

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Thursday, May 11, 1967

Senate called to order by the President.

Prayer by the Reverend Father Michael J. McDonald of Brownville Junction.

Reading of the Journal of yesterday.

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

Bill "An Act Creating the Position of Community Recreation Specialist. (S. P. 438) (L. D. 1122)

In Senate, April 28, Passed to be Engrossed.

Comes from the House, Report "B" Ought Not to Pass Read and Accepted, in non-concurrence.

On motion by Mr. Hildreth of Cumberland, the Senate voted to recede and concur with the House.

Bill "An Act Increasing the Membership of the Board of Trustees of Richmond Utilities District. (H. P. 1054) (L. D. 1524)

In Senate, May 3, Ought Not to Pass Report Read and Accepted.

Comes from the House, Bill Substituted for the Report, and Passed to be Engrossed As Amended by House Amendment "A" (H-282) in non-concurrence.

(On motion by Mr. Katz of Kennebec, tabled until later in today's session.)

Bill "An Act Relating to Taxation of Television Sets." (H. P. 287) (L. D. 407)

In House, April 27, Majority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed.

In Senate, May 4, Minority, Ought Not to Pass report Read and Accepted in non-concurrence.

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

The Speaker appointed as House conferees:

Messrs:

HANSON of Gardiner
ROBINSON of Carmel
WOOD of Brooks

In Senate: Voted to Insist and join in a Committee of Conference. The President appointed the follow-

ing conferees on the part of the Senate:

Senators:

FERGUSON of Oxford
WYMAN of Washington
KATZ of Kennebec

House Paper

Bill "An Act Authorizing Androscoggin County to Raise Money for the Reconstruction and Renovation of its County Buildings. (H. P. 1151) (L. D. 1643)

Comes from the House referred to the Committee on Towns and Counties.

Which was referred to the Committee on Towns and Counties in concurrence.

Committee Reports**House****Ought Not to Pass**

The Committee on Natural Resources on Bill "An Act to Provide for the Conservation of Clear Air." (H. P. 454) (L. D. 629)

Reported that the same Ought Not to Pass as Covered by other Legislation.

Comes from the House, report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Richmond School District." (Emergency) (H. P. 1052) (L. D. 1526)

Reported that the same Ought to Pass.

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed.

The Committee on Liquor Control on Bill "An Act Relating to Publication of Notice for Public Hearing for Applications for Liquor Licenses." (H. P. 854) (L. D. 1267)

Reported that the same Ought to Pass.

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills Read once and tomorrow assigned for Second Reading.

Ought to Pass- As Amended

The Committee on Judiciary on Bill "An Act Relating to Aid for Persons Injured in Hunting Accidents." (H. P. 272) (L. D. 472)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-265)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed, As Amended by Committee Amendment "A"

The Committee on Judiciary on Bill "An Act Relating to Complaints and Violations Under Motor Vehicle Sales Finance Act." (H. P. 511) (L. D. 724)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-267)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed, As Amended by Committee Amendment "A"

(On motion by Mr. MacLeod of Penobscot, tabled pending acceptance of the Ought to Pass, As Amended, report of the Committee.)

The Committee on Judiciary on Bill "An Act Relating to Disposition of District Court Funds." (H. P. 1000) (L. D. 1462)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-268)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed, As Amended by Committee Amendment "A"

The Committee on Judiciary on Bill "An Act Relating to Licensing and Regulation of Use of Explosives." (H. P. 107) (L. D. 134)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-225)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed, As Amended by Committee Amendment "A"

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, this bill has been replaced by House Amendment 225, and the change in the law is mere-

ly the addition of three words to the section covering handling of explosives. It adds the words "possession, storage and handling." I would like to ask any member of the Judiciary Committee if this visualizes setting up of a licensing system, or what is visualized here?

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, speaking pretty much off the cuff, the bill itself did envision a complete licensing system, which the Committee felt it should avoid. The Committee felt that the area did not require setting up new licensing for the handling of explosives so that any contractor building roads or buildings over the state would be required to have his men licensed from the office in Augusta. We did feel that a sufficient case was made out before the Committee for regulations to issue regarding the possession of explosives, high explosives, particularly dynamite, and that sort of thing. We had two hearings on this. The first one at which the industry didn't show up, and it seemed rather peculiar to us that the only people who appeared at the hearing were the proponents. And some of those who handle explosives, we felt that there must be some greater concern on their part, so we did solicit to find out if the industry knew about the measure. We found they were completely oblivious to it, and they were very pleased to come before us at a second public hearing, which was fully advertised.

At that time, and after considerable discussion in executive session, we determined that the law should be changed to give the power to regulate the handling of explosives, but we didn't feel that everybody who handles them, and works with these industries which are just as much concerned about safety as everyone else in the state, should have to get a license from Augusta before they could handle them.

I guess the answer to your question, Senator Berry, is in the negative.

Which reports were Read and Accepted in concurrence, and the Bills read once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bills, as amended, tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Agriculture on Bill "An Act Repealing Milk Control Prices at the Retail Level." (H. P. 958) (L. D. 1529)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

BARNES of Aroostook
CURTIS of Penobscot
GIRARD of Androscoggin

Representatives:

JEWELL of Monticello
EVANS of Freedom
HALL of Windham
MOSHER of Gorham

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

(Signed)

Representatives:

HUNTER of Durham
BRADSTREET of Newport
HANSON of Solon

Comes from the House, Majority — Ought Not to Pass report Read and Accepted.

On motion by Mr. Barnes of Aroostook, the Senate voted to Accept the Majority Ought Not to Pass report of the Committee in concurrence.

Divided Report

The Majority of the Committee on Agriculture on Bill "An Act to Create a State-wide Milk Marketing and Producer Pool." (H. P. 569) (L. D. 801)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

BARNES of Aroostook
CURTIS of Penobscot
GIRARD of Androscoggin

Representatives:

JEWELL of Monticello
BRADSTREET of Newport

EVANS of Freedom
HALL of Windham
MOSHER of Gorham

The Minority of the same Committee on the same subject matter, reported that the same Ought to Pass in New Draft. (L. D. 1607)

(Signed)

Representative:

HANSON of Solon

Comes from the House, Majority — Ought Not to Pass report Read and Accepted.

Mr. Girard of Androscoggin moved that the Senate accept the Majority Ought Not to Pass report of the Committee.

(On motion by Mr. Johnson of Somerset, tabled pending the motion by Mr. Girard of Androscoggin that the Senate accept the Majority Ought Not to Pass report of the Committee.)

Divided Report

The Majority of the Committee on Indian Affairs on Bill "An Act Relating to Rights and Privileges of Members of the Indian Tribes at the Legislature." (H. P. 117) (L. D. 188)

Reported that the same Ought Not to Pass

(Signed)

Senators:

BECKETT of Washington
CURTIS of Penobscot

Representatives:

COOKSON of Glenburn
RIDEOUT of Manchester
DENNETT of Kittery
JANNELLE

of Scarborough

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

(Signed)

Senator:

NORRIS of Oxford

Representatives:

CASWELL of Portland
DANTON

of Old Orchard Beach
MILIANO of Eastport

Comes from the House, Majority — Ought Not to Pass report Read and Accepted.

On motion by Mr. Beckett of Washington, the Senate voted to

Accept the Majority Ought Not to Pass report of the Committee in concurrence.

Divided Report

The Majority of the Committee on Labor on Bill "An Act Revising Certain Portions of Workmen's Compensation Law." (H. P. 674) (L. D. 946)

Reported that the same Ought to Pass

(Signed)

Senators:

JOHNSON of Somerset
NORRIS of Oxford
GOOD of Cumberland

Representatives:

EWER of Bangor
COUTURE of Lewiston
BEDARD of Saco

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

(Signed)

Representatives:

DRUMMOND of Sidney
HOOVER of Phillips
HUBER of Rockland
DURGIN of Raymond

Comes from the House, Majority — Ought to Pass Report Read and Accepted, and subsequently, the Bill was Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: This bill would amend the Workmen's Compensation Law so that if an employer had one employee and was not covered by the Workmen's Compensation Law, he would lose his constitutional or common law rights of defense. As the law reads today any employer who employs three or less employees and does not carry Workmen's Compensation insurance, he does not lose his common law rights of defense. This, in effect, would more or less make it mandatory that an employer, if he had only one employee, take out workmen's compensation insurance to cover that one employee. Now, it is true that many of these stenographers and others doing clerical work would not be subject to injury, unless,

of course, a filing cabinet fell on them or something like that. However, there are certain employees who are working in hazardous occupations in the employment of an employer who has only one employee, or two employees, or three employees, and if this bill receives passage — and I am in favor of that — that employer would, of necessity perhaps, have to take out workmen's compensation insurance.

Some of the employees work in the woods and they can be seriously injured or even killed, and I don't know where they would look to for compensation since some of these employers are not in a position to pay the hospital benefits for this one employee or even death benefits. However, if this bill should pass, why then the employee would be compensated under the workmen's compensation insurance. Then there are a lot of wood-working mills where the employees are injured by losing fingers and otherwise disabled and as the law is presently if there are three or less employees, they are probably not covered by the workmen's compensation insurance because that employer, under the present law, doesn't lose his common law defenses.

Therefore, I move that the Senate accept the six to four Majority Ought to Pass report. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, if it's in order, I would move at this time that this L. D. 946 and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that we now indefinitely postpone Item 6-11 and its accompanying papers.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President, Members of the Senate: As was pointed out by the gentleman from Cumberland, the utilization of Workmen's Compensation Law presents certain advantages to an employer as well as giving

additional protection to the employee. It ends the delay on the part of the employee in obtaining compensation for an injury and compensation for his medical expenses, and it does save the employer from the possible unlimited liability that he might incur in the event that negligence on his part could be shown by the employee.

I would like to oppose the motion for indefinite postponement, and simply like to call to the attention of the members of the Senate that in this measure the elimination of the exemption for workmen's compensation would be applicable to employers who employ one or more workers was a part of the Republican platform as well as the next measure to follow this one.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, I don't feel qualified to debate with these attorneys, my good friends Senator Good and Senator Lund. However, I don't think any of us here want to work any hardship on these people associated with the industry of agriculture, and I don't think there is any disagreement of the fact the farmers are having a difficult time now trying to make a living, with the cost-price squeeze and everything else they have to contend with. This bill, if passed, would work a terrific hardship on the farmers in the State of Maine. It would remove the privilege of using employers' liability in lieu of workmen's compensation and it would reduce the exceptions to one. Now, you stop and realize what that would do to the average small farmers here in the State of Maine. There is no history here in Maine to indicate what the rate of workmen's compensation insurance would be if all regular employees were covered under workmen's compensation. The present rate is \$2.89 per \$100 payroll. Now, in New Jersey where this law is in effect, where all agricultural workers are covered under workmen's compensation, the rates for 1967 are as follows: The dairy farmers, \$7.82 per \$100 payroll, poultry is \$7.36, vegetables \$2.78, fruits \$5.27,

general farmers \$7.82, cattle and livestock \$7.82.

Agriculture is a hazardous occupation. Workmen's compensation is higher than it is in most industries. As I say, if this bill should pass, it would work a terrific hardship on the small farmers and I don't think anybody in this Senate wants to do that, and I would hope that my motion to indefinitely postpone will prevail. Thank you.

(On motion by Mr. Albair of Aroostook, tabled and specially assigned for Friday, May 12, pending the motion of the Senator from Aroostook, Senator Barnes, that the bill and all its accompanying papers be indefinitely postponed.)

Divided Report

The Majority of the Committee on Labor on Bill "An Act Relating to Benefit Amounts under Employment Security Law." (H. P. 1007) (L. D.1474)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

JOHNSON of Somerset
GOOD of Cumberland

Representatives:

EWER of Bangor
DRUMMOND of Sidney
HOOVER of Phillips
HUBER of Rockland
DURGIN of Raymond
BEDARD of Saco

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

(Signed)

Senator:

NORRIS of Oxford

Representative:

COUTURE of Lewiston

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

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: This Legislative Document 1474 amends the Employment Security Law in several respects. It is quite comprehensive. It came

out of Committee with an eight to two Ought Not to Pass. Incidentally, this is not in the Republican Platform.

The first section of the bill would provide for increased benefits for a person receiving unemployment compensation for his dependents, up to ten of them or more. Now, the law, as it stands today, provides that the maximum weekly benefit amount shall be 50 per cent of the average annual weekly wage as determined in this state. Now the average annual weekly wage at this time is \$90. a week. Therefore, an unemployed person could receive a maximum benefit of \$45. a week. That is 50 per cent of the average annual weekly wage as now established in this State.

This amendment, L. D. 1474, goes a step further, and states that if he had one dependent he would get 51.5 per cent of whatever the average annual weekly wage happened to be. At the present moment it would be 51.5 per cent of \$90. That would be the maximum weekly benefit amount that he would receive. Of course, he could receive less. And for a period under the present law of up to 26 weeks. For each dependent the maximum weekly benefit amount is increased one-half per cent. So with ten or more dependents, he could receive up to 65 per cent of the average annual weekly wage, which I stated several times, is \$90. a week at this time.

There are eleven states, according to governmental statistics, only eleven states, that provide for dependency benefits under the Employment Security Law. Another proposal under L. D. 1474 would be to increase from 26 to 39 the number of weeks that the unemployed person could receive unemployment compensation. Now, there are only eight states in the United States that pay benefits for a period longer than does Maine, which is 26 weeks. Now, this section alone, and another section which I will come to later, would make it necessary each year to take out of the fund \$1,800,000. in excess of what is being paid out at this time. Now that figure is based upon a 9-months period, extending from April to December

of 1966, and that was far from a normal year. In a normal year this amount could be three times \$1,800,000. per year.

Another section, section 4 of L. D. 1474, would eliminate the waiting period. There is a one week waiting period. However, if the unemployed person doesn't go to work within four weeks, then he is compensated for the waiting period, so that there isn't any waiting period, really, if he is paid for four weeks. Now, there are only three states in the United States that have no waiting period. So, the total cost to be paid out of the fund, as I stated, in a normal year would be at least \$1,800,000. for those sections.

This bill does another thing. It increases the taxable wages upon which the employer must pay taxes. At the present time the employer must contribute to the fund a percentage of \$3,000. out of the employer's own money, of course. The employee doesn't contribute to this whatsoever. This bill proposes to increase the amount upon which the employer would contribute from \$3,000. to \$4,200. This is an increase of 40 per cent, to be paid upon the part of the employer, based upon the average rate that is now being paid. This would cost the employer, based upon the average rate, \$2,200,000. a year.

Now, the last session of the Legislature, I think, liberalized the Unemployment Security Law to a satisfactory degree, and it seems to be working very well. And they built in an escalator clause which automatically will increase the benefit amount, without this bill, that an employee can receive. Effective April 1, 1966 this new law went into effect. And prior to that time, April 1, 1966, the weekly maximum benefit amount an employee could receive was \$34.00 a week. But now, based upon the new law, which is 50 per cent of the average annual wage, he is receiving, not \$34. a week, but \$45. a week. And, because the average annual wage is increasing in Maine, on June 1, 1967 this amount is going to increase from \$45. a week to \$48. a week. Therefore, there is enough escalation

to take care of current needs, and it is a progressive measure. Therefore, I move that the Ought Not to Pass Report be accepted.

The PRESIDENT: The Senator from Cumberland, Senator Good, now moves that we accept the Majority Ought Not to Pass Report of the Committee. As many as are in favor of the motion will say "Yes." Those contrary-minded "No."

A viva voce vote being taken, the motion prevailed, and the Majority Ought Not to Pass Committee Report was accepted in concurrence.

Divided Report

The Majority of the Committee on Legal Affairs on Bill "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels." (H. P. 851) (L. D. 1265)

Reported that the same Ought Not to Pass

(Signed)
Senators:

SPROUL of Lincoln
GOOD of Cumberland

Representatives:

BAKER of Orrington
CUSHING of Bucksport
WHEELER of Portland
CONLEY of Portland
BELIVEAU of Rumford

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

(Signed)
Senator:

STERN of Penobscot

Representatives:

RICHARDSON
of Stonington
SHAW of Chelsea

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

On motion of Mr. Good of Cumberland, the Senate voted to Accept the Majority Ought Not to Pass report of the Committee in concurrence.

Divided Report

The Majority of the Committee on Legal Affairs on Bill "An Act Revising Laws Relating to Exemptions and Inspections under

Boiler and Unfired Steam Pressure Vessels Law." (H. P. 852) (L. D. 1266)

Reported that the same Ought Not to Pass

(Signed)
Senator:

SPROUL of Lincoln

Representatives:

BAKER of Orrington
CUSHING of Bucksport
CONLEY of Portland
WHEELER of Portland
BELIVEAU of Rumford

The Minority of the same Committee on the same subject matter, reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-278)

(Signed)
Senator:

STERN of Penobscot
GOOD of Cumberland

Representatives:

RICHARDSON of
Stonington
SHAW of Chelsea

Comes from the House, Majority - Ought Not to Pass Report Read and Accepted.

On motion by Mr. Good of Cumberland, the Senate voted to Accept the Minority Ought to Pass report of the Committee in non-concurrence and the Bill was read once. Committee Amendment "A" was read and Adopted, and the Bill, As Amended, tomorrow assigned for second reading.

Senate

Leave to Withdraw

Mr. Ross for the Committee on Claims on Resolve in Favor of Alfred Sears of Pembroke." (S. P. 532) (L. D. 1367)

Reported that the same should be granted Leave to Withdraw.

Mr. Mills for the Committee on Judiciary on Bill "An Act Concerning Discovery in Personal Injury Litigation of Applicable Liability Insurance." (S. P. 431) (L. D. 1085)

Reported that the same should be granted Leave to Withdraw.

Mr. Mills for the Committee on Judiciary on Bill "An Act Relating to Challenges of Jurors

in Criminal Cases." (S. P. 159) (L. D. 330)

Reported that the same should be granted Leave to Withdraw

Mr. Albair for the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Eight Hundred Twenty-five Thousand Dollars on Behalf of the State of Maine for Improvements at the Portland Municipal Airport." (S. P. 424) (L. D. 1078)

Reported that the same should be granted Leave to Withdraw - as covered by other legislation.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Duquette for the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Construction of Self-liquidating Student Housing and Dining Facilities for the Eastern Maine Vocational-Technical Institute and the Issuance of not Exceeding One Million One Hundred and Twenty-seven Thousand Dollar Bonds of the State for the Financing Thereof." (S. P. 423) (L. D. 1077)

Reported that the same Ought Not to Pass.

Mr. Berry for the Committee on Appropriations and Financial Affairs on Bill "An Act Providing a Bond Issue in the Amount of Seven Hundred and Fifty Thousand Dollars for a Vocational Educational Institute in Lincoln County." (S. P. 527) (L. D. 1363)

Reported that the same Ought Not to Pass.

Mr. Mills for the Committee on Judiciary on Bill "An Act Relating to Appeals by State on Questions of Law in Criminal Cases." (S. P. 473) (L. D. 1165)

Reported that the same Ought Not to Pass.

Mr. Good for the Committee on Legal Affairs on Bill "An Act Relating to the Registration of Professional Sanitarians and Sanitarian Trainees." (S. P. 343) (L. D. 927)

Reported that the same Ought Not to Pass.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. MacLeod for the Committee on Education on Bill "An Act Relating to Comprehensive Planning Under the Higher Education Facilities Act of 1963." (S. P. 617) (L. D. 1615)

Reporter that the same Ought to Pass.

Which report was Read and Accepted and the Bill read once.

Mr. Katz of Kennebec presented Senate Amendment "A" (Filing S-126) and moved its adoption.

Senate Amendment "A", Filing S-126, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 617, L. D. 1615, Bill, "An Act Relating to Comprehensive Planning Under the Higher Education Facilities Act of 1963."

Amend said Bill in that part designated "S2720" by striking out in the first and 2nd lines (1st line in L. D. 1615) the underlined words "State Board of Education" and inserting in place thereof the underlined words 'Maine State Commission for the Higher Education Facilities Act of 1963'

Further amend said Bill in that part designated "S2721" by striking out in the first line (same in L. D. 1615) the underlined words "State Board of Education" and inserting in place thereof the underlined words 'Maine State Commission for the Higher Education Facilities Act of 1963'

Senate Amendment "A" was Adopted. Under suspension of the rules, the Bill was given its second Reading and Passed to be Engrossed.

Sent down for concurrence.

Mr. MacLeod for the Committee on Education on Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Maine School Building Authority Bonds. (S. P. 622) (L. D. 1624)

Reported that the same Ought to Pass.

Mr. Brewer for the Committee on Public Utilities on Bill "An Act Relating to Sources of Supply and Purposes of North Jay Water District." (S. P. 608) (L. D. 1596)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, and the Bill and Resolve read once and tomorrow assigned for Second Reading.

Ought to Pass — As Amended

Mr. Mills for the Committee on Judiciary on Bill "An Act Creating the Uniform Act on Paternity." (S. P. 472) (L. D. 1164)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-124)

Which report was Read and Accepted and the Bill read once.

Committee Amendment "A", Filing S-124, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S.P. 472, L.D. 1164, Bill, "An Act Creating the Uniform Act on Paternity."

Amend said Bill by inserting after the enacting clause the following:

'Sec. 1. R. S., T. 19, c. 5, sub-c, II, repealed. Subchapter II of chapter 5 of Title 19 of the Revised Statutes is repealed.'

Further amend said Bill by striking out in the first line (same in L. D. 1164) the underlined abbreviation and figure "Sec. 1." and inserting in place thereof the underlined abbreviation and figure 'Sec. 2.'

Further amend said Bill in section 1 by striking out in that part designated "S271." all of the last underlined sentence.

Further amend said Bill in section 1 by striking out in the 7th line of that part designated "S280." (5th line in L. D. 1164) the underlined word "possibility" and inserting in place thereof the underlined word 'probability'

Further amend said Bill in section 1 by striking out all of that part designated "S286." (Same in L. D. 1164)

Further amend said Bill in section 1 by striking out all of that part designated "S286." (same in L. D. 1164) and inserting in place thereof the following:

'S287. Rules of civil procedure

The rules of civil procedure as far as applicable shall apply to this subchapter to all cases of birth

out of wedlock as defined in this subchapter where birth occurs after the effective date of this Act.'

Further amend said Bill in section 1 by renumbering those parts designated "S287." and "S288." to be 'S286.' and 'S287.'

Further amend said Bill by renumbering "Sec. 2." to be 'Sec. 3.'

Committee Amendment "A" was Adopted, and the Bill, As Amended, tomorrow assigned for second reading.

Mr. Mills for the Committee on Judiciary on Bill "An Act Requiring Approval of County Commissioners of Court Term Bills." (S. P. 459) (L. D. 1359)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-123)

Which report was Read and Accepted and the Bill read once. Committee Amendment "A", Filing S-123, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 459, L. D. 1359, Bill "An Act Requiring Approval of County Commissioners of Court Term Bills."

Amend said Bill in the 8th line (7th and 8th lines in L. D. 1359) by striking out the stricken out words and inserting in place thereof the following words 'and the Supreme Judicial or Superior Court'

Further amend said Bill by adding at the end the following underlined sentence:

'No term of Superior Court shall adjourn until the presiding justice shall certify to the county treasurer that all expenses incurred during such term have been submitted for payment.'

Committee Amendment "A" was Adopted, and the Bill, As Amended, tomorrow assigned for second reading.

Mr. Mills for the Committee on Judiciary on Bill "An Act Relating to Corporate Sale of Installment Bonds." (S. P. 267) (L. D. 648)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-122)

Which report was Read and Accepted and the Bill read once.

Committee Amendment "A" Filing S-122, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 267, L. D. 648, Bill "An Act Relating to Corporate Sale of Installment Bonds."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'R. S., T. 13, §144, repealed. Section 144 of Title 13 of the Revised Statutes is repealed.'

Committee Amendment "A" was Adopted, and the Bill, As Amended, tomorrow assigned for second reading.

Mr. Harding for the Committee on Judiciary on Bill "An Act Relating to Appeals from Land Damage Board." (S. P. 231) (L. D. 556)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-121)

Which report was Read and Accepted and the Bills read once. Committee Amendment "A" Filing S-121 was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 231, L. D. 556, Bill, "An Act Relating to Appeals from Land Damage Board."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'R. S., T. 23 §157, amended. The 2nd paragraph of section 157 of Title 23 of the Revised Statutes is amended to read as follows:

The court shall determine the same by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee or referees and shall render judgment for just compensation, with interest where such is due, and for costs in favor of the party entitled thereto; **except that if the commission appeals and if the commission does not prevail, interest where such is due and costs shall be paid by the commission and the owner or owners shall be reimbursed by the commission for a reasonable attorney's fee.'**

Committee Amendment "A" was Adopted, and the Bill, As Amended, tomorrow assigned for second reading.

Ought to Pass — in New Draft

Mr. Lund for the Committee on State Government on Bill "An Act Creating a State Employees' Merit Award Board." (S. P. 558) (L. D. 1431)

Reported that the same Ought to Pass in New Draft under New Title: Creating a State Employees' Suggestion Awards Board. (S. P. 643) (L. D. 1648)

Mr. Mills for the Committee on Judiciary on Bill "An Act Relating to Interest on Judgments." (S. P. 433) (L. D. 1087)

Reported that the same Ought to Pass in New Draft under the same title: (S. P. 642) (L. D. 1647)

Which reports were Read and Accepted and the Bills, in New Draft, read once and tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on Bill "An Act Relating to Counsel's Argument of Monetary Value of Pain and Suffering in Personal Injury Actions." (S. P. 429) (L. D. 1083)

Reported that the same Ought to Pass.

(Signed)
Senators:

HARDING of Aroostook
MILLS of Franklin

Representatives:

FOSTER of
Mechanic Falls
DANTON of
Old Orchard Beach
BERMAN of Houlton
DAREY of
Livermore Falls
BRENNAN of Portland
QUINN of Bangor

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

(Signed)
Senator:

HILDRETH
of Cumberland

Representative:
HEWES of

Cape Elizabeth

(On motion by Mr. Hildreth of Cumberland, tabled and specially

assigned for Friday, May 19, pending acceptance of either report.)

Second Readers

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

Bill "An Act to Clarify the Meaning of a Labor Dispute Under Employment Security Law." (H. P. 322) (L. D. 456)

Bill "An Act Permitting the Use of the Reformatory for Women for the Confinement of Federal Prisoners." (H. P. 1109) (L. D. 1578)

Bill "An Act Relating to Clerks of Indian Tribe and Excise Taxes Paid by Residents of the Various Indian Reservations." (H. P. 1146) (L. D. 1637)

Bill "An Act Relating to the Education of Indian Children Living on Reservations." (H. P. 1145) (L. D. 1636)

Bill "An Act to Establish the Maine Law Enforcement Training Council" (H. P. 1148) (L. D. 1639)

Bill "An Act Relating to the Financing of the State Liquor Commission" (H. P. 1147) (L. D. 1638)

(On motion by Mr. Johnson of Somerset, tabled and specially assigned for Thursday, May 18, pending passage to be engrossed.)

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

House — As Amended

Resolve to Reimburse James Robinson of Palmyra for Property and Well Damage by Highway Construction." (H. P. 94) (L. D. 122)

Resolve to Reimburse Raymond Goodwin of Kittery for Well Damage Resulting from Highway Construction." (H. P. 441) (L. D. 616)

Bill "An Act Relating to Police Officers of Indian Tribes." (H. P. 750) (L. D. 1097)

Bill "An Act Relating to Meetings of Board of Veterinary Examiners." (H. P. 1071) (L. D. 1536)

Bill "An Act Relating to Length of Leases by State for State Facilities." (H. P. 379) (L. D. 526)

Bill "An Act Authorizing the Leasing of Air Rights by Municipalities." (H. P. 1113) (L. D. 1582)

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

Senate

Bill "An Act to Revise the Laws Relating to Authority for Granting Degrees and to Approval of Degree-Granting Institutions." (S. P. 637) (L. D. 1641)

Bill "An Act Changing the Foundation Program Per Pupil Allowances." (S. P. 638) (L. D. 1642)

Which were 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:

An Act to Revise the Uniform Gifts to Minors Act. (H. P. 320) (L. D. 454)

An Act to Provide State-wide Education Service for the Blind. (H. P. 481) (L. D. 694)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Exempting the Use of Lake View Plantation's State Valuation in Computing State Aid to School Administrative District No. 41. (H. P. 576) (L. D. 808)

An Act Relating to Driver Education. (S. P. 394) (L. D. 1027)

An Act Relating to Driver Education. (S. P. 402) (L. D. 1033)

An Act Relating to Attending Secondary School Outside of Residence. (S. P. 403) (L. D. 1034)

(On motion by Mr. Berry of Cumberland, tabled and specially assigned for Friday, May 12, pending enactment.)

An Act Relating to Accreditation of Elementary Schools. (H. P. 738) (L. D. 1061)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Workmen's Compensation Insurance. (H. P. 754) (L. D. 1101)

An Act Permitting Approval of Early Childhood Education Programs. (H. P. 784) (L. D. 1146)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Amending Charter of City of Calais. (H. P. 802) (L. D. 1210)

An Act Authorizing the Granting of Associate Degrees by the State Vocational-Technical Institutes. (H. P. 883) (L. D. 1297)

An Act Relating to Sprinkler Systems in Boarding Homes. (H. P. 905) (L. D. 1310)

(On motion by Mr. Wyman of Washington, tabled and specially assigned for Friday, May 12, pending Enactment.)

An Act to Establish the Augusta Civil Service Commission. (H. P. 904) (L. D. 1315)

An Act Revising the Laws Relating to Dentists and Dental Hygienists. (S. P. 551) (L. D. 1448)

An Act Establishing a Consumers' Council. (H. P. 1004) (L. D. 1471)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act to Permit Savings and Loan Associations and Savings Banks to Act as Trustee Under Self-employed Individuals Tax Retirement Act of 1962. (S. P. 614) (L. D. 1604)

An Act to Regulate the Practice of Psychologists. (S. P. 619) (L. D. 1611)

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby it passed this bill to be engrossed.

Then the same Senator presented Senate Amendment "A", Filing S-125, and moved its adoption.

Senate Amendment "A" was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 619, L. D. 1611, Bill, "An Act to Regulate the Practice of Psychologists."

Amend said Bill in that part designated "§3987." of section 1 by striking out all of the 2nd underlined sentence from the end (same in L. D. 1611) and inserting in place thereof the following:

'Said board may, upon satisfactory proof that any applicant or licentiate has been guilty of any of the above offenses, refuse to grant a license to said applicant upon a vote of at least 3 members of the board or the Administrative Hearing Commissioner, as de-

signed in Title 5, chapters 301 to 307, may suspend or revoke a license of said licentiate.'

Senate Amendment "A" was Adopted and the Bill, As Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

An Act Relating to List of Prospective Jurors and Selection of Jurors. (S. P. 620) (L. D. 1612)

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, in regards to this item, when I get through I hope someone will accommodate me by placing it on the table unassigned. I just want to point out what the problem is. The Attorney General's Office sent me a note this morning indicating that there is one word in the bill that needs to be changed. So this matter will come off the table probably to reconsider engrossing it, as I would offer an amendment. Also it has been pointed out by responsible Senators that the jury commissioners are very inadequately compensated for their duties. And it will be proposed at that time that there be some adjustment in their compensation which is not very commensurate. I hope that such an amendment won't jeopardize the bill, because it has a great deal of merit, I think, otherwise. But if it goes on the table in a few seconds, I will take it off, if it goes on unassigned. I would hope that the amendments will be ready and perhaps it could come off by next Tuesday or Wednesday. Just as quick as the amendments are ready I will take it off, if it is tabled unassigned. I don't like to have it go on assigned because then it has got to wait. We will take it off just as quick as we can get the amendments ready.

On motion by Mr. Ross of Piscataquis, tabled, pending Enactment.

An Act to Revise Minimum Salaries for Teachers, Providing Incentive for Professional Training. (H. P. 1133) (L. D. 1613)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Fees of Witnesses in Criminal Cases. (H. P. 1134) (L. D. 1614)

Which were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Retail Jewelers Association. (H. P. 1070) (L. D. 1535)

This, being an emergency measure, and having received the affirmative vote of 33 members of the Senate, was Passed to be Enacted, and having been signed by the President, was, by the Secretary, presented to the Governor for his approval.

Mr. Berry of Cumberland was granted unanimous consent to address the Senate.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate, I have a little nugget in my hand here which is entitled "The New Ashmolean Society Conservatory Marching Band."

"With good food and cheer on hand,
We are members of the band,
'Thanks' we say, for these good joys
For we are all Hollis' boys."

(Applause)

Mr. Wyman of Washington was granted unanimous consent to address the Senate.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I only wish I had the poetical ability of the good Senator from Cumberland, Senator Berry to make a reply. I suppose he refers to our party of last night, and I can only say that I think Mrs. Wyman and I had more fun than anybody who attended.

(Applause)

Orders of The Day

The President laid before the Senate the first tabled and today assigned matter, (H. P. 1116) (L. D. 1586) Bill "An Act Establishing Procedures for State

Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine." Tabled May 5 by Senator Snow of Cumberland, Pending Motion by Senator Lund of Kennebec to Indefinitely Postpone House Amendment "A", Filing H-209.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I would like to mention briefly what this bill does and what the amendment does. This bill would change very markedly the procedure for appointing our medical examiners in the State of Maine, and would do so by the creation of the office of Chief Medical Examiner. At the present time in Maine we have a good number of medical examiners throughout the State, most of whom are M.D.'s and a few of whom are Osteopaths. The Osteopathic physicians do an excellent job. They are located, in many cases, where there are no M. D.'s and they perform an excellent service for the State of Maine.

Under the bill, as it is now drawn, Osteopaths would continue to be qualified under the bill to serve as medical examiners. As the bill was originally drawn the Chief Medical Examiner would be a member of the specialty known as Forensic Pathology; he would be a Forensic Pathologist. And as the bill was originally drawn it did not provide for an Osteopath being qualified to be the Chief Medical Examiner. Briefly, the matter of Forensic Pathology is a specialty within a specialty, and it involves the analysis of tissues. The forensic part deals with the preservation and presentation of such matters in court. So, it is a very limited field, and there are probably only two or three M.D.'s in the State who would be qualified, under the present bill, to be Chief Medical Examiner.

Before the State Government Committee there appeared a representative of the Osteopaths who suggested that they would also like to be included for the office of Chief Medical Examiner, but

the Committee objected. And the amendment which was adopted in the other body would permit Osteopaths to be included in the qualifications for Chief Medical Examiner. Everybody has admitted that there are no Osteopaths in the State of Maine who are qualified in Forensic Pathology. And I think it is generally conceded that it may be many, many years before there will be anybody in Maine so qualified as an Osteopath. So, in that sense, this amendment is sort of parallel with the bullfighting bill.

However, the merits of this bill are extremely important to law enforcement in the State, and it seems to me somewhat unfortunate that the Osteopaths have chosen this particular area to fight out their battle, which they have been fighting for years, with the M.D.'s. I have no desire to take part in that battle. In the interest of preserving the construction of this very important legislation - I have no desire to try to do battle with the Osteopaths who have lobbied extensively in both bodies - I would therefore request that I be allowed by the members of the Senate to withdraw my motion to indefinitely postpone House Amendment "A". I would then move that we concur.

The PRESIDENT: The Senator from Kennebec, Senator Lund, requests unanimous consent of the Senate to withdraw his motion that House Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed. Thereupon, on further motion of the same Senator, the Senate voted to concur with the House.

The President laid before the Senate the second tabled and today assigned matter, (H. P. 1136) (L. D. 1618) Bill "An Act to Expand the Territory of the York Water District and to Modernize its Charter." Tabled May 9 by Senator Lund of Kennebec, Pending Passage to be Engrossed.

On motion by Mr. Lund of Kennebec, retabled and specially assigned for Wednesday, May 17, Pending Passage to be Engrossed.

The President laid before the

Senate the third tabled and today assigned matter, (H. P. 660) (L. D. 915) Bill "An Act to Authorize Food Stamp Program in Sagadahoc County." Tabled May 10 by Senator Brewer of Sagadahoc, Pending Consideration.

(In Senate - May 4, Passed to be Engrossed as Amended by House Amendment "A", Filing H-234.)

(In House - May 9, Indefinitely Postponed in Non-Concurrence.)

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Brewer.

Mr. BREWER of Sagadahoc: Mr. President and Members of the Senate: I would move at this time to recede and concur with the House, and I would like to speak briefly to my motion.

While this bill would set up another county under the Food Stamp Program, namely: Sagadahoc, it is my feeling that it is good legislation, and it is really too bad that another county can't take advantage of it. By the same token, I would like to see all the counties be able to take advantage of this, which generates a great amount of federal moneys. However, I realize that the administrative costs on the statewide level would be prohibitive, and there is a limit to what we can raise on the state level to finance some of these programs.

I believe Sagadahoc County is fairly stable and, I believe, with respect to some of the other counties, much more stable. I know there are counties in the state that could use this program to a distinct advantage. But at this time I would move to recede and concur because I feel that this bill cannot go any further in the other branch. To insist and ask for a committee of conference, I don't think this late in the session would be any advantage at all, and that is the reason for my motion at this time.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate recede and concur with the House?

The motion prevailed.

The President laid before the Senate the fourth tabled and today

assigned matter, (S. P. 599) (L. D. 1580)" 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." Tabled May 10 by Senator Hildreth of Cumberland, Pending Motion by Senator Anderson of Hancock to Indefinitely Postpone.

On motion by Mr. Hildreth of Cumberland retabled and specially assigned for Friday, May 19.

Mr. Stern of Penobscot was granted unanimous consent to address the Senate.

Mr. STERN of Penobscot: Mr. President and Members of the Senate: I have noticed that every time a matter is tabled it is assigned to Friday. All of you know that we have Monday sessions, and we are going to be here from Monday through Friday. Most of these matters which are being tabled to Friday are matters apparently which will be debated loud and long. I know the rest of you don't have to worry about your business or anything like that, but I would hope that you could perhaps

remember to assign these matters to a time during the middle of the week, and I might be able to get back home, and some of the others who live a great distance might be able to benefit by this by being able to take care of some of their business matters. And several of these matters, I notice even tomorrow, and several are being set for next Friday, the 19th, so I would urge you, as a personal favor, if you are going to put these on the table, put them on for some other date rather than Friday.

The President laid before the Senate the matter tabled earlier in today's session by Senator Katz of Kennebec "An Act Increasing the Membership of the Board of Trustees of Richmond Utilities District." (H. P. 1054) (L. D. 1524).

On motion by Mr. Katz of Kennebec, the Senate voted to recede and concur.

On motion by Mr. Ross of Piscataquis,

Adjourned until nine-thirty o'clock tomorrow morning.