

# 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**

Tuesday, March 16, 1965

Senate called to order by the President.

Prayer by Rev. Ondon Stairs of Augusta.

On motion by Mr. Southard of Penobscot, the Journal of yesterday was read and approved.

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

Bill, "An Act Increasing Compensation of members of the Legislature." (S. P. 460) (L. D. 1396)

In Senate, March 10, referred to Committee on Appropriations and Financial Affairs.

Comes from the House referred to the Committee on State Government 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 Chamber the niece of one of our Senators, Senator Bernard of Penobscot. The niece's name is Mrs. Virginia Wentworth. Would Mrs. Wentworth please stand and be recognized? (Applause)

The Chair would also like to recognize in the Senate Chamber the wife of another Senator, Senator McDonald of Piscataquis. Would Mrs. McDonald please stand and be recognized? (Applause)

Bill, "An Act Relating to Employment of Minors Under 16 Years of Age." (H. P. 342) (L. D. 445)

In House, Feb. 24 Recommitted to the Committee on Labor.

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

Comes from the House Recommitted to the Committee on Labor in Non-concurrence.

In the Senate, on motion by Mr. O'Leary of Oxford, the Senate voted to recede and concur.

Bill, "An Act Providing Complimentary Fishing Licenses for Persons Over Seventy Years of Age." (H. P. 630) (L. D. 837)

In Senate, March 5, Passed to Be Engrossed as amended by Sen-

ate Amendment "A" in Non-concurrence.

Comes from the House Indefinitely Postponed in Non-concurrence.

Mr. MANUEL of Penobscot: Mr. President, I move that the Senate concur with the House and indefinitely postpone this bill. I should like to make a few comments on this if I may at this time. This bill was heard by our committee and it came out of committee with a unanimous ought not to pass report. The meeting was extremely well attended. There were several senior citizens there all of whom voted against this measure. Therefore it does not seem that there is any reason why we should not go along with the House and indefinitely postpone it.

Mr. SMITH of Cumberland: Mr. President, I would like to table this unassigned.

Mr. MANUEL of Penobscot: Mr. President, I ask for a division on the tabling motion.

A division of the Senate was had.

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

Thereupon, the bill was indefinitely postponed in concurrence.

Bill, "An Act Relating to Type of Dredge to Dig Clams in Town of Phippsburg." (H. P. 539) (L. D. 713)

In Senate, March 5, passed to be engrossed in concurrence.

Comes from the House, passed to be engrossed as amended by House Amendment A (H-109) in non-concurrence.

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

The PRESIDENT: The Chair would like to recognize at this time the wife of another of our Senators, Senator Stern of Penobscot. Will Mrs. Stern please stand and be recognized? (Applause)

**Communication**

JOINT RESOLUTION Urging Improved Service at Maine's DC3 Stops.

WHEREAS, there is grave concern among the citizens of Maine that the air passenger service at the so-called DC3 stops has fallen far short of the bare minimum needs of the State; and

WHEREAS, with the approach of the summer tourist season Maine's image as Vacationland will suffer significant injury unless scheduled air transportation into all our air carrier airports is adequate to handle the needs of our people and our summer guests; and

WHEREAS, Northeast Airlines has substantially up-graded service at Portland, Bangor and Presque Isle,

NOW THEREFORE, BE IT RESOLVED that Maine's 102nd Legislature express to Mr. James Austin, President of Northeast Airlines, the earnest desire that Northeast Airlines make firm plans for a summer schedule serving our DC3 stops. This schedule must serve the basic needs of our communities, namely Lewiston-Auburn, Augusta, Rockland and Bar Harbor, by offering a sufficient number of seats, conveniently scheduled and dependably flown with adequate ground personnel for the convenience of the traveling public; and be it further RESOLVED that an attested copy of this Resolution be transmitted forthwith by the Secretary of the Senate to Mr. James Austin.

(H. P. 1030)

Which was Read and Adopted in concurrence.

## THE SENATE OF MAINE

Augusta

Office of the Secretary

March 16, 1965

To the Honorable Senate of the 102nd Legislature

Pursuant to Senate Orders relative to the appointment of subordinate officers of the Senate, this is to inform you that the President of the Senate has appointed Gail McCormick as Senate Courier, and the Secretary of the Senate has appointed June L. Griffin as Senate Stenographer.

Respectfully,

EDWIN H. PERT

Secretary of the Senate

Which was Read and Ordered Placed on File.

## Reports of Committees

### House

#### Change of Reference

The Committee on Towns and Counties, on Bill, "An Act Providing Aroostook County Funds for Maine-Quebec Highway." (H. P. 561) (L. D. 731) reported the Bill in a New Draft under New Title of: "An Act Providing Funds for Land Damage and Rights-of-Way for Maine-Quebec Highway." (H. P. 1029) (L. D. 1399), should be referred to the Committee on Highways.

#### Leave to Withdraw

The Committee on Public Utilities on Bill, "An Act Relating to Registration Number Displayed on Inland Steamers." (H. P. 1000) (L. D. 1332) reported that the same should be granted Leave to Withdraw.

The Committee on Taxation on Bill, "An Act Providing for Conducting a State Lottery." (H. P. 170) (L. D. 191) reported that the same should be granted Leave to Withdraw.

#### Ought Not to Pass

The Committee on Education on Bill, "An Act Relating to Duties of Indian Constables." (H. P. 732) (L. D. 970) reported that the same Ought Not to Pass.

The Committee on Highways on Bill, "An Act Relating to Snow Removal in Towns Exceeding Three Thousand Inhabitants." (H. P. 410) (L. D. 522) reported that the same Ought Not to Pass — covered by other Legislation.

The Committee on Public Utilities on Bill, "An Act Relating to Charter Authority Incidental to Regular Route Bus Certificates." (H. P. 1002) (L. D. 1336) reported that the same Ought Not to pass.

The Committee on Taxation on Bill, "An Act Exempting Non-revenue producing Real Property on Airports from Property Tax." (H. P. 258) (L. D. 328) reported that the same Ought Not to pass.

The same Committee on Bill, "An Act Relating to Use of Sardine Tax Revenues for Advertising." (H. P. 849) (L. D. 1262) reported that the same Ought Not to Pass.

Which reports were Read and Accepted in concurrence.

The Committee on Judiciary on Bill, "An Act Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit." (H. P. 589) (L. D. 781) reported that the same Ought Not to Pass.

Comes from the House Recommended to the Committee on Judiciary.

In the Senate, on motion by Mr. Violette the bill was recommitted to the Committee on Judiciary in concurrence.

The Committee on Towns and Counties on Bill, "An Act Increasing Salary of Superior Court Messenger of Cumberland County." (H. P. 784) (L. D. 1037) reported that the same Ought Not to pass.

Comes from the House Recommended to the Committee on Towns and Counties.

In the Senate, the bill was recommitted to the Committee on Towns and Counties in concurrence.

The same Committee on Bill, "An Act Relating to Appointment and Duties of Fire Department Officers as Forest Fire Wardens." (H. P. 105) (L. D. 113) reported that the same Ought Not to pass—covered by other legislation.

Comes from the House Recommended to the Committee on Towns and Counties.

In the Senate, the bill was recommitted to the Committee on Towns and Counties in concurrence.

#### **Ought to Pass**

The Committee on Retirements and Pensions on Bill, "An Act Relating to Out-of-State Service Credit for Teachers Under State Retirement System." (H. P. 653) (L. D. 881) reported that the same Ought to Pass.

The same Committee on Resolve Providing Retirement Benefit for D. Irene Carlson (H. P. 287) (L. D. 369) reported that the same Ought to Pass.

The Committee on State Government on Resolve Authorizing State Tax Assessor to Convey Land in Portland to Edward F. Lally of Winthrop, Massachusetts. (H. P. 604) (L. D. 796) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Reimbursement of Daily Travel Expenses in Lieu of Housing Expenses." (H. P. 601) (L. D. 793) reported that the same Ought to pass.

Which reports were Read and Accepted in concurrence, the Bills and Resolves Read once, and tomorrow assigned for second reading.

The Committee on Public Utilities on Bill, "An Act Creating a Sewer District in the Town of Medway." (H. P. 153) (L. D. 176) reported that the same Ought to Pass.

Comes from the House, Passed to Be Engrossed as amended by House Amendment "A" (H-98)

In Senate, Report Read and Accepted in concurrence, and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence, and the Bill, as amended, tomorrow assigned for second reading.

#### **Ought to Pass — As Amended**

The Committee on Business Legislation on Bill, "An Act Concerning Insider Trading of Domestic Stock Insurance Company Equity Securities." (H. P. 796) (L. D. 1073) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-101)

Which report was read and accepted in concurrence, the bills read once, Committee Amendment A was read and adopted in concurrence, and the bills as amended were tomorrow assigned for second reading.

The Committee on Retirements and Pensions on Bill, "An Act

Relating to Retirement Benefits for Fish and Game Wardens and Coastal Wardens Under State Retirement System." (H. P. 369) (L. D. 471) reported that the same Ought to pass as amended by Committee Amendment "A" (H-102)

On motion by Mr. Harding of Aroostook, tabled pending acceptance of the report.

### Reports of Committees

#### Senate

##### Leave to Withdraw

Mr. Letourneau from the Committee on Election Laws on Bill, "An Act Authorizing a Mobile Unit for Registering Voters in Municipalities." (S. P. 283) (L. D. 845) reported that the same should be granted Leave to Withdraw.

##### Ought Not to Pass

Mr. Willey from the Committee on State Government on Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant Governor and Providing for Succession of Office of the Governor. (S. P. 46) (L. D. 217) reported that the same Ought Not to Pass — covered by other legislation.

Mr. Mendell from the Committee on Transportation on Bill, "An Act Relating to Signaling Devices on Motor Vehicles Used by State Liquor Inspectors." (S. P. 345) (L. D. 1090) reported that the same Ought Not to pass.

Mr. Cahill from the same Committee on Bill, "An Act Relating to Lights Used on Motor Vehicles Operated by State Liquor Inspectors." (S. P. 346) (L. D. 1091) reported that the same Ought Not to Pass.

Which reports were Read and Accepted.

Sent down for concurrence.

##### Ought to Pass

Mr. Letourneau from the Committee on Taxation on Bill, "An Act Relating to Sales and Use Tax Liability of Lessors of Tangible Personal Property." (S. P.

269) (L. D. 817) reported that the same Ought to pass.

Mr. Maxwell from the same Committee on Bill, "An Act Relating to Use Tax on Personal Property Withdrawn from Inventory." (S. P. 270) (L. D. 818) reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and tomorrow assigned for Second Reading.

##### Ought to Pass — As Amended

Mr. Norris from the Committee on Claims on Resolve in Favor of the Town of Anson. (S. P. 302) (L. D. 916) reported that the same Ought to Pass as amended by Committee Amendment "A" (S-69)

Mr. Jacques from the Committee on Legal Affairs on Bill, "An Act Relating to Dogs Doing Damage to Livestock and Poultry." (S. P. 41) (L. D. 212) reported that the same Ought to Pass as amended by Committee Amendment "A" (S-67)

Which reports were Read and Accepted and the Bill and Resolve, as amended, tomorrow assigned for Second Reading.

##### Ought to Pass in New Draft — Same Title

Mr. Mendell from the Committee on Education on Bill, "An Act Relating to Schooling of Children on Indian Reservations." (S. P. 308) (L. D. 1021) reported that the same Ought to Pass in New Draft, under same title, (S. P. 466) (L. D. 1404)

On motion by Mr. Snow of Cumberland, tabled pending acceptance of the report and especially assigned for a week from Wednesday.

##### Divided Reports

The Majority of the Committee on Industrial and Recreational Development on Bill, "An Act Clarifying the Laws Relating to the Division of Geological Survey in Department of Economic Development." (S. P. 117) (L. D. 343) reported that the same Ought to pass.

(Signed)

Senators:

MOORE of Washington

JACQUES of Androscoggin  
HOFFSES of Knox

Representatives:

FORTIER of Waterville  
KILROY of Portland  
BENSON  
of Mechanic Falls

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

(Signed)

Representatives:

LITTLEFIELD  
of Hampden  
NORTON of Caribou  
PAYSON of Falmouth  
TRUMAN of Biddeford

Which reports were read, and on motion by Mr. Jacques of Androscoggin, were tabled pending acceptance of either report, and were especially assigned for Friday next.

The Majority of the Committee on Judiciary on

**Recommended**

Resolve Authorizing the Estate of Frank E. Lemli, Formerly of The Forks, Maine, to Sue the State of Maine. (S. P. 150) (L. D. 391) reported that the same Ought to pass.

(Signed)

Senators:

GLASS of Waldo  
VIOLETTE of Aroostook  
STERN of Penobscot

Representatives:

BISHOP of Presque Isle  
DANTON of Old Orchard  
BRENNAN of Portland  
DAVIS of Calais

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

(Signed)

Representatives:

BERMAN of Houlton  
GILLAN  
of South Portland  
RICHARDSON  
of Cumberland

Which reports were read, and on motion by Mr. Violette of Aroostook, the Majority Ought to Pass report was accepted, the re-

solve read once and tomorrow assigned for second reading.

The Majority of the Committee on State Government on Bill, "An Act Authorizing the Appointment of the Commissioner of Agriculture by the Governor." (S. P. 219) (L. D. 678) reported that the same Ought to pass.

(Signed)

Senators:

STERN of Penobscot  
MAXWELL of Franklin

Representatives:

PITTS of Harrison  
DOSTIE of Lewiston  
EDWARDS of Portland  
STARBIRD of Kingman  
LIBHART of Brewer

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

(Signed)

Senator:

WILLEY of Hancock

Representatives:

BERRY of Cape Elizabeth  
KATZ of Augusta

Which reports were read.

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

Mr. BROWN of Hancock: Mr. President, I request a division.

A division of the Senate was had.

Twenty-eight having voted in the affirmative and five in the negative, the motion prevailed, the Majority Ought to Pass report was accepted, the bill read once and tomorrow assigned for second reading.

The Majority of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor. (S. P. 220) (L. D. 679) reported that the same Ought to pass.

(Signed)

Senators:

STERN of Penobscot  
MAXWELL of Franklin

Representatives:

PITTS of Harrison  
EDWARDS of Portland  
DOSTIE of Lewiston  
STARBIRD of Kingman  
LIBHART of Brewer

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

(Signed)

Senator:

WILLEY of Hancock

Representatives:

BERRY of Cape Elizabeth  
KATZ of Augusta

Which reports were read.

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

Mr. BROWN of Hancock: Mr. President, I request a division.

A division of the Senate was had.

Twenty-eight having voted in the affirmative and five in the negative, the Majority Ought to Pass report was accepted, the bill read once and tomorrow assigned for second reading.

The Majority of the Committee on State Government on Resolve Proposing an Amendment to the Constitution to Lower the Voting Age to Eighteen Years. (S. P. 153) (L. D. 394) reported that the same Ought Not to pass.

(Signed)

Sensors:

WILLEY of Hancock  
MAXWELL of Franklin

Representatives:

PITTS of Harrison  
DOSTIE of Lewiston  
BERRY of Cape Elizabeth  
KATZ of Augusta  
LIBHART of Brewer

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

(Signed)

Senator:

STERN of Penobscot

Representatives:

STARBIRD of Kingman  
EDWARDS of Portland

On motion by Mr. Harding of Aroostook, tabled pending acceptance of either report.

The Majority of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-Year Terms. (S. P. 101) (L. D. 268) reported that the same Ought to pass.

(Signed)

Sensors:

WILLEY of Hancock  
STERN of Penobscot  
MAXWELL of Franklin

Representatives:

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

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

(Signed)

Representatives:

BERRY of Cape Elizabeth  
KATZ of Augusta  
LIBHART of Brewer

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

The Majority of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (S. P. 44) (L. D. 215) reported that the same Ought to Pass as amended by Committee Amendment "A" (S-68)

(Signed)

Sensors:

MAXWELL of Franklin  
STERN of Penobscot  
WILLEY of Hancock

Representatives:

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

The Minority of the same Committee on the same subject mat-



ter reported that the same Ought Not to pass.

(Signed)

Representatives:

BERRY of Cape Elizabeth

KATZ of Augusta

LIBHART of Brewer

Mr. STERN of Penobscot: Mr. President, I move that the Majority Ought to Pass Report be accepted.

Thereupon, on motion by Mr. Brown of Hancock, the bill and reports were tabled pending motion by Mr. Stern of Penobscot to accept the Majority Ought to Pass Report, and were especially assigned for one week from today.

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

#### House

Bill, "An Act Relating to Applications for School District Formation." (H. P. 580) (L. D. 772)

Bill, "An Act to Clarify Certain Portions of Election Laws Relating to Ballots." (H. P. 907) (L. D. 1235)

Bill, "An Act Prohibiting the Solicitation of Votes from Persons in Mental Hospitals." (H. P. 909) (L. D. 1237)

Which were Passed to be Engrossed in concurrence.

#### House — As Amended

Resolve Transferring Corinna Union Academy to Town of Corinna. (H. P. 610) (L. D. 802).

Which was Passed to Be Engrossed as amended, in concurrence.

Bill, "An Act Repealing Milk Control Prices at the Retail Level." (H. P. 25) (L. D. 203)

Which was read a second time.

Mr. HILTON of Somerset: Mr. President, I move that this bill L. D. 203, and all its papers be indefinitely postponed and I would like to ask for a division.

Mr. HARDING of Aroostook: Mr. President, I would ask that this matter lie on the table pending the motion by Senator Hilton of Somerset, and that it be espe-

cially assigned for one week from tomorrow.

Mr. HILTON: Mr. President, I would like to ask for a division on the tabling motion.

A division of the Senate was had.

Twenty having voted in the affirmative and twelve in the negative, the tabling motion prevailed and the bill was so tabled and assigned.

#### Senate

Bill, "An Act Relating to Commercial Driver Education Instructors Appointed by Secretary of State." (S. P. 199) (L. D. 580)  
Bill, "An Act Relating to Authority of Water Companies to Acquire Property." (S. P. 322) (L. D. 1019)

Bill, "An Act Relating to Trespass on Lands of the University of Maine." (S. P. 357) (L. D. 1120)

Which were Passed to Be Engrossed.

Sent down for concurrence.

#### Senate — As Amended

Resolve Authorizing Mary Howe Goodall and Stanley Howe to Bring Civil Action Against the State of Maine. (S. P. 196) (L. D. 575)

Which was passed to be engrossed.

Sent down for concurrence.

Resolve Authorizing Margaret E. Putnam, Administratrix of the Estate of Weldon Putnam, to Bring a Death Action Against the State of Maine. (S. P. 197) (L. D. 578)

Which was read a second time. Mr. Violette of Aroostook presented Senate Amendment A and moved its adoption. Which amendment (S-71) was read and adopted and the bill as amended was passed to be engrossed.

Bill, "An Act Relating to the Validation of Certain Instruments." (S. P. 312) (L. D. 1025)

Which was 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 Resolves:**

Bill, "An Act Increasing Compensation of Councilmen of City of South Portland." (H. P. 147) (L. D. 170)

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

Which were passed to be enacted.

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

Mr. SMITH of Cumberland: Mr. President, I move that the bill be tabled.

Mr. JACQUES of Androscoggin: Mr. President, I ask, through the Chair, if the Senator would assign a day?

The PRESIDENT: The Senator from Androscoggin, Senator Jacques, poses a question to the Senator from Cumberland, Senator Smith, who may answer if he chooses.

Mr. SMITH: Mr. President, I refuse.

Thereupon, on motion by Mr. Jacques of Androscoggin a division of the Senate was had.

One having voted in the affirmative and 26 opposed, the motion did not prevail.

Thereupon, the bill was passed to be enacted.

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)

Bill, "An Act Authorizing Position to Mobilize Volunteer Services Within Department of Health and Welfare." (H. P. 478) (L. D. 631)

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

Bill, "An Act Relating to Adequate Brakes on Truck Tractors and Semi-trailers." (H. P. 575) (L. D. 745)

(On motion by Mr. Mendell of Penobscot, tabled pending enactment and especially assigned for one week from Wednesday.)

Bill, "An Act Permitting merger of Maine General Hospital with Maine Medical Center." (S. P. 69) (L. D. 130)

Which were Passed to Be Enacted.

Resolve to Reimburse Daniel S. Webb of Wilton for Loss of Calves Killed by Bears. (H. P. 401) (L. D. 513)

Resolve to Reimburse Arthur E. Thompson of New Gloucester for Fire Loss. (H. P. 460) (L. D. 614)

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

Resolve in Favor of Margaret Sinclair of Windham for Fire Loss. (H. P. 461) (L. D. 615)

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

Which Resolves were Finally Passed.

### Emergency

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

Which Resolve, being an emergency measure and having received the affirmative vote of 31 members of the Senate, was Finally Passed.

The PRESIDENT: The Chair would like to inform the Senate members that when a vote or division is taken, all Senators must vote.

The Chair would like to recognize in the Senate Chambers a group of students from Webster Elementary School, the 7th and 8th grades. They are from the town of Webster, and are accompanied by Mr. John Dupal the Principal, and Mr. Arthur Bellwood. We welcome you here this morning and hope that you enjoy

and benefit from your stay. You are from the County of Androscoggin, and the Chair would like to introduce the Senators from that county: Senator Boisvert, Senator Girard and Senator Jacques. Would those Senators rise, please? (Applause)

### Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 436) (L. D. 565) Bill, "An Act Providing for Safety Seat Belts for Motor Vehicles"; tabled on March 5 by Senator O'Leary of Oxford pending motion by Senator Stern of Penobscot that the Senate reconsider engrossing; and Senator O'Leary yielded to Senator Stern of Penobscot.

Mr. STERN of Penobscot: Mr. President, I move the pending question but I would like to comment on this bill.

The PRESIDENT: The Senator may proceed.

Mr. STERN: Mr. President, I might say that the fact that the cartoon has been placed on our desks this morning in connection with this bill does not alter in any way the motion that I made previously for the acceptance of an amendment, which in effect says that the non-use of a seat belt should not be considered as evidence in a civil action. I might say it has given many of us new ideas of the wonderful use to which a seat belt could be put, but still I feel I must press my motion for the pending question.

Mr. SHIRO of Kennebec: Mr. President, if I remember correctly, the last time we debated this particular bill I stated to the Senate that we wanted some time to present some information to the Senate in regard to the various other states which have the safety seat belt law, and this information was presented to me by the Maine State Safety Committee and I would like to convey this information.

There are 26 states that now have the safety seat belt legislation. In 18 states the question of contributory negligence in regards to whether or not a person was

using a safety belt when an accident occurred had never come up. This is in the states of California, Arkansas, Connecticut, Georgia, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, Mississippi, New York, North Carolina, Oregon, Rhode Island, Utah, Washington and Virginia. Minnesota and Virginia are the only two states to adopt provisions in their seat belt law relating to the avoidance of civil litigation, which is similar to the amendment proposed here. I understand and have been advised that there was a case in Wisconsin in which a jury reduced damages because a person in the motor vehicle at the time of an accident had not been using a seat belt.

The Maine Highway Safety Committee does not express any objection to the amendment which is proposed. I submit that the amendment would probably add a little bit of strength to the bill so that persons who are using them would know that they are in no way exposing themselves to civil litigation or liability or in any way diminishing the value of an injury because they were not using them in the motor vehicle. So I simply convey this information to the Senate, as I stated previously, for whatever consideration they wish to give it. I think the amendment certainly is a good amendment and I feel and hope that perhaps the Senators will use their good offices to promote the passage of this most worthwhile bill.

Thereupon the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and on motion by Mr. O'Leary of Oxford, the bill was tabled pending passage to be engrossed and was especially assigned for Friday next.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 85) (L. D. 229) Senate Report Ought to Pass in New Draft under Same Title (S. P. 456) (L. D. 1392) from the Committee on Education on Bill, "An Act Relating to Age of Compulsory Education"; tabled on March 9 by Senator Moore of

Washington pending acceptance of the report; and that Senator moved the pending question.

Thereupon, the report was accepted, the bill in new draft read once and tomorrow assigned for second reading.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 983) (L. D. 1255) Bill, "An Act Relating to Board Approval of School Administrative Districts"; tabled on March 9 by Senator Brown of Hancock pending motion by Senator O'Leary of Oxford to indefinitely postpone; and Senator Brown of Hancock moved the pending question.

Mr. O'LEARY of Oxford: Mr. President, at the time that I moved for indefinite postponement I had many objections to the bill, some to a greater degree than was due. I have had an opportunity since the Senator from Cumberland, Senator Snow, has tabled this bill, to talk with a great number of people about this and I find that the benefits to be reaped from this piece of legislation offset my objections, and at this time if I am in order I would like to withdraw my motion to indefinitely postpone.

The PRESIDENT: The Senator wishes to withdraw his motion and that is his prerogative.

The question before the Senate is enactment of the bill.

A division of the Senate was had.

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

The President laid before the Senate the 4th tabled and today assigned item (H. P. 735) (L. D. 1009) Bill, "An Act Relating to Free Public Access to Waters Stocked with Fish Raised by State"; tabled on March 10 by Senator Violette of Aroostook pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

The President laid before the Senate the 5th tabled and today

assigned item (H. P. 18) (L. D. 18) House Reports from the Committee on Judiciary on Bill, "An Act Relating to Religious Confessionals as Privileged Communications; Majority Report, Ought to Pass in New Draft under same title (H. P. 1013) (L. D. 1352), Minority Report, Ought Not to pass; tabled on March 12 by Senator Violette of Aroostook pending acceptance of either report; and on further motion by the same Senator, the Majority report was accepted, the bill in new draft read once.

Mr. Violette presented Senate Amendment A and moved its adoption.

Which amendment (S-70) was read and adopted and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 6th tabled and today assigned item (S. P. 278) (L. D. 840) Bill, "An Act Relating to Schedule of Transportation Charges Under Milk Commission Law"; tabled on March 12 by Senator Hoffses of Knox pending passage to be engrossed; and that Senator yielded to Senator Glass of Waldo.

On motion by Mr. Glass of Waldo, the bill was retabled and especially assigned for Friday next.

The President laid before the Senate the 7th tabled and today assigned item (H. P. 420) (L. D. 532) Bill, "An Act Relating to Improper Conditions for Industrial Safety"; tabled on March 12 by Senator Mendell of Cumberland pending motion by Senator Hoffses of Knox to reconsider engrossing; and Senator Mendell of Cumberland yielded to Senator Hoffses of Knox.

Mr. HOFFSES of Knox: Mr. President and members of the Senate: As I mentioned the other day, I proposed Senate Amendment "B" and I requested that you reconsider the engrossing that I might propose this Senate Amendment "B".

This L. D. 532 has, in my opinion, a very broad coverage, and I would like to refer, if you please

to the last sentence which says, "the personal sentiments of the inspector." I believe that this document leaves in the hands of the inspecting officer too much power to do what he in his own opinion feels is necessary and without any recourse on the part of the employer.

We have in this country the Judiciary, and it has always been the policy that whenever there are any questions that we could refer them to the Judiciary. The amendment which I propose would make it possible or mandatory for the inspecting officer to require court injunction, which in my opinion would give ample time to take care of any extraordinary hazard which might be prevalent in a particular industry. Now I would like very much to have this matter reconsidered that I might offer this Senate Amendment "B".

The PRESIDENT: The motion now before the Senate is the motion to reconsider our action on L. D. 532 whereby we passed this bill to be engrossed.

Mr. O'LEARY of Oxford: Mr. President, it is the last sentence of his amendment that disturbs me most. Under this amendment in extraordinarily hazardous conditions it says: "The Commissioner or any authorized agent may apply to any Justice of the Superior Court in the county in which said hazard is alleged to exist for injunctive relief for the immediate removal or abatement of said hazard." To me, in the original bill the word extraordinary" is set apart from the first part of the bill where it has "normal conditions." In the case of an extraordinary hazard it would seem to me that this would be of an emergency nature where a man's life may be at stake and the length of time it would take to get this injunction may be too long. I do not believe, therefore, that this amendment would be acceptable. I ask that when the vote is taken it be by a division.

Mrs. SPOUL of Lincoln: Mr. President, I would just like to make a few remarks. I do not object to the amendment but neither do I like the bill.

It is a well-known fact that if anyone is trying to do business, whether it is construction or whether it is storekeeping or whatever it is, they do not want to be bothered at every turn. I think I know whereof I speak because it is our custom to hire people in the store. There are at least two whose custom it has been in the past to stay up all night: one plays beano and one attends many societies. And it is also the custom of the Commissioner of Labor and Industry to send representatives around to check on the number of hours that the worker puts in, and, believe me, the more regulations there are the harder it is to do business. I have sympathy for the employees but there comes a point where profit ceases and regulations take over. I oppose the amendment and the bill and the whole thing.

The PRESIDENT: Did the Senator make a motion?

Mrs. SPOUL: I thought probably there wasn't any use so I didn't make any, but I will move for the indefinite postponement of the bill and all its accompanying papers.

The PRESIDENT: The Chair apologizes. The motion to reconsider does take precedence. The motion before the Senate is to reconsider engrossment.

Mr. HOFFSES of Knox: Mr. President, I would like, if I may, to speak in regard to this extraordinary hazard.

I do not believe that under the present laws which we have that such an extraordinary hazard is too prevalent. If you please, I would like to read from the statute on the Department of Health and Welfare, Chapter 1, Title 22, Section 3:

"The department shall have the general supervision of the interests of health and life of the citizens of the State. It shall study the vital statistics of the state and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among people." Another sentence: "It shall have general oversight and direction of the enforcement

of the statutes respecting the preservation of health."

Chapter 315, Title 25, Section 23-93: "Inspection by Insurance Commissioner, removal of dangerous matter, appeal exists. The Insurance Commissioner, his deputy or the fire inspector, upon the complaint of any person or whenever he or they shall deem it necessary, may inspect or cause to be inspected all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other structure which for want of repairs or by reason of age or dilapidated condition, or from any other cause is especially liable to fire, or which is so situated as to endanger other property or the safety of the public, or whenever such officer shall find in or around any buildings combustible or explosive matter or inflammable or other conditions dangerous to the safety of such building, or whenever such officer shall find any building which has been gutted by fire, or whenever such officer shall find that debris remains from a building which has been destroyed by fire or otherwise, he shall order the same to be removed or limited, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings."

"Municipal inspection of buildings: Municipal officers shall annually inspect in the month of April, appoint an inspector of buildings."

The duties of the local health officers, Chapter 153, Title 454: "Said local health officers shall assist in the reporting, prevention and suppression of diseases and all conditions dangerous to health and shall be subject to the supervision and direction of the department."

I do not believe that we should pass legislation which gives to any individual, whether he be an inspector working under some department head or otherwise, carte blanche to close a building or a business for what he in his own

personal opinion deems an extraordinary hazard.

The PRESIDENT: The motion before the Senate is the motion to reconsider our action whereby L. D. 532 was passed to be engrossed. A division has been requested. All those in favor of the reconsideration motion will please rise and remain standing until counted.

A division was had.

The PRESIDENT: Seventeen having voted in the affirmative and fourteen in the negative and a reconsideration motion requiring a two-thirds vote the motion to reconsider fails of passage.

Mr. GLASS of Waldo: Mr. President, I now move that L. D. 532 and all its accompanying papers be indefinitely postponed, and, Mr. President, when the vote is taken I request a division.

The PRESIDENT: A division has been requested.

Mr. O'LEARY of Oxford: Mr. President, I would oppose the motion to indefinitely postpone. This bill was heard by the Committee on Labor. There was only one opponent to the bill and he voiced only an objection to an employer who may hire someone who is using their own tools. Other than that, all the employers, from what I could gather, were in favor of this type of legislation. This law hasn't been changed since 1915.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Waldo, Senator Glass, that L. D. 532 and all its accompanying papers be indefinitely postponed. All those in favor of the motion to indefinitely postpone L. D. 532 will please rise and remain standing until counted. Those opposed.

The PRESIDENT: Ten having voted in the affirmative and twenty-three in the negative the motion to indefinitely postpone does not prevail. The bill will be sent to the House for concurrence.

On motion by Mr. Harding of Aroostook,

Adjourned until ten o'clock tomorrow morning.