

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

NOV. 27 - DEC. 2, 1961

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Friday, May 19, 1961

Senate called to order by the President.

Prayer by Rev. Elmer N. Bentley of Augusta.

On motion by Mr. Edmunds of Aroostook, Journal of yesterday was read and approved.

On motion by Mr. Noyes of Franklin

ORDERED, the House concurring, that when the Senate and House adjourn, the Senate adjourn to meet on Monday afternoon at four o'clock, and the House adjourn to meet at ten o'clock on Tuesday morning.

Mr. FARRIS of Kennebec: Mr. President, is this the first notice that we have had? It is the first I have received that we would have a session on Monday. Is it essential that the Senate convene at four o'clock on Monday and will it be for the purpose of taking up regular business?

The PRESIDENT: The Chair will inform the Senator from Kennebec, Senator Farris, that the reason the House can't convene on Monday afternoon at four o'clock is that they haven't any work to do because we have the matters on the table.

Mr. FARRIS: Mr. President as for the Senate convening on Monday at four o'clock in the afternoon, will it be for a work session?

The PRESIDENT: It will be for a work session. The Appropriations Committee is to meet at noon and we are to convene at four o'clock.

Mr. FARRIS: Mr. President, I don't know how it is with the other Senators, but I will have to request to be excused because I had no knowledge of this session. I have a case that will take all day in court.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate, I don't see going along on Monday afternoon sessions, especially at four o'clock in the afternoon when we have long days here doing nothing but passing our time recessing half the time. Counting the hours that we travel

back and forth up here and then we come up here sometimes for an hour and work could be done. I am opposed to meeting on Monday afternoon and I request a division.

The PRESIDENT: The Chair will inform the Senator from Androscoggin, Senator Couture, that many times we do this and we usually start Monday afternoon sessions prior to this date.

Mr. COUTURE: Mr. President, we usually do, yes. I agree with you but I cannot agree to have a session of an hour a day. One thing I can stand up here on and that is that it isn't the Democratic Party that has the bills on the table in the Senate. No one in the Democratic party has held up this session in any way, shape or manner. And I am not going along with a Monday afternoon session at four o'clock and meet possibly for an hour.

Thereupon, on motion by Mr. Noyes of Franklin, a division was had.

Twenty-one having voted in the affirmative and six opposed, the order received a passage.

Sent down for concurrence.

Papers from the Senate

JOINT ORDER, Relative to Legislative Research Committee Study of Jurisdiction of Public Utilities Commission relative to sewer systems in municipalities, etc. (H. P. 1167)

Comes from the House, read and passed.

In the Senate, read and passed in concurrence.

Non-concurrent matters

JOINT RESOLUTION memorializing Congress to Extend the Northern Terminus of the Proposed Interstate Highway from Houlton to some Point Located on the Northern Boundary of the State of Maine. (S. P. 557)

In Senate, May 17, read and passed.

Comes from the House, referred to Committee on Highways, and ordered printed, in non-concurrence.

In the Senate, on motion by Mr. Edmunds of Aroostook, the Senate voted to recede and concur.

Bill, "An Act Revising the Laws Relating to the Organization and General Supervisory Powers of the Department of Banks and Banking." (H. P. 494) (L. D. 805)

In Senate, May 10, Passed to be Engrossed, as amended by Committee Amendment "A". (Filing H-119)

Comes from the House Passed to be Engrossed, as amended by Committee Amendment "A" and as amended by House Amendment "A" (H-305) in non-concurrence.

In the Senate, on motion by Mr. Brown of Hancock, the Senate voted to recede and concur.

Bill, "An Act Exempting Proceeds of Pension and Profit Sharing Plans from Inheritance Tax Law." (H. P. 423) (L. D. 598)

In Senate, March 22, Passed to be Engrossed.

Comes from the House, Passage to be Engrossed reconsidered, House Amendment "A" (Filing H-306) adopted, and Bill passed to be engrossed, as amended by House Amendment "A" in non-concurrence.

In the Senate, that Body voted to recede and concur.

Bill, "An Act Relating to Transfer of Portland Municipal Airport by City of Portland to State of Maine." (S. P. 185) (L. D. 431)

In Senate, May 17, Passed to be Engrossed.

Comes from the House, Report "B"—Ought not to Pass from the Committee on State Government, read and accepted in non-concurrence.

In the Senate, that Body voted to recede and concur.

Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council. (S. P. 303) (L. D. 891)

In Senate May 17, recommitted to State Government.

Comes from the House, Ought not to Pass report of the Committee, read and accepted in non-concurrence.

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

Conference; the President appointed as Senate members of such committee, Senators: Carpenter of Somerset, Noyes of Franklin and Lovell of York.

Resolve, Appropriating Moneys to Promote and Advertise Maine's Ski Business. (S. P. 2) (L. D. 2)

In Senate, May 17, Passed to be Engrossed.

Comes from the House, Ought not to Pass report of the Committee read and accepted in non-concurrence.

In the Senate, on motion by Mr. Noyes of Franklin, the Senate voted to recede and concur.

Bill, "An Act Relating to Notification for Renewal of Operator's Licenses and Providing for a Two Year License." (H. P. 949) (L. D. 1297)

In House, April 20, Indefinitely Postponed.

In Senate, May 11, Passed to be Engrossed, as amended by Committee Amendment "A" (Filing H-130), and as amended by Senate Amendment "A"; (Filing S-150) in non-concurrence.

Comes from the House, that body having adhered to Indefinite Postponement.

In the Senate, on motion by Mr. Stilphen of Knox, the Senate voted to insist on its former action and ask for a Committee of Conference; the President appointed as Senate members of such committee, Senator Stilphen of Knox, Porteous of Cumberland and Cole of Waldo.

Bill, "An Act Relating to Officers of the Legislature." (H. P. 208) (L. D. 303)

In House, May 10, Indefinitely Postponed.

In Senate, May 16, Recommitted to State Government.

Comes from the House, that body having adhered to Indefinite Postponement.

In the Senate, on motion by Mr. Noyes of Franklin, the Senate voted to insist on its former action and ask for a Committee of Conference; the President appointed as Senate members of such Committee, Senators: Noyes of Frank-

lin, Lovell of York and Carpenter of Somerset.

Joint Order

On motion by Mr. Mayo of Sagadahoc,

ORDERED, the House concurring, that Joint Order relative to Interim Joint Committee's study of employment security, S. P. 551, be recalled from the legislative files to the Senate.

Which was read and passed.

The Chair notes in the Senate Chambers a young man who is celebrating his 33rd birthday and who is a friend to all legislators and especially in the Senate Chambers. It gives the Chair great pleasure at this time to recognize Henry "Hank" Magnusson who is celebrating his birthday today. Will Henry please rise? (Applause)

**House Committee Reports
Leave to Withdraw**

The Committee on Labor on Bill, "An Act Relating to Disqualification for Benefits Under Employment Security Law." (H. P. 1003) (L. D. 1404) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Entitling College Students to Receive Minimum Wage." (H. P. 1004) (L. D. 1405) reported that the same should be granted Leave to Withdraw.

Which reports were read and accepted.

Ought to Pass

The Committee on Towns and Counties on Bill, "An Act Increasing Certain Sheriff Fees." (H. P. 887) (L. D. 1267) reported that the same Ought to Pass.

Which report was read and accepted, the Bills read once and tomorrow assigned for second reading.

Ought to Pass — New Draft

The Committee on Judiciary on Bill, "An Act Creating a District Court to Integrate Activities of Municipal Courts and Trial Justices." (H. P. 397) (L. D. 572) re-

ported that the same Ought to Pass in New Draft, under same title (H. P. 1157) (L. D. 1594)

In House, Passed to be Engrossed as amended by House Amendment "A", and by House Amendment "C" (Filing H-302) (Filing H-294)

In the Senate, the report was accepted, the bill read once, House Amendment A read and adopted, House Amendment C read and adopted and the bill as amended tomorrow assigned for second reading.

MAJORITY — Ought to Pass in New Draft

MINORITY — Ought Not to Pass

The Majority of the Committee on Towns and Counties on Recommitted Bill, "An Act Providing for Additional Washington County Taxes for the Year Nineteen Hundred and Sixty-one." (H. P. 1108) (L. D. 1532) reported that the same Ought to Pass in New Draft, under New Title: "An Act Authorizing Funds for Construction of Machias Landing Field." (H. P. 1162) (L. D. 1602)

(Signed)
Senators:

WYMAN of Washington
PIKE of Oxford

Representatives:

TWEEDIE of Mars Hill
JONES of Farmington
MacGREGOR of Eastport
DANES of South Portland

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed)
Senator:

ERWIN of York
SHAW of Chelsea
BEANE of Moscow

In House, Majority Report—Ought to pass in New Draft, accepted, and House Amendments "A" and "B" adopted. Subsequently the Bill was Indefinitely Postponed.

In the Senate, on motion by Mr. Wyman of Washington, the Ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

Senate Committee Reports Leave to Withdraw

Mr. Wyman from the Committee on Towns and Counties on Bill, "An Act Increasing Salary of Clerk of Courts of Hancock County." (S. P. 78) (L. D. 178) reported that the same should be granted Leave to Withdraw, covered by other legislation.

Mr. Pike from the same committee on Bill, "An Act Increasing Salary of Sheriff of Hancock County." (S. P. 79) (L. D. 179) reported that the same should be granted Leave to Withdraw, covered by other legislation.

Mr. Erwin from the same committee on Bill, "An Act Increasing Salary of Register of Deeds in Hancock County." (S. P. 80) (L. D. 180) reported that the same should be granted Leave to Withdraw covered by other legislation.

Mr. Wyman from the same committee on Bill, "An Act Increasing Salary of Judge of Probate of Hancock County." (S. P. 81) (L. D. 181) reported that the same should be granted Leave to Withdraw covered by other legislation.

Mr. Erwin from the same committee on Bill, "An Act Increasing Salaries of Certain Officers of Lincoln County." (S. P. 207) (L. D. 540) reported that the same should be granted Leave to Withdraw covered by other legislation.

Mr. Pike from the same committee on Bill, "An Act Increasing Salary and Expenses of Judge of Western Somerset Municipal Court." (S. P. 208) (L. D. 541) reported that the same should be granted Leave to Withdraw covered by other legislation.

Mr. Wyman from the same committee on Bill, "An Act Increasing Salary of Register of Probate of Hancock County." (S. P. 243) (L. D. 647) reported that the same should be granted Leave to Withdraw covered by other legislation.

Mr. Erwin from the same committee on Bill, "An Act Increasing Salary of Clerk of Courts of Aroostook County." (S. P. 332) (L. D. 1007) reported that the same should be granted Leave to Withdraw covered by other legislation.

Mr. Wyman from the same committee on Bill, "An Act Increasing

Salaries of Registers of Deeds of Aroostook County." (S. P. 334) (L. D. 1009) reported that the same should be granted Leave to Withdraw covered by other legislation.

Mr. Erwin from the same committee on Bill, "An Act Increasing Salary of Register of Probate of Aroostook County." (S. P. 336) (L. D. 1011) reported that the same should be granted Leave to Withdraw, covered by other legislation.

Mr. Pike from the same committee on Bill, "An Act Increasing Salaries of Oxford County Officials and Judges of Municipal Courts in Oxford County." (S. P. 386) (L. D. 1196) reported that the same should be granted Leave to Withdraw, covered by other legislation.

Mr. Pike from the same Committee on Bill, "An Act Increasing Salaries of County Officials of Knox County and Judge of Rockland Municipal Court." (S. P. 449) (L. D. 1314) reported that the same should be granted Leave to Withdraw covered by other legislation.

Mr. Erwin from the same Committee on Bill, "An Act Increasing Salary of County Attorney of Franklin County." (S. P. 450) (L. D. 1315) reported that the same should be granted Leave to Withdraw, covered by other legislation.

Which Reports were read and accepted.

Sent down for concurrence.

Committee of Conference on Bill, "An Act to Clarify the Liquor Laws." (S. P. 353) (L. D. 1086) reported that the Senate recede and concur with the House, in passing the bill to be Engrossed, as amended by Senate Amendments "A" and "B" (S. P. 98) (S-103) as amended by Committee Amendment A and Senate Amendment B.

Which report was read and accepted.

Ought Not to Pass

Mr. Stanley from the Committee on Appropriations and Financial Affairs on Resolve, Providing Funds for Biological and Management Investigation of Certain Fish. (S. P. 271) (L. D. 872) reported that the same Ought not to pass.

Which report was read and accepted.

Mr. Davis from the same Committee on bill, "An Act to Create the Development Fund." (S. P. 541) (L. D. 1588) reported that the same Ought not to pass.

Mr. LOVELL of York: Mr. President, this is an extremely important bill. I have not the material here that I expected to have. This particular bill came from the Armour Foundation report from our survey and study of that report. It means two new industries in Maine and it is extremely important and I move that this be tabled at this time.

Mr. NOYES of Franklin: Mr. President, this has been cleared with the leadership and therefore I concur with the tabling motion.

The motion prevailed and the bill was tabled pending acceptance of the report.

On motion by Mrs. Christie of Aroostook, the Senate voted to reconsider its action taken earlier this morning whereby it accepted the Conference Committee report on (S. P. 353) (L. D. 1086) (Item 6-20).

Mrs. CHRISTIE of Aroostook: Mr. President, I now move that this bill be tabled until the next legislative day in order that we may look after an amendment which we thought was on the bill.

Mr. NOYES of Franklin: Mr. President, this tabling motion has the endorsement of the leadership.

Mr. COUTURE of Androscoggin: Mr. President, I ask for a division.

Mr. CYR of Aroostook: Mr. President, I am wondering if my colleague from Aroostook County realizes that will cost \$7.00?

Mr. MAYO of Sagadahoc: Mr. President, just briefly to explain why this is being tabled is the fact that it has to be tabled until next week. It has nothing to do with the Committee of Conference which the Senator from Androscoggin, Senator Couture is worried about. It is a mistake in the wording of the bill. We have got to catch it before too late.

Mr. STILPHEN of Knox: Mr. President, I notice we have been pretty strict on rules, regulating people speaking more than two or three times and so forth, and I

would like to question this activity about debating tabling motions. I understand that a tabling motion once it is made, there are not supposed to be any remarks made on it other than the time.

The PRESIDENT: The Senator from Knox, Senator Stilphen is absolutely right. The question before the Senate is—

Mr. COUTURE of Androscoggin: Mr. President.

The PRESIDENT: For what purpose does the Senator rise?

Mr. COUTURE of Androscoggin: Mr. President, I wish to withdraw my motion now that I have been informed of the reason.

Thereupon, the motion prevailed and the bill was tabled pending consideration of the Conference Committee report.

Mr. CHASE of Lincoln: Mr. President, may I ask that the Senate reconsider its action whereby it accepted the Ought not to pass report on Item 6-21 on page 5. With the speed of things in these latter days of the session, some times some of these bills get by before we can even look at them.

Thereupon, on motion by Mr. Chase of Lincoln, the Senate voted to reconsider its action taken earlier this morning whereby it accepted the Ought not to pass report on Resolve Providing Funds for Biological and Management Investigation of Certain Fish (S. P. 271) (L. D. 872) (Item 6-21); and on further motion by the same Senator, the resolve was tabled pending acceptance of the report.

On motion by Mr. Noyes of Franklin, Recessed to the sound of the gong.

After Recess

The Senate was called to order by the President.

Mr. Stanley from the same Committee on Resolve Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers (S. P. 315) (L. D. 991) reported that the same Ought to pass.

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

Mr. NOYES of Franklin: Mr. President, we have been having some difficulty on this tabling proposition and first I would ask the Secretary of the Senate to read the tabling Order.

The Secretary read the tabling Order.

Mr. NOYES of Franklin: Mr. President, I asked that this be read again so that we would thoroughly understand this thing. There have been quite a few questions this morning on tabling. So as Majority Leader I will not arise and request a division unless the order has not been complied with. Now on new matters that come in and are not on the table, you can do as you wish on. If you wish to table or make a motion you may. You may be defeated and you may win but after it gets on to this table then the Order applies and of course it applies only on Wednesday and on Thursday. I hope everybody understands the situation now.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate, I am aware of the Order that was passed.

Mr. CARPENTER of Somerset: Mr. President, a point of order, the gentleman is out of order.

Thereupon, Mr. Couture of Androscoggin was granted unanimous consent to address the Senate.

Mr. COUTURE of Androscoggin: Mr. President, I am certainly aware of the Order that was passed and the action that was taken in asking for a division on the matter, but when the Senators approached the rostrum and then came back and made a motion to table, I think the reason should be explained, when the reason was explained I withdrew my motion. I hope that the Senators when they approach the rostrum and when they come back will explain it before they make a motion to table.

Ought to Pass — As Amended

Mr. Stanley from the same Committee on Recommitted Bill, "An

Act Providing Expanded Community Mental Health Services." (S. P. 191) (L. D. 524) reported that Committee Amendment "A" be Indefinitely Postponed, and the Bill Ought to Pass as amended by Committee Amendment "B".

Which report was read and accepted and under suspension of the rules, engrossing was reconsidered, Committee Amendment A was indefinitely postponed, Committee Amendment B was adopted and the bill as amended by Committee Amendment B was passed to be engrossed.

Second Readers

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

House

Bill, "An Act Increasing Number of Justices of the Superior Court." (H. P. 840) (L. D. 1155)

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

House — As Amended

Bill, "An Act Relating to Speed of Commercial Vehicles and School Buses." (H. P. 716) (L. D. 915)

Amended by Committee Amendment "A" (Filing H-123)

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

Bill, "An Act Providing that Employment Shall not be Conditioned upon Membership or non-membership in a Labor Organization." (H. P. 999) (L. D. 1459)

Amended by Committee Amendment "A" (Filing H-290)

Which was read a second time.

Mr. EDMUNDS of Aroostook: Mr. President, I believe the members of the Senate are quite familiar now with the contents of this particular bill, but I would like to say that as a member of the Labor Committee, I have listened to the arguments pro and con, have read the literature pro and con with respect to this bill and I frankly believe I have investigated it as thoroughly as any member of this Body and it is my considered opinion that this type of legisla-

tion is not necessary in the State of Maine. So far as I am concerned the management-labor or industry-labor relationship that we have at this time is excellent. Secondly and I think perhaps this is the more important of the two, I do not believe that this type of legislation is the solution to this type of problem, and in support of that position I would mention that probably the most serious labor trouble we are having in this country today is in the State of Florida, where the unions have been accused of holding up our attempt to get men on the moon and so forth and I would point out to you that the State of Florida has a right to work law but it certainly does not solve the problems the way the proponents of the bill say that it will. Jimmy Hoffa's name has been thrown out here in debate quite loosely yesterday. If we are going to condemn all labor organizations because of one scoundrel, then I think we are being somewhat unjust and at this time I would like to move that this bill and all its accompanying papers be indefinitely postponed.

Mrs. CHRISTIE of Aroostook: Mr. President, I ask for a division on that motion. I have just received a telegram from the president of the Maine Farm Bureau Association in which he says "We appreciate and respect your courageous stand for the right to work bill."

Two years ago it was my purpose to introduce a right to work bill. I never have been pressured in regard to it but at that time I thought that it would be a good thing because I was concerned about racketeering in the labor union. I have never been opposed to labor unions. I have studied the labor movement from the time when the United States Steel corporation was exploiting labor and unions had to come in and be a part of the program and help labor. I am in favor of unions but I am not in favor of racketeering and I feel that by enacting this bill we can help prevent anything like that starting in Maine and in other states where they have complete unionization, there are dif-

ferent conditions than the conditions we are enjoying here.

Our unionization is increasing all the time and for that reason I am a little concerned as to the future. We may not have any trouble for a little while. I don't know whether I told this or not but a member of the Department of Education was telling me about being in Detroit at a meeting and they were not even permitted to set up their own exhibits. They had to have the union members do that for them. They not only could not set up their own exhibits but when they wanted to have an entertainment by different high school youngsters who had been awarded a prize in a musical contest, the only way they could do that was to pay the musician's union \$700 for the privilege of having that group of high school youngsters come in and play for them. I feel that we don't ever want to come to the place where those conditions prevail in the State of Maine. For those reasons I believe in locking the door before the horse is stolen.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: I support the motion of Senator Edmund. Before we hang in oratorical effigy a million working people because of the cancerous conduct of a few, I ask you to calmly and without prejudice look back into history in those days when the shoe was on the other foot and the pendulum was swinging the other way.

My friends this bill strikes me as being equal to an attempt to kill a germ on top of a glass table with a baseball bat and all I ask you people to do is exactly what you have been doing with all of the other legislation before this legislature; turn the pages of your two thick books and run your mental process the same as you have in all regards, ask yourself the same questions. This is just another bill. You ask yourself, "Is there a need in the State of Maine for this legislation?" Number 2. "Does this legislative document cure the need or solve the problem?" Number 3. "What will be the over all effect?" And number 4, "Is it fair and is it just and

is it reasonable to all concerned.”

I suggest to you, my friends, that you can answer none of these questions in the affirmative with regard to this document. A referendum in this regard is not only a cowardly way out but will stir up unrest throughout the State. Therefore it is my judgment that this is the wrong legislation at the wrong time, in the wrong place and it is fighting the wrong war, if indeed, a war exists. This bill belongs in the file with a sad smile and the words “Indefinitely postponed.”

Mr. STANLEY of Penobscot: Mr. President and members of the Senate: The oratory that will hurt or help the million people because of somebody's misdeeds—we perhaps could look to the Eichman trial now and see how one person has hurt so many.

While this pendulum was swinging, as has been suggested, and the shoe was on the other foot, those people who were opposing this legislation now would have loved to have some type of legislation such as this. They were accusing those who are industrialists, those who are in management, of not letting them have union members in their shop; they were cutting them out altogether.

Is there a need? We drive our automobiles around time and time again, we do not know whether something is going to happen to them, oftentimes things do happen to them. We no not wait until the need is here, we try to have some preventive maintenance, and I suggest to you that we need some preventive maintenance. There is no organization that is lily-white. Laws? We should have a government of laws and not of men.

In this instance we perhaps should have the law before the need is established, and I submit we do need it because in other states they have their problems. We have had one gentleman in our state just recently who has been a problem, not only to the labor organizations but to the country as a whole. Even our federal government have had their problems with him.

The labor organizations have said to us, “We do not want this

type of person in Maine. We do not want that. We do not want the radical element in Maine.” So perhaps the need has been brought to us.

The next question: Does it cure? I do not imagine that any piece of legislation that we would pass here will be a cure-all for everything, even if it is more money for the mentally-retarded or to do more for mental health problems.

What is the over-all effect? The over-all effect will be nil unless somebody wants to make a problem of it. This legislation could be passed and nobody would know the difference unless there are people who would like to make it a problem.

Is it fair, is it just, is it reasonable? It is fair to say that a person can go to work without the condition of having to join a union. I believe that is fair, I believe it is reasonable and certainly it is just.

I would agree with the gentleman from Kennebec, Senator Marden, that referendum is a cowardly way of doing it. I agree, but this is the way the bill was presented to us and I will go along with it. If the gentleman would like to make the motion that we indefinitely postpone the amendment and that we vote on the bill, I would go along with him.

If this is the wrong legislation—and I doubt it—and if this is the wrong time who is to say what is the right time? Those people who are against the bill already say that we have a need for this bill because we want to keep people like Hoffa out of the State of Maine.

It is not the wrong place, because this is the general court of Maine, and our attorney friends certainly know that. It is not the wrong war, because we are fighting for the rights and the interests of the people of the State of Maine, not for one organization or for one special interest or another special interest; we are fighting for the rights of the people of Maine. So this is the proper war, it is the proper time, it is the proper place, and this is where we should make our decision.

Mr. GILBERT of Kennebec: Mr. President and members of the Senate: In view of the fact that the Senator from Penobscot, Senator Bates, is absent today, also the fact that he and I do not see this measure the same way, he has requested me, with the approval of the Chair, to pair with him.

Mr. CYR of Aroostook: Mr. President and members of the Senate: You heard me yesterday and you know my feelings and my convictions on this particular legislation, so I will be brief. However, I would like to mention two or three items that I think might be interesting in regard to this legislation.

First of all, if you look at a map and glance over the states that have this right to work legislation, you will see that the majority of them are in farm states and in southern states. Now there is a reason for that. One of the reasons why this legislation was passed and also possibly why you have not had repercussions in regard to this particular type of legislation, is, in most cases this: They adopted this particular type of legislation prior to bringing in industries.

Now when you go into a state which is already industrialized or has existing unions, I think that this legislation will do more harm than it will cure ills. If you follow with me through one of these industries, I think it might open your eyes.

Assuming that this particular legislation is passed, what are we going to have in some of these industries that already have a union? You will have a new employee who comes in, he passes trial test of forty-five days or sixty days or ninety days or whatever happens to be mentioned in the contract. Let us say that afterwards he refuses to join the union that is represented and has been represented for a number of years in that particular organization. Many of the members that you already have in that industry are unionized, so what chance has that employee in relation to the other jobs? He will be the guy that will always have the dirty job to do. He will be the

guy when it comes time for promotions that will always be held back until such time as there will be enough of them who are not organized who will probably form their own organization, and then what do you have? You have strife, you have strikes, you have fathers against sons, you have brothers against brothers.

Not only that, but if you have dissatisfied members in there already, and some of them cannot be satisfied with any kind of organization, they will only be making trouble, they will probably bring in another union. Then what have you got? You have piracy among the unions themselves. And I believe that instead of solving problems you will be creating problems. It is for that reason that I am against this legislation.

I am not against correcting abuses within unions, I am not against changing some of the regulations that are unfair, I am not against trying to give more control of unions to the rank and file, but I do not believe in this legislation. It will create more problems, it will create chaos. In many cases you have good feelings by management towards unions. Not only that, but management, when it has a problem it knows where to go. Also, if we have trouble-makers mill or industry the management within the unions in that particular can call in the union representative that has charge of the union there and they will tell them to correct those abuses within their own membership. I think it is a good, proper way of handling the matter. It is for those reasons that I support the motion of my colleague, Senator Edmunds.

Mr. JACQUES of Androscoggin: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator may state his point.

Mr. JACQUES: Mr. President, when you pair your vote don't you have to have the consent of the Senate, not just of the President.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, asked for recognition before I had the opportunity to take care of the matter.

Mr. JACQUES: That was my point of order, Mr. President.

The PRESIDENT: The Senator from Kennebec, Senator Gilbert, has asked the consent of the Senate to be excused from voting when his name is called because of the fact that he has paired his vote with the Senator from Penobscot, Senator Bates, who is unavoidably absent today. If present, Senator Bates, would have voted against the motion to indefinitely postpone, and the Senator from Kennebec, Senator Gilbert, would have voted for the motion. Is that correct, Senator Gilbert?

Mr. GILBERT: Yes, Mr. President.

The PRESIDENT: Is it the pleasure of the Senate that the request be granted.

Permission was granted.

Mr. CHASE of Lincoln: Mr. President and members of the Senate: You all know that our country is in grave danger at this time, we are taxed very heavily, our country is in debt up to our necks. Why all of this? It is because of the communistic threat. Where are these communists working? It has been proven that they have infiltrated our labor unions, and until such time that I feel that the unions have cleared themselves of these reds I shall vote for bills such as this that might protect our unsuspecting people from the communistic move to take over our great country.

Mr. BROOKS of Cumberland: Mr. President, I rise in support of the motion of Senator Edmunds of Aroostook. I will comment for a moment, if I may, on the remarks of the Senator from Lincoln, Senator Chase.

I am quite familiar with the communist activities in the United States. True, they have entered some labor unions. They have also entered into all phases of our life, including our social life. I also realize as well as anyone in this body that the communist threat to the world is an evil threat. However, this morning we are discussing the bill known as the Right to Work Law—misnamed in the first place, in my opinion—and we are getting sidetracked, I believe.

The Senator from Penobscot mentioned something about Eichman being tried because of his cruel actions. I recall that Herr Eichman was not living in a nation based on law such as our nation is. I have heard of Jim Hoffa, who certainly is a scoundrel—and that is being kind to the man—as being a cause for this law to be put into effect. If Jim Hoffa goes off the labor scene someone will be up to take his place. Until a law is passed in the nation to prevent such acts as he is alleged to have practiced the right to work law will do nothing to eliminate the Jimmy Hoffas.

The Senator from Penobscot yesterday made the statement that as far as he knew there was no pact between the labor unions and management on the truckers' strike recently held in Maine, and I have a telegram before me, received from the Secretary of the Truck Drivers' Union and the employers association that on April 30th, 1961 that pact was signed.

The unions, I think, in this twentieth century have done a great deal to further our economic and social life. I disagree with those who are of the opinion, it seems, that the right to work law is going to solve all the labor problems. It is going to solve no problems; it is, if anything, going to develop problems. We have a very healthy relationship in this state between labor and management, and I submit to you that by voting for the indefinite postponement motion of the Senator from Aroostook we will be doing this state and our people a service.

Mr. STANLEY of Penobscot: Mr. President, I do not doubt the integrity of my good friend and colleague from Cumberland, Senator Brooks. He has a telegram that says that the teamsters union and the trucking association signed the contract on the 30th. This is from the Portland Press Herald of yesterday. I believe the gentleman is somewhat familiar with this newspaper. It says in here in a joint statement, David Dastings President of the Union Local and Harry L. Milliken, Secretary of the Carrier's Employees Association

said, "We definitely do have a contract which will be signed in the very near future."

Mr. EDMUNDS of Aroostook: Mr. President, with respect to the remarks by the Senator from Lincoln, Senator Chase, I would submit to this Body that in my opinion, the strongest bulwark that we have against Communism in this country are strong, honest labor unions. In my opinion if you deny labor their just rights, then you will be sowing the seeds for Communism in this country.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, I stand again today in opposition to the motion made by the Senator from Aroostook, Senator Edmunds. I again state that my reason for being against his motion is that we must keep this bill alive. If we keep this bill alive here in the Senate today we are going to at least give the opportunity to the life blood of our state, the truckers, the trucking firms at least the opportunity to get this contract signed. The statement was made a little while ago that it was signed on April 30. I am very happy that the Senator from Penobscot, Senator Stanley corrected that because if he had not I would have. We know that this contract has not been signed. We know that there is a certain gentleman by the name of Hoffa who has flaunted his power all over the State of Maine and all over the country. He is a man who is vindictive enough that if we kill this bill this morning, he will certainly not take the rebuff which he received two weeks ago, here in Portland, he will not take it lightly. Once this bill is killed, he will be back here and you will see renegotiation. You will see him try to get what he was here for two weeks ago. I say we must keep this bill alive. We must keep it going until the lifeblood which is our trucking industry in the state—we have no other mode of transportation for our industry, we must keep this bill alive. I certainly hope that the motion does not carry.

Mr. CARPENTER of Somerset: Mr. President, I will be very brief. I rise in support to the motion of

the Senator from Aroostook, Senator Edmunds. I do not believe we need this type of legislation in our Maine laws at present. I feel that a law of this type would have more of a tendency to irritate relationship between employer and employee which would not be good at present. I feel that we have an excellent climate condition between employer and employee today and if there ever comes a time that we do not, we can call the legislature into session and enact such legislation.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Edmunds to indefinitely postpone the bill. A division has been requested.

A division of the Senate was had.

Eighteen having voted in the affirmative and twelve opposed, the motion prevailed.

Bill, "An Act Merging Portland University with the University of Maine." (S. P. 161) (L. D. 407)

Which was read a second time.

Mr. SAMPSON: Mr. President, on Item 7-4, Bill, "An Act Merging Portland University with the University of Maine, I move that this bill lie on the table and be specially assigned for Tuesday next due to the fact that I have done considerable research on it and it will take from half an hour to three-quarters of an hour to present it and the morning session has a lot more articles which would be much more important, and also due to the absence of the Chairman of the Committee on Education, Senator Bates. I therefore move that this lie on the table.

Mr. BROOKS of Cumberland: A point of order, Mr. President—

The PRESIDENT: Is it the pleasure of the Senate that this bill lie on the table and be specially assigned for Tuesday next?

Mr. DAVIS of Cumberland: Mr. President, I ask for a division.

The PRESIDENT: A division has been requested by the Senator from Cumberland, Senator Davis. All those in favor of the motion of the Senator from Somerset, Senator Sampson, will rise and remain standing until counted.

A division was had.

Thirteen having voted in the affirmative and fifteen in the negative, the motion did not prevail.

The bill was thereupon passed to be engrossed.

Sent down for concurrence.

Senate—As Amended

Bill, "An Act Establishing Fees to be Collected by Registers of Probate." (S. P. 533) (L. D. 1571)

Amended by Senate Amendment "A" (Filing No. S-204)

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

Sent down for concurrence.

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

Bill, "An Act Amending Certain Statutes to Conform to Rules of Civil Procedure." (S. P. 455) (L. D. 1465)

Which Bill was Passed to be Enacted.

Orders of the Day

The President laid before the Senate the first tabled and especially assigned matter, (S. P. 542) (L. D. 1589) Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1962 and June 30, 1963, which was tabled on May 18th by the Senator from Penobscot, Senator Stanley, pending enactment.

Mr. STANLEY of Penobscot: Mr. President, I move the pending question.

This being an emergency measure a division was had.

Twenty-eight having voted in the affirmative and none in the negative, the bill was passed to be enacted.

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table the 31st tabled and unassigned matter, (S. P. 321) (L. D. 996) Bill, "An Act Clarifying the Nursing Law" which was tabled on May 12th by the Senator from Cumberland, Senator Lord, pending passage to be engrossed.

Mrs. LORD: Mr. President and members of the Senate: Since the

hour is late and since we debated this bill very thoroughly I will not take the time to go into the merits of it. I will move at this time for indefinite postponement.

According to registration figures for 1957, a total of 11,000 nurses have been licensed in Maine since 1915, 6776 are currently registered in the State of Maine, 2873 are presently practicing nursing in the state. The number of unlicensed nurses in Maine is unknown and the figure can be approximated only. Unlicensed nurses working in Maine hospitals, agencies and nursing homes about 193 appeared with the necessary qualifications to apply for licensure. There may be others who have withdrawn from or may have never actively engaged in nursing practice. To make it possible for an undetermined number of persons to possess a license to practice professional nursing without being required to demonstrate the minimum moral, intellectual, physical and emotional fitness is unwise and potentially dangerous.

I move the indefinite postponement of this bill.

Mr. PORTEOUS of Cumberland: Mr. President, I rise in support of my colleague, the Senator from Cumberland, Senator Lord. I realize that we have debated this before but I would just like to bring up two points that have been spoken of as a possibility if this were not passed.

First of all, there was something said about the fact that nursing homes might be handicapped by this, but we are assured that, provided professional nursing care is available to those patients who require this kind of care, that no such nursing homes would be closed.

The other point that I would like to bring up is that this L. D. 996 will insure that the patients in nursing homes who require skilled nursing care of a professional nurse under the existing law would have to be placed in a nursing home where there is such care available. The object of the opposition to this law is the protection of the nursing profession but more particularly the people who require such nursing.

Mrs. CHRISTIE of Aroostook: Mr. President, I have a letter here from the executive assistant to the administrator of the Arthur R. Gould Memorial Hospital in Presque Isle, in which he says:

"The law passed in 1959 is a very decided step forward to help the Maine Nurses Association to work for higher standards in nursing care. Once higher standards have been established many more women of good moral character will become interested in the nursing profession."

Another paragraph says: "Within the past year or so facilities and courses of instruction throughout the state have been made available to graduate nurses with years of experience whereby they may brush up and qualify for registration. Surely the public is entitled to their cooperation."

For this reason, I am opposed to this L. D. 996.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: This matter was very thoroughly debated last week and at this time I will not go into any further debate on the merits. I merely want to remind the members of the Senate that the intent of this legislative document is to provide a grandfather clause so that people who are as of December 31st of this year engaged in professional nursing may on January 1, 1962 continue to be engaged in professional nursing.

The Senator from Penobscot, Senator Bates, and myself have met with leaders of the Nursing Association and we do have an amendment which the Senator from Penobscot, Senator Bates, may present—it has not been reproduced—and also another amendment prior to that which I would like to introduce for the purpose of specifying that the grandfather clause will only apply to persons who are qualified to practice professional nursing, in other words a limited grandfather clause

After discussion with the leaders of the Nursing Association, I feel that the present bill is a little too broad, and for that reason I would ask that this matter be tabled and specially assigned for Tuesday next

for the purpose of offering the amendments.

Mrs. LORD of Cumberland: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: All those in favor of the motion of the Senator from Kennebec, Senator Farris, that this bill be tabled and specially assigned for Tuesday next will rise and stand in their places until counted.

A division was had.

Eleven having voted in the affirmative and twenty-one in the negative, the motion did not prevail.

Mr. PIKE of Oxford: Mr. President and fellow Senators: I have been trying to decide how I should vote on this thing if it came up, and there are always two sides to every question.

Now I am not a trained nurse now and I expect it will be some time before I qualify, but, on the other hand, if I should happen to be sick of course I should want a good-looking young nurse whether she was used to her business or not.

I am standing up here today solely to protect my good seatmate here, Norman K. Ferguson of Hanover. Those of you who were with us four years ago know that Norm had a bill worded almost exactly like this, and you will remember how the nurses flocked here to see Norm; he was the most popular man there was here in the Senate for some time. I remember there was one day we couldn't get through the corridors here because they were so thick. They came here to try to get Norm to withdraw his bill. But you know Norm: when he knows or thinks he is right the good Lord in heaven couldn't make him change his mind. Some folks say that he is perhaps just a little set. Those of us who know him best know that he is just plain stubborn.

Well, he didn't withdraw this bill and he got up and voted for it, and when he got back up to Rumford the nurses were waiting for him, and I want to tell you it was pretty solemn to see that fellow dive in behind buildings and down alleys to keep away from those

nurses. But this time it is going to be altogether different. Now if he stands up here today and votes for this bill they aren't going to be bothered with shotguns the way they did the last time but they are going to get out their husbands' high-powered rifles and they are going to use those bullets that when they hit they spread all out and make an awful hole.

Now he is going to start back this afternoon to Oxford County. He has to get out of Kennebec County and clear across Androscoggin County. Now I know he is going to get out of Kennebec County all right because these nurses are going to be gunning for Ralph Farris, but I know that he won't get across Androscoggin County. When he gets to the Central Maine General Hospital in Lewiston that is it.

Now we are going to miss Norm a lot. Norm has got a very nice family, grandchildren—too bad! (Laughter)

Well, I expect probably I shall miss him as much as anybody. It won't be long before I will be campaigning over in Oxford County and of course I have told you how big a county that was, a hundred miles long and forty miles wide, and I will be going alone and everywhere I go in all these thirty-five towns they will be speaking about Norm. They will say what a good fellow he was, and then they will say they can't understand him, they can't understand why a fellow as smart as Norm didn't pay attention to his pollution and highway bills and let the women alone. (Laughter)

I want to go on record as being in favor of indefinitely postponing this bill.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: Though I did get in trouble with the nurses four years ago I feel that I have very, very many good friends in the Nurses Association. What I am concerned about is that if we do not pass this piece of legislation that nurses who have graduated from accredited schools of nursing prior to 1937—that is twenty-four years ago—at that time it was only required to have two years of high school. Now

the average age of nurses graduating from nursing school is twenty-two. That would leave all those nurses that graduated under the two-year high school diploma at forty now. These are the girls that I am concerned with. Are we going to drive them out of the nursing field? Certainly a girl that had only two years of high school wouldn't be able to compete with the ones that have four years of high school. Possibly we could amend this bill by putting a grandfather clause in it that they should have five years. As you know, there are a good many nurses today graduating with five years. This will be the next bill I imagined will be introduced in this body possibly two or four years from now.

I certainly hope that the motion of the good Senator from Cumberland, Senator Lord, does not prevail.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: I rise in support of the motion of my colleague from Cumberland, Senator Lord. I feel that this bill if it were passed would have a tendency to lower the nursing standards and if there is any place in the world where we need to increase the standards it is in that profession, so I certainly want to support the motion of the Senator from Cumberland, Senator Lord.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I am a very realistic individual and I am fully aware of all of the active pressures and lobbying that has taken place since we debated this matter free of pressures and were voting in accordance with our good judgment.

We had placed before us a memorandum from the lobbyist of the Nursing Association and I would at least like to answer that and again stress that in the event this bill is kept alive an amendment will be offered so that only those persons who have had training and would qualify as professional nurses, that is graduate nurses, by training and experience, would be able to continue in their profession.

We have had great discussion yesterday and today in regard to a right to work. There are many who feel that right to work legislation is good. I might point out that on this bill we do have the same issue involved, only to a more serious extent, because we are now saying if we do not enact legislation of this type for the protection of the graduate nurse you can no longer work in your profession with the same degree of respect and prestige that you have had up to this point. We are saying to the graduate nurse who has given twenty-five and thirty years of dedicated service to the people of this state that she is not a person whom we wish to have in this state continuing to serve as she has so ably and so well.

Now one question that is asked in this memorandum is: Who does the doctor select in complicated cases? I very much regret he has more first-hand information on this situation than do I. But I have attended the hearings. I was at the hearing two years ago, and I can remember doctor after doctor stating that although he was not opposed in any way to our registered nurses that he also had great regard for the graduate nurse with experience and on the complicated case he wanted to have at his side not a person dependent on the type of license they held but a nurse who was competent and whose competency had been proven time and time again under strenuous circumstances.

Now certainly we do not want — in reply to another question — unqualified care given members of any of our families, but certainly the medical profession and the hospitals are able to categorize nurses as to the particular duties which they are going to perform. Our staff in the hospitals are perfectly capable of that.

They say: Where is the public interest? Well, the only interest that you have seen demonstrated in opposition to this bill is from a self-interest group, the licensed nurses.

We have tried to work out an amendment and I think one can be worked out, that will not be as broad in its language as is the

present bill but will protect the people of the State of Maine. It will not in any way downgrade the nursing profession; it will merely permit the person who is qualified to practice professional nursing and who has been practicing professional nursing to continue to do so without having to take the State Board examination.

The Senator from Oxford, Senator Ferguson, has pointed out to you that the law has changed in the past twenty-five years so that anybody who was admitted to nursing and a graduate nurse prior to 1935 only had two years of high school and three years in an approved training school.

Now back in those days following World War I there was a nursing shortage, the same as there was in World War II, and as a matter of fact many of these nurses were given limited RN licenses for the duration during World War II. But following World War I there was a nursing shortage; the hospitals were going to our high schools, trying to attract more capable girls who were in high school so that at the end of their second year of high school they would immediately enter the training school in the hospital. Many of them did that and many of them graduated, but, for one reason or another they did not become licensed; and now the law has been changed so that those people must return to high school for two years before they can even qualify to take the examination as the law is now written.

Up until 1945 the medical profession was represented on the nursing board, but in 1945 the State Nursing Association took over the nursing board to this extent: that the only person the Governor of the State of Maine can appoint to the nursing board is an individual, a selection from a group of individuals, three individual names submitted by the Nursing Association to the Governor. They have the Board, they have the full control and organization of the nurses in the State of Maine, and naturally they want to have complete control of barring from practice even qualified people such as the graduate nurse so

that they can present their own wage schedule and there will be no choice; it will have to be accepted by the hospitals and any allied institutions.

However, that is not the important point in this particular piece of legislation or the intent of this legislation. The hospitals can get along; all that will happen is that costs will increase overnight rather than a gradual increase, as new nurses coming into the profession must meet new standards. It will not affect the allied institutions other than possibly an increase in cost. But the real purpose, the real thing where we should examine our conscience, is: what are we doing to the graduate nurse who has given so many years of her services to the people of the State of Maine?

We certainly not had any evidence demonstrating that lack of a license on the part of any nurse has resulted in unsafe care. So I maintain let us not permit the Nursing Association to abolish the right of our graduate nurse to continue her work after December 31st of this year. And certainly logic and good sense dictates as to what is the best solution, and you manifested that in your previous vote.

As I say, there will be an amendment offered if this bill stays alive so it will be tied right down to the professional nurse only who will be able to continue in practice; and I again submit in concluding: that is the only fair method by which to approach this problem. Let's not approach it from the vast number of telegrams, from the vast number of people that have put pressures upon us, but let us approach it as legislators who are giving some consideration to our nurses who have done so much for the people of this state over the years.

I certainly have had occasion to talk with many registered nurses since this matter came up, and I have found in talking with the average registered nurse, when they understand and are given the true picture and the true intent, that they can see no harm in this legislation. It is only, unfortunately, a group action that is

preventing a limited grandfather clause from being tacked onto this bill so that these nurses may continue.

This is going to have tremendous repercussions, if it is defeated, upon the cost of medical care within the State of Maine. The million dollars that we are talking about, or the two million for the biennium for medical care can well, a good part of it, be eaten up in excess increased costs. Again I say, I have no objection to union, I have no objection to the Nursing Association. I think they are a fine organization, I think they are made up of fine people. But many lay people, or people not in the position of leadership in that profession, have been given an erroneous impression as to what this bill will do. I submit that all that we will be doing will be protecting the person who has been practicing professional nursing, and I just cannot see how, when you examine your hearts and your conscience, you could legislate out of their profession these many, many people who are in their middle age and who only have at most a few years in which to carry on their profession.

I have had many letters from these people but I will not take the time to read them this morning because I know the hour is getting late. But I sincerely urge that this motion of the Senator from Cumberland, Senator Lord, be defeated so that at least an amendment can be presented which will be specific as to limiting the grandfather clause solely to the person who has been practicing professional nursing.

Mr. STILPHEN of Knox: Mr. President, I rise in support of the Senator from Cumberland, Senator Lord.

These amendments that are being talked about are directed toward only a small number of graduate nurses who have never been able to call themselves RN's. These nurses who either did not in the past or do not now want to become licensed or nurses who have failed to pass the examination are not being deprived by this bill of their right to nurse, nor are they being down-graded,

nor, as the good Senator from Kennebec remarks, are they being deprived of working in the same respect they have been working. They can continue to work as long as they want to and be called what they always have been called, graduate nurses without licenses. And I submit to this Senate that any profession, whether it be the legal profession, the medical profession, or any other profession, which has the high standards which the associations within those professions have worked to elevate themselves—their standards have been brought up through the years. For some reason or other, many of these nurses whom the good Senator from Kennebec, Senator Farris, mentions have admittedly gone on for twenty odd years without elevating themselves; they have been content to work as graduate nurses without licenses; and I do not think that we should at this time by legislation open the door so that these people who have not tried to help themselves can be helped by legislation.

Mr. ERWIN of York; Mr. President, very briefly, because the hour is late, I would like to rise in support of the motion of the Senator from Cumberland, Senator Lord.

There have been others who have spoken on this bill in the past who have identified themselves as hospital trustees. I am a hospital trustee also, and, more than being just a hospital trustee, which normally means meeting once or twice a year with the board and discussing the affairs of the hospital, I happen to have had the privilege for the past six or seven years to have been a hospital manager of our small hospital, one of the board of three which run the hospital, clearly associated every day and every week with its operations.

First, I would like to say in the process of upgrading our little cottage hospital, as it used to be—and it is now probably the most modern hospital in the State of Maine—we have been looking towards accreditation. The standards for accreditation are stiff. We are moving rapidly in that direction. One of the things that we

have been trying to do for ourselves and for the communities which we serve is to find more registered nurses.

Now we have quite a number of registered nurses in our hospital. They are all in favor of the bill, not as a pressure group or as a lobby but because of the pride they take in the standards of their profession; and it is our hope that the State of Maine will assist the registry of nurses in ever increasing and in ever maintaining these high standards.

Unlike the river which flows downhill, the stream of progress always has to be forward and upward, and what we ask you to do in killing this bill is not put some form of dam in the place of upward and onward progress in the Registry of Nurses.

It is simply not true that hospital costs are going to rise if you indefinitely postpone this bill. Hospital costs may rise but they are not going to rise because there are more registered nurses giving better and better service over the years to the sick people of the State of Maine.

I merely wanted to make this brief presentation and to at least go on record as saying that I do not believe, from the place that I occupy in the hospital business, that this will cause hospital costs to rise.

Mr. FARRIS of Kennebec: Mr. President, I am still realistic and I know where this bill is heading, but at least let's have the record straight.

The Senator from Knox, Senator Stilphen, has said that you will not be down-grading the graduate nurse. There is only one place where the graduate nurse will be able to practice, or two places: she will either have to accept a certificate as a licensed practical nurse, which can be obtained by persons who go to school for twelve to eighteen months—and she has had much more training than that; she has had formal training and also has had years of experience.

A definition of "professional nursing" is in the statutes, and one of the definitions is "The administration of medications and

treatment as prescribed by a licensed physician." These graduate nurses have been doing this for twenty-five or thirty years. Remember this: that licensure was not important a number of years ago, it was rather meaningless, and many of these people got married and when they returned to their profession they could see no necessity for bothering to obtain the license of a registered nurse. And certainly the graduate nurse who has been working at her profession for a number of years has a greater degree of competency than a person who merely has paid her registration fee annually and kept up her license as a registered nurse.

I still maintain that if this motion to indefinitely postpone prevails that you are rendering not only a bad service to the people of the State of Maine but you are doing a horrible thing to some very fine women in this State.

Mr. MAYO of Sagadahoc: Mr. President, I would like to ask a question of the Senator from Cumberland, Senator Lord. The question is this: if a graduate nurse, but not a licensed nurse, is in charge, we will say of the operating room or in a very high supervisory capacity in the hospital, if this bill or the grandfather clause is defeated, this nurse who was a graduate nurse but not a licensed nurse, is she going to lose her position in the hospital in charge of the operating room or in her supervisory capacity?

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo, poses a question through the Chair to the Senator from Cumberland, Senator Lord, and she may answer if she wishes.

Mrs. LORD of Cumberland: Mr. President, I am not an authority on this. I think if this person is able to take charge and do what the Senator from Sagadahoc, Senator Mayo, has said, that she can certainly be a licensed nurse. I do not think there is any question about it; I think that she automatically would be able to take the State Board and pass it.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I would like to answer the

question of the Senator from Sagadahoc, Senator Mayo. One of the definitions of professional nursing under the new law is the supervision of other personnel, and certainly she would be disqualified unless she was licensed to carry on that function.

Mr. STILPHEN of Knox: Mr. President, I would like to pose a question through the Chair to the Senator from Kennebec, Senator Farris.

The PRESIDENT: The Senator from Knox, Senator Silphen, poses a question through the Chair to the Senator from Kennebec, Senator Farris, and he may answer if he wishes.

Mr. STILPHEN: My question would be this: In how many instances throughout the accredited hospitals are other than RN's in charge of these operating rooms and in charge of wards in a supervisory capacity?

Mr. FARRIS of Kennebec: Mr. President, I cannot answer that question accurately and nobody apparently is able to answer it accurately. We have been trying to get the figures but they are not available; but from the number of hospital administrators who have contacted me the indication is not that there is a large number but there might be between 150 and 200.

Mr. NOYES of Franklin: Mr. President, as the Senator from Franklin County I rise to support the Senator from Cumberland, Senator Lord that this bill be indefinitely postponed. A division has been requested. All those in favor of the motion of the Senator from Cumberland, Senator Lord, will rise and stand in their places until counted.

A division was had.

Twenty-five having voted in the affirmative and six in the negative, the motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table the 38th tabled item (S. P. 205) (L. D. 538) bill, "An Act Relating to Amount of State Retirement Benefits for Teachers"; tabled on May 18 by

that Senator pending consideration.

Mr. MARDEN of Kennebec: Mr. President, with reference to Item 38 and Item 39, in order to understand the motions which I am about to make, I would further call your attention to Amendments S-202 and S-203. In explanation of the action I am about to request, it simply would justify a change in the figures in these two bills. These figures come from the Department of Retirements and Pensions and are believed to be accurate. Under suspension of the rules, Mr. President, I move that we reconsider our action whereby we passed this bill to be engrossed.

The motion to reconsider prevailed; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby Senate Amendment A was adopted; and on further motion by the same Senator, Senate Amendment A was indefinitely postponed, Senate Amendment B was read and adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table the 39th tabled item (S. P. 204) (L. D. 537) bill, "An Act Relating to State Retirement Benefits for Teachers"; tabled on May 18 by Senator Marden of Kennebec pending consideration; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and to further reconsider its action whereby Senate Amendment A was adopted; on further motion by the same Senator, Senate Amendment A was indefinitely postponed, Senate Amendment B was read and adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. DAVIS of Cumberland: Mr. President I would like to inquire if Senate Paper 1, Legislative Document 1, is in possession of the Senate?

The PRESIDENT: The Chair informs the Senator that it is, having been held at the request of Senator Davis of Cumberland.

Mr. DAVIS of Cumberland: Mr. President, will you inform me of the status of the bill?

The Secretary read the status of the bill.

Mr. DAVIS of Cumberland: Mr. President, in order that an amendment may be offered, I move that the Senate reconsider its action whereby it indefinitely postponed this bill, and I will state that I voted on the prevailing side.

Mr. MAYO of Sagadahoc: Mr. President, before we vote on the reconsideration may I ask what this amendment pertains to?

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo poses a question to the Senator from Cumberland, Senator Davis, and that Senator may answer if he wishes.

Mr. DAVIS of Cumberland: Mr. President, in answer to the Senator from Sagadahoc, Senator Mayo, the amendment pertains to the amount of money in the bill. As I understand it, it is desired to lower the price tag on the bill but they do wish to retain the language. I think perhaps the Senator from Franklin can give more information than I can.

Mr. MAYO of Sagadahoc: Mr. President, I move for a division on the reconsideration question.

Mr. FARRIS of Kennebec: Mr. President, might I inquire through the Chair of the Chairman of the Appropriations Committee, the Senator from Cumberland, Senator Davis, as to whether it would not be possible in the supplemental budget to earmark a certain appropriation to the Department of Economic Development?

The PRESIDENT: The Senator from Kennebec, Senator Farris, poses a question to the Senator from Cumberland, Senator Davis, who may answer if he wishes.

Mr. DAVIS of Cumberland: Mr. President, my answer is that it would be.

Mr. FARRIS of Kennebec: Mr. President, it seems to me we are exactly at the same point we were in yesterday. We acted upon this. I am not opposed to an increase of

funds for the recreational development but I can see no necessity for having a special legislative document remaining on the table. I oppose reconsideration.

Mr. NOYES of Franklin: Mr. President, is the motion debatable?

The PRESIDENT: Yes.

Mr. NOYES of Franklin: Mr. President, I would explain that this has the approval of the Chairman of the Appropriations Committee and the leadership and what we are trying to do is keep the vehicle alive and nothing else.

This amendment will call for one dollar.

Mr. STANLEY of Penobscot: Mr. President, as a signer of the Ought not to pass report, originally from the Appropriations Committee, I would be opposed to reconsideration of this bill.

The PRESIDENT: The question before the Senate is on the motion of Senator Davis of Cumberland, that the Senate reconsider its former action whereby it indefinitely postponed this bill.

A division of the Senate was had.

Twenty-one having voted in the affirmative and six opposed, the motion to reconsider prevailed; and on motion by Mr. Noyes of Franklin, the bill was laid upon the table pending consideration.

On motion by Mr. Edgar of Hancock, the Senate voted to take from the table the 3rd tabled item (S. P. 429) (L. D. 1306) Senate Reports from the Committee on Health and Institutional Services on bill, "An Act Relating to Exit Facilities in Nursing Homes"; Majority report, Ought not to pass; Minority report, Ought to pass; tabled on April 21 by that Senator pending acceptance of either report.

Mr. EDGAR of Hancock: Mr. President and members of the Senate, as the Senate will undoubtedly recall, two or three day ago we had a rather lengthy debate on this subject of nursing homes and the problem of requiring them to comply with the fire building code. The Senate will also recall that on the subsequent day an amendment was in-

troduced and adopted which represented a compromise between the side which I had advocated and the side which others opposed. Now that amendment was definitely a compromise and was worked out between the opponents and proponents of the proposition at the time and part of the compromise was that the opponents to the bill which we discussed the other day did agree to the amendment which has been adopted and on my part I would not press this bill which we have just removed from the table. So, pursuant to that compromise I now move acceptance of the Ought not to pass report.

The motion prevailed.

Sent down for concurrence.

On motion by Mr. Davis of Cumberland, the Senate voted to take from the table the 7th tabled item (S. P. 182) (L. D. 428) Senate Reports from the Committee on State Government on bill, "An Act Relating to Transfer of Certain Land by State to City of Portland" Report A. Ought to pass, as amended by Committee Amendment A; Report B, Ought not to pass; tabled on April 20 by Senator Davis of Cumberland pending acceptance of either report.

Mr. DAVIS of Cumberland: Mr. President, as we accepted this morning the Ought not to pass report to the companion bill to this one, I feel that it should have company and I move to accept Report B, Ought not to pass.

The motion prevailed.

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 30th tabled item (H. P. 1006) (L. D. 1407) House Report, Ought to pass as amended by Committee Amendment A from the Committee on Legal Affairs on bill, "An Act Relating to Exits in Buildings, tabled on May 12 by Senator Farris of Kennebec pending acceptance of report.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, this is also a bill that was somewhat alive to the problem of exits in nursing homes and for that

reason given by the Senator from Hancock, Senator Edgar, this no longer has any merit and I move indefinite postponement in concurrence.

The motion prevailed.

On motion by Mr. Noyes of Franklin Adjourned until Monday afternoon at four o'clock.