

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

Tuesday, June 1, 1965

Senate called to order by the President.

Prayer by Rev. John Donovan of Winthrop.

On motion by Mr. Cahill of Somerset, the journal of yesterday was read and approved.

Bill, "An Act Relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit;" (H. P. 589) (L. D. 781) In Senate, May 20, passed to be engrossed in concurrence; comes from the House Passed to be engrossed as Amended by House Amendment "C" (H-402) in non-concurrence.

Mr. GLASS of Waldo: Mr. President, I move that the Senate recede and concur.

Mr. STERN of Penobscot: Mr. President, I would like to speak on this matter and then request a division.

The PRESIDENT: The Senator may.

Mr. STERN: Mr. President, since this bill came out of judiciary I have been approached by quite a few people wanting me to object to it, and the reason for the objection has been that to give officers the right to pursue a speeder into an adjacent community would create a tremendous hazard and would jeopardize the lives of pedestrians in our cities. It would be much better, in the interests of justice and safety that a speeder be permitted to go free rather than endanger the lives of so many people who may be on the street or in cars on the highway.

Quite frequently you will pick up a paper and read something like this, which is something Senator Smith has brought to my attention and which was torn out of a Portland paper;

"Solomon Mann was chasing a car at high speed and was injured Friday when both vehicles swerved off Route 4 in Rural Auburn. Both were taken to the hospital in adjacent Lewiston."

This is the kind of thing that we feel may happen if this law was permitted to be enacted. So, for the reasons as stated, I now feel that this bill should be defeated, because it might endanger the lives of our people.

Mr. GLASS of Waldo: Mr. President, I concur with the remarks of Senator Stern, and I think what he said is entirely possible, not only the recent article he has read but I can attest to the fact that in Rockland the Sheriff's Patrol was chasing a person accused of driving under the influence. In that instance both deputy sheriffs were killed and the person being pursued was gravely injured. But, to look at the other side of the coin, will these people be permitted to speed through our small communities, our small towns where we do not have State Police to rely on who already have this right, where were it not for the fact that they are pursued on occasion, apprehended and stopped from their reckless conduct, who knows but what they could kill many more people than would be killed in the act of pursuit. We have picked up our papers and seen countless articles where police have pursued a person, been unable to catch him during the actual speeding, where cars have gone off the road and killed pedestrians.

I do not think the fact of pursuit alone is bad per se. This can happen during the pursuit, but unless those persons are apprehended and unless the officers are permitted to pursue them, I think far greater consequences could result in terms of loss of lives and property damage. I urge the Senate to vote to recede and concur with the House, that body having very, very carefully considered this bill in its amended form. I hope you will support my motion.

Mr. O'LEARY of Oxford: Mr. President, I believe this is an unnecessary piece of legislation. I know in Oxford County our Sheriffs' Department is authorized to deputize those in the communities in the way of municipal officers

that he feels are qualified and need the necessary powers for pursuit, so this legislation, to me, is just bringing us one step closer to a police state. We have radios in most of our municipal cars now and they are on the same wave band with your State Police, who have the right to go anywhere throughout the state. Perhaps in your small towns they do not have. I am not aware of how they operate. However, I feel this is a bad piece of legislation and I move for the indefinite postponement of this bill and all accompanying papers.

Mr. STERN of Penobscot: Mr. President, just a few more words.

I would like to bring the attention of the Senate to the fact that these town officers, these town policemen, do not have the qualifications and training that our State Troopers do, and this would also create an additional hazard. I hope you would take that into consideration.

The PRESIDENT: The Chair rules that the motion before the Senate is the motion of the Senator from Waldo, Senator Glass, to recede and concur.

Mr. JACQUES of Androscoggin: Mr. President, could anyone answer this question? Does that include the Sheriff's Department also, to allow them to go into other counties in pursuit of speeders?

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

Mr. VIOLETTE of Aroostook: No, Mr. President, it does not; it pertains to police officers and a deputy sheriff is not a police officer.

May I continue?

The PRESIDENT: The Senator may proceed.

Mr. VIOLETTE: I think there are various factors to be weighed in regard to this bill. I think you have to rely on the good judgment of people who are police officers. The matter of training of police officers I think is somewhat germane to the matter. I think in this day and age most of our police officers get a fairly good training and I think they have

the judgment to determine whether there is an inherent danger in pursuing somebody. I think it depends on the nature of the offense that has been committed or is being committed. It is my considered judgment, taking this bill in its entirety, that the advantages of this bill to a considerable degree outweigh its disadvantages. You have sheriff's deputies in the county who have the constitutional authority to follow anyone who has either committed or is committing a crime across the town line. You have your State Police officers who have this same power. Now I think enough of your police department officers have the training and the judgment to properly exercise this law and I think it will be quite a deterrent in having a good enforcement of the law. I do not see all the dangers in it that most of these people think there is. I hate to disagree with them, but the matter that Senator O'Leary mentioned in regard to deputizing deputy sheriffs, well, this just isn't the case. In some of your towns quite a few of your deputy sheriffs are not members of the police force or a very small percentage of them are. You might have a police force which would have five or six police officers and you might have perhaps one or two at the most who might incidentally be deputy sheriffs. I think this bill has advantages and I think it ought to be sustained and I hope that you support the motion of Senator Glass.

Mr. JUTRAS of York: Mr. President, it seems to me that we will vote very shortly for one of two things: we will vote first to uphold the protection of life and limb and possibly vote against the respect for law and authority. That is the question. Which will we vote for.

Mr. O'LEARY of Oxford: Mr. President, perhaps I didn't make myself clear in my statement.

In Oxford County our sheriff deputizes those municipal officers that he believes should have this right, not just special deputies. These are municipal officers. In the town of Mexico he has awarded a deputy's badge to the chief of our police, and we only have the one

so he is chief, sergeant, patrolman or anything you want to call him, and he has that right.

Now you are going to say that our county sheriffs and deputies cannot cross county lines but we are going to give the municipal police the right to run over the entire State of Maine. I had an experience down in Georgia where I came into a town and I had my legislative green plates on my automobile. He picked me up right at the town line so I proceeded to follow all the speed limits throughout the town and he followed me right to the other end. Now with a bill such as this any municipal officer could stay right behind you—you haven't broken a law in his town but he is still in fresh pursuit, and if a man is going 45 in a 40-mile zone he has broken the law. I say this bill should be indefinitely postponed.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: I have been here about ten years now and I think this thing has come up every two years. To me this is one way of doing away with your Sheriff's Department, and this is the only way I can see it, by giving these municipal police the right to go anywhere in the county but not allowing the Sheriff's Department to go in other counties. We have that situation in Androscoggin County and Oxford County. These counties are very close to each other and a sheriff would not be allowed to go into the other county in hot pursuit. I do not see any difference between having Lewiston and Auburn and Lisbon and Lisbon Falls municipal officers going into these towns while the sheriff could not go into Oxford County or Cumberland County.

We had an accident that happened not too long ago, just about a week or so ago, where the state police were chasing this automobile and ran into a woman and almost killed the young fellow that was speeding. We had one not too long ago where this young boy stole his fathers car, he was sixteen years old, and the city police went over and picked the boy up and while the officer was calling in the boy got into the car and

fled away with the car. The officer had taken the keys out of the ignition but I guess the boy had another set of keys. In the meantime the police took off after him and finally almost killed him. The car was completely wrecked and the boy was in the hospital for I don't know how many days.

These are the things that are happening. I can see that when a felony is committed the officer has all the right in the world to follow the car into another town and make an arrest, as I can or any of you members can. I don't know why this law is needed in the first place because you can do it now, but, no, they want to put it on the books. It has been up here for many, many years. I don't know why they want this law, and the only thing I can think of is that it is trying to do away with the Sheriff's Department. Don't forget this.

Mr. GLASS of Waldo: Mr. President, I rise very reluctantly because this measure was debated fully in both bodies, but to correct misapprehensions or erroneous impressions created by the remarks of the Senator from Androscoggin, Senator Jacques and the Senator from Oxford, Senator O'Leary, as was indicated by the Senator from Aroostook, the sheriffs' departments presently do have this right. This bill appertains to municipal officers only. In other words you are giving the same right if you pass this bill to municipal officers that is now enjoyed by the state police and the sheriff's department.

Just for an illustration, I was actively engaged in this particular situation. A police officer with a number of years of experience in the town of Camden, Maine was patrolling U. S. Route No. 1 which would extend from Rockport in the south to Lincolnville in the north. He saw a car, unfortunately he was headed in the opposite direction, headed south, and he saw a car being operated in a northerly direction headed toward Lincolnville and at the point he first observed the vehicle he was only about a half mile from the Lincolnville town line.

He turned his car around and pursued this vehicle. The driver of the vehicle happened to be a youngster somewhere around eighteen or nineteen years of age, inebriated to a great extent, and he arrested him. He was exercising his own judgment insofar as what he thought his right to pursue was. There was no question whatsoever about the condition of the driver. He was inebriated as were all of his passengers. This arrest actually took place perhaps two miles north of the Camden town line. This was a Saturday night; there was a lot of traffic on the road, and unfortunately our state police are spread as thin as butter. The long and the short of the story is that the individual went free because there arose a doubt in the mind of the court as to whether or not this officer had the right to fresh pursuit, acting as he did in pursuing this car from the town of Camden into the town of Lincolnville.

This is by and large, all this bill is asking you to do, to authorize that officer under those conditions to pursue an automobile. As it stands right now, and I have also been involved personally in an experience of this nature, where these young hot rodders will deliberately bait police, drive through a town at a high rate of speed, squealing their tires possibly, and if you will believe me I can say that the police are under certain handicaps now, justly so I might add, in the interest of the protection of the individual. Unless the officer can prove what we call the corpus delicti which in this case would be the identity of the driver, he is powerless to make an arrest. Actually and truthfully it has come to a point where these youngsters or anybody else for that matter can come back into town and say, "I enjoyed the chase last night; too bad you had to stop." They can literally and actually thumb their nose at a police officer. This is what this bill is trying to prevent.

Mr. STERN of Penobscot: Mr. President, Senator Glass must be talking about his own county. Those things don't happen up our way, but that isn't what I want

to speak about. We have a well settled and universal law when a man is accused of crime and brought into court, the law requires that the jury should give him the benefit of a reasonable doubt. That law is founded on the simple bit of justice that it is better that sometimes a guilty person go free than it is to convict an innocent man. And I say also, in this particular law that it is better that occasionally a speeder be allowed to escape rather than to take the life of one single innocent person.

Mr. JUTRAS of York: Mr. President, may we have a breakdown on this particular bill?

The Secretary read the Committee Report.

Mr. O'LEARY of Oxford: Mr. President when the vote is taken I request a division.

Mr. Bernard of Penobscot: Mr. President, I am a little confused here. Someone told me that they already have this right of pursuit if the car is speeding. Others say they don't have the right. I would like to have the answer to that question.

The PRESIDENT: The Senator from Penobscot, Senator Bernard, directs an inquiry through the Chair to any Senator who may answer if he so chooses.

Mr. GLASS of Waldo: Mr. President, I think actually the courts are quite confused on this issue. A number of courts hold that this is an inherent right of an officer where misdemeanor is committed in his presence, he can exercise his jurisdiction that exists in his municipality and follow this person from his own municipality elsewhere. Other courts maintain that this is not the case, that an officer has no such authority and where it is a misdemeanor, the officer must halt within the geographical bounds of his authority which is the limit of his municipality. This is one reason why this bill, I believe, was introduced in the first instance, to clarify what now seems to be a confused state in the law. That is the only way I can answer the Senator's question.

Mr. SHIRO of Kennebec: Mr. President, I did not intend to become involved in this debate but I would like to give my support to the contention that this bill ought not to pass. I think that it is very dangerous to place a police officer in the position that this bill would place him in and that it would certainly, as Senator Stern has pointed out, create possibly a greater danger than the offense that might have been committed. We are only concerned here with misdemeanors but we would be placing life in jeopardy by allowing this pursuit. I think that because of the great risk involved I would feel that this bill certainly should be indefinitely postponed.

The PRESIDENT: The Chair will stand corrected. The Senator from Oxford, Senator O'Leary moved for the indefinite postponement of the bill and that motion is in order. Therefore the motion before the Senate is the motion of Senator O'Leary of Oxford to indefinitely postpone L. D. 781; a division has been requested.

A division of the Senate was had.

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

Thereupon, the Senate voted to recede and concur.

Bill, "An Act Revising the Motor Vehicle Dealer Registration Law." (S. P. 535) (L. D. 1526)

In Senate, May 13, passed to be engrossed as amended by House Amendment A in non-concurrence.

In Senate, on motion by Mr. Mendell of Cumberland, tabled pending consideration and especially assigned for later in today's session.

The PRESIDENT: The Chair would like to recognize in the Senate gallery 37 7th and 8th grade students from the Viola Rand Elementary School. They are chaperoned this morning by Mr. James Christopher Bate their principal. We welcome you here this morning and hope that you

enjoy and benefit from your visit here. You are from the town of Bradley and the Chair would like to introduce the Senators from your country which, of course, is Penobscot. Senator Faloon, Senator Stern and Senator Bernard. (Applause)

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

In Senate, May 25, Passed to Be Engrossed As Amended by Senate Amendment "A" (S-266)

Comes from the House, Passed to Be Engrossed As Amended by Senate Amendment "A", as Amended by House Amendment "A" (H-398) thereto, in Non-Concurrence.

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

House Papers

Joint Resolution

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

WHEREAS, Senator Smith was the first woman elected, on her own, to a full term in the United States Senate; and

WHEREAS, Margaret Chase Smith has brought credit to herself and her State by being elected to the Hall of Fame for Women; and

WHEREAS, June 3, 1965 marks the 25th anniversary of Senator Smith's service in Washington since being elected to represent the Second District;

BE IT RESOLVED, THEREFORE, the Senate concurring, that the 102nd Legislature extend congratulations to the lady Senator on this occasion,

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Senator Smith. (H. P. 1158)

Comes from the House Read and Adopted.

Which was Read and Adopted in concurrence.

Communication

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

May 28, 1965

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

Sir:

The Speaker of the House on May 27th appointed the following Conferees on the disagreeing action of the two branches of the Legislature on S. P. 428. L. D. 1375, Bill, "An Act Clarifying the Inland Fisheries and Game Laws":

Messrs. COOKSON of Glenburn
ROSS of Bath
GAUDREAU of Lewiston
Respectfully submitted
JEROME G. PLANTE
Clerk of the House

Which was Read and Ordered
Placed on File.

Order

On motion by Mr. Violette of Aroostook

ORDERED, the House concurring, that the Judicial Council is requested to study the comparative merits of the public defender system and assigned legal counsel for indigent defendants, and the desirability of introducing either into the judicial system of the State, and to report the results of its study to the 103rd Legislature. (S. P. 587)

Which was Read and Passed.
Sent down for concurrence.

Reports of Committees**House****Ought to Pass**

The Committee on Health and Institutional Services on Bill, "An Act Defining Nursing Home Under Health and Welfare Laws." (H. P. 688) (L. D. 925) reported that the same Ought to Pass.

Comes from the House, report Read and Accepted and the Bill Passed to Be Engrossed, As Amended by House Amendment "A" (H-362)

In the Senate, the report was read and accepted and on motion by Mr. Harding of Aroostook, the

bill was given its two several readings, House Amendment "A" was read and adopted, and the bill was passed to be engrossed in concurrence.

Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act Relating to Insurance on Public Buildings." (H. P. 931) (L. D. 1281) reported that the same Ought to Pass in New Draft under New Title: "An Act Establishing the Maine Insurance Advisory Board and Reserve Fund for Uninsured Losses." (H. P. 1142) (L. D. 1562)

Report Read and Accepted in concurrence, the Bill in New Draft Read Once, and on motion by Mr. Carter of Kennebec, the bill was tabled pending assignment for second reading and was especially assigned for later today.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Permitting the Establishment of Private Shooting Preserves." (H. P. 491) (L. D. 644) reported that they are unable to Agree.

Which report was Read and Accepted in concurrence.

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act to Establish a Voluntary Contributions Commission." (H. P. 161) (L. D. 183) reported that the same Ought Not to Pass.

(Signed)

Senators:

MAXWELL of Franklin
WILLEY of Hancock

Representatives:

WOOD of Webster
COTRELL of Portland
HANSON of Gardiner
CURRAN of Bangor
DRIGOTAS of Auburn

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

(Signed)

Senators:

LETOURNEAU of York
ROSS of Bath

Representative:

MARTIN of Eagle Lake

Comes from the House, Majority — Ought Not to Pass Report Accepted.

In the Senate, on motion by Mr. Maxwell of Franklin, the Majority Ought not to pass report was accepted in concurrence.

Second Reader

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

Bill, "An Act Relating to Testamentary Shares of Omitted Children." (S. P. 287) (L. D. 849)

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

Sent down for concurrence.

Enactors

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

Bill, "An Act Relating to Appropriation to Adjust State Employees' Pay." (H. P. 184) (L. D. 239)

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

Bill, "An Act Relating to Minimum Wages for Firemen." (H. P. 503) (L. D. 656)

Bill, "An Act Authorizing County Commissioners for York County to Make a Loan for Construction of a Sewage Treatment and Disposal System for its Courthouse and Jail." (H. P. 571) (L. D. 741)

Bill, "An Act Permitting Certain Corporations to Hold Stockholder Meetings Outside of State." (H. P. 619) (L. D. 827)

Bill, "An Act Relating to Taking of Alewives in Little River and Boyden Stream." (H. P. 1105) (L. D. 1510)

Bill, "An Act Authorizing Use of Prisoner Assistance by Charitable Organizations." (H. P. 1115) (L. D. 1522)

Bill, "An Act to Incorporate the Kittery Sewer District and Extending Territory of Brunswick Sewer District." (H. P. 1121) (L. D. 1531)

Bill, "An Act Relating to Shooting Human Being While Hunting." (H. P. 1133) (L. D. 1552)

Bill, "An Act Relating to Excise Tax on Aircraft." (H. P. 1135) (L. D. 1554)

Which bills were passed to be enacted.

Bill, "An Act to Provide for Establishment of a Veterans Memorial Cemetery." (S. P. 157) (L. D. 397)

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

Bill, "An Act Relating to Uniform Local Effort for Payment of School Subsidies." (S. P. 307) (L. D. 1041)

(On motion by Mr. Harding of Aroostook, tabled pending enactment.)

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

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

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

Mr. STERN of Penobscot: Mr. President, I have an amendment which I would like to present and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Stern first moves that the Senate reconsider its former action where it passed the bill to be engrossed.

Mr. VIOLETTE of Aroostook: Mr. President, I request a division on the motion of Senator Stern of Penobscot.

The PRESIDENT: A division on the motion to reconsider engrossing has been requested. In order to suspend the rules it will take the affirmative vote of two thirds of the members present.

Mr. GLASS of Waldo: Mr. President, would it be in order to request that the Senator from Penobscot, Senator Stern explain his amendment?

The PRESIDENT: It would be in order.

Mr. GLASS: Mr. President, I would so request through the Chair.

The PRESIDENT: The Senator from Waldo, Senator Glass, requests an explanation of the motion to reconsider, of the Senator from Penobscot, Senator Stern who may answer if he so chooses.

Mr. STERN of Penobscot: Mr. President and members of the Senate, I have been requested on this particular bill to change the words July 1, 1966 to July 1, 1967. As I understand, all that this does, if there is a pending application before a municipality under this bill they would have a longer period given to them under which they would have time to perfect their application. That is all it is.

Mr. VIOLETTE of Aroostook: Mr. President, the bill as it is presently written which is L. D. 1566, indicates that for all licenses granted prior to July 1, 1965 these systems will have to be placed into operation by July 1, 1966. Now, what this amendment attempts to do is to postpone the operation date of these systems to July 1, 1967. It is my opinion that this would serve no useful purpose to extend the date an additional year. This date of July 1, 1966 is a date which was arrived at under the new draft, and after several conferences among the parties, and the CATV companies who are interested in this bill. I think that giving a two year period of time within which they can be placed into operation will I think be an undue drag on the granting and putting into operation of these systems. I think that most people connected with this feel that there is ample time in the period as it is now constituted and if they cannot receive these permits and put them into operation in a reasonable time, then they ought to be null and void and somebody else ought to operate them. I think this is an attempt to unduly postpone the introduction and operation of these systems after the permit has been granted. That is the main reason I oppose Senator Stern.

The PRESIDENT: The motion before the Senate is the motion of Senator Stern of Penobscot to reconsider engrossing.

Thereupon, on motion by Mr. Jacques of Androscoggin, the bill was tabled pending the motion of Senator Stern of Penobscot to reconsider engrossing; and the bill was assigned for later in today's session.

Bill, "An Act Relating to Liability for Damages for Tortious Conduct of Charitable Corporations." (S. P. 567) (L. D. 1580)

Mr. BROWN of Hancock: Mr. President, I think that this is not only a bid bill but this is class legislation and I am a little bit divided, being an insurance agent whether I am for it or against it, but I still think that the bill is not good and I move for indefinite postponement.

Mr. GLASS Waldo: Mr. President, I rise in opposition to Senator Brown's motion to indefinitely postpone. I supported the bill in committee, I still support the bill in principle. However, there is one aspect concerning the bill which disturbs me greatly as a result of information which has come to me since the bill was reported out of committee unanimously ought to pass. I would therefore appreciate for the purpose of later moving that the Senate reconsider its action whereby it passed the bill to be engrossed, to allow me to introduce an amendment, I would appreciate some Senator extending the courtesy of tabling this bill until later on this day.

On motion by Mrs. Chisholm, the bill was tabled pending the motion of Senator Brown of Hancock to indefinitely postpone; and was assigned for later today.

Bond Issue

Bill, "An Act to Authorize the Establishment of an Area State Operated Vocational Technical High School in York County and the Issuance of Not Exceeding One Million One Hundred and Fifteen Thousand Dollar Bonds of the State

of Maine for the Financing Thereof." (H. P. 673) (L. D. 900)

On motion by Mr. Harding of Aroostook, tabled pending enactment.

Orders of the Day

The President laid before the Senate the 1st tabled and specially assigned item (H. P. 1150) (L. D. 1582) Bill, "An Act Regulating Collection Agencies;" tabled on May 28, by Senator Violette of Aroostook pending passage to be engrossed, and that Senator presented Senate Amendment "A" and moved its adoption.

Mr. VIOLETTE of Aroostook: Mr. President, this amendment is fairly lengthy and I know that in the rush of the closing days not all of us have time to read these amendments. This one here specifically brings in those collection agencies which don't have their principle office within the state. It brings them within the scope of the act. It also provides for a board of directors to advise the banking commissioner with regard to the rules and regulations and the carrying out of the act. The amendment has been prepared with the cooperation of the Banking Commissioner, the parties representing the collection agencies in the state and all parties concerned are satisfied with it and it is a product of their collective work.

Thereupon, Senate Amendment "A" 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 1st tabled and unassigned item (H. P. 884) (L. D. 1181) Bill, "An Act Providing Only One Way to Split a General Election Ballot;" tabled on May 19, by Senator Harding of Aroostook pending enactment, and that Senator moved indefinite postponement of the bill.

Mr. GLASS of Waldo: Mr. President, I am reminded of your remarks on the floor of the Senate, some weeks ago concerning good government and several bills which had been introduced by the

majority party to secure this end. I frankly feel that this is one of those bills. For the life of me I can't remember whose party or which side of the aisle the bill came from.

Mr. President, I am in error. If you will forgive me, I am on the wrong bill. If you will excuse my remarks. I have had my eye on this bill for some time and was rather anxious, over-anxious it would appear, to speak on it. I would apologize to the Senate for taking up the time, in error.

Thereupon, the bill was indefinitely postponed.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table, "An Act Relating to Tuition for Students Attending Secondary School Outside of Residence." (S. P. 335) (L. D. 1080); and on further motion by the same Senator, the bill was passed to be enacted.

Mr. MANUEL of Aroostook: Mr. President, is the Senate in possession of Bill, "An Act Relating to Fees for Fishing and Hunting Licenses," (S. P. 427) (L. D. 1362)

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

Thereupon, on motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and to further reconsider its former action whereby Committee Amendment "A" was adopted.

The same Senator then moved the indefinite postponement of Committee Amendment "A".

Mr. O'LEARY of Oxford: Mr. President, I would like to ask a question through the Chair, if I may, of Senator Manuel of Aroostook. What does Committee Amendment "A" do to the original bill?

The PRESIDENT: The Senator from Oxford, Senator O'Leary, directs an inquiry through the Chair to the Senator from Aroostook, Senator Manuel who may answer if he so chooses.

Mr. MANUEL of Aroostook: Mr. President, I would be very glad

to answer. Committee Amendment "A" increased the license fee on fishing and hunting by .75.

Mr. O'LEARY: Mr. President, I would like to know what the original bill increased the license fee to.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, directs an inquiry to the Senator from Aroostook, Senator Manuel, who may answer if he so chooses.

Mr. MANUEL: Mr. President, I would be very glad to answer. The original bill called for two dollars per license. Committee Amendment "A" cut it down to .75 and since then we have come in with a house amendment which would increase it a dollar. This is the actual increase.

Thereupon, Committee Amendment "A" was indefinitely postponed and the bill as amended was passed to be engrossed in non-concurrence.

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

Enactors

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

Bill, "An Act Relating to Uniforms for Full-Time Deputy Sheriffs." (H. P. 260) (L. D. 330)

Bill, "An Act Relating to Application to Municipalities for Support of Indigent Dischargees from the Pineland Hospital and Training Center." (H. P. 1126) (L. D. 1536)

Bill, "An Act Providing State Scholarships for Higher Education." (H. P. 1156) (L. D. 1587)

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

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

Which bills were passed to be enacted.

On motion by Mr. Harding of Aroostook

Recessed until this afternoon at two o'clock.

After Recess

Senate called to order by the President.

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

Non-concurrent matter

Bill, "An Act Relating to Use of Purse Seines in Taking Herring from Certain Waters." (H. P. 540) (L. D. 714)

In House May 27, Passed to Be Engrossed as Amended by Committee Amendment "A".

In Senate, Indefinitely Postponed, May 28, in Non-Concurrence.

Comes from the House, that body having insisted and asked for a Committee of Conference.

In the Senate, on motion by Mr. Jutras of York, the Senate voted to insist and join in the Committee of Conference. The President appointed as Senate conferees, Senators: Jutras of York, Stern of Penobscot and Sproul of Lincoln.

Conference Committee Reports:

House

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Approving the Course of Study in Private Schools." (S. P. 87) (L. D. 231) reported that the House Accept the New Draft of the Committee of Conference submitted herewith under title of "An Act Approving the Course of Study in Private Schools" (H. P. 1155) (L. D. 1586) and Pass the New Draft to be engrossed; that the Senate Recede from its action whereby the Bill was Passed to Be Engrossed, As Amended by Committee Amendment "A" and concur with the House in the Indefinite Postponement of the Bill; accept the New Draft of the Committee of Conference and Pass the New Draft to be Engrossed in concurrence.

Comes from the House, report Accepted and the New Draft Passed to Be Engrossed as Amended by House Amendment "A" (H-393)

Mr. HARDING of Aroostook: Mr. President, I move that we reject the report of the Conference Com-

mittee, and I would like to explain my motion if I may.

The PRESIDENT: The Senator may.

Mr. HARDING: Mr. President, there is some parliamentary question about whether a Conference Committee report can be amended and we notice that in the House an amendment was adopted, House Amendment "A" (H-393). It is hoped that the new Conference Committee may incorporate this or at least come out with something which both branches can agree on, and that is the basis of my motion.

The motion to reject the report of the Committee prevailed and the Senate voted to ask for a new Committee of Conference.

The President appointed as Senate conferees, Senators: Mendell of Cumberland, Snow of Cumberland and Faloon of Penobscot.

Conference Committee Report

Senate

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Clarifying the Inland Fisheries and Game Laws." (S. P. 428) (L. D. 1375) reported that the House Reconsider its action whereby it Passed this Bill to be Engrossed; Adopt Committee of Conference Amendment "A" (S-293), and Pass the Bill to Be Engrossed, As amended by Committee Amendment "A" (S-172), as Amended by House Amendment "A" (H-303) thereto, as Amended by House Amendment "A" (H-214), as Amended by House Amendment "B" (H-304), as Amended by House Amendment "C" (H-316), and as Amended by Committee of Conference Amendment "A". that the Senate Reconsider its action whereby it Passed this Bill to be Engrossed; Reconsider its action whereby it Adopted Senate Amendment "A" (S-230); Indefinitely Postpone Senate Amendment "A"; Adopt Committee of Conference Amendment "A", and Pass the Bill to Be Engrossed as amended.

On motion by Mr. Manuel of Aroostook, the Committee of Conference report was accepted and the Senate voted to reconsider its

former action whereby the bill was passed to be engrossed and to further reconsider its action whereby it adopted Senate Amendment "A"; Senate Amendment "A" was indefinitely postponed; Committee of Conference Amendment "A" was read and adopted and the bill so amended was passed to be engrossed.

Sent down for concurrence.

Mr. Norris, Chairman of the Committee on Claims submitted the Final Report of the Committee.

Which was Read and Accepted and ordered Placed on File.

The PRESIDENT: The Chair thanks the Senator.

Non-concurrent matter

Bill, "An Act Relating to Definition of Hotel Under Liquor Law." (H. P. 1063) (L. D. 1439)

On May 26, the Senate Receded and Concurred with the House in Passing the Bill to Be Engrossed As Amended by House Amendment "A" (H-375)

Comes from the House Indefinitely Postponed in Non-Concurrence.

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

Communication

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

May 28, 1965

To the Honorable Senate and House of Representatives of the 102nd Legislature

There is returned herewith, without my approval, Senate Paper 366 — Legislative Document 1133, entitled, "An Act Relating to Credit for Military Service under State Retirement Law."

The Military Leave section of the retirement law provides that when an employee or teacher leaves his employ for service in the armed forces his retirement account is kept current and the state makes the contributions, when he returns to said employment his position is assured and his subsequent retirement benefits are computed on these years in the military without cost to the

individual. Service in World War I, World War II and all subsequent service under the Selective Service Act and extensions and amendments thereof are extended to the employee and teacher.

The effect of this statute has a two-fold purpose, one, to retain his position, and two, to provide his retirement program without loss of continuity.

To amend this law so that certain persons who had not met the conditions of the present statute may be given these rights appears to be discriminatory in that military service credits would be granted to a person who was first employed prior to September 15, 1953, but would not permit such credits to a person in similar circumstances who was first employed a day, a week or a month after this date.

Further, the act considers for credit, military service performed other than during a National Emergency which is a broad liberalization of the present law.

The fact that no costs are available for inclusion in the appropriation for the coming biennium does not relieve the state from the eventual obligation which will be incurred and, ultimately, may amount to as much as \$500,000.00.

Due to the fact that no provision has been made for financing the obligation which would be incurred, this act does not meet with my approval and is returned without my signature.

Respectfully submitted,
JOHN H. REED
Governor

The PRESIDENT: The question now before the Senate is: Shall this bill become a law notwithstanding the objection of the Governor: According to the Constitution, the vote will be taken by the Yeas and Nays. A Yea vote is in favor of the bill; a Nay vote is in favor of sustaining the veto.

Mr. BOISVERT of Androscoggin: Mr. President, may I have permission to address the Senate briefly?

The PRESIDENT: The Senator may.

Mr. BOISVERT: Mr. President and members of the Senate: It

is with reluctance that I rise in support of L. D. 1133, but I feel in duty bound since this bill was reported out of committee unanimously "Ought to pass."

This is not to correct the law as such but it is to give an opportunity for those that have served the state and their country to get certain benefits allowed to others under the State retirement system.

We came back into session this morning after a long week-end during which we honored those who died for their country, and no doubt during that period we also had a thought for our valiant veterans. This State has done very little for its veterans and I do believe that it is time to start. I agree that there is no appropriation accompanying this bill. There is a good reason for that. There are no statistics available, there is no way that the Retirement Board can establish the cost of this legislative document. It takes only time and experience by the Retirement Board in order to be able to establish what this will mean as far as cost to the state. Unless this bill is enacted there is no way that we will ever find out what this would cost, whether it be little or much to the State of Maine, but I do believe that we owe recognition to our veterans and this legislation would be the first step, so I ask your support in enacting this legislative document.

Mrs. CHISHOLM of Cumberland: Mr. President, as Chairman of Retirements and Pensions I definitely endorse the position of the Senator from Androscoggin, Senator Boisvert.

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

YEAS: Bernard, Boisvert, Carter, Casey, Chisholm, Dunn, Duquette, Faloon, Girard, Harding, Hilton, Jacques, Jutras, Letourneau, Manuel, Maxwell, Mendell, Moore, Norris, O'Leary, Shiro, Smith, Snow, Southard, Stern, Violette—26.

NAYS: Brown, Glass, Hoffses, Sproul, Willey — 5.

ABSENT: Cahill, McDonald—2.

Twenty-six having voted in the affirmative and five opposed, twenty-six being more than two-thirds the members present, the bill was passed to be enacted notwithstanding the veto of the Governor.

Sent down for concurrence.

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

Enactors

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

Bill, "An Act Providing for Adequate Fishways in Dams." (H. P. 1108) (L. D. 1514)

Which was passed to be enacted.

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

Which was passed to be enacted.

Resolve, to Reimburse Raymond A. Cote of Augusta for Legal Expenses for Securing Right of Appeal to Superior Court. (S. P. 572) (L. D. 1585)

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

Non-concurrent matter

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

On May 26, the Senate Voted to Insist on its action whereby it Passed the Bill to Be Engrossed, As Amended by Senate Amendment "A" (S-264)

Comes from the House Indefinitely Postponed in Non-Concurrence.

In the Senate, on motion by Mr. Stern of Penobscot, the Senate voted to insist.

Communications

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

June 1, 1965

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

Sir:

The Governor of the State having returned to the House: "An

Act Determining Weight Limits of Trucks," (H. P. 128) (L. D. 152) with his objections to same, the House proceeded to vote on the question: Shall the Bill become law notwithstanding the objections of the Governor? A yea and nay vote was taken. Ten members voted in the affirmative and one hundred and five in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,

JEROME G. PLANTE
Clerk of the House

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

June 1, 1965

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

Sir:

The Governor of the State having returned to the House: "An Act Relating to the Sale of Fireworks," (H. P. 708) (L. D. 946) with his objections to same, the House proceeded to vote on the question Shall the Bill become law notwithstanding the objections of the Governor? A yea and nay vote was taken. Twenty-two members voted in the affirmative and one hundred and five in the negative, and accordingly, the bill failed to become a law and the veto was sustained.

Respectfully,

JEROME G. PLANTE
Clerk of the House

Which were read and ordered placed on file.

Additional Papers from the House, out of order and under suspension of the rules.

Non-concurrent matters

Bill, "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)

In Senate, May 24, Passed to Be Engrossed.

Comes from the House, Passed to Be Engrossed, as Amended by House Amendment "A" (H-408) in Non-Concurrence.

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

Bill, "An Act Revising Certain Laws Under the Workmen's Compensation Law." (H. P. 1147) (L. D. 1571)

In Senate, May 24, Passed to Be Engrossed.

Comes from the House Passed to Be Engrossed As Amended by House Amendment "A" in Non-Concurrence. (H-401)

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

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

In Senate, May 24, Passed to Be Engrossed as amended by: House Amendments "A" (H-344) House Amendment "B" (H-345) and by: Senate Amendment "A" (S-258) in Non-Concurrence.

Comes from the House, Passed to Be Engrossed as amended by: House Amendment "A", House Amendment "B" and House Amendment "D" (H-400) and by Senate Amendment "A" (S-258)

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

Order

On motion by Mr. O'Leary of Oxford, out of order and under suspension of the rules:

ORDERED, the House concurring, that the Legislative Research Committee is authorized and directed to study the shrinkage allowance on motor fuel for retailers and wholesalers, and the variances of motor fuel prices throughout the State and to report its findings and recommendations to any special session of the 102nd Legislature or to the 103rd Legislature.

Which was read and passed and sent down for concurrence.

The President placed before the Senate item A-2 bill, "An Act Revising the Motor Vehicle Dealer

Registration Law." (S. P. 535) (L. D. 1526) tabled earlier in today's session by Senator Mendell of Cumberland pending consideration; and that Senator yielded to Senator Shiro of Kennebec.

On motion by Mr. Shiro of Kennebec, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; the same Senator presented Senate Amendment "A" (S-296) which was read and adopted.

House Amendment "A" was read and adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The President placed before the Senate Item 6-2, Bill, "An Act Relating to Insurance on Public Buildings" (H. P. 931) (L. D. 1281) tabled earlier in today's session by Senator Carter of Kennebec pending assignment for second reading.

Mr. Carter submitted Senate Amendment "A" and moved its adoption.

Which amendment (S-295) was read.

Mr. BROWN of Hancock: Mr. President, there is one portion of this amendment that bothers me: down in Section 1, where it says "Fire insurance coverage shall not exceed 80 per cent of the value of the property insured." Much of our property in the State of Maine is sprinkled property and it has to be insured for 90 per cent. For that reason, I move the indefinite postponement of this amendment.

Mr. CARTER of Kennebec: Mr. President, I request a division.

A division of the Senate was had.

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

Thereupon, Senate Amendment A was adopted and on motion by Mr. Carter of Kennebec, the rules were suspended, the bill was given a second reading and passed to be engrossed as amended in non-concurrence.

Sent down for concurrence.

The President placed before the Senate item 8-13 Bill, An Act Relating to Municipal Regulation of Community Antennae Television Systems (S. P. 559) (L. D. 1580) tabled earlier in today's session by Senator Jacques of Androscoggin pending the motion by Senator Stern of Penobscot to reconsider engrossing.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: I know there were three such bills presented in this session of the legislature and I didn't know which one was which this morning.

As you all know, in our community we have a situation where we have three companies that applied for cable T.V., and at the present time we have referred this to the corporation council for his recommendation. I have had some of this material reproduced. There is a controversy in New York City at the present time where this CATV is being sued by the National Broadcasting Company, I believe it. It is very, very controversial, but I believe this bill at the present time would help it. But I don't believe in extending the time. We had a company that applied for this over three years ago and they haven't done anything about it. They had the permit to put up the cable but no work has been done. Then we had another company that had applied to transmit TV into your home from Canada and we have not given them permission because we felt that maybe we couldn't. I believe this bill would take care of it and I hope this bill goes on its merry way.

The PRESIDENT: The motion before the Senate is the motion of Senator Stern of Penobscot to reconsider engrossing; a division has been requested.

A division of the Senate was had.

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

Thereupon, the bill was passed to be enacted.

The President placed before the Senate Item 8-14 Bill, "An Act Relating to Liability for Damages for Tortious Conduct of Charitable Corporations" (S. P. 567) (L. D. 1580) tabled earlier in today's session by Senator Chisholm of Cumberland pending motion by Senator Brown of Hancock to indefinitely postpone; and Senator Chisholm yielded to Senator Glass of Waldo.

Mr. GLASS of Waldo: Mr. President, I would yield to the Senator from Hancock, Senator Brown, whose motion precedes that one which I was about to make.

Mr. BROWN of Hancock: Mr. President, I feel that the buck has been passed down the line.

I still feel, Mr. President that this is class legislation and also that it is a bad bill. I believe in the bill it says that if you carry insurance you can be sued and if you don't carry insurance you can't be sued. I think there is something wrong somewhere. For those reasons, I still move for the indefinite postponement of this bill.

Mr. HOFFSES of Knox: Mr. President, I would concur with the good Senator from Hancock. I had a phone call this morning from the manager of the Knox County General Hospital registering objections to this bill. I will not stand here to debate the bill in any way, but I said to the gentleman that I would make my sentiments known for the benefit of that hospital.

Mr. STERN of Penobscot: Mr. President, I had hoped that I would not make any more speeches before this Senate but I see that I may have to.

First, my good friend Senator Brown is an insurance agent and I say that all insurance agents should not have the temerity to come before such an intelligent body as the Senate and say this is class legislation.

For the past number of years, when the mind of men runneth not to the contrary, insurance companies have been taking the money of the charitable organizations and accepting their premiums and they have been selling insurance and not taking any risks because, under our law, charities have an immunity, and you could not recover from a charity whether they had

insurance or not. Now they have had their fun for many, many years. I have had the experience and there were times when I would sue these charities and I would approach them and they would want their own company who had insured them to protect the injured people who perhaps had been employed by themselves, but the companies would not pay, they would hide behind the defense of charitable immunity.

Now they say that this is class legislation. If you will read this new draft—and it is a new draft—when this originally came before the Judiciary Committee the bill was to abrogate charitable immunities, and that was it. That meant that the hospitals—and I feel sympathetically with my good friend, the Senator from Knox—all those small hospitals could be sued. This was one of the reasons that we, the Judiciary Committee, in our good judgment and in our wisdom changed that law, because there were people who came here and said, "Well, what about these poor hospitals that don't carry any insurance?" We changed this and we made a new draft. You may look at it but what it in effect says is: you cannot sue a charity. They still have a defense. All small hospitals, any hospital, any charity still has a defense of charitable immunity if they do not want to buy insurance. There is nothing to compel them to buy insurance and if they do not they are absolutely protected.

Now I do expect to hear from my good friend, Senator Glass, who is one of the members of Judiciary that voted unanimously for this new draft. To save time, I will jump to his amendment. If he doesn't change his mind, and I hope he does, he is coming forth with an amendment which in effect says: this new draft should be amended, it should exclude any hospitals with beds under 100. To me, this is no longer small, but it doesn't make any difference.

Fellow members of the Senate, the charitable organizations under this new draft are protected. Don't carry insurance! I think what Brother Brown—pardon me, Senator Brown—I still forget that I am

not in the Senate but in the court room—but Senator Brown is worried perhaps that because these charities do not have to carry insurance that his business will be affected because they won't buy insurance. Senator Glass—I cannot understand but perhaps he can explain—by his amendment would have you believe that this is going to protect a charitable organization under 100 beds. It is not. They are protected now; they do not have to buy insurance, no one has to buy insurance. But why should the insurance companies reap the harvest they have been reaping over the years? Why should they take the premiums when the poor injured person, the needy, is absolutely barred from recovery just so the insurance companies can make more money?

Let's go a step further. This bill also says that in the event that a charitable organization wants to buy insurance—we are just curing this travesty of justice—in the event the insurance company does sell insurance to these hospitals, and they want to buy it, only in that event are they estopped from objecting, and on the grounds of charitable immunity. Not only that, if they want to buy a five thousand dollar policy or a ten thousand dollar policy or a two thousand dollar policy it makes no difference. This bill says if they are liable at all—and you still have to prove it is the fault of the charity—then only in that event would they be liable up to the extent of their coverage.

Now fellow members of the Senate, I cannot understand why under these circumstances there should be an attempt at this late stage to object to a bill which was passed unanimously in Judiciary, which is here for enactment and any motion made by my good friend, Senator Brown, and my good friend Senator Glass is obviously made for the purpose of beclouding the issue and trying to get this bill killed. So I hope that you will vote against indefinite postponement and also when, as and if Senator Glass gets up to amend this bill that you will also defeat his amendment.

Mr. HOFFSES of Knox: Mr. President and ladies and gentlemen of the Senate: Before emotions get too stirred up, I would only say, to correct the record, that my name is Hoffses from Knox, not Knox.

Mr. BROWN of Hancock: Mr. President, I would like to correct the record too in the fact I think we have four hospitals in Hancock County and I am surely not dependent on these hospitals for the sale of insurance. And I would like to add further, Mr. President, that this bill gives me the idea that if you have a hunting license and you have insurance you should be allowed to shoot somebody but if you do not have the insurance then you cannot shoot them.

Mr. STERN of Penobscot: Mr. President, you know some people may say that these particular bills that we have been arguing about the last few days are lawyers' bills. Unfortunately these bills came out of Judiciary late, and this is the reason we are arguing this at the last minute. I want to bring to the attention of all of you, because apparently no one has rendered an objection before, that throughout the United States in the last few years the majority of our states are fast abolishing the doctrine of charitable immunity, and they are doing it by recognizing the fact that charitable organizations have insurance. They have rendered this doctrine outmoded by judicial decree which, in effect, says now we are not going to allow these charities to render a defense of immunity. The reason for that is that they felt there were no trust funds being diverted when they are being sued, and the judges, in their wisdom, felt that the only ones who were reaping the harvest were the insurance companies.

Now our court, in a recent decision in 159 Maine, Mendell vs. Pleasant Ski Mountain — I do not know whether he is any relation to our good Senator Mendell — but in this case our Supreme Court, in its decision rendering judgment for the plaintiff, because they held in this particular case that the organization was

not strictly charitable, but they refused to, by judicial decree, abrogate the doctrine of charitable immunity because they said, "This is something that should be initiated in the legislature." Other states have done it by judicial decree. This is the reason why we lawyers who are faced with the problem — you would not come across this problem but we are faced with it constantly.

Now, fellow members of the Senate, let me tell you how things are that much worse today by the fact that this decision came down from our Supreme Court. I know that just before that decision you would have a case against a charitable organization and you would point out the fact to the adjusters for the insurance company: you had better settle this case. The church wants you to pay because a parishioner was hurt because of a defective step; Symphony House wants you to pay a soloist who is hurt in an accident, and you had better pay because, if you don't, I am going to take an appeal to the Supreme Court and I hope that our Supreme Court will go along with the majority of the states, and sometimes they would settle. Now you try to settle a case against a charitable organization, even though the charitable organization wants the company to pay the plaintiff, you know what they say? You can't threaten them, you can't do anything, because they say: now we have a decree from our Supreme Court, we know what they will do, and until you pass this in the legislature we have nothing to worry about. So the insurance companies continue to reap a harvest, they continue to collect the premiums, they take no risk. This is what we are trying to abolish.

Mr. SNOW of Cumberland: Mr. President, I would like to ask the eloquent Senator from Penobscot, Senator Stern, through the Chair, if it is not true that when a hospital buys an insurance policy they may specify that charitable immunity may not be used in any court action up to the amount of the insurance policy, and if this is true I find it difficult to under-

stand why this measure is needed. It would seem that hospitals who buy this insurance would not buy it if they knew it was of no value to them and would only buy it if the policy had in it a provision barring the insurance company from pleading charitable immunity. I wonder if the good senator might be able to answer.

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

Mr. STERN of Penobscot: Mr. President, you know it has been asked by others besides Senator Snow what would prevent these charitable organizations from buying coverage and not have any specific provision to protect them under the law, or under their policy. I think if you read the case in 159 Maine, Mendell vs. Pleasant Mountain Ski Development, it is one of the most forceful arguments why there would be very few large charitable organizations that would refrain from buying insurance coverage. Under this particular provision, the Pleasant Mountain Ski Development Association thought that they were protected under charitable immunity and they proceeded under that assumption, but our Supreme Court in a decree indicated that a charitable organization may be operating in such a way that they may not have the defense of charitable immunity. In this particular case the Principals Association was selling tickets to a basketball game and making money to help their association, and our Supreme Court in that case said that this was wholly outside the doctrine of charitable immunity. Therefore if they didn't have insurance they would have been badly damaged, they would have been held liable and they were held liable. We are not trying to harm any small hospital, we are not trying to harm anybody, and all we say is they have it and we do not care whether they buy it or not. And the cases that are against charitable organizations

are few, but when you have them the injuries are serious, and if they do, for any reason at all, have insurance coverage they should not have the defense of charitable immunity.

Mr. GLASS of Waldo: Mr. President, might I inquire through the Chair of Senator Snow whether or not he considers his question answered by the Senator from Penobscot?

The PRESIDENT: The Senator from Waldo, Senator Glass, directs a question through the Chair to the Senator from Cumberland, Senator Snow, who may answer if he so chooses.

Mr. SNOW of Cumberland: No, sir, I do not.

Mr. GLASS of Waldo: Mr. President, I would like to volunteer an answer, if the Senator from Cumberland is interested.

The PRESIDENT: The Senator may proceed.

Mr. GLASS: What Senator Snow said is perfectly correct: most hospital insurance policies do contain this provision. They are the sole judges as to whether or not the immunity of their charitable organization can be exercised by themselves under the terms of the policy. In other words, acting as trustees — and by using this term I mean distinctly citizens of the town or community who have been chosen to represent that hospital — they determine whether or not a particular suit that is brought against the hospital is meritorious or frivolous. If they feel that it has merit — now there could arrive an argument on this score because obviously they are not attorneys although I am sure there are attorneys sitting on their board — if they feel that the suit or action is meritorious and they instruct the insurance company that they are not to raise the defense of charitable immunity, then the insurance company through its counsel must defend the case on its merits or pay.

Mr. STERN of Penobscot: Mr. President, I would just like to answer that briefly. It seems simply ridiculous when you leave it up to the charitable organiza-

tions to determine whether or not a claim is meritorious. Believe me, I have had the claims, and you don't get very far if the company wants to talk with the charity and show them that it is not meritorious. They should not be the judge, they should not be the jury. They are not compelled in any way to buy insurance, and they can save a lot of money, but if they buy it they certainly should want to protect the injured if it is their fault. I cannot see what harm it would do if the charitable organization, without being the judge and the jury, were to buy or not to buy insurance that would protect the injured. I feel that a paying patient in a hospital should be protected in the event some nurse or some one there through their own fault injures a patient, there should not be any difference in that type of a case then there would be if you went down to a restaurant and a waitress spilled a hot cup of coffee on you. I feel, among all the other things I have talked about, that this perhaps would make for a much more efficient running of a hospital or a charitable organization. We should not give them a license to commit wrong, and these people who go to these charitable organizations sometimes are the needy ones, the ones who need help the most, and if we do not protect them under these insurance policies we still have to take care of them through charitable agencies.

Mr. VIOLETTE of Aroostook: Mr. President, I suppose the membership of the Senate questions my position on the matter of this bill. I would like to say that as the bill was introduced originally in the Senate and as it was originally heard before the committee it was entirely unacceptable to me. I thought it was quite a harsh departure from some of our traditions to outrightly remove the immunity status from our charitable organizations, and it was possibly that type of opposition which resulted in this bill which you now have before you. It is certainly a compromise bill in every sense of the word. However, I do not see

how anyone can logically oppose this bill in its present form. I know there have been a lot of words said in regard to immunities of charitable corporations, and the subject always seems to swing considerably toward hospitals, because they are the major attractions here, I believe. They are undoubtedly the major money handlers among our charitable organizations and they operate in that area which is most susceptible to negligence.

I am one of the co-founders of the Van Buren Community Hospital, which is a beautiful 31-bed hospital that opened its doors five years ago. I am its immediate past president of its board of trustees and I am still a member of the board of trustees of this hospital. I am quite aware of the problems regarding our charitable organizations and more particularly our hospitals, but we ought to recognize that as society moves along in this country that we have to move along with it whether we like it or not. Only eight states now retain unqualified immunity for their charitable corporations and Maine is one of them. I believe that the time is fast coming when even the State of Maine will remove entirely, all of the immunities with regard to its charitable corporations. I am not willing to adopt that position at this time but I am most certainly willing to go along with the bill which is now before us which in no way removes the immunity of any of our charitable corporations.

A lot of our small charitable corporations are historical societies or churches, schools, and they still retain this charitable immunity as well as our hospitals. Many of them may not be able to afford any type of premiums so they don't carry insurance. But there are those charitable corporations that do, and they certainly ought to be able to protect those people for whom they buy insurance coverage. I think that this is only fair and just. I hope that the motion of the gentleman from Hancock does not prevail and I request that the vote be taken by division.

The PRESIDENT: The motion before the Senate is the motion of

the Senator from Hancock, Senator Brown, that this bill and all its accompanying papers be indefinitely postponed. A division has been requested.

A division of the Senate was had.

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

Mr. GLASS of Waldo: Mr. President, I move that the Senate reconsider its action whereby the bill was passed to be engrossed, for the purpose of offering an amendment, Senate Amendment "A" to the bill, and if I may, I would like to make a few remarks.

The PRESIDENT: The Senator may.

Mr. GLASS: Mr. President, I find that I concur almost wholeheartedly with the Senator from Penobscot, Senator Stern. I think there has been a great deal of abuse by insurance companies apropos of the doctrine of charitable immunities. I concur with the Senator from Aroostook in this connection, and I do think it is time that Maine looked forward and stopped treading water as it were. I was one of ten members of the Judiciary Committee who signed a unanimous report "Ought to pass." In justification for my stand at this point in offering my amendment, which reads as follows: "This section shall not apply to non-profit hospitals having less than 100 beds." I will attempt to justify my position by the remarks that follow.

In Maine, from the figures that were furnished to me, I find that the cost of insurance to those hospitals — and I am restraining my remarks, if you please, purely to hospitals and no other charitable organizations — is now five dollars per year per bed in view of the doctrine which presently exists in Maine, and this is with an insurance policy, as I explained to Senator Snow some time ago, wherein the hospital reserves the right to determine whether or not the doctrine of charitable immunity shall be interposed by the insurance company in defending a case.

I would like to read just a very few statistics in this regard to show you what I believe will happen in the State of Maine. I assure you I had no foreknowledge of these statistics at the time I voted unanimously with the committee.

Maine full defense charitable immunities, cost \$5.00 per bed for minimum of \$5000 of coverage, which is a minimum, believe me. You heard Senator Stern's remarks about when people are hurt, and through the negligence of a hospital they are usually hurt badly. This is as compared with California which as no defense, completely abolished, of \$35 per bed per \$5000 of coverage. Massachusetts, which has a full defense, \$2.00 per bed per year for that amount of coverage as against Michigan \$16.00, I am skipping Minnesota which compares with Michigan and dropping down to New Hampshire, which I think is somewhat comparable with Maine. Their cost is \$16.00 per year per bed for a \$5000 limit of coverage, as compared to Maine of \$5.00 with full and complete immunity. In other words, New Hampshire has chosen to abolish this doctrine in one form or another, and I am ashamed to say I don't know what the statute is, and the cost rose \$11.00 per bed for minimum coverage of \$5000.

As you can see from these figures, this represents a substantial increase in the cost of insurance to these hospitals where you and I and every person who is unfortunate enough to be hospitalized is paying the freight. Now I note in the supplemental budget a request from the Department of Health and Welfare—and any member of the Appropriations Committee can correct me if I am wrong—there was a request for the sum of \$3,000,000 for state aid to indigent patients which, by my figures, would bring up the State's contribution to those patients who could not afford to pay for hospitalization up to 53 per cent of the cost. Now this is \$3,000,000 a biennium, and none of us are naive enough to believe that during the next biennium the Department of Health and Welfare won't be back for possibly \$6,000,000, and there is not one

of us here who would deny that this is only right and proper for the benefit of our small hospitals who cannot afford to carry this load. Not only is the cost of the insurance a factor to be considered here but the Judiciary Committee I think was sincerely attempting to accomplish something that we felt had heretofore been abused, and that is to say that invariably in other charities—I am not talking about hospitals now, although this rubs off on them to some extent—they would raise the deep defense of charitable immunities—but there is a difference, ladies and gentlemen between the other charities and that of the hospitals. Ordinarily a church, a grange, a school, any non-profit organization, can be acting within the scope of its charitable objects and under the terms of our doctrine they are not liable, but they don't know when they are acting in a proprietary capacity—and it is not my intention to lecture you on the law, but Senator Stern commented on it briefly when he touched on a case in 159 Maine. When a non-profit organization acts in a proprietary capacity they do not have this charitable immunity, and I will give you one example. If your local grange should rent its hall to some group for some function and some person in that group should fall and injure themselves as a result of a defective floor or a defect somewhere in the building the grange cannot plead charitable immunity because they are acting in a proprietary capacity and they are liable and they will pay if the plaintiff proves his case. This is only as it should be. In that event the insurance company, although they may defend the case, will have to pay and this is included in their policy. This is not so with our hospitals.

Now it may be that some proponents of the bill as it stands now would without my suggested amendment could advance a case where a hospital does act in a proprietary capacity. If they can I would welcome the example because I cannot think of one.

The problem, I think, is simply this: In our desire to alleviate

what we considered abuse perhaps, at least in my case without having these figures before me, I think we acted rather hastily. For this reason, hospitals, and especially the small ones, are struggling for every dollar they can find regardless of how small or how big they may be, and if my statistics are right, as furnished by Dr. Fisher, there are only 61 hospitals in the State of Maine, and one of these hospitals is a profit hospital, all the other 60 are non-profit organizations. They range in size from five beds to hundreds of beds, such as the Maine Medical Center. These small hospitals are struggling to keep up with the modern practice of medicine, to install what equipment may be necessary to answer the individual needs of their communities—and believe me they are suffering. I, like Senator Violette, am an incorporator of the Waldo County General Hospital, which is a hospital of sixty beds, and, believe me, every year it is a struggle to make ends meet.

If you pass this bill without my amendment, excluding hospitals with 100 beds or less, it would subject a 100 bed hospital or a 99 bed hospital to an increase of \$1100 a year for a minimum coverage of \$5000 per patient or \$5000 per bed. Now I do not think this is what I wanted in Judiciary. I never supposed that this would be the case. Now only one thing can happen, the very thing we were attempting to eliminate, the fact that these people can plead the doctrine of charitable immunity will not occur in my opinion. Seeing the rising costs of insurance to themselves, it is only logical that in reviewing their budget they would say, "What is the sense of having the insurance?" I am talking about the small hospitals now. They will say, "We won't insure." In that event there is no liability, ladies and gentlemen, and the very thing that we in Judiciary were attempting to accomplish is destroyed, and the poor patient who is injured by the negligent conduct of a nurse or a nurses aid, or what have you,

has gone by the board and nothing can be done because they have strict immunity under the statute. Senator Stern said if this is so then they don't respond to suits for negligence.

What is going to happen to the rest of our hospitals? I do not have any statistics on this basis, but I submit to you that there are not more than thirty hospitals in the State of Maine which have 100 beds or over, and somebody can correct me if their knowledge on this subject is more extensive than mine. What is going to happen then? Those of you who are in the insurance business and who have had experience in underwriting can realize, as it is a simple question of mathematics, the smaller hospitals dropping their coverage and consequently not being liable, retaining their immunity, are not paying the freight and the risk is spread out over the remaining thirty, with the result, I submit, that the figure will not be \$5.00 per bed per patient per year with a minimum coverage of \$5000, as compared with the \$16.00 of New Hampshire, but will be far greater than this and will result in an added cost to the patient, an added cost to the State. For this reason, ladies and gentlemen, I would appreciate your supporting my motion to reconsider so that I can submit Senate Amendment "A".

Mr. HARDING of Aroostook: Mr. President, I rise to speak on this only, I hope, in the interest of saving some time. I think I am the only lawyer in this entire legislature who can be brief, but there are others who tell me that not even I can be brief. But in substance what my good friend, Senator Glass of Waldo is telling you is, "I like the bill for hospitals of over 100 beds but I don't like it for those of less than 100 beds." I suggest to you that there is no logic in that position whatsoever. You have already voted that this is a good bill, and I would hope that you would vote against the Senator's motion for this reason: that if he is successful in introducing this amendment you

have heard how long these lawyers can talk here in the Senate, well, you send it back to the House and you will see how long they will talk about it in the House. Now we will all end up in the same position, I predict, because we have all voted on it before. So I would hope that you would vote against his motion and I ask for a division.

Mrs. SPROUL of Lincoln: Mr. President, I believe I can talk after Senator Harding's comments, because I do not like the bill, period, but I do want to read a telegram which will in part substantiate the remarks of Senator Glass: "I urge support of retention of charitable immunity," and it is signed "Philip O. Gregory, M.D., St. Andrews Hospital." So some of the hospitals are aware of this problem.

A division of the Senate was had.

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

Thereupon, the bill was passed to be enacted.

The President placed before the Senate Item Aa-6 (Supplemental Calendar No. 7 page 6) bill, An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies (H. P. 1130) (L. D. 1545) tabled earlier in today's session by Senator Jacques of Androscoggin pending consideration; and on further motion by the same Senator, the bill was retabled and especially assigned for tomorrow.

Enactor

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

Bill, "An Act Conferring upon Others the Powers now Vested in the Executive Council." (H. P. 1136) (L. D. 1555)

On motion by Mr. Harding 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 (S-275) which was read and adopt-

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

Sent down for concurrence.

Non-concurrent matter

Bill, "An Act Relating to Sweepstake Races and Allocating Proceeds for Educational Purposes." (H. P. 102) (L. D. 110)

In Senate, May 24, passed to be engrossed as Amended by Senate Amendment "A" (S-252)

Comes from the House indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Harding of Aroostook, tabled pending consideration and especially assigned for tomorrow.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table Item 8-11 Bill, "An Act Relating to Uniform Local Effort for Payment of School Subsidies" (S. P. 157) (L. D. 1041) tabled by that Senator earlier in today's session, and that Senator yielded to Senator Snow of Cumberland.

On motion by Mr. Snow of Cumberland, 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.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table Bill, "An Act Relating to Compensation Rates in Certain Technical and Professional Classifications" (S. P. 438) (L. D. 1426) and that Senator moved the pending question.

This being an emergency measure a division of the Senate was had.

Thirty one having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations

Table Bill, "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of Not Exceeding \$6,000,000 Bonds of the State of Maine for the Financing Thereof" (H. P. 264) (L. D. 346); and that Senator moved the pending question.

This being a Bond Issue

A division of the Senate was had

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

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table Bill, "An Act Authorizing Construction of Self Liquidating Student Housing and Dining Facilities for the State Teachers Colleges and Vocational Technical Institutes and the Issuance of Not Exceeding \$3,960,000 Bonds of the State of Maine for the Financing Thereof" (H. P. 1057) (L. D. 1433); and that Senator moved the pending question.

This being a Bond Issue

A division of the Senate was had.

Twenty-eight having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Nine Million, Six Hundred Thousand dollars on Behalf of the State of Maine to Build State Highways" (H. P. 482) (L. D. 635); and that Senator moved the pending question.

This being a Bond Issue

A division of the Senate was had.

Twenty-eight having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table Resolve Proposing an Amendment to the Constitution to Eliminate Voting Restrictions on

Paupers and Persons under Guardianship (H. P. 9) (L. D. 9); and that Senator moved the pending question.

This being a Constitutional Amendment

A division of the Senate was had.

Twenty-four having voted in the affirmative and three opposed, the resolve was finally passed.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table Resolve Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans on Personal Property for Industrial Purposes (S. P. 222) (L. D. 681); and that Senator moved the pending question.

This being a Constitutional Amendment

A division of the Senate was had.

Twenty-eight having voted in the affirmative and none opposed, the resolve was finally passed.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes (H. P. 582) (L. D. 774); and that Senator moved the pending question.

This being a Constitutional Amendment

A division of the Senate was had.

Twenty-eight having voted in the affirmative and none opposed, the resolve was finally passed.

**House Committee Report
Divided Report**

The Majority of the Committee on Labor on Bill, "An Act to Revise the Workmen's Compensation Law." (H. P. 394) (L. D. 1253) reported that the same Ought to pass in New Draft under the same Title: (H. P. 1146) (L. D. 1570) (signed)

Senators:

O'LEARY of Oxford
SMITH of Cumberland

CHISHOLM

of Cumberland

Representatives:

KITTREDGE

of So. Thomaston

BEDARD of Saco

BAKER of Winthrop

DUMONT of Augusta

LEVESQUE

of Madawaska

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, Bill passed to be engrossed in New Draft, as amended by House Amendment "B" (H-413)

In the Senate, on motion by Mr. O'Leary of Oxford, the Majority Ought to pass report was accepted, the bill read once, House Amendment "B" read and adopted and 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.

Non-concurrent matter

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 414) (L. D. 1310)

In Senate, May 28, passed to be engrossed as Amended by Committee Amendment "A" (L. D. 1310)

As Amended by Senate Amendment "A" thereto. (S-278) and as Amended by Senate Amendment "A" (S-288)

Comes from the House, passed to be engrossed as Amended by House Amendment "A" (H-412) Committee Amendment "A" (L. D. 1310) and Senate Amendment "A" (S-288) in non-concurrence.

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

Enactor

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

Emergency

Bill, "An Act Relating to Relocation Assistance in State Highway Projects." (H. P. 1139) (L. D. 1559)

On motion by Mr. Harding of Aroostook tabled pending enactment and especially assigned for the next legislative day

COMMUNICATION

State of Maine
House of Representatives
Office of the Clerk

June 1, 1965

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

Sir:

The Governor of the State having returned to the House "An Act Relating to Positions of Deputy Secretary of the Senate and Deputy Clerk of the House," (H. P. 1131) (L. D. 1546) with his objections to same, the House proceeded to vote on the question: Shall the Bill become law notwithstanding the objections of the Governor. A yea and nay vote was taken. Seventy-five members voted in the affirmative and sixty in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,

JEROME G. PLANTE
Clerk of the House

Which was read and ordered placed on file.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table Bill, "An Act to Provide for Fair Minimum Wages for Construction of Public Improvements," (H. P. 1124) (L. D. 1534); and on further motion by the same Senator, 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 in non-concurrence.

Sent down for concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table Bill, "An Act Relating to Appropriations to Adjust State Employees Pay" (L. D. 239) tabled by that Senator earlier in today's session pending enactment; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

The same Senator presented Senate Amendment "A" to Committee Amendment "A" (S-298) and moved its adoption.

Which amendment was read and adopted, Committee Amendment "A" as amended by Senate Amendment "A" was adopted, and the bill as amended was passed to be engrossed in non-concurrence.

On motion by Mr. Duquette of York, the Senate voted to take from the Special Appropriations Table Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission" (S. P. 551) (L. D. 1550); and on further motion by the same Senator, 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 in non-concurrence.

Sent down for concurrence.

From the House:

Out of order and under suspension of the rules.

The Committee on Labor on H. P. 824, L. D. 1054, Bill, "An Act Relating to Time of Payments of Benefits under Employment Security Law," reported that the same ought to pass in new draft as L. D. 1488, H. P. 1092.

Comes from the House, the report accepted and the bill passed to be engrossed.

In the Senate:

The PRESIDENT: The Chair would inform the Senate that this L. D. has not been journalized. It

is a unanimous Ought to pass report from the Committee.

Thereupon, the report was accepted, the bill 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 in concurrence.

On motion by Mr. Harding of Aroostook

Adjourned until tomorrow morning at nine o'clock.