

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

Monday, May 24, 1965

Senate called to order by the President.

Prayer by the Rev. Gerald Palmquist of Winthrop.

On motion by Mr. Violette of Aroostook, the Journal of yesterday was Read and Approved.

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

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

In Senate, May 20, Passed to Be Engrossed as amended by Committee Amendment "A" and by Senate Amendment "A" thereto, and by Senate Amendment "B" in non-concurrence. (S-225)

Comes from the House Passed to Be Engrossed as amended by Committee Amendment "A", (H-266) as amended by Senate Amendment "A" (S-211) thereto in Non-concurrence.

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

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

In Senate, May 20, Report "A" Ought to Pass accepted, Bill Passed to Be Engrossed.

Comes from the House, Report "B" Ought not to pass accepted in Non-concurrence.

In the Senate, on motion by Mr. Brown of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; the same Senator presented Senate Amendment A and moved its adoption.

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

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

In Senate, May 20, Passed to Be Engrossed as amended by Committee Amendment "A" (S-228)

Comes from the House Ought not to pass Report accepted in Non-concurrence.

In the Senate, on motion by Mr. Violette of Aroostook, the bill was tabled pending consideration and especially assigned for later in today's session.

Bill, "An Act Relating to Exemption of the State Teachers Colleges and State Vocational-Technical Institutes from Line Category Budget Control." (S. P. 810) (L. D. 545)

In Senate, May 20, Passed to Be Engrossed.

Comes from the House, Ought not to pass Report accepted in Non-concurrence.

In the Senate, on motion by Mr. Harding of Aroostook, the Senate voted to recede and concur.

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)

In Senate, May 20, Passed to Be Engrossed.

Comes from the House, Ought not to pass Report accepted in Non-concurrence.

In the Senate, on motion by Mr. Harding of Aroostook, the Senate voted to recede and concur.

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

In Senate, May 19, Passed to Be Engrossed as amended by Senate Amendment "A" (S-214)

Comes from the House, Passed to Be Engrossed as amended by Senate Amendment "A" (S-214) in Non-concurrence.

In the Senate, on motion by Mrs. Chisholm of Cumberland, the Senate voted to recede and concur.

Communications**Intergovernmental Relations****Commission**

State House, Room 317
Augusta, Maine 04330

May 24, 1965

To the Honorable Senate
and House of Representatives
102nd Legislature

At the direction of the Maine
Intergovernmental Relations Com-

mission, I am pleased to transmit herewith, the Commission's report on its activities and projects during its first year of operation.

A copy of this report has been submitted to Governor John H. Reed.

Respectfully,

Frederick W. Kneeland
Executive Secretary

FWK-efb SP 573

Read and ordered placed on file and sent down for concurrence.

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine 04330

May 19, 1965

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

The Speaker of the House on May 21, appointed the following Conferees on the disagreeing action of the two branches of the Legislature on (H. P. 342) (L. D. 445), Bill, "An Act Relating to Employment of Minors under 16 Years of Age:"

Messrs: DUMONT of Augusta

LEVESQUE

of Madawaska
KITTREDGE

of South Thomaston

Respectfully submitted,

Jerome G. Plante
Clerk of the House

Read and placed on file.

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine

May 24, 1965

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

Sir:

The Speaker of the House on May 21, appointed the following Conferees on the disagreeing action of the two branches of the Legislature on (H. P. 260) (L. D. 330), Bill, "An Act Relating to Uniforms for Deputy Sheriffs:"

Messrs: BERNARD of Sanford

HARRIMAN of Hollis
DRIGOTAS of Auburn
Respectfully submitted,

Jerome G. Plante
Clerk of the House

Read and placed on file.

Orders

On motion by Mr. Casey of Washington,

ORDERED, the House concurring, that the Legislative Research Committee is directed to employ professional consultants to obtain the information necessary to determine whether changes are needed to improve the State Personnel Laws, Special emphasis in the study to be given to the areas of classification and salary, present rules and regulations governing the hiring and discharging of state employees, and all phases of Personnel Department policies, functions and administration; and be it further

ORDERED, that a report of such study together with any recommendations deemed necessary be made to the 103rd Legislature.

SP 569

Which was Read and Passed.

Sent down for concurrence.

Order

Mr. Boisvert of Androscoggin presented the following Order

WHEREAS, freight transportation service and costs are important factors in the economic and industrial growth of this State; and

WHEREAS, the Public Utilities Commission is of the opinion that the basic concept of irregular route common carriage in form is needed in this State provided that the public, the common carriers and contract carriers have opportunity to participate in the drafting of any legislative proposals; now, therefore, be it

ORDERED, the House concurring, that a committee be created consisting of a Senator to be appointed by the President of the Senate, 2 Representatives to be appointed by the Speaker of the House, the Director of the Transportation Division of the Public Utilities Commission, 3 members to be appointed by the Governor,

one of whom shall be designated a public member, one a common carrier member, and one a contract carrier member, to report, if possible, to the 102nd Legislature in special session, or otherwise to the 103rd Legislature, any recommendations for legislation relating to the creation of a new class of motor vehicle carrier non-scheduled transportation service; and be it further

ORDERED, that the members of the committee shall serve without compensation, but shall be reimbursed for their expenses incurred in the performance of their duties under this Order; and be it further

ORDERED, that the committee shall have the authority to employ such expert and professional advisors as it shall deem necessary within the limit of the funds provided; and be it further

ORDERED, that there is appropriated to the committee from the Legislative Appropriation the sum of \$1,000 to carry out the purposes of this Order.

Mr. BOISVERT of Androscoggin: Mr. President, I move that the Order receive a passage.

Mr. JUTRAS of York: Mr. President, I would like to speak briefly on this order, sir.

The PRESIDENT: The Senator may.

Mr. JUTRAS: Mr. President, ladies and gentlemen of the Senate if there was ever an order filled with inconsistencies and contradictions it is this order just read. We have in this 102nd Legislature passed good laws concerning the trucking industry for hire and we can go back home proud of our accomplishments. Today this order would direct us to undo all that we have accomplished, because the sponsors of bad transportation bills which have been granted the death blow by progressive and fair minded legislatures, and incidentally, this is the label to affix upon the 102nd. There is no need for such an order because in my hand I have a survey of the Motor Carrier Statutes of Maine administered by the State of Maine Public Utilities Commission. This order came into being after the 101st Legislature

adjourned, and it is dated July 1st, 1964, and it is a comprehensive study that was made because the same situation existed at the close of the 101st, regarding these bad bills. Now the Legislative Research Committee of the previous legislature, ordered the PUC to turn over the results of this study to its Committee, the Legislative Research Committee, and then this Committee accepted this report, and endorsed the recommendations submitted by Dr. John H. Frederick, and here they are. Then we have the Public Utilities' opinion on the Frederick Report. It is an eighteen page review and comment of the Public Utilities Commission upon the report entitled "A Survey of the Motor Carriers Statutes of Maine" by John H. Frederick, Consulting Transportation Economist.

To spend some more money needlessly, after having spent \$5,000 for this study, to me does not make sense. I request indefinite postponement of such an order.

The PRESIDENT: The motion before the Senate is the motion of Senator Jutras to indefinitely postpone.

Mr. BOISVERT of Androscoggin: Mr. President, may I address the Senate briefly

The PRESIDENT: The Senator may.

Mr. BOISVERT: Mr. President, and members of this Senate: The transportation problem has been before the legislature for many years, and this year was not an exception. We had long hearings on this particular problem which this order is concerned about. The Public Utilities Committee in many sessions could not come to a conclusion, in other words, could not solve the problem before them. The Public Utilities Commission admits that there is a problem. The common carriers also admit it, and so do the Contract Carriers. Yes, we know that there was a study made as mentioned by the good Senator from York, Senator Jutras. It was made by Dr. Frederick, and the Public Utilities Commission has done its best using that report. The problem is that there

is a segment of the industry which is called irregular route carriers. Some common carriers have a permit for that and contract carriers also have a permit. This order calls for establishment of a third classification of carriers. You and I know that the transportation problem in the State of Maine is very important. We know that what we need is industrial development and we must do everything possible to help along the way. And I feel that this is necessary, that a study should be made for this specific problem. It was recommended unanimously by the Public Utilities Committee. If you notice that there is at the present time on the table an order concerning the problem, but after this order was presented there was objection by the Public Utilities Commission that if that order was passed they would stop the clarification of permits. Do we realize that since 1934 there have been 62 permits in existence and only seven have been clarified, and that was 32 years ago. I would think that it is about time that this job is completed. So without any further comments I request from this Senate that this motion made by the good Senator from York, Senator Jutras, does not pass. To me, it is very important that this study be made.

Mr. JUTRAS of York; Mr. President, I fully agree that this study is directed at a segment of the transportation industry, and that transportation problems must be settled because they are very important, but the trucking industry—I like to remind the members of the Senate—is not against any studies whatsoever, they would welcome this. But an order directing a study should endorse the complete industry and not be directed to an element of it. There is a lobster study being made and this study is comprehensive, it is not directed to those lobstermen who fish in a given area, or to those with a specific type of license, or to part time lobstermen. It is comprehensive in nature, and directed to help and promote an industry; to help it as well as those engaged in it, and such is

not the case with his order directed only to an element of it.

Mr. SHIRO of Kennebec: Mr. President, I would like to concur in regard to the remarks made by Senator Jutras, I feel that really this would be a waste of money, in having this study made because my understanding is from what has been said, that this is almost identical to the study that was made by the previous legislature. Also, it refers to a matter which I think that the Senate and the House have here unanimously, almost unanimously anyway, rejected previously, and had to do with the bills, I think one is legislative document 951, and another one is L. D. 911, or 912. But it concerns the same subject matter which I think both branches of the legislature have felt here was a poor legislation, and would tend to create chaos in the transportation industry. I cannot see making any expenditures when money is so badly needed for other matters, on this particular type of resolve, so therefore, I would like to go on record as giving my support to the motion made by Senator Jutras.

Mr. VIOLETTE of Aroostook: Mr. President, as a member of the Public Utilities Committee, I sat in many hearings in regards to legislation having reference to the motor transportation industry, and in my opinion it is very far from being settled yet. I think there are various aspects of the industry which need further clarification, which need further legislation. Now this Frederick Report, actually, was a survey requested by the last legislature, and which could stand as a guide for the enactment of further legislation in this field. The matter of fact is that no legislation yet has been enacted to follow the recommendations of this study. I think that this order requiring or requesting a further study of some of these points is a good thing and I think it will lead towards enactment of legislation which ought to be beneficial to the entire industry. I know that throughout the hearings that most of the members of the committee, I believe, or the great majority of them,

were of the opinion that we did not know exactly which way we ought to turn on these. I think that it was the feeling of the greatest majority of the committee that certainly some things ought to be done in regard to these subjects. Now this order, if enacted, could well stand as a ground for the discussion and drafting of legislation stemming from this report which has been mentioned here. It is my feeling that certainly there is great ground for further discussion on this matter in this order and there would be representation from all segments of the Motor Transportation Industry, as well as representation from the legislature and from the Public Utilities Commission. This would be a committee where all parties involved in this question would have representation and where I am hopeful that some meeting ground or some common ground could be found where legislation beneficial to all parts of this Motor Industry could be enacted. And for that reason, Mr. President, and members of the Senate, I support Senator Boisvert's order and I hope that Senator Jutras's motion does not prevail, and I request a division, Mr. President.

Mrs. SPROUL of Lincoln: Mr. President, Could I ask a question through the chair of any Senator who might answer if he chooses? In my area I have heard a lot about transportation ever since we lost the railroads, particularly—in more recent years—it has been from the older people who don't like bus travel too well, and during the year I had an inquiry from someone not in my area that found that the air travel didn't coincide with bus travel, and I have another man, a former flyer, who—well he's still flying jets—who is interested in air travel weekends. Is there any way that order could include what might be done about air travel too?

The PRESIDENT: The Senator from Lincoln, Senator Sproul, directs an inquiry to any Senator who may answer if he so chooses.

Mr. BOISVERT of Androscoggin: Mr. President, in answer to Senator Sproul of Lincoln, this

would not cover air travel. This order is concerned about only the motor transportation industry.

Mr. SNOW of Cumberland: Mr. President, in answer to Senator Sproul's question, there is already legislation which has been through the Senate that would call for the study which she is talking about.

Mr. JUTRAS of York: Mr. President, in regard to L. D. 1540, "An Act Creating a State Transportation Commission," I invite your attention to L. D. 1540 in that connection. And while I am on the floor, I would like to take the opportunity to reiterate my statement, there is absolutely no need for further study when you have a comprehensive report submitted by the previous legislature concerning all these questions that have been brought up this morning on the floor; definitions of carriers; grandfather clause operating authorities; consideration of existing transportation facilities and granting new operating authority to motor carriers; transfers of operating authorities; duration of operating authorities; power to prescribe motor carrier rates; adherence to established rates; rate discrimination etc., etc., etc. Here it is in this comprehensive report fully surveyed by Dr. Frederick.

The PRESIDENT: The question before the Senate is the motion of Senator Jutras of York to indefinitely postpone the order; a division has been requested.

A division of the Senate was had.

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

Thereupon, the Order received a passage and was sent down for concurrence.

Reports of Committees

House

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for a Gymnasium at Pineland Hospital and Training Center." (H. P. 296) (L. D. 399) reported that the same should be granted Leave to Withdraw.

The Committee on Liquor Control on Bill, "An Act Relating to Sunday Sales of Liquor by Hotels, Restaurants, Taverns and Retail Stores." (H. P. 243) (L. D. 312) reported that the same should be granted Leave to Withdraw, as covered by other legislation.

The same Committee on Bill, "An Act Relating to Sale on Sunday Afternoons of Malt Liquor Not to be Consumed on the Premises." (H. P. 151) (L. D. 174) reported that the same should be granted Leave to Withdraw, as covered by other legislation.

The same Committee on Bill, "An Act Relating to Definition of Hotel Under Liquor Law." (H. P. 242) (L. D. 311) reported that the same should be granted Leave to Withdraw as covered by other legislation.

The same Committee on Bill, "An Act Relating to Definition of Hotel Under Liquor Laws." (H. P. 751) (L. D. 988) reported that the same should be granted Leave to Withdraw as covered by other legislation.

The same Committee on Recommended Bill, "An Act Relating to Definition of Premise Under Liquor Laws." (H. P. 753) (L. D. 990) reported that the same should be granted Leave to Withdraw as covered by other legislation.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees." (H. P. 30) (L. D. 42) reported that the same Ought Not to Pass.

The Committee on Liquor Control on Bill, "An Act Providing for Sunday Sales of Liquor." (H. P. 523) (L. D. 697) reported that the same Ought Not to Pass.

The Committee on State Government on Bill, "An Act Establishing the Maine Insurance Advisory Board and Reserve Fund for Uninsured Losses." (H. P. 851) (L. D. 1176) reported that the same Ought Not to Pass.

Which reports were Read and Accepted in concurrence.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to the Division of Vocational Rehabilitation, Department of Education." (H. P. 786) (L. D. 1039) reported that the same Ought Not to Pass.

Comes from the House, Bill Substituted for the Report and Passed to Be Engrossed.

In the Senate, on motion by Mr. Duquette of York the Ought Not to Pass report was accepted in non-concurrence and sent down for concurrence.

Ought to Pass

The Committee on Business Legislation on Bill, "An Act Relating to Insurance on Public Buildings." (H. P. 852) (L. D. 1150) reported that the same Ought to Pass.

Comes from the House Indefinitely Postponed.

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

The Committee on Judiciary on Bill, "An Act Relating to Restricting Certain Trustee Process Until After Judgment." (H. P. 818) (L. D. 1109)

Which report was read and accepted in concurrence and the bill read once.

Mr. HARDING of Aroostook: Mr. President, I move that the rules be suspended and that the bill be given its second reading, and I would like to speak briefly to this motion if I may.

The PRESIDENT: The Senator may.

Mr. HARDING of Aroostook: Mr. President, the purpose of this is to expedite the considerations here in the hope that we may be able to adjourn the Senate at the end of this week, so on these bills where we can suspend the rules and give them second reading, if you would be so kind as to go along with that arrangement. If you have an amendment which you wish to offer, then you may speak to the Secretary after the session and he would be pleased, I am sure, to hold that bill for you

and then we could reconsider our action and you can present your amendment at the afternoon session.

I would be hopeful that in the interest of closing the session that you would go along with this procedure this morning.

Thereupon, the rules were suspended, the bill was given its second reading and passed to be engrossed in concurrence.

Ought to Pass — in New Draft

The Committee on Judiciary on Bill, "An Act Adopting the Uniform Arbitration Act." (H. P. 924) (L. D. 1252) reported that the same Ought to Pass in New Draft under new title: "An Act Relating to Arbitration Agreements." (H. P. 1140) (L. D. 1560)

(On motion by Mr. Shiro of Kennebec, the bill was tabled pending acceptance of the report and especially assigned for later in today's session.)

The same Committee on Bill, "An Act Relating to Trespass on Public Beaches and Shores." (H. P. 920) (L. D. 1248) reported that the same Ought to Pass in New Draft under the same title: (H. P. 1143) (L. D. 1563)

The same Committee on Resolve, Authorizing Change of Shoreline of Certain Lots at Long Lake in Sinclair. (H. P. 143) (L. D. 166) reported that the same Ought to Pass in New Draft Under same title: (H. P. 1138) (L. D. 1558)

Which reports were Read and Accepted and on motion by Mr. Harding of Aroostook, the Bills, in New Draft, read twice and Passed to Be Engrossed in concurrence.

Ought to Pass — As Amended

The Committee on Judiciary on Bill, "An Act Relating to Certain Expenses of Supreme Judicial Court Paid by State to Cumberland County." (H. P. 584) (L. D. 776) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-351)

Comes from the House, Bill Passed to Be Engrossed As Amended by Committee Amend-

ment "A" (H-351) and by House Amendment "A" (H-364)

In the Senate, the report was read and accepted, the bill read once, Committee Amendment "A" read and adopted, House Amendment "A" read and adopted; and on motion by Mr. Harding of Aroostook, the rules were suspended and the bill as amended was read a second time and passed to be engrossed, in concurrence.

Divided Reports

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Appeals by State on Questions of Law in Criminal Cases." (H. P. 702) (L. D. 940) reported that the same Ought Not to Pass.

(Signed)
Senators:

VIOLETTE of Aroostook
STERN of Penobscot

Representatives:

DAVIS of Calais
DANTON

of Old Orchard Beach
GILLAN of South Portland
BRENNAN of Portland
BISHOP of Presque Isle
BERMAN of Houlton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft, under the same title: (H. P. 1145) (L. D. 1569)

Senator:

GLASS of Waldo

Representative:

RICHARDSON

of Cumberland

Comes from the House Indefinitely Postponed.

In the Senate, on motion by Mr. Violette of Aroostook, the bill was indefinitely postponed in concurrence.

Five members of the Committee on Liquor Control on Recommended Bill, "An Act Relating to Local Option Questions on Sale of Liquor." (H. P. 774) (L. D. 1017) reported in Report "A" that the same Ought to Pass.

(Signed)
Senators:

SOUTHARD of Penobscot
FALOOD of Penobscot

Representatives:

MEISNER

of Dover-Foxcroft

LUND of Augusta

HAYNES of Camden

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft: (H. P. 1148) (L. D. 1572)

(Signed)

Senator:

JACQUES of Androscoggin

Representatives:

ROY of Winslow

FAUCHER of Solon

BERNARD of Sanford

COTE of Lewiston

Comes from the House Indefinitely Postponed.

In the Senate, on motion by Mr. Jacques of Androscoggin, the bill was indefinitely postponed in concurrence.

The Majority of the Committee on State Government on Bill, "An Act Conferring Upon Others the Powers Now Vested in the Executive Council." (H. P. 543) (L. D. 1028) reported that the same Ought to Pass in New Draft, under the same title: (H. P. 1136) (L. D. 1555)

(Signed)

Senators:

STERN of Penobscot

WILLEY of Hancock

MAXWELL of Franklin

Representatives:

PITTS of Harrison

LIBHART of Brewer

EDWARDS of Portland

DOSTIE of Lewiston

STARBIRD

of Kingman Township

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

(Signed)

Representatives:

BERRY of Cape Elizabeth

KATZ of Augusta

Comes from the House, Majority Ought to Pass report Accepted.

In the Senate:

Mr. MAXWELL of Franklin: Mr. President, I move acceptance of

the Majority Ought to pass report.

Mr. BROWN of Hancock: Mr. President, I move indefinite postponement of the bill and when the vote is taken I request the Yeas and Nays.

A division of the Senate was had.

Obviously more than one-fifth the members having voted in favor of a roll call, the roll call was ordered.

Mr. HARDING of Aroostook: Mr. President, I would like to speak briefly on that motion.

The PRESIDENT: The Senator may.

Mr. HARDING of Aroostook: Mr. President, I will be very brief because we have already debated this issue at one time and I see no purpose in going over it again here. Of course as you know, it has been the principle of our party that the Executive Council infringes upon many of the prerogatives of the Governor of this state and greatly weakens the office of the Governor. We believe that this bill is a good bill, that it ought to be passed because it gives back to the Governor many of the powers which he ought to have and which have been taken away from him by statute over the years.

So although we may not be able to pass a constitutional amendment doing away with the Executive Council this time, at least this gives us a chance to pass a law which will take away from the Executive Council so many powers which it has accumulated from the legislature over the years and we feel wrongfully. When you do vote, I hope you will vote against the motion for indefinite postponement.

The Secretary called the roll, and the Senators responded as follows:

YEA—Brown, Glass, Hoffses, Sproul — 4.

NAY — Bernard, Boisvert, Cahill, Carter, Casey, Chisholm, Dunn, Duquette, Faloan, Girard, Harding, Hilton, Jacques, Jutras, Letourneau, Manuel, Maxwell, MacDonald, Mendell, Moore, Norris, O'Leary, Shiro, Smith, Snow, Southard, Violette, Willey — 28.

ABSENT — Stern.

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

Thereupon, the Ought to pass report was accepted, the bill read once; on motion by Mr. Harding of Aroostook, the bill was read a second time and passed to be engrossed in concurrence.

Senate

Leave to Withdraw

Mr. Manuel from the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Sale of Unneeded Property of Department of Inland Fisheries and Game." (S. P. 429) (L. D. 1363) reported that the same should be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass in New Draft

Mr. Duquette from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issues in Amount of Eight Million One Hundred Sixty-eight Thousand Dollars for Capital Improvements, Construction and Repairs at University of Maine." (S. P. 176) (L. D. 542) reported that the same Ought to Pass in New Draft under New Title: An Act to Authorize Bond Issue in Amount of Six Million Nine Hundred Seventy Thousand Dollars for Capital Improvements, Construction and Repairs at University of Maine. (S. P. 568) (L. D. 1581)

Which report was Read and Accepted and the Bill in New Draft Read once and on motion by Mr. Harding of Aroostook, the rules were suspended, the bill read a second time and passed to be engrossed.

Sent down for concurrence.

Mr. Violette from the Committee on Judiciary on Bill, "An Act Relating to Liability for Damages for Tortious Conduct for Charitable Corporations (S. P. 106) (L. D. 587) reported that the same Ought

to Pass in New Draft under the same title: (S. P. 567) (L. D. 1580)

Which report was Read and Accepted, the Bill in New Draft Read Once and on motion by Mr. Harding of Aroostook the rules were suspended, the bill was read a second time and passed to be engrossed.

Second Readers

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

House

Bill, "An Act Defining Public Utility in Relation to Certain Sewer Districts and systems." (H. P. 930) (L. D. 1368)

Bill, "An Act Relating to Permits by Highway Commission for Trucks in Construction Areas." (H. P. 211) (L. D. 279)

Which were Read a Second Time and Passed to be engrossed in Non-Concurrence.

House — As Amended.

Bill, "An Act Providing for the Model Joint Obligations Act." (H. P. 499) (L. D. 652)

Bill, "An Act Providing for compensation of Attorneys Appointed for Indigent Persons Charged with Crimes." (H. P. 587) (L. D. 779)

Bill, "An Act Appropriating Funds for Classroom Building at Erskine Academy." (H. P. 444) (L. D. 598)

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

Bill, "An Act Relating to Sweepstake Races and Allocating Proceeds for Educational Purposes." (H. P. 103) (L. D. 110)

(Read a second time, and on motion by Mr. Snow of Cumberland, tabled pending passage to be engrossed and especially assigned for this afternoon's session)

Bill "An Act Relating to Rules Regarding Retirement of Teachers." (H. P. 758) (L. D. 995)

(Read a second time, and on motion by Mrs. Chisholm tabled pending passage to be en-

grossed and especially assigned for later in today's session.)

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

Senate

Bill, "An Act to Create the Maine Commission on the Arts and Culture." (S. P. 558) (L. D. 1579)

Bill, "An Act Relating to Definition of Licensee under Liquor Law." (S. P. 560) (L. D. 1567)

(On motion by Mr. Shiro of Kennebec, tabled pending engrossing and specially assigned for later in today's session.)

Bill, "An Act Relating to Municipal Regulation of Community Antennae Television Systems." (S. P. 559) (L. D. 1566)

Bill, "An Act Relating to Comparative Negligence in Civil Actions." (S. P. 565) (L. D. 1577)

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

Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate. (S. P. 539) (L. D. 1529)

Mr. MAXWELL of Franklin: Mr. President, I move the indefinite postponement of this bill.

Mr. HARDING: Mr. President, first of all, I would like to speak against the motion which the Senator from Franklin, Senator Maxwell has made in regard to this particular item. I don't want to redebate this bill here, but the reason we are concerned with it is because of the desire, I hope, of this Senate and this legislature to attempt to obey the law of the land, and it now appears that this Senate is not properly apportioned according to the interpretation of our constitution by the Supreme Court.

Now, from a leadership standpoint I think it would be very bad if this legislature adjourned without our attempting to do something about this so I would hope that when the vote is taken you would vote against the motion which Senator Maxwell has made. When the vote is taken, Mr. President, I ask for a division.

Mr. GLASS of Waldo: Mr. President, I would ask that when the vote is taken it be taken by the Yeas and Nays.

A division of the Senate was had on the request for the Yeas and Nays.

Four having voted in the affirmative and twenty-seven opposed, and four being less than one fifth the members present, the Yeas and Nays were not ordered.

The PRESIDENT: The motion before the Senate is the motion to indefinitely postpone, and a division has been requested.

A division of the Senate was had.

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

Thereupon, the bill was passed to be engrossed.

Bill, "An Act Creating the Investment of State Funds Law." (S. P. 555) (L. D. 1564)

Which was read a second time and on motion by Mr. Maxwell of Franklin was tabled pending engrossment and especially assigned for later in today's session.

Enactors

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

Bill, "An Act Determining Weight Limits of Trucks." (H. P. 128) (L. D. 152)

Bill, "An Act Providing for Questionnaires to be Propounded to Prospective Jurors." (H. P. 142) (L. D. 165)

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

Bill, "An Act Relating to Retirement Benefits for Fish and Game Wardens and Coastal Wardens Under State Retirement System." (H. P. 369) (L. D. 471)

(On motion by Mr. Boisvert of Androscoggin, engrossing was reconsidered and that Senator presented Senate Amendment A and moved its adoption. Senate Amendment A (S-237) was adopted and the bill as amended was

passed to be engrossed in non-concurrence and sent down for concurrence.)

Bill, "An Act Authorizing Conversion of Augusta Mutual Insurance Company to a Stock Company." (H. P. 394) (L. D. 506)

Bill, "An Act Providing for an Additional Trial Term for York County." (H. P. 560) (L. D. 730)

Bill, "An Act Increasing State Tax in Unorganized Territory." (H. P. 605) (L. D. 797)

Bill, "An Act Relating to Sale or Compounding of Drugs by Apothecary Only." (H. P. 772) (L. D. 1015)

Bill, "An Act Increasing Salary of Superior Court Messenger of Cumberland County." (H. P. 784) (L. D. 1037)

Bill, "An Act to Create a Department of Rehabilitation." (H. P. 1075) (L. D. 1455)

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

Bill, "An Act Amending Certain Provisions of the Charter of the Town of Old Orchard Beach." (H. P. 1109) (L. D. 1515)

Bill, "An Act Relating to Arrests for Motor Vehicle Violations." (H. P. 1110) (L. D. 1516)

Bill, "An Act Relating to Discrimination in Rental Housing." (H. P. 1112) (L. D. 1518)

Bill, "An Act Relating to Escape of Women Sentenced to the Maine State Prison." (H. P. 1116) (L. D. 1523)

Bill, "An Act to Create the Community Life Insurance Company." (H. P. 1129) (L. D. 1544)

Bill, "An Act Relating to Positions of Deputy Secretary of the Senate and Deputy Clerk of the House." (H. P. 1131) (L. D. 1546)

Bill, "An Act Increasing Compensation of Members of Employment Security Commission." (S. P. 166) (L. D. 496)

Bill, "An Act Relating to Possession of Firearms by Felons." (S. P. 198) (L. D. 579)

Bill, "An Act Amending the Banking Laws." (S. P. 379) (L. D. 1216)

Bill, "An Act Authorizing Department of Economic Development Advisory Council to Develop

a Master Economic Plan for the State." (S. P. 543) (L. D. 1541)

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

Bill, "An Act Relating to Allocations from Gasoline Road Tax for Public Facilities for Boats and to Commissioner of Sea and Shore Fisheries." (S. P. 545) (L. D. 1542)

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

Which Bills were Passed to be Enacted.

Emergency

Bill, "An Act Amending the Pittsfield School District and Incorporating the Town of Athens School District." (S. P. 506) (L. D. 1474)

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

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (S. P. 486) Joint Resolution petitioning Congress to Propose an Amendment to the Federal Constitution to Preserve the Bicameral Aspect of State Legislature; tabled on May 19, by Senator Brown of Hancock pending adoption.

Mr. HARDING of Aroostook: Mr. President, I move indefinite postponement of the Resolution.

Mr. BROWN of Hancock: Mr. President, I rise in opposition to the motion of my good friend and fellow member from Aroostook, Senator Harding. I feel that factors such as area, political subdivisions, wealth, taxation, community of interest and other historical considerations should be considered in apportioning one house of the state legislature. Thus the resolution that you have before you to Congress.

I might point out that this is the same resolution that has been presented to Congress by twenty-three other states and it also is

the model legislation of the Council of State Governments at the national conference of state legislative leaders held Nov. 20 at New Orleans. For these reasons, I hope the motion of the good Senator from Aroostook, Senator Harding, does not prevail.

Mr. HARDING of Aroostook: Mr. President, I would like to mention very briefly the reasons why I am opposed to this particular resolution. I think that you Senators have a copy of the resolution before you. If you will go down to about the third "Whereas" you will notice that it says, "Whereas this holding" — and it refers to a ruling of the Supreme Court of the United States of America, it says, "Whereas this holding now makes it impossible to apportion representation to reflect the diverse and conflicting interests within a state; and

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

"Whereas, in order to prevent this complete disruption of the legislative process in the states—"

I believe that those statements are extreme statements and I believe it is not for us to make those kind of statements until at least we have made an honest effort to apportion this state Senate under the laws of the United States as interpreted by the Supreme Court. And therefore I think that this is an unwise resolution and I would hate to see it adopted at this time. I believe if it becomes necessary for us to adopt some kind of resolution that one could be composed that would better reflect the position of the state and our problems than this one here. So I do hope that you good members of the Senate will support my motion for indefinite postponement.

Mr. CAHILL of Somerset: Mr. President, I rise in support of the resolution and I would like to state very briefly why. The Supreme Court of the United States has ruled that the states must apportion both branches of their legisla-

ture on a population basis. If the states, and we are one of them, fail to send a resolution to Congress to do the very thing that this resolution calls for then the states will have admitted that they believe that their state should be apportioned solely on a population basis in both branches of their legislature. With that in mind, is it then unreasonable to expect that in the days to come the Supreme Court will make another ruling basing the United States Senate to be apportioned solely on a population basis? Now, where would that leave the State of Maine? Where would it leave the New England states? Where would that leave a lot of our western states?

I feel that if we don't do something, we have admitted that we should be apportioned solely on population and there is absolutely no guarantee that the Supreme Court will not make a ruling that the state will also have to be represented in the same manner in our national government.

I hope that everyone will bear in mind when they vote. We still have a special session when we can do something with this if we can't do anything through a resolution. I hope that the motion to indefinitely postpone the resolution does not prevail.

Mr. HARDING of Aroostook: Mr. President and members of the Senate, I feel compelled to correct what I feel is a very wrong impression from my good friend, the Senator from Somerset, Senator Cahill.

The reason that there are two senators from each of our fifty states is because of an original provision in the Constitution, a compromise between the large states and the small states. That is part of the Constitution of the United States and the Supreme Court cannot change that by any interpretation, that is the law of the land by the original founders as amended by an amendment which provided for the election of the United States Senators, so that is in no danger whatsoever and the Supreme Court cannot change it, no matter what they would like to do, and I am sure they don't like to do it.

One other thing I think is important. You heard a lot of discussion in the last campaign about lawlessness in our streets, respect for law and so on. Some of it I think would have been better not said. But there is something that the American Bar Association has passed on to lawyers and that is that we must have respect for the laws of our land and especially respect for the laws of the land as interpreted by the United States Supreme Court. Remember that our Supreme Court is the highest interpreter in the land and it is entitled to the greatest respect insofar as the law is concerned. We may not like the way they interpret a particular law but it is the law of the land, and so I hesitate to see a state legislature quarreling with an edict of the court until that edict has been changed by constitutional amendment. This kind of a resolution is not going to change it. If our Senators and Representatives want to pass a bill to amend the constitution it is within their province to do it, but until that is done the law of the land says that we should reapportion this Senate and I would like to see this legislature face up to its responsibility as it has faced up to other responsibilities. We may not be able to find an ultimate solution but I say we can try, and that is all I ask from you and that is why I would like to see this resolution defeated so that we can make the honest attempt. I ask your support for indefinite postponement.

Mr. CAHILL of Somerset: Mr. President, I would like to make just one last remark. I think we are all aware of how often our Supreme Court can change its mind on any decision and apparently no one has any authority to do anything about it. We get five to four decisions from them half of the time, on any important question it is always a five to four decision. These men are supposed to be men who know the law, they are supposed to know what they are talking about, and I say if they cannot come up with a better decision than that they should not come up with any decision at all.

Mrs. SPROUL of Lincoln: Mr. President, coming from a more or less rural district, I naturally am vitally interested in this one. Our population is obviously not enough to have one senator. At present we have three representatives in the House from Lincoln County and certainly we won't have much representation in here.

It was said the other day that we might have to run at large. The trouble with what these bills propose is that presumably if we wanted to run for the State Senate we wouldn't know which direction to campaign in. We have our own county, but do we go to Kennebec or do we go to Sagadahoc or do we go to Knox for the extra nine thousand? I cannot see it at all.

Another thing: I certainly favor this Resolution. I am talking on two bills probably but everyone else seems to be doing the same. I like my good friends from the City of Portland very much, but one thing I would like to know is: in the County of Cumberland under this bill would it not be possible for everyone to come from the City of Portland? Certainly we are going to be dominated by the cities and the rural areas will have practically no representation at all. Will someone answer that question for me?

The PRESIDENT: The Senator from Lincoln, Senator Sproul, directs a question through the Chair to any senator who may answer if he so chooses.

Mr. HARDING of Aroostook: Mr. President, in answer to the question of the Senator from Lincoln, I believe that the rule of the Supreme Court has been that it will be one man one vote. They feel it is impossible to represent trees, rocks, rivers and that the only thing you can represent is people, and that is the basis of their ruling. Now as to who would dominate or not dominate, I think that is a question that we now cannot decide. I believe that the people would be the ones who would decide, because they would be voting and one man would cast one vote for State Senator. As I see it, it is very difficult to argue against that philosophy, because

how else are you going to bring it in? Are you going to say that wealth will be a factor? How much wealth? Are you going to say that acres will be a factor? How many acres? You get into all kinds of problems with that. So until someone comes up with a constitutional amendment which takes us out from under this requirement, and no one has, we are faced with this proposition that we must do something to reapportion this Senate or else we are all going to be running at large. That is the issue that we have to face, and all I am saying is that rather than pass some resolution like this which is meaningless insofar as the effect of this ruling is concerned I would like to see this body and the House make an honest attempt to reapportion this Senate according to the laws of the United States, and that is all that I am asking.

Mrs. SPROUL of Lincoln: Mr. President, I would like to ask the good Senator from Aroostook if he does not feel that there should be representation not only based on population but there should be some consideration given to districts as well?

The PRESIDENT: The Senator from Lincoln, Senator Sproul, directs a question through the Chair to the Senator from Aroostook, Senator Harding, who may answer if he so chooses.

Mr. HARDING of Aroostook: Mr. President and members of the Senate: In answer to the question, I am not so sure it is so much what I think ought to be the law as it is the question of what the law is, and the law is at this time one man one vote, and we have a responsibility to do something to conform to the law which we are not now doing. So it is not a question of what I feel or what I would personally do if I were writing the law because I am not. All I hope is that we meet our responsibilities and try to do something to conform to the law.

Mr. BROWN of Hancock: Mr. President, I want to meet the requirements of the law too but I think this Memorial has the principle behind it that the people of

the State should have the privilege of a voice in the composition of their own legislature and that the federal plan of one body by population and the other not solely based on population is a proven plan that should be as sound for a state as it is for our federal legislative body.

Mr. MAXWELL of Lincoln: Mr. President and Members of the Senate: I would like to call your attention to a magazine published by the Council of State Governments in the winter of 1965. This is a report of the General Assembly of States meeting in Chicago, Illinois on December 3, 1964 where they proposed an amendment to the United States Constitution which would provide that any state which has a bicameral legislature could utilize factors other than population in apportioning one house of its legislature if the plan of apportionment is specifically approved by vote of the electorate of the state. It goes on and sets up the specific joint resolution closely. It asks each and every state to apply to the Congress to convene a constitutional convention for the purpose of proposing an amendment to the Constitution as herein set forth, said application by the legislatures of the several states to be in the form and language attached hereto, and that is just what we are trying to do by this resolution this morning.

Mr. SNOW of Cumberland: Mr. President, I rise somewhat doubtfully, being from the most populous county in the State, to support the position of Senator Harding of Aroostook. I think what bothers me about this resolution as proposed by the Senator from Hancock, Senator Brown, is that if we do not use people as the basis for selecting our representatives, as Senator Harding has said: What other method can we use? Can we say that because Aroostook County has more acres or more trees that it should have more senators? Should we say that Washington County, possibly because it is a leader in the sardine industry, should have more senators than another county? Can we say that Piscataquis, which may have the

most mountains, should have more Senators on account of this? I would find it very difficult to select in my own mind any other basis than the basis which the Supreme Court has selected for the election of people to represent people and not mountains or lakes, and I would hope that the motion of the good Senator from Aroostook, Senator Harding, to indefinitely postpone this document prevails.

Mr. GLASS of Waldo: Mr. President, I find it rather difficult to believe that the good Senator from Cumberland, Senator Snow, cannot visualize any concept other than people when our own Constitution, which was adopted hundreds of years ago and under which we now live and work, is framed in such a manner that each state in the Union would be entitled to two senators. Now Maine is peculiar in one sense in that our Constitution provides for the apportionment of senators on the basis of population to a degree still preserving the integrity of county lines. Now if one can appreciate the United States Constitution and the concept of two senators from every state I find it difficult to believe that nobody can conceive any other concept based on geographical location and partially on population. I would hope that, upon a little reflection, you could see that this resolution is a good resolution and that conceivably, should enough states follow the lines of the other twenty-three who have made this request the matter can be left to us as a state.

Mr. HILTON of Somerset: Mr. President, I come from a county which has two senators. We have only 38,000 people and the regulation is that over 30,000 gives you two. Franklin County — and if I am not right the Senator from Franklin will correct me—I think they have 24,000. You add those two together and you come up with 62,000. Now if I and Senator Maxwell should want to run it means he would have to campaign in my county and I would have to campaign in his county. That might not be the answer: We

might have Piscataquis County. There might be the possibility of four and we might as well campaign for representatives to Congress. I would like to see at least every county be entitled to one senator. We have a lot of county officers to vote on every election and this is going to be very confusing I am afraid.

Mr. HOFFSES of Knox: Mr. President, I had hesitated to stand and be heard on this matter. Ladies and Gentlemen of the Senate: As I look around and as I reflect, there are but two in this Senate who were on the reapportionment of the Maine House. I believe, if I am not mistaken there are but two in the Maine House who were on the Reapportionment Committee. Perhaps we four are better qualified to know what the various problems are that we were confronted with in regard to reapportioning the Maine House.

I would like to first of all say that it is my considered opinion that the Maine State Senate is better apportioned right now than the Maine House is that was reapportioned during the last session of the legislature. You will please bear in mind that there are House members representing just a little over four thousand people, there are likewise House members representing ten thousand people. Now one of the chief problems which this committee was confronted with was the matter of county lines. Now under the rules which we had to abide by one of the principal ones was the matter of county lines and we were not permitted to cross county lines.

Now if the Maine House has been reapportioned strictly in accordance with county lines and it seems to meet with the general satisfaction of both political parties then I believe that the Maine Senate should likewise be governed according to county lines. I believe, as has been mentioned, that each and every county should have representation, whether it be Piscataquis with 17,000 or the most heavily populated County of Cumberland.

Now I am not speaking from a selfish standpoint, let me say, be-

cause the county I represent is very, very close to what is considered the perfect apportionment of 30,000 people. I am representing almost 29,000 people.

I might also mention, as has been out in a report, that this Senate is apportioned according to 47 per cent, which is within the limit as prescribed by the Supreme Court, that if they are over 45 per cent they are well within the regulations prescribed by a fair and equitable apportionment.

Now, Ladies and Gentlemen, I would point one thing that was mentioned in regard to the Supreme Court edict on the one man one vote. This was a divided report and all it would have required would be for one man, one of those distinguished and able gentlemen to have changed his mind and voted the other way and this situation would not have arisen in regard to one man one vote. So I think this matter should not be considered in the light of the full edict handed down by the Supreme Court but a very definitely divided report of one single solitary vote that could have been changed the other way and would have created an altogether different situation.

I do not care to elaborate further upon the matter, it is something which can be discussed at a great deal of length, but I am going to say simply this: that I firmly believe that the Maine State Senate is fairly and reasonably and equitably apportioned well within the Supreme Court's edicts, and I certainly hope that until such time as it is far more out of apportionment than it is that we let the matter stand as it is. I hasten to add that we seem to be talking more about reapportionment than we do this Joint Resolution, but I did not digress from the Joint Resolution because that was well-discussed before I spoke on the matter. I would ask that there be a division when this vote is taken.

Mr. SNOW of Cumberland: Mr. President, I would like to attempt to answer, at least in part, some of the points which the Senator from Waldo, Senator Glass raised.

I do not believe that counties join the State of Maine as states in the Union join the United States, and I do not think, therefore, that we need to try to apply the same philosophy or the same rule. I would also note that when he said we should use some other basis for apportionment than people, that he did not suggest in any way any specific manner in which this might be done. I would wonder if anybody who favors this resolution to Congress is thinking of any specific way, any possible way in which the state could be apportioned except on the basis of population.

Mr. GLASS of Waldo: Mr. President, in my remarks, in answer to the Senator from Cumberland, Senator Snow, I did not mean for a moment to intimate that the State of Maine adopt the provisions for apportionment identical with the federal constitution, two Senators from every county. I merely made the remark to suggest that there is another concept and, unfortunately, I am quite ready to admit, in the waning days of this legislature, and bearing in mind that people far more intelligent and experienced in this connection than I am, have wrestled with this problem and are still wrestling with it—witness the delegation who appeared here from California, appeared on the rostrum and spoke briefly to us. Greater states so far as population is concerned, and wealth, diversity of economic interests, etc., are facing this problem and at least, insofar as this delegation that appeared before us is concerned, are thinking in terms of a concept other than one voice, one vote insofar as Senate representation is concerned. But, in response to his suggestion or innuendo that possibly I had some plan based on other than one voice, one vote, my answer is No at the moment, I do not.

Mr. MENDELL of Cumberland: Mr. President, I would like to point out that neither the State Constitution nor the State of Maine provides that you necessarily have to follow county lines. It never has since 1920. I would also like to point out that the Supreme Court

decision states that you do not have to follow county lines or municipal lines. Also to correct the record on Senator Hoffses' remarks on the vote of the Supreme Court. In four cases the voting was eight to one; in the other two it was six to three.

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

A division of the Senate was had. Twenty-one having voted in the affirmative and eleven opposed, the motion prevailed and the bill was indefinitely postponed.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 741) (L. D. 978) Bill, "An Act Protecting the Right of Public Employees to Join Labor Organizations"; tabled on May 21, by Senator Harding of Aroostook pending passage to be engrossed.

Mr. O'LEARY of Oxford: Mr. President, I move that the bill be passed to be engrossed as amended.

Mr. CAHILL of Somerset: Mr. President, this bill has already been killed once in the House, and at this late stage of the game I can see no reason for passing it back and forth for the rest of the session.

I have been contacted by a number of employees in my area who work for the State and who are perfectly satisfied with the thing the way it stands, and I would move that the bill and its accompanying papers be indefinitely postponed.

Mr. GLASS of Waldo: Mr. President, I rise in support of Senator Cahill's motion for this reason: the bill disturbs me—not for the reason that it permits state employees to join labor unions because I think this should be the right of practically everybody, and I am not going to debate the matter of strikes against private institutions because this is public institutions. If you examine the bill carefully, you will note that the object of the bill is to permit people to join labor unions and be

free from the intimidation of any person, and in this instance I suppose it would mean supervisors possibly or departmental heads employed by the State of Maine, but there is absolutely no provision in the bill for the machinery by which it is supposed to work. For example, should the state employees become unionized, I feel it would be the obligation of the union, if this is the present obligation of the Maine State Employees Association, to champion the rights of state employees. This they should do. If they accept the dues of those who constitute state employees then they should fight for the rights of the employees. Naturally on occasion this is bound to precipitate unrest, labor unrest and possibly strikes. Again, without debating the matter of strikes against public versus private enterprise, I would say this to you ladies and gentlemen of the Senate: Who is to arbitrate such a strike or the demands of the state employees? There is nothing in this bill to indicate that it would be the personnel director, nothing to indicate it would be the Governor or his Council in event the action of the Senate today should meet with approval of the House, there are no provisions for arbitration. Does the Senator from Oxford suggest that this body come back into special session along with the House every time we are faced with unrest and a possible strike?

I submit, ladies and gentlemen of the Senate, that the State Employees Association have done their job well and both parties are committed to a two and a half million dollar raise. Now conceivably there must be abuse there probably is in some areas concerning state employment, and I do not believe this bill is the vehicle to correct those abuses, and for that reason I would hope that you would support the motion of the Senator from Somerset, Senator Cahill, to indefinitely postpone it.

Mr. O'LEARY of Oxford: Mr. President; on this one bill, the way it is amended now it says "vocational associations" and it

strikes out the underlined punctuation and "other than a labor organization." This bill is identical to the law they have in Massachusetts at the present time. Last week, I won't tell you in which city, I appeared before a group of forty to fifty of these state employees. They are scared to death and they want to see this piece of legislation.

Now I would submit to you that there are only two states in the union, Maine and Mississippi, that do not have this law on their books. President Kennedy, in one of his first executive orders, issued executive order No. 10988, which allowed all the federal employees to do this very same thing. This bill simply tells these employees that we do not object to their having an organization of their own choice; this bill just gives them the right to join or not to join. It is the right of every other United States citizen and are we to discriminate against our own state employees simply because we may have to face up to them some day? I would ask for a roll call vote on this.

Mr. HARDING of Aroostook: Mr. President, may I approach the rostrum?

The PRESIDENT: The senator may and the Senate will be at ease.

(At ease)

Called to order by the President.

The PRESIDENT: The question before the Senate is the motion of the Senator from Somerset, Senator Cahill, that this bill be indefinitely postponed.

Mr. SNOW of Cumberland: Mr. President, I want to respond briefly to the remarks of Senator Cahill.

As a ten-year member of a labor organization, it would seem to be entirely reasonable that state employees should be privileged to join one should they wish to do so. I also received phone calls over the weekend and one of the phone calls was from a very well educated state employee who is

also very active politically, and he received a call from the association urging him to contact his representatives and senators. He said, "I am carrying out my responsibility but I see nothing wrong with the bill and I see no reason why I should not be permitted to join a labor organization as a matter of choice should this be my desire."

Mr. GLASS of Waldo: Mr. President, very briefly I would like to inform the Senate the contents of a photostatic copy of a letter addressed to Ober Vaughan, the Director of Personnel and signed by George West, the Deputy Attorney General, and it refers to L. D. 978, which is the matter now before the Senate; and in response evidently to a communication he says:

"You have in your memo of March 4, 1965 asked several questions concerning the above legislative document.

1. May a state employee presently join a labor organization?

(Answer. Yes. There is nothing in the Maine Constitution or statutes that presently prohibits a state employee from becoming a member of a labor organization of his own choice.

2. Would the present law and personnel board regulations cover dismissal of an employee because of joining a labor organization?

(Answer) Yes. Any employee who has been dismissed by his employing authority has the right of appeal to the Personnel Board. A dismissal for any cause may be appealed.

3. May a labor organization now present proposals relative to salaries and other conditions of employment on behalf of state employees?

(Answer) Yes. Employees are free to have representatives of their own choice present salary proposals and other matters to the employing authority, the personnel board or the legislature."

Hence it would appear that L. D. 978 does not add any new rights which state employees do not already have. As far as state law is concerned the same answers would apply to political subdivi-

sions, except that matters relating to the personnel board would not apply, which I consider to be very important, ladies and gentlemen, because, as I mentioned earlier, there is absolutely no machinery set up in this bill for arbitration, who is the arbitrating authority, who in a city or town or who in a county would have the authority to arbitrate, and as a result of the lack of this machinery in the bill I think it could lead to a tremendous amount of difficulty.

Now if the chief concern of Senator O'Leary is the rights of people employed by the State of Maine to join labor unions the Attorney General has answered the question: they have that right. They have the right to appeal under all the machinery that is presently existing under the State Personnel Board, hence I see no necessity for L. D. 978 as regards state employees, and insofar as employees of political subdivisions are concerned, as I say, because of the lack of machinery in the bill for implementing it I think it could only lead to grave difficulties under certain circumstances.

Mr. O'LEARY of Oxford: Mr. President, I would just say that if a man is fired and he appeals to whom does he appeal? He appeals to his boss who is sitting on the board, and what kind of a chance does this man stand. However, there were a number of proponents and there were only two opponents to this bill before my committee. One of the proponents was Dr. Bowman of Health and Institutional Services and Mr. Russell of the Maine Teachers Association. These people want this piece of legislation and they were in here speaking to me on it this morning. I believe we won't be any different than any of the other states and we won't be classed along with Mississippi. Thank you.

Mr. HILTON of Somerset: Mr. President, I rise to support the motion of Senator Cahill. Senator O'Leary says that the state employees are scared. I drive by where there are a couple of them working quite often and they don't act very scared to me, and if

there is any way to scare them I would try it. I do not know how anybody is going to hire anybody if they can't fire them. Maybe your business won't stand the pressure of the amount that is produced, so how are you going to get around that one. You hear about the poor wage earner and how anyone who works for wages is a poor man. You would think that wage earners were classed like colored people in slavery days. The State Employees have got a good organization, they are going to get two and a half million, I guess, and I do not think they need this piece of legislation at this time.

The PRESIDENT: The motion before the Senate is the motion of Senator Cahill of Somerset, that the bill be indefinitely postponed. The Yeas and Nays have been requested.

A division of the Senate was had on the motion for the Yeas and Nays.

Obviously more than one-fifth the members voting in the affirmative, the Yeas and Nays were ordered.

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

YEA — Boisvert, Brown, Cahill, Dunn, Glass, Hilton, Hoffses, Maxwell, Moore, Shiro, Sproul, Willey — 12

NAY — Bernard, Carter, Casey, Chisholm, Duquette, Faloan, Girard, Harding, Jacques, Jutras, Letourneau, Manuel, McDonald, Mendell, Norris, O'Leary, Smith, Snow, Southard, Violette — 20.

ABSENT — Stern — 1.

Twelve having voted in the affirmative and twenty opposed, the motion did not prevail.

Thereupon, the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 230) (L. D. 767) Bill, "An Act Providing for a New Charter for the City of Lewiston"; tabled on May 21, by Senator Jacques of Androscoggin

pending adoption of Senate Amendment "A" filing S-179.

Mr. JACQUES of Androscoggin: Mr. President, I move that this bill be retabled and especially assigned for tomorrow morning.

Thereupon, on motion by Mr. Harding of Aroostook, a division of the Senate was had.

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

Thereupon, Senate Amendment "A" was adopted and the bill as amended was passed to be engrossed and sent down for concurrence.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 945) (L. D. 1065) Bill, "An Act Relating to Hours for Sale of Liquor"; tabled on May 21, by Senator Jacques of Androscoggin pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 428) (L. D. 1375) Senate Reports; Ought to pass as Amended by Committee Amendment "A" Filing S-172 from the Committee on Inland Fisheries & Game on Bill, "An Act Clarifying the Inland Fisheries and Game Laws"; tabled on May 21 by Senator Manuel of Aroostook pending consideration, and on further motion by the same Senator, the Senate voted to insist.

The President laid before the Senate the 6th tabled and today assigned item (S. P. 205) (L. D. 586) Senate Report; from the Committee on Judiciary on Bill, "An Act Relating to Liability for Damages for Tortious Conduct of State"; Majority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-245; Minority Report, Ought to Pass in New Draft New title, Bill, "An Act Directing Review of Governmental Immunity"; (S. P. 561) (L. D. 1573) tabled on May 21, by Senator Violette of Aroostook pending motion by the same Senator to accept the Minority Ought to pass Report in New Draft; and

that Senator moved the pending question.

Thereupon, on motion by Mr. Shiro of Kennebec, the bill was retabled and especially assigned for later in today's session.

On motion by Mr. Harding of Aroostook the Senate voted to take from the table the 1st tabled and unassigned item (H. P. 802) (L. D. 1094) Bill, "An Act Relating to Right to Hold Property of Corporations for Facilities for Elderly Persons"; tabled on May 19, by Senator Harding of Aroostook pending enactment.

Mr. HARDING of Aroostook: Mr. President, I move indefinite postponement of this bill and would like to speak briefly on my motion if I may.

The PRESIDENT: The Senator may.

Mr. HARDING of Aroostook: Mr. President, I would like now to move indefinite postponement and I would like to speak briefly on my motion:

I have a letter from the Attorney General in regard to this bill and another bill, L. D. 1219, has been passed and signed by the Governor and it does all of the things which this bill would do. I have discussed this with the sponsor of the bill and he is agreeable to my motion.

Thereupon, the motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Harding of Aroostook the Senate voted to take from the table the 2nd tabled and unassigned item (S. P. 427) (L. D. 1362) Senate Report; Ought to pass as Amended by Committee Amendment "A" Filing S-153 from the Committee on Inland Fisheries & Game on Bill, "An Act Relating to Fees for Fishing and Hunting Licenses"; tabled on May 19, by Senator Harding of Aroostook pending acceptance of report; and that Senator moved the pending question.

Thereupon, the report was read and accepted, the bill read once, Committee Amendment "A" read and adopted; and on motion by Mr. Harding of Aroostook, the rules were suspended, the bill

read a second time, passed to be engrossed and sent down for concurrence.

On motion by Mr. Harding the Senate voted to take from the table the 4th tabled and unassigned item (H. P. 628) (L. D. 835) House Report; Ought to pass as Amended by Committee Amendment "A" Filing H-248 from the Committee on Inland Fisheries & Game on Bill, "An Act Increasing Salary of Commissioner of Inland Fisheries and Game"; tabled on May 19, by Senator Harding of Aroostook pending acceptance of report, and that Senator moved the pending question.

Thereupon, the report was accepted, the bill read once, Committee Amendment "A" read and adopted; on motion by Mr. Harding of Aroostook, the rules were suspended, the bill read a second time and passed to be engrossed as amended in concurrence.

On motion by Mr. Harding of Aroostook the Senate voted to take from the table the 7th tabled and unassigned item (H. P. 1105) (L. D. 1510) Bill, "An Act Relating to Taking of Alewives in Little River and Boyden Stream"; tabled on May 19, by Senator Harding of Aroostook pending reference, and that Senator yielded to Senator Jutras of York.

On motion by Mr. Jutras of York, the rules were suspended and without reference to a committee, the bill was read once; Mr. Jutras of York presented Senate Amendment "A" and moved its adoption.

Which amendment (S-234) was read and adopted, and on motion by Mr. Harding of Aroostook, the rules were suspended, the bill read a second time, passed to be engrossed as amended, and sent down for concurrence.

On motion by Mr. Harding of Aroostook the Senate voted to take from the table the 13th tabled and unassigned item (H. P. 1121) (L. D. 1531) Bill, "An Act to Incorporate the Kittery Sewer District"; tabled on May 19, by Senator Harding of Aroostook pending passage to be engrossed, and

that Senator yielded to Senator Violette of Aroostook.

Mr. Violette of Aroostook presented Senate Amendment "A" and moved its adoption.

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

On motion by Mr. Harding of Aroostook the Senate voted to take from the table the 14th tabled and unassigned item (H. P. 248) (L. D. 316) "Resolve, Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens"; tabled on May 19, by Senator Harding of Aroostook pending final passage; and that Senator moved the pending question.

Thereupon, on motion by Mr. Duquette of York, the resolve was tabled pending the motion by Senator Harding that the resolve be finally passed, and was especially assigned for the next legislative day.

On motion by Mr. Mendell of Cumberland the Senate voted to take from the table the 15th tabled and unassigned item (S. P. 537) (L. D. 1527) Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms; tabled on May 20, by Senator Mendell of Cumberland pending motion by Senator Harding of Aroostook to Concur.

Mr. MENDELL of Cumberland: Mr. President, this bill went down to resounding defeat in the House due to the fact it was changed to four-year terms for both Senators and Representatives. I now move the pending question.

The PRESIDENT: The pending question is the motion of Senator Harding of Aroostook that the Senate concur with the House.

The motion to concur prevailed.

Mr. HARDING of Aroostook: Mr. President, may I inquire if the Senate is in possession of H. P. 1130, L. D. 1545, Bill, "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies?"

The PRESIDENT: The Chair will inform the Senator 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 the bill was passed to be engrossed.

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

Which amendment (S-258) was read and adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Harding of Aroostook

Recessed until three - thirty o'clock this afternoon.

After Recess

Senate called to order by the President.

Papers from the House

Non-concurrent matters

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

In Senate, May 20, Passed to Be Engrossed As Amended by Senate Amendment "A" (S-244)

Comes from the House Passed to be Engrossed without amendment in Non-Concurrence.

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

Bill, "An Act Authorizing Payroll Deductions for Union Dues of Certain Governmental Employees." (S. P. 446) (L. D. 1383)

In Senate, May 21, Passed to Be Engrossed.

Comes from the House Indefinitely Postponed in Non-Concurrence.

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

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

Passed to Be Engrossed in both branches.

Comes from the House having Failed of Final Passage.

In the Senate, on motion by Mr. Moore of Washington, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; the same Senator then offered Senate Amendment "A" and moved its adoption.

Which amendment was read and adopted (S-261) and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Joint Order

ORDERED, the Senate concurring, that the University of Maine, through the Bureau of Public Administration, is directed to study the need for anti-shack legislation in Maine; and to recommend to the 103rd Legislature an appropriate State Building Code which, in conjunction with municipal ordinances, will correct the chaotic building conditions existing in certain areas of the State. (H. P. 1153)

Comes from the House Read and Passed.

In the Senate, the Order was read and passed in concurrence.

Joint Resolution

WHEREAS, the State of Maine has been faithfully served in Washington by its distinguished Senior Senator, Margaret Chase Smith of Skowhegan for a quarter of a Century; and

WHEREAS, Senator Smith has worked tirelessly for her fellow citizens in this State and fearlessly for good government, a strong national defense and legislation to improve the American way of life; and

WHEREAS, Margaret Chase Smith has brought credit to herself and honor to her State for her forthright stand on the great issues of the day and is highly respected throughout the free world for her deep insight into international affairs; and

WHEREAS, June 30, 1965 marks the 25th anniversary of Senator Margaret Chase Smith's service in Washington beginning as a Congresswoman from the Second District;

BE IT RESOLVED, THEREFORE, that the 102nd Legislature extend to Senator Smith congratulations on her record of service, greetings on this milestone occasion, and best wishes for the future.

Be it further

RESOLVED, that a copy of this Resolution be sent to Senator Smith. (H. P. 1154)

Comes from the House Read and Adopted.

In the Senate, on motion by Mrs. Chisholm of Cumberland, the Resolution was tabled pending passage.

Reports of Committees

House

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Appropriation to Adjust State Employees' Pay." (H. P. 184) (L. D. 239) reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-361)

Comes from the House Passed to Be Engrossed As Amended by Committee Amendment "A".

In the Senate, on motion by Mr. Harding of Aroostook, the report was accepted, Committee Amendment "A" was read and adopted, and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

Ought to Pass in New Draft

The Committee on Judiciary on Bill, "An Act Authorizing Qualified Licenses After Conviction for Drunken Driving if Essential to Livelihood." (H. P. 820) (L. D. 1111) reported that the same Ought to Pass in New Draft under same title: (H. P. 1144) (L. D. 1568)

Comes from the House Passed to Be Engrossed in New Draft.

In the Senate, on motion by Mr. Harding of Aroostook, the report was accepted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

Divided Reports

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Funds for Municipal Building at Old Orchard Beach." (H. P. 31) (L. D. 43) reported that the same Ought not to pass.

(Signed)

Senators:

BROWN of Hancock
HARDING of Aroostook

Representatives:

HEALY of Portland
BRAGDON of Perham
DUNN of Denmark
BIRT of East Millinocket

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

(Signed)

Senator:

DUQUETTE of York

Representatives:

ANDERSON of Orono
BISHOP of Presque Isle
JALBERT of Lewiston

Comes from the House, the Majority — Ought to pass — Report accepted and the Bill Passed to Be Engrossed, as amended by House Amendment "A" (H-367)

In the Senate, on motion by Mr. Duquette of York, the Minority Ought to pass report was accepted in concurrence, House Amendment A was read and adopted in concurrence, and the bill was tomorrow assigned for second reading.

The Majority of the Committee on Labor on Bill, "An Act Revising Certain Laws Under the Workmen's Compensation Law." (H. P. 895) (L. D. 1214) reported that the same Ought to pass, in New Draft Under Same Title. (H. P. 1147) (L. D. 1571)

(Signed)

Senators:

O'LEARY of Oxford
SMITH of Cumberland
CHISHOLM of Cumberland

Representatives:

BEDARD of Saco
BAKER of Winthrop
LEVESQUE
of Madawaska

DUMONT of Augusta
KITTREDGE
of South Thomaston
GAUVIN of Auburn

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, the Majority — Ought to pass, in New Draft — Report accepted, and the Bill Passed to Be Engrossed.

In the Senate, on motion by Mr. O'Leary of Oxford, the Majority Ought to Pass report was accepted, and the bill read once; on motion by Mr. Harding of Aroostook, the rules were suspended, the bill read a second time and passed to be engrossed in concurrence.

The Majority of the Committee on Liquor Control on Recommitted Bill, "An Act Relating to Definition of Premises Under Liquor Law." (H. P. 241) (L. D. 310) reported that the same Ought to pass, in New Draft Under Same Title. (H. P. 1149) (L. D. 1574)

(Signed)

Senators:

JACQUES of Androscoggin
SOUTHARD of Penobscot
FALON of Penobscot

Representatives:

ROY of Winslow
COTE of Lewiston
BERNARD of Sanford
HAYNES of Camden
LUND of Augusta
FAUCHER of Solon

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

(Signed)

Representative:

MEISNER

of Dover-Foxcroft

Comes from the House, the Majority — Ought to pass, in New Draft — Report accepted, and the Bill Passed to Be Engrossed.

In the Senate, on motion by Mr. Jacques of Androscoggin, the Ma-

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

Out of order and under suspension of the rules:

Enactors

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

Bill, "An Act Increasing Salary of Commissioner of Labor and Industry." (H. P. 23) (L. D. 26)

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

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

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

Bill, "An Act Revising the Savings Banks Laws." (H. P. 620) (L. D. 857)

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

Bill, "An Act Establishing the Fire Fighters Arbitration Law." (H. P. 742) (L. D. 979)

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

Bill, "An Act Classifying Certain Waters of East Branch of Sebasticook River." (H. P. 842) (L. D. 1143)

Bill, "An Act Relating to Repeal of Sardine Tax on Exports." (H. P. 848) (L. D. 1261)

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

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

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

Bill, "An Act Relating to Mental Examination and Observation of Persons Accused of Crime." (S. P. 513) (L. D. 1485)

Bill, "An Act Revising the Rural Electrification Cooperative Law." (S. P. 538) (L. D. 1528)

Bill, "An Act Relating to Agreements Between Attorney and Client." (S. P. 550) (L. D. 1549)

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

Resolve Designating Portion of Maine Turnpike as "The Maine Gold Star Memorial Highway." (H. P. 383) (L. D. 485)

Which bills were passed to be enacted and resolves were finally passed.

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

Mrs. SPROUL of Lincoln: Mr. President, I would like to go on record as being opposed to increased compensation in this amount for members of the legislature.

Thereupon, on motion by Mr. Duquette of York, the bill was placed on the Special Appropriations Table pending enactment.

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

Mr. JACQUES of Androscoggin: Mr. President, I would like to have this particular bill explained to me. I think it repeals the law on outside pleasure boats. Maybe the chairman of the committee could explain it to us.

The PRESIDENT: The Senator from Androscoggin, Senator Jacques, requests an explanation of L. D. 997 by any senator who may answer if he so chooses.

Mr. MAXWELL of Franklin: Mr. President and members of the Senate: I think I remember exactly what this does. By committee amendment it exempts all boats that are brought into the state specifically for the purpose of being repaired or stored over winter by out of state owners.

Thereupon, the bill was passed to be enacted.

Senate Papers Orders

Out of order and under suspension of the rules, on motion by Mr. Casey of Washington

ORDERED, the House concurring, that the Attorney General is directed to give to the Senate his opinion on the constitutionality of the Bill entitled: "An Act Relating to Qualifications for Practice of Hairdressing and Beauty Culture." (S. P. 491) (L. D. 1456) now pending before the Senate. (S. P. 571)

Which order was read and passed and sent down for concurrence.

Final Report

The Chairman of the Joint Standing Committee on Inland Fisheries and Game, Mr. Manuel of Aroostook, submits the Final Report of the Committee.

Which report was read and placed on file.

The PRESIDENT: The Chair would congratulate the Senator.

The President laid before the Senate the 1st tabled and later assigned item for today, Item A-3, tabled earlier in today's session by Senator Violette of Aroostook pending consideration.

Thereupon, Mr. Violette of Aroostook moved that the Senate recede and concur.

The motion prevailed.

The President laid before the Senate Item A-3, Bill, "An Act Revising the Laws Relating to Dislosures of Debtors" (S. P. 264) (L. D. 813) tabled earlier in today's session by Senator Violette of Aroostook pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur.

The President laid before the Senate Item 6-10½, House Report from the Committee on Business Legislation, Ought to pass, on Bill, "An Act Relating to Insurance on Public Buildings." (H. P. 852) (L. D. 1150) tabled earlier in today's session by Senator Carter of Kennebec pending acceptance of the committee report; and on further

motion by the same Senator, the bill was indefinitely postponed in concurrence.

The President laid before the Senate, Item 6-12, House Report from the Committee on Judiciary, Ought to pass in New Draft under new title, on Bill, "An Act Adopting the Uniform Arbitration Act" (H. P. 924) (L. D. 1252) (new draft and new title being: "An Act Relating to Arbitration Agreements" (H. P. 1140) (L. D. 1248), which was tabled earlier in today's session by Senator Shiro of Kennebec pending acceptance of the committee report.

Mr. SHIRO of Kennebec: Mr. President, I move that this bill and all accompanying papers be indefinitely postponed.

Mr. GLASS of Waldo: Mr. President, I would rise in opposition to the Senator's motion. This is not a complicated bill, although it did come out of Judiciary, having been referred to that body. Originally it came to the committee as "An Act to Accept the Uniform Arbitration Act" and it was generally agreed by the committee that we were not prepared to accept the act in its entirety so we reported a watered-down version of the arbitration act which merely permits people to enter into agreements whereby they can arbitrate. Possibly some of you ladies and gentlemen of the Senate have seen these; they appear quite generally in construction contracts where one has a long and involved contract providing for plans and specifications, rather than be bogged down in litigation over minor items contained in the contract there is a clause inserted in the contract whereby the parties agree to submit their differences that might arise under the terms of the contract to arbitration, thus saving litigation.

Now most of the states in the United States have such laws permitting arbitration. Under an old law, which I believe somewhere in the late eighteen hundreds our Supreme Judicial Court said in a case that arbitration provisions contained in a contract are not valid in the State of Maine, with

the result that on numerous occasions people have had two shots at the apple, so to speak. In a contract which provides for arbitration they will arbitrate all right but unless the arbitration comes out their way they appeal from the decision of the arbitrator and go to court.

This bill is nothing more and nothing less than an attempt to eliminate litigation over minor items and I cannot for the life of me see any objection to it unless counsel feel that by passing this act it will eliminate the necessity for their services on occasion. This, I assure you, it does do, and that is the only thing it does. For that reason, I would ask the Senate to vote against the motion of Senator Shiro to indefinitely postpone.

Mr. STERN of Penobscot: Mr. President, I was almost certain for a while that I wouldn't have to get up to make a speech this afternoon but I am constrained to answer my good friend, the Senator from Waldo.

You know in this particular bill there are many things that should be explained to the layman. A lot of you have arbitration clauses in your insurance policies and I am sure that none of you have read them. They are so small, they are so minute you haven't any idea that when you have a claim to make that you must submit to arbitration, and, members of the Senate, you don't have a chance. If this law is enacted this is it.

I am not against arbitration and it is all right to have these arbitration clauses in these contracts and in these policies, but under our present law the little fellow who does not read these minute clauses and arbitration agreements, under the law he can appeal, he has a right to have this determined by a court of law. If you voted for this bill you are just tying yourselves up so that you will never have a real opportunity to be heard on the merits of a claim. I am not against arbitration, but the way this bill is worded you will find that many of you, even now, under your insurance policies, when you have

agreed to these arbitration clauses, this is not just, it is not fair, and I still think that this is no time for us to take away the right of appeal to our courts in the event a small person is given a raw deal.

I do not want to be overlengthy in my argument on this but when this bill was discussed in Judiciary we were pretty busy, and frankly I know we had some idea — I am speaking for myself, and I do not know about the other members — and, believe me, at this particular moment I was not listening to the ball game — we were going to let Representative Richardson make the redraft in accordance with the way we were talking. I never saw it, it never was brought back to the Judiciary Committee, and I was shocked and amazed to find that this bill was redrafted in such a way that our rights would be forever prohibited and we would be shut out under these arbitration agreements.

Now this does not serve the lawyer, it has nothing to do with the lawyer because these cases are far in the minority, but it certainly is a bill that would hurt you people, every one of you that have insurance contracts, because this is where most of the cases arise, out of insurance policies. I am sure that none of you read these clauses. If you want your rights to be forever prohibited and you don't care what happens when you sign these agreements, then vote for the bill, but if you want to be protected vote against it.

Mr. GLASS of Waldo: Mr. President, I think it is quite possible that Senator Stern was not listening to the ball game when this bill was redrafted and presented to the committee. It most certainly was because I distinctly remember the discussion concerning it and I distinctly remember the majority vote of the committee "Ought to pass", and I also distinctly remember the possibility of this creeping into insurance contracts was discussed at great length and every one of us was concerned about this possibility.

Now in your insurance contract, Senator Stern would have you be-

lieve, there is no arbitration clause except in two forms of insurance, one is your fire insurance policy. There is an arbitration clause in your fire insurance policy and has been for years and years, and there is in every fire insurance policy I know of in the United States of America because it is a standard form of policy with standard provisions that are approved by the Insurance Commissioner, and no provision for arbitration or anything else can be put into an insurance policy unless that provision is accepted by the Insurance Commissioner, and there is, to my knowledge, absolutely no arbitration provision in any liability policy issued that is issued in the United States, so this worry about an arbitration clause appearing in your insurance policy, other than fire and other than uninsured motorists, which is a policy that provides that if you are hit by someone who does not have insurance you are insuring yourself against that very fact, that should this person hit you the company with whom you are insured will pay you the damages which you would be entitled to had you sued the other individual who did not have insurance. There is an arbitration clause in that provision, and in many of these policies there are provisions for appeal insofar as any arbitration is concerned. This we were assured in committee, and if I am wrong will some other member of the committee stand and correct me, preferably the Senator from Aroostook, that it did not apply to insurance policies, and I am confident that it doesn't.

Mr. SHIRO of Kennebec: Mr. President, I wish to state that in my opinion this particular bill will go a long way in leading people away from seeking our courts for redress of their grievances. I can only visualize this type of arrangement, which is contrary to the practice we have had for many years in having people look to our courts as being the final source for justice in the state and the one to make final settlement of any complaints they may have. I wish to state that in my experience I have seen many peo-

ple who are easily misled, and I can see that in many instances where a claim will arise, whether it be as a result of a contractual relationship or as a result of some injury suffered by somebody, where a person will easily be misled into entering into an arbitration agreement not realizing that he will be precluded from seeking recourse to the court. I know many of us feel that if we are seriously aggrieved by some injury we can always have a trial by jury, it being one of our inherent and inalienable rights here in this country. This particular bill can prevent a person from having recourse to a trial by jury. I can see some instances where a person has sustained an automobile injury and his claim looks just and substantial that an insurance representative can easily go to these people—and many times this is the case—and they can assure them that they will be compensated for their injuries, their damages, and that probably they would be compensated for their medical expenses, and I can see representatives of insurance companies submitting to them, as many times they do, a release or discharge of any claim upon being paid a certain consideration, a statement that if they are willing to sign this agreement they will be paid their medical expenses pending the final outcome of their claim provided they are willing to arbitrate should there be any differences of opinion as to the value of their claim after they have either left the hospital or recovered from their particular injury. I can very easily see this type of provision being very surreptitiously presented to an individual. Many persons who are financially depressed are very eager to obtain money while they are under an incapacity and are unable to work on the assumption that if their claim is not finally disposed of or if they cannot agree later on they can certainly have it arbitrated. Many persons do not even know what it means to arbitrate, and many people will be deluded into thinking that they can still have recourse to the courts later on.

In my opinion this is a very dangerous bill and it is for that reason that I feel this bill should not pass, and when a vote is taken I would ask that a division be had.

Mr. JUTRAS of York: Mr. President, I had an experience today in dealing with lawyers and I find out that the little people, when they entrust their cares and problems to the hands of the lawyers they look upon them as their champions and their advocates in all cases. I do not wish to go into any further detail in this problem that I have encountered today, and I know that certain members of this Senate know what I am speaking about, but for the record, I would fully entrust my full faith in a man who has proven it by his record of so many years before the bar, and I heartily support Senator Stern.

Mr. STERN of Penobscot: Mr. President, first I want to thank my good friend, Senator Jutras, and this will entitle him to free legal advice for the next six months. Aside from that, I want to say that our Supreme Judicial Court, speaking through Chief Justice Wiswell, in the case of Fisher against some insurance company, I don't know the particular name of it, did say in plain language: "The parties may impose as a condition precedent that they shall have an amount settled by arbitration, but this cannot entirely close access to the courts."

I have no objection to arbitration agreements and I have been through many arbitration agreements, and many, many times these arbitration agreements turn out satisfactorily, but I do not want these arbitration agreements to prohibit you or to prohibit me, if we get a raw deal under these agreements, I do not want anything to prevent us from going to the court where we may seek injustice, and this is why I am so strong in my objection and I wholeheartedly concur with the remarks of my good friend Senator Shiro.

Mr. GLASS of Waldo: Mr. President, I rise reluctantly, but I would like to pose a question

through the Chair if I might. I wonder if Senator Stern and Senator Shiro and the others who appear to object to this bill so strenuously have the same objections to arbitration clauses that appear in labor contracts and the firemen's bill that we passed here in the Senate and today I believe it was an enactor, and the countless other arbitration provisions that appear in connection with labor and industry? Do they have the same objections to these items of arbitration that every other state in the United States, almost, encourages, and for every paragraph containing the language of Chief Justice Wiswell the language in other states specifically encourages people to settle their problems out of court if they can.

Insofar as the remarks of Senator Shiro are concerned relative to insurance policies, if you read the bill you will see there are provisions in the bill that should anyone attempt to encourage anybody to arbitrate by using fraud or subterfuge or any other conduct it would be sufficient to set aside any agreement reached by that arbitration and the arbitration agreements would be invalid. My question remains, Mr. President.

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

Mr. SHIRO of Kennebec: Mr. President, I am pleased to answer Senator Glass's question but I certainly have no objection to the bills which we have passed in regard to the firemen's arbitration act or in regard to the other arbitration provisions that he had referred to, or labor arbitration, because they are two entirely different situations altogether, completely different. There are teams of arbitration representatives, the whole situation is entirely different. Here it concerns just individuals, and my feeling is that the danger lies where it is the ordinary individual who is not represented by counsel, who does not desire to be represented by counsel for fear perhaps he cannot afford it, and yet he is put into a position where he may be disil-

lusioned into entering a type of contract which would certainly prove detrimental and which could very easily prevent him, under this particular bill, from having recourse to a court.

In regard to the Senator from Waldo's contention that the danger perhaps is eliminated because we already have a law that if a person is induced to enter into one of these contracts by fraud that certainly he would have his remedy, but most of these situations that a person will enter into will be because he is unthinking, because he was gullible, not as a result of any fraud or any wrongdoing on the part of an adjuster of a particular injury claim. Very seldom would the case of fraud arise. But I think we all know from our experiences that there are many people who are not educated in these matters and when they are faced with a very dire financial situation they are very eager to receive some type of compensation, and this is what I think we should try to prevent. I think in indefinitely postponing this bill we will go a long way in protecting these individuals who will be assured that they will have their right to have their day in court if they are not satisfied in the long run.

Mr. VIOLETTE of Aroostook: Mr. President, I rise first of all to set the record straight in regard to reporting the bill out of our committee in the fashion that has been stated here. By a vote adopted in the committee some time past, it was agreed by the committee that where there was a quorum of the committee present and all of the members there were unanimously of the opinion that a bill should be reported out "Ought to pass" or "Ought not to pass" that is the way it would be reported out, in order to expedite the business of the committee. At the same time it was further agreed that anyone who was not there present when that vote was taken was free to take whatever position he wanted to when the bill was reported out, so Senator Stern's position in regard to opposing this bill is perfectly correct in accordance with the pro-

cedure, and so is Senator Glass's position. I myself voted along with the majority of the committee there present and voting an "Ought to pass" report because I felt that this was a good bill. Originally I had some reservations but in the new draft which was reported out of committee I did not see, perhaps mistakenly, all of the inherent pitfalls and dangers that some of our fellow senators and attorneys here seem to think are presented in this bill. I still intend to support my vote of "Ought to pass."

Mr. STERN of Penobscot: Mr. President, just a few words. You know we are approaching, perhaps, the end of the session, at least it seems to be in sight. I have resolved myself perhaps to shorten my speeches. I just want to remind my fellow senators that perhaps the best prescription for a good talk is a short one and I intended to follow this. I am reminded of the story where this young chap approached this girl, and he said to this girl, "Do you suppose you can say in one sentence something that would discuss religion, medicine, science and mystery?" Oh my God, I am pregnant. Who did it?"

The PRESIDENT: The motion before the Senate is the motion of Senator Shiro of Kennebec that the bill be indefinitely postponed; a division has been requested.

A division of the Senate was had.

Twenty-four having voted in the affirmative and nine opposed, the bill was indefinitely postponed.

The President laid before the Senate Item 7-6 Bill, "An Act Relating to Sweepstake Races and Allocating Proceeds for Educational Purposes" (H. P. 102) (L. D. 110) tabled earlier in today's session by Senator Snow of Cumberland pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

The President laid before the Senate, Item 7-9 Bill, "An Act Relating to Definition of Licensee under Liquor Law" (S. P. 560) (L.

D. 1567) tabled earlier in today's session by Senator Shiro of Kennebec pending passage to be engrossed; and that Senator yielded to Senator Harding of Aroostook; on motion by Mr. Harding of Aroostook, the bill was retabled and especially assigned for the next legislative day.

The President laid before the Senate Item 7-7 Bill, "An Act Relating to Rules Regarding Retirement of Teachers" (H. P. 758) (L. D. 995) tabled earlier in today's session by Senator Chisholm of Cumberland pending passage to be engrossed; and that Senator yielded to the Senator from Kennebec, Senator Carter.

On motion by Mr. Carter of Kennebec, the Senate voted to reconsider its former action whereby it adopted Senate Amendment A; and on further motion by the same Senator, Senate Amendment was indefinitely postponed.

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

Which amendment (S-262) was read and 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 Item 7-13 Bill, "An Act Creating the Investment of State Funds Laws" (S. P. 555) (L. D. 1564) tabled earlier in today's session by Senator Maxwell of Franklin pending passage to be engrossed.

Mr. MAXWELL of Franklin: Mr. President I have an amendment which I want to offer and it has not yet been processed so I would hope that someone would table this until the next legislative day.

Thereupon, on motion by Mr. Harding of Aroostook, the bill was tabled pending passage to be engrossed and was especially assigned for the next legislative day.

The President laid before the Senate, Item 6 on page 8 of today's calendar (S. P. 205) (L. D. 586) Senate Reports from the Committee on Judiciary on Bill, "An Act Relating to Liability for

Damages for Tortious Conduct of State"; Majority report, Ought to pass as amended by Committee Amendment A; Minority Report, Ought to pass in New Draft new title, Bill, "An Act Directing Review of Governmental Immunity" (S. P. 561) (L. D. 1573) tabled earlier in today's session by Senator Shiro of Kennebec pending the motion of Senator Violette of Aroostook to accept the Minority Ought to pass in new draft report; and Senator Violette moved the pending question.

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

Mr. BOISVERT of Androscoggin: Mr. President, is the Senate in possession of L. D. 471?

The PRESIDENT: The Chair would inform the Senator that it is in possession of L. D. 471.

Thereupon, on motion by Mr. Boisvert of Androscoggin, the Senate voted to reconsider its former action whereby it passed to be engrossed, Bill, "An Act Relating to Retirement Benefits for Fish and Game Wardens and Coastal Wardens under State Retirement System" (H. P. 369) (L. D. 471) and to further reconsider its action whereby it adopted Committee Amendment A.

On further motion by the same Senator, Committee Amendment A was indefinitely postponed and the bill passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. VIOLETTE of Aroostook: Mr. President, may I inquire if the Senate has in its possession (S. P. 559) (L. D. 1566), An Act Relating to Municipal Regulation of Community Antennae Television Systems?

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. Violette of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, and the same

Senator presented Senate Amendment A and moved its adoption.

Which amendment (S-259) was read and adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table An Act Revising Certain Laws Relating to Prevention of Forest Fires (H. P. 778) (L. D. 1174) and on motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and the same Senator presented Senate Amendment A and moved its adoption.

Which amendment (S-218) was read and adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Mrs. SPROUL of Lincoln: Mr. President, I move that the Senate reconsider its action whereby it passed to be engrossed, Item 7-6, L. D. 110.

Mr. FALON of Penobscot: Mr. President, I would like to ask the Senator from Lincoln, Senator Sproul, if this is for the purpose of amendment or for the purpose of killing the bill.

The PRESIDENT: The Senator from Penobscot, Senator Faloon, directs a question through the Chair to the Senator from Lincoln, Senator Sproul who may answer if she chooses.

Mrs. SPROUL of Lincoln: Mr. President, I am perfectly willing to answer and I do choose to answer. It is for the purpose of killing the bill.

Mr. FALON of Penobscot: Mr. President, I again would like to call the attention of the members to the fact sheet I presented to you last week. I think this in itself is a reason why we should adopt L. D. 110. I am not going to speak very long because I think we already have the feeling of the Senate. I would ask for a division, and if a motion to indefinitely postpone is presented I would ask the Senate to support me on this bill.

The PRESIDENT: The motion before the Senate is the motion of Senator Sproul of Lincoln that the Senate reconsider its former action whereby it passed to be engrossed, L. D. 110.

A division of the Senate was had.

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

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table, H. P. 907, L. D. 1235, "An Act to Clarify Certain Portions of

the Election Laws Relating to Ballots.

On motion by Mr. Letourneau, the Senate voted to reconsider its former action whereby the bill was passed 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 in non-concurrence.

On motion by Mr. Harding of Aroostook

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