

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

Thursday, April 29, 1965

Senate called to order by the President.

Prayer by Rev. William Dunstan, of Gardiner.

On motion by Mr. Jacques of Androscoggin, the Journal of yesterday was Read and Approved.

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

Bill, "An Act Requiring Permits to Dam Waters for Recreational Purposes." (S. P. 342) (L. D. 1087)

In Senate, April 14, Passed to Be Engrossed as amended by Committee Amendment "A" (S-122)

In House, April 23, Indefinitely Postponed in Non-concurrence.

In Senate, April 27, voted to Insist.

Comes from the House, that body having voted to adhere.

In the Senate, on motion by Mr. Maxwell of Franklin, the Senate voted to request a Committee of Conference.

Bill, "An Act Providing for Election of School Board of City of Old Town." (H. P. 506) (L. D. 659)

In Senate, April 23, Passed to Be Engrossed, as amended by Committee Amendment "A" (H-92)

Comes from the House, Passed to Be Engrossed, as amended by House Amendment "A" in non-concurrence. (H-263)

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

Bill, "An Act Relating to Bounty on Foxes." (S. P. 243) (L. D. 753)

In Senate, April 15, Passed to Be Engrossed, as amended by Committee Amendment "A" (S-120)

Comes from the House, Indefinitely Postponed in non-concurrence.

In the Senate, on motion by Mr. Manuel of Aroostook, the bill was tabled pending consideration.

Bill, "An Act Relating to Boards of Registration in Certain Towns." (H. P. 471) (L. D. 624)

In House, February 24, Passed to Be Engrossed as amended by Committee Amendment "A" (H-50)

In Senate, March 31, Passed to Be Engrossed as amended by Committee Amendment "A" and by Senate Amendment "A" (S-87) in non-concurrence.

Comes from the House, Passed to Be Engrossed as amended by Committee Amendment "A", and by Senate Amendment "A" and by House Amendment "A" (H-207) in Non-concurrence.

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

House Papers

Resolve, Authorizing Construction of Bridge to Quigg Island in Stevens Pond, Waldo County. (H. P. 1095) (L. D. 1495)

Which was referred to the Committee on Highways in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Legislative Finance Officer be authorized to appoint a temporary Assistant Legislative Finance Officer, with the approval of the President of the Senate and Speaker of the House, to assist him in carrying out his duties until such time as a permanent Assistant Legislative Finance Officer is appointed by the Legislative Research Committee. (H. P. 1100)

On motion by Mr. Brown of Hancock, tabled pending passage and especially assigned for later in today's session.

Senate Paper

The following Bill was transmitted to the Committee on reference of Bills on April 27, 1965, pursuant to Point Rule 19-C and approved by a majority of the Committee for appearance on the calendar:

Mr. Duquette of York presented Bill, "An Act to Appropriate Monies for Expenditures of State

Government for the Fiscal Year ending June 30, 1965." (S. P. 523) (L. D. 1500)

Mr. MOORE of Washington: Mr. President, whereas the legislature is moving into its final weeks of work, we hope, I feel that now and in the future that bills transmitted to the Committee on Reference of Bills under Joint Rule 19-C should be questioned and if they are not of an extreme emergency nature I feel that they should not be allowed on the legislative calendar. I would ask that this particular bill be explained by those who are capable of explaining it.

The PRESIDENT: The Senator from Washington, Senator Moore, requests an explanation through the Chair of any member who chooses to explain the bill.

Mr. HARDING of Aroostook: Mr. President and members of the Senate: In answer to the Senator from Washington, Senator Moore's question, which I think is a very fair one, I will say that this bill is of great importance and it comes to us by reason of, you might say, an oversight by our predecessors. I am not going into detail here to amplify the budget officer's explanation of the oversight and the fact we had a five per cent bond rate which makes this \$91,000 appropriation necessary. I would mention that these five per cent bonds were not callable bonds; in other words, we cannot bring them back and issue new bonds at a lower rate. I think the point of the matter is that the treasurer has placed the proper money in the bank in the bond and coupon account to cover our bonded obligation. We now enjoy a triple A rating in the bond market. We are about to enter that market again and it looks as if we will be doing it many times in the future, and we simply cannot afford to default on our payments. Now while the Governor and Council could take this out of the contingent fund the executive department chooses not to do this while the legislature is in session, which I think has been the rule in the past. Now in the interest of cooperation and good government

I think this action should be taken so that the new treasurer, who represents our state in the matter, will not be embarrassed when he advertises for bids on the Water Improvement bond issue which we authorized last week. I am also assured by the state treasurer that the rate on the Water Improvement bonds will be just over three percent and possibly a little under three per cent if they can be promoted that well. Therefore I would hope that the members of both parties would give us this consideration in this matter because this is an embarrassment to the executive department and it points up the matter that no one is infallible, and the budget officer, in spite of all the time that is put into preparing the budget, can make mistakes. I would hope that you would be considerate in this matter because the credit rating of the state is at stake and party issues and party stands must stop at that point. I think this is an important matter and, as majority leader, I would hope that you would go along with this bill.

Thereupon, there being no objection, the bill was received by unanimous consent and on motion by Mr. Harding of Aroostook, the rules were suspended and the bill was given its two several readings without reference to a committee, and passed to be engrossed.

Sent down for concurrence.

Orders

On motion by Mr. Harding of Aroostook

ORDERED, the House concurring, that the Committees be directed to complete their work and file their final reports no later than Friday, May 14th. (S. P. 524)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Glass of Waldo

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the existing style and form of printed bills and resolves to determine whether the interests of economy and efficiency would be better served (1) by requiring the

consecutive numbering of each line of the printed bill or resolve, and (2) that each line of the printed copy of each bill or resolve correspond in content with the original; and be it further

ORDERED, that the Committee report the results of its study to the 103rd Legislature. (S. P. 525)

Which was Read and Passed.
Sent down for concurrence.

Reports of Committees House

Ought to Pass — As Amended

The Committee on Inland Fisheries and Game on Bill, "An Act Increasing Salary of Commissioner of Inland Fisheries and Game." (H. P. 628) (L. D. 835) reported that the same Ought to pass as amended by Committee Amendment "A" (H-248)

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

The Committee on Towns and Counties on Bill, "An Act Establishing Clerks of Courts in Androscoggin County as Full-Time and Providing Compensation Therefor." (H. P. 939) (L. D. 1275) reported that the same Ought to pass as amended by Committee Amendment "A" (H-249)

On motion by Mr. Jacques of Androscoggin, tabled pending acceptance of the report.

The same Committee on Bill, "An Act Permitting Municipalities to Designate Historic Areas." (H. P. 1008) (L. D. 1340) reported that the same Ought to pass as amended by Committee Amendment "A" (H-251)

Which report was Read and Accepted, Committee Amendments "A" were Read and Adopted, and the Bills, as amended, Read Once and tomorrow assigned for second reading.

The same Committee on Bill, "An Act Increasing Certain Fees to Town Clerks." (H. P. 869) (L. D. 1166) reported that the same Ought to pass as amended by Committee Amendment "A" (H-250)

Comes from the House, report accepted, and the Bill passed to be engrossed without the Amendment.

In the Senate, the report was read and accepted in concurrence and the bill read once, Committee Amendment A was read and adopted in non-concurrence and the bill as amended was tomorrow assigned for second reading.

Divided Reports

The Majority of the Committee on Highways on Bill, "An Act Relating to Maintenance of State Highways in Certain Municipalities." (H. P. 486) (L. D. 639) reported that the same Ought not to pass.

(Signed)

Senators:

CASEY of Washington

CAHILL of Somerset

Representatives:

CARTER of Etna

ROSS of Brownville

WALTZ of Waldoboro

STOUTAMYER

of Madison

DUDLEY of Enfield

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

(Signed)

Senator:

NORRIS of Oxford

Representatives:

LENT of Scarborough

NADEAU of Biddeford

Comes from the House, Indefinitely Postponed and Reconsideration motion lost.

In the Senate, on motion by Mr. Cahill of Somerset, the bill and reports were indefinitely postponed in concurrence.

The Majority of the Committee on Legal Affairs on Bill, "An Act Permitting the Establishment of Private Shooting Preserves." (H. P. 491) (L. D. 644) reported that the same Ought not to pass.

(Signed)

Senators:

SHIRO of Kennebec

SPOUL of Lincoln

Representatives:

BOISSONNEAU
of Westbrook
BAKER of Orrington
WHEELER of Portland
LIBHART of Brewer

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

(Signed)

Senator:

JACQUES of Androscoggin

Representatives:

HUNTER of Clinton
CONLEY of Portland
COTE of Lewiston

Comes from the House, Bill Passed to Be Engrossed, as amended by House Amendment "A" (H-259)

In the Senate:

Mr. **JACQUES** of Androscoggin: Mr. President, I move acceptance of the Minority Ought to pass report.

Thereupon, on motion by Mr. Shiro of Kennebec, the bill was tabled pending the motion by Mr. Jacques of Androscoggin to accept the Minority Ought to pass report; and was especially assigned for one week from today.

Five members of the Committee on Public Utilities on Bill, "An Act Authorizing Public Utilities Commission to Require the Interchange of Electric Energy." (H. P. 846) (L. D. 1147) reported in Report "A" that the same Ought to pass.

(Signed)

Senators:

BOSIVERT
of Androscoggin
VIOLETTE of Aroostook

Representatives:

PIKE of Lubec
DOYLE of Caribou
SEARLES of Bangor

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought not to pass.

(Signed)

Senator:

LETOURNEAU of York

Representatives:

ERWIN of York

PENDERGAST

of Kennebunkport
D'ALFONSO of Portland
SAWYER of Brunswick

Comes from the House, the Ought to pass Report accepted, and the Bill Passed to Be Engrossed, as amended by House Amendment "A" (H-264)

In the Senate, on motion by Mr. Boisvert of Androscoggin, Report A Ought to Pass was accepted, the bill read once and House Amendment A was read.

On motion by Mr. Violette of Aroostook, House Amendment A was indefinitely postponed and the bill was tomorrow assigned for second reading.

The Majority of the Committee on Towns and Counties on Bill, "An Act Relating to Compensation of and Per Diem Fees of Deputy Sheriffs." (H. P. 261) (L. D. 331) reported that the same Ought to pass, as amended by Committee Amendment "A" (H-252).

(Signed)

Senators:

CASEY of Washington
GIRARD of Androscoggin
BERNARD of Penobscot

Representatives:

HAMMOND of Paris
WIGHT of Presque Isle
FARRINGTON of China
CROMMETT
of Millinocket
KILROY of Portland
SULLIVAN of Portland

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

(Signed)

Representative:

BUSSIÈRE of Lewiston

Comes from the House, the Majority — Ought to pass — Report accepted, and the Bill Passed to Be Engrossed, as amended by Committee Amendment "A" (H-252)

In the Senate, on motion by Mr. Bernard of Penobscot, tabled pending acceptance of either report and especially assigned for the next legislative day.

Senate

Mr. Harding from the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Definition of Dependent Children." (S. P. 333) (L. D. 1078) reported that the same Ought not to pass.

Mr. Brown from the same Committee on Bill, "An Act Creating a State Commission on Registration and Voting Participation." (S. P. 376) (L. D. 1193) reported that the same Ought not to pass.

Mr. Harding from the same Committee on Bill, "An Act Relating to Death Benefits for Wardens in Department of Inland Fisheries and Game and Department of Sea and Shore Fisheries." (S. P. 237) (L. D. 747) reported that the same Ought not to pass.

Which reports were Read and Accepted.

Sent down for concurrence.

Mr. O'Leary from the Committee on Labor on Recommitted Bill, "An Act Revising the Minimum Wage Law." (S. P. 416) (L. D. 1313) reported that the same Ought to pass in New Draft.

Which report was Read and Accepted. The Bill in New Draft (S. P. 526) (L. D. 1504) was read once and tomorrow assigned for second reading.

Final Report of Committee

The Joint Standing Committee on Election Laws submitted its final report through its Chairman, Raymond J. Letourneau.

Which report was read and accepted.

The PRESIDENT: The Chair would congratulate the Senator.

Second Readers

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

House

Bill, "An Act Relating to Fees of Clerks of the Judicial Courts." (H. P. 632) (L. D. 839)

Bill, "An Act Relating to Chairman and Membership of Board of Finance of City of Lewiston." (H. P. 354) (L. D. 457)

Bill, "An Act to Clarify the Motor Vehicle Laws." (H. P. 1093) (L. D. 1489)

Bill, "An Act Continuing the Committee on Aging." (H. P. 1094) (L. D. 1490)

Which were Read a second time and Passed to Be Engrossed in concurrence.

House — As Amended

Bill, "An Act Appropriating Moneys for Study of Maine Motor Vehicle Laws." (H. P. 388) (L. D. 871)

Bill, "An Act Appropriating Moneys to Supplement Loans by Maine School Building Authority." (H. P. 298) (L. D. 401)

Bill, "An Act Providing for a Council-Manager Form of Government for Town of Limestone." (H. P. 520) (L. D. 693)

Bill, "An Act Relating to Junk Yards." (H. P. 832) (L. D. 1059)

Bill, "An Act to Grant a New Charter for the Town of Scarborough." (H. P. 361) (L. D. 486)

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

Bill, "An Act to Authorize Municipalities to Finance Industrial and Recreational Projects." (H. P. 1091) (L. D. 1487)

Which was Read a Second Time and on motion by Mr. Violette of Aroostook was tabled pending passage to be engrossed.

Bill, "An Act Providing for a Legislative Conference Prior to the Convening of the 103rd Legislature." (H. P. 265) (L. D. 347)

Which was Read a Second Time and Passed to Be Engrossed as amended by Committee Amendment "A" (H-183) in Non-concurrence. Sent down for concurrence.

Senate

Bill, "An Act Creating Special Legislative Committee to Study Need for Bridge and Causeway to Chebeague Island, Cumberland County." (S. P. 110) (L. D. 337)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Increasing Compensation of Members of the Legisla-

ture, the Governor, Court Justices and Certain Department Heads." (S. P. 520) (L. D. 1497)

Which was read a second time, and on motion by Mrs. Sproul of Lincoln was tabled pending passage to be engrossed and especially assigned for Tuesday next.

Bill, "An Act Relating to Compensation of Representative of Indian Tribes at the Legislature." (S. P. 406) (L. D. 1229)

Bill, "An Act Increasing Salaries of Members of Industrial Accident Commission." (S. P. 24) (L. D. 36)

Bill, "An Act Increasing Salary of Commissioner of Agriculture." (S. P. 224) (L. D. 683)

Which were 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:

Bill, "An Act Amending the Charter of the City of Augusta." (H. P. 516) (L. D. 669)

Bill, "An Act Relating to Marking of Body Capacity of Vehicles Transporting Certain Materials." (H. P. 1035) (L. D. 1407)

Bill, "An Act Relating to Schedule of Transportation Charges Under Milk Commission Law." (S. P. 278) (L. D. 840)

Bill, "An Act Revising the Urban Renewal Law." (S. P. 316) (L. D. 1042)

Bill, "An Act Relating to Labeling of Imported Meats Sold in Retail Stores." (S. P. 360) (L. D. 1122)

(On motion by Mrs. Chisholm of Cumberland tabled pending passage to be enacted.)

Which Bills were Passed to Be Enacted.

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 120) (L. D. 144) House Report Ought not to pass, from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys to Repair Runway of Rockland Air-

port; tabled on April 15 by Senator Hoffses of Knox pending acceptance of the report; and that Senator yielded to Senator Duquette of York.

On motion by Mr. Duquette of York, the bill was retabled unassigned.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 343) (L. D. 1088) Senate Report, Ought to pass in New Draft from the Committee on Public Utilities on Bill, "An Act Imposing Limitation upon Holding Both Permit for Common Carriers and Contract Carriers"; tabled on April 22 by Senator Maxwell of Franklin pending acceptance of the report; and on further motion by the same Senator, the bill was retabled and especially assigned for May 6.

The PRESIDENT: The Chair would like to recognize in the Senate gallery a group from the South Bristol Elementary School, grades 7 and 8 accompanied by their principal, Mrs. Thompson. We welcome you here this morning and hope you enjoy and benefit from your visit. You are from the County of Lincoln, and the Chair would like to introduce the Senator from that county, Senator Sproul. (Applause)

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 1005) (L. D. 1338) Bill, "An Act Relating to Penalties for State House Parking Violations"; tabled on April 22 by Senator Mendell of Cumberland pending motion by Senator Bernard of Penobscot to reconsider indefinite postponement; and Senator Mendell of Cumberland yielded to Senator Shiro of Kennebec.

Mr. SHIRO of Kennebec: Mr. President, this bill was passed out of the Legal Affairs committee unanimously "Ought to pass." There has been some confusion, I think, in the House in regard to the bill and I understand that the House attached an amendment requesting that the Clerk of the House be able to issue permits for parking to certain individuals to be able to park in the legislative

area or around the State House without being subject to any penalty. I understand that this responsibility is not satisfactory, and I would also like to explain that this particular bill actually in practice does not change the existing law. This is L. D. 1338 and the existing law provides a fine of not more than one dollar plus costs of court for the first offense. Now the bill as we have passed it simply provides for a fine of five dollars. It would seem on the surface that we are increasing the penalties but actually we are not, because under the present situation the court would assess a fine of one dollar plus costs. The court would usually make the costs four dollars, thereby making the total amount that a person would have to pay for a first offense five dollars as it exists now. Under the present district court rule the court is not allowed to assess costs of court. That is the reason for the increase, you might say, in the fine to five dollars; it in effect covers costs. For a second offense it is the same, the fine is made seven dollars because a second offense now provides for a fine of two dollars and with the costs which are usually assessed by a court it would come to seven dollars anyway. The same applies to a third offense. So actually in effect there is no change. Therefore, I would hope that the Senate would support the motion to reconsider indefinite postponement.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Penobscot, Senator Bernard that the Senate reconsider its former action whereby it indefinitely postponed L. D. 1338.

The motion to reconsider indefinite postponement prevailed.

Thereupon, on motion by Mr. Shiro of Kennebec, the bill was given its second reading and passed to be engrossed.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 265) (L. D. 814) Senate Report, Ought not to pass from the Committee on Judiciary on Bill, "An Act Creating

the Division of Northern Androscoggin and Franklin of the District Court"; tabled on April 22 by Senator Maxwell of Franklin pending acceptance of the report.

Mr. MAXWELL of Franklin: Mr. President and ladies and gentlemen of the Senate: I merely want to explain a few points about this bill this morning. As you know, Franklin County is the most beautiful county in the State of Maine. Coming to it are hundreds and hundreds of out-of-state people every year to visit and to fish and hunt, and, by the way, the hunting and fishing is excellent in Franklin County. This creates, of course, a tremendous case load on our court system because it is inevitable that some of these people will catch a few short fish around the Rangeley, Stratton, Eustis area, and in trying to keep them of course they get caught and have to go to court.

I would like to explain a little about the bill. First it came out of the director's office with a mix-up and I didn't catch it until the hearing, and this I am to blame for. It had a good hearing and we told what we wanted. It is supported by all of the lawyers in Franklin County as far as I know; they have all expressed this to me anyway, as well as all of the attorneys in northern Androscoggin County. Now these two areas, Franklin County and Northern Androscoggin since the inception of the District Court system have been shuffled around and moved either two or three times. I certainly do not want in any way to criticize our Chief Justice but I believe that anyone can make a human error as perhaps in this case they have. We had asked that the northern part of Androscoggin County from Leeds north and Franklin County become a separate district. We felt that this was just and we felt that we had a case load large enough to support a judge. There were some three thousand cases last year in the area with a total take of somewhere around \$32,000. Now I am sure this would support a court and support a judge's salary. I do not want to argue the point too long this morning; I merely wanted to make

my stand clear. I hope that in the near future this will come about without any added pressure. I now move to accept the committee report "Ought not to pass."

Mr. STERN of Penobscot: Mr. President, in response to my good friend Senator Maxwell, I feel compelled to answer him because this matter came up before our committee. I do not want to cast any aspersions on his fair county of Franklin but in interrogation on some of the proposals of this bill to determine whether or not this particular district court would measure up with the case loads of various other districts, one of the proponents seemed to think that perhaps it didn't compare with the case load of other counties, but he did say, after reflection, that he thought there would be plenty of business there because Franklin County had more illegitimate children than any other county in the State of Maine. Now if this might be a good sound reason for giving Franklin County a district court then I withdraw all objections.

Thereupon the Senate voted to accept the "Ought not to pass" report of the committee.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 151) (L. D. 392) Senate Report, Ought not to pass from the Committee on Legal Affairs on Bill, "An Act to Incorporate the Blood Donor Service Program of Maine; tabled on April 22 by Senator Shiro of Kennebec pending motion by Senator O'Leary of Oxford to substitute the bill for the report.

Mr. O'LEARY of Oxford: Mr. President, once again I will speak to all three of these bills, Items 5, 6, and 7 which are all related bills. Whereas I am the sponsor of these bills, I am not too happy with the committee report and I have been informed that if I send them back to committee I would still get the same report.

However, I believe in this program. I believe it is a worthwhile thing. Two weeks ago I gave a brief history of the Blood Donor Service Program — how it came about and some of its accomplish-

ments. I told you that one patient, a non member, had 114 pints of free blood supplied for her while in a Boston hospital. I did not tell you that another non member had 44 free pints supplied for her in Boston and, I did not tell you that a man from Portland who was wounded in a near fatal hunting accident or a man from Connecticut, who also was wounded in a near fatal hunting accident, or the 12 year old boy; the numerous mothers or the elderly lady from Rumford and several other persons who are alive today because this program existed and operates 24 hours a day. There will be others and perhaps it might be one of us or our children. Who knows? As I stand here today, I know that this service is available to help my wife and children should they be in need of a blood transfusion.

Perhaps we should take a brief look at blood, its types and its components. First, there are four basic blood groups, A, B, O, and AB. They are either positive or negative and their sub-groups total more than 75. If a patient is in need of a transfusion the patient has a better chance of survival if there is an absolutely perfect cross match between the donors blood and that of the patient. For instance, if a patient were an O negative, D positive, C negative E negative, he stands a better chance of survival if the donor's blood is identical. However, this is often not done because donor lists are not complete and smaller hospitals do not have the donors to call on.

Only 30 per cent of our population can be blood donors because of age, illness, pregnancies, etc. 20 people, mind you, are known to have the rare blood type of TJA. What would you do if a member of your family were in need of this type blood?

For over two years, Mr. Brown, the pioneer of a centralized blood donor program in our state has conferred with many people regarding placing the program on a membership basis therefore becoming self supporting for it has been felt that the program should continue; it should be allowed to

expand; all those who do not contribute to its support should be permitted to carry their own weight without having to pay for blood and that a fee of \$4.00 a year or less would not be prohibitive and both the donors and those engaged in blood banking agree that a service that one has to pay even a little for, is appreciated more than a free service.

Among those whom he has conferred with were Mr. Guy Whitten formerly the Deputy Commissioner of Insurance and who stated in a letter to Mr. Brown that he wasn't sure that the program being placed on a membership basis was a matter concerning the Insurance Department. After Mr. Brown received Mr. Whitten's letter, he came to Augusta, conferred with both the Insurance Commissioner and the Deputy Commissioner on an early date in 1964 and he was told by the Commissioner that even the present plan could be considered insurance. Mr. Whitten felt that it was a service rather than insurance. Mr. Mahoney phoned Dr. Dean Fisher, the Commissioner of Health and Welfare, talked with him regarding the handling of blood and Mr. Brown visited Dr. Fisher that same day for the first time.

Dr. Fisher asked Mr. Brown how Mr. Mahoney felt toward the program and Mr. Brown replied that the Insurance Commissioner felt that the blood program was an insurance. Dr. Fisher remained in thought for a moment and replied that he felt that the Insurance Commissioner was "slicing it pretty thin". Then he went on to say that no matter how you cut it, the program was a service.

Later Mr. Brown returned to Augusta, conferred with the Deputy Commissioner and the Deputy Commissioner told Brown that before he could sell a membership there would have to be an enabling act to sell a service. Mr. Whitten referred Mr. Brown to the sections on insurance laws regarding non-profit hospitals and medical services and to the section regarding the Casualty insurance on assessment plan. Mr. Brown studied these two sections and found that

the section on non-profit hospital and medical services could be adapted to the membership basis program. He then studied Chapter 149, Public Law 1939 "An Act to Provide for the Organization of Non Profit Hospital Service Corporations — also Chapter 24, private and special laws 1939, "An Act to Incorporate the Associated Hospital Service of Maine" and with the assistance of his attorney John Marble, he then wrote L. D. 487, L. D. 392, and L. D. 263, as they appear before us. He then turned the material over to me and I in turn submitted the material to Sam Slosberg, for admittance here.

The three documents were assigned to the Legal Affairs Committee and two of these, L. D. 263, and L. D. 392, were scheduled for a hearing on February 10. Mr. Brown did not appear for this hearing and was not aware of it, nor was I, until I told him on the 12th. He had been watching the legislative notices in the Lewiston Daily Sun and — you can check your newspapers — this did not appear in our area newspapers. Other hearings were scheduled for that day. Unfortunately these bills have never appeared in their proper sequence, for they should be 487, 392, 263.

On February 24th, a public hearing was held on L. D. 487, at which time, Reverend John Swanson who is the spokesman for the religious groups in Mexico and Rumford, and Mr. Brown appeared and were proponents of this bill. The insurance commissioner also spoke on the value of the program and it was his thinking at that time that this program should come under the Insurance Department regulations, for it was an insurance. A Mr. Robert Smith, who is a practising attorney in the County of Oxford and also an attorney for the Union Mutual also spoke. He said that he could not speak against the obvious merits of the program. However, he did raise the question of whether or not this was insurance, also that some commission should regulate the program, possibly even a joint

regulating board. There was no opposition to these bills.

After the hearing, it was suggested that Mr. Brown take the material back to his attorney and make the appropriate changes. Inasmuch as the attorney for the Blood Donor Service Program has just suffered a heart attack and was hospitalized, Mr. Brown rewrote a draft of L. D. 487 and L. D. 392 and placed the membership side under the regulation of the Insurance Commissioner and anything pertaining to the medical field under the regulations of the Health and Welfare Commission as it should be.

He showed it to Dr. Fisher who was satisfied with it and then he checked with the Commissioner of Insurance to find out what was necessary to make these bills acceptable. After a cordial discussion, the Commissioner called Assistant Attorney General Jerome Mathis and asked him to see George and go over the new drafts for revisions. George went to see him and after discussing the program the Assistant Attorney General became very interested in the project and they spent most of the afternoon together, using the enabling act of the Associated Hospital Service of Maine and other sections of Chapter 60, R. S. 1954, they made appropriate changes to these original documents.

Mr. Brown alone made the changes in L. D. 485, section 3201 Purpose and Scope; also section 2310, Exemptions. Similar changes appear in legislative documents 392, section 3 and section 16. These changes were put into print by a commercial printer and placed in the hands of the Legal Affairs Committee.

The major changes and reasons for these changes were as follows:

Under the terms and provisions of this chapter any non profit organization may incorporate under special act of the legislature and may be licensed by the Insurance Commissioner and the Commissioner of Health and Welfare provided that it has been formed for the specific purpose of combining blood donors and those unable to give, into a blood service program for the citizens of the State of

Maine, serving as a liaison between the public and hospital blood banks. Teaching and assisting the public in meeting its moral obligations to donate blood and to free the patient and or his family from the chore of soliciting blood donors when the necessity arises, also assisting the hospitals in their public responsibility of having blood on hand thus assuring a constant availability of blood for the patients. Further, serving members and their families with unlimited — I want you to note "unlimited" — amounts of free blood or blood replacements to hospitals in the United States, functioning as a centralized blood donor recruiting or soliciting agency; as a central library of donors with rare blood; as a clearinghouse for the exchange of blood donations for patients from one community to another; establishing blood collecting clinics and to transport blood instead of the donors under conditions that are acceptable to the receiving hospitals.

The corporation may expand and establish districts in Maine whereby blood service managers may be called whenever local hospitals need donors of a specific blood type to transfuse to any patient during routine or emergency situations.

I would like to point out to my colleagues that the blood program under the leadership of Mr. Brown has accomplished everything mentioned in this section with the exception of that part pertaining to legislative action.

There is another blood program trying to enter the state which buys and sells blood from donors. Note "buys" and "sells". This is the type plan that created a scandal some time ago which we read about in newspapers because it bought blood from derelict humans who would sell their blood even though it had been contaminated by hepatitis, malaria, syphilis or other such things. That type of blood plan also restricts its membership to healthy people; those people who have needs for large amounts of blood can not join. Even the healthy people have to wait 90 days before benefits are available to them.

This is not so with the Blood Donor Service Program as we are trying to present it to you here today, as our program purposely designed for those people who need large amounts of blood. Any Maine resident can join; the cost is \$4.00 per year and perhaps less as time goes on.

I would like to say that under Section 2310, Exemptions, that any blood donor service qualifying under this chapter shall be exempt from making a deposit of capital with the Treasurer of State or any of the State officers. This man is a working man and he doesn't have the necessary capital to come under the other statute and we will not mention any more under this.

But this Blood Donor Service does not pay monetary benefits. It provides a service as outlined in Section 3201, therefore, the only necessary capital will be that to continue to operate this program 24 hours a day and to expand into districts as the program gains momentum.

I made a few more notes here. I will be very brief and then I will sit down. The Blood Donor Service Program is a member of the American Association of Blood Banks, which is a scientific organization dedicated to elevating the standards of a transfusion service to give the best possible protection to the patients, donors, doctors and the hospitals.

This donor group need not organize under any of these acts for they could commercialize by buying and selling blood for a profit. They are trying to protect the people of this state through this legislation and to prevent others from commercializing on human blood.

I would now request that when the vote is taken, it be taken by division, and I would hope you will support my motion to substitute the bills for the report.

Mr. SHIRO of Kennebec: Mr. President, as Chairman of the Legal Affairs Committee which considered this particular bill, and which also recommended to the Senate and the House that this bill ought not to pass, and the

committee did so unanimously, I would like to explain the reasons for the Committee action.

First of all, it would appear that these bills concerning a blood donor program are rather innocuous but I will assure you now that if these bills were passed, you would be allowing the institution of a service to the people of the state in regards to the donation of blood without the proper help and financial safeguards which they should be entitled to. This, in the opinion of the committee would not be and is not a charitable enterprise. This would be in a sense groundwork for the beginning of a private commercial operation in regards to blood contributions.

Now there is some question here in regard to insurance, as was suggested by Senator O'Leary, and in his opinion and apparently in the opinion of one of the creators of the bill, this is not insurance. I was rather new, in a sense, in considering this bill as some other members of the committee were, and I think at first thought you would think it was a very worthwhile program and I think almost any person on first being told of this particular service would think that it was a valuable program and that it would render a nice benefit to the communities and to the people of the state; but when the facilities which are designed to carry this program into effect are carefully examined we see that it leads us into many dangers and perhaps many pitfalls for the individual.

This proposes to establish what it calls a non-profit corporation; it proposes to guarantee to individuals or members who subscribe to this service blood when it is needed, but, to do so, they make a charge to the family; I think the family plan calls for a subscription fee of four dollars per year and to an individual the subscription fee would be two dollars a year. For this premium or fee they would be issued a certificate apparently guaranteeing them blood as they may require it. Now I think just on that alone we

can see that this gets into the realm of insurance just like it does with Blue Cross or Blue Shield or some other form of insurance which now exists. But these other insurance firms are subject to the requirements of the State of Maine for the safeguard and protection of the people. That is why Mr. Brown, who is one of the proponents of this particular bill — and I think he was the only proponent of the bill before the committee besides Senator O'Leary who spoke briefly for it — was told that this was insurance. I have here an interdepartmental memorandum from the Attorney General's office rendering their opinion that this is insurance and therefore this program, in order to protect the people of the State of Maine, should be required to comply with all of the provisions of our insurance laws. I would like to read to the Senate part of this report. It is dated February 18, 1965, and it is addressed to George F. Mahoney, the Commissioner of Insurance and it is from Jerome S. Mathis, the Assistant Attorney General regarding blood donor service corporations.

He says: "Legislative Document 392, "An Act to Incorporate the Blood Donor Service Program of Maine" and L. D. 487, "An Act relating to Non-profit Blood Donor Service Corporations" pertain to the establishment of corporations whose purposes include the providing of blood service programs to subscribers, and the question is: Are these such as they should be licensed and regulated by the Insurance Commissioner of the State of Maine? The answer: Yes." And he goes on to state that an organization of any type may not transact insurance business by issuing or delivering insurance contracts in this state without first obtaining a license or certificate of qualification from the Commissioner as required by this title. Thus if blood service corporations are issuing or delivering insurance contracts in this state they must obtain a license or certificate of qualification from the Commissioner.

"A contract of insurance, life excepted, is an agreement by which one party for a consideration promises to pay money or its equivalent or to do some act of value to the assured upon the destruction or injury of something in which the other party has an interest."

The contract which is proposed in this bill and which would be involved in this type of legislation is certainly insurance because the contract to be issued falls within that definition of an insurance contract. There is an agreement and that agreement would be the contract or agreement between the Blood Donor Service Program, Inc. of Maine and the subscriber, by which one party — that is the Blood Donor Service Program, Inc. — for a consideration, which would be the rate charged the subscriber, that is four dollars for a family and two dollars for an individual — that is not a charitable service to the family or to the individual; they are being charged for it. The value they propose to render to the subscriber is the furnishing of blood, like services and it would be upon the loss of blood; they have lost blood and they require that it be replenished, and that would be the injury so-called in regard to the definition of an insurance contract. The subscriber has an interest in his body and in its well-being and in its health, and therefore this proposed bill and the contracts to be issued under it by certificates falls completely within the definition of an insurance contract and therefore they certainly should be compelled to comply with the insurance law.

Now why does not this bill fall within the insurance requirements? Why hasn't that been provided originally? The original bills that are before you now, not as they stand amended or with any changes — the committee did not recommend any amendment, and I will explain that. The bill stands before you now without meeting any of the requirements of the insurance laws. Why? The reason is, as was written to me in a letter by Mr. George W. Brown, the founder and executive director of

this program as follows. He states in his letter, which is dated March 22, 1964, that under Section 3210 of L. D. 487, Exemptions: "I believe that the insurance laws require a deposit of \$100,000," and I know from talking with the Insurance Commissioner, Mr. Mahoney, that it was stated to him that he would most likely be required to file a security of \$100,000 or possibly even more, because this is something that would be state-wide.

Now Mr. Brown states in his letter that most insurance companies pay a monetary benefit, which is so: if somebody has to be hospitalized or they have some injury for which they are covered by insurance they will receive compensation, not services. He feels apparently, in this letter at this date, after having conferred with Mr. Mahoney and the Assistant Attorney General, that this is still not insurance, because he says they are not rendering a monetary benefit, they are rendering a service; but as I have stated previously, and I hope that this Senate will agree, that it does not necessarily have to be a monetary service, or rather a monetary benefit or money paid to make it insurance; it can be the equivalent of money or its value, and in this case it is blood.

Now this particular program and the bills which it involves rather intrigue me and I think intrigued the committee because we wanted to inquire further to be sure that perhaps our doubts or skepticism of the bill were well-founded. So I inquired still further. I had discussed the matter with Dr. Irving Goodof, a pathologist on the staff of the Thayer Hospital in Waterville, and I believe he has a reputation in the State of Maine as being a leading pathologist in the state, to determine just what attitude a pathologist would take toward these particular programs. I was also informed that Mr. Brown had had several occasions to discuss the matter with Dr. Goodof of the Thayer Hospital staff.

I would like to remind the Senate that there appeared before our Committee only one proponent oth-

er than. Senator O'Leary, the sponsor of this bill, and that was Mr. George Brown. We did not have any pathologists, there were no administrators of local hospitals or any hospital, there were no practitioners to appear before the committee to propose this bill, we had no correspondence from any individual supporting any of these bills. I think one reason was that actually there is not the need for any of these programs as it might appear. There was discussion or suggestion, I think, by Senator O'Leary implying that there is a great requirement. Now if there is a great requirement I am certain that our communities, our hospitals, the other charitable service like the Red Cross, would certainly have given all their support behind these particular programs, but they have not. I think one reason they have not is because the pathologists, according to my understanding and that of the committee, have not given their support to this program, and the reason they do not give their support to this program is because under this program blood is not taken under the direct control or supervision of a pathologist, which they believe is entirely essential for the proper protection of the individual who is giving it and the individual who may be receiving this blood. And you may notice, if you have read the bill, that under Section 5 there is a peculiar provision there which says that "There also may be appointed to the program pathologists who are willing to furnish advice of a technical nature, etc." In talking with this pathologist, Dr. Goodof, I understood that the pathologists are not willing to give their services to this program as it stands in its present form. I was also informed that, although, as was stated correctly by Senator O'Leary, the American Association of Blood Banks does approve this program it does not approve the facilities or the method by which they obtain this blood because the blood is not taken under the direction and control of a pathologist.

At the present time under the program as it has been in opera-

tion the blood is obtained by personnel who are employed by the Rumford Community Hospital but not by a pathologist. There is not provided in the organization of this particular blood service program that there should be any limitation on salaries. It may be non-profit as far as a division of profits go. Perhaps any surplus, and it is implied in this bill, that there is a possibility that there could be a surplus and it could build a reserve. Maybe that won't be distributed as profits to the officers of the corporation but is there anything to say that there would be any limit upon the salaries to be paid to the directors or officers of this particular program? Perhaps indirectly a profit can be gained.

Now I was also informed that blood can only be stored for three weeks prior to the time of its use and if this program were to be wide spread and authorized throughout the state of Maine and that this particular organization was to be allowed to guarantee to the people of the State of Maine blood when they needed it it would certainly create a danger. There is a grave question as to whether any organization can store at all times, blood that may be called for at any particular time and that is why our local hospitals are meeting the need now. I haven't seen — I don't know whether anybody here has seen — whether someone has suffered any great injury or become deceased because of lack of blood.

I would like to state also that there were amendments presented to me as Chairman of this committee, probably a few weeks ago, I think just prior to the time the committee met in executive session and made its unanimous recommendations that these bills ought not to pass but I would like to state this. Although I find in these amendments, going over them carefully, that many of the provisions of the insurance laws were put in the new amendments and they were going to make themselves subject to the requirements of the insurance commissioner, however, there was one

particular provision which was not in any amendment and therefore I would strongly urge that even the amendments not be accepted. The Committee did not. This was the section in Title 24 of our present law Section 2305, subsection 4 which is missing from any amendment and that is the requirement that an adequate reserve may be required by the Insurance Commissioner. That has to do with the \$100,000 security being required to be filed with the Insurance Commissioner. That provision was not put in any amendment.

I have talked with a Mr. Stowell who I understand is the director or chairman of the board of directors of the community hospital in Rumford because I knew that they were involved at one time in this program and I wish to state to you that they have indicated to Mr. Brown their discontinuance as being connected with this program because, as I understand it, up to last fall, blood was being donated to the hospital free of charge but as of last fall I understand that it was required that if they were to be furnished any more blood they would be charged \$25 per pint or a quart, I have forgotten which but there was a charge of \$25 for a certain amount of blood. So they have discontinued their interest in the program also.

I have talked with Mr. Frank Chapman, the executive secretary of the Maine Municipal Association and he states that for those communities who wish to make some contribution to a blood program, they can do so now under their present existing law. In fact, he claims that most communities do so. They make some contributions to their local hospitals which are servicing the area. So it would not appear from all this that there is a need for this type of legislation and I would say that not only would it not appear, it would seem to be rather dangerous.

I ask the Senate to consider this matter very carefully. I understand that the matter came before the legislature previously and that the committee then and

the legislature rejected this particular type of legislation so we are not setting a precedent here. I say that in the present form and without the proper safeguards for the health and welfare of the people of the State of Maine, I would ask that the Senate accept the report of the committee and reject the motion now before us, the motion to substitute the bill for the report. Thank you.

Mr. O'LEARY of Oxford: Mr. President and members of the Senate, I was not aware and I am not too familiar with the laws, but if we could overturn the committee reports here I am sure I would offer these amendments and would welcome other amendments from members of the Legal Affairs Committee, that would make this acceptable to them. However we just heard that Mr. Frank Chapman said that there are a number of communities that donate to the hospitals and such. Now I would ask you to take a look at L. D. 263. On this one here, it is permissive language that just allows the towns to appropriate money to support a blood donor service program. If it is unconstitutional, as I have been informed, then it is unconstitutional to donate money to hospitals or any other non-profit organization and I would like to remind you once again of this report that was given to the town of Dixfield. This blood donor program is maintained 24 hours a day every day without compensation to those people who operate it who have contributed over 68 thousand man hours helping the public and the hospitals alike. Their personal expenditures and losses are in excess of \$8,000 to date. Then I would remind you of this one section of a letter that I have from Joseph Porter, pathologist at the Maine Medical Center. It is to Mr. Brown. "The only people who are working in blood banking are those who have faced the problems as you have in obtaining blood donors or families who have had to face this problem can realize the tremendous value of such a project. Again let me remind you that I am sincerely interested in

the project and regret that distance makes it impossible for me to be a regular attendant at the meetings but please be assured that I will give any assistance that I can." This is signed by Joseph E. Porter, pathologist at the Maine Medical Center.

Now, last week there was a bill in here to incorporate the Maine Dental Service. Now if they can be incorporated then this program can be incorporated also. If there are a few minor objections, they can be straightened out by amendment and I think we have members in this Senate and in the other unmentionable branch at the other end of the corridor that are capable of making these necessary amendments. I am not going to try to clobber you with this thing. I believe it is a good program and I think that once it is underway you will realize it is a non-profit thing and this man who has put in a tremendous amount of work for nothing just trying to help the people of the State of Maine, a man who has no money or resources to go out and hire lobbyists to come in here and browbeat us. He doesn't stand much of a chance. We have to look out for our own. I would like to mention that I have donated blood in the Rumford hospital, in the Central Maine General Hospital, St. Mary's and the Maine Medical Center in Portland and I don't recall ever a pathologist taking my blood. It has always been a nurse. The supposition has been made that Mr. Brown or some lady is going to take blood from anyone. This is all done in the hospitals and the clinics.

There is no justification of fears here. I wish you would go along with me in my motion to substitute the bill for the report. I will draw the amendments up and you can have an opportunity to study them and I believe you will find it a worthwhile program. Thank you.

Mr. MENDELL of Cumberland: Mr. President, I move that this item — Item 5 — be tabled for one week from today.

Thereupon, on motion by Mr. Shiro of Kennebec, a division of the Senate was had.

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

The PRESIDENT: The motion now before the Senate is the motion to substitute the bill for the committee report. A division has been requested.

A division of the Senate was had.

Five having voted in the affirmative and twenty-three opposed, the motion did not prevail.

Thereupon, the Ought not to pass report of the Committee was accepted.

The PRESIDENT: The Chair would like to recognize in the Senate Chambers the Mother-in-law of one of our Senators, Senator Snow of Cumberland. Would Mrs. W. R. Brown please stand and be recognized? (Applause)

Additional Paper from the House, out of order and under suspension of the rules:

Enactor

Emergency

Bill, "An Act to Appropriate Moneys for Expenditures of State

Government for the Fiscal Year ending June 30, 1965. (S. P. 523) (L. D. 1500)

This being an emergency measure and having received the affirmative vote of 28 members of the Senate, was Passed to Be Enacted.

Mr. HARDING of Aroostook: Mr. President, I would like to inquire if the Senate is in possession of H. P. 933, L. D. 1270, An Act to Create the Maine Indian Housing Authority.

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

Thereupon, on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby it voted to recede and concur; and on further motion by the same Senator, the bill was tabled pending consideration.

On motion by Mr. Harding of Aroostook

Adjourned until tomorrow morning at 9:30 o'clock.