

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 10, 1965

Senate called to order by the President.

Prayer by the Rev. Everett Scruton of Fairfield.

On motion by Mr. Smith of Cumberland, the Journal of yesterday was Read and Approved.

Papers from the House**Non-concurrent matters**

Resolve Authorizing the Erection of a Marker Honoring the Memory of the Reverend Peter Powers of Deer Isle. (H. P. 411) (L. D. 523)

In Senate, March 2, Passed to Be Engrossed in concurrence.

Comes from the House, Engrossment Reconsidered, and Passed to Be Engrossed as amended by House Amendment "A" (H-94) in non-concurrence

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

The PRESIDENT: The Chair at this time would like to recognize in the Senate Chambers the wife of one of our Senators, Senator Hoffses of Knox County. We welcome you here this morning. (Applause)

The Chair would also like to recognize in the Senate Chambers a former Senator from Aroostook County, former Senator Albert Brewer. (Applause)

Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1966 and June 30, 1967. (S. P. 442) (L. D. 1354)

In Senate, March 2, Passed to Be Engrossed.

Comes from the House, Passed to Be Engrossed as amended by House Amendment "B" (H-96) in non-concurrence.

In the Senate, on motion by Mr. Duquette of York, the Senate voted to recede and concur.

Communications

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta, Maine 04330

March 8, 1965

Honorable Edwin H. Pert
Secretary of the Senate
102nd Legislature
State House
Sir:

Pursuant to Maine Revised Statutes 1964, Title 3, Chapter 9, Sections 201 and 202, the Speaker of the House on Tuesday, February 9, 1965, appointed Representatives Plato Truman of Biddeford and James T. Dudley of Enfield to the Maine Commission on Interstate Cooperation.

Representative Rodney W. Ross of Brownville will remain as a member of the Commission in line with Section 202 of Chapter 9.

Respectfully submitted,
JEROME G. PLANTE
Clerk of the House

Which was Read and Ordered Placed on File.

STATE OF MAINE
Office of the Governor
Augusta

March 9, 1965

The Honorable Senate and
House of Representatives
The 102nd Legislature

There is attached hereto, a copy of a letter dated January 7, 1964, forwarded to me by the Honorable W. Willard Wirtz, Secretary of Labor. I am pleased to also attach the texts of a Convention and certain Recommendations, which were adopted by the 46th Session of the International Labor Conference.

The letter and other data are self-explanatory and are provided for the information of the members of the Legislature.

Respectfully submitted,
JOHN H. REED
Governor

JHR:am

SP 461

Which was Read and Ordered Placed on File.

Sent down for concurrence.

Senate Papers

Referred to Committee and ordered printed.

The following bills were transmitted by the Committee on Reference of Bills, March 9, 1965, pursuant to Joint Rule 19-C: and approved for appearance on the Senate Calendar by a majority of the Committee.

Judiciary

Mr. Harding of Aroostook presented Bill, "An Act Relating to the Powers of the Maine Turnpike Authority." (S. P. 457)

Which was referred to the Committee on Judiciary.

Sent down for concurrence.

Appropriations and Financial Affairs

Mr. Maxwell of Franklin presented Bill, "An Act Eliminating Motor Vehicle Dealer Registration Board." (S. P. 458)

(On motion by Mr. Maxwell of Franklin, tabled pending acceptance of the report and especially assigned for Friday, March 12.)

Mr. Girard of Androscoggin presented Bill, "An Act to Authorize State Participation in Federally Aided Health Facilities Programs." (S. P. 459)

Mr. Mendell of Cumberland presented Bill, "An Act Increasing Compensation of Members of the Legislature." (S. P. 460)

Which were referred to the Committee on Appropriations and Financial Affairs.

Sent down for concurrence.

At this point, at the request of the President, the Sergeant-at-Arms escorted to the rostrum the Senator from Hancock, Senator Brown who assumed the Chair, the President retiring.

Committee Reports

House

Leave to Withdraw

The Committee on State Government on Bill, "An Act Transferring Alcoholic Rehabilitation to Department of Mental Health and Corrections." (H. P. 759) (L. D. 996) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Election Laws on Bill, "An Act Relating to Qualifications of Candidates for Nomination by Primary Election." (H. P. 472) (L. D. 625) reported that the same Ought Not to Pass.

The same Committee on Bill, "An Act Eliminating Nomination by Primary Election and Providing for Certificates of Intention." (H. P. 624) (L. D. 831) reported that the same Ought Not to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Removal of Vehicles Parked Illegally on Highways." (H. P. 583) (L. D. 775) reported that the same Ought Not to Pass.

The Committee on Welfare on Bill, "An Act Relating to Settlements of Paupers." (H. P. 785) (L. D. 1038) reported that the same Ought Not to Pass.

Which reports were Read and Accepted in concurrence.

The Committee on State Government on Bill, "An Act Relating to Itemized Statements Filed by and Identification Badges for Legislative Counsel and Agents." (H. P. 100) (L. D. 206) reported that the same Ought Not to Pass.

Comes from the House Indefinitely Postponed.

In the Senate, that body voted to concur with the House and the bill was indefinitely postponed.

Ought to Pass

The Committee on Education on Bill, "An Act Relating to Payment of Insurance Premiums of School Employees." (H. P. 730) (L. D. 968) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Clarifying the Education of Penobscot and Passamaquoddy Indian Children." (H. P. 733) (L. D. 971) reported that the same Ought to Pass.

The Committee on Health and Institutional Services on Bill, "An Act Relating to Licensing of Children's Homes and Defining Day Care Facilities." (H. P. 693) (L. D. 930) reported that the same Ought to Pass.

The Committee on Highways on Bill, "An Act Providing for Area Directional Sign for Sebago and Long Lakes on Maine Turnpike." (H. P. 917) (L. D. 1240) reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Clarifying the Offense of Affray." (H. P. 703) (L. D. 941) reported that the same Ought to Pass.

The Committee on Labor on Bill, "An Act Regulating Manufacture and Sale of Stuffed Toys." (H. P. 590) (L. D. 782) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Relating to Definition of Average Weekly Wages Under Workmen's Compensation Law." (H. P. 232) (L. D. 301) reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Increasing Fees for Inspections and Inspection Certificates for Elevators." (H. P. 507) (L. D. 660) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Relating to Definition of Elevator Under Elevator Laws." (H. P. 509) (L. D. 662) reported that the same Ought to Pass.

Which reports were read and accepted, the bills read once and tomorrow assigned for second reading.

The PRESIDENT pro tem: The Chair would like to recognize in the Senate chamber a group of students from Searsport High School with their Principal Robert Perkins and their teacher Clayton Blood. We are happy to welcome you here today. The Chair would like to introduce your Senator from Waldo County, Senator Glass. (Applause)

The Chair would also like to recognize a group of 7th and 8th grade students from Bowdoin Central School with their teacher Roland Foster. This group is in the gallery. The Chair would like to comment that your Senator is the President of the Senate. I am only acting as Senate President pro tem. (Applause)

The Committee on Natural Resources on Bill, "An Act to Classify Interstate Tributaries of the Androscoggin River Between New Hampshire and Maine." (H. P. 525) (L. D. 699) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Relating to Classification of Dunstan River, in Town of Scarborough, Cumberland County." (H. P. 527) (L. D. 701) reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Creating the Newport Water District." (H. P. 764) (L. D. 1001) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Creating a Sewer District in the Town of Newport." (H. P. 765) (L. D. 1002) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Authorizing Municipalities to Raise Money for Assistance to Water or Sewer Districts." (H. P. 757) (L. D. 994) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Creating a Sewer District in the Town of Corinna." (H. P. 766) (L. D. 1003) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Increasing the Compensation of the Trustees of the Portland Water District." (H. P. 679) (L. D. 906) reported that the same Ought to Pass.

The same Committee on Bill, "An Act to Extend the Charter of the R. and T. Cement Railroad Company." (H. P. 599) (L. D. 791) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Relating to Amount Paid by State or Railroad Corporation in Abolishment of Grade Crossings." (H. P. 844) (L. D. 1145) reported that the same Ought to Pass.

Which reports were read and accepted, the bills read once and tomorrow assigned for second reading.

The same Committee on Bill, "An Act Relating to Construction and Operation of Intra-state Natu-

ral Gas Pipelines." (H. P. 845) (L. D. 1146) reported that the same Ought to Pass.

Which report was read, and on motion by Mr. Boisvert of Androscoggin, the bill was recommitted to the Committee on Public Utilities.

Sent down for concurrence.

The Committee on Retirements and Pensions on Resolve Providing Pension for Mrs. Viola R. Townsend of Hudson (H. P. 370) (L. D. 472) reported that the same Ought to Pass.

The same Committee on Resolve Providing for a State Pension for Floyd Merrill of Bath. (H. P. 371) (L. D. 473) reported that the same Ought to Pass.

The same Committee on Resolve Providing a Pension for Paul Caron of Wallagrass Plantation. (H. P. 537) (L. D. 711) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Relating to Service Retirement of Members in Hazardous Employment in Department of Mental Health and Corrections." (H. P. 654) (L. D. 882) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Relating to Retirement of Employee Option by Local Districts under Maine State Retirement System." (H. P. 535) (L. D. 709) reported that the same Ought to Pass.

The Committee on Towns and Counties on Bill, "An Act Relating to Payments to Androscoggin County Law Library." (H. P. 565) (L. D. 735) reported that the same Ought to Pass.

The Committee on Welfare on Bill, "An Act Relating to Remedy for Paupers' Refusal to be Removed." (H. P. 902) (L. D. 1212) reported that the same Ought to Pass.

Which reports were Read and Accepted in concurrence.

The Bills were Read Once and tomorrow assigned for second reading.

Recommitted

The Committee on Health and Institutional Services on Bill, "An Act Relating to Application to Municipalities for Support of In-

digent Dischargees from the Pine-land Hospital and Training Center." (H. P. 476) (L. D. 629) reported that the same Ought to Pass.

Comes from the House Recommended to the Committee on Health and Institutional Services.

In the Senate, on motion by Mr. Carter of Kennebec, the bill was recommitted to the Committee on Health and Institutional Services in concurrence.

The PRESIDENT pro tem: The Chair would like to recognize a group of students, the Junior History Class from Camden, Maine, with their teacher Miss Faith Vautour. The Chair would like to point out to the group that the Senator from their County of Knox, is Senator Hoffses. (Applause)

At this time, the Chair would like to recognize a former Senator, Justice William Silsby. (Applause)

House — As Amended

The Committee on Legal Affairs on Resolve Designating May Mountain in Island Falls as Robinson Mountain. (H. P. 954) (L. D. 1290) reported that the same Ought to Pass with Committee Amendment "A" (H-91)

The same Committee on Bill, "An Act to Clarify Law Relating to Junked Automobiles." (H. P. 512) (L. D. 665) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-90)

The Committee on Public Utilities on Bill, "An Act Increasing Indebtedness of Jay Village Water District." (H. P. 611) (L. D. 803) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-88)

Which reports were read and accepted, the bills read once, Committee Amendments A read and adopted, and the bills as amended tomorrow assigned for second reading.

The same Committee on Bill, "An Act Relating to Extension of Old Town Water District." (H. P. 425) (L. D. 557) reported that the same Ought to Pass as amended

by Committee Amendment "A" (H-89)

On motion by Mr. Faloon of Penobscot, tabled pending acceptance of the report.

The same Committee on Bill, "An Act Changing the Designation of Clerk of the Public Utilities Commission to Secretary of the Commission." (H. P. 713) (L. D. 951) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-87)

Which reports were Read and Accepted in concurrence.

The Bills and Resolve were Read Once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bills and Resolve, as amended, tomorrow assigned for second reading.

Divided Reports

The majority of the Committee on Legal Affairs on Bill, "An Act Providing for Election of School Board of City of Old Town." (H. P. 506) (L. D. 659) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-92)

(Signed)

Senators:

JACQUES

of Androscoggin

SHIRO of Kennebec

SPROUL of Lincoln

Representatives:

BOISSONNEAU

of Westbrook

WHEELER of Portland

CONLEY of Portland

COTE of Lewiston

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

(Signed)

Representatives:

BAKER of Orrington

LIBHART of Brewer

HUNTER of Clinton

Comes from the House, Majority — Ought to Pass, as amended, report Read and Accepted, and the Bill Passed to Be Engrossed, as amended.

In the Senate, the reports were read.

Mr. SHIRO of Kennebec: Mr. President, I move that the Majority Ought to Pass report be accepted.

Mr. SOUTHARD of Penobscot: Mr. President, I move that the bill and accompanying papers be tabled.

Mr. SHIRO: Mr. President, may I ask through the Chair, if Senator Southard would assign this for a particular day?

The PRESIDENT: The Senator from Kennebec, Senator Shiro, poses a question through the Chair to the Senator from Penobscot, who may answer if he chooses.

Mr. SOUTHARD: Wednesday next, Mr. President.

Thereupon, the bill was tabled pending motion by Senator Shiro of Kennebec that the Majority Ought to Pass As Amended report be accepted, and the bill was assigned for Wednesday next.

The majority of the Committee on Election Laws on Bill, "An Act Relating to Appointment of Chairmen of Boards of Registration in Cities of Certain Population." (H. P. 734) (L. D. 972) reported that the same Ought Not to Pass.

(Signed)

Senators:

McDONALD

of Piscataquis

DUNN of Kennebec

Representatives:

BOURGOIN of Fort Kent

JORDAN of Lincoln

WUORI of Oxford

DICKINSON of Mars Hill

CUSHING of Bucksport

HAWES of Union

The minority of the same Committee on the same subject matter reported that the same Ought to Pass.

(Signed)

Representatives:

LETOURNEAU of York

BINETTE of Old Town

Comes from the House, Recommended to the Committee on Election Laws.

In the Senate, on motion by Mr. Letourneau of York, recommitted to the Committee on Election Laws.

At this point, President Reed assumed the Chair, Mr. Brown of Hancock retiring to his seat in the Senate amidst the applause of the Senate.

Committee Reports

Senate

Ought to Pass

Mrs. Chisholm from the Committee on Retirement and Pensions on Bill, "An Act Relating to Service Retirement of Liquor Inspectors." (S. P. 324) (L. D. 1046) reported that the same Ought to Pass.

Which report was Read and Accepted. The Bill was Read Once and tomorrow assigned for second reading.

Ought to Pass As Amended

Mr. Maxwell from the Committee on State Government on Bill, "An Act Prohibiting Obstruction of Discontinued Woods Roads." (S. P. 250) (L. D. 760) reported that the same Ought to Pass, as amended by Committee Amendment "A" (S-58)

Which report was read, and on motion by Mr. Glass of Waldo, the bill was tabled pending acceptance of the report and was especially assigned for Friday, March 12.

Ought to Pass in New Draft — New Title

Mr. Cahill from the Committee on Highways on Bill, "An Act Increasing the Reimbursement of Towns for Snow Removal." (S. P. 262) (L. D. 811) reported that the same Ought to Pass in New Draft, with New Title. (S. P. 455) (L. D. 1391) An Act Relating to Payments to the State by Municipalities for Winter Maintenance on State Highways.

Which report was Read and Accepted. The Bill, in New Draft was Read Once, and tomorrow assigned for second reading.

Divided Report

The majority of the Committee on State Government on Bill, "An Act Exempting Motor Vehicles of Forestry Department and

Baxter State Park Authority from Registration." (S. P. 251) (L. D. 761) reported that the same Ought to Pass in New Draft under Title: "An Act Exempting State Owned Motor Vehicles and Trailers from Registration and to Provide Special Plates for U.S. District Attorney and Assistant U.S. District Attorneys. (S. P. 462) (L. D. 1393)

(Signed)

Senators:

STERN of Penobscot
MAXWELL of Franklin
WILLEY of Hancock

Representatives:

PITTS of Harrison
DOSTIE of Lewiston
EDWARDS of Portland
STARBIRD of Kingman
BERRY

of Cape Elizabeth

LIBHART of Brewer

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

(Signed)

Representative:

KATZ of Augusta

On motion by Mr. Stern of Penobscot, the Majority Ought to pass report was accepted, the bill in new draft read once and tomorrow assigned for second reading.

Committee of Conference Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing for Compulsory Retirement of Teachers at Age 65." (S. P. 404) (L. D. 1355) report that the House should Recede from its action whereby it referred the Bill to the Committee on Retirements and Pensions; and concur with the Senate in reference to the Committee on Labor.

Which report was read and accepted.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing for Compulsory Retirement of Teachers." (S. P. 432) (L. D. 1366) report that the House should Recede from its action whereby it referred the Bill to the Committee on Retirements and Pensions, and

concur with the Senate in reference to the Committee on Labor.

Which report was read and accepted.

Second Readers

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

House — Amended

Bill, "An Act Relating to Payment of Tax Assessments for Flanders Bay Community School District." (H. P. 208) (L. D. 276)

Bill, "An Act Relating to Free Access to Waters Stocked with Fish Raised by State." (H. P. 735) (L. D. 1009)

Bill, "An Act Relating to Compensation of Aldermen of City of Lewiston." (H. P. 347) (L. D. 449)

Bill, "An Act Increasing Compensation of Members of City Council of City of Portland." (H. P. 352) (L. D. 455)

Bill, "An Act to Repeal the Act Creating the Paris Village Corporation." (H. P. 357) (L. D. 460)

Which were Read a Second Time and Passed to Be Engrossed, as amended, in concurrence.

Senate

Bill, "An Act Authorizing Use of Ditto Marks in Preparing Lists Under Election Law." (S. P. 281) (L. D. 843)

Bill, "An Act Relating to Time Polls Must Remain Open on Election Day." (S. P. 282) (L. D. 844)

Resolve Appropriating Funds for a Motor Vehicle Registration Service and Storage Building. (S. P. 82) (L. D. 226)

Which were Read a Second Time and Passed to Be Engrossed. Sent down for concurrence.

Senate — Amended

Bill, "An Act Relating to Approval of School Building Plans." (S. P. 114) (L. D. 341)

Which was Read a Second Time and Passed to Be Engrossed, as amended.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly

engrossed the following bills and resolve:

Bill, "An Act Relating to Decisions Under Liquor Law Pending Appeal." (H. P. 138) (L. D. 161)

On motion by Mr. Hardy of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and to further reconsider its action whereby Committee Amendment A was adopted. On further motion by the same Senator, Senate Amendment A (S-56) to Committee Amendment A was read and adopted, Committee Amendment A as amended was adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Increasing Compensation of Treasurer of Georges Valley Community School District." (H. P. 203) (L. D. 258)

Bill, "An Act to Amend the Charter of the Auburn Sewerage District." (H. P. 245) (L. D. 323)

Bill, "An Act to Clarify the Council-Manager Charter of City of South Portland." (H. P. 358) (L. D. 461)

Bill, "An Act Repealing Regulation on Dragging for Scallops in Bagaduce River and Bay." (H. P. 431) (L. D. 560)

Bill, "An Act to Create the Van Buren Sewer District." (H. P. 428) (L. D. 570)

Bill, "An Act to Reconstitute School Administrative District No. 33." (H. P. 468) (L. D. 621)

Bill, "An Act Relating to Pine-land Hospital and Training Center's Admission Procedures." (H. P. 474) (L. D. 627)

Bill, "An Act Prohibiting Sale of Finger Alphabet Cards, or Use Thereof, as an Inducement in the Sale of Merchandise." (H. P. 477) (L. D. 630)

Bill, "An Act Relating to Half-way House Program at Reformatory for Women." (H. P. 479) (L. D. 632)

(On motion by Mr. Duquette of York placed on the Special Appropriations Table pending enactment.)

Bill, "An Act to Provide Adequate Illumination of Switching Leads in Railroad Yards." (H. P. 532) (L. D. 706)

Bill, "An Act Revising the Savings and Loan Association Laws." (H. P. 621) (L. D. 828)

Bill, "An Act Relating to Certain Liquor Licensees Providing Entertainment to Charge Admission." (H. P. 749) (L. D. 986)

Bill, "An Act Relating to Certain Financial Provisions of Charter of City of Rockland." (H. P. 1014) (L. D. 1371)

Bill, "An Act to Amend Charter of the Home for Aged Men." (S. P. 162) (L. D. 492)

Bill, "An Act Relating to Removal of Justices of the Peace and Notaries Public (S. P. 167) (L. D. 536)

Bill, "An Act Relating to Hunting Turkey Under Inland Fish and Game Laws." (S. P. 242) (L. D. 752)

Bill, "An Act Relating to Renewal of Operators' Licenses for Motor Vehicles." (S. P. 254) (L. D. 764)

Which Bills were Passed to Be Enacted.

Emergency

Bill, "An Act Authorizing the Municipalities of Atkinson, Lake View Plantation and Milo to Form a School Administrative District." (H. P. 207) (L. D. 275)

This Bill, being an emergency measure and having received the affirmative vote of 33 members of the Senate, was Passed to Be Enacted.

Bill, "An Act Relating to Cumberland Water District and Portland Water District." (H. P. 429) (L. D. 568)

This Bill, being an emergency measure and having received the affirmative vote of 33 members of the Senate, was Passed to Be Enacted.

Resolve Opening Certain Waters in Aroostook and Piscataquis County to Ice Fishing. (H. P. 494) (L. D. 647)

On motion by Mr. Boisvert of Androscoggin, tabled pending enactment.

Orders of the Day

Mr. BOISVERT of Androscoggin: Mr. President, I move that the Senate recess for fifteen minutes for the purpose of a caucus.

The PRESIDENT: Would the Senator care to state the place?

Mr. BOISVERT: Mr. President, we will leave the choice to the President.

Thereupon, the Senate voted to recess for fifteen minutes for the purpose of a caucus to be held in the Judiciary Room.

After Recess

Senate called to order by the President.

The President laid before the Senate the 1st tabled and today assigned item (S. P. 443) (L. D. 1379) Bill, "An Act Relating to Use of Transporter Registration Plates by Wreckers and Service Vehicles"; tabled on March 3 by Senator Mendell of Cumberland pending passage to be engrossed; and that Senator moved the pending question.

Thereupon the bill was passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 383) (L. D. 485) Resolve, Designating Maine Turnpike and Interstate No. 95 as "The Gold Star Memorial Highway"; tabled on March 3 by Senator Manuel of Aroostook pending passage to be engrossed; and on motion by that Senator, the bill was retabled and especially assigned for Friday next.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 322) (L. D. 1019) Senate Report, Ought to pass from the Committee on Public Utilities on Bill, "An Act Relating to Authority of Water Companies to Acquire Property"; tabled on March 5 by Senator Boisvert of Androscoggin pending acceptance of the report; and that Senator yielded to the Senator from Aroostook, Senator Harding.

On motion by Mr. Harding of Aroostook, the bill was retabled

and especially assigned for Friday next.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 420) (L. D. 532) Bill, "An Act Relating to Improper Conditions for Industrial Safety"; tabled on March 9 by Senator Hoffses of Knox pending passage to be engrossed; and that Senator yielded to the Senator from Waldo, Senator Glass.

Mr. Glass of Waldo presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A (S-51)

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

Mr. HOFFSES of Knox: Mr. President, I have Senate Amendment B to L. D. 532 and wish to move its adoption.

The PRESIDENT: If the Senator wishes to present another amendment, it will be necessary first to reconsider engrossment.

Mr. HOFFSES: Mr. President, I move that the Senate reconsider its action just taken whereby the bill was passed to be engrossed.

Thereupon, on motion by Mr. O'Leary of Oxford, the bill and all accompanying papers were tabled pending the motion by Mr. Hoffses of Knox that the Senate reconsider engrossment, and the bill was especially assigned for Friday next.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 95) (L. D. 262) Bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law"; tabled on March 9 by Senator Glass of Waldo pending first reading.

Mr. GLASS of Waldo: Mr. President, I rise in opposition to this bill and move that the bill be indefinitely postponed. I would like to address the Senate somewhat briefly, especially in view of the lateness of the hour, in support of this motion.

I rise in opposition to this bill to protect those persons who I feel would be adversely affected

by its passage. I am referring specifically to the people who are intended to be covered by the existing Workmen's Compensation Law.

This bill, so far as I know, has no party label; it is neither Republican nor Democrat, and consequently I feel we can debate the matter on its merits.

Title 32 of the Revised Statutes of Maine, 1964, defines chiropractic or a chiropractor as follows:

"The system, method or science of palpating and adjusting the segments and articulations of the human spinal column by hand and locating and correcting interference with nerve transmission and expression by hand or by electrical treatments, hydrotherapy and diet without the use of drugs or surgery, and any and all other methods are declared not to be chiropractic, and chiropractic is declared not to be the practice of medicine, surgery, dentistry or osteopathy."

Webster defines "Chiropractic" as "A system or the practice of adjusting the joints, especially of the spine, by hand for the curing of disease, "and Black's Law Dictionary, which is one of the bibles of my profession, defines "Chiropractor" as follows: One professing a system of manipulations which aims to cure disease by the mechanical restoration of displaced or subluxated (and I couldn't find a definition of subluxated) bones, especially the vertebrae, to their normal position."

I think the important part of that definition just read and the restriction as defined in Title 32, Section 451 — the word "disease" I think becomes extremely important, because this bill which we are now considering relates to industrial accidents, and I submit that by definition the chiropractor is not permitted to practice his profession, if I may call it that, within this area.

Aside from possible economic objections to a bill of this nature, there exists, in my opinion, a very definite legal objection to its adoption, and the lawyers among the group I am sure will share my

opinion. Assuming that an employee is injured, say he fell from a ladder or was injured in any other fashion and did consult a chiropractor as would be authorized under the terms of this bill, complaining of a bad back. Now his symptoms could be one of many ills or ailments: Sprain, arthritis, a disc, fracture, problems with his liver, spleen, his gallbladder, his kidneys — and I could go on forever were I at all versed in the practice of medicine.

Now by definition the only way the chiropractor could be of assistance to a person complaining of these symptoms, as I have previously indicated, would be to manipulate. I do not know what this manipulation consists of, but we do know it is manipulation by hand of the bones and subluxated joints. Now assuming for the moment that this workman had injured a disc in his back and by manipulation this workman became crippled—and this could be the case very definitely, because, as I understand it, this is not the treatment for this type of injury—if this act were passed it is entirely possible and probable that this injured employee could not recover workmen's compensation, the theory being this: that although it is accepted doctrine that a person who is injured if his injuries are aggravated by a doctor the person who injured him—and in this case it would be the employer—is still responsible for the negligence of the physician. But not so, I submit in the case of a chiropractor. I can see a situation where, after manipulating or using improper treatment, not the treatment that he is authorized to administer, not the treatment that he is restricted to administer, whereby this employee was injured, then the company would argue "This is your negligence in choosing a chiropractor to treat your injuries, and it is the intervening negligence of a third person for which I the employer am not responsible." And it is very possible if not probable that under those conditions the employee could not recover.

Now I rise here in objection to this bill not as representing any insurance company or any employer. Like several of my colleagues in the Senate, I am basically a plaintiff's attorney and I have and will continue to represent workmen under the provisions of the Workmen's Compensation law. This is one real objection to this bill.

On the other hand, there are economic objections to the bill. As you may or may not know, an injured employee receives for total disability for an injury which is compensable the sum of \$39 a week. I think we all know and appreciate just how far the sum of \$39 a week will take a working man in this day and age. Statistics show — I do not have them available, but those members on the committee who heard the pros and cons of this bill certainly heard these statistics — statistics show that people treated by chiropractors are returned to work after a greater period of waiting than is the same person with the same injury treated by a physician. This means just this: that this man is off of his job for a considerably longer period of time than perhaps he would have been had he been treated by a doctor of medicine.

Our sister state, the Commonwealth of Massachusetts, forbids chiropractics, and the Court has held in a fairly recent case that the practice of chiropractic in the Commonwealth is the practice of medicine in violation of law. In a case recently decided in Pennsylvania—I am quoting the language of the Court — the Court said: "The chiropractors admit that their right to treat diseases is limited" — and again you will note the word "diseases" not accidents — "but they contend that the Chiropractic Registration Act authorizes them to diagnose diseases without limit, and hence the examination required to certify the fitness of an applicant for an operator's license is within their statutory powers."

Before proceeding — you have all seen some information that is

distributed on your desks, and in this information there was some reference to the right of a chiropractor in the State of Maine to diagnose. I submit that this information is not correct, that the definition and restrictions as appertain to a chiropractor are well defined in Title 32, Section 451 which I read earlier. They are specifically limited to the treatment of disease in the manner and fashion set forth in Section 451, which is manipulation and diet. I cannot see how diet would help anyone with a broken arm or a broken spinal column, but, be that as it may, this is the manner in which they are restricted.

The Court went on to say, "Naturally, the chiropractors would like to be equated with the medical profession, but neither their recognized field of practice nor the statutes relating to these professions makes such an equation realistic. Chiropractors are engaged in a limited field of the healing arts; they are classified separately by the legislature from physicians in numerous ways."

In a recent edition of *Medical Economics* — and I hold before me a verifax copy of the cover and I am quoting a John Q. Thaxton, President of the International Chiropractors Association. Mr. Thaxton said, "Medicine is a cult with no philosophy; only chiropractic," he claims, "corrects the cause of the patient's ills." Now this is the president of the International Association speaking, and if what he says is correct and if he is sincere in his belief, I will say I would hate to see what might happen to a man with a broken vertebra if chiropractic is the only method of curing that disease.

I therefore urge the ladies and gentlemen of the Senate to support this motion to indefinitely postpone the bill. Thank you.

The PRESIDENT: The motion before the Senate is the motion by the Senator from Waldo, Senator Glass, that L. D. 1255 and all its accompanying papers be indefinitely postponed.

Mr. O'LEARY of Oxford: Mr. President, I rise in opposition to the motion of the Senator from Waldo, Senator Glass, and I would like to state simply a very few reasons.

First of all, I would like to note what courses a chiropractor has to have before he can become a chiropractor, and on your desks you will find distributed by Senator Maxwell a catalog of the National College of Chiropractic and this will give you the total hours of class, lab and such. It amounts to a total of 4400 hours, and this is 400 hours more than in any other state in the union.

Now the same arguments are used against the chiropractors today as were used a few years ago against the osteopath; the arguments are basically the same, there isn't any change, and today the osteopaths are recognized under Workmen's Compensation, and that is all that the chiropractors are asking here. Stripped of all the excess wordage, claims and counterclaims, arguments for and against, it will do just this: it will allow any person injured who is covered by the Workmen's Compensation Act to receive the services of a chiropractor and the claims will be paid under Workmen's Compensation. At present these claims are paid by the employee. All they are asking for is that the claims will be paid under Workmen's Compensation not by the employee.

The Senator has referred to Title 32, Section 451, which tells you what a chiropractor is and what he is limited to doing. He is not allowed to prescribe medicines, he is not allowed to treat diseases, although under the definition given in the "bible" it does contain the statement that a chiropractor is one who treats disease, it is not admissible under the law in the State of Maine.

The four states that do not recognize chiropractors under Workmen's Compensation are Maine, Massachusetts, the State of Virginia, of West Virginia and Mississippi. All the other states recognize and pay these claims under Workmen's Compensation.

I do not believe there is any reason to further debate this. Some of the statements which have been made are from the American Medical Association which is definitely against the chiropractors. So, without any further comment I would ask for a division on the motion to indefinitely postpone.

Mr. GLASS of Waldo: Mr. President, briefly in reply to Senator O'Leary's remarks, might I say this: He went far, I think, in support of my pending motion, the reason why I am so seriously interested in defeating this measure is the fact that a chiropractor cannot give a medical opinion, he cannot diagnose, he cannot take x-rays, as Senator O'Leary stated, he cannot prescribe medicine, he cannot even prescribe aspirin, he has no laboratory facilities, he has no hospital facilities or privileges.

Now those among you who are attorneys and who have practiced before the Workmen's Compensation Commission I think are aware of this: In cases where an employee is injured and his injuries are obvious to the employer and to others he is treated by a physician and most often, although possibly not, he is paid his compensation without the necessity of any formal hearing before the Commission. However, on occasion in disputed incidents this necessity does arise. Now with the limitations that are presently imposed on a chiropractor how, I ask you, could the chiropractor's testimony be received legally by the hearing commissioner. I submit that legally it could not be, and it could not be because he is forbidden to do the very things that the workmen must prove in order to collect his compensation, so, intelligently or not, were a workman under this bill to consult a chiropractor for his disease or industrial accident he would be foreclosed insofar as any contested hearing was concerned before the Commission. Now I for one like a little ammunition when I appear before any court or administrative body, quasi-judicial or otherwise. The passage of this bill would deprive every attorney of essential ammunition, because the chiropractor is not qualified under the law to

testify. For this reason and many others we would be defeating, I think, our own purpose, the purpose of introducing this bill were it to be passed in this connection. And I might give Senator Stern a plug. There is before the legislature L. D. 591, entitled "An Act to Revise Certain Portions of the Workmen's Compensation Law." The reasons that precipitated the introduction of this bill is that certain employers do not make available to employees physicians; there is no physician to whom they can go, or they have a company physician to whom the worker is forced to go. Now under Senator Stern's bill, without passing on the merits of the entire bill, in Section 1 of Senator Stern's measure it would provide that the company provide three physicians, one of whom could be chosen by the workman; in other words, eliminating the compulsion of going to a company physician and at the same time giving the worker some freedom of choice as regards another physician. I believe this to be one of the reasons why this bill was introduced. Senator Stern's bill, at least Section 1, is a far better vehicle for accomplishing this purpose than it is to recognize willy nilly chiropractors who are so limited in this field.

Mr. MENDELL of Cumberland: Mr. President, I would like to address a question through the Chair to either Senator Glass or Senator O'Leary. On Title 32, the definition of chiropractor under Section 451 and the paper here, "What Does the Maine Law Say About a Chiropractor", they are apparently in conflict and I wonder if that could be explained to me.

The PRESIDENT: The Senator from Cumberland, Senator Mendell, addresses a question through the Chair to either Senator O'Leary or Senator Glass, either of whom may answer if he chooses.

Mr. GLASS of Waldo: Mr. President, if I understand the inquiry properly, the chiropractors maintain that their field is broader than that which I have contended on the floor of the Senate that it is by the limitations contained in

Section 451. Is that correct, Senator?

Mr. MENDELL of Cumberland: Mr. President, in Section 451 chiropractor is defined and then under Public Law 1945, Chapter 16 you go on to say that the applicant shall submit to an examination as to qualification for the practice of chiropractic which shall include anatomy, physiology, symptomology, hygiene, sanitation, chemistry, pathology, electro-therapy, hydro-therapy, dietetics — I won't go on any further than that but to go back to Section 451, it just refers to manipulation.

Mr. GLASS of Waldo: Mr. President, I have heard the remarks of my brother but I still don't understand his question.

Mr. MENDELL: Mr. President, I would like to have explained the complete turn around in these two sections.

Mr. GLASS: Mr. President, I don't think there is any turn-around. These are the requirements presumably laid down by the legislature to admit a chiropractor to be admitted by the chiropractic board. Frankly I don't know how extensive these courses are that are required to be taken by a chiropractor to enter this field but I do know this that regardless of their courses in dietetics, their courses in manipulation, biology physiology and anatomy, it does not suffice, Senator, to permit them to practice the art of medicine in the State of Maine. They are limited by the foregoing section, Section 451 to the articulation of the spinal column.

Now if I break my wrist, I for one would not care to have my spinal column articulated. I would like my wrist cared for. Now a broken wrist is not a sickness. It is an accident and if it is an industrial accident and a person were to consult a chiropractor as authorized by this bill, I submit that were there any dispute as to the length of the employee's disability and his right to collect, let us say, \$39 a week, or far more important would be in the event the employee were killed and as an attorney I were trying to get

testimony before the commission or before a court on an appeal of a commission's findings, based on a chiropractor's testimony, I submit to you and I think every lawyer in the Senate would agree with me that it would be inadmissible and to the detriment of the employee and his dependents. They would be unable to recover, based on the testimony of a chiropractor.

Mr. O'LEARY of Oxford: Mr. President, if we look at this bill and glance at the question of a broken wrist and having the spine articulated, this bill says, "An employee sustaining personal injury by accident arising out of and in the course of his employment, shall be entitled to reasonable and proper medical, surgical and hospital services, nursing and medicine." Then the new language would be "chiropractic treatment". And it defines here, "Chiropractic treatment shall not be defined as the practice of medicine or surgery". So this goes even further to limit what they can do. This just allows the employee who is injured and who will continue to see his company doctor first and then if he decides he wants his spine manipulated he will receive under workmen's compensation, the payment.

We can see here when you ask a question about the two definitions, what you have to know to qualify to be a chiropractor and what you are limited to are two different things. You have to know one heck of a lot but you can only practice it a very little. The doctors made a big thing about there not being anyone from their profession on the board that grants these licenses to practice but it is by the same token that doctors don't allow the chiropractor to be on their board to determine who is going to be licensed.

Another thought. The chiropractors, I believe, haven't made any more mistakes than the doctors. It is as simple as that.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Waldo, Senator Glass, that L. D. 262 and all accompanying papers be in-

definitely postponed. A division has been requested.

Mr. SHIRO of Kennebec: Mr. President, I feel that where I had I think over a period of over thirteen years, fairly substantial experience in regard to handling Workmen's Compensation cases, I should make a few remarks to the Senate.

This bill appears to be rather simple on the face of it. However, there is an inherent danger in subjecting an employee to the disillusionment that he would be paid any expenses he would incur by having chiropractic treatment. A workmen's compensation case in many instances an employee feels is simply a non-partisan, unilateral proceeding where all he has to do in many instances is to present a claim to the workmen's compensation and he is automatically paid for his injury, automatically paid for expenses incurred, medical expenses of any kind. But that isn't so. Workmen's compensation claim is an adversary proceeding. He opposes the interests of the employer and he opposes any interest that the insurance carrier for the employer has in the outcome of a particular claim that he presents.

By this bill it would be lowering the standards of protection of an employee. I don't think there is anyone here that would dispute that the medical profession has the higher qualifications so far as treatment, care of an injured employee goes. I am not saying that in every instance the chiropractic treatment is improper or that there is a grave danger they would not use proper skill within their legal limits. I only state here that we are by the passage of this bill, going to subject the employee to a danger, to a peril and I can very easily envision a grave danger of an employee presenting a claim before the workmen's compensation which might be disputed, even though the injury arose out of the course of his employment, or whether or not there was a pre-existing condition or disease to which he is making a claim and having a chiropractor in a disputed proceeding pitted against

a medical doctor, physician or even an osteopath.

The chiropractor is by training not prepared to make a prognosis or diagnosis and to have him appear before an adversary proceeding before the Industrial Accident Commission and be absolutely unable to make a prognosis and almost admittedly so or a diagnosis in this case would almost certainly defeat a claim by an injured employee.

I think our main interest is to protect the injured employee. That is what we want to accomplish by any of these particular bills. This certainly would not be giving him the protection of the State of Maine which the workmen's compensation act we have had is designed to do. I think we would be doing a disservice to the employees. Many persons as I stated at the outset do not realize the complications and the proceedings which are involved in workmen compensation claims but it can be an extremely important thing to an injured employee.

I have pending right now a claim which involves several thousand dollars of an injured employee and I know if the injured employee had consulted or been treated by a chiropractor, he would almost certainly have been destined for defeat. I would agree with Senator Glass in his statements that this bill should be indefinitely postponed.

Mr. O'LEARY of Oxford: Mr. President, if, as Senator Shiro of Kennebec says, under this claim the man would lose if he had seen a chiropractor, it is true but only because chiropractors at the present are not included in the law. I mention that Maine is one of less than ten not including chiropractors under their workmen's compensation. I mentioned that before, but various federal bodies including the post office retirement and the railroad retirement board, two of the largest groups have the best medical policies that any working man's group has with Traveler's Insurance, and these policies recognize and pay for chiropractic treatment. Even in Maine at the present, about one third of the industrial accident

cases are voluntarily paid for by the insurance company but the remainder must be paid by the employee.

Mr. GLASS of Waldo: Mr. President, I think that Senator O'Leary's last remarks about insurance policies may be true. We are talking about a paid policy, a contract which exists between an individual and an insurance company and if they want to permit chiropractors to be paid under this contract that is one thing. But as Senator Shiro mentioned in his remarks, this is an adversary proceeding. This is where the employee, you might say, has the burden of proof, proving his injuries and the extent of his disability and the chiropractor as the law now exists in the State of Maine, is disqualified. This may be right; it may be wrong; it is the law. He is not competent insofar as the rules of evidence are concerned to render an opinion as regards the diagnosis or the prognosis of an employee's injuries.

Mr. SNOW of Cumberland: Mr. President, the debate we have heard this morning on this matter has raised some doubts in my mind about the value of this measure which I have not had time to consider. I think that if a little time were given, a clarifying amendment might be prepared. I therefore move that this measure lie on the table until Wednesday next.

The PRESIDENT: The Senator, having debated his tabling motion is out of order.

Mr. CAHILL of Somerset: Mr. President, I move that the bill be tabled until Wednesday next.

Mr. GLASS of Waldo: Mr. President, I ask for a division.

A division of the Senate was had.

Twenty-seven having voted in the affirmative and eight in the negative, the motion prevailed and the bill was tabled pending the motion by Senator Glass of Waldo to indefinitely postpone, and the bill was especially assigned for Wednesday next.

On motion by Mrs. Sproul of Lincoln, the Senate voted to take from the table the 14th tabled and unassigned item (H. P. 788) (L.

D. 931) Bill, "An Act Relating to State Retirement Benefits for Certain Teachers"; tabled by that Senator on March 3 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 as amended; and to further reconsider its action whereby House Amendment A was adopted.

On motion by the same Senator House Amendment A was indefinitely postponed, House Amendment B (H-76) 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. Violette of Aroostook, the Senate voted to reconsider its action taken earlier in today's session whereby (Item 7-2) Bill, "An Act Relating to Free Access to Waters Stocked with Fish Raised by State" (H. P. 735) (L. D. 1009) was passed to be engrossed; and on further motion by the same Senator, the bill was tabled pending passage to be engrossed and especially assigned for Tuesday next.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 19th tabled and unassigned item (S. P. 238) (L. D. 748) Bill, "An Act Relating to Number of School Directors in a School Administrative District"; tabled by that Senator on March 3 pending enactment; and that Senator yielded to the Senator from Cumberland, Senator Snow.

On motion by Mr. Snow of Cumberland, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

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

Senate Amendment A (S-57) was read and adopted and the bill as amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Harding of Aroostook

Adjourned until Friday next at ten o'clock in the morning.