

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 17 - JUNE 4, 1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, May 20, 1965

Senate called to order by the President.

Prayer by Rev. Lawrence Mercens of Hallowell.

On motion by Mrs. Sproul of Lincoln, the Journal of yesterday was Read and Approved.

Papers From The House**Non-concurrent matters**

Bill, "An Act Authorizing Public Utilities Commission to Require the Interchange of Electric Energy." (H. P. 846) (L. D. 1147)

In House, April 28, Passed to be Engrossed As Amended by House Amendment "A" (H-264)

In Senate, April 30, Passed to be Engrossed without Amendment in Non-Concurrence.

Comes from the House that body having voted to insist and ask for a Committee of Conference.

In the Senate, on motion by Mr. Boisvert of Androscoggin, the Senate voted to insist and join in the Committee of Conference.

Resolve, Proposing an Amendment to the Constitution to Lower the Voting Age to Twenty Years. (S. P. 153) (L. D. 394)

In Senate, May 14, Passed to be Engrossed As Amended by House Amendment "B" (H-234) and Senate Amendment "B" (S-139) as Amended by Senate Amendment "A" (S-206) thereto.

In House, May 17, Receded and Concurred.

Comes from the House having Failed of Final Passage.

In the Senate, Mr. Harding of Aroostook moved final passage.

This being a Constitutional Amendment

A division of the Senate was had.

Twenty-seven having voted in the affirmative and three opposed, the Resolve was finally passed. Sent down for concurrence.

Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms. (S. P. 537) (L. D. 1527)

In Senate, May 13, Passed to be Engrossed.

In House, May 17, Passed to be Engrossed, in concurrence.

Comes from the House having Failed of Final Passage.

In the Senate, Mr. Harding moved that the Senate concur with the House.

Thereupon, on motion by Mr. Mendell of Cumberland, the Resolve was tabled pending the motion by Mr. Harding of Aroostook.

Resolve, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (S. P. 221) (L. D. 680)

In Senate, April 16, Passed to be Engrossed.

In House, April 30, Passed to be Engrossed in concurrence.

Comes from the House having Failed of Final Passage.

In the Senate, on motion by Mr. Harding of Aroostook, the Senate voted to concur with the House.

Bill, "An Act Increasing Compensation of Members of the Legislature, the Governor, Court Justices and Certain Department Heads." (S. P. 520) (L. D. 1497)

In Senate, May 11, Passed to be Engrossed As Amended by Senate Amendment "A" (S-174)

Comes from the House, Passed to be Engrossed As Amended by House Amendment "C" (H-346) and by Senate Amendment "A" (S-174) in Non-Concurrence. Motion to Reconsider Engrossment lost.

In the Senate, on motion by Mr. Mendell of Cumberland, the Senate voted to recede and concur.

Communication

**State of Maine
House of Representatives
Office of the Clerk**

May 19, 1965

Honorable Edwin H. Pert
Secretary of the Senate
102nd Legislature

Sir:

The Speaker of the House on May 19, appointed the following Conferees on the disagreeing

action of the two branches of the Legislature on H. P. 491 L. D. 644, Bill, An Act Permitting the Establishment of Private Shooting Preserves:

Messrs: MILLAY of Bowdoinham
PAYSON of Falmouth
POULIN of Skowhegan
Respectfully submitted,
JEROME G. PLANTE
Clerk of the House

Which was Read and Ordered
Placed on File.

Reports of Committees House

Ought Not to Pass

The Committee on Taxation on Bill, "An Act to Increase the Gasoline Tax." (H.P. 660) (L. D. 887) reported that the same Ought Not to Pass

The same Committee on Bill, "An Act Providing for Assessment of a Head Tax by Municipalities to Support Public Schools." (H. P. 854) (L. D. 1151) reported that the same Ought Not to Pass.

Which reports were Read And Accepted in concurrence

The Committee on State Government on Bill, "An Act Increasing Salary of Commissioner of Labor and Industry." (H. P. 23) (L. D. 26) reported that the same Ought Not to Pass.

Comes from the House Passed To Be Engrossed as amended by House Amendment "A" (H-336)

In the Senate, on motion by Mr. Stern of Penobscot, tabled pending acceptance of the report and especially assigned for later in today's session.

Ought to Pass in New Draft

The Committee on Health And Institutional Services on Bill, "An Act Relating to Practical Demonstrations Without Fee in Schools of Hairdressing and Beauty Culture." (H. P. 804) (L. D. 1096) reported that the same Ought To Pass in New Draft under the same title: (H. P. 1127) (L. D. 1537)

Comes from the House Passed To be Engrossed

In the Senate, on motion by Mrs. Sproul of Lincoln, tabled pending acceptance of the report and especially assigned for tomorrow.

The Committee on Legal Affairs on Bill, "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies." (H. P. 963) (L. D. 1298) reported that the same Ought To Pass in New Draft under the same title: (H. P. 1130) (L. D. 1545)

Comes from the House Passed To Be Engrossed As Amended by House Amendment "A" (H-344) and House Amendment "B" (H-345)

In the Senate, the report was read and accepted, the bill read once, House Amendment A read and adopted, House Amendment B read and adopted and the bill as amended was passed to be engrossed.

The Committee on Taxation on Bill, "An Act Relating to Sales Tax on Fabrication Charges." (H. P. 858) (L. D. 1155) reported that the same Ought To Pass in New Draft under New Title: An Act Relating to Definition of Sale Price under Sales Tax Law. (H. P. 1132) (L. D. 1551)

Comes from the House Passed to be Engrossed.

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

Divided Reports

The Majority of the Committee on Labor on Bill, "An Act to Provide for Fair Minimum Wages for Construction of Public Improvements." (H. P. 743) (L. D. 980) reported that the same Ought To Pass in New Draft

Under Same Title (L. D. 1534) (H. P. 1124)

(Signed)

Sensors:

SMITH of Cumberland
CHISHOLM

of Cumberland
O'LEARY of Oxford

Representatives:

LEVESQUE

of Madawaska

BEDARD of Saco
DUMONT of Augusta
GAUVIN of Auburn
KITTREDDGE

of S. Thomaston
BAKER of Winthrop

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

(Signed)

Representative:

BENSON

of Southwest Harbor

Comes from the House Passed To Be engrossed.

In the Senate, Mr. O'Leary moved acceptance of the ought to pass report.

Mr. CASEY of Washington: Mr. President, I request a roll call vote.

A division of the Senate was had.

Nine having voted for a roll call, and twenty-one against, and nine being more than one-fifth the members present, the Roll Call was ordered.

Mr. CAHILL of Somerset: Mr. President, I would like to inquire through the Chair from someone on the committee if they would explain just what this bill does. There are so many pages I do not have time to read it and I would not understand it if I did, I am sure.

The PRESIDENT: The Senator from Somerset, Senator Cahill, requests through the Chair that some Senator, who may explain if they so choose the item which is now before us, L. D. 980.

Mr. O'LEARY of Oxford: Mr. President and members of the Senate: This bill does just one thing. It guarantees that a fair wage will be paid to anyone in building and construction trades in a given area. A study is made of all the wages in an area and this is the wage that will be paid in these construction projects. That is all it does.

Mr. CAHILL of Somerset: Mr. President, I would like to ask: this construction area you are talking about, would that include towns in their highway construction and state aid roads and town

roads and town road improvement and that sort of thing? Can anyone answer that for me?

The PRESIDENT: The Senator from Somerset, Senator Cahill, directs a question through the Chair to any Senator who may answer if they so choose.

The motion before the Senate is to accept the ought to pass report. The Secretary will call the roll.

The Secretary called the roll and the Senators answered as follows:

YEAS — Bernard, Boisvert, Brown, Cahill, Carter, Casey, Dunn, Duquette, Faloan, Girard, Harding, Hoffses, Jacques, Jutras, Letourneau, Manuel, Maxwell, McDonald, Mendell, Moore, Norris, O'Leary, Shiro, Smith, Snow, Southard, Sproul, Stern, Violette, Willey — 30.

NAYS: Glass, Hilton — 2

ABSENT — Chisholm — 1

Thirty having voted in the affirmative and two opposed, the motion prevailed, the ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

The Majority of the Committee on Retirements and Pensions on

Bill, "An Act Relating to Rules Regarding Retirement of Teachers." (H. P. 758) (L. D. 995) reported that the same Ought to Pass.

(Signed)

Senators:

CHISHOLM

of Cumberland

BOISVERT

of Androscoggin

SPOUL of Lincoln

Representatives:

HUNTER of Clinton

DROUIN of Auburn

GLAZIER of Bangor

LANG of Belfast

BUCK of Southport

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

(Signed)

Representatives:

CARSWELL of Portland

GAUDREAU of Lewiston

Comes from the House Indefinitely Postponed.

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

The Majority of the Committee on Taxation on

Bill, "An Act Repealing Certain Exemptions from Sales Tax." (H. P. 1007) (L. D. 1339) reported that the same Ought to Pass as Amended by Committee Amendment "A" (Filing No. H-285)

(Signed)

Senator:

LETOURNEAU of York

Representatives:

DRIGOTAS of Auburn

COTTRELL of Portland

WOOD of Webster

CURRAN of Bangor

MARTIN of Eagle Lake

ROSS of Bath

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

(Signed)

Sensors:

MAXWELL of Franklin

WILLEY of Hancock

Representatives:

HANSON of Gardiner

Comes from the House Indefinitely Postponed. Motion to Reconsider Lost.

In the Senate, on motion by Mr. Maxwell, the Minority Ought not to pass report was accepted.

Senate

Leave to Withdraw

Mr. Jacques from the Committee on Liquor Control on Recommended

Bill, "An Act Relating to Definition of Restaurant under Liquor Law." (S. P. 70) (L. D. 131) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Mr. Letourneau from the Committee on Public Utilities on Recommended

Bill, "An Act Relating to Transportation of Commodities for Hire by a Common Carrier." (S. P.

298) (L. D. 912) reported that the same should be granted Leave to Withdraw.

Which reports were Read and Accepted in concurrence.

Divided Reports

The Majority of the Committee on Labor on

Bill, "An Act Authorizing Payroll Deduction for Union Dues of Certain Governmental Employees." (S. P. 446) (L. D. 1383) reported that the same Ought to Pass.

(Signed)

Sensors:

SMITH of Cumberland

CHISHOLM

of Cumberland

O'LEARY of Oxford

Representatives:

LEVESQUE

of Madawaska

BEDARD of Saco

DUMONT of Augusta

GAUVIN of Auburn

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

(Signed)

Representatives:

BAKER of Winthrop

KITTREDGE

of South Thomaston

BENSON

of Southwest Harbor

On motion by Mr. Harding of Aroostook, tabled pending acceptance of either report and especially assigned for later in today's session.

The Majority of the Committee on Natural Resources on

Bill, "An Act Creating the Allagash Wilderness Waterway." (S. P. 435) (L. D. 1376) reported that the same Ought to Pass, in New Draft Under Same Title, (S. P. 554) (L. D. 1556)

(Signed)

Senator:

DUNN of Kennebec

Representatives:

SAHAGIAN of Belgrade

JEWELL of Monticello

EUSTIS of Dixfield

HARVEY
of South Windham
PALMER of Phillips
HAWKES of Sebago Lakes

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

(Signed)

Senators:

CAHILL of Somerset
MOORE of Washington

Representative:

KNIGHT of Westbrook

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

The Majority of the Committee on Judiciary on

Bill, "An Act Relating to Testimony in Tort Actions." (S. P. 313) (L. D. 1026) reported that the same Ought Not to Pass.

(Signed)

Senators:

GLASS of Waldo
VIOLETTE of Aroostook

Representatives:

DAVIS of Calais
BISHOP of Presque Isle
DANTON
of Old Orchard Beach
BRENNAN of Portland
RICHARDSON
of Cumberland
GILLAN
of South Portland

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

(Signed)

Senator:

STERN of Penobscot

Representative:

BERMAN of Houlton

Mr. VIOLETTE: Mr. President, I move acceptance of the Ought not to pass report.

Mr. STERN of Penobscot: Mr. President, may I address this body?

The PRESIDENT: This motion is debatable.

Mr. STERN: Here we go again. I do not expect to speak too long on this particular topic. I think some of you, when we lawyers get up to speak, have the im-

pression that we get intoxicated by our own verbosity, which is true, but you know that throughout the session I have been more or less quiet in regard to most of the measures that have come up pertaining to fishing and hunting moose and bear and topics which I know little or nothing about. You will notice on this particular bill that the majority of the Judiciary Committee was against me. Frankly, I did not have the opportunity to present my thoughts and views on this particular matter because they shouted me down. The reason that I like the Senate so much and the reason that I enjoy being here is that in a certain sense you are a captive audience and at least I have the opportunity to address myself to you and state what I believe in. It is a little different than in court where if I say something out of order I must worry about the judge finding me in contempt. Here I do not have that worry and the worst that can happen is that the Senate President could pound the gavel and he certainly would not throw it at me. So I feel that under these circumstances I must state why I voted with the minority and let you gentlemen decide the issue. It is too bad because I certainly have an advantage over the rest of you because when most of you get up and argue a point that is boresome to me and I have no interest in it I just turn off my hearing aid.

Ladies and gentlemen of the Senate: This particular bill you notice is an evidentiary bill, it is an act relating to testimony in tort actions. The reason I feel so strongly about these matters is that I am speaking from my own experience, speaking on things that I have been confronted with in court and about which I think there is a grave injustice and inequity in our system of testimony. So that I may be able to illustrate what I am talking about, I will tell you about this particular case that I have and perhaps you will realize what my problems are.

We have what is known as the Dead Man's Rule. This means that if you are involved in an accident and the defendant who has caused this damage has died between the date of the accident and by the time the case is brought up in court then the plaintiff's lips are sealed, he cannot testify in court. I have a case now pending in the Supreme Court of the State of Maine, and this is the situation. A husband and wife were driving along a main thoroughfare, on Broadway in Bangor, and a man came out of an intersection where there is a stop sign and he went through the stop sign, causing tremendous damage and injury to the occupants of the car. Now the law says that the husband and wife cannot testify if the defendant dies. Now the husband and wife were being treated over a period of two years, they had serious injuries, tremendous medical expenses, but when they got around to bringing their action in court their lips were sealed, that is the court would not permit them to testify as to what occurred at the accident.

Now you are going to hear a lot more about this later on in the session because of the law of contributory negligence. No matter how slight a degree of fault the plaintiff is in he cannot recover from the defendant even though the defendant is ninety-nine per cent more at fault than the plaintiff. Only by the most fortuitous circumstances did I have a witness who testified that he saw this fellow crash through the stop sign.

Now this takes care of only one aspect of the case, the negligence of the defendant. Now it is going up to the Supreme Court on a technicality on the basis of the fact that the plaintiff couldn't testify, he couldn't show what his medical bills were, he couldn't show what he spent and he could not show that he was in the exercise of due care although the facts were clear that he was driving on his own right-hand side on a thoroughfare.

Now what I am trying to bring out is that this bill is limited

only to these actions arising out of negligence, tort actions. It does not broaden the present dead man's rule which takes in everything, contracts, accounts and so forth. I am sure when I am through that there will be some of my good friends and lawyers who will tell you that it works the other way too. It does. But it has been my experience that the greater hardship is caused in these particular cases because there are enough circumstances—I had a case where an accident happened down in the southern part of the state where the debris and everything was on the defendant's wrong side of the road, but because of the dead man's rule the plaintiff could not testify. So there is a great injustice in many, many cases. I feel that if we excluded the dead man's rule only in connection with tort actions, negligence actions, that there would be greater justice done between all parties.

I am not going to belabor this point. I want to just be sure that I have done what I think is right in bringing it to the attention of this body so that they might have some idea what this was all about, and unless it was explained I do not think you could make an intelligent decision on which way to vote.

Mr. GLASS of Waldo: Mr. President, I think you will find as the session progresses that Senator Stern is relating all of the bills in which he has a distinct interest to cases which he has either won or lost, and he was referring to one in this instance. I think also, in connection with his hearing aid, it is a versatile instrument. If I am not mistaken, he was listening to the ballgame through his transistor radio during the public hearing, and not being interested in the opponents of the bill he was able to provide us with the score from time to time.

This is a two-edged sword, as he touched on very briefly, is designed to protect the estates of deceased persons. Mr. Stern would have this bill which purports to

amend the existing legislation exclude actions of tort. This is not just automobile accidents that he is referring to; this would cover all tort actions. As I say, the statute as it now exists is very simple. It is for the protection of your estate.

If you are not there to protect yourself, if you are not there to testify, the plaintiff can say anything. Frankly, it could be, and I think every counsel here will agree with me, an invitation to perjury. The statute is time-honored, eight of the committee felt the legislation ought not to pass, and I would suggest that we accept the "Ought not to pass" report of the committee.

Mr. JACQUES of Androscoggin: I just took a look at the bill here and I didn't know that I was the sponsor of it.

If you look at L. D. 1026, all it does is change four words, "in tort action or."

This is an actual case that happened in our area a few years back, and I was asked to introduce this particular bill by one of the best trial lawyers in the state — and I am referring also to Senator Stern—John Marshall, who back in the thirties was a member of the legislature. It happened that a child was killed by an automobile, and the man drove another mile—he happened to be drunk at the time—he drove a mile or two after that and he killed himself, and there was no action that could be taken because there was no witness to the accident. This is not the only case we have had in the State of Maine. This is one of the reasons I was asked to introduce this bill. I presented the bill. My presentation at the committee was nil because Mr. Marshall happened to be there and he was questioned by many of these attorneys on the committee. I have done my duty and it is up to this body to decide.

Mr. JUTRAS of York: Mr. President, I believe the best way to understand this bill — because both lawyers are right — is to visualize a situation where one member of our family was

involved in such a potential case and then realizing that we do represent the people of the State of Maine, let's vote according to our consciences.

Mr. HARDING of Aroostook: Mr. President and members of the Senate: I am speaking on this only as the Senator from Aroostook County. It is a long time ago, but prior to November 3rd I did have a law practice and people used to come to see me for legal advice. But as I recall in those months, which seem so long ago now, I have had occasion to be faced with this particular problem that the Senator from Penobscot, Senator Stern, has mentioned, and the Senator from Waldo, Senator Glass. They are both very distinguished lawyers, but I believe I concur with the Senator from Waldo, Senator Glass, in his views on this matter.

I would only point this out to you: it seems harsh, I suppose, that the plaintiff's lips are sealed and he cannot testify, but you must also bear in mind that the defendant's lips are sealed and he cannot testify either. The law only puts them both in the same spot. And remember this: that under existing law the plaintiff is free to prove his case by disinterested witnesses if he wishes, if he has disinterested witnesses who can come and testify and prove his case he still is free to do this. But if you change this, as the good Senator from Penobscot, Senator Stern, would have you do, it seems to me, having been faced with this as counsel for the plaintiff and also counsel for the defendant, that you are then placing the defendant in a very, very unfair position. He is dead, he cannot come back and tell you his side of the story. You only hear the plaintiff's side of the story. The way the law is now they are both in the same spot, neither one can testify and they are both put in the position of proving their case by disinterested witnesses. It appears to me that is the fair way to do it, and therefore I do support the position of the Senator from

Aroostook, Senator Violette, and the Senator from Waldo, Senator Glass, and it does trouble me to speak against the Senator from Penobscot, Senator Stern because I do admire him so much in his views.

Mr. STERN of Penobscot: Mr. President, I might say just briefly that I must take issue with my good friend Senator Glass when he says I have a personal interest. I do have a personal interest in a sense, but my personal interest is because of my contacts. This is what I more or less specialize in and these cases are thrown into my lap constantly. This interest that I have is so entwined and so wrapped up in the public interest that this is why I do feel it is my duty to speak on this matter.

When my good friend, Senator Harding, says that it is unfair that the defendant's death seals his lips also, I may remind this body that the art of advocacy, especially in a court room, when you have skilled counsel who are able to elicit on cross-examination the truth — and I do not believe there is a better vehicle in the world to elicit truth than cross examination — I believe that this more or less overcomes the fact that the defendant may not testify. I am sure that the skilled lawyers for the defense, among whom are some of the outstanding trial lawyers in the State of Maine who usually represent insurance companies, could, by proper cross-examination of the plaintiff, if he was telling a falsehood, telling a lie, they would be able to elicit any falsehood, and I think that a jury of twelve people, lay people, not lawyers, because we lawyers can't agree on anything, and that is why we turned out so many divided reports; but you get before a jury of twelve people picked from the community and I am sure that, after all the arguments and after all the testimony is presented, that they would be able to discern what is true and what is not true.

I personally do not care whether or not this Senate passes this bill but I do care, and I am grateful for the opportunity because this is the only time that you ladies and gentlemen of this Senate perhaps will ever have the opportunity to know that there is such a rule and the opportunity to decide whether or not it is fair or unfair and whether or not you should change it. All I ask is for the opportunity, for the privilege of bringing this to your attention. If you think that I have a personal interest, that it makes one bit of difference one way or the other, I will say it does not, and I am happy to say that at least I have had the opportunity to address you and convey to you my impressions and thoughts because of my own personal experience, and I have had plenty of it, believe me, in this particular field, because this is all I do. Thank you. I do have to be the judge and jury, so I will withdraw my "thank you."

Mr. JACQUES of Androscoggin: A division has been asked for, I assume?

The PRESIDENT: The Senator is correct.

Mr. SHIRO of Kennebec: Mr. President, I would simply like to ask two questions through the Chair of any senator, either on the Judiciary Committee or any other senator who feels they are capable of answering them.

The first question is: Whether or not the American Trial Lawyers Association has taken any stand on this particular type of legislation? The second question is: How does this particular amendment stand in relation to the laws that exist in other states?

The PRESIDENT: The Senator from Kennebec, Senator Shiro, directs two questions through the Chair to any senator who may answer if he so chooses.

Mr. JACQUES of Androscoggin: Mr. President, I don't know if I am answering his question but I was told there are sixteen states that have this law at present.

Mr. STERN of Penobscot: Mr. President, I have been told the

same thing, but in response to the question asked by Senator Shiro I might say that the Maine Trial Lawyers Association, of which many of us are members, are absolutely strongly in favor of this.

The PRESIDENT: The motion before the Senate is the motion to accept the Majority Ought not to pass report; a division has been requested.

A division of the Senate was had.

Sixteen having voted in the affirmative and sixteen opposed, the Chair ruled that the motion prevailed.

On motion by Mr. Harding of Aroostook

Recessed to the sound of the gong.

After Recess

Senate called to order by the President.

Five members of the Committee on Liquor Control on Bill, "An Act Relating to Definition of Club Under Liquor Laws." (S. P. 434) (L. D. 1368) reported in Report "A" that the same Ought To Pass. (Signed)

Senators:

JACQUES of Androscoggin
FALON of Penobscot
SOUTHARD

of Penobscot

Representatives:

COTE of Lewiston
HAYNES of Camden

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass. (Signed)

Representatives:

ROY of Winslow
BERNARD of Sanford
LUND of Augusta
FAUCHER of Solon
MEISNER

of Dover-Foxcroft

On motion by Mr. Jacques of Androscoggin, Report A, Ought to pass, was accepted, the bill read once and tomorrow assigned for second reading.

Second Readers

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

Resolve, Appropriating Moneys to Repair Runway of Rockland Airport. (H. P. 120) (L. D. 144)

Which was read a second time.

Mr. Hoffses of Knox presented Senate Amendment A (S-240) and moved its adoption.

Which amendment was read and adopted.

Mr. Brown of Hancock presented Senate Amendment B (S-238) and moved its adoption.

Which amendment was read and adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

House

Bill, "An Act Relating to the Sale of Fireworks." (H. P. 708) (L. D. 946)

Bill, "An Act Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit." (H. P. 589) (L. D. 781)

(Which was read a second time and on motion by Mr. Jacques of Androscoggin, tabled pending passage to be engrossed and especially assigned for later in today's session.)

Bill, "An Act Relating to Trial Terms of Superior Court in Washington County." (H. P. 416) (L. D. 528)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

House - As Amended

Bill, "An Act Establishing Clerk of Courts in Androscoggin County as Full-Time." (H. P. 939) (L. D. 1275)

Bill, "An Act Increasing Clerical Assistance for Justices of Superior Court." (H. P. 415) (L. D. 527)

Resolve, Authorizing Estate of Grace Haskell to Sue the State of Maine. (H. P. 339) (L. D. 442)

Bill, "An Act Relating to Property Tax Exemption for Pleasure Boats in the State for Storage or Repair." (H. P. 760) (L. D. 997)

Bill, "An Act to Create a Maine State Board of Human Research and Development." (H. P. 904) (L. D. 1232)

Which were Read a Second Time and Passed to be Engrossed, As Amended, in concurrence.

Bill, "An Act Providing for Adequate Fishways in Dams." (H. P. 1108) (L. D. 1524)

Bill, "An Act Relating to Licensing of Embalmers, Funeral Directors and Funeral Homes." (H. P. 964) (L. D. 1299)

Bill, "An Act Appropriating Funds for Construction of a Span on the Westport-Wiscasset Bridge." (H. P. 627) (L. D. 834)

Which were Read a Second Time and Passed to be Engrossed, As Amended, in Non-Concurrence.

Senate

Bill, "An Act Relating to Expenses of Members of Liquor Commission." (S. P. 519) (L. D. 1496)

(On motion by Mr. Jacques, read a second time and tabled pending passage to be engrossed, and especially assigned for later in today's session.)

Bill, "An Act Relating to Catching Lobsters by Skindivers." (S. P. 386) (L. D. 1202)

Bill, "An Act Relating to Dedication of Student Payments and Fees at the State Teachers Colleges and State Vocational-Technical Institutes." (S. P. 177) (L. D. 543)

Bill, "An Act Relating to Exemption of the State Teachers Colleges and State Vocational-Technical Institutes from Line Category Budget Control." (S. P. 180) (L. D. 545)

Bill, "An Act Revising the Electricians Licensing Laws." (S. P. 540) (L. D. 1538)

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

Senate — As Amended

Bill, "An Act to Create the Unit Ownership Act." (S. P. 194) (L. D. 766)

(Read a second time. Mr. Violette of Aroostook presented Sen-

ate Amendment A which was read and adopted.)

Bill, "An Act Revising the Laws Relating to Disclosures of Debtors." (S. P. 264) (L. D. 813)

Bill, "An Act Requiring all Municipalities to Join School Administrative Districts by 1970." (S. P. 349) (L. D. 1115)

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

Sent down for concurrence.

On motion by Mr. Jacques of Androscoggin, the Senate voted to reconsider its action just taken whereby it passed to be engrossed, Item 7-17, bill, "An Act Revising the Electricians Licensing Laws." (S. P. 540) (L. D. 1438)

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

Which amendment (S-236) was read and adopted, and the bill as amended was passed to be engrossed and sent down for concurrence.

On motion by Mr. Jutras of York, the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be engrossed Item 7-14, bill, An Act Relating to Catching Lobsters by Skindivers. (S. P. 386) (L. D. 1202)

Mr. JUTRAS of York: Mr. President, I move the indefinite postponement of this Item 7-14.

Mr. JACQUES of Androscoggin: Mr. President, I tried to get the attention of the Senator from York, Senator Jutras. The amendment that I have in my hand will be presented in the House tomorrow. This is one of the reasons it was not reproduced and this is one of the reasons that the bill was not amended. I move that when the vote is taken that it be taken by a division.

The PRESIDENT: A division has been requested.

Mr. JUTRAS of York: Mr. President, I would like to explain, if possible, the reason for my action this morning on this bill. We are having a lobster interim study, and in view of that fact we are trying to be fair to all

concerned. I believe that this bill should be indefinitely postponed because it is a bill affecting the management and protection of the lobster industry. I was under the impression yesterday that we would have an amendment but since it has not come out I must move for this action at this time. We will study these problems in the lobster industry and also allowing skin-divers to have specific areas to skin-dive in. We will consider this problem and also listen to the cause of the skin-divers. This bill does concern the lobster industry, and we are having this study because all the lobster bills presented in this session were bad bills and this is one of them.

The PRESIDENT: The motion before the Senate is the motion of Senator Jutras of York that the bill be indefinitely postponed. A division has been requested.

A division of the Senate was had.

Seventeen having voted in the affirmative and twelve opposed, the motion to indefinitely postpone prevailed.

The PRESIDENT: The Chair would like to recognize in the back of the Senate Chamber, the wife of one of our Senators, Senator O'Leary. Would Mrs. O'Leary please stand and be recognized? (Applause)

ENACTORS

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

Bill, "An Act Relating to Establishment and Operation of Regional Technical and Vocational Centers." (H. P. 32) (L. D. 44)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Increasing Retirement Benefits Under State Retirement System." (H. P. 88) (L. D. 97)

(On motion by Mr. Duquette of York, placed on the Special Ap-

propriations Table pending passage to be enacted.)

Bill, "An Act Relating to Registration Fee for Motor Vehicles Operated Exclusively on Certain Islands." (H. P. 1024) (L. D. 1387)

Bill, "An Act Qualifying the State for Full Participation in Vocational Education Act of 1963." (S. P. 78) (L. D. 223)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Relating to Information Against Attorneys." (S. P. 285) (L. D. 847)

Bill, "An Act Providing for the Formation of Sanitary Districts." (S. P. 275) (L. D. 855)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Which Bills were Passed to be Enacted.

Resolve, Authorizing Fred P. Haskell to Bring Civil Action Against the State of Maine. (S. P. 541) (L. D. 1539)

Orders of the Day

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table Item 7-13 on page 6 of the calendar, Bill, "An Act Relating to Expenses of Members of Liquor Commission" (S. P. 519) (L. D. 1496) tabled by that Senator earlier in today's session pending passage to be engrossed; and the same Senator presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted and the bill as amended was passed to be engrossed and sent down for concurrence.

The PRESIDENT: At this time the Chair would like to recognize in the back of the Senate Chamber a former Governor of our state, former Governor Barrows of Newport. (Applause)

On motion by Mr. Harding of Aroostook

Recessed until three o'clock this afternoon.

After Recess

Senate called to order by the President.

The President laid before the Senate the 1st tabled and especially assigned item (H. P. 137) (L. D. 333) House Report; Ought not to pass from the Committee on Judiciary on Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure"; tabled on May 17, by Senator Jacques of Androscoggin pending acceptance of report; and on motion by Mr. Harding of Aroostook, the bill was retabled and especially assigned for later in today's session.

The President laid before the Senate the 2nd tabled and especially assigned item (H. P. 742) (L. D. 979) Bill, "An Act Establishing the Fire Fighters Arbitration Law"; tabled on May 17, by Senator Snow of Cumberland pending reading of Committee Amendment "A"; Filing H-293; and on motion by Mr. Snow of Cumberland, Committee Amendment A was read and adopted.

Thereupon, on motion by Mr. O'Leary of Oxford, the rules were suspended, the bill was given its second reading and passed to be engrossed as amended in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the 3rd tabled and especially assigned item (H. P. 741) (L. D. 978) House Reports; from the Committee on Labor on Bill, "An Act Protecting the Right of Public Employees to Join Labor Organizations"; Majority Report, Ought not to pass; Minority Report, Ought to pass; tabled on May 19, by Senator Glass of Waldo pending motion by Senator Chisholm of Cumberland to accept the Majority Ought not to pass report.

Mr. O'LEARY of Oxford: Mr. President, I would oppose the motion to accept the Ought to pass report of the Committee and I would like to say a few words as to this.

I have an amendment that I will offer that strikes out the objectionable language in this L.D. and I would like to say a few words on this.

This bill just gives the right to join or not to join organizations. This is the right of every other United States citizen. I would also like to point out that President Kennedy in one of his first acts issued an executive order, No. 10988, which granted the same right to all federal employees. Are we going to discriminate against our own employees in this state?

There are only two states that do not have this type of legislation and they are Maine and Mississippi? To vote against this is to say that we think that unions are fine for every employee in the State of Maine except those who work for us. This bill simply tells these employees that we do not object to their joining an organization of their choice. You may say they have an organization now, but I would debate that. I would like to point out that there is a paper here put out by the Maine State Employees Association and it says in the headlines, "Labor Will Organize the State." There is nothing in the state laws now that says they cannot organize. I would further point out to you that this is a captive union, you have to belong to this union or you get no insurance. This bill here says you will not intimidate or coerce. This is coercion.

I would move that we defeat this motion to accept the majority report of the committee and ask you to go a long with me so I can offer this amendment to this bill.

Mr. MAXWELL of Franklin: Mr. President, I notice this is pending a motion by Senator Chisholm and I notice she is not here, so I would like to table this until the next legislative day.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Franklin, Senator Maxwell, to table the bill until the next legislative day pending the motion of Senator Chisholm

of Cumberland to accept the Majority Ought not to pass report.

Mr. O'LEARY of Oxford: Mr. President, I would ask for a division on the tabling motion.

A division was had.

Thirteen having voted in the affirmative and fourteen opposed, the motion to table did not prevail.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Cumberland, Senator Chisholm, to accept the Majority Ought not to pass report.

Mr. BERNARD of Penobscot: Mr. President, I ask for a division on this motion.

Mr. JACQUES of Androscoggin: Mr. President, so I understand that the Judiciary Committee is meeting and they are having a committee hearing this afternoon?

The PRESIDENT: The Chair is not sure of that.

Mr. JACQUES: The only reason I am saying this is that the Senator from Waldo, Senator Glass, is not here and the Senator from Cumberland, Senator Chisholm is not here, and Senator Glass is the one that had moved to table this bill and I think we should either have him here or table this until they are present.

The PRESIDENT: The Senate will be at ease and will the Senator from Aroostook, Senator Harding approach the rostrum.

(Conference at rostrum)

Senate called to order by the President.

On motion by Mr. Harding of Aroostook, the Senate

Recessed for five minutes.

After Recess

Senate called to order by the President.

The PRESIDENT: The motion before the Senate is the motion of Senator Chisholm of Cumberland to accept the Majority Ought not to pass report on Item 3 on Page 7, bill, "An Act Protecting the Right of Public Employees to Join Labor Organizations"; and a division on the motion has been requested.

A division of the Senate was had.

Twelve having voted in the affirmative and eighteen opposed, the motion to accept the Ought Not to Pass report did not prevail.

Thereupon, the Minority Ought to pass report was accepted and the bill read once.

Mr. O'Leary of Oxford presented Senate Amendment B (S-243) and moved its adoption.

Which amendment was read and adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 4th tabled and especially assigned item (S. P. 439) (L. D. 1370) Senate Report; Ought not to pass from the Committee on Taxation on Bill, "An Act Relating to Class A and Class B Taxes Under Inheritance Tax Law"; tabled on May 19, by Senator Stern of Penobscot pending acceptance of Report; and on motion by Senator Maxwell of Franklin, the Ought not to pass report of the committee was accepted.

Sent down for concurrence.

The President laid before the Senate the 5th tabled and especially assigned item (H. P. 867) (L. D. 1164) Bill, "An Act Creating a Second Assistant County Attorney for Androscoggin County"; tabled on May 19, by Senator Stern of Penobscot pending adoption of Senate Amendment "A" Filing S-205.

Which amendment was adopted, and the bill as amended was passed to be engrossed in non-concurrence and sent down for concurrence.

The President laid before the Senate the 6th tabled and especially assigned item (S. P. 50) (L. D. 221) Bill, "An Act Creating a Second Assistant County Attorney for Penobscot County"; tabled on May 19, by Senator Smith of Cumberland pending passage to be engrossed; and that Senator yielded to the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President, I assume by the fact that Senator Smith yields to me, that he no longer has any objection to a Second Assistant County Attorney for Penobscot County and I move the pending question.

Thereupon, the bill was passed to be engrossed and sent down for concurrence.

The President laid before the Senate the 7th tabled and especially assigned item (H. P. 748) (L. D. 985) House Reports; from the Committee on Liquor Control on Bill, "An Act Relating to Definition of Hotel Under Liquor Law."; Majority Report, Ought to pass in new Draft under same title (H. P. 1063) (L. D. 1439) Minority Report, Ought not to pass; tabled on May 19, by Senator Harding of Aroostook pending acceptance of either report.

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

Mr. MENDELL of Cumberland: Mr. President, I now move the indefinite postponement of this bill and all its papers.

Mr. JACQUES: Mr. President, when the vote is taken I ask that it be taken by division.

A division of the Senate was had.

Four having voted in the affirmative and twenty-six opposed, the motion to indefinitely postpone did not prevail.

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

The President laid before the Senate the 8th tabled and especially assigned item (H. P. 1096) (L. D. 1493) "Resolve, Repealing Authorization for Disposal of Western Maine Sanatorium"; tabled on May 19, by Senator Harding of Aroostook pending passage to be engrossed.

Mr. Norris of Oxford presented Senate Amendment A and moved its adoption.

Which amendment (S-239) was read and adopted.

On motion by Mr. Duquette of York, the resolve was tabled pending the motion by Senator Norris of Oxford to adopt Senate Amendment A, and was especially assigned for later in today's session.

The President laid before the Senate the 9th tabled and especially assigned item (H. P. 842) (L. D. 1143) House Report; Ought to pass from the Committee on Natural Resources on Bill, "An Act Classifying Certain Waters of East Branch of Sebasticook River"; tabled on May 19, by Senator Maxwell of Franklin pending acceptance of report.

Mr. MAXWELL of Franklin: Mr. President, I move acceptance of the Ought to pass report.

Mr. STERN of Penobscot: Mr. President, I would like to address the Senate if I may.

The PRESIDENT: The Senator may.

Mr. STERN: Mr. President, with a sigh of relief I would like to tell this body, and perhaps you will also sigh with relief when I tell you that before I stood up here I intended to make a two-hour speech in opposition to this particular bill, but several things have come up and I feel I owe a duty to my constituents and my constituents want me to address this body to point certain things.

Many of you have noticed that when you came in here this morning all of you had been presented with a gift of a rare and exotic perfume from Lake Sebasticook. This is one of the reasons, perhaps, that we are not here to oppose this bill in any way. But this has been a serious problem and Eastland Woolen Mills of Clinton, Corinna and Orono, Maine and the Baxter Canning Company, both of which are very large manufacturers had originally intended to oppose this. I have received several hundred names of employees that were all upset over the fact they would perhaps lose their industry and they wanted me to oppose it because they felt it was more important to retain this industry than to clean up the stream. For-

unately, after a great deal of discussion with the Eastland Woolen Mills, I pointed out to them—and you will note this because apparently it is true that we are much more liberal than our good friends the Senators from Aroostook County, and the Senators from Penobscot County are not trying to do anything to obstruct the cleaning up of these streams and lakes—and the Eastland Woolen Mills have instructed me, so that it will be known and a matter of record that because of the contents which you see in these bottles and because of the tremendous pollution of this Lake Sebasticook they have now decided that they will cooperate and hope that the State will cooperate with them. It is a wonderful thing if we can clean up these streams and also retain our industries. The Eastland Woolen Mills perhaps are the last few remaining firms we have in the woolen industry and they want it to be on record and they want it to be known that they are withdrawing all opposition, and they want me to so state before this body, and they do hope they can do their part in cooperation with the State by cleaning up these streams.

I wish to close by thanking this body to permit me to go on record and state that they are withdrawing their opposition because they feel that this particular stream is in a horrible condition and they want to do everything they can to cooperate with the State in cleaning it up.

Mr. MAXWELL of Franklin: Mr. President and ladies and gentlemen of the Senate: It is with a great sigh of relief that I get up and congratulate my fellow senator from Penobscot for the words that he just said. Perhaps he looked over on my desk and saw that I had 1742 names, I have two or three books, I have a letter from the American Legion in Newport, I have a letter from Lewis O. Barrows of Newport, and several others from interested people. I won't read them now, but I will just reiterate that I hope you accept the "Ought to pass" report.

Mr. BERNARD of Penobscot: Mr. President, I want to add my sigh of relief to that of the other good senators.

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

Subsequently, on motion by Mr. Faloon of Penobscot, the Senate voted to reconsider the assignment for second reading and on further motion by the same Senator, the rules were suspended and the bill was read a second time and passed to be engrossed in concurrence.

The President laid before the Senate the 10th tabled and especially assigned item (S. P. 43) (L. D. 214) Senate Reports from the Committee on State Government on "Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate"; Majority Report, Ought not to pass; Minority Report, Ought to pass, in New Draft (S. P. 539) (L. D. 1529) (Submitted herewith); tabled on May 19, by Senator Harding of Aroostook pending acceptance of either report; and on motion by Mr. Mendell of Cumberland, the resolve was retabled and especially assigned for the next legislative day.

The President laid before the Senate the 11th tabled and especially assigned item (H. P. 626) (L. D. 833) House Report; Leave to Withdraw from the Committee on Health & Institutional Services on Bill, "An Act Relating to Relative's Financial Responsibility to Recipients of Aid to the Aged, Blind or Disabled"; Tabled on May 19, by Senator Carter of Kennebec pending acceptance of report; and on further motion by the same Senator, the bill was retabled and especially assigned for later in today's session.

The President laid before the Senate the 12th tabled and especially assigned item (H. P. 71) (L. D. 81) House Reports; from the Committee on Judiciary on Bill, "An Act Relating to Sale or Inhaling of Certain Glue Vapors";

Majority Report, Ought to pass, in New Draft under title of "An Act Relating to the Inhalation of Certain Vapors and to the Possession of Certain Drugs." (H. P. 1123) (L. D. 1533) Minority Report, Ought not to pass; tabled on May 19, by Senator Violette of Aroostook pending acceptance of either report.

On motion by Mr. Glass of Waldo, the Majority Ought to pass report was accepted and the bill read once.

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

Which amendment (S-223) was read and adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 13th tabled and especially assigned item (S. P. 531) (L. D. 1519) Bill, "An Act Relating to Salaries of County Officers in the Several Counties of the State"; tabled May 19, by Senator Jacques of Androscoggin pending passage to be engrossed; and on motion by Mr. Girard of Androscoggin, the bill was passed to be engrossed and sent down for concurrence.

The President laid before the Senate the 14th tabled and especially assigned item (S. P. 44) (L. D. 215) "Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions"; tabled on May 19, by Senator Harding of Aroostook pending motion by Senator Mendell of Cumberland to Insist and Asked for a Committee of Conference; and that Senator was granted permission to withdraw his motion to insist and ask for a Committee of Conference.

Thereupon, on motion by the same Senator, the Senate voted to insist.

The President laid before the Senate the 15th tabled and especially assigned item (H. P. 102) (L. D. 110) House Report; Ought not to pass from the Committee on Taxation on Bill, "An Act Relating to Sweepstake Races and

Allocating Proceeds for Educational Purposes"; tabled on May 19, by Senator Faloona of Penobscot pending motion by Senator Maxwell of Franklin to accept the Ought not to pass Report; and on motion by Mr. Harding of Aroostook, the bill was retabled and especially assigned for tomorrow.

Out of order and under suspension of the rules:

Senate Committee Reports

Leave to Withdraw

Mr. Hoffses from the Committee on Industrial and Recreational Development on

Bill, "An Act to Create the Maine Tourist Development Commission." (S. P. 426) (L. D. 1361) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

Mr. Violette from the Committee on Judiciary on

Bill, "An Act Relating to Bonds in Attachment on Trustee Process." (S. P. 400) (L. D. 1225) reported that the same Ought Not to Pass.

The same Senator from the same Committee on

Bill, "An Act Relating to Age of Operators of Motor Vehicles." (S. P. 398) (L. D. 1223) reported that the same Ought Not to Pass

Which reports were read and accepted and sent down for concurrence.

Ought to Pass — As Amended

The same Senator from the same Committee on Recommitted Bill, "An Act Relating to Title References in Conveyances of Real Estate." (S. P. 399) (L. D. 1224) reported that the same Ought to Pass As Amended by House Amendment "A" (H-232)

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

Six members of the Committee on Judiciary on

Bill, "An Act Relating to Comparative Negligence in Civil Actions." (S. P. 201) (L. D. 582)

reported in Report "A" that the same Ought to Pass in New Draft "A".

(Signed)

Senator:

STERN of Penobscot

Representatives:

GILLAN of South Portland

DAVIS of Calais

BRENNAN of Portland

DANTON

of Old Orchard Beach
BERMAN of Houlton

Three members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft "B".

(Signed)

Senators:

GLASS of Waldo

VIOLETTE of Aroostook

Representative:

BISHOP of Presque Isle

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

(Signed)

Representative:

RICHARDSON

of Cumberland

On motion by Mr. Violette of Aroostook, tabled pending acceptance of one of the reports and especially assigned for the next legislative day.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Weight of 3-Axle Trucks." (S. P. 155) (L. D. 395) have had the same under consideration and ask leave to report: that the House Reconsider its action whereby it Passed this Bill to be Engrossed, Adopt Senate Amendment "A" (S-115) and Pass The Bill to be Engrossed, As Amended, in concurrence.

Which report was read and accepted.

Final Reports

The Chairman of the Joint Standing Committee on Industrial & Recreational Development, Mr.

Jacques of Androscoggin, submits the final report of the Committee.

The Chairman of the Joint Standing Committee on Labor, Mr. O'Leary of Oxford, submits the final report of the Committee.

The Chairman of the Joint Standing Committee on Liquor Control, Mr. Jacques of Androscoggin, submits the final report of the Committee.

The Chairman of the Joint Standing Committee on Natural Resources, Mr. Dunn of Kennebec, submits the final report of the Committee.

The Chairman of the Joint Standing Committee on State Government, Mr. Stern of Penobscot, submits the final report of the Committee.

Which reports were read and accepted.

Second Readers

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

House

Bill, "An Act Relating to Definition of Sale Price Under Sales Tax Law." (H. P. 1132) (L. D. 1551)

Bill, "An Act to Provide for Fair Minimum Wages for Construction of Public Improvements". (H. P. 1124) (L. D. 1534)

House - As Amended

Bill, "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies." (H. P. 1130) (L. D. 1545)

Senate

Bill, "An Act Relating to Definition of Club Under Liquor Laws." (S. P. 434) (L. D. 1368)

Which were read a second time and passed to be engrossed.

The President laid before the Senate, Item 6-3 bill, "An Act Increasing Salary of Commissioner of Labor and Industry" (H. P. 23) (L. D. 26) tabled earlier in today's session by Stern of Penobscot; and on motion by Mr. O'Leary of Oxford the Senate voted to recede and concur.

The President laid before the Senate, Item 6-12 Bill, "An Act Authorizing Payroll Deductions for Union Dues of Certain Governmental Employees" (S. P. 446) (L. D. 1383) tabled earlier in today's session by Senator Harding of Aroostook; and Mr. O'Leary of Oxford moved acceptance of the Majority Ought to pass report of the Committee.

Mr. HILTON of Somerset: I rise to oppose this measure. There are a good many small towns and this is going to make a burden on the townspeople to deduct these amounts of money for union dues. I do not think it is necessary, I think the wages are good enough so they won't have to join a union and the way some of them work I don't think they have anything to kick about. We just passed a bill for fair minimum wages for public improvements and I think that will be enough. If they have the regulation that you should pay fair wages I do not think they will need to join a union. When the vote is taken I ask for a division.

Mr. O'LEARY of Oxford: Mr. President, I think the Senator is confused on this item. This bill here is permissive legislation and it says "may be made from the salary of any state, county or municipal employees." This would perhaps put a little burden on the town treasurer or county treasurer or state treasurer but it is sort of a protection for the employee. I know in a number of labor agreements there are certain stipulations as to when your dues must be paid. Sometimes an employee overlooks this and the first thing he knows he is out of a job. I would not think this type of legislation would be objectionable to anyone.

The PRESIDENT: The motion is the motion of Senator O'Leary of Oxford to accept the Majority Ought to pass report, and a division has been requested.

A division of the Senate was had.

Twenty-two having voted in the affirmative and nine opposed, the motion prevailed, the Ought to pass report was accepted, the bill

read once and tomorrow assigned for second reading.

The President laid before the Senate Item 7-3, bill, "An Act Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit" (H. P. 589) (L. D. 781) tabled earlier in today's session by Senator Jacques of Androscoggin pending passage to be engrossed.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: I did not appear in committee to oppose this bill but I do not like the way it reads. An officer could chase you from Lewiston to Auburn or from Auburn to Lewiston just to find out who was riding in your car and say to you that he is stopping you because you have committed a felony and he could detain you for fifteen or twenty minutes. This has been tried in this legislature before, it has been here I don't know how many times. It was defeated and it is being tried again. I believe with all of the radios they have at the present time there is not any need of such legislation. They can still follow them and have an officer in the area from the town where they are pursuing this vehicle or this gentleman or lady. With the radios they have at the present time they could call in and get the State Police, because you see them on most of these roads. So I would think that the senate would carefully consider this bill before they do adopt this type of law. I think this is the only objection I would have, that they would detain any person that they wanted to, and, as I say, with the radios we have today I do not see any reason why this should be put into law.

Mr. SNOW of Cumberland: Mr. President, could you ask the Secretary to read the committee report on this bill.

The PRESIDENT: The Secretary will read the committee report.

Mr. JACQUES of Androscoggin: Mr. President, I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Androscoggin, Senator

Jacques, moves indefinite postponement of (L. D. 781)

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, I yield to the Senator from Waldo, Senator Glass.

Mr. GLASS of Waldo: Mr. President, I am out of breath. I left my top down, ladies and gentlemen, and those stairs are rugged. May I inquire through the Chair: for what reason did the Senator from Aroostook yield.

The PRESIDENT: The Senator from Waldo, Senator Glass, directs an inquiry through the Chair to the Senator from Aroostook, Senator Violette, who may answer if he chooses.

Mr. VIOLETTE of Aroostook: Well Mr. President, I will answer the good senator that this is the fresh pursuit bill which actually was recommitted to the committee upon the request of Senator Glass, and in view of the conflicting reports which have come out of our committee I would leave it up to you, Senator.

Mr. GLASS of Waldo: Mr. President, I feel that I can defend this bill. If I am being repetitious you will forgive me because I wasn't here.

This is a bill that permits municipal police officers to follow cars and arrest the operators in jurisdictions other than the jurisdiction in which the municipal police car is based. As the law now stands today there is a great deal of confusion. There are counsel who argue that this is a common law right, that a police officer while in fresh pursuit of any person committing a misdemeanor in his presence has a right to follow this person from one jurisdiction into another to make this arrest. There are other attorneys who argue just as strenuously that this right does not exist. If the right does exist, this bill merely a codification of the common law. I know the situation now exists in many municipalities, particularly along the coast with so-called hot rodders and youngsters who are racing automobiles, they can and do as they pass the town line, thumb

their nose at the police officer who chases them, and unless the police can and actually does recognize the operator of the motor vehicle so that subsequently he could obtain a complaint and warrant for the arrest of this individual, the person who drives the car in such a fashion goes completely free.

Now I have heard arguments in opposition to the bill and I think the arguments have some merit. Police officers without sufficient experience, constables, other part time law enforcement officers—this could create hazards under certain circumstances. Generally I don't think it would be abused and consequently I would move that it pass to be enacted—or is it a second reader, Mr. President?

The PRESIDENT: The motion before the Senate is the motion of the Senator from Androscoggin, Senator Jacques, that the bill be indefinitely postponed.

Mr. GLASS: Mr. President, I will merely say that I hope his motion does not prevail.

Mr. SMITH of Cumberland: Mr. President, I wonder how far they have to pursue them. To the Canadian line? I have known several police departments throughout the state who have chased people and have demolished the city car or city motorcycle and there should be some definition in this whether they chase them to the Canadian line or the distance they are allowed to chase them. What is the distance?

Mr. GLASS: Mr. President, that would depend on the amount of gas in their tank.

Mr. JACQUES: Mr. President, we have this situation between Lewiston and Auburn and at the present time, under the law now, I believe the bill reads, "felony." Am I correct. Mr. President, I ask this question of Mr. Glass.

The PRESIDENT: The Senator from Androscoggin, Senator Jacques, directs an inquiry to the Senator from Waldo, Senator Glass who may answer if he so chooses.

Mr. GLASS of Waldo: Mr. President, the law is clear as I understand it. There are those, however, who might differ with

me in this connection a little. The law is clear in connection with felonies and the law is clear in connection with the right of state police whose jurisdiction is statewide. This bill would permit officers to follow an individual in fresh pursuit in misdemeanors. This is the bill that is before the Senate.

Mr. JACQUES: Mr. President, at the present time we might have an Auburn police officer chasing a car going to Lewiston and they are allowed to follow it but as soon as they get into Lewiston they either call a Lewiston policeman and the Lewiston police can get to the scene where the Auburn officer has stopped the man or has followed him and by radio they can do this and every community today has radio. I don't believe in a misdemeanor where most of the time it isn't very important; and this bill has come here as long as I have been here, and that's a couple of years now, and I don't see any need of having this law on our books.

The Secretary read Committee report No. 1 and Committee report No. 2, from the Committee on Judiciary.

Mr. JACQUES of Androscoggin: Mr. President, I move for indefinite postponement.

Mr. VIOLETTE of Aroostook: Mr. President, I yield to the Senator from Waldo, Senator Glass.

Mr. GLASS of Waldo: Mr. President, might I inquire for what reason did the Senator yield?

The PRESIDENT: The Senator from Waldo, Senator Glass, directs an inquiry to the Senator from Aroostook, Senator Violette, who may answer if he so chooses.

Mr. VIOLETTE: Mr. President, perhaps I could explain the thinking of some of the members of the committee with regard to the first report which came out unanimously, Ought not to Pass. There was quite a bit of concern in my own mind as to whether or not the police officers ought to have that authority with regard to misdemeanors. I have this concern in my mind for more than one reason, but principally as a defense attorney and I can explain the situation which occurs in my

town where the built up part of Van Buren is situated right on a corner which adjoins two plantations, Cyr Plantation and Hammond Plantation and it has been the frequent activity of some of our younger people with a heavy foot on the pedal to race through town and then scoot across to Cyr Plantation and Hammond Plantation and the constables and police officers have to suspend the chase when they get to that line which very often is not much of a chase because they can't even build up speed before they get to the town line.

I know that this problem has existed in various communities. I recognize that when you talk about Auburn and Lewiston, where there is interconnection by radio between your cities that these problems do not arise, but in your rural areas where very often you have a fair-sized town such as, I will say Van Buren and others, and then you have plantation or adjacent towns which actually have no police departments, and the matter of being able to pursue these people is of considerable importance to them. I realize that in the matter of misdemeanors this matter of fresh pursuit does present a problem in that the offense might not justify some particular action of the police department in pursuing a fleeing car a good distance.

I am merely submitting to you the thinking process that I underwent in my willingness to go along with the "Ought to pass" report in the second instance. I think there is merit to the situation, particularly in regard to speeding motorists who dash across town lines. I have known of more than one case incidentally, in our municipal court, where a police officer has pursued a car outside the town limits of Van Buren. I feel there is considerable merit to this bill, although there are some inherent risks in it.

Mr. JUTRAS of York: Mr. President, in view of the fact that the first committee report was a unanimous "Ought not to pass" and that the second report a unanimous "Ought to pass" report from the famous committee on Judici-

ary Committee which this morning called for the wisdom of Solomon, Mr. President, for you to break a tie on L. D. 1026, I believe the only way to settle this issue today is for us to vote 16 to 16 and let you break the tie.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: At the present time you can have constables working in mills that are appointed by the town officials to be either weighers or anything else. The good Senator Violette said to us that a constable could pursue, and if that happens it means that any constable in the mill could get in his car and if he sees this guy speeding along he could go out and follow him into Cyr Plantation and arrest this gentleman. We have sheriffs' departments and state police and I believe Aroostook County has many of these state police. We have enacted many new laws this year for Aroostook County, we gave them the sugar beet and we gave them many other bills, so maybe if they lost this one they wouldn't feel too bad.

Mr. VIOLETTE of Aroostook: Mr. President, I would like to inform the good Senator from Androscoggin, Senator Jacques, that this bill does not arise through someone from Aroostook County.

A division of the Senate was had.

Twelve having voted in the affirmative and nineteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, the bill was passed to be engrossed in concurrence.

The President laid before the Senate Item 1 on page 7, (H. P. 137) (L. L. 333) House Report, "Ought not to pass," from the Committee on Judiciary on bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure"; tabled earlier in today's session by Senator Harding of Aroostook pending acceptance of either report.

Mr. VIOLETTE of Aroostook: Mr. President, I move acceptance of the "Ought not to pass" report.

Mr. STERN of Penobscot: Mr. President, at this time I would

like to present an amendment to L. D. 333.

The PRESIDENT: The Chair would inform the Senator that an amendment at this time is not in order. The motion before the Senate is to accept the "Ought not to pass" report of the Committee. This is a debatable motion.

Thereupon, on motion by Mr. Stern of Penobscot, the bill was tabled pending the motion of Senator Violette of Aroostook to accept the Ought not to Pass report and was especially assigned for tomorrow.

The President laid before the Senate Item 8 on page 8 (H. P. 1096) (L. D. 1493) Resolve Repealing Authorization for Disposal of Western Maine Sanatorium; tabled earlier in today's session by Senator Duquette of York pending adoption of Senate Amendment "A"; and on further motion by the same Senator, the bill was retabled and especially assigned for the next legislative day.

The President laid before the Senate Item 11 on page 8, (H. P. 626) (L. D. 833) bill, "An Act Relating to Relative's Financial Responsibility to Recipients of Aid to the Aged, Blind or Disabled," tabled earlier in today's session by Senator Carter of Kennebec pending acceptance of the report (Leave to Withdraw).

Mr. CARTER of Kennebec: Mr. President, I had hoped that by the time you got to this item, I would have the amendment ready but it has not been completed. I move to substitute the bill for the report.

The motion prevailed, the bill was substituted for the report, read once and tomorrow assigned for second reading.

Mr. EARDING of Aroostook: Mr. President, I would like to inquire if the Senate has in its possession, L. D. 16, H. P. 16, bill, An Act Providing for Penobscot County Funds for Buildings for Education Programs for Retarded Children in Penobscot County.

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

Thereupon, on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

Mr. HARDING of Aroostook: Mr. President, I would inquire if the Senate has in its possession S. P. 417, L. D. 1312, bill, "An Act Relating to Costs and Attorney's Fees under Workmen's Compensation Law.

The PRESIDENT: The Chair would inform the Senator that it has, having been held at the request of the Senator.

Thereupon, on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be enacted; and on further motion by the same Senator, the bill was tabled pending passage to be enacted.

Mr. MENDELL of Cumberland: Mr. President, is the Senate in possession of L. D. 608, H. P. 454, bill, "An Act Increasing Interest Rates for Small Loans Agencies"?

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

Thereupon, on motion by Mr. Mendell of Cumberland, the Senate voted to reconsider its action whereby it accepted the Ought not to pass report, and Mr. Mendell moved that the bill be tabled.

Mr. HARDING of Aroostook: Mr. President, might I inquire of the Senator if he would consider tabling this until the next legislative day.

Mr. MENDELL: Mr. President, I would be very happy to if I can get the amendment drawn. I will assign it for the next legislative day.

The motion prevailed and the bill was tabled pending acceptance of the report and was especially assigned for the next legislative day.

On motion by Mr. Harding of Aroostook

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