

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third  
Legislature*

OF THE

STATE OF MAINE

1967

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, April 27, 1967

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Arthur Christopher of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

ORDERED, the House concurring, that the members of the Joint Standing Committee on Public Utilities be authorized to travel to Rowe, Massachusetts, to inspect the nuclear power plant at Rowe and that the expense of the same be charged to the Legislative appropriation (S. P. 613)

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: I certainly do not intend to debate the merits of the order this morning, but it is my feeling that this should be a good thing for the Public Utilities Committee. Also, I would like to see that probably a similar order to give the opportunity to the Public Utilities Committee to also see a public power plant so that they could be able to observe both in operation or both facilities and come up with a fair and equitable judgment on their observation.

Thereupon, the Order received passage in concurrence.

**Senate Reports of Committees Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve Authorizing the Sale of State Land Located at Thomaston (S. P. 357) (L. D. 941)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to Number of Officers of Associated Hospital

Service of Maine" (S. P. 549) (L. D. 1395)

Came from the Senate with the Reports read and accepted and the Bill and Resolve passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Bill read twice, Resolve read once, and tomorrow assigned.

**Ought to Pass with Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Resolve Authorizing the Disposal of Northern Maine Sanatorium (S. P. 239) (L. D. 564) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Resolve passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Resolve read once. Committee Amendment "A" was read by the Clerk and adopted in concurrence, and tomorrow assigned for second reading of the Resolve.

**Divided Report Tabled and Assigned**

Report "A" of the Committee on State Government on Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years (S. P. 69) (L. D. 151) reporting same in a new draft (S. P. 599) (L. D. 1580) under title of "Resolve Proposing an Amendment to the Constitution to Grant Adult Rights to Persons Twenty Years of Age and to Reduce the Voting Age to Twenty Years" and that it "Ought to pass"

Report was signed by the following members:

Messrs. LUND of Kennebec  
STERN of Penobscot  
—of the Senate.

Messrs. DENNETT of Kittery  
MARTIN of Eagle Lake  
STARBIRD  
of Kingman Township  
—of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Mr. WYMAN of Washington  
—of the Senate.

Mr. WATTS of Machias  
Mrs. CORNELL of Orono  
Messrs. RIDEOUT of Manchester  
PHILBROOK  
of South Portland  
—of the House.

Came from the Senate with Report "A" accepted and the Resolve passed to be engrossed.

In the House: Reports were read.

(On motion of Mr. Dennett of Kittery, tabled pending acceptance of either Report and specially assigned for Wednesday, May 3.)

#### Non-Concurrent Matter

Bill "An Act Appropriating Moneys for Research Study of Pesticides" (S. P. 582) (L. D. 1546) which failed on passage to be enacted and was ordered placed on file in the House on April 5.

Came from the Senate recalled from the Legislative Files pursuant to Joint Order (S. P. 605) and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Harvey.

Mr. HARVEY: Mr. Speaker, I move that L. D. 1546 and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair advises the gentleman that in non-concurrent matters the only motion that we entertain is to recede, concur, insist or adhere.

Mr. HARVEY: In that case, I make a motion that we insist.

The SPEAKER: The gentleman from Woolwich, Mr. Harvey, now moves that the House insist on its former action.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In view of what has transpired in the last week or so and in view of the nature of this bill and the importance of this bill

and its reaction towards one of our major industries in the State, I now move that we recede and concur with the Senate.

The SPEAKER: The pending question now is the motion of the gentleman from Madawaska, Mr. Levesque, that the House recede from its former action and concur with the Senate.

The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY: Mr. Speaker, a question to the Chair to anybody that can answer, why was the emergency taken off of this bill?

The SPEAKER: The gentleman from West Bath, Mr. Hennessey, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the question, it is my understanding that the emergency that was on this bill originally is not at this time necessary in view of the order for a study that had been proposed and was defeated and was reenacted in the House last week. So there is no area that we feel that there needs to be an emergency.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Hinds.

Mr. HINDS: Mr. Speaker, I'd like to pose a question through the Chair to the gentleman from Madawaska, Mr. Levesque.

The SPEAKER: The gentleman may pose his question.

Mr. HINDS: I'd like to ask him what has transpired over the last week or two to change the status of this bill and why is this bill required to be passed at the present time?

The SPEAKER: The gentleman from South Portland, Mr. Hinds, poses a question through the Chair to the gentleman from Madawaska, Mr. Levesque, who may answer if he chooses.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: It is my understanding that in view of what has happened last week of passing an order for a study, and in conjunction with the money that is being allocated by the Federal Government to cover this type of spraying that was before us last week, I think probably this part will cover the money part of it to further the study and to be in compliance or in concurrence with the present action by the Federal Government covering this type of project. I hope this will satisfactorily answer the question posed by the gentleman from South Portland, Mr. Hinds.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY: Mr. Speaker and Members of the House: I'd like to ask the gentleman, Mr. Levesque from Madawaska, if this is the \$10,000, where is the other twenty that we knew had to be included in this study coming from?

The SPEAKER: The gentleman from West Bath, Mr. Hennessey, poses another question through the Chair to the gentleman from Madawaska, Mr. Levesque, who many answer if he chooses.

The Chair recognizes that gentleman.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: It is my understanding that the amount stated in this bill now will be satisfactory.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Woolwich, Mr. Harvey.

Mr. HARVEY: Mr. Speaker and Members of the House: At this time, it is my understanding that if this \$10,000 for the study which we don't need isn't forthcoming, then the State's share of \$53,000 will not be needed because Federal money will not be coming for this program. This looks like an ideal opportunity to me to save \$63,000 instead of \$10,000.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: The failure of this thing is an opportunity to help to destroy one of our greatest and finest industries. Now if we pass an order here which would be studied by the University of Maine and the \$10,000 is not sufficient, they can come back to us later on and tell us why it is not sufficient, and then we can go along and allocate more funds. Somewhere along the line somebody's word must be taken. If we do not pass this program as recalled from the other branch, Federal funds will be in danger, regardless of the fact that it will cost the State funds. This is not the only situation where the State pays to have programs stepped up.

To repeat, I say to go along with the gentleman from Madawaska, Mr. Levesque, that this failure of the passage of this bill is not only the dollar sign attached to it, but the havoc that it would raise concerning one of Maine's largest industries.

Mr. Harvey of Woolwich was granted permission to address the House a third time.

Mr. HARVEY: Mr. Speaker, that exactly is my point, it's one of the largest industries in the State of Maine. If they can't afford to take care of their own industry, it seems awfully funny to me.

No one has built any fire roads or anything to take care of the trees on my property. If this bill is passed I think I have a legal right to put in an order that due to my forest and beautiful trees on my island that the State build me a fire road and if I get a few moth millers in the trees that they come down and spray it if I will put in a small amount of money. Because they are the largest industry, there is no doubt in my mind that a few thousand dollars to save this valuable timber isn't going to be much skin off from their nose. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that the House recede from its former action and

concur with the Senate in the adoption of Senate Amendment "A." Is this the pleasure of the House? All those in favor will answer yes, those opposed will answer no.

A viva voce vote being doubted by the Chair, a vote of the House was taken.

85 having voted in the affirmative and 49 having voted in the negative, the motion to recede and concur did prevail.

#### **Non-Concurrent Matter**

Bill "An Act to Revise Utility Location Permits in Public Highways" (S. P. 594) (L. D. 1572) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on April 20.

Came from the Senate passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Waltz of Waldoboro, the House voted to recede and concur with the Senate.

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act relating to Closed Season on Black Bear" (H. P. 1119) (L. D. 1591) which was passed to be engrossed in the House on April 25.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, tabled pending further consideration and specially assigned for Wednesday, May 3.

#### **Non-Concurrent Matter**

Bill "An Act relating to Unity Institute" (H. P. 934) (L. D. 1350) which was passed to be engrossed as amended by House Amendment "B" in the House on April 13.

Came from the Senate passed to be engrossed as amended by House Amendment "B" and Senate Amendment "A" in non-concurrence.

In the House:

The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, I move that we recede and concur and that when the vote is taken it be taken by a division.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House recede and concur. All those in favor of receding and concurring will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken. 116 having voted in the affirmative and 11 having voted in the negative, the motion to recede and concur did prevail.

#### **Petitions, Bills and Resolves Requiring Reference**

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one tenth of the members present objecting, was received and referred to the following Committee:

#### **Education**

Bill "An Act relating to Financial Matters of the Mount Desert Island Regional School District" (H. P. 1128) (Presented by Mr. Benson of Southwest Harbor)

(Ordered Printed)

Sent up for concurrence.

#### **House Reports of Committees Leave to Withdraw**

Mr. Richardson from the Committee on Education on Bill "An Act Transferring Responsibility of Educating Indian Children to Department of Indian Affairs" (H. P. 976) (L. D. 1418) reported Leave to Withdraw.

Mr. Ewer from the Committee on Labor reported same on Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees" (H. P. 8) (L. D. 20)

Same gentleman from same Committee reported same on Bill "An Act relating to the Determination of Fair Minimum Wage Rates in the Construction of Public Works" (H. P. 1005) (L. D. 1472)

Mr. Clark from the Committee on Public Utilities reported same on Bill "An Act to Expand the

Territory of the York Water District and to Modernize its Charter" (H. P. 902) (L. D. 1355)

Reports were read and accepted and sent up for concurrence.

**Covered by Other Legislation**

Mr. Scribner from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Operating Expenses for Maine Maritime Academy" (H. P. 341) (L. D. 489) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

**Ought Not to Pass  
Tabled and Assigned**

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Provide for Payment for Unused Sick Leave of State Employees" (H. P. 299) (L. D. 434)

Report was read.

(On motion of Mrs. Baker of Winthrop, tabled pending acceptance of the Report and specially assigned for Thursday, May 4)

**Tabled and Assigned**

Mr. Humphrey from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities" (H. P. 570) (L. D. 802)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, out of respect to one of the co-sponsors of this measure, I move this item lie on the table until Tuesday next.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McMann.

Mr. McMANN: Mr. Speaker, if Representative Jalbert would agree, I think next Wednesday would be better to give Mr. Ross another day.

Thereupon, the Report and Bill were tabled pending acceptance of the Report and specially assigned for Wednesday, May 3.

Mr. Ewer from the Committee on Labor reported "Ought not to pass" on Bill "An Act Eliminating Waiting Period under Workmen's Compensation" (H. P. 846) (L. D. 1254)

Same gentleman from same Committee reported same on Bill "An Act Revising Laws Relating to Elevators" (H. P. 928) (L. D. 1358)

Mr. Hoover from same Committee reported same on Bill "An Act to Establish a Right of Review in Workmen's Compensation Matters" (H. P. 900) (L. D. 1313)

Same gentleman from same Committee reported same on Bill "An Act relating to Burial Expenses under Workmen's Compensation" (H. P. 1010) (L. D. 1476)

Reports were read and accepted and sent up for concurrence.

**Tabled and Assigned**

Mr. Clark from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act Authorizing Public Utilities Commission to Require the Interchange of Electric Energy" (H. P. 718) (L. D. 1013)

Report was read.

(On motion of Mr. Starbird of Kingman Township, tabled pending acceptance and specially assigned for Thursday, May 4)

**Tabled and Assigned**

Mr. D'Alfonso from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act Increasing the Membership of the Board of Trustees of Richmond Utilities District" (H. P. 1054) (L. D. 1524)

Report was read.

(On motion of Mr. Hennessey of West Bath, tabled pending acceptance and specially assigned for Tuesday, May 2)

Mr. Hanson from the Committee on Taxation reported "Ought not to pass" on Bill "An Act

Exempting Boats and Boat Motors from Property Tax" (H. P. 161) (L. D. 224)

Mr. Harriman from same Committee reported same on Bill "An Act Exempting Farm Machinery, Except Tractors, from Personal Property Tax" (H. P. 810) (L. D. 1186)

Mr. Robinson from same Committee reported same on Bill "An Act relating to Taxation of Farm Machinery Where Situated" (H. P. 728) (L. D. 1052)

Mr. Susi from same Committee reported same on Bill "An Act Repealing the Compact on Taxation of Motor Fuels Consumed by Interstate Buses" (H. P. 249) (L. D. 357)

Mr. Jewell from the Committee on Transportation reported same on Bill "An Act relating to Photograph on Motor Vehicle Licenses and Providing Funds Therefor" (H. P. 1048) (L. D. 1520)

Mr. Pendergast from same Committee reported same on Bill "An Act relating to Obstructing Windshields on Motor Vehicles with Snow or Ice" (H. P. 1049) (L. D. 1521)

Reports were read and accepted and sent up for concurrence.

#### **Covered by Other Legislation**

Mr. Ewer from the Committee on Labor on Bill "An Act Establishing Asbestosis as an Occupational Disease" (H. P. 68) (L. D. 93) reported "Ought not to pass", as covered by other Legislation.

Same gentleman from same Committee reported same on Bill "An Act relating to Occupational Diseases under Workmen's Compensation Law" (H. P. 519) (L. D. 731)

Mr. Hoover from same Committee reported same on Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees" (H. P. 67) (L. D. 92)

Mr. Lycette from the Committee on Transportation reported same on Bill "An Act relating to Weight Tolerances of Vehicles Loaded with Sawed Lumber" (H. P. 493) (L. D. 706)

Reports were read and accepted and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Ewer.

Mr. EWER: Mr. Speaker, in regard to item 20, Bill "An Act Establishing Asbestosis as an Occupational Disease" House Paper 68, L. D. 93, the gentleman who introduced it, Mr. Ross of Bath, is not present, and this thing got by me and it went under the hammer, and it might be that some member of the House would want to table this until his return.

The SPEAKER: the Chair would advise the gentleman that reconsideration must be entertained and passed before we can take up item 20 relative to any other action. We have accepted the "Ought not to pass" Report.

Mr. EWER: Mr. Speaker, I move that we reconsider our action whereby this report was accepted for the purpose of a possible tabling motion.

The SPEAKER: The gentleman from Bangor, Mr. Ewer, now moves that the House reconsider its action whereby it accepted the "Ought not to pass" Report.

The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker, I should call the attention of the gentleman to the fact that we reported this out this way because it is covered by other legislation.

The SPEAKER: Is the House ready for the question? All those in favor of reconsideration will answer yes, those opposed will answer no.

A viva voce vote being taken, the motion did not prevail.

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

Mr. Hanson from the Committee on Taxation on Bill "An Act relating to Taxation of Buildings on Leased Land in Unorganized Territory" (H. P. 389) (L. D. 536) reported same in a new draft (H. P. 1129) (L. D. 1602) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.



### Ought to Pass Printed Bills

Mr. Evans from the Committee on Agriculture reported "Ought to pass" on Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes" (H. P. 775) (L. D. 1137)

Mr. Mosher from same Committee reported same on Bill "An Act relating to Membership on the Maine Milk Commission" (H. P. 339) (L. D. 487)

Mr. Dunn from the Committee on Appropriations and Financial Affairs reported same on Bill "An Act Reactivating the Governor's Committee on Children and Youth" (H. P. 261) (L. D. 382)

Mr. Hinds from same Committee reported same on Bill "An Act Providing Funds for a Redevelopment Plan of the Portland and South Portland Waterfront" (H. P. 657) (L. D. 912)

Mr. Scribner from same Committee reported same on Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1968 and June 30, 1969" (H. P. 82) (L. D. 112)

Mr. Hoover from the Committee on Labor reported same on Bill "An Act Clarifying Compensation for Disfigurement under the Workmen's Compensation Act" (H. P. 608) (L. D. 852)

Mr. Snow from the Committee on Public Utilities reported same on Bill "An Act to Increase Borrowing Capacity of the Fort Fairfield Utilities District" (H. P. 806) (L. D. 1182)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

### Ought to Pass with Committee Amendment

Mr. Shute from the Committee on Education on Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds or Notes by School Administrative District No. 57" (H. P. 574) (L. D. 807) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 574, L. D. 807, Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds or Notes by School Administrative District No. 57."

Amend said Bill in the next to the last paragraph by striking out in the 5th line (4th line in L. D. 807) the figure "\$1,750,000" and inserting in place thereof the figure '\$1,463,000' and by striking out in the 18th line (15th line in L. D. 807) the figure "\$1,750,000" and inserting in place thereof the figure '\$1,463,000' and by striking out in the next to last line (last line in L. D. 807) the figure "\$1,750,000" and inserting in place thereof the figure '\$1,463,000'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Benson from the Committee on Health and Institutional Services on Bill "An Act relating to the Practice of Hairdressing and Beauty Culture" (H. P. 348) (L. D. 496) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 348, L. D. 496, Bill, "An Act Relating to the Practice of Hairdressing and Beauty Culture."

Amend said Bill in section 2 by striking out in the 5th line (same in L. D. 496) the underlined word "solely"

Further amend said Bill by striking out all of section 3.

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Truman from the Committee on Industrial and Recreational Development on Resolve to Authorize a Professional Review and Analysis of Maine's World Trade Potential (H. P. 495) (L. D. 708) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 495, L. D. 708, Resolve, to Authorize a Professional Review and Analysis of Maine's World Trade Potential.

Amend said Resolve by inserting after the word "Council" in the 3rd line (same in L. D. 708) the words 'under the direction of the Department of Economic Development'

Further amend said Resolve by inserting after the words "Fund to" in the 2nd line of the 2nd paragraph the words 'the Department of Economic Development for the use of'

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Mr. Ewer from the Committee on Labor on Bill "An Act Clarifying Compensation for Occupational Disease under Workmen's Compensation Act" (H. P. 650) (L. D. 903) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 650, L. D. 903, Bill, "An Act Clarifying Compensation for Occupational Disease Under Workmen's Compensation Act."

Amend said Bill in section 6 in that part designated "§ 193." by striking out in the 3rd line (2nd line in L. D. 903) of subsection 4 the underlined figure "17" and inserting in place thereof the underlined figure '50'

Further amend said Bill by striking out all of section 7 and inserting in place thereof the following:

'Sec. 7. R. S., T. 39, § 194, amended. Section 194 of Title 39 of the Revised Statutes is amended to read as follows:

§ 194. Silicosis or asbestosis

In the absence of conclusive evidence in favor of the claim,

disability or death from silicosis or asbestosis shall be presumed not to be due to the nature of any occupation, unless during the 10 years immediately preceding the date of disability the employee has been exposed to the inhalation of silica dust or asbestos dust over a period of not less than 5 years, 2 years of which shall have been in this State, under a contract of employment existing in this State. If the employee shall have been employed by the same employer during the whole of such 5-year period, his right to compensation against such employer shall not be affected by the fact that he had been employed during any part of such period outside of this State. No compensation shall be payable for partial incapacity due to silicosis. The compensation payable in any such case shall be limited to a period not to exceed the average life expectancy of a person of the age and sex of the deceased. In the event of disability from silicosis the employer shall provide reasonable medical treatment not to exceed \$1,000 in amount.'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Ewer from the Committee on Labor on Bill "An Act relating to Workmen's Compensation Insurance" (H. P. 754) (L. D. 1101) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 754, L. D. 1101, Bill, "An Act Relating to Workmen's Compensation Insurance."

Amend said Bill by striking out all of the first underlined sentence of that part designated paragraph C of subsection 5 (same in L. D. 1101).

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Agriculture reporting "Ought not to pass" on Bill "An Act Repealing Milk Control Prices at the Retail Level" (H. P. 958) (L. D. 1529)

Report was signed by the following members:

Messrs. BARNES of Aroostook  
CURTIS of Penobscot  
GIRARD of Androscoggin  
—of the Senate.

Messrs. JEWELL of Monticello  
EVANS of Freedom  
HALL of Windham  
MOSHER of Gorham  
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. HUNTER of Durham  
BRADSTREET  
—of Newport  
HANSON of Solon  
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, I move the majority report of the Committee on Agriculture be accepted.

The SPEAKER: The gentleman from Freedom, Mr. Evans, moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker, I move this item be tabled until Friday, May 5, pending acceptance of either Report.

Mr. Mosher of Gorham requested a vote.

The SPEAKER: The question now before the House is the motion of the gentlewoman from Portland, Mrs. Wheeler, that this matter be tabled pending the motion of the gentleman from Freedom, Mr. Evans, to accept the Majority Report, and be specially assigned for Friday, May 5.

All those in favor of this matter being tabled until Friday, May 5 will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken.

85 having voted in the affirmative and 38 having voted in the negative, the tabling motion did prevail.

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Appropriating Funds for Classroom Building at Erskine Academy" (H. P. 930) (L. D. 1346)

Report was signed by the following members:

Messrs. BERRY of Cumberland  
ALBAIR of Aroostook  
DUQUETTE of York  
—of the Senate.

Messrs. BIRT of East Millinocket  
DUNN of Denmark  
HINDS of South Portland  
SCRIBNER of Portland  
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. BRAGDON of Perham  
HUMPHREY of Augusta  
JALBERT of Lewiston  
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I move we accept the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from China, Mr. Farrington, now moves we accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from South Portland, Mr. Hinds.

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: It is always a very hard thing to do to stand up here before this body and oppose a good friend and colleague, Mr. Farrington from China. However as we all know,

if you check this bill over, this bill calls for \$75,000 from our unappropriated surplus. The unappropriated surplus has been hit quite heavily already this session, and personally, between all the bills that we have and the responsibilities that we have providing funds for the University of Maine, our teachers colleges, our vocational schools, the Department of Health and Welfare, Mental Health and Corrections, Education and all the others, if we pass this bill on to the Appropriations table to sit there, I am sure some of our other worthy and worthwhile projects will go down the drain. This had a seven to three report, seven "Ought not to pass", and I hope that the House will go along with the majority report.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I will speak briefly and try to give you a short rundown of the situation concerning the dollars and cents and also concerning the situation at this particular school.

I don't mind as of two weeks ago losing two highways, I certainly don't mind that much losing an airport a week ago, but when it comes to the schools in the area why I am concerned and I do feel that I should take a little time and explain to you.

This is a private high school located only twelve miles from your Capitol City. It is serving as an area school at the present time. It is saving the State of Maine a substantial amount of money, whereas if it was an S.A.D. they would be spending somewhere between three and four times as much money to educate these numbers of pupils. This particular academy does serve about six municipalities. By and large, fifty to eighty percent of the students in these areas go to this Academy; this is the only provision in this area for secondary school education.

Two years ago, this House in its wisdom saw fit to give some \$20,000 for building classrooms. This project was undertaken with

money that the school was able to raise on their own. They have, however, not been able to finish these classrooms. It would take approximately \$125,000 to complete this project. We do feel that in the area of equal opportunity for education that our concern is with these students who only have one chance at this field of education. I think it is imperative that this project be finished. I would hope that the House would see fit to at least let this go as far as the Appropriations table. If the money is not available at that time, this is another situation. I hope certainly the House will go along with me this morning and allow this to go as far as the Appropriations table at least. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: Speaking as a member who signed the report ought to pass, I would concur with the remarks of the last speaker. I am also aware of the fact that we have dipped into the unappropriated surplus fund for other measures, and one of them is one that I supported, and it was a very worthwhile measure, as this one is in my opinion, concerning \$50,000 plus for a measure concerning the Southern Maine Vocational School in the gentleman from South Portland, Mr. Hind's bailiwick, and I am only going from the Southern Maine Vocational School worthy project now to Mr. Farrington's project. I mean I feel that's a fair shake. I think we should certainly go along with the thinking that this, although not all measures should go along to the Appropriations table, but I think this is a worthwhile measure and I think that it should at least be kept alive and be given a fair shake on the Appropriations table along with other worthwhile measures. I am only sorry that the gentleman who sponsored the measure didn't have the same fortunate results, successful result on his bill as the gentleman from South Portland, Mr. Hind's measure had.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Hinds.

Mr. HINDS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to point out that the Southern Maine Vocational Technical Institute is a State institution, and in my remarks before I said I had hoped that we could try to support our own State institutions and the ones that the Legislature is responsible for when they come here. And responsible for, I mean responsible to appropriate enough money so that we can admit some of the students that are being turned away every year from the university and the teachers colleges and the vocational schools, and I strongly support any appropriations for any of these State institutions at all times, whether they are in Androscoggin County, Cumberland County, Aroostook County, Washington County or any other place in the State.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Brown.

Mr. BROWN: Mr. Speaker, I support the gentleman from China, Mr. Farrington and ask for a division.

The SPEAKER: The question before the House is the motion of the gentleman from China, Mr. Farrington, that the House accept the Minority "Ought to pass" Report on Bill "An Act Appropriating Funds for Classroom Building at Erskine Academy," House Paper 930, L. D. 1346. All those in favor of the motion will vote yes and those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken.

84 having voted in the affirmative and 42 having voted in the negative, the motion did prevail, the Bill read twice and tomorrow assigned.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Repealing Trade-in Credit for Motor Vehicles Under Sales Tax Law" (H. P. 121) (L. D. 147)

Report was signed by the following members:

Messrs. WYMAN of Washington  
FARLEY of York  
—of the Senate.

Messrs. HANSON of Gardiner  
SUSI of Pittsfield  
DRIGOTAS of Auburn  
ROBINSON of Carmel  
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. YOUNG of Hancock  
—of the Senate.

Messrs. HARRIMAN of Hollis  
COTTRELL of Portland  
ROSS of Bath  
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Hanson.

Mr. HANSON: Mr. Speaker, I move we accept the Majority Report.

The SPEAKER: The gentleman from Gardiner, Mr. Hanson, now moves that the House accept the Majority "Ought to pass" Report.

Mr. Lycette of Houlton requested a vote.

The SPEAKER: A vote has been requested. All those in favor of accepting the Majority Report will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken.

87 having voted in the affirmative and 40 having voted in the negative, the motion did prevail, the Bill read twice and tomorrow assigned.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act relating to Taxation of Television Sets" (H. P. 287) (L. D. 407)

Report was signed by the following members:

Messrs. HANSON of Gardiner  
SUSI of Pittsfield  
DRIGOTAS of Auburn  
HARRIMAN of Hollis

COTTRELL of Portland  
 ROSS of Bath  
 ROBINSON of Carmel  
 —of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington  
 YOUNG of Hancock  
 FARLEY of York  
 —of the Senate.

Reports were read.

On motion of Mr. Hanson of Gardiner, the Majority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned for third reading.

#### Passed to Be Engrossed

Bill "An Act relating to State Contribution to Pollution Abatement" (S. P. 227) (L. D. 552)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

#### Third Reader Tabled and Assigned

Bill "An Act Creating the Short Form Deeds Act" (S. P. 537) (L. D. 1442)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be engrossed and specially assigned for Thursday, May 4.)

#### Third Reader Tabled and Assigned

Bill "An Act relating to Weight Violations of Trucks" (H. P. 1122) (L. D. 1594)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, I would request that this item be tabled until May 4.

Mr. Crosby of Kennebunk requested a vote.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, now moves this matter be tabled pending passage to be engrossed and be specially assigned for Thursday, May 4. A vote has been requested. All those in favor of the tabling motion will vote yes, those opposed to the tabling motion will vote no and the Chair will open the vote.

A vote of the House was taken.

88 having voted in the affirmative and 37 having voted in the negative, the tabling motion did prevail.

Bill "An Act relating to Authority of Department of Mental Health and Corrections to Effect Rehabilitative and Work Release Programs" (H. P. 1125) (L. D. 1598)

Bill "An Act Amending the Law Regulating the Practice of Nursing" (H. P. 1126) (L. D. 1599)

Bill "An Act relating to Approval of Plans and Competitive Bids Under Bureau of Public Improvements Law" (H. P. 1127) (L. D. 1600)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

#### Amended Bills

Bill "An Act to Provide Funds for Blind Children's Education, Inc." (H. P. 1) (L. D. 1)

Bill "An Act relating to the Administration of the Aid to Dependent Children Program, and Authorizing Work Experience and Training for Recipients of Aid to Dependent Children" (H. P. 707) (L. D. 1002)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

#### Amended Third Reader Tabled and Assigned

Bill "An Act Establishing Procedures for State Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine" (H. P. 1116) (L. D. 1586)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Hennessey of West Bath, tabled pending passage to be engrossed and specially assigned for Thursday, May 4.)

#### Passed to Be Enacted

An Act Authorizing Department of Health and Welfare to Provide Comprehensive Health Services (S. P. 261) (L. D. 641)

An Act to Create Uniform Fishing Relations on all Boundary Waters between State of Maine and Province of New Brunswick (H. P. 358) (L. D. 505)

An Act relating to Conflicts of Interest in Municipal and Quasi-Municipal Contracts (H. P. 634) (L. D. 890)

An Act relating to Inspection of County Jails (H. P. 668) (L. D. 923)

An Act to Revise the Oil Burner Men's Law (H. P. 1074) (L. D. 1504)

An Act relating to Insurance for Commercial Driver Education School Graduates (H. P. 1084) (L. D. 1544)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

An Act Creating the Maine Higher Education Loan Authority Act (S. P. 59) (L. D. 72)

Tabled—April 21, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

On motion of Mrs. Hanson of Lebanon, retabled pending passage to be enacted and assigned for later in today's session.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act Authorizing One to Two-Year Sentences to Certain County Jails (S. P. 265) (L. D. 646) (In Senate, Committee Amend-

ment "A" (S-36) Indefinitely Postponed; Passed to be Engrossed as Amended by Senate Amendment "A") (S-78) (In House, Committee Amendment "A" and Senate Amendment "A" adopted)

Tabled — April 21, by Mr. Beliveau of Rumford.

Pending — Passage to be engrossed.

On motion of Mr. Brennan of Portland, the House voted to suspend the rules and to reconsider its action of April 19 whereby Committee Amendment "A" was adopted in non-concurrence.

On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed in concurrence.

On further motion of the same gentleman, the House voted to reconsider its action of April 19 whereby Senate Amendment "A" was adopted in concurrence, and to indefinitely postpone Senate Amendment "A" in non-concurrence.

Mr. Brennan of Portland then offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to S. P. 265, L. D. 646, Bill, "An Act Authorizing One to Two-year Sentences to Certain County Jails."

Amend said Bill by adding at the end of section 1 the following underlined paragraph:

**'The county in which the defendant is sentenced shall reimburse the county wherein the jail may be located to which the defendant is sentenced and committed as provided by section 1705, provided that in the event of a change of venue for the trial, the county where the trial was initiated shall reimburse the county wherein the jail may be located to which the defendant is sentenced and committed.'**

Further amend said Bill by striking out all of section 6.

House Amendment "A" was adopted, the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the third item of Unfinished Business:

**HOUSE REPORT — Ought Not to pass — Committee on Judiciary on Bill “An Act relating to Mandatory Inspection of Penal Institutions by Court Justices” (H. P. 944) (L. D. 1376) (In House, Re-committed to Committee on Judiciary) (In Senate, Report accepted in non-concurrence)**

Tabled — April 25, by Mr. Hennessey of West Bath.

Pending — Further consideration.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY: Mr. Speaker, I would like to substitute the report for the bill and speak briefly on it.

The SPEAKER: The Chair would advise the gentleman that this is a non-concurrent matter from the Senate and the only motions that will be entertained will be recede, concur, insist or adhere.

Thereupon, on motion of Mr. Hennessey of West Bath, the House voted to insist on its former action.

The Chair laid before the House the fourth item of Unfinished Business:

**HOUSE MAJORITY REPORT (7) — Ought to Pass as amended by Committee Amendment “A” (H-178) — Committee on Judiciary on Bill “An Act relating to Mental Illness as a Ground for Divorce” (H. P. 319) (L. D. 453) — MINORITY REPORT (3) — Ought Not to Pass.**

Tabled — April 25, by Mr. Rideout of Manchester.

Pending — Motion of Mr. Quinn of Bangor to accept Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Members of the House: As I looked around the House last Tuesday when the motion was made to accept the Minority Report on L. D. 453, I noticed that not only were three members of the Judiciary Committee who signed the Majority Report absent, but that the

sponsor had also been called from the Floor of the House and wasn't seated. That is why I tabled this. I believe that with the important social legislation this bill represents, we should hear not only from its sponsor, but also from the members of the Judiciary in this House who are responsible for the 7 to 3 “Ought to pass” Report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Quinn.

Mr. QUINN: Mr. Speaker, I imagine the House is going to hear in due course from everyone interested in the bill. As one of the signers of the Minority “Ought not to pass” Report, I felt that this Act was against the best interests of my State, and consequently I joined in other members of the Judiciary Committee in bringing a Minority Report that the bill ought not to pass.

Here in Maine we have presently six grounds or causes for divorce, and each and every one of them are because of some misconduct on the part of the defendant, or opposite party.

The ground of divorce proposed in this bill is not such a ground. It is a situation that is caused by misfortune. And since it is not an abuse of the marriage vows I join in the minority and report it “ought not to pass.”

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Shute.

Mr. SHUTE: Mr. Speaker and Members of the House: I first of all want to thank the gentleman from Manchester for tabling this until yesterday, and through the circumstances of yesterday, tabled until today.

L. D. 453, we believe is a document for emancipation. This Act would provide freedom from despair, hope from hopelessness, morality from the temptation of immorality.

If enacted, this enlightened law would permit a spouse to seek a legal separation from a mate incarcerated for a period of seven consecutive years in a mental institution. As the Judge has indicated, a vow of marriage is a sacred thing.



We also submit that now might be the time to consider amending the marriage vow itself to conform to the present laws. It might read like this, and we quote: . . . "to love, honor and cherish until death do us part . . . except in the case of adultery, impotence, extreme cruelty, utter desertion, gross and confirmed habits of intoxication, opium or other drugs, cruel and abusive treatment, refusal or neglect to provide or . . . when mental illness has confined a mate in a mental institution for 7 consecutive years."

Consider please, this law as it now reads. It makes an exception for "gross and confirmed habits of intoxication from the use of intoxicating liquors."

Is this reference to none other than plain, old fashioned alcoholism—recognized now, not as a habit, but as a disease? What are the chances of recovery from alcoholism as opposed to recovery from mental illnesses?

What then of insanity? It is a disease not caused necessarily by gross and confirmed bad habits. It is a disease of the mind. Its causes are varied. Its cures are many and wondrous to behold. In this day of modern miracle drugs, great wonders have been wrought in those persons afflicted with mental illness. Recoveries are now possible where before there was little hope for recovery.

With some of those afflicted, a cure is now medically impossible, but seven years of being institutionalized permits ample time for doctors to predict chances for recovery in a patient. Now in L. D. 453 we have provided 7 long years in which to prove medically a cure is impossible before a divorce may be sought by either party.

We further submit that under this proposed law, no Judge sitting on a Maine bench, would grant a divorce until each case had been thoroughly checked and verified by competent medical authorities.

Chapter One, Section 32 under Title 19, Maine Revised Statutes reads: "No mentally ill or feeble-minded person or idiot is capable of contracting marriage."

Should it be less so when one reaches this state after marriage . . . after seven consecutive years in a mental institution?

Perhaps you Ladies and Gentlemen are aware of this unusual fact. There have been occasions when a woman who has given birth to a child, under the strain of new responsibility and pain has gone beyond her senses to an unreal world—and remained there forevermore in this life.

We know of such a case and this is why we have submitted this proposed legislation.

Almost 34 years ago, this young woman, in the very bloom of life, gave birth to a baby girl. From this experience she recovered physically, but never mentally. In July, 1933 she was committed to the Augusta State Hospital. She has never been released even for a day.

What about her husband? He has known a legal marriage with this woman for but a short time. She no longer knows her husband. No longer cares or loves. What would you do with this man? He has lived each week, each month, each year with ever-fading hope that his wife could make recovery. Doctors long since have told him recovery for her is impossible.

Seven years go by, ten, twenty, and now, over thirty years. A divorce is not impossible for a person of better than moderate means. Residence in another state, a legal waiting period, legal fees. This is possible for a man of more than moderate means.

Ladies and gentlemen of the House, thirty-two of our fifty states provide for a divorce on the grounds of mental illness. Eighteen, including Maine, do not.

Please do not think of those who are incarcerated as being only women! We know of yet another case where a woman with nine children, the youngest of whom is ten, has seen her husband institutionalized for 9 long years. What of her situation? Someday, perhaps once the children are grown, she may have an opportunity to remarry, to live a

normal, happy life once again. Under Maine law, she cannot.

After this bill was published, we received this letter:

“Representative Elden H. Shute, Jr., Farmington, Maine.

Dear Sir:

As I was reading the evening paper I noticed that you have a bill in the Legislature to permit a divorce by a person whose spouse is confined to a mental institution for seven years or more.

I just had to write and thank you. I have just about given up hope that anyone realized that people like myself have any rights to a life of their own. I do realize that mental illness is not a pleasant thing because I have lived with this for the past thirteen years.

I do believe that most people do not understand the situation that the sane spouse is in. He has no normal life at all.

My wife has been in the mental institution for thirteen out of seventeen years of our married life. I have tried in vain to get a divorce. I believe that because one life has been disrupted the other should not be forced to live a non-existing life with no brighter future to look forward to.

I have met a very fine woman and would like to marry her. I am praying that in the near future I will be free to marry again.

Many, many people will be praying for your bill to get passed. When you hear anything I would be very grateful if you would drop me a line.

I R e m a i n Very Hopefully Yours,” and the signature.

Both sexes are affected by this discriminatory law which would be relieved by the passage of L. D. 453.

Both sexes are tempted to lead a life of public immorality because of its restrictions.

I appeal to your sense of Justice, ladies and gentlemen!

We solicit your pity for the spouse who has entered the world of the unreal in mental illness from which he or she has no chance to recover.

But, be compassionate too for the other half, the mentally well half. Take due consideration of his or her place in society for the remainder of their lives on Earth.

We earnestly solicit your support on this humanitarian document, L. D. 453, and we urge you to reject the pending motion by the gentleman from Bangor, Mr. Quinn, and vote for the acceptance of the Majority Report, which was seven to three.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: This piece of legislation before us I have some very strong reservations. Having served many years as a Selectman of the Town in which I lived, and until just recently, in the last few years, the selectmen were the people that committed these people to these institutions, and as I have on many occasions had to commit some of these people — I wished I could tell you how many, but quite a few over a period of some twenty years — but I do recall that at least four I can remember vividly by their name — first name, the awful time that I had in getting some of these people to the institution, and I do remember these four that returned to live a normal life; one of them, after sixteen years in the Bangor State Hospital.

Now during this same time, during this same twenty-year period, I took about as many people to Fairfield, Maine, to the sanatorium. Most of these never returned. This was another sickness. And in view of the fact that such a large percentage of these people that I did take to the institution did return, and this now with modern medicine I'm in hopes the percentage of return will be much greater, and I feel sure that it will. As a matter of fact in my own family my mother-in-law has spent some time there and is there now — and our family, let me tell you, still has all the hopes in the world. We still feel sure that there will be a day, and surely there will

be a medicine — that she'll return to us and live the rest of her days normally.

These are just some of the reasons. And I too, was married some twenty-nine years ago. I can still remember I repeated after the Reverend in Bangor "Til death do us part."

I think it would look bad to have in our marriage vows — "until one of us gets sick." I hate to think of this, and I hope that the people in this House this morning, this bill being quite close and disturbs me some, I hope that you will go along and indefinitely postpone it and accept the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker and Members of the House: I rise this morning in support of the esteemed gentleman from Bangor, Mr. Quinn. I think once you take these marriage vows, probably the most sacred thing a person can take in his lifetime, I think you should honor them and you shouldn't abandon your fellow mate. For those who don't know this, I'm a single man.

I hope when the vote is taken that you will go along with the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: As House Chairman of Judiciary, I too rise this morning to support the motion of my friend and colleague, Judge Quinn, the honorable gentleman from Bangor, and I oppose most strenuously the position and stand of our able colleague the honorable gentleman from Farmington, Mr. Shute, who has told us about what many of the other States in this Country have done.

I say, on this very fundamental piece of legislation, that it is not the number or the role of the States that counts, it is what is right and what is decent, and if Maine should stand alone on this question and refuse to grant a divorce on the grounds of mental illness, I say Maine would be right

and the other forty-nine States would be wrong.

A bit of legislative history — and I don't say this in any personal disparagement.

Mr. Shute's proposal is a warmed-over chestnut, and those of us who have been privileged to serve on previous Judiciary Committees have seen similar proposals relegated to the red light division, where they eventually died a quiet and uneventful death.

There are those, like the honorable gentleman from Biddeford, Mr. Truman, there are those who have hesitated to embark on that union to which much of the human race has already set sail, because they may believe that a vow solemnly given should never, never be rescinded when the equities become unbalanced through mental illness.

Fidelity and loyalty to a solemn oath must always be binding, when one party to that oath becomes mentally incapacitated, whether for seven years, seventeen years, or seventy years. Fidelity and loyalty are supreme virtues, and I solemnly say that when one party to an oath becomes mentally incapacitated then the other party, be it man or woman, should honor the oath, though hell should freeze.

Perhaps I was brought up in a spartan school. Perhaps the ancient virtues of fidelity and loyalty will appear secondary to the eloquence of the gentleman from Farmington, Mr. Shute. Perhaps this House, and I say it advisedly, will be selfish enough to abet a man or woman who seeks to discard a wife or husband that is in the unfortunate position of being mentally ill, but I hope that this House is made of sterner stuff.

I strenuously urge that this fundamentally pernicious proposal be defeated, that the Minority Report be overwhelmingly accepted, and when the vote is taken I request a division.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brennan.

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I support the eloquent remarks of the gentleman from

Farmington, Mr. Shute. Seventy percent of the Judiciary Committee supported this bill.

At the last session I voted against a similar bill. Since that time though I have discussed the bill with many people from my area, and nearly all that I have talked to support seven years consecutively in a mental institution as a reasonable grounds for divorce. Admittedly, I talked to only about thirty people, but I feel that this is a good sample of opinion, and I try to respect the desires of the people from my area.

Under the present law the people with means who are affected by this situation may go out of State, establish the necessary legal residence or domicile, and get a divorce for far less stringent conditions than provided in the present bill. An example is some States only require two years of being in a mental institution. In a sense, the present law only penalizes those of little or no means who cannot afford to go to another State to establish the necessary legal residence.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker and Members of the House: If I were to sit in my seat today and not speak about this bill, I think it would be a miscarriage of justice to the people of Maine.

I am only a freshman Legislator here, and I have seen several bills come through this House, and the way I see them revised and then changed from year to year, I almost assume that with the new psychiatric drugs and the way the people are returning back to their homes so soon, that the seven-year level probably next year would be down to two years. After a while I don't think there'd even be six months allowed to this bill.

So I feel that we should give this a little more consideration. And, in listening to some of the remarks being made by the people today, I think they left out the most important words or sentence in the vows of Holy Matrimony—they all say until death. But if I

remember taking the vow it says "for better or worse" and also "sickness and in health." I think we must realize that this is important also. Once you die—that's easy—we escape all our problems. For this reason alone I am in agreement with the gentleman from Bangor, Mr. Quinn.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker and Members of the House: We are making many studies and spending plenty of money to set up community mental health clinics, and we are encouraging people and families who feel that they are confronted with mental problems, we are encouraging them to seek psychiatric evaluation and advice. And, I feel that if this bill were put into law, that many people would be fearful of going to these mental health clinics seeking advice, and I think it would do a great deal of harm and many, many people who could be helped would end up in State hospitals, so I hope that this bill is killed.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I, like Mr. Brennan from Portland, was one of the signers of the Majority "Ought to pass" Report.

When I first was confronted with the bill I had reservations about the bill. This is one subject that my wife and I were able to discuss, and we gave it a lot of thought—I've given it a lot of thought, and I think because of the permissive nature of the bill, the fact that it is not mandatory by any manner or means, and that in the few cases, not many, where a tremendous hardship has been worked and will be worked on moral spouses, moral sane spouses. I voted in Committee to be in favor of the passage and enactment of the bill, and I hope that the gentleman from Bangor, Mr. Quinn's motion, will be defeated.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Quinn.

Mr. QUINN: Mr. Speaker, we in the State of Maine, particularly the older citizens, have considered a contract as their bond, and the State of Mainerers have the reputation of living up to their contracts. Marriage is a contract. The parties enter into it with their eyes open, and they should conform to that contract.

I have been practicing law now—I dread to think of the number of years—43 to be exact, and I have seen in the various activities of the practice of law that contracts do not have the same seriousness as they did years back. There's more of a tendency to break them, and more of a tendency to find reasons for breaking them, and that's just what is happening here.

Now once we add this unfortunate situation of mental insanity to our causes for divorce, will the next step be physical incapacity? Will the spouse who is paralyzed one hundred percent now—hereafter be the cause of separation of this marriage state?

Now as others before me have stated, modern science is doing wonderful things for the physical and the mental condition of man, and just last week in a local paper I found an article with a heading—"Dramatic Advances in View—Psychiatric Drugs, a Revolution in the Treatment of Mentally Ill." That point has been referred to by several of the previous speakers who are supporting my position.

Now when you begin to give drugs to the mentally ill and medicines, and they begin to improve, one of the best therapies to assist them on the road to recovery is a home to return to. Are we going to deny them that privilege?

Now I'll point out that this Act was amended to the effect that when a divorce has been granted on grounds of mental illness, the Court shall make such disposition of property owned by the parties as the interests of justice may require. I wonder what that means, and I wonder how it's going to be applied, because we have another law that says when a divorce is decreed to the husband, he shall be entitled to one third in common

and undivided of all the real estate except wild lands which shall be sent to him as if she were dead. The Court may allow him so much of a personal estate as seems reasonable. In all cases the right, title and interest of the defendant and the real estate of the plaintiff shall be barred by the decree.

Now under this grounds for divorce she'll not only be stripped of her family connection, but I feel there's a serious condition there that she may be stripped of one third of her property ownership.

This Act is not for the best interests of the State of Maine. I think the State of Maine wants to keep families together where they belong, and like others before me I feel that these people who are in State institutions now and are considered to be incurable, that that may not be so.

I find there's only two of the states mentioned, and this is as of a book in the Library "Divorce and Annulment," which has a copyright of 1967 and received in the Library on March 22 of this year. The only two states in New England that recognize this as a grounds for divorce are Connecticut and Vermont. Now let's not join them.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: This morning sitting here I feel somewhat like a juror who is about to cast his vote after hearing the attorneys from both sides deliberate on that very vital subject.

I was very much impressed with the gentleman from Farmington with his eloquence regarding that bill, but I was also very much impressed by my colleague from Enfield, Mr. Dudley, who brought to the attention that there is a ray of hope, there is a possibility that when one has been to an institution that they can come out and be rehabilitated. It is a wonderful feeling to know that there is a possibility of that type.

I am very much impressed with the gentleman from Bangor, Honorable Judge Quinn, who has so carefully and ably explained this

out to us, that I feel as though, and I do want to stay with the Minority Report, and I believe that Mr. Berman, the capable attorney from Houlton, and the thing is that one of our gentlemen got up and said he was single — I think Mr. Berman forgot to mention that too. I commend him for it — that they really have enlightened us and let us accept the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the motion of Mr. Quinn of Bangor, and when the vote is taken I hope that you also vote "Ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Members of the House: I signed the Minority Report of "Ought not to pass" this session as I did during the previous session, the 102nd Legislative Session. As I understand, this bill or a similar bill has been before this body many, many times and each and every time it has been defeated. And I think that the reason why it has received defeat over the years is because there never has been expressed a great need for such legislation.

There aren't many people who require this kind of legislation first, but secondly we must bear in mind that the laws of this State are the most liberal laws — and I am referring to divorce laws — in the entire country. Let everyone in this House be aware of the fact that the laws of the State of Maine are just as liberal as those of Nevada. They are so liberal that under proper circumstances a judge may at this time grant a divorce under the cruel and abusive treatment section of our divorce laws, and it is my understanding that divorces have been granted on these grounds when proper circumstances indicated that this was the correct thing to do.

I voted against this bill for many reasons — maybe some of

the reasons are sentimental, emotional and not as legal as they might be. I voted against this bill because I have, here in my heart, vows and commitments made at the time of marriage. It is probably old-fashioned to feel this way, but I'm afraid that I am an old-fashioned man. But above all this, I think that the important issue involved in this matter is the freedom of choice. Though our laws today in the State of Maine are liberal and at times make a mockery of the vows taken during marriage, they permit the freedom of choice on the part of both individuals, both mates, so that they may appear in court and express their choice. This law would prevent the choice to one who is mentally ill.

The sponsor of this bill earlier termed this document the "document of emancipation." I submit to you that it would be a "document of deprivation," it would be depriving the mentally ill of that freedom of choice.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, and Members of the House: Because this question concerns one of the most fundamental questions that this House is going to face this term, I would prefer that rather than have the vote taken by division that it be taken by roll call and I so request.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Dixfield, Mr. Eustis.

Mr. EUSTIS: Mr. Speaker and Members of the House: I feel that the gentleman behind me from Farmington, Mr. Shute, has made a very able presentation. I believe that some of the arguments that we're engaged in now are far afield from the real purpose of this bill. I think that the legal and the medical situation is well in hand to the unfortunate one in this case as well as it is to the rest of the family, I sincerely hope. I would say just one more thing. I think we're all in agreement on one thing and that is that divorce laws by and large are too lenient and too loose, but I believe this

one bill here is an exception that proves the rule.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker and Members of the House: On May the fourth, 1965, a similar bill was before this House, and I was a member of the Legislature at that time. At that time I voted against this bill.

In the passing twelve years, however, I have thought differently about it. At the time I voted against it because I thought we were expectant of a great advancement and achievement of medical science and modern treatment and psychiatric treatment, but that doesn't pertain. I have changed my mind by experiencing cases during those twelve years, and I am more firmly convinced now that I am right than I was convinced then when I thought I was right.

There is one area that we have all neglected and it is the most important and most secret area I think that can be dealt with in this matter, and that is the area of the children, the home of the children. I think every child has a birthright to a normal home, he has a birthright to be loved by parents; I submit that I have never seen a case where a mother could be both a mother and father, and conversely I have never seen a case where a father could be both a father and a mother.

One of the pleasant duties of my office has been adoptions. I have in mind a case that took place a few years ago where a person was committed to the State Hospital and remained there for a long time—and of course the other spouse was told, had to be told, that there was nothing in the State of Maine that would hold store for reorganizing her life, and she had children. She went away to another State and was divorced. She remarried. Her husband adopted her children, and a better home never existed in the United States of America, I doubt, than that home today. Well, if she hadn't done that the children would have been brought up, they

would not have had the love of the parents as they are entitled to, and it would have been—instead of one tragedy, we think of when a person goes to the hospital—there is a tragedy. There are other tragedies, and it is the one that doesn't have to go to the hospital, and if there's two children—there's three more tragedies, there's four tragedies where normally or otherwise there could be one if they followed the pursuit that this woman followed.

Now they tell me—doctors tell me, and I have talked with Dr. Schumacher, that there are some people that, their conditions may be diagnosed and in a year and a half time they can be definitely sure that the person will never recover. He indicated to me and made it comparable to a severance—the mind had gone, he said you wouldn't expect, if you had lost an arm you wouldn't expect any modern drug or science to ever restore that arm to you. We have experts that know that the mind cannot be restored. They live in a void—they don't have the realization of what is around or about them, in many cases they are not unlike a piece of marble. They don't sense the situation as the spouse does sense. She or he may feel badly for themselves, but if they have got children running around, they feel doubly so.

I don't believe there is any harm in this legislation. It is permissive as has been said. Nobody is required to invoke it, to use it. They have their own opinion as to what is moral and immoral. I say that legislatures never in the State of Maine or in the history of the world, I believe, has ever done anything for morality or against morality. If we could legislate morality we ought to roll up our sleeves, I think there are a lot of areas we could go to work in the State of Maine even now. We have got to have trust and confidence in our medical men. We have got to have trust and confidence in our courts. I think they are well qualified and capable of handling this problem. I don't think you will see any abuse of it; I'm sure you won't see any abuse of it,

and you will probably in time learn of cases where it has been a godsend to children as well as to some unfortunate husband or wife. Thank you.

Mr. Berman of Houlton was granted permission to speak a third time.

Mr. BERMAN: Mr. Speaker and Members of the House: As I understood my friend and colleague from Mechanic Falls, Mr. Foster, and I hope I understood him correctly, that he knew of no cases where one spouse, and I think he mentioned the mother, was able to bring up her children without the father. If such is so, I would cite only two outstanding examples, and these examples in my opinion are outstanding examples.

One was a lady who was married to the gentleman who said of Mr. Washington that he stood first in war, first in peace, and first in the hearts of his countrymen, and as I recall history, and I could be wrong, Robert Edward Lee grew up without his father.

In our own time there was a remarkable man with a remarkable mother. His father was also a great patriot. Again, it is possible that I may be mistaken, but it is my recollection that General Douglas MacArthur grew up under the tutelage of his mother and remained and will remain forever in the annals of our history as one of its greatest citizens.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker and Members of the House: I remember the very famous and important words of the late Dr. Menninger when he spoke several years ago at the University of Maine, and he told of the wonderful things that can be done for the mentally ill to enable them to live normal lives in society once again, and I will say that I think this is a terrible time to bring a bill like this before the Legislature because many of our fighting men who have gone into the service to protect our Country will be coming back here, many of them will be

having mental problems, and I would hate to be one that would put a law on the books that would allow their wives to divorce them. I think this would be traitorism.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker and Members of the House: I am not going to make a speech on this subject; I have hesitated because somebody might accuse me of being over-religious, but I have listened with very much interest, and as one who has solemnized hundreds of marriages and watched those marriages through the years and have come in contact with some of the instances that have been spoken of this morning, in fact one in particular very near to me, I cannot help but being opposed to this bill this morning. I would like to go along with my friend Mr. Quinn, and I hope that you will go along with him and defeat the bill.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Couture.

Mr. COUTURE: Mr. Speaker, I too have sat here and listened to all this group, and I for one will bring you a commitment that was made in the City of Lewiston while the Council were in power and committed these people to the State Hospital.

To begin with, the request was made to the Council under a doctor, we have committed this woman to the State Hospital. Exactly a year afterward she was well enough to be released. She was released back to her husband. Exactly a week or ten days after to be nearer, the woman was caught by the window and wanted to commit suicide and finally was held back by a woman on the upper floor. We had an investigation of this case. The investigation showed that her husband the way that he was using her at home and spending his pay, leaving her without money, abusing her on top of this while under the influence of liquor, even taking girl friends to sleep at home and have her on the porch on the outside, that all of these were discovered. After



being committed for the second time to the State Hospital she was again released on a trial basis to her husband. Under God, it was proven that the second night that she was in her home with her husband having a high tempered argument which the law had to get into it. Again the woman was committed back to the State Hospital for observation and treatment. A few months afterwards the brothers and sisters get into the case. It was a tough battle to have that sister released out of the State Hospital because her husband had signed the commitment. Finally, after six years this woman was released to her family away from him as far as possible that she would not be able to see him at anytime. It has been now in the area of five years and this woman is now earning her living working in a shoe factory, but she herself said in her own words that even now that she is thinking of him and she does everything that she can do to forget as quick as possible in the way to be afraid to have another shock of a nervous breakdown and stay away from him completely.

Now, in a matter of a short time, if the law would have been as it is today, and we're trying to have this law through, it means that in a matter of a year or so that this man would have been entitled to have a divorce. Now who was responsible through investigation of his woman's sickness, it was him. Are we to have a law to encourage this in the future? This capable representative from Portland has brought out here the fact about our servicemen. Again another case that came into the Council that a commitment was made by a young man that served in World War II. He was also committed. He hasn't been released yet. Would it be fair for this man that possibly in time will be able to be released in, to come out after fighting for his Country, to come out after a sickness caused by his duty in the service, to find his wife married to another man and his children under this other man's custody?

Now I am in hopes that this motion of Mr. Quinn, the gentleman

from Bangor, will be passed, and I certainly support the roll call on this for the simple reason that I don't want to go back home and have to face the people and without them knowing that I went against this law that some of you are trying to pass now. I want a clear record and be able to answer to my people at home.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker and Members of the House: By standing up here I probably, like Mr. Meisner, will be tabbed over-religious, but if living by the Book tabs me so, I plead guilty here this morning, but I would like to share with you some of the answers that Lord Jesus Christ gave when he was tempted on one occasion.

Reading from St. Matthew, Chapter 19, verses three through nine: "The Pharisees also came unto him, tempting him, and saying unto him, Is it lawful for a man to put away his wife for every cause? And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female, And said, For this cause shall a man leave father and mother, and shall cleave to his wife, and they twain shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away? He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives; but from the beginning it was not so. And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery, and whoso marrieth her which is put away doth commit adultery."

We have heard this morning about how lax the laws are in the State of Maine concerning divorce. Why add another reason to it?

The SPEAKER: Is the House ready for the question? The ques-

tion before the House is the motion of the gentleman from Bangor, Mr. Quinn, that the House accept the Minority "Ought not to pass" Report on Bill "An Act relating to Mental Illness as a Ground for Divorce," H. P. 319, L. D. 453. The Chair understands the gentleman from Houlton, Mr. Berman requests a roll call. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call will vote yes, those opposed will vote no and the Chair will open the vote.

A vote of the House was had.

101 voted in the affirmative and 18 voted in the negative.

The SPEAKER: Obviously, more than one-fifth having expressed a desire for a roll call, a roll call is ordered. The pending question is the motion of the gentleman from Bangor, Mr. Quinn, that the House accept the Minority "Ought not to pass" Report. All those in favor of accepting the Minority Report will vote yes, those opposed will vote no and the Chair will open the vote.

#### ROLL CALL

YEA — Allen, Baker, R. E.; Bedard, Belanger, Beliveau, Berman, Binnette, Birt, Boudreau, Bourgoin, Brown, Buck, Bunker, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Clark, Conley, Cote, Couture, Crockett, Curran, Cushing, D'Alfonso, Danton, Dickinson, Drigotas, Drummond, Dudley, Dunn, Farrington, Fecteau, Fraser, Gaudreau, Gauthier, Gill, Giroux, Hanson, B. B.; Hanson, P. K.; Harnois, Hawes, Healy, Henley, Hennessey,

Hichens, Hodgkins, Humphrey, Hunter, Immonen, Jalbert, Jameson, Jewell, Keyte, Kilroy, Kyes, Lebel, Levesque, Lewin, Littlefield, Lowery, Lycette, Martin, McMann, Meisner, Minkowsky, Mosher, Nadeau, J. F. R.; Nadeau, N. L.; Pendergast, Philbrook, Porter, Prince, Quinn, Rackliff, Richardson, G. A.; Robertson, Robinson, Rocheleau, Roy, Sawyer, Scott, G. W.; Scribner, Soulas, Tanguay, Truman, Waltz, Watts, Wheeler, White, Wight, Williams, Wood.

NAY — Baker, E. B.; Benson, Bernard, Bragdon, Brennan, Cornell, Cottrell, Crommett, Crosby, Darey, Dennett, Durgin, Edwards, Eustis, Evans, Ewer, Foster, Fuller, Hall, Hanson, H. L.; Harriman, Harvey, Haynes, Hewes, Hinds, Hoover, Huber, Janelle, Lewis, Lincoln, Maddox, Pike, Richardson, H. L.; Rideout, Scott, C. F.; Shaw, Shute, Snow, P. J.; Snowe, P.; Starbird, Susi, Thompson, Trask.

ABSENT — Bradstreet, Cookson, Fortier, McNally, Miliano, Noyes, Payson, Quimby, Ross, Sahagian, Sullivan, Townsend.

Yes, 95; No, 43; Absent, 12.

The SPEAKER: 95 having voted in the affirmative, forty-three having voted in the negative with twelve being absent, the motion to accept the Minority "Ought not to pass" Report prevails.

Sent up for concurrence.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.