

# 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, April 7, 1965

Senate called to order by the President.

Prayer by Rev. Robert Haldane of Portland.

On motion by Mr. Carter of Kennebec, the Journal of yesterday was Read and Approved.

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

Bill, "An Act Revising the Laws Relating to Plumbers." (H. P. 591) (L. D. 783)

In Senate, March 26, Passed to Be Engrossed as amended by Committee Amendment "A" (H 126)

Comes from the House Recommended to the Committee on Legal Affairs in non-concurrence.

In the Senate:

Mrs. SPROUL of Lincoln: Mr. President, I move that this be recommitment in concurrence.

Thereupon, on motion by Mr. Faloon of Penobscot, the bill was tabled pending the motion by Mrs. Sproul to recommit in concurrence.

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (S. P. 47) (L. D. 218)

In House, Feb. 19, Passed to Be Engrossed as amended by Committee Amendment "A" (S-8) in concurrence.

In Senate, March 31, Passed to Be Engrossed as amended by Committee Amendment "A" and as amended by Senate Amendment "A" (S-86) in non-concurrence.

Comes from the House, Committee Amendment "A" Indefinitely Postponed, and the Resolve passed to be engrossed as amended by Senate Amendment "A" (S-86) in non-concurrence.

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

**Joint Order**

ORDERED, the Senate concurring, that the Legislative Research

Committee be, and hereby is, directed to study the government, management, and cost of the several counties in the state; and

Be It Further Ordered, that a report of such study, together with any recommendations deemed necessary, be made to the 103rd Legislature. (H. P. 1066)

Comes from the House, Read and Passed.

In the Senate, on motion by Mr. Harding of Aroostook, tabled pending passage.

**House Papers**

Bill, "An Act Appropriating Funds to Aid in Dredging the Harbor at Owl's Head." (H. P. 1059) (L. D. 1441)

Which was referred to the Committee on Appropriations and Financial Affairs in concurrence.

The PRESIDENT: At this time, the Chair would like to recognize in the back of the Senate Chambers a group of students from Williams High School, four students of the senior class. We welcome you and hope that you will enjoy and benefit from your visit here. You come from the town of Oakland and the Chair would like to introduce Senator Dunn of Kennebec County who is here to welcome you this morning. (Applause)

**Communications**

The following Joint Resolution was approved for introduction by a majority of the Committee on Reference of Bills under the provisions of Joint Rule 11-A on April 7, 1965 and was introduced jointly, under suspension of the rules, by Mr. Brown of Hancock and Mr. Stern of Penobscot:

**JOINT RESOLUTION**

In the Year of Our Lord One Thousand Nine Hundred and Sixty-five.

Joint Resolution Petitioning Congress to Propose an Amendment to the Federal Constitution to Preserve the Bicameral Aspect of State Legislature.

We, your Memorialists, the Senate and House of Representatives

of the State of Maine in the One Hundred and Second Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, the United States Supreme Court has held that both Houses of a Bicameral State Legislature must be apportioned on the basis of Population; and

WHEREAS, this holding now makes it impossible to apportion representation to reflect the diverse and conflicting interests within a State; and

WHEREAS, the decision of the court will enable heavily populated areas to dominate state legislatures and will lead to a virtual loss of representation in all other areas of the State; and

WHEREAS, in order to prevent this complete disruption of the legislative process in the states, and to preserve for each state the right to balance its representation in the manner best suited to its individual situation, it is essential that the Constitution of the United States be amended to enable the State to apportion at least one House of its Legislature on factors other than population; now, therefore, be it

RESOLVED: That the Legislature of the State of Maine respectfully urges the Congress of the United States to propose an amendment in accordance with Article V of the Constitution of the United States, adding to the Constitution an article allowing any state having a bicameral legislature to apportion the membership to one house of its legislature on factors other than population; and be it further

RESOLVED: That copies of this resolution be sent, by the Secretary of State, to the Honorable Hubert H. Humphrey, Vice President of the United States and President of the Senate; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Margaret Chase Smith and the Honorable Edmund S. Muskie, U. S. Senators, and the Honorable Stanley R. Tupper and the Honorable Wil-

liam D. Hathaway, U. S. Representatives, members of the Maine delegation in Congress; and the presiding officers of each house of the Legislatures of the several states. (S. P. 486)

On motion by Mr. Manuel of Aroostook, tabled pending adoption, and especially assigned for one week from today.

The following Joint Resolution was approved for introduction by a majority of the Committee on Reference of Bills under the provisions of Joint Rule 11-A, on April 7, 1965, and was introduced by Mr. Violette of Aroostook:

#### JOINT RESOLUTION

Joint Resolution Memorializing Congress to Extend the Northern Terminus of the Interstate and Defense Highway System in Maine from Houlton to Fort Kent.

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Second Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, it has been recognized that the nation's economy and the nation's security require the construction of a national system of interstate and defense highways; and

WHEREAS, the primary responsibility for construction of such a system rests in the Federal Government; and

WHEREAS, the objective is to complete the presently designated national system by 1972; and

WHEREAS, the people of Maine through appropriate action have deemed it essential that the highways of this State be integrated into the interstate and defense system; and

WHEREAS, the coinciding completion date of U. S. Interstate 95 to the border east of Houlton and the entire Trans-Canada Highway system will result in a great amount of potential traffic by-passing central and northern Aroostook County; and

WHEREAS, a high - standard, key - artery highway through Aroostook County will better serve

present industry, attract new industry and provide tourists and travelers with access to the many recreational possibilities of central and northern Aroostook County; and

WHEREAS, the Department of Defense of the U. S. Government in northern Aroostook County, has extensive defense installations namely Loring Air Force Base located in Limestone, Maine and supplemental installations to this base also located in the general area of northern Aroostook County, in the State of Maine; now, therefore, be it

RESOLVED: That we, your Memorialists, recommend and urge to the Congress of the United States, in order to more adequately serve the more heavily populated areas of central and northern Aroostook County and provide additional highway facilities for defense installations in northern Aroostook County, that appropriate action be taken to require the Department of Commerce, through the Bureau of Public Roads, to relocate the northern terminus of the Interstate and Defense Highway System in Maine from Houlton to Fort Kent; and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Senate and House of Representatives in Congress and to the members of the said Senate and House of Representatives from this State. (S. P. 487)

Which was Read and Adopted.  
Sent down for concurrence.

### Orders

On motion by Mr. Casey of Washington

ORDERED, the House concurring, that the Committee on Towns and Counties be and hereby is authorized to report a Bill in consolidated form relative to the salaries of County Officers in the several Counties of the State. (S. P. 484)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Mr. Harding of Aroostook

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House, respectively, be authorized to furnish to each member and officer of the Senate and House postage stamps in the amount of \$10 each and express and parcel post transportation not exceeding \$5 each, and that any unexpended balance at the close of the current biennium shall be available for use in 1967. (S. P. 485)

Which was Read and Passed.  
Sent down for concurrence.

### Reports of Committees

#### House

#### Leave to Withdraw

The Committee on Taxation on Bill, "An Act Relating to Municipal Taxation of Railroad Companies." (H. P. 857) (L. D. 1154) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Increasing State Tax in Unorganized Territory." (H. P. 716) (L. D. 954) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Excise Tax on Vehicles of Certain Public Utilities." (H. P. 762) (L. D. 999) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Excise Taxes on Motor Vehicles Owned by Residents on Reservation of Penobscot Tribe of Indians." (H. P. 166) (L. D. 187) reported that the same Ought Not to Pass.

The same Committee on Bill, "An Act Relating to Payment of Sales Tax on Motor Vehicles." (H. P. 936) (L. D. 1273) reported that the same Ought Not to pass.

The same Committee on Bill, "An Act Providing Additional Funds for Education by Sweepstake Races." (H. P. 259) (L. D. 329) reported that the same Ought not to pass.

Which reports were Read and Accepted in concurrence.

The Committee on Highways on Bill, "An Act Increasing Re-

imbursement to Towns for Snow Removal." (H. P. 332) (L. D. 435) reported that the same Ought not to pass — covered by other legislation.

Comes from the House, Bill Substituted for the Report and passed to be engrossed.

In the Senate, on motion by Mr. Casey of Washington, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

### **Ought to Pass**

The Committee on Education on Bill, "An Act Adjusting the School Tax Rate in Unorganized Territory." (H. P. 204) (L. D. 259) reported that the same Ought to pass.

The same Committee on Bill, "An Act Simplifying Computation of Special Education Subsidy." (H. P. 205) (L. D. 260) reported that the same Ought to pass.

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Publication of Notice of Hearings on Rules and Regulations of Department of Inland Fisheries and Game." (H. P. 815) (L. D. 1106) reported that the same Ought to pass.

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

### **Ought to Pass in New Draft**

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Boundaries of Standish Game Preserve." (H. P. 914) (L. D. 1243) reported that the same Ought to pass in New Draft under same title, (H. P. 1061) (L. D. 1437)

The same Committee on Inland Fisheries and Game on Bill, "An Act Relating to Legal Length of Salmon Taken from Sebago Lake." (H. P. 913) (L. D. 1242) reported that the same Ought to pass in New Draft under New Title: "An Act Relating to Legal Length of Salmon and Weight of Number of Certain Fish Taken from Sebago Lake." (H. P. 1062) (L. D. 1438)

The Committee on State Government on Resolve Providing for a Study of the State Personnel and

Retirement Systems. (H. P. 554) (L. D. 725) reported that the same Ought to pass in a New Draft under new title: Resolve Providing for a Study of the State Personnel System. (H. P. 1064) (L. D. 1440)

Which reports were Read and Accepted in concurrence, and the Bills and Resolve, in New Draft, Read Once and tomorrow assigned for second reading.

### **Divided Report**

The Majority of the Committee on Business Legislation on Bill, "An Act to Revise the Real Estate Law." (H. P. 579) (L. D. 771) reported that the same Ought to pass, as amended by Committee Amendment "A" (H-168)

(Signed)

Senators:

CARTER of Kennebec  
BERNARD of Penobscot  
BROWN of Hancock

Representatives:

AVERY of Kittery  
FECTEAU of Biddeford  
McKINNON  
of South Portland  
HARRIMAN of Hollis  
SCOTT of Wilton  
LABERGE of Auburn

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

(Signed)

Representative:

BERNARD of Sanford

Comes from the House, Majority —Ought to Pass report Accepted, and the Bill Passed to be engrossed as amended by Committee Amendment "A" (H-168) and as amended by House Amendment "A" (H-176)

In the Senate, on motion by Mr. Bernard of Penobscot, the Majority Ought to Pass report was accepted, Committee Amendment A was read and adopted and House Amendment A was read.

Thereupon, on motion by Mr. Brown of Hancock, the bill was tabled pending adoption of House Amendment A and especially assigned for later in today's session.

The Majority of the Committee on State Government on Bill, "An Act Changing Name of Soil Conservation Districts to Soil and Water Conservation Districts." (H. P. 374) (L. D. 476) reported that the same Ought to pass.

(Signed)

Senators:

STERN of Penobscot  
MAXWELL of Franklin  
WILLEY of Hancock

Representatives:

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

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

(Signed)

Representative:

BERRY of Cape Elizabeth

Comes from the House, Majority — Ought to pass report Accepted, and the Bill Passed to be engrossed.

In the Senate, 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 Bill, "An Act Authorizing Purchase of Certain Land on Indian Island by Penobscot Indian Baptist Church, Incorporated." (H. P. 372) (L. D. 474) reported that the same Ought to pass.

(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 Report of the same Committee on the same subject

matter reported that the same Ought not to pass.

(Signed)

Representative:

KATZ of Augusta

Comes from the House, Majority — Ought to pass report accepted, and the Bill Passed to be engrossed.

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

### Senate

#### Leave to Withdraw

Mr. Manuel from the Committee on Agriculture on Bill, "An Act Relating to Regulation of Pesticides." (S. P. 1) (L. D. 20) reported that the same should be granted Leave to Withdraw — covered by other legislation.

Mr. Duquette from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize State Participation in Federally Aided Health Facilities Programs." (S. P. 459) (L. D. 1395) reported that the same should be granted Leave to Withdraw — covered by other legislation.

#### Ought Not to Pass

Mr. Snow from the Committee on Welfare on Bill, "An Act Relating to Definition of Lodging Place Under Health and Welfare Laws." (S. P. 327) (L. D. 1049) reported that the same Ought not to pass.

Which reports were Read and Accepted.

Sent down for concurrence.

#### Ought to Pass — As Amended

Mr. Harding from the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for the Establishment of a Speech and Hearing Referral and Training Center at the Farmington State Teachers College." (S. P. 79) (L. D. 224) reported that the same Ought to pass as amended by Committee Amendment "A" (S-111)

**Divided Reports**

The Majority of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor. (S. P. 223) (L. D. 682) reported that the same Ought to pass.

(Signed)

**Sensors:**

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)

**Sensor:**

WILLEY of Hancock

**Representatives:**

BERRY of Cape Elizabeth  
KATZ of Augusta

In the Senate, 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 **PRESIDENT:** The Chair would like to recognize in the rear of the Senate Chambers a group from the Lincoln County Women's Republican Club and their President, Mrs. Tina Albee. Would these ladies please stand and be recognized.

The Chair might comment that the good Senator from Lincoln, Senator Sproul, questioned whether or not we were announcing the Republican groups this year, and the answer was, "Yes, we are; we always hope that they will see the light". (Laughter and applause)

The Chair would also like to recognize a group of fifty ladies in the Senate gallery from the Maine Division of the American Association of University Women and their President, Mrs. Robert Hutchinson. Would these ladies stand and be recognized this

morning. The arrangements for this group were also made by the Senator from Lincoln, Senator Sproul. (Applause)

The Majority of the Committee on Welfare on Recommitted Bill, "An Act Eliminating Residence Requirements in Public Assistance." (S. P. 227) (L. D. 686) reported that the same Ought to pass.

(Signed)

**Sensor:**

SNOW of Cumberland

**Representatives:**

FRASER of Mexico  
RUBY of Bangor  
WHITTIER

of Farmington  
MILLAY of Bowdoinham  
LYCETTE of Houlton  
ANDERSON of Orono

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

(Signed)

**Sensors:**

GIRARD of Androscoggin  
SMITH of Cumberland

Mr. SNOW of Cumberland: Mr. President, I move that the Senate accept the Majority Report, Ought to Pass.

Mr. GIRARD: Mr. President, as one of the signers of the minority report I would like to say a few words about this bill if I may.

The **PRESIDENT:** The Senator may.

Mr. GIRARD: Mr. President and members of the Senate: This bill was recommitted to the committee and at first it had a favorable opinion toward it, which I do not want to discuss here, but I think this bill has a hazard in it. It does not look as if it was important but there is a hidden cost to the State in this bill. If this bill is passed anyone can come into the State and after living twenty or twenty-five years or even ten years outside of the State if they needed help they could go on the State right away. Now there is a federal aid statute but still there is a good amount of money that would be paid by the



State. Now I know the people of this State like to pay taxes and take care of the people that need help but I do not think we can afford that anybody can come into this state and who are after three months out of work or need this help and go right onto the state level. I think personally that this bill would cost a lot of money to the state per year.

Now if you will look into the bill you will see that one of the items that would run into money would be ADC. Now that means that if somebody is living out of the state who used to live here and they wanted to live somewhere else for ten years and paid taxes over there and got all the benefits over there, and who decide, if they are out of work or their means does not provide for them any more, they can come back here and right away be right away on State aid. I do not think this is very good, so I would move that this bill ought not to pass and I would like to have a division on it.

Thereupon, on motion by Mr. Snow of Cumberland, the bill was tabled pending that Senator's motion to accept the Majority Ought to pass report; and the bill was especially assigned for one week from today.

#### Enactors

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

Bill, "An Act Relating to Amount of Property Held by Araxine Wilkins Sawyer Foundation." (H. P. 122) (L. D. 146)

Bill, "An Act to Provide for the Apportionment of Interest on Bonds and Notes Acquired by Estates of Deceased Persons." (H. P. 280) (L. D. 362)

Bill, "An Act Relating to Jurisdiction of Law Court on Questions of State Law Certified by Federal Courts." (H. P. 417) (L. D. 529)

Bill, "An Act Relating to Extension of Old Town Water District." (H. P. 425) (L. D. 557)

Bill, "An Act Providing for Inventory of Legislative Property by Legislative Research Committee." (H. P. 432) (L. D. 561)

Bill, "An Act Relating to Open Season on Muskrat in Somerset, Franklin and Piscataquis Counties." (H. P. 490) (L. D. 643)

Bill, "An Act Relating to Time of Complaint Against Dangerous Dogs." (H. P. 595) (L. D. 787)

Bill, "An Act Relating to Sale of Liquor by Social Clubs to Members of Same National or Affiliated International Organizations." (H. P. 649) (L. D. 877)

Bill, "An Act Relating to Election of Officers of Independent Churches." (H. P. 831) (L. D. 1058)

Bill, "An Act Relating to Expenses of Sanity Examination of Accused Persons in the District Court and Expenses of Blood Tests in Drunken Driving Cases." (H. P. 819) (L. D. 1110)

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

Bill, "An Act Relating to Payments to Washington County Law Library." (H. P. 865) (L. D. 1162)

Bill, "An Act Relating to Closing County Roads for Maintenance." (H. P. 872) (L. D. 1169)

Bill, "An Act Relating to Post-audit Statement in County Reports." (H. P. 940) (L. D. 1276)

Bill, "An Act Relating to County Estimates Sent to Municipalities." (H. P. 941) (L. D. 1277)

Bill, "An Act Providing Public Dump for Forest City and Indian Township, Washington County." (H. P. 967) (L. D. 1302)

Bill, "An Act Relating to Group Accident and Sickness Insurance." (H. P. 1048) (L. D. 1419)

Bill, "An Act Providing for Contents of Certain Volumes of County Records of Deeds to be Copied." (H. P. 1049) (L. D. 1420)

Bill, "An Act Providing for Paid Holidays for Employees of City of Lewiston." (S. P. 231) (L. D. 689)

Which Bills were Passed to be enacted.

Resolve in Favor of Francis J. Boudreau, Jr., of Carmel for Damage by Highway Construction. (H. P. 39) (L. D. 51)

Resolve in Favor of Mahlon Dore of York for Well Damage by Highway Construction. (H. P. 41) (L. D. 53)

Resolve to Reimburse Charles Larson of Brownville for Well Damage by Highway Construction. (H. P. 318) (L. D. 421)

Resolve to Reimburse H. Eugene Tewksbury of Brownville for Well Damage by Highway Construction. (H. P. 319) (L. D. 422)

Resolve to Reimburse Paul Galusha of Jay for Damage to Well by Road Construction. (H. P. 399) (L. D. 511)

Resolve to Reimburse Vernon Meldrum of Wilton for Well Damage by Highway Construction. (H. P. 400) (L. D. 512)

Resolve in Favor of Roland S. Rose of Arundel for Well Damage by Highway Construction. (H. P. 462) (L. D. 616)

(On motion by Mr. Cahill of Somerset, the above resolves were placed on the Special Highway Appropriations Table pending enactment.)

### Emergency

Bill, "An Act Relating to Purposes of Old Town High School District." (H. P. 943) (L. D. 1279) On motion by Mr. Snow of Cumberland, the bill was tabled pending enactment and especially assigned for one week from today.

### Emergency

Bill, "An Act to Extend the Territorial Limits of the Dover and Foxcroft Water District." (H. P. 1017) (L. D. 1380)

This Bill, being an emergency measure and having received the affirmative vote of 30 members of the Senate was passed to be enacted.

The PRESIDENT: The Chair would like to recognize in the back of the Senate Chamber twenty students from the University of Maine. They are from a Government Class and are chaperoned by Mr. Heidorn, Assistant Professor of Government. We welcome you here this morning and hope you will enjoy and benefit from your visit here. (Applause)

The Chair would also like to recognize in the balcony a group of twenty-one students from the British Isles, in Maine as guests

of the World Affairs Council of Maine. They are accompanied by Louis L. Doyle, chairman of the history department of the Wayne-flete School and director of school activities for the Council. The group is taking a first hand look at American government in action. The boys and girls who are all secondary school students are spending a week in the Portland area. We welcome you this morning and hope that you too enjoy and benefit from your visit here and that you approve of what you see. (Applause)

### Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 107) (L. D. 115) Bill, "An Act Relating to the Transportation of Refrigerated Products"; tabled on March 30 by Senator Cahill of Somerset pending enactment; and on motion by Mr. Mendell of Cumberland, the bill was retabled and especially assigned for April 14.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 570) (L. D. 740) House Reports from the Committee on Towns and Counties on Bill, "An Act Relating to Microfilm of Records in Registries of Deeds"; Majority Report, Ought to pass; Minority Report, Ought not to pass; tabled on March 31 by Senator Casey of Washington pending that Senator's motion to accept the Majority Ought to pass report.

Mrs. SPOUL of Lincoln: Mr. President, I was waiting for Senator Casey to get up on this. I would like to ask a couple of questions which I should have asked him sooner rather than do it here on the floor, but it slipped my mind. I have discussed this fully with our Register of Deeds in Lincoln County and I did not encounter quite the violent objections I thought I would. She did have two questions. The first is, "What would it cost?" Could the Senator give us some idea of the cost of microfilming these records? The second question is, "Where would they be stored?" She could see no

use in having them microfilmed and then moved to another place that might not be satisfactory. Could the Senator answer these questions?

The PRESIDENT: The Senator from Lincoln, Senator Sproul directs two questions through the Chair to the Senator from Washington, Senator Casey, who may answer if he chooses.

Mr. CASEY of Washington: Mr. President, I do not have the answers to the questions right now but I will be sure to get them for the Senator.

The PRESIDENT: Is the Senator satisfied with the answer?

Mrs. SPROUL: Mr. President, may I have this bill tabled until Friday next?

The motion prevailed and the bill was retabled pending the motion of Senator Casey of Washington to accept the Ought to pass report.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 506) (L. D. 659) House Reports from the Committee on Legal Affairs on Bill, "An Act Providing for Election of School Board of City of Old Town"; Majority Report, Ought to pass with Committee Amendment A; Minority Report, Ought Not to pass; tabled on March 31 by Senator Harding of Aroostook pending motion by Senator Shiro of Kennebec to accept the Majority Ought to pass report.

Mr. SHIRO of Kennebec: Mr. President, I move the pending question.

Mr. HARDING of Aroostook: Mr. President, the Senator from Penobscot, Senator Southard, is interested in this particular bill and I note he is absent. For that reason I move that it be retabled for one week.

The motion prevailed, the bill was retabled and especially assigned for one week from today.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 147) (L. D. 388) Senate Reports from the Committee on Inland Fisheries and Game on Resolve Opening Cold Stream Pond, Penobscot

County to Ice Fishing; Majority report, Ought to pass; Minority report, Ought not to pass; tabled on April 2 by Senator Smith of Cumberland pending motion by Senator Southard of Penobscot to accept the Majority Ought to pass report; and on motion by Mr. Smith of Cumberland, the bill was retabled and especially assigned for April 14.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 425) (L. D. 1360) Senate Reports from the Committee on Inland Fisheries and Game on Bill, "An Act Regulating Fly Fishing in Certain Portion of Kennebec River"; Majority report, Ought not to pass; Minority report, Ought to pass; tabled on April 2 by Senator Carter of Kennebec pending motion by Senator Hoffses of Knox to accept the Majority Ought not to pass report; and on motion by Mr. Carter of Kennebec, the bill was retabled and especially assigned for April 14.

The President laid before the Senate the 6th tabled and today assigned item (H. P. 46) (L. D. 58) House Report, Ought to pass in new draft under same title (H. P. 1045) (L. D. 1416) from the Committee on Education on Bill, "An Act Relating to Attending Secondary School Outside of Residence"; tabled on April 2 by Senator Hoffses of Knox, pending motion by Senator Sproul of Lincoln to indefinitely postpone bill and reports; and Senator Hoffses of Knox, yielded to Senator Sproul of Lincoln.

Mrs. SPROUL of Lincoln: Mr. President, I can only say again what I said before: I am afraid of this bill, I am afraid of what it will do to the small schools, and ultimately I feel the expense is coming from towns that can ill afford to spend the money.

There is another thing I do not like about this bill: some students would be going outside of town and some would be staying. I know about how far I am going to get with this argument and I have no illusions, but I still say that I cannot go along with this

bill and I move for the indefinite postponement of L. D. 58.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Lincoln, Senator Sproul, to indefinitely postpone.

Mr. O'LEARY of Oxford: Mr. President and members of the Senate: On the original bill before this redraft I had many objections to it, as you probably recall. On this new redraft I had certain questions in mind and I have asked questions of the Chairman of the Committee on Education and I am well satisfied now that this is a good bill. I am opposed to the motion to indefinitely postpone.

Mr. SNOW of Cumberland: Mr. President, I would like to thank Senator O'Leary for his support. The bill, as we stated last week bears the unanimous endorsement of the Committee on Education; we believe it is an excellent bill; we believe it is one which will enable many young people who attend small schools to transfer should they need special courses to pursue their career. I would state that it would seem a shame to deny youngsters in such small schools the opportunity to pursue their career for the sake of what will not, in most cases, be a great sum of money. I believe this bill has been thoroughly debated. I would ask for a division on Senator Sproul's motion to indefinitely postpone.

The PRESIDENT: The motion before the Senate is the motion by Senator Sproul of Lincoln to indefinitely postpone the bill and the reports; a division has been requested.

A division of the Senate was had.

Three having voted in the affirmative and twenty-seven in the negative, the motion to indefinitely postpone did not prevail.

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

The President laid before the Senate the 7th tabled and today assigned item (S. P. 413) (L. D. 1309) Bill, "An Act Relating to

Closed Time on Deer in Certain Zones"; tabled on April 6 by Senator O'Leary of Oxford pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

Which amendment (S-113) was read and adopted and the bill as amended was passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate the 8th tabled and today assigned item (H. P. 959) (L. D. 1294) Bill, "An Act Relating to Minimum Number of School Days in Secondary Public Schools"; tabled on April 6 by Senator Mendell of Cumberland pending enactment; and that Senator moved the pending question.

Thereupon, the bill was passed to be enacted.

The President laid before the Senate the 9th tabled and today assigned item (H. P. 420) (L. D. 532) Bill, "An Act Relating to Improper Conditions for Industrial Safety"; tabled on April 6 by Senator O'Leary of Oxford pending motion by Senator Hoffses of Knox to adopt Senate Amendment C (S-98).

Mr. O'LEARY of Oxford: Mr. President, I present Senate Amendment A to Senate Amendment C. Which amendment (S-114) was read.

Mr. HOFFSES of Knox: Mr. President, I move the adoption of Senate Amendment C.

The PRESIDENT: The motion before the Senate is the motion by Senator O'Leary to adopt Senate Amendment A to Senate Amendment C.

Mr. JUTRAS of York: Mr. President, I do not like the wording of this amendment. It does not define the word "hazard" and then it also gives a department head or his agent authority beyond their scope, I believe, where they may order people to do something. It smells of Nazi Germany to me.

The PRESIDENT: The motion before the Senate is the motion to adopt Senate Amendment A to Senate Amendment C.

Mr. HARDING of Aroostook: Mr. President, this is not a party

measure. As an attorney, I wanted to explain, if I might, the significance of the amendment which the Senator from Oxford, Senator O'Leary has offered.

Now in the original amendment here, Senate Amendment "C" which Senator Hoffses has offered, the only thing which I would quarrel with on that is the last sentence. In that last sentence it says: "In case of a condition deemed to be extraordinarily hazardous the Commissioner or any authorized agent may apply to any justice of the Superior Court in the county if such hazard is alleged to exist for injunctive relief for the immediate removal or abatement of said hazard."

Now to the layman this might seem to be a very simple and a very ordinary thing to ask, that this Commissioner or his agent do, but, first of all, they cannot go to court themselves, they must have an attorney to represent them, and that attorney will, in all usual events, be an Assistant Attorney General. Now, being on the Appropriations Committee, I realize and other members who have served on that committee also realize that unless you have appropriations to hire these Assistant Attorneys General to do these things they just are not available to do them, but assuming that there was an Assistant Attorney General available to do this, then we would apply to the Court. Now courts are not very ready to grant immediate injunctive relief unless you post a bond. That is what we call a temporary injunction. But, in the usual case, there would be a hearing set up and there is a twenty-day delay, usually, for filing the answer before the matter may be heard. You then have to get a Superior Court Justice or a Supreme Court Justice to hear it, and they are not available every day to do that and there is usually a delay in that case, so what we have here is that in the event of an extraordinary hazard which the Commissioner or his agent may find this could go on for some time, it could go on for a month or two months before it actually were enjoined. It seems

to me that is an unfair burden to put upon the Commissioner when he finds an extraordinary hazard to wait that long a time before he could give the protection to the employee and which the employee deserves. It is for that reason that I do support this Senate Amendment "A" to Senate Amendment "C" and if that were adopted I certainly would be agreeable to supporting the amendment which the Senator from Knox, Senator Hoffses, has proposed.

Mr. SHIRO of Kennebec: Mr. President, I would like to oppose the adoption of Senate Amendment "A" to Senate Amendment "C". I think that the amendment which was offered by the Senator from Knox, Senator Hoffses, is a good amendment and should remain without any qualifications. I think one thing we can consider is that perhaps in many instances an extraordinary hazard may exist in a particular place of employment but I do not think we should overlook the protection of the employer or the individual who might be involved. He has a great deal at stake. If the Commissioner can in his own opinion—and that is all that is called for under the original bill and would be called for under this particular amendment—I think it is certainly against the principals of democratic proceeding as we know it here in this country to impose such an extreme power in any one individual. Ordinarily in almost every instance, I think, involving any agency of the State where a commissioner or the head of a department has the power to impose sanctions on any business or industry it is almost invariably provided that that person may, if he is aggrieved by any ruling, apply to the Superior Court, and appeal to the Superior Court. Now I think that to give an individual in a situation like this, without any guide lines—there are no guide lines or definition as to what constitutes an extraordinary hazard—I think this is an extremely dangerous amendment and it is an extremely dangerous bill and I think we should be extra cautious before

we allow a concentration of authority and power in one individual. I have had experiences in my own experience in coping with administrative affairs and with heads of departments where they have come in and more or less imposed their opinion on an employer or his business, and I think it is extremely unfortunate; I think it tends to arbitrary authority, and I think this is bureaucracy at its best, and I say if we are going to do one thing that will help business or help an employer as far as protection goes, that this is not going to allow him to maintain any hazards in his business, this is simply giving him the opportunity of recourse to the courts, and I know that we feel that the basis for justice in our whole system and our whole way of life is that a person should have recourse to a court. Thank you.

Mr. VIOLETTE of Aroostook: Mr. President, in regard to the remarks by Senator Jutras and also Senator Shiro, I think that the matter of saying that a person who may be arbitrarily, if you want to use the term, or unreasonably treated with regard to the ruling of a commissioner, the fact that such a person has no recourse is a mistake. Throughout our laws in the State of Maine we have the basic principle of an appeal from an administrative ruling. We have this throughout the entire framework of our administrative law in the State of Maine. If someone is dissatisfied with the ruling of any administrative official, a commissioner or anyone who has the power to make a determination or a decision which appears to infringe upon the rights of that individual he has the right to appeal that decision to our Superior Court, so in effect any person in our state who is under administrative rule is not denied the rights of our courts. If a mistake has been made he has the right of appeal to the courts so that determination will be heard by an impartial body, so there is protection now on the books for people who are arbitrarily or for other reasons not given proper redress by our administrative officials.

I might agree to some extent with the query as to how do you define extra-hazardous conditions but I think those are distinctions which have to be used in the sense of what they apply to, and in this instance here it applies to the matter of working conditions for employees. Now I can cite you a number of instances in some of our industries where these things occur; I can cite you some mills where open saws are operated and where people are being injured every day. I would hope that our Commissioner of Labor or the people in that department are the type of people who would handle their responsibilities in a proper manner, and I think that anyone who is aggrieved by their ruling has ample and proper redress to our courts, and for that reason I would support the amendment offered by Senator O'Leary.

Mr. O'LEARY of Oxford: Mr. President, I think that perhaps the words "extraordinarily hazardous" may be confusing but to me they mean life or limb, and that is all this bill really pertains to, I believe. This was unopposed by industry before our committee, and they are, in general, in agreement with this bill.

Mr. SHIRO of Kennebec: Mr. President, if the contentions of the Senator from Aroostook, Senator Violette, are correct, and I think in substance they are, certainly Senate Amendment "C" should remain. If the remedy or relief is already available then the only thing that Senate Amendment "C" offered by Senator Hoffses does is that it shifts the burden of going forward with the proceedings to the State, and if the State alleges that an extraordinary hazard exists then why shouldn't they have the burden to then go forward and take the proceedings to the court and to show by an injunctive proceeding that it is extraordinary? My experience has been that where there is an emergency that it does not take a long period of time, it takes a very brief period of time ordinarily to obtain a decision from the court on a petition for a temporary injunction, so I feel that Senate Amendment "C" does nothing.

ing more than—and that is good—it simply places the burden on the State to show before the court that there is an extraordinary hazard, and I think the burden should be on the State in a case of this nature rather than upon the individual.

Mr. SNOW of Cumberland: Mr. President, I have several questions I would like to address through the Chair to perhaps Senator Harding. The reference has been to Senate Amendment "A" to Senate Amendment "C" and the document that I have refers to Senate Amendment "D" to Senate Amendment "C". I am wondering if there is an amendment that I do not have.

The PRESIDENT: The Chair would inform the Senator that Senate Amendment "D" to Senate Amendment "C" is in error; the "D" amendment should be Senate Amendment "A" which is to Senate Amendment "C".

Mr. SNOW: Mr. President, my second question: I am not a lawyer, I have read the bill and I have tried to read Senate Amendment "C" during the discussion, and it would appear to me that Senate Amendment "A" to Senate Amendment "C" completely destroys Senate Amendment "C" by striking out the last sentence which refers to injunctive relief, and that the remainder of Senate Amendment "C" seems to be identical to the language in the original bill. I would like to inquire if this is so.

The PRESIDENT: The Senator from Cumberland, Senator Snow, directs an inquiry through the Chair to the Senator from Aroostook, Senator Harding who may answer if he so chooses.

Mr. HARDING of Aroostook: Mr. President, I think that the Senator from Kennebec, Senator Shiro, has properly put his finger upon the issue here. The issue here is the question of where the burden will be. We are talking about an extraordinary hazard here and the power that your Commissioner or his agent would have to correct it and the delay which may be occasioned. Because of the fact in our State government we do operate with appropriations you must

have an assistant attorney general to plead the case before the courts and those things do take time. In all deference to the Senator from Kennebec, Senator Shiro's remarks to the effect that he has been given relief promptly on temporary injunctions I would say it depends on what section of the State you are from, and as a private attorney I may be able to act more quickly on this than an assistant attorney general who has many other duties to perform. In this particular case, what Senate Amendment "A" to Senate Amendment "C" does is that it gives the Commissioner or his agent the opportunity to demand that an extraordinary hazard be removed but you don't have this delay. The employer in turn is given the protection which all of us have against an unfair ruling by a commissioner or his agent in that if the commissioner or his agent have been unfair they may appeal that ruling to the Superior Court and get relief in that regard. And so it is a question of how long you are going to let this extraordinary hazard exist and it is a question also of whether you have the funds which are appropriated to the commissioner to do these things. Now I am on the Appropriations Committee and I can tell you that there are no funds available at this time for this kind of enforcement if you leave the burden upon the commissioner to always go to the Superior Court or to the Supreme Court to get this injunctive relief, therefore it seems to me that it is unfair to put this burden on the commissioner and that is why I am in favor of Senate Amendment "A" as has been proposed.

Mr. HOFFSES of Knox: Mr. President, I am not a lawyer, however it would seem to me that it would be necessary to adopt Senate Amendment "C" before we could adopt Senate Amendment "A" to Senate Amendment "C". We are getting the cart before the horse here. I think perhaps if we were to adopt Senate Amendment "C" then we could discuss Senate Amendment "A" to Senate Amendment "C".

The PRESIDENT: The Senator from Knox, Senator Hoffses, makes a parliamentary inquiry of the Chair, and the Chair would rule that an amendment after it is adopted cannot be amended unless it is first reconsidered, and therefore we cannot pass Senate Amendment "C" and then amend it, therefore we have to act upon Senate Amendment "A" to Senate Amendment "C".

The motion before the Senate is the motion to adopt Senate Amendment A to Senate Amendment C.

Mr. JUTRAS of York: Mr. President, in this case then there is one course, and that is to ask for a division. I so move.

A division of the Senate was had.

Eighteen having voted in the affirmative and thirteen in the negative, Senate Amendment A to Senate Amendment C was adopted.

Thereupon, Senate Amendment C as amended by Senate Amendment A was adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

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The PRESIDENT: The Chair would like to recognize in the Senate Chamber a group of 54 seniors from Skowhegan High School. They are from the class in American Government and are chaperoned by their teachers Richard Benner and David Mattsen. We welcome you here this morning and hope that you enjoy and benefit from your visit. You have just witnessed a debate on a labor bill. Skowhegan is in Somerset County and the Chair would like to introduce the Senators from that County, Senator Cahill and Senator Hilton. (Applause)

The Chair would also like to recognize in the Senate gallery a group of students from Glenburn and Hudson Consolidated School, 33 pupils of the 8th grade with their Principals, Mr. Morrison and Mr. Fugal. This group is from the County of Penobscot and we welcome you here this morning and would introduce the Senators from your county, Senator Southard, Senator Faloon, Senator Stern and Senator Bernard. (Applause)

Mr. O'LEARY of Oxford: Mr. President, I would inquire if L. D. 684 is in the possession of the Senate.

The PRESIDENT: The Chair would inform the Senator that it is, having been requested by the Senator.

Thereupon, on motion by Mr. O'Leary of Oxford, the Senate voted to reconsider its former action whereby it accepted the Ought not to pass report on Bill, "An Act Exempting Boats and Boat Motors from Property Tax" (S. P. 225) (L. D. 684).

Mr. O'LEARY: Mr. President, I now move substitution of the bill for the report and I would like to state my reasons very briefly.

The PRESIDENT: The Senator may.

Mr. O'LEARY: Mr. President, the Senator from Androscoggin, Senator Jacques, has an amendment for this bill which I believe should make the bill acceptable.

Thereupon, the Senate voted to substitute the bill for the report.

Mr. JACQUES of Androscoggin presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A (S-110)

Thereupon, on motion by Mr. Maxwell of Franklin, the bill was tabled pending the motion of Senator Jacques of Androscoggin to adopt Senate Amendment A.

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On motion by Mr. Casey of Washington, the Senate voted to reconsider its action taken earlier in today's session whereby it assigned the next legislative day for second reading on (Item 6-13) Resolve Providing for a Study of the State Personnel and Retirement Systems (H. P. 554) (L. D. 725) and on further motion by the same Senator, the resolve was tabled pending assignment for second reading.

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The President laid before the Senate Item 6-14 Bill, "An Act to Revise the Real Estate Law (H. P. 579) (L. D. 771) tabled earlier in today Session by Senator Brown of Hancock pending adoption of



House Amendment A; and on further motion by the same Senator, the bill was retabled and especially assigned for one week from today.

On motion by Mr. Harding of Aroostook

Adjourned until Friday next at 9:30 o'clock.