideration to those measures now before the Legislature which will improve and expand the economy of Maine, before the Legislature considers those non-income producing measures which call for increased services and brick and mortar expenditures.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Ladies and Gentlemen of the House: After having read this res-

olution, I see no great deed that is going to be accomplished by the adoption of it, and I dislike very much the continued negative approach of matters that pertain to the State of Maine. There may be instances when there are items that are unfavorable to Maine, but when these are pointed out it would appear to me that the favorable items should be pointed out too.

In view of that, I move the indefinite postponement of this resolution.

The SPEAKER: The question now before the House is the motion of the gentleman from Greenville, Mr. Anderson, that this Joint Resolution be indefinitely postponed.

The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, I was just presented this Joint Resolution myself and I can't find anything in it that would cause us to take the drastic step of indefinite postponement. If the gentleman had asked for tabling in order that he might study further, I could well understand that; but to cite in a few moments' notice to read a resolution, and then ask for indefinite postponement, I just don't quite understand this action, and I sincerely trust that his motion will not be carried.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: In view of the fact that we just received this resolution, I move that it be tabled until tomorrow so that we may all consider it intelligently.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, moves that this resolution be tabled until tomorrow pending further consideration. Is this the pleasure of the House?

The motion prevailed.

#### **Senate Reports of Committees Leave to Withdraw**

Report of the Committee on Towns and Counties on Bill "An Act Providing for County Bond Issue for Jail Improvements in Ken-

nebec County" (S. P. 308) (L. D. 893) reporting Leave to Withdraw.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

#### **Ought Not to Pass**

Report of the Committee on Education reporting "Ought not to pass" on Resolve Appropriating Moneys for Vocational Educational Institute in Washington County (S. P. 276) (L. D. 877).

Report of the Committee on Legal Affairs reporting same on Bill "An Act Prohibiting Unfair Photographic Sales Practices" (S. P. 432) (L. D. 1392).

Came from the Senate read and accepted.

In the House, Reports were read and accepted in concurrence.

#### **Referred to Committee on Appropriations and Financial Affairs**

Report of the Committee on Industrial and Recreational Development on Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry (S. P. 1) (L. D. 1) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Came from the Senate with the Report read and accepted and the Resolve referred to the Committee on Appropriations and Financial Affairs.

In the House, the Report was read and accepted in concurrence and the Resolve referred to the Committee on Appropriations and Financial Affairs in concurrence.

#### **Non-Concurrent Matter**

Bill "An Act Revising the Laws Relating to Veterinarians" (H. P. 865) (L. D. 1200) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 7.

Came from the Senate with Committee Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

### Non-Concurrent Matter

Resolve Providing for Publication of Information on the Public Lots by Forestry Department (S. P. 491) (L. D. 1486) which was recalled from the Governor to the Senate by Joint Order (S. P. 507) and which was passed to be enacted in the House on March 24 and passed to be engrossed on March 21.

Came from the Senate recommit-  
ted to the Committee on Natural  
Resources in non-concurrence.

In the House: The House voted to recede from its action of March 24 whereby the Resolve was passed to be enacted, to recede from its action of March 21 whereby the Resolve was passed to be engrossed, and to recommit the Resolve to the Committee on Natural Resources in concurrence.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of fifteen Girl Scouts of Troop 20 from the Town of Eliot, accompanied by their troupe leaders, Mrs. Irving Cummings and Mrs. Frank Williams.

On behalf of the House, the Chair extends to you also a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

The SPEAKER: At this time the Chair would also like to recognize the presence in the gallery of nineteen pupils of Grades seven and eight from the Parsonsfield Consolidated School. They are accompanied by their teacher, Earl Sweatland and Mrs. Bernard Watson, Mr. and Mrs. George Mouradian and Mrs. Elmer Runyon.

There is also in the balcony at this time twenty-one students from the Civics Class in Mexico High School, accompanied by their teacher, Mrs. Lee Hutchinson, wife of a former Representative.

On behalf of the House, the Chair extends to you vacationing students a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

The SPEAKER: The Chair did not make a recapitulation at the

end of last week as to the progress of the Legislature at the end of the fifteenth week. However, the Chair realized what the progress was and probably was hesitant to make it. The progress during the last week was not as good as it has been in the prior weeks due to the fact that the 99th Legislature, apparently during the fifteenth week, was getting into high gear. But briefly, at the end of the fourteenth week we were 295 bills ahead, but at the end of last week we were only 202 bills ahead. In other words, we had a net loss of 93 bills last week, that's the Committee reports. I just mentioned that to call to your attention that we have got to make every possible use of every possible minute if we are going to terminate this Legislature at a date earlier than the Legislature was terminated in the 99th Legislature.

### Orders

#### Tabled and Assigned

Mr. Smith of Strong presented the following Order and moved its passage:

ORDERED, the Senate concurring, that H. P. 544, L. D. 741, Bill "An Act relating to Motor Vehicle Excise Tax" be recalled from the Legislative Files to the House. (H. P. 1121)

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, this Legislative Document somehow got by me, and maybe there are others in this House that every few weeks one of them gets by you also. But in a town meeting in Strong a few weeks ago my friends up there, if I have any left, asked me to do what I could about this Legislative Document. It means a lot, of course, to our area, but I promised them I would do it, but I must have been asleep or something because I see on April 5 there was a Leave to Withdraw report and it went through. All I would like would be for the indulgence of this House to permit this to come back from the files and that we might just see it and talk about it a few minutes, then you can do with it whatever you want; and I would so move.

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker, I think it would be well to have this order reproduced so that we could check the L. D. and be a little more advised as to the subject matter. For that reason I would move that this be tabled until tomorrow.

Thereupon, the Order was tabled pending the motion of the gentleman from Strong, Mr. Smith, that it receive passage, and specially assigned for Wednesday, April 19.

On motion of Mr. Edwards of Stockton Springs, it was

ORDERED, that Mr. Bearce of Bucksport be excused from attendance this week because of business.

Mr. Estey of Portland presented the following Order and moved its passage:

WHEREAS, the Pine Tree Council of the Boy Scouts of America have initiated the program of citizenship training, character building and physical development for the Boy Scouts of Maine; and

WHEREAS, said Pine Tree Council has issued a charter to Troop 81 of Westbrook under the sponsorship of the Saint Mary's Men's Club and the leadership of Scoutmaster Harold Corbin; and

WHEREAS, Troop 81 will recognize the accomplishment of rank of 13 Eagle Scouts on Tuesday, April 18, 1961; be it

ORDERED, that the members of the House of Representatives extend their congratulations to the Saint Mary's Men's Club, Scoutmaster Harold Corbin and the 13 Eagle Scouts; and be it further

ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to the Saint Mary's Men's Club.

The Order received passage.

The SPEAKER: The Chair would like to point out that Representative Boissonneau from Westbrook is a member of this Parish.

On motion of the gentlewoman from Falmouth, Mrs. Smith, House Rule 25 was suspended for the re-

mainder of today's session in order to permit smoking.

### House Reports of Committees Divided Report Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act relating to Petition for Review of Incapacity under Workmen's Compensation Act" (H. P. 506) (L. D. 765) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MAYO of Sagadahoc  
EDMUNDS of Arcostook  
— of the Senate.

Messrs. WINCHENPAW  
— of Friendship  
HANCOCK of Nobleboro  
BROWN of South Portland  
BOISSONNEAU  
— of Westbrook  
JOBIN of Rumford  
HARDY of Hope  
THAANUM of Winthrop  
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. COUTURE of Androscoggin  
— of the Senate.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, I was just presented this amendment this morning and have not had too much of an opportunity to study it. I move that this be tabled until Wednesday next, April 26.

The SPEAKER: In reference to item one, L. D. 705, the gentleman from Kennebunkport, Mr. Tyndale, moves that this bill be tabled until a week from Wednesday, April 26, pending acceptance of either Report. Is this the pleasure of the House?

The motion prevailed.

(Off Record Remarks)

### Passed to Be Engrossed

Bill "An Act relating to Rental of Northern Cumberland Municipal Court" (H. P. 66) (L. D. 108)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

#### Tabled and Assigned

Bill "An Act relating to Actions for Injuries Causing Death" (H. P. 316) (L. D. 468)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, item number two, L. D. 468, I would like to table this until a week from today.

The SPEAKER: In reference to L. D. 468, the gentleman from Farmington, Mr. Jones, moves that this be tabled until a week from today pending passage to be engrossed. Is this the pleasure of the House?

All those in favor say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Eighty-nine having voted in the affirmative and four having voted in the negative, the tabling motion prevailed.

Bill "An Act relating to Use of Appropriation for Education of Physically Handicapped and Exceptional Children" (H. P. 736) (L. D. 1024)

Bill "An Act relating to Disqualifying Interest of Judge or Register of Probate" (H. P. 987) (L. D. 1374)

Bill "An Act relating to Duties of the Attorney General" (H. P. 1021) (L. D. 1422)

Bill "An Act relating to Weight of Commercial Vehicles" (H. P. 1119) (L. D. 1541)

Bill "An Act Permitting Municipalities to Contract for Public Telephones Along Public Ways" (H. P. 1120) (L. D. 1543)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

#### Amended Bills Tabled

Bill "An Act relating to Costs and Fees in Civil Cases in Municipal and Trial Justice Courts" (H. P. 141) (L. D. 204)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Briggs of Portland, tabled pending passage to be engrossed and unassigned.)

#### Tabled and Assigned

Bill "An Act relating to Fees of Clerks of Courts for Entry of Action and Motion" (H. P. 993) (L. D. 1380)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Berry of Portland, tabled pending passage to be engrossed and specially assigned for Tuesday, April 25.)

Bill "An Act Permitting Certain Commercial Vehicles to Exceed Weight Limits" (H. P. 560) (L. D. 757)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

#### (Off Record Notice)

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of seventy students from Morse High School, Bath, Maine. It is a Senior Class in American History and a Junior Class in Government. They are accompanied by their teachers, Mr. Nathan Watson and Mrs. Andrew Flaherty. And also they are accompanied by parents; Mrs. George Burns, Mrs. Joseph Haab, and Mrs. Joseph Turcotte. Their visit here today is sponsored by the gentlemen from Bath, Mr. Brewer and Mr. Drake.

On behalf of the House, the Chair extends to you vacationing students a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

Also there are in the gallery forty Girl Scouts from Bridgton,

Maine, under the supervision of Mrs. Peaco. On behalf of the House, the Chair extends to you also a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

The SPEAKER: The Chair recognizes the presence in the hall of the House of a former Speaker of the House, a Speaker who served as Speaker of this House for two terms, which is unknown in modern times. This Speaker is now a Senator and the Chair is very pleased to recognize the Senator from Hancock, the Honorable Joseph T. Edgar, and the Chair will request that the Sergeant-at-Arms escort the former Speaker to the rostrum to sit here with the Speaker.

Thereupon, the Sergeant-at-Arms escorted the Honorable Joseph T. Edgar to the rostrum, amid the applause of the House.

The SPEAKER: That is why Joe broke so many gavels during the 99th Legislature, he really hits a firm gavel.

This is sort of a Joseph T. Edgar Day in that the picture of the former Speaker from Bar Harbor is to be hung in the Speaker's office immediately following the termination of this morning's session. I have that picture here with me and Senator Edgar has not seen the picture until this time. Of course, I will show it here to the rest of the group and this will be the picture which will be hung in the Speaker's office. (Applause)

And centered beneath the picture, Joseph T. Edgar, Bar Harbor, 1957 and 1959. You will notice that all the others out there practically have one date under.

Now with the permission of the former Speaker, we will proceed with Bills on their passage to be enacted.

#### **Enactor Tabled**

An Act relating to Disability Benefits under Maine State Retirement System (S. P. 203) (L. D. 536)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(Upon request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar.)

#### **Passed to Be Enacted**

An Act relating to Penalty for Assaults Upon Enforcement Officers (S. P. 292) (L. D. 903)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Tabled and Assigned**

An Act Declaring Abandoned Cellars to be Nuisances (S. P. 348) (L. D. 1081)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, in reference to item three, I would like to have this tabled until Thursday next in order that I may study it a little better. I think there is another bill which is associated with this one around here somewhere.

Thereupon, the Bill was tabled pending passage to be enacted and specially assigned for Thursday, April 20.

An Act relating to Area Directional Signs for Sanford and Rangeley Areas and Acadia National Park (S. P. 493) (L. D. 1489)

An Act relating to Warning Lights on Rural Mail and Doctors' Motor Vehicles (H. P. 916) (L. D. 1250)

An Act relating to Practicing Dental Hygiene by Students in Schools (H. P. 1110) (L. D. 1525)

#### **Finally Passed**

Resolve in favor of Estate of R. E. Hopkins of Hampden (H. P. 69) (L. D. 111)

Resolve Regulating Ice Fishing on Portage Lake, Aroostook County (H. P. 489) (L. D. 689)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.



### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

**HOUSE DIVIDED REPORT**—Majority Ought to Pass — Minority Ought Not to Pass — Committee on Business Legislation on Bill "An Act relating to Form of Standard Fire Insurance Policy." (H. P. 652) (L. D. 930)

Tabled — April 7, by Mr. Hughes of St. Albans.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: Due to the fact that the provisions contained in this document have been taken care of under other legislation, I move the acceptance of the Minority "Ought not to pass" Report.

Thereupon, the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act relating to Allocation of Funds for Purchase of Real Estate by State." (H. P. 285) (L. D. 437) — In House Read the Third Time.

Tabled — April 11, by Mr. Bragdon of Perham.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: It may have seemed a little strange to some members of the House that I tabled this bill, because this is a bill that came out of the Appropriations Committee. However, I was asked some questions on it the other day and because I was not quite prepared to answer them to my own satisfaction, I tabled it in order that I might obtain the information which I think I now have; and I will try to explain both to the people who asked the questions and to myself just what this does.

To better explain this to anyone interested, we will turn to the bill. The 99th Legislature gave to the Governor and Council the right to allocate \$500,000 from the unappropriated surplus of the General Fund for the purpose of purchasing land adjacent to the State House. This bill raises that amount to \$700,000. That far I was clear. If you will look down at the bottom of it, it further amends the law and strikes out the words "adjacent to the State House." This was the part that bothered me. I guess at the time that it came through the Committee, I was not aware that that was in it, so I had a question as well as the person who came to me with a question.

I find that the explanation of this is that in this bill passed by some previous legislature, giving this authority to the Governor and Council to purchase land around the State House as it became available, is definitely defined in the bill. If anyone has any questions, this is the area defined. So the thing that bothered me and bothered the people who asked me the question — what do we mean by striking out the word adjacent? The explanation that I get for that is that the Attorney General didn't know exactly what adjacent meant, and neither do I. He didn't know whether it meant ten feet, two streets, three streets, or how far. Do you know? But that was the reason for striking out the word adjacent.

The fears of the person who asked me the question was, are we saying in this amendment that they can buy land in Ogunquit, or Presque Isle, or Bangor? The answer as I get it is definitely no. It still is confined to this area.

Now if I have confused anybody in my attempted explanation, I would hope that either the gentleman from Calais, Mr. Davis, or the gentleman from Bangor, Mr. Wellman, would further clear this up for you people. If I have not, I would move that this bill receive passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The Chair laid before the House the third tabled and today assigned matter:

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1099) (L. D. 1512) — Committee on Health and Institutional Services, on Bill "An Act relating to Sale of Drugs and Medicines." (H. P. 304) (L. D. 1118)

Tabled — April 11, by Mr. Morrill of Harrison.

Pending — Motion of Mr. Danes of South Portland to accept the Committee Report.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Danes.

Mr. DANES: Mr. Speaker, Ladies and Gentlemen of the House: Because of the misunderstanding of the actual intent of this bill and the need for clarifying a lot of the points, I move that this item lie on the table unassigned.

The SPEAKER: In reference to item three, L. D. 1118, the gentleman from South Portland, Mr. Danes, moves that this item be tabled unassigned pending that gentleman's motion to accept the Committee Report.

Mr. CHOATE of Hallowell: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. CHOATE: To request a division please.

The SPEAKER: A division on the tabling motion has been requested.

All those in favor of the tabling motion, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Fifty-nine having voted in the affirmative and sixty-seven having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, Ladies and Gentlemen of the House: This bill if enacted it will restrict the sale of a great number of proprietary patent medicines to the drug stores under the supervision of the registered pharmacists. There would be included such well-known safe remedies as Bromo Seltzer, Dristan, Super Anahist,

Vicks Vatronol, Bromo-Quinine Four-Way Cold Tablets, Pertussin, and virtually all cold and cough remedies and topical ointments. Each of these remedies have been declared safe for use in self-medication by the Federal Food and Drug Administration. Any drug which because of its toxicity, or other patent ability for harmful affects, is not safe for such use, must be restricted to sale of prescription under federal law.

There is no relation of the proposal to public health. The safety of a drug is determined by the labeling and not by the place of sale. The sale in a general store of such products does not differ from the sale in a drug store. If the pharmacist attempts to advise or warn the customer beyond the label maintained, he runs the risk of first, violating the Medical Practice Act; second, causing the item to be adulterated or misbranded; third, assuming liability for the products which is now on the manufacturer. These products are freely sold by grocers and general merchants throughout the country. Failure to exempt the sale of proprietary medicines has caused a number of state pharmacist acts to be declared unconstitutional. Many of these items were sold in non-drug outlets, the traditional outlets before any pharmacy laws existed. This is particularly true in a State such as Maine where population is less dense, and it is often many miles to the nearest drug store.

I am going to move for the indefinite postponement of this bill.

The SPEAKER: In reference to item 3, L. D. 1118, the question now before the House is the motion of the gentleman from Harrison, Mr. Morrill, that the Reports and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I am very pleased to be on the same side as the gentleman from Harrison, Mr. Morrill. As you know last Friday, we had quite a battle and I ended up with a rolling pin today. But I don't think we're going to need it here because—I'm

a member of the Health and Institutional Services Committee. I feel that I have been a very faithful member of that committee. This is my third term. Now this bill comes out in new draft unanimous "ought to pass." I received a letter from Cummings Bros., wholesale grocers in Portland. This is what the letter says:

"Dear Mrs. Hendricks:

We have been notified by the Maine State Grocers Association that a surprise amendment attached to L. D. 1118 restricting the sale of health and beauty aids, grocery items, and certain patent or proprietary medicines now sold in grocery stores, which will also change section 14, Chapter 68 of the Revised Statutes, the Federal Pure Food and Drug Law permits grocers to sell what they now have in patent medicines and proprietary items. This should not be superceded by a state law poorly conceived and penalizing the retail grocer, whose future in the rural areas is cause for concern to our legislators.

May we respectfully request that you consider this surprise amendment," and I say surprise amendment because that is what it is, "may you consider this surprise amendment carefully and vote against such prohibitive and punishing legislation.

Yours very truly,

(Signed) FRANK CUMMINGS  
President of Cummings  
Brothers"

Now this is a surprise amendment. As I said before, I have been a member of this committee. This is my third term, and I never saw the redraft of this bill until it came out on the calendar. So I hope that this bill will be indefinitely postponed. I think that particularly up around the Kittery area, people can go over the line and get all the drugs they want. I don't think this could be workable, I think this bill should be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: In my estimation this bill if passed would

impose an unnecessary hardship on a lot of the rural people. There is not a single drug store in my fourteen towns. Some people are forty miles from the nearest registered pharmacist, and they remain reasonably healthy and happy. If they are seriously sick, they will find a doctor who is also forty miles away. They neither need nor want the advice of a registered pharmacist. I would go along with this thing if it were so amended that the drug stores should sell just drugs. My thinking on that being this way, being aware that the registered druggist might be selling me a magazine or a baby doll, while his clerk was selling someone an antihistamine without proper caution.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a few remarks in reference to the statement of our distinguished colleague, Mrs. Hendricks. I would like to point out that as a member of the Health and Institutional Services Committee when this proposed new draft came before us, and I called the secretary of the Maine State Grocers Association and informed him. So the next day this gentleman was able to appear at the hearing with some members of the grocery trade. And for that reason, I do not believe that we were enacting in any manner, I do not believe that it was necessary for me to call him, but I did. And I would also like to point out that it is customary in our committee that we hold our executive sessions right after the regular hearings. And evidently the gentlewoman was not present at the time that we reported this bill out.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I feel that this report is quite misleading. I would like to ask a question of the gentleman from South Portland, Mr. Gill, how many members of the Committee were present when this bill was put out in new draft unanimous "ought to pass"?

And the second question is, how many members of the committee were shown the new draft before the unanimous report was put out?

The SPEAKER: The gentlewoman from Portland, Mrs. Hendricks, has asked two questions through the Chair of the gentleman from South Portland, Mr. Gill, who may answer if he chooses.

The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, well I believe the gentlewoman from Portland, knows the number that were present at the committee meeting; at least she told me often enough. There were five, and I forgot the second question.

The SPEAKER: Would the gentlewoman from Portland, Mrs. Hendricks, kindly restate the second question.

Mrs. HENDRICKS: When this redraft of this bill was being considered and put out, before it was put on the calendar, how many members of the committee were contacted to see if they agreed with the redraft and agreed that a unanimous "ought to pass" Report of the redraft should be accepted?

The SPEAKER: The gentlewoman from Portland, Mrs. Hendricks, has restated her second question of the gentleman from South Portland, Mr. Gill, who may answer if he chooses.

Mr. GILL: I would like to state that I am just a junior member of the Committee, I am not the secretary and therefore I do not happen to have the information that she wants.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I would ask for a division on this.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from South Portland, Mr. Danes.

Mr. DANES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer some of the statements that have been made relative to the intent and the various points on this law. I too received a letter from Mr. Cummings, where he stated that this bill was going to restrict the sale

of beauty aids. To my knowledge, I can see nothing in the bill that's going to restrict anything relative to beauty aids. This is quite a concerted effort on the part of the Association of Grocers to more or less legislate for the drug business. Now that is coming to quite a state of affairs. Not that we are any more capable perhaps of buying merchandise, but we can certainly advise them. When the gentleman from Harrison, Mr. Morrill, stated that there was a possibility of the drug being adulterated, I am afraid I was lost on that, I don't see how we could possibly adulterate the drug after it has been manufactured. Relative to the practice of medicine, do you think it would be harmful for us to advise persons when there is a certain amount of danger connected with the taking of too much or the over dosage of an item such as Bromo Seltzer or Dristan or any of those items that are very dangerous?

I certainly hope that the motion of the gentleman from Harrison, Mr. Morrill, does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: There have been quite a few flying stories around here which are very misleading and untrue. Now when this bill came out it was in a redraft, we had the past president of the Maine Medical Association and the president of the Maine Medical Association with us. And they agreed that these drugs should be handled by the pharmacists in the pharmacy.

Mrs. Hendricks was given permission to speak a third time.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I'm a little bit quizzical about the legislative process here. I think there is quite a question involved here. We come down here to represent our locality and the people all over the state. And if just part of the committee is going to be shown just part of the business of the committee, how are we going to represent people properly? Cummings Brothers knows all about what happened in the committee

and certain medical associations are in favor of this and opposed to that and yet, I am a member of the Committee and I don't know what is going on. I'm just wondering — now I would like to know how many members of the Committee were contacted and told about the new redraft and asked if they were for or against it. I think that is the proper legislative process. That gives us the tools with which to represent our constituents. Now I am just wondering if we are going to do it properly, or are we going to do it haphazardly. I asked a question how many members of the committee, I'll ask this of the House Chairman, and let me state this, my relations with every member of the committee have been terrific. I think it's a terrific committee, and that's why I'm so surprised why this happened this way. I can't fathom it out.

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: I would like to answer Representative Hendrick's question. There were six members there. As you know it is hard to get your committee all together. We did not know these two doctors were here until we met them, and we gathered what we could of the committee together to meet with them. Does that answer your question?

The SPEAKER: Does the gentlewoman from Portland, Mrs. Hendricks, consider her question answered?

Mrs. HENDRICKS: No, it doesn't — I mean it doesn't answer my question. I just asked a question, where the doctors were is another thing. But I'm here in Legislature every day, I make an effort every day to get here, and before that was put out unanimous "Ought to pass", I was around, they could have contacted me.

The SPEAKER: Now the gentlewoman is speaking a fourth time.

Mrs. HENDRICKS: I don't consider my question answered. I would like to know how many members were contacted. And let me make this clear, I was at the committee hearing, but I had an-

other appointment before I left. Nobody told me they were having—

The SPEAKER: The gentlewoman is debating the question.

Mrs. HENDRICKS: Well, how many members of the committee were contacted? After the doctors left and everybody left, I was still around the Legislature weeks and weeks after—

The SPEAKER: Will the gentlewoman kindly—

Mrs. HENDRICKS: Excuse me.

The SPEAKER: The gentlewoman from Portland, Mrs. Hendricks, has asked a question through the Chair of anyone who may answer who may choose to do so.

The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker, there were six members present.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: To get back to the bill, I have two questions that I would like to have straightened out in my mind. In regards to the original bill, 1118, the section 14-A states: Sale of drugs and medicines. No person shall sell or offer for sale at retail, or dispense or give away, any drug or medicine to any person except a physician, dentist, or veterinarian, or his expressly authorized representative, without a permit to dispense from the commissioners of the profession of pharmacy. In the next to the last paragraph, it reads: This section shall not apply to non-poisonous patented, or proprietary medicines. In the new bill, new draft, in regards to the first paragraph, I would like to know what has happened that the intent of the bill has been changed in the new draft in regards to these two sections. The questions are to anybody who may choose to answer.

The SPEAKER: The gentleman from South Portland, Mr. Brown, has asked a question through the Chair of anyone who may choose to answer.

The Chair recognizes the gentleman from South Portland, Mr. Danes.

Mr. DANES: Mr. Speaker, Ladies and Gentlemen of the House: I won't attempt to answer the question there, because I would like to go into it a little bit more deeply with Mr. Brown. While I'm on my feet I feel that evidently the gentlewoman from Portland, Mrs. Hendricks, has felt slighted that she hasn't been contacted on this point, and I think perhaps to calm things down and perhaps to get a better understanding of it all, I would move that this bill be recommitted to the Committee so that the gentlewoman might be able to give us her version there.

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Danes, that the Bill be recommitted to the Committee on Health and Institutional Services. All those in favor say aye; those opposed, no.

A viva voce vote being taken, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Noel.

Mr. NOEL: Mr. Speaker, Ladies and Gentlemen of the House: I move the previous question.

The SPEAKER: The gentleman from Waterville, Mr. Noel, has moved the previous question.

For the Chair to entertain the motion for the previous question, it must have an expression of a desire by at least one third the members present. Will those who favor the Chair entertaining the motion for the previous question, please rise and remain standing until the monitors have made and returned their count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-third having arisen, the Chair is authorized to entertain the motion. The question now before the House is, shall the main question be put now? This question is debatable with a time limit of five minutes for any one individual member.

The Chair recognizes the gentleman from Portland, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I would like to withdraw my motion for a division.

The SPEAKER: The only matter under discussion at this particular

time is to whether or not the main question shall be put now. Is it the pleasure of the House that the main question shall be put now? All those in favor say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question now before the House is the motion of the gentleman from Harrison, Mr. Morrill, that the Reports and Bill "An Act relating to Sale of Drugs and Medicines," House Paper 804, Legislative Document 1118, be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I would like to withdraw my motion for a division.

The SPEAKER: The gentleman has withdrawn his motion for a division.

All those in favor of the motion to indefinitely postpone, please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, the Reports and Bill were indefinitely postponed and sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act relating to Rental of Space in County Buildings by State Departments." (H. P. 1104) (L. D. 1520) — In House Read the Third Time.

Tabled — April 11, by Mr. Haughn of Bridgton.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: Whereby we have the district court bill still pending in committee and an amendment necessary to this bill, and with the gentleman from Old Orchard Beach, who was concerned with this bill. We have talked it over, and I would like to ask permission of the House to table this unassigned until the district court bill comes out.

Thereupon, the Bill was retabled pending passage to be engrossed and unassigned.

The Chair laid before the House the fifth tabled and today assigned matter:

HOUSE REPORT — Ought to Pass with Committee Amendment "A" — (Filing H-178) — Committee on Legal Affairs on Bill "An Act to Grant a New Charter to the City of South Portland." (H. P. 605) (L. D. 864)

Tabled — April 12, by Mr. Danes of South Portland.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Danes.

Mr. DANES: Mr. Speaker, Ladies and Gentlemen of the House: I hope I am a little more successful with this bill. Inasmuch as the individuals who drafted this charter change are away on vacation, I have not had an opportunity to speak with them on the proposed amendment. I should like to table this item until two weeks from today, which would be May 2.

Thereupon, the Report and Bill were retabled pending acceptance of the Report and specially assigned for Tuesday, May 2.

The Chair laid before the House the sixth tabled and today assigned matter:

An Act Authorizing Acceptance of Federal Act Providing for Financial Assistance in Constructing School Facilities. (S. P. 410) (L. D. 1351) Passed to be Engrossed in both Branches.

Tabled — April 12, by Mr. Curtis of Bowdoinham.

Pending — Motion of Mr. Westerfield of Liberty to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Inasmuch as we've had some 1,600 bills and resolves, perhaps some of you have not read L. D. 1351. Now this L. D. is just simply an enabling act whereby the State Board of Education might accept some monies that would be provided by the Congress of the United States for school construction. It says, that the State Board to accept the provisions of the federal act providing for school construc-

tion assistance to comply with laws and regulations. In section 11-c it says the State Board of Education is a designated State agency. The State Board of Education is designated as the sole agency for administering the funds allotted under any federal act providing for financial assistance in construction of school facilities. Now the fact is, that's all it does. Now what we're concerned with is H. R. 4970, that's the bill to authorize a three year program of federal financial assistance for the public, elementary, and secondary schools to amend the public law of 815 and public law 874 of the 81st Congress and for other purposes.

The title of it says this is a school assistance of 1961. This title may be cited as a school assistance act of 1961. It is the purpose of this title to authorize a three year program of federal grants to states to assist the local education agency to construct urgently needed school facilities, elementary and secondary.

Now in line 10, it says assurance against federal interference of schools. Mind you this is the bill before Congress, Section 103, in the administration of this title, no department, agency, officer or employee of the United States, shall exercise any direction, supervision or control over the policy, determination, personnel, curriculum program of instruction or the administration or operation of any school or any school system. So we don't have anything to fear from that. Now just what this would do, the appropriation recommended seems reasonable. Section 105, allotments and payments to states. The State of Maine, if this bill receives passage, July, 1961, the State would receive \$4,125,926; July 1, 1962, the State would receive \$4,750,050; in July 1, 1963, the State would receive \$5,326,446, making a total of \$14,201,422. Inasmuch as this is sort of a grant and the law is so worded, the Congressional law is so worded, that they will not interfere with how this money is used except that it will be used for construction.

I see no reason why we should oppose it, but I don't see why we should give up \$14,000,000 on just a whim. And I hope that the mo-

tion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Liberty, Mr. Westerfield.

Mr. WESTERFIELD: Mr. Speaker, Ladies and Gentlemen of the House: Although this bill 1351 is entitled "An Act Authorizing Acceptance of Federal Act Providing for Financial Assistance in Constructing School Facilities," and although that's the title of it, the bill further provides in the body of it for the assistance of federal aid for school construction or for any other purpose. Now the gentleman from Bowdoinham, Mr. Curtis, has mentioned the fact that the prime bill before the Congress at this time is H. R. 4970, I believe. This act before us L. D. 1351, does not provide specifically for the acceptance of that particular bill of Congress. It provides for the acceptance of any federal aid at the present time or any time in the future. Further I would like to point out to you that H. R. 4970 provides a matter of choice as to whether we use this money at the present time and in its present draft, whether we use this money for school construction or for teachers' salaries. This bill in its present form provides that freedom of choice. I feel personally that we, the members of this Legislature, should be the individuals to make that choice as to whether we are going to spend the money for school construction or for teachers' salaries.

I further remind you that this bill now before Congress has not been enacted, and therefore it is subject to amendment and the provisions in the bill might be changed quite drastically before that final enacting stage. Therefore, we are accepting not H. R. 4970, but any act which they might come up with which might or might not meet with our approval. And I would further suggest to you that since there are many possible amendments which might be attached to this bill, there are many thoughts in the ways that federal money could and should possibly be used for the benefit of school facilities in the various states, that in accepting this particular bill we

are indicating a directive to our Representative in the Congress of the United States that we are in favor of the measure now pending before that Congress in every last detail. We are indicating that as a directive to them and yet if they came out with something entirely dissimilar, we would have already accepted it. Therefore, I now reiterate my motion of April 12, that we indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: In all sincerity, I believe that L. D. 1351 is a very modest bill. We already have a law which provides that in the event of federal aid for school construction, the School Building Authority has the right to take all it can get and use it for the purpose for which it was intended.

The question before this House today is whether any possible future funds for education from the federal government should be disbursed by the School Building Authority or by the State Board of Education. With all due respect to the distinguished members of the Authority, I suggest that it was established for quite a different purpose, namely to finance the construction and rentals of schools to those towns which are not able to borrow money to build their own schools and, when the Legislature appropriates money for the purpose, to give funds to units which can't pay rent on minimum facilities.

I suggest that the bill before us provides a more logical way of doing things. Under L. D. 1351, the funds, if any, will go to the State Treasurer. The State Board of Education will administer them. Matching funds will be found where possible in money already appropriated for school construction by the Legislature. Where the money has not been appropriated, the State Board of Education will inform the Legislature as to how much is needed and the Legislature will make the decision. I repeat, the Legislature will make the decision.

May I remind you that federal aid for school construction is not



an idea which is exclusively the property of the Democratic party. Mr. Nixon advocated it many times last summer. In fact, even broader programs of federal aid have had the support and the votes of Senators Smith, Payne, and Brewster. The late Senator Robert Taft once sponsored a federal aid bill and even the John Birch Society never called Robert Taft a Communist.

Refusing to accept federal aid to which we have ourselves contributed will not hurt anybody but ourselves and our children. The Rockefeller Committee, former President Eisenhower's committee on the National Purpose, every study group agrees that in the next decade we must approximately double our expenditures for education.

In the last decade, our own expenses more than doubled, but the rest of the country increased even more. How can we double our expenditures for education in the next decade? Shall we increase the property tax? Will this House find fifty million dollars for education? Can we afford a magnificent gesture at the expense of our own children?

This magnificent gesture comes a little late. In 1958-1959 Maine accepted thirty-seven million dollars in federal aid of one form or another, eighteen million dollars in highways, one and one third million for hospitals, three and one third million for education, exclusive of school lunches, just to mention a few.

The present administration bill has earmarked as the gentleman from Bowdoinham, Mr. Curtis, has stated, four million, one hundred twenty-five odd thousand dollars for Maine in 1961 and 1962, or fourteen million, two hundred two-odd thousand dollars for the next three years.

I ask you in all sincerity, can the children of Maine afford to pay for a fourteen million dollar gesture by this House? I certainly hope that the members of this body, both Democrats and Republicans, do not support the motion to indefinitely postpone 1351. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Sirois.

Mr. SIROIS: Mr. Speaker, Ladies and Gentlemen of the House: We know that there are two schools of thought regarding federal aid to education. There are those who favor it, and there are those who oppose it. It is not my intent to get into the merits or the demerits of these thinkings. Whether we favor it and whether we don't, if the Congress enacts this type of Legislation, then I feel we should be prepared to cope with this aid.

I know the opponents will refer to the commonly expressed argument of federal control of the schools. None of us want federal control and I am quite sure our Representatives in Washington realize that we do not wish it. For this reason the elements of Federal control have been removed from present proposals. This is permissive legislation in that if this situation were to exist, the State Board of Education would not have to accept this aid.

Secondly, the opponents will say that we are opening the doors forever to accepting any act of Congress and that this element of control should remain with the Legislature and not with the State Board of Education. I believe that we need today, a renewed faith in our governmental officials. In our democratic processes, we choose the best dedicated people we can find and we charge them with the control of one of our most prized possessions, the operation of our school systems. And yet some of us would express a lack of faith by requesting the final say. I believe that if we have faith enough in this board to charge them with the responsibility of handling our school systems that we should have faith enough in their evaluation, acceptance or rejection of federal aid. I have faith enough in them to feel that they will examine thoroughly all phases of these proposed legislations and will act in the best interest of the State of Maine.

Basically, we have two situations confronting us. One in which we would permit the state to accept federal aid when no matching

funds are required, and as has been stated, this bill would authorize the State Board of Education to examine, entertain and accept these federal funds, if in its wisdom such acts were beneficial to the State. They would not have to accept it, if they did not choose to do so and I would state at this time that present congressional proposals do not require matching funds.

The second situation we are confronted with is the one in which matching funds are required. In this case, the bill states that legislative approval must be had in the Legislature if the Legislature would have to make such matching appropriations. There again if the Legislature did not deem it in the best interests of the State, they would not have to make these appropriations and they would thereby waive any allotment of federal funds. This bill also states that to the maximum extent possible under any federal act, school construction assistance presently authorized and paid under section 237-H (this is the section that refers to the Sinclair Law pertaining to school construction aid) shall be considered as state funds used to match federal funds.

This type of legislation is not new to us. There are many departments of our state government who are now empowered to deal directly with the Federal government in that they may accept federal loans or grants without legislative approval. A previous Legislature empowered the Maine School Building Authority to do just this. If you will check subsection 13 of section 248 of chapter 41 of the Revised Statutes, you will find that a previous Legislature created the Maine School Building Authority and stated that this authority is authorized and empowered to accept from any authorized agency of the Federal Government loans or grants for the planning, construction or acquisition of any project, etc.

Even if you were not to pass this bill, it is quite possible under present law that the Maine School Building Authority could act as the state agency and go right ahead

and accept school construction aid. Actually what this bill would do is to repeal this section and designate the State Board of Education as the state agency rather than Maine School Building Authority. It would also set the legislature up as the controlling body in cases of matching funds. To those of you who feel that this bill would render to the State Board of Education authority which you feel should rest with the legislature, I would state that this authority has already been delegated to some of the departments of state and that this bill actually would work in the reverse and return much of this authority to you whereby in the case of matching funds the legislature would have the final say.

I would like to bring out another point. Lately we have heard some very good discussions regarding cost of operation of our State government. This great House decided that for economic reasons that cost of government must be held down. Worthy department heads were refused raises in keeping with this thinking. I take no exception with this thinking, but I would, however, remind everyone of you who felt that way to give this bill your most serious consideration.

If we do not accept this piece of legislation and if we were to agree with those who advocate that the legislature should have all the say, then, my friends, we are setting up the mechanics for a special session. For if we would agree with the opponents of this bill, the only way we could accept federal aid would be to be called back into a special session. This body decided that legislators' pay for special sessions should not be increased from ten dollars to fifteen or twenty a day. We were told that this increase could "boomerang." I feel that if we are to be consistent, then we should not set up unnecessarily the mechanics for a special session that will cost a lot of money. Even at ten dollars a day, let us not forget that this calls for a salary of about fifteen hundred dollars a day for this body alone and that this represents only a fraction of the cost of a special session.

Members of the Legislature, I hope you will give this bill serious consideration. It is necessary permissive legislation. Let us not set up unnecessarily the mechanics of a costly special session. Let us instead enact a little faith in a body that was a creature of this legislative branch of government.

Your Committee on Education has unanimously approved this bill. We hope in your wisdom you would also approve it, and that you would not go along with the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker and Members of the House: Like the gentleman from Liberty, Mr. Westfield, I am a little apprehensive as to what this bill could very well do to us. If you will read the bill, there is one sentence that is very broad and all encompassing. "The State is authorized to accept any" — and I underline any — "Act of Congress providing for financial assistance to states for the construction of school facilities or other purposes. . ." Now it has been pointed out that the Building Authority has no power to accept federal funds for the purpose of school construction. However, it says here "or other purposes." Now this could allude to any facet of federal aid to education.

It has further been pointed out that any program would be subject to legislative review if state matching monies were involved. However, it has not been assured that state matching monies would be involved in the federal aid to education program; it must be an outright grant. And we all know that whenever we accept federal aid in any form whatsoever, we also accept certain stipulations as to how federal money shall be spent. We have no idea what these stipulations might be at this time. We can't possibly predict what the bill might be that would be forthcoming. There has been reference made to a certain document in Congress, under consideration at this time. By the time we convene again, there might have been several bills considered and perhaps several passed. I think that we are

a little bit over anxious to accept a gift and perhaps we should look this gift horse in the mouth for a change.

It is apparent to me that the only possible object that this bill could serve would be to prevent the necessity for a special session. Now, I am not particularly fond of special sessions, but involving sums in the amount of \$14,000,000 and involving propositions that could very well affect our entire educational program, I think it would be time well spent to look over the federal act in accepting it, and I would be happy to return for a special session in that event. But until such time, I will not be able to support this L. D.

The SPEAKER: The Chair recognizes the gentleman from Medford, Mr. Hichborn.

Mr. HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: Federal aid to education is a comparatively new concept in the minds of our people, although we have been accepting federal aid in one form or another and in some degree for the past forty years. I would not be at all surprised if it would be news to some members of this Legislature to know that last year the State of Maine accepted in federal funds for education the total of \$1,690,003, and I would like to list the purposes for which these funds were expended. For administration, \$4,700; for the schooling of children in unorganized territory, \$7,905; the Maine Vocational Technical Institute, \$314; for vocational rehabilitation, \$228,795; for disability predetermination under the Social Security Law, \$50,175; under the Smith Hughes Act, \$47,611; under the George Barden Act, \$184,023; and under the National Defense Act for instruction, \$191,000; for guidance and testing, \$41,000; for technician training, \$39,900; for research and statistics, \$19,000; for television programming and research, \$90,248; for a school lunch program, \$780,000; and for fellowship for teachers of the mentally retarded, \$2,450. These with other minor items total \$1,690,353. We're already accepting funds for many purposes other than school construction.

Now we are told that we are buying a pig - in - a - poke, and Yankees don't like to buy a pig-in - a - poke, and I don't blame anybody. It is also true that this federal legislation has not as yet been enacted, and even the freshmen in this House have come to understand rather quickly that bills may be altered very drastically with a few amendments. We know that there will be many amendments to this federal legislation. We probably should examine the provisions of the bill as it is now written, and I would like to outline these provisions.

They provide that a total of two billion two hundred and ninety-eight million in federal funds shall be made available to the fifty states and their territories, with no matching funds required. Of this two and one quarter billion, Maine is scheduled to receive \$14,000,000 over a three year period for the following purposes: for assistance to local units in constructing school facilities, employment of needed additional teachers, and certain projects to improve quality of public, elementary and secondary education, and to reduce the inequalities of educational opportunities. It provides specifically that there shall be no federal control over policy, personnel, curriculum, administration or supervision of the schools. It provides that a minimum of \$25,000 shall be set aside for administration of these funds. It further provides that ten percent of the first year's allotment should be used for pilot, demonstration and experimental projects of a special and unique nature which might prove beneficial to the state. It further provides, as do most federal grants, that construction workers and employees shall receive the prevailing wage of the locality as determined by the Secretary of Labor. It further provides that the State must submit its plans to the Federal government outlining the purposes to which these funds will be booked, and the manner in which they will be allocated to the needy areas.

To say or to imply that the State Board of Education cannot be trusted to expend these funds wisely, is rather inconsistent. When we leave

these chambers in a few weeks, we hope, we're leaving this State Board of Education with a \$40,000,000 budget covering the coming biennium. I don't think anyone is particularly worried about scandal or grand larceny or embezzlement or mismanagement or misuse of these funds, and yet when it is suggested that the same board be permitted to accept \$14,000,000 in federal funds, we find people throwing up their hands and saying that board can't be trusted to do a good job for the people of the State of Maine.

Now the State Board of Education is comprised of ten members. These members are named by the Governor. Their appointments are approved by the Executive Council, and to me it seems inconceivable and unthinkable that anyone or any combination of those three would spend one penny of federal money for any purpose which would not be in the best interests of our people. Naturally, I recognize the position of this body and its duties, but I am not convinced that we are little tin gods possessed of any monopoly on the judgment which will have to be exercised in the expenditure of any moneys, whether they be state or federal. If we have any trust in the Governor, if we have any faith in the Council that was named by this body and by the Senate, if we have any trust in the State Board of Education which has been named and approved by them; it seems to me that we have no reason to accept the motion as made by my good friend, the gentleman from Liberty, Mr. Westerfield.

We can come back for a special session, it's true. We can come back at a cost of twenty-five thousand or more dollars probably and do something then which we can do in the next five minutes. It has been brought to your attention by several of the previous speakers that already on the books are laws which permit agencies to receive certain funds for certain purposes. They have quoted to you from that law, and I do not need to quote again. We could accept money if it is for construction purposes only, without any question the School Building Authority can already do that. We

can accept funds for vocational rehabilitation, we can accept for certain other purposes. I do not know that we have any act which permits us to accept funds for the special projects to which they have said ten percent of the first year's allotment should be used. It is every reason why we should continue the trust in the State Board of Education which we have placed in our School Building Authority and in the other agencies. And I certainly hope that the motion of the gentleman from Liberty, Mr. Westerfield, to indefinitely postpone, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Estey.

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I spoke on this measure last week. It has been very well covered by other members of the committee and other members of the House. There have been two references made to the rather broad powers of the Maine School Building Authority, and I would just call your attention to the fact that Section XIII of the law, which is the powers of that Authority, has been repealed in this bill and has been rewritten in Section XIII-A. And it provides an even further safeguard for the allocation of federal money by that federal act.

And it says that "determination shall become final upon approval of the Governor and the Executive Council," which was not previously in Section XIII of the law. So the committee has very thoroughly studied this bill and believes that there are more than adequate safeguards in it. And I would just caution that if the other states in our nation are to accept over two and a quarter billion dollars for use in their schools in the promotion of their educational program, it would be very foolhardy for the State of Maine not to accept its proportionate share.

I think we have already discussed the powers given to our State Board of Education, and this bill grants them no additional power than what they already have. They are charged to administer the program as set up by this Legislature, and there are adequate controls

in this bill protecting that power. I concur with the other members of the committee, and this was a unanimous report, and I certainly hope that the motion of the gentleman from Liberty, Mr. Westerfield, does not prevail, and I will request a division.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker and Members of the House: It seems that leadership of both parties has been involved in this discussion today, and I sincerely want to assure the House that as far as the Republicans are concerned, this is not a party measure, but we speak as individuals.

Now I have not been particularly familiar with this bill, and I have sat here and tried to listen to the debate and tried to decide which way I should vote. I am somewhat confused by it all I must admit. There is one thing that impresses me, and that is the impression has been given that we are merely transferring the authority to accept funds from one state board to another, that is, from the State School Building Authority to the State Board of Education. That is partly true, but as the gentleman from Woodstock, Mr. Whitman, has pointed out, there is that one other phrase which has been added, and that is that the board may accept funds for construction or any other purposes, and on that basis, I submit that the implication that we are merely changing agencies is misleading. And I think it is perhaps important, because we all know what we are talking about, and I don't know that we have mentioned it yet. We are talking about federal funds for teachers salaries, and that is a subject in itself. Many people have many strong thoughts on it, and I think perhaps would like to debate it specifically as such. My thoughts have not jelled on the subject, I might add.

This being the case, and I feel very strongly about special sessions as well, and feel that we should do what we can do here, and just as a test vote, my inclination at the moment is to vote against the bill as it stands, but

if the words "or any other purposes" were taken out, so that to all intents and purposes we would be merely making this change from agency to agency, I would be disposed to vote in favor of the bill, and hope that we could avoid a special session on taking advantage of federal funds for aid for construction purposes. For that reason, I am going to propose that we table this until tomorrow so that an amendment can be prepared to take out the words "or other purposes," and were that done I would vote for the bill. Now this is just to give each one of you an opportunity to express your own feelings. I have no very strong feelings and I will therefore, at this time, move that this bill be tabled until tomorrow, and Mr. Speaker, I would request a division so that merely an expression could be given.

The SPEAKER: The question before the House is the motion of the gentleman from Pittsfield, Mr. Baxter, that in reference to this item, "An Act Authorizing Acceptance of Federal Act Providing for Financial Assistance in Constructing School Facilities," Senate Paper 410, L. D. 1351 it be tabled until tomorrow pending the motion of the gentleman from Liberty, Mr. Westerfield, that the Act be indefinitely postponed, and a division has been requested on the tabling motion. All those in favor of the tabling motion, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Ninety-six having voted in the affirmative and twenty-six having voted in the negative, the tabling motion did prevail.

The SPEAKER: The Chair would like to make an announcement. It comes from Senator Porteous, that the executive session on Claims will be held Wednesday, April 19, instead of today.

The Chair laid before the House the seventh tabled and today assigned matter:

Bill "An Act relating to Store Registration under Pharmacy Laws." (H. P. 1100) (L. D. 1513)  
—In House Read the Third Time.

Tabled—April 12, by Mr. Gill of South Portland.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker, in order to clear the air on this and better understand this measure, I move we table this to Friday, April 21st.

Thereupon, the Bill was tabled pending passage to be engrossed and specially assigned for Friday, April 21.

The Chair laid before the House the eighth tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority Ought Not to Pass — Minority Ought to Pass with Committee Amendment "A" (Filing H-188)—Committee on Judiciary on Bill "An Act Providing for Professional Immunity to Physicians and Osteopaths in Emergency Cases." (H. P. 62) (L. D. 104)

Tabled—April 14, by Mr. Smith of Strong.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves the acceptance of the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker and Members of the House: This bill, L. D. 104, I believe is a good bill. It is not intended to relieve physicians from professional liabilities when performing their regular professional duties. This bill is intended to relieve them of professional liability when they are called in or are acting upon an emergency case.

Now some of you saw the television program of about two weeks ago which exemplified the need of such a bill to a great extent. At that time the television program showed a teenager who had been injured and later a doctor came

upon the scene, this was a stranger to the injured individual and the doctor advised him what he should do, and for him to go home and report the same to his parents and see his family physician. The teenager failed to do this because he was trying to cover up, and as a result he later had repercussions, and finally the parents learned that this physician had attended him at the scene of the emergency and brought suit against this physician. The physician endeavored to defend himself as best he could, and at the point of climax, the teenager yielded and told the parents actually what had taken place, and therefore the physician was relieved of his legal obligations so far as financial responsibility was concerned, because he was doing and performing his task and exercising due care when he first attended the youth.

Now one might be travelling upon the highway or in some other area and be involved in an accident, and a physician might be passing by who would see the situation and stop and render emergency care. In that way, the injured individual would be better off, and in some cases where this has happened, like in the television program that was shown, the physician who had taken acts and had done what his heart told him to do, was later sued and so subsequently as it is today, when many physicians are coming upon such scenes, they fail to recognize the situation or let on that they are a doctor and they just pass on and leave the injured person there because they just don't feel like putting themselves out on a limb.

Now if this bill should be accepted and passed, which I hope you will consider and do, it would mean that the doctors can stop and will stop and render aid at the scene of the emergency and therefore do what their heart would like for them to do. Now I hope the motion by our colleague, Mr. Knight, does not prevail, and we have on the desks the amendment, Committee Amendment "A" to L. D. 104, filing number H-188. I would like everyone to take this amendment out and check it over. The reason why this came out of

the Committee on a divided report is because the committee failed to consider what was considered to be a case of emergency, because the bill does not intend to relieve any physicians from their regular liability or professional liability when performing their professional duties. And in the State of California a bill similar to this was passed in good faith, and in this particular instance I think when you stop to consider the amendment that you will oppose and not vote for the "Ought not to pass" Report, but will vote on the Minority Report "Ought to pass." I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker and Members of the House: The Committee heard this bill and there was considerable discussion in executive session concerning it. Now the law of negligence in Maine today is that the exercise of due care is the test. A doctor arriving on a scene of an accident, finding a man injured, takes the patient as he finds him, and the test of due care applies to that situation only as the doctor comes upon it.

For instance, if a man is lying injured at the scene of an accident and he has a past history of heart ailment, and the doctor treats him at the scene, not knowing of this past history, he is not held accountable for anything that may be detrimental to the man's condition. Another thing that you would be voting on on this bill is that if you yourself were lying unconscious at the scene of an accident, a doctor can treat you and he is only held accountable to due care, and if taking into consideration the entire surrounding facts, a jury found that it was due care, the man would be found not guilty of any malpractice or anything else. And these cases never come into court because they never arise because of our standards of our medical profession in this State. No cases were brought before the Committee that took place in the State of Maine, by that I mean no incidents such as this TV program that was mentioned, was ev-

er brought before the Committee as having taken place in the State of Maine, and I would be interested if the information is available from any member of this House, as to how many cases have arisen in the State of Maine. I hope that when the vote is taken you will go along with the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Rockland, Mr. Knight, who was my fellow member on the Judiciary Committee, and in support of the Minority "Ought to pass" Report. As we all know, there is a great trend across the country to bring suits against doctors for malpractice, and the doctors themselves are well aware of this particular phase. And because of these circumstances, the doctors are very reluctant to step forward and render emergency treatment at the scene of an accident if they do not have to, and I have seen many of them, and I know several that have gone by automobile accidents and refused to treat just because of this particular problem.

Now the bill as originally presented to the Judiciary Committee went a great deal further in eliminating professional liability than this particular bill as amended by Committee Amendment "A." The intent of the bill was really to encourage doctors to treat people at the scene of an emergency such as an accident, especially highway accidents, and because of this, this bill has been amended to eliminate liability to the doctors only in those cases where in the exercise of due care they render emergency treatment at the scene of an accident. Now this is a very limited exculpation from liability. It has nothing to do with their private practice. The intent is to encourage doctors to treat people at the scene of an accident, and when you are lying there sick on the highway and you are smashed up as the result of an automobile accident, you want a doctor.

Now as I have said, I myself have seen several doctors refuse to treat people at the scene of a motor vehicle accident. They say fine, you bring them over to the hospital and I will treat them over there, I have got all the facilities I need, but I am not taking any chances here on the open highway.

Now as far as I am personally concerned, if this piece of legislation will encourage one doctor to treat one person at the scene of a highway accident and save a life, this piece of legislation is worthwhile and will do more good for the public than possibly the fact that we will save a few law suits against doctors. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Minsky.

Mr. MINSKY: Mr. Speaker and Members of the House: I thought I would like to add just a few more comments in support of the "Ought not to pass" Report on this bill. I have been a bit disturbed at the number of bills that have come before this Legislature all seeking the same thing; they say in principle, I believe that anyone should be held responsible for their acts except me, and this is just one of several bills which tries to give immunity to certain persons under certain conditions. I was not aware of what the gentleman from York Mr. Rust, seems to indicate is a widespread practice of doctors to drive by scenes of motor vehicle accidents and refuse to treat patients. Quite frankly I have a very high opinion of the medical profession, and I do not think many doctors fall in that category. I would further like to say that those that do, who would refuse to treat a patient, I quite frankly am not particularly concerned about giving immunity to that type of individual.

I would also like to make a comment on one other remark made by Mr. Rust from York, and that is that he does not want any doctor held responsible when he treats a patient on roadside and exercises due care. I do not either, but I think the laws of Maine already provide that if a doctor exercises due care under the circumstances, he is not subject to suit or certainly would not be found guilty of



malpractice or any other sort of thing. I think the doctor is already protected under the exercise of due care. I do not like to see a chipping away in every area possible of the protection the citizen has in addition to our already growing immunity statutes. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: I am very much afraid of this bill, having had some experience with my own husband with an insurance doctor, and having had some difficulties with him even going to the office and the manner in which he was taken care of. I can't imagine what would happen if we allowed this bill to pass. I seriously question the wisdom of it.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. All I think that this bill is trying to do is to encourage the doctor to undertake an act of mercy. If a doctor is so frightened of the actions of the people he may treat that he finds on the highway or other places, that he fails to treat them, I think maybe the law of negligence is wrong, and I would hope that this bill would take a step to correct it.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker and Members of the House: With reference to this bill, I for one have had considerable experience on automobile accidents as in our area we maintain an ambulance service, and for the last fifteen years have responded probably to most of the calls that have come in around the Rumford area. To my knowledge, I never have heard of a doctor refusing first aid emergency treatment of any case that he might come upon on the highway. My esteem for the medical profession is high enough that I feel that when the doctor takes his Hippocratic oath, this in itself obliges him to render any emergency service that should be required. In reference to the doctor that would refuse such

an action, I believe that the name of the oath should be changed to the hypocritical oath.

Also, I fail to see here any condition in this bill that would protect anyone injured under these circumstances in the event that the doctor himself is not in possession of his full faculties. We realize that this of course does not happen often, but in my experience, I have run across the condition whereby the M. D. would be much better and serve this patient much better if he left him alone, and I feel that this bill would protect any M. D. under these conditions and also serve to the detriment of the patient who could be abused rather than treated. Thank you.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from York, Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out one further fact in answer to the gentleman from Bangor, Mr. Minsky. These doctors, when they volunteer their services to a patient on the highway for nothing, they lay themselves open to a suit, whether it is founded or unfounded, it costs them money, and it costs them untold hardships in adverse publicity. And I can assure you that every time this situation arises where somebody needs emergency treatment, they seriously consider this possibility, and a good many doctors refuse to treat people because of those circumstances. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Philbrick.

Mr. PHILBRICK: Mr. Speaker and Members of the House: Many years ago, more years than I care to recall, I was exposed to a course in the Spanish language. I learned my vocabulary at the time, and I cannot recall too many of the words today, but interestingly enough and appropriately enough, I do recall one word. That particular word is *el abogado*. *Abogado* means attorney, and here—this may amuse you—it also means shyster, equal meaning.

Now then, I also took English many years ago, and after a fashion still speak the language, and to—

day we have heard the word lawyer bandied about, and there are some who might say that a synonym for lawyer is ambulance-chaser. Now I would be the last to say that. I only say that some might say that.

This bill had its hearing before the Judiciary Committee, the Committee which is entirely composed of attorneys. I think those who signed the Minority Report, there is a great deal of credit due them. I think those who signed the Majority Report, I don't say all, I say some, perhaps, not having a real conflict of interest, but they might have had just a little bit of self-interest, shall we say, in continuing this present system of being retained by doctors on occasion when it has been necessary for these doctors to show that they have used due care. True enough a doctor may win his case in court, but why should he have to go to court in the first place? Why should he have to retain these lawyers?

A week ago we had the lawyers' relief bill, as some have called it. That bill was appropriately killed, and I hope will have appropriate services. This morning, the pharmacists had their bill killed, and now I sincerely hope that the Minority "Ought to pass" Report is accepted, and that we will not discourage the good Samaritan attitude of those doctors who are willing to stop along the highway and render aid which we may find that we ourselves will someday need. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I signed the "Ought not to pass" Report. I do not, as a lawyer, have a negligence practice. I am not interested in negligence practice. Ambulance-chasing in the State of Maine is unknown. We have a high standard of practice in this state, and I believe a word should be spoken on behalf of the profession to contradict, if that is necessary, any implication of the gentleman from Bangor, that the profession is a group of shysters or ambulance-chasers.

My signing of the "Ought not to pass" Report was based on what I thought were sound, legal principles which have been presented to you here this morning.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Providing for Professional Immunity to Physicians and Osteopaths in Emergency Cases," House Paper 62, Legislative Document 104. A division has been requested.

All those in favor of accepting the Majority "Ought not to pass" Report, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-five having voted in the affirmative and sixty-nine having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 62, L. D. 104, Bill, "An Act Providing for Professional Immunity to Physicians and Osteopaths in Emergency Cases."

Amend said Bill by striking out in the title the words "and Osteopaths"

Further amend said Bill by striking out in the 5th line the underlined words "good faith" and inserting in place thereof the underlined words 'the exercise of due care'

Further amend said Bill by striking out in the 6th line the underlined word "emergency" and inserting in its place thereof the underlined word 'accident'

Further amend said Bill by striking out in the 12th line the underlined words "good faith" and inserting in place thereof the underlined words 'the exercise of due care'

Further amend said Bill by striking out in the 13th line the underlined word "emergency" and inserting in its place thereof the underlined word 'accident'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

The Chair laid before the House the ninth tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority Ought to Pass—Minority Ought Not to Pass—Committee on Towns and Counties on Bill "An Act relating to Compensation of Medical Examiners for View Without Autopsy." (H. P. 162) (L. D. 225)

Tabled—April 14, by Mrs. Shaw of Chelsea.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The question now before the House is the motion of the gentlewoman from Chelsea, Mrs. Shaw, that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

The Chair recognizes the gentleman from Portland, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill as it reads today, will increase the cost in our own county of Cumberland County approximately forty percent. It will mean an increase of approximately \$4,000 over and above our present cost of today. Medical examiners as you probably know, as this bill reads, can examine one or five, at \$25.00 apiece, if we want to call it that. A doctor doctoring yourself or myself, may be a medical examiner, in which case if you or I should pass away, the medical examiner, being your family doctor, would be called in to examine you or I. I feel this bill being written as it is, is a little bit out of reason.

I don't know whether you have checked with your local officials, county officials, to determine the increase in your own counties, but as I have stated before here, the increase in Cumberland County will approximately be forty percent. I hope the motion of the gentle-

woman does not prevail, and I move we accept the Minority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Danes.

Mr. DANES: Mr. Speaker and Members of the House: In answer to some of the statements made by my very learned colleague from Portland, Mr. Berry. It seems that he is very interested in the high cost of the medical examiners in our county of Cumberland. I am sure he hasn't taken enough time to see exactly what this would involve.

This bill, as it is written, is a bill which would just increase the amount of money necessary for those individuals who take of their time, who are often taken from their offices during their busy times of the day, to remunerate them properly and enough for the amount of work they have done. In very many cases it involves a great deal of time.

I see that my learned colleague also has checked with our County Commissioners, and they have really been in high gear today. They have really worked from the angle of the Grocers Association as well as from the interests of the County. I feel that this bill is fair; that we are not asking too much, and that the County of Cumberland certainly can afford to take care of the doctors in the manner in which they should be, and I do hope that the motion of the gentlewoman from Chelsea, Mrs. Shaw, does prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I wish to go on record as being in support of the remarks of the gentleman from Portland, Mr. Berry. I know that in our County of Penobscot we are very much opposed to this increase, and when the vote is taken I would ask for a division.

The SPEAKER: The question before the House is the motion of the gentlewoman from Chelsea, Mrs. Shaw, that the House accept the Majority "Ought to pass" Report on Bill "An Act relating to Compen-

sation of Medical Examiners for View Without Autopsy," House Paper 162, Legislative Document 225. All those in favor of the House accepting the Majority "Ought to pass" Report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Thirty-one having voted in the affirmative and eighty-six having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Berry of Portland, the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

The Chair laid before the House the tenth tabled and today assigned matter:

Resolve, Regulating Ice Fishing on Umsaskis Lake and Long Lake, Aroostook County, Passed to be Engrossed in Both Branches with Committee Amendment "A" (Filing H-52) (House Receded and Concurred)

Tabled — April 14, by Mr. Moore of Casco.

Pending — Motion of Mr. Moore of Casco that the House Reconsider its action whereby it Receded and Concurred.

Thereupon, the House voted to reconsider its action whereby it receded and concurred with the Senate, and on a viva voce vote the House voted to recede and concur with the Senate.

On motion of Mrs. Sproul of Bristol, the House voted to take from the table the twenty-first tabled and unassigned matter:

Bill "An Act to Create the Boothbay Harbor Sewer District." (H. P. 1092) (L. D. 1503)

Tabled — March 28, by Mrs. Sproul of Bristol.

Pending — Passage to be Engrossed.

Thereupon, Mrs. Sproul of Bristol offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 1092, L. D. 1503, Bill, "An

Act to Create the Boothbay Harbor Sewer District."

Amend said Bill by striking out all of the Referendum at the end and inserting in place thereof the following:

**'Referendum; effective date; certificate to Secretary of State.** This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the Town of Boothbay Harbor at an annual or special meeting. Such special meeting shall be called, advertised and conducted by the municipal officers of said town according to the law relating to municipal elections; provided that the board of registration in said town shall not be required to prepare for posting, nor the town clerk to post a new list of voters, and for the purpose of registration of voters said board shall be in session on the 3 secular days next preceding such special meeting, the first 2 days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of such session. The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Create the Boothbay Harbor Sewer District, passed by the 100th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said annual or special meeting; provided the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 10 percent of the total vote for all candidates for Governor in said town at the next previous gubernatorial election; but failure of approval at such meeting shall not prevent resubmitting this act for acceptance at any annual or special town meeting held within 2 years from the effective date hereof, in the same manner as above provided, notwithstanding an earlier vote against such accept-

ance. The result of each such vote shall be declared by the municipal officers and due certificate thereof filed by the town clerk with the Secretary of State.'

House Amendment "A" was adopted, the Bill passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

On motion of Mr. Bragdon of Perham, the House voted to take from the table the twelfth tabled and unassigned matter:

Resolve, Proposing an Amendment to the Constitution to Limit to Retirement Purposes the Use of the Funds of the Maine State Retirement System. (S. P. 306) (L. D. 894)

Tabled—March 22, by Mr. Bragdon of Perham.

Pending—Final Passage.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: This matter was tabled because it does carry an appropriation. The explanation is that this being a Constitutional amendment, a cost of \$15,000 has been placed on the referendum. This cost would be the same whether it was one or ten referendums, so for that reason, the \$15,000 was attached to every one that came in, and since it is not necessary to hold this any longer, I move that it receive final passage.

Thereupon, the Resolve having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, it being a Constitutional Amendment and a two-thirds vote of all the members elected to the House being necessary, a division was had. 101 having voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Mr. Lacharite of Brunswick was granted unanimous consent to address the House briefly.

Mr. LACHARITE: Mr. Speaker and Members of the House: Last Friday a statement by Mr. William Barber, Vice President and

Chief Actuary of the Union Mutual Life Insurance Company was laid on your desks. This statement is in reference to L. D. 1432, which is An Act Increasing Taxation on Life Insurance Companies. This bill has already been heard and will come before you very shortly. The Union Mutual Life Insurance Company, the largest financial institution in the state, is very much interested in the outcome of this bill. During the past five years this company has received from Maine people some \$24,000,000 and has paid back to Maine people some \$29,000,000. This means that besides the taxes that it pays it has contributed during the past five years to the economy of our state approximately \$1,000,000 a year.

The statement on your desks explains the company's position as well as that of other companies, and I hope that you will take the time to read this statement, so that when this bill comes before us we will be able to give it due consideration. Thank you.

On motion of Mr. Turner of Auburn, the House voted to take from the table the eighth tabled and unassigned matter:

Bill "An Act relating to Length of Motor Vehicle Trucks" (H. P. 435) (L. D. 610) In House Read Twice.

Tabled—March 17, by Mr. Turner of Auburn.

Pending—Adoption of Committee Amendment "A"

On further motion of the same gentleman, Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Waterman of Auburn was granted unanimous consent to briefly address the House.

Mr. WATERMAN: Mr. Speaker and Members of the House: I would like to read a communication from the Maine Heart Association. It is addressed to Senator Porteous and he requested that I read it to the House.

"The Maine Heart Association wishes to express its appreciation to the members of the Maine Senate and the House of Representatives for their generous gesture

in contributing a portion of the proceeds from the Governor's Prayer Breakfast to the Maine Heart Fund.

The Heart Fund is dedicated to the ultimate conquest of the Nation's Number One Killer—Heart Disease. The major part of every dollar contributed to this fight goes into direct action through a program of research, education and community service.

Again we thank the members of the governing body of our State for their gesture which makes us realize that they recognize the im-

portance of this fight against our greatest killer.

Sincerely yours,  
(Signed)

ROBERT L. OHLER, M.D.  
President  
Maine Heart Association"

Thank you.

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The SPEAKER: There will be a caucus of House Republicans in this House this evening at 7:30.

We are proceeding under Orders of the Day.

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On motion of Mr. Berry of Cape Elizabeth,

Adjourned until nine o'clock tomorrow morning.