

# 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

Wednesday, May 17, 1967

Senate called to order by the President.

Prayer by Reverend John W. Neff of Portland.

Reading of the Journal of yesterday.

### Papers From The House Non-concurrent matters

Bill, "An Act Increasing Minimum Wages." (S. P. 48) (L. D. 38)

In Senate, May 4, Passed to be Engrossed As Amended by Committee Amendment "A" (S-68)

Comes from the House, Passed to be Engrossed As Amended by Committee Amendment "A", as amended by House Amendment "A" (H-284) thereto, in Non-concurrence.

On motion by Mr. Good of Cumberland, the Senate voted to Recede and Concur with the House.

Resolve, Regulating Fishing in Third Chase Pond, Aroostook County. (H. P. 505) (L. D. 718)

In House, April 28, Passed to be Engrossed As Amended by Committee Amendment "A" (H-203) As Amended by House Amendment "C" (H-220) thereto.

In Senate, May 10, Passed to be Engrossed as amended by Senate Amendment "A" (S-115) in non-concurrence.

Comes from the House, that body having Insisted.

On motion by Mr. Barnes of Aroostook, the Senate voted to Adhere to its former action.

### Committee Reports House

#### Ought Not to Pass

The Committee on Legal Affairs on Bill, "An Act to Make Certain Changes in Government of Town of Sanford." (H. P. 903) (L. D. 1298) reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted. Which report was Read and Accepted in concurrence.

#### Ought to Pass

The Committee on Agriculture on Bill, "An Act Relating to Membership on the Maine Milk Com-

mission." (H. P. 339) (L. D. 487) reported that the same Ought to Pass.

Comes from the House, Indefinitely Postponed.

(On motion by Mr. Viles of Somerset, tabled and specially assigned for Tuesday, May 23, pending acceptance of the Committee Report.)

#### Ought to Pass—As Amended

The Committee on Education on Bill, "An Act Relating to the Computation of Secondary School Tuition." (H. P. 979) (L. D. 1421) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-260)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by House Amendment "A" (H-293)

Which report was Read and Accepted in Concurrence and the Bill read once. Committee Amendment "A" was Read and Adopted. House Amendment "A" was Read.

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for Thursday, May 18, pending acceptance of House Amendment "A".)

The Committee on Education on Bill, "An Act Providing Appropriations for Payment of School Construction Aid to the Cities of Westbrook and South Portland." (H. P. 1124) (L. D. 1601) reported that same Ought to Pass As Amended by Committee Amendment "A" (H-302)

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 Good.

Mr. GOOD of Cumberland: Mr. President, I am in favor of the Ought to Pass Report of the Committee, and I would simply remind the Senate that this is the item that I spoke about the other day whereby Westbrook is entitled to \$31,510.25 in educational subsidies for its athletic field and South Portland is entitled to approximately \$90,000 for state aid school

construction for their athletic field.

The amendment simply increases the amount by about \$1,300. This was decided by a court decree. I would like to point out that the bill that I debated here Monday, which the Senate so graciously gave passage to, those nine towns, of course, as the law now reads are not entitled to state aid school construction for their buildings or for athletic fields. However, I am in favor and hope that the Senate votes favorably upon L. D. 1601. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass, As Amended, Report of the Committee?

Which report was Read and Accepted in concurrence and the Bill read once. Committee Amendment "A" was Read and Adopted, and the Bill, As Amended, was tomorrow assigned for second reading.

#### Ought to Pass in New Draft

The Committee on Business Legislation on Bill, "An Act Concerning the Practice of Public Accountancy." (H. P. 1016) (L. D. 1508) reported that the same Ought to Pass in New Draft, under the same title: (H. P. 1153) (L. D. 1649.)

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

(On motion by Mr. Couturier of Androscoggin, tabled and specially assigned for Monday, May 22, pending acceptance of the Committee Report.)

The Committee on Liquor Control on Bill, "An Act Relating to Penalty for Sales to or Permitting Consumption by Minors of Liquor." (H. P. 909) (L. D. 1319) reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Powers of Administrative Hearing Commissioner Concerning Minors Under the Liquor Laws." (H. P. 1159) (L. D. 1650)

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

Which report was Read and Accepted in concurrence and the Bill, in New Draft, read once and tomorrow assigned for Second Reading.

#### Divided Report

The Majority of The Committee on Liquor Control on Bill, "An Act Relating to Sunday Sale of Liquor." (H. P. 908) (L. D. 1318) reported that the same Ought Not to Pass.

(signed)

Senators:

BECKETT of Washington  
CURTIS of Penobscot

Representatives:

MEISNER  
of Dover-Foxcroft  
KYES of Skowhegan  
HICHENS of Eliot  
SAHAGIAN of Belgrade

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under the same title: (H. P. 1158) (L. D. 1655)

(signed)

Senator:

BOISVERT  
of Androscoggin

Representatives:

ROY of Winslow  
COTE of Lewiston  
TANGUAY of Lewiston

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

Mr. Beckett of Washington moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

(On motion by Mr. Boisvert of Androscoggin, tabled and specially assigned for Wednesday, May 24, pending the motion by Senator Beckett of Washington, that the Senate Accept the Majority Ought Not to Pass Report of the Committee.)

#### Senate

Mr. Young for the Committee on Taxation on Bill, "An Act Relating to Reimbursing Municipalities by State for Property Tax Exemptions of Veterans." (S. P. 513) (L. D. 1226) reported that the same Ought to Pass in New Draft, under the same title: (S. P. 653) (L. D. 1661)

Which report was Read and Accepted and the Bill in New Draft read once and tomorrow assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Labor on Bill, "An Act Relating to Fair Minimum Wages for Construction on Public Improvements by State of Maine." (S. P. 548) (L. D. 1446) reported that the same Ought to Pass in New Draft, under the same title: (S. P. 652) (L. D. 1660)

(signed)

Senators:

GOOD of Cumberland  
JOHNSON of Somerset  
NORRIS of Oxford

Representatives:

HOOVER of Phillips  
BEDARD of Saco  
EWER of Bangor

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

(signed)

Representatives:

DURGIN of Raymond  
HUBER of Rockland  
DRUMMOND of Sidney

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: This is a replacement of a statute that was on the books and didn't work too satisfactorily. This is believed to be a much better bill, replacing the present statute, and it provides for a minimum wage in public construction when the cost is in excess of \$7,500. The question may be asked: Why do we have a minimum wage applicable to construction? The reason for it is to protect the laborer and his wages because in bidding, if you do not have a minimum wage in construction, the contractors will use as a method of competition the lowering of the wages to be paid to their employees, and we feel that there are other methods of competition rather than using the wage of laborers. These other methods have been pointed out before, such as efficient use of labor, efficiency

in management, and other methods to meet the competition rather than using the wages of laborers to meet the competition. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Majority Ought to Pass Report of the Committee?

Which report was Read and Accepted, and the Bill in New Draft read once. Tomorrow assigned for second reading.

**FINAL REPORTS**

The following Committees today submitted their Final Reports:

Committee on Transportation  
Committee on Claims

Which were Read and Accepted, and Ordered Placed on File.

**Second Readers**

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

**House**

Resolve, Proposing Study of Feasibility of Making the Kennebec Arsenal an Historic Site. (H. P. 835) (L. D. 1243)

Bill, "An Act Relating to Expanding Aroostook County Funds for Maine Potato Blossom Festival." (H. P. 169) (L. D. 232)

Bill, "An Act Relating to Non-lapsing Funds for Land in Town of Wells for Park Purposes." (H. P. 771) (L. D. 1118)

Resolve, Permitting Thomas D. Smith of Ellsworth to Take Examination for the Practice of Pharmacy. (H. P. 1157) (L. D. 1654)

Bill, "An Act Increasing Borrowing Power of Maine Maritime Academy." (H. P. 128) (L. D. 192)

Bill, "An Act Relating to Privately-owned Business, Trade and Technical School." (H. P. 1152) (L. D. 1644)

Bill, "An Act Providing State Scholarships for Higher Education." (H. P. 1155) (L. D. 1652)

(On motion by Mr. MacLeod of Penobscot, tabled and specially assigned for Wednesday, May 24, pending passage to be engrossed.)

Bill, "An Act Improving Payment of Benefits Under the Maine State Retirement System Law." (H. P. 1156) (L. D. 1653)

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

#### House—As Amended

Bill, "An Act Providing for a New Charter for the City of Waterville." (H. P. 945) (L. D. 1385)

Resolve, to Reimburse Mrs. Hazel Carson, of Milford, for Well Damage. (H. P. 475) (L. D. 688)

Bill, "An Act Relating to Financial Matters of the Mount Desert Regional School District, and Authorizing School Administrative District No. 48 to Take Water from Nokomis Pond." (H. P. 1128) (L. D. 1605)

Bill, "An Act Increasing Fees for Sheriffs and Deputies." (H. P. 1047) (L. D. 1519)

(On motion by Mr. Ferguson of Oxford, tabled and specially assigned for Wednesday, May 24, pending passage to be engrossed.)

Bill, "An Act Increasing the Number of Medical Examiners for the County of Oxford." (H. P. 1006) (L. D. 1473)

Bill, "An Act Relating to Municipal Appropriation of Money for Volunteer Fire Departments." (H. P. 254) (L. D. 362)

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

#### Senate

Bill, "An Act Appropriating Funds to Operate the Board of Pesticides Control." (S. P. 650) (L. D. 1658)

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

Sent down for concurrence.

#### Enactors

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

An Act Relating to Possession, Storage and Handling of Explosives. (H. P. 107) (L. D. 134)

An Act Relating to Licensing of Elevator Mechanics. (S. P. 109) (L. D. 180)

An Act Relating to Aid for Persons Injured in Hunting Accidents. (H. P. 272) (L. D. 472)

An Act Relating to Guides Under Fish and Game Laws. (H. P. 353) (L. D. 500)

An Act Relating to Certificates of Organizations of Corporations Filed Prior to January 1, 1966. (S. P. 318) (L. D. 841)

An Act Relating to Amount of Wages Subject to Trustee Process. (S. P. 377) (L. D. 991)

An Act Relating to Eligibility for School Construction Aid. (S. P. 395) (L. D. 1028)

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

An Act Relating to Publication of Notice for Public Hearing for Applications for Liquor Licenses. (H. P. 854) (L. D. 1267)

An Act Creating the Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act. (S. P. 546) (L. D. 1394)

An Act Relating to Leave of Absence for Teachers Serving in the Legislature. (S. P. 560) (L. D. 1432)

An Act Relating to Disposition of District Court Funds. (H. P. 1000) (L. D. 1462)

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

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

An Act Providing for Re-examination of Accident-prone Drivers. (S. P. 616) (L. D. 1610)

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 Registration of Farm Motor Trucks Having Two or Three Axles. (H. P. 669) (L. D. 924)

Which being an emergency measure, and, having received the affirmative vote of 30 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.

#### Emergency

An Act to Incorporate the Town of Richmond School District. (H. P. 1052) (L. D. 1526)

Which, being an emergency measure, and, having received the

affirmative vote of 32 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.

#### Emergency

"An Act to Establish an Office of Mental Retardation." (S. P. 631) (L. D. 1632)

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

#### Orders of The Day

The President laid before the Senate the first 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 11 by Senator Lund of Kennebec Pending Passage to be Engrossed.

Mr. Lund of Kennebec presented Senate Amendment "A", Filing S-148, and moved its adoption.

Senate Amendment "A", Filing S-148, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 1136, L. D. 1618, Bill, "An Act to Expand the Territory of the York Water District and to Modernize its Charter."

Amend said Bill by striking out all of the first sentence of section 3 and inserting in place thereof the following: 'The said district for the purposes of its incorporation is authorized to take and hold as for public uses, by purchase or otherwise, any lands or interests therein, or water rights necessary for erecting and maintaining dams, for flowage, for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and water shed, for laying and maintaining aqueducts and other structures, for taking, distributing, discharging and disposing of water and for rights-of-way or roadways to its source of supply, dams, reservoirs, mains, aqueducts, structures and lands.'

Further amend said Bill by striking out all of the first paragraph of section 17 and inserting in place thereof the following:

'This Act shall take effect only for the purpose of permitting its submission to the legal voters of the Town of York at the annual town meeting of said Town of York to be held in the year 1968, and the town clerk for the Town of York shall reduce the subject matter of the foregoing Act to the following question on a written ballot in the following form:'

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

Sent down for concurrence.

The President laid before the Senate the second tabled and today assigned matter (H. P. 968) (L. D. 1410) House Report Ought to Pass as Amended by Committee Amendment "A", Filing H-259, from the Committee on Claims on Resolve, to Reimburse Elinor Nichols of Poland for Well Damage by Deposit of Salt on Highway. Tabled May 11 by Senator Brewer of Sagadahoc, pending Acceptance of Report.

On motion by Mr. Brewer of Sagadahoc, the Senate voted to Accept the Ought to Pass, As Amended, Report of the Committee and the Resolve was read once. Committee Amendment "A" was Read and Adopted, and the Resolve, As Amended, tomorrow assigned for second reading.

The President laid before the Senate the third tabled and today assigned matter (H. P. 970) (L. D. 1214) House Report Ought to Pass as Amended by Committee Amendment "A", Filing H-249, from the Committee on Claims on Resolve, to Reimburse Henry T. Parent of Mechanic Falls for Well Damage by Deposit of Salt on Highway, Tabled May 12 by Senator Brewer of Sagadahoc, pending Acceptance of Report.

On motion by Mr. Brewer of Sagadahoc, the Senate voted to Accept the Ought to Pass, As Amended, Report of the Committee and the Resolve was read once. Committee Amendment "A" was Read and Adopted, and the Resolve, As Amended, tomorrow assigned for second reading.

The President laid before the Senate the fourth tabled and today assigned matter (H. P. 969) (L. D. 1411) House Report Ought to Pass as Amended by Committee Amendment "A", Filing H-246, from the Committee on Claims on Resolve, to Reimburse Richard Jewell of Mechanic Falls for Well Damage by Deposit of Salt on Highway. Tabled May 12 by Senator Brewer of Sagadahoc, pending Acceptance of Report.

On motion by Mr. Brewer of Sagadahoc, the Senate voted to Accept the Ought to Pass, As Amended, Report of the Committee and the Resolve was read once. Committee Amendment "A" was Read and Adopted, and the Resolve, As Amended, tomorrow assigned for second reading.

The President laid before the Senate the fifth tabled and today assigned matter (S. P. 642) (L. D. 1647) Bill, "An Act Relating to Interest on Judgments." Tabled May 12 by Senator Johnson of Somerset, pending Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, Ladies and Gentlemen of the Senate: This particular bill apparently is an attorneys' bill, and I have no desire to get involved between any two parties in court, but I would note that in this particular bill it says, "that interest shall be assessed from the date that the complaint is filed in court." In other words, even before a judgment is rendered, apparently, interest will start on an unknown amount of dollars. I feel it is not a good bill, and I would move that it be indefinitely postponed.

The PRESIDENT: The Senator from Somerset, Senator Johnson, moves that this bill and its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President, I would like to speak briefly on this bill. This is something that I usually have my own experiences with. The last case

that I had in connection with this — I had an automobile injury, a serious case, and negotiated with the company in good faith for a period of over six to eight months. I couldn't get a settlement. I filed my complaint in court. I was very modest in my demand. My demand was \$8,000 for the type of the injury, and the insurance company's lawyers went and had that case continued term after term till about a year went by before the case came up for trial. At no time did I agree to have the case continued. In fact, I objected, but the court continued it despite my objection. We went to trial and I received a verdict, substantially a large sum, and it went to the Supreme Court. The case didn't come up for final decision in the Supreme Court for over a year—this of course was a year later—from the time I filed it in court.

I don't think it is inequitable and unfair, especially when you prevail, that the interest should be added from the time the complaint is filed in court. In the case that I had, the company could have settled that case for \$8,000. It only had to pay interest from the time of the judgment, but it seems to me that they should have paid the interest from the time that complaint was filed. I imagine this came out of Judiciary—it did, and I only think that in this particular case that if interest was added from the time the complaint was filed in court, it would have encouraged settlement. It would save the counties and the state considerable money in the trial of cases, if a company knew that the longer they staled a case, they would have to pay the interest from the time the complaint was filed. I feel that you are going to have a lot of saving of time and money. Therefore, I feel that this bill should pass.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As a member of the Judiciary Committee, I feel that I should explain briefly the reasons why the Committee reported this bill out as unanimously Ought to



Pass. I would not suggest that this is an attorneys' bill. The people of Maine, when they wish to have their rights litigated, of course, they go to attorneys, but this is a bill which will result in benefits to the litigants from the time the complaint is brought.

Now, there is some basis for that. In your land damage takings, for instance, in eminent domain, whatever the award is, the interest runs from the date of the taking. Some of them have asked: How do you compute interest? Well, the lawful rate of interest in Maine is six per cent, and in this instance, the interest would run from the date that the complaint is filed in court, because in theory that is the date that the right accrued to the plaintiff.

Now, I mentioned that on the Judiciary Committee we have plaintiffs' lawyers. We also have defense lawyers. We have on the Committee one particular lawyer, who I think does as much insurance law and defense law as almost anyone in the Legislature, and it was his opinion that this was a fair measure of justice for the party.

I would mention that in your land damage taking, if there is a continuance, the interest usually abates or does not run during this time of the continuance, and you will notice this bill provides the same thing. That is, if the plaintiff wants to continue his action for any reason, then he cannot get any interest from that time on. So, the intent of this, however, is to encourage settlement, that is for sure, but also it is to prevent the insurance companies from using people's money for this length of time while the action is going on. We believe that if they are going to be holding it back that they ought to be paying interest on it because actually they are gaining a benefit from it.

As I say, this was the unanimous opinion of the Judiciary Committee of lawyers who represent both plaintiffs and defendants, who represent insurance companies, lawyers who have served as judges, lawyers who have served as prosecuting attorneys, and so it seems to me that it deserves the consideration of this body, and I

would hope that the motion of the Senator from Somerset, Senator Johnson, would be defeated. I would ask for a division and I would hope that you would support the unanimous report of your Committee on this.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I rise with some caution today because I don't even claim to be an official member of the Judiciary Committee as my brother from Penobscot does. However, in looking over this bill, there are some things that give me cause for concern, and particularly in view of the recitation of the degree of learnedness of the members of the Judiciary, I am cautious in saying this, but I believe that the bill may not even do what the members of the Committee think it does.

As I look at the bill, it would, granted, give interest in some types of cases where the persons would not be entitled to it under the common law today, but in other cases it would take away interest. I call your attention, if you have the opportunity to look at the bill, L. D. 1647, I would point out that an exception is made only in cases where there is a contract or note calling for interest. As I understand the law at the present time, if a plaintiff has a liquidated claim, he can recover in court. A liquidated claim, by the way, is a claim which is reduceable to a fixed figure, such as a suit for goods sold to a person for instance. In a liquidated claim, under the law today, a man is entitled to interest from the day the amount is due to be paid, so that if I sold something to a purchaser today and brought suit a year from now, and I was entitled to be paid today, I could recover for the year's interest. This bill, as I read it, would take that interest away unless I had made provision for interest in my contract, so I would suspect that perhaps the care was not given in drafting this bill that it might have had.

The second point that bothers me about the bill is that although, as the good Senator from Aroostook,

Senator Harding, pointed out, in land damage cases, interest is due from the time of the taking. This bill here makes interest due from the time of the bringing of suit. Now it may well be, and I'm not sure but what it would be just, perhaps, in a personal injury action to make the interest, at least in part, of the claim — the interest run from the time of the accident. This has some logic in my mind. I cannot see the logic in making the interest run from the time of the bringing of the suit.

It seems to me that this bill, if it is enacted, I hope it is not in its present form, that this bill would tend to encourage the premature bringing of suit by an attorney before he has perhaps had the opportunity to learn the full extent of damages. To my mind, there are some technical problems in the drafting in the bill. There are some philosophical problems in the way the bill is carried out, and I am opposed to it.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: As a member of the Judiciary Committee, I did vote for this bill with some hesitancy, and I would follow the delightful precedent set by my brother, Senator Stern, in preserving the right to occasionally change my mind if upon reflection it seems like the wiser thing to do, and I just wanted to make note of the fact that I have, in fact, changed my mind on this bill, and I intend to vote against it.

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

Mr. BERRY of Cumberland: Mr. President, Members of the Senate; There are frequent occasions that arise during a legislative session where I begrudge the members of the legal profession the right to call each other "brother" because I think this is a wonderful spirit of comradeship with which we can dispatch our legislative business.

I would speak now to my brothers — I wish they were — I recall a bone-bruising encounter

with the same brothers at the last session on what we used to call in the halcyon days of the 102nd "the lawyers' bills." One of these bills, I think, was known as the "contingency fee bill." It seems to me there is an inter-relationship here. Let us assume that a judgment was given for a significant figure and interest is computed and added to the judgment as provided here, it would seem to me that under the contingency fee bill, which is on the books now, that the attorneys would be receiving a certain proportion of the interest added and I, for the likes of me, fail to see how they work for it except perhaps in the passage of this bill. I also see that, and there is probably no problem to it, there is no determination of the rate of interest, but I don't imagine there would be too much problem on that as interest rates are getting up pretty high these days.

I am very much opposed to the bill, and I support the motion of my good friend, Senator Johnson.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: In regard to the last item, the legal rate of interest would be six per cent, as established by statute.

This bill is designed to correct an abuse, and the abuse has been fairly well outlined by the good Senator from Penobscot, Senator Stern. It is a matter of common knowledge and noticed among attorneys that it is to the advantage, very much to the advantage, of the insurance companies that these damage suits go on from term to term and that there be termination of them only when they have to. Because when you have a very substantial sum of money involved, of course, the interest on that money is of importance. This bill is a simple device to provide that the prevailing party, when he wins such a judgment, will collect interest from the date of the commencement of the suit, which is, I submit, a proper time to commence that interest since it is only then

that he brings the matter in issue and brings it to the notice of the defense and the insurance companies that might be involved. Of course, this would not apply only to insurance companies, but it has been the practice of insurance companies to encourage these delays that has brought on requests for this type of legislation.

If there is any group in business in the State of Maine that is thoroughly represented in this Legislature, of course, it is the insurance companies. They are here looking after their interests and they are the only ones, as I recall it — I want to be accurate because it was some time ago that we had the hearing — but my memory is that they were the only ones who did oppose it, and it seemed to us, as has been stated by the good Senator from Aroostook, Senator Harding, that through the diversity of those who make up the Committee on Judiciary that this was a bill designed to benefit all of the people and not the lawyers. The litigants in the action, of course, are the ones who would benefit from it. From the varied experience of the counsel on that Committee, we felt that this would correct what has seemed to us to be an abuse. There are on the Committee, of course, those who benefit from retainers from the insurance companies, and I felt that it spoke well for the unanimity of the Committee, what was the unanimity of the Committee after it had been heard, and after the report had been passed around, and before the Lobby had got to work on some members, that it spoke well for the unanimity of the bill that people with such diverse interests did agree to it after a full and fair public hearing. Thank you.

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

Mr. KATZ of Kennebec: Mr. President, Ladies and Gentlemen: I feel I am an imposter standing here and speaking on this bill, but actually I would like to ask a question. Most credit retail sales in the United States are not on the basis of a contract or conditional sale; it is what amounts to an open 30-day charge. It is my understanding now

that if I make the bad judgment of selling perhaps Senator Mills a watch on credit, and he doesn't pay within a reasonable time, that my interest is collectible from the due date. Now it is my understanding that my interest would not be collectible from the due date of the 30-day charge at all, but at some time at the beginning of a judgment. Might I put that in the form of a question, please?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has addressed a question to the Senator from Franklin, Senator Mills. He may answer if he so desires.

Mr. MILLS: Mr. President, we felt that by the amendment we made to the original draft that interest on contract actions, which would be a verbal contract to pay a bill, would accrue just as it does now, and not from the filing of the suit. It would make no change in the previous action. Now, I may say that my good seatmate whose interest in this measure — I am sure it didn't develop half an hour ago, advised me of this point 15 minutes ago, — and I thought he advised me of his genuine interest in this type of legislation. I suggested to him, and I suggest now, that if there is a genuine interest there to see that this abuse is corrected, and there is a little nit-picking that has gone on to find a flaw in it, that perhaps it would be well to delay the full consideration of the measure and let this nit be picked by an amendment.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion of the Senator from Somerset, Senator Johnson, that this bill and accompanying papers be indefinitely postponed will stand and remain standing in their places until counted. As many as are opposed to the motion will stand.

A division was had. 24 Senators having voted in the affirmative and eight Senators having voted in the negative, the motion to indefinitely postpone the bill and its accompanying papers prevailed.

Sent down for concurrence.

The President laid before the Senate the sixth tabled and today assigned matter (S. P. 559) (L. D.

1485) Senate Reports from the Committee on State Government on Bill, "An Act to Create an Environmental Improvement Administration." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass. Tabled May 15 by Senator Harding of Aroostook Pending Acceptance of Either Report.

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

Mr. HARDING of Aroostook: Mr. President, I yield to the sponsor of this measure, the Senator from York, Senator Remy.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Remy.

Mr. REMY of York: Mr. President and Members of the Senate: I move that we accept the Minority Ought to Pass Report, and I would like to speak briefly on my motion.

The PRESIDENT: The Senator from York, Senator Remy, moves that we now accept the Minority Ought to Pass Report of the Committee.

The Senator may proceed.

Mr. REMY: Mr. President and Members of the Senate: I originally presented this bill to the Committee. I stated at that time that I considered L. D. 1485 to be one of the most significant pieces of legislation to come before the Legislature this session. I still think so because this bill, as presented, would enable the State to enforce the pollution law. A new draft of this bill, L. D. 1635, has been presented. As far as I can see, this is nothing but a watered-down version which favors the paper companies. I cannot see the advantage of passing a bill of this type which practically eliminates the enforcement of one of our greatest causes of pollution.

The purpose of the environmental bill as originally presented was to protect our entire environment, not eliminate certain interests. I hope you will accept the Minority Ought to Pass report and give the state department an opportunity to enforce their directives.

When the vote is taken, Mr. President, I request that it be taken by a division.

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

Mr. BERRY of Cumberland: Mr. President, I would rise in opposition to the motion of the gentleman, the Senator from York. I believe that the legislation proposed here has quite a few unworkable features, but I would want to emphasize that I agree one hundred per cent with the philosophy. I have long been an exponent of the consolidation of state departments. The proliferation of these departments and numerous state agencies is expensive and is wasteful of taxpayers' money.

However, L. D. 1485 deals with a very sensitive subject and it makes radical changes. While we are very anxious to accomplish what is desired here, I rapidly came to the conclusion that mechanics involved present us with an unworkable document. There are several bodies to be appointed here. I would refer you to page four of the document whereby there is a procedure set forth for holding public hearings. The group that would hear appeals from the standards which are set is an extremely flexible group in its make-up. It would consist of five or more persons appointed by the Commissioner of Health and Welfare, and I would read these provisions to you, and ask you to turn over in your minds as I am reading them, what you think about its practicality. "Each municipality which would be affected by such standards shall be given an opportunity to select one member of the hearings board. The Department of Economic Development and other affected state departments shall each be given an opportunity to select a member of the hearings board," and it goes on "not less than a majority of the hearings board shall be persons other than officers or employees of the Department of Health and Welfare." Then down below it says "If the hearings board recommends modifications in the standards which have been originally set by the administrator then the administrator shall publish these revised regulations setting forth

the standards of water quality in accordance with the hearings board's recommendations."

Now, here in my opinion, is an extremely impractical situation. You will recall from the make-up of the board which I have just recited that we have no particular persons who are qualified beyond the State Health personnel to sit on such a board, dealing with such technical matters as water quality, and I can easily visualize a situation where a hearing would be held where there might be a half-a-dozen affected municipalities, and we would have a board which would have on it half a dozen individuals, non-professional, non-technical, all men representing sectional interests. I think such a board might find it difficult to be objective in its deliberations.

Then on page six, sub-section entitled "Appeals" it says: "Any appeal shall be to the Superior Court in such as the Supreme Judicial Court rules may provide." It would be a far more workable and proper method to have such appeals go directly to the Supreme Court. The Superior Court does not represent an appeal body to which matters of extreme significance such as this should be carried.

Subchapter III entitled "Air Pollution Control" deals with a new and very, very important problem facing, not only the State of Maine, but our country today, and that is air pollution. However, in reading through this Subchapter III, which consists of slightly more than one page, you will see that there is no reference to rule making. The subchapter merely refers to things like studies. It will conduct studies under sub-section 1452, Section 2, and it will collect and disseminate information. Under 3, it calls for voluntary cooperation. Under 4, it talks about encouragement, and under 7, it talks about cooperation from others, etc., and then it talks about a penalty for anybody who violates the provisions of the subchapter — nothing to do with polluting the air. I would assume that if you don't cooperate, if you don't study, etc., you might be guilty, but I am sure that is not what was meant here.

There is a subsequent chapter called "Pesticide Control" which would supplant our pesticide legislation which was put on the books as the result of a great deal of thought and is doing a tremendous job and, incidentally is an operation which this Legislature has seen fit to buttress financially and with personnel. I think I would find fault from a practical standpoint, that there are certain provisions of this pesticide control section which need modification. I refer to the absence of a grandfather clause in the document.

For these reasons, I believe that, as much as I subscribe to the philosophy involved, that the Majority Ought Not to Pass Report was the right one, and I would move, Mr. President, that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the bill and accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President, I feel that a few words are in order on my part to explain the reason that I am going to support Senator Berry, and explain possibly the reasons why your Natural Resources Committee felt that Senator Reney's bill was not the proper vehicle for this very important problem facing the State.—this is water and air pollution. We have thought about this subject at great length on this Committee, and you now have or in the other House there is a bill, 1635 which we feel covers the subject in a better fashion than did Senator Reney's bill. The basic point of 1635 is that it expands the area of responsibility of the Water Improvement Commission which has been doing an outstanding job on this pollution problem. It expands the area of responsibility to include air pollution. It was felt that both water and air, being fluids, the members of the commission would be well able to handle the new area of pollution which involves air.

What we have done in the bill, number 1635, is that we have continued the present Water Improvement Commission and changed the

title to Water and Air Improvement Commission.

One of our principal areas of disagreement with Senator Reny's bill was that it would establish a one-man administration, an administrator, to replace the present Commission which is composed of nine knowledgeable citizens of the State. They have done an outstanding job in water and we feel they can continue to do water as well as air, and those are the reasons primarily that we feel that this bill under discussion should be indefinitely postponed.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Reny.

Mr. RENY of York: Mr. President, I respectfully ask for a division on this.

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

Mr. LUND of Kennebec: Mr. President, Members of the Senate: Very briefly, I would like to add one comment to the comment of the Senator from Penobscot. It is true that this bill would replace the Water Improvement Commission with one administrator. We have a Water Improvement Commission that has worked hard and diligently for many years and has developed not only a good deal of skill and knowledge in dealing with Maine problems, but also some confidence on the part of Maine people. There is no provision or guarantee that their skill and knowledge would not be thrown aside if this bill were enacted, and the appointment of a single administrator is more typical of the federal pattern of executive authority than that which we have here in Maine.

You may note, if you look at section 1363 of the bill, that this provides for an advisory council, and it very carefully sets forth all of the qualifications for the advisory council. But if you look at the end of that section just ahead of 1364, you will see that, as far as I can tell at least, the only power of that council is to report once a year to the Governor. I think this is too radical a departure from the system of control we have developed in the State of Maine. I,

therefore, am opposed to the passage of this bill.

THE PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Cumberland, Senator Berry, that we indefinitely postpone the bill and accompanying reports.

As many as are in favor of the motion to indefinitely postpone will stand and remain standing until counted. Those opposed to the motion will stand.

A division was had.

22 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the bill and its accompanying papers were indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate the seventh tabled and today assigned matter, (H. P. 910) (L. D. 1320) Bill "An Act Relating to Survey of Private Sewage Disposal Systems by Department of Health and Welfare." Tabled May 15 by Senator Berry of Cumberland, pending Motion by the same Senator that the Bill and accompanying Reports be Indefinitely Postponed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: There are some changes which will make this a little bit different in its result and accordingly I would request permission, Mr. President, to withdraw my motion for indefinite postponement of the bill and Reports.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now requests the consent of the Senate to withdraw his motion to indefinitely postpone. Does the Chair hear objection?

The motion prevailed.

On further motion by Mr. Berry of Cumberland, retabled and specially assigned for Thursday, May 18, pending Second Reading.

The President laid before the Senate the eighth tabled and today assigned matter, (S. P. 456) (L. D. 1133) Bill "An Act Relating to Coverage Under Employment Se-

curity Law." Tabled May 16 by Senator Good of Cumberland, pending Passage to be Engrossed.

On motion by Mr. Johnson of Somerset, retabled and specially assigned for Tuesday, May 23, pending Passage to be Engrossed.

The President laid before the Senate the ninth tabled and today assigned matter, (H. P. 901) (L. D. 1314) House Report — Ought Not to Pass from the Committee on Legal Affairs on Bill "An Act to Provide for a Lien for Hospital Services on Recoveries from Third Persons." Tabled May 16 by Senator Stern of Penobscot, Pending the motion of the same Senator that the Senate Accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and Members of the Senate: I move that we accept the unanimous Ought Not to Pass Report of the Committee.

I would like to point out, because it seems to me that it seems to be a kiss of death if the lawyers are for a bill, that in our Legal Affairs Committee, from which this bill came, there were six of us who are not lawyers, and we heard the pros and cons, and we decided that the Ought Not to Pass Report was the proper one. There may be some objections to this motion and I may be compelled to speak on it. I don't want to, but if I have to I will.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: It is my understanding that a motion to substitute the bill for the report would not take precedence over a motion to accept the Ought Not to Pass Report and, therefore, I would hope that the motion to accept the Ought Not to Pass Report would be defeated. If the motion to accept the Ought Not to Pass Report is defeated, I plan to move to substitute the bill for the report and to move that we adopt the House Amendment that was adopted when the bill did pass the other body.

I was somewhat surprised when this bill received the report it did from the Legal Affairs Committee. I was not at the hearing, but I have followed it with interest, and also the debate in the other branch.

To try not to oversimplify the situation too much, let's assume that the good Senator from Cumberland, Senator Snow, and I were involved in an automobile accident, and I received serious injuries and was rushed to the hospital unconscious, badly injured, and was treated at the hospital over a period, let's say, of two or three weeks. Naturally, the first thing I would do, being a careful driver, and having a strong impression that the good Senator from Cumberland, Senator Snow, had been at fault in the accident, I would immediately upon leaving the hospital call up my attorney, the good Senator from Penobscot, Senator Stern, and complain to him about my treatment at the hands of Senator Snow and the injuries I had received.

Now, under the present system, basically, Senator Stern, being the good attorney he is, would probably start action in my behalf to recover for me for the injuries I had received. In the meantime, the hospital, knowing that I was a person of limited financial means, had sent me a bill, and I have assured the hospital that this matter is in the hands of a good attorney, that I do expect to recover something, and as soon as I recover surely they will be paid.

At this point Senator Stern has two choices. He either decides that my case is good enough and does go ahead to work his art in the court and recover a substantial judgment for me which, even after deducting his fee, still is a substantial judgment, or he decides that really I am not quite as sincere about my injuries as I tell him I am, and that the whiplash injury which I claim to be suffering under is not as defensible as it might appear to a jury, and so he may negotiate with the insurance company. Under the present law, in either of these systems, the hospital is left merely waiting and hoping that I am not the scoundrel that I really am, and that I will

pay them from the judgment I receive instead of going to Mexico and enjoying it. Or, if a settlement is pending, and Senator Stern is negotiating with the insurance company on my behalf, Senator Stern may well say, and certainly could say, to the hospital "Now look, this fellow thinks he has got a serious injury here, but he really doesn't, and the chances of recovery are pretty slight, and I am going to do the best I can with the insurance company, but if I were you, hospital, I would settle on a 50 per cent basis of your hospital bills." The hospital really has no control over the situation and must take its choice.

What this bill would do would be to protect the hospital from this kind of thing which, of course, wouldn't happen in this case, but it might in some other case, and allow the hospital to place the lien in effect on any moneys that I recovered for my injuries arising out of the accident that I had with Senator Snow. They would have a lien which they would have to establish within ten days of my discharge from the hospital. Notice is sent to all the proper parties and, I believe, the bill is technically drawn in such a way that everyone is surely protected.

The issue seems to be, basically, why should the hospital receive this protection that my grocer might not have, or other people to whom I was indebted at the time of the accident. I think the reason for this is fairly simple. I come into the emergency ward of the hospital, there I am bleeding and unconscious on the floor, and the hospital doesn't go through my pockets to see if I have got money to pay for the treatment they are going to extend to me, they don't revive me for the purpose of negotiating with me to see what kind of security I can put up to pay my bill. They accept me, and they do their best to cure me and send me on my way.

Now, I believe that the hospitals are entitled to this kind of protection. I believe that they, because of their lack of choice in who they treat and who they don't, deserve to have the kind of protection that this bill would give them. I hope

the Senator's motion does not prevail.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and fellow Members of the Senate: I thought I was going to have a calm and relaxed day. First, my argument is going to be considerably weakened, and I can't give it the force which it should have, because my good friend, the Senator from Cumberland, Senator Hildreth, has seen fit to show good sound judgment and common sense in selecting me as his attorney in this hypothetical case. But, nevertheless, I feel that there are many things in this particular bill that compel me to speak out, because of the inequities and because of the unfairness that exists in this particular bill.

Of course, we start out by saying that these hallowed halls of the Senate is no place for sympathy or prejudice. Sympathy, of course, lies with the hospitals. I think that perhaps there is no other attorney in the State of Maine, or at least in Penobscot County — I don't want to cover too much territory — over the last 33 years, who has held out more money for the hospitals and for the doctors arising out of these negligence suits than I have. A check can easily be made and you will find this to be true. I think it would be an insult to put a lien on this particular hypothetical case where Senator Snow was a negligent driver who injured Senator Hildreth, because I don't think he would be too happy to know that the hospital was compelled to put on a lien, that they thought so little of his financial resources or morals that he would not pay his bill. But there is a lot to this particular bill that I want to bring out.

I never thought there would ever be the day that I would ever speak on behalf of the insurance companies, but this is once that I may have to. In this proposed amendment — and I am going to speak about all of this so you can see what is involved — and I am only talking now about the cases where the negligent driver or the third party had insurance — under this proposed amendment the hospital,



at the written request of the insurance carrier, may make available hospital records which may be pertinent to determining the reasonableness of the hospital charge, but in no event shall it disclose any other records or reports with regard to the injury of the patient, the nature of his condition, or the state of his recovery. See how unfair and how inequitable it would be for the insurance company, who would be subject to this lien, not to be able to know whether or not the injury for which the hospital treated the patient was one that was absolutely connected with the accident or one that was not connected. He may be brought in there with a broken leg, and they may keep him there for a year for perhaps the reduction of cancer. I am just giving a hypothetical situation. There is a lien on the third party and the insurance carrier who has no way of determining the reasonableness of this charge without going into a long and prolonged suit.

You know, my heart bleeds for the hospitals, even though I have been sympathetic and I have been working for them and helping them as, I am sure, has every lawyer in Penobscot County. There have never been any complaints by the hospitals, but I just want to show you what such a bill will do. Talk about hospitals, the Senator pictures the case of the hospital that when a man is brought in bleeding they don't go through your pockets. You have all seen the TV sketches of what the hospitals do when someone comes in for an immediate treatment for suffering, and they go through his financial means and records, and the man is suffering and dying, and they have to know what funds he has and all that. That is a little exaggerated. But I do want to bring to your attention that the hospitals don't have to worry too much today.

I just tore out of the paper a clipping from the Portland, Me. Sunday Telegram, May 14th, this past Sunday. I never really knew this existed. It says "Hospital patients who can't pay quickly sometimes wind up paying more. At some hospitals in Maine the patient who has no hospital insurance, or can't

afford to pay his bill quickly, ends up paying more for hospital care than his more affluent fellow patient. That is because some hospitals persuade their poorer and uninsured patients to sign notes that make them financially liable to finance companies and banks rather than to the hospital itself. On the average a patient who agrees to such an arrangement ends up paying an interest of 12 to 13 per cent on his hospital bill." There is a long argument about this. I never knew that existed. But the hospitals today are well able to take care of themselves, and they don't have the problems that they had years ago.

I might mention now that we have medicare. This is one of the reasons that our bills perhaps were so high in the hospitals, because these poor people who were compelled to go to the hospitals were unable to pay their bills. I am for protecting the hospitals, and I have protected the hospitals, but I don't feel that they should control, that the hospitals should be the ones to control the conduct of a case by an individual who is injured, who is trying to settle his own case, or by a lawyer who represents a client in trying to settle his case.

Now, I am going to tell you of my own personal experience. I have a letter here before me. It is dated May 11, from the Department of the Air Force. The United States Government has a lien on all claims against third persons for treatment that they give to their patients who have some service connection, either through a child of an Air Force man, or some connection, they are entitled to a lien. Now, don't get confused about lawyers and insurance companies. A lot of people who have claims are individuals who do not have insurance, individuals who represent themselves. Here is a case of a man, under a similar lien, in good faith goes to the party who injures him and they settle the case between themselves. He doesn't know about liens, he doesn't know about the law, and they settle the case for what they deem to be fair and just. Here is a letter that I got from the Air Force in connection with that case. I don't want to read

the names or the nature of the injury, but, among other things, the claims officer of the staff of the Judge Advocate writes: "Under this statute"—and I am not going to read it—"the United States is entitled to recover from the person responsible the reasonable value of medical care and treatment furnished to military personnel or to their dependents. This right to recover is not only by subrogation, but also as an independent right. As to the latter, it cannot be assigned, waived or released by the injured military person or dependent. In view of this, I have no alternative but to recommend to the Government that it report this matter to the Secretary of State under the Financial Responsibility Law since the Government claim of \$914. has not been settled. Further, if the matter cannot be settled, I will recommend the matter be brought to litigation."

Now, let me tell you what these things do to attempts at settlement. You know, every time you have an accident it doesn't automatically mean that you can recover from the third person. Before you can recover from the third person you must be able to show fault or negligence. And there are many cases that are in the doubtful area. I have had many cases in connection with this government lien where the plaintiff, that is, the one who brings the suit, was injured by the third party, and who had a very nebulous, a doubtful, case—a case where, if it went to a jury, 99 times out of 100 there could be no recovery, where the Government, in securing this lien, they would take care of my client and, because he was military personnel, they take care of him for several weeks, and they sometimes have a large bill and sometimes a small one. I have had several cases where the claim amounted to several thousand dollars. And I would go to the Government and I would say to the Government, "Here is a case where the plaintiff was either equally at fault, or pretty near equally at fault, and the chances are that there can be absolutely no recovery, or it would be questionable. I can settle this case," —

supposing I had a \$3,000. claim—"I can settle this case much better than if I was forced to try it, and you would get about \$2,000. out of the \$3,000." Because they have their lien, and because money means nothing to the Government, sometimes they refuse to settle. As a result, I have lost several cases. The Government got no money, my client got no money and, which hurts the most, I got no money.

Now, I want to say that there are other areas besides insurance where this particular feature would come in. I know that the hospitals of the State of Maine, if I was conducting a case, and they had this lien, that they would lose money, the patient would lose money, and I may also lose money. But that is beside the point. I don't feel that it is right or fair because in the hearing I was not impressed by any testimony by any one that this was a matter of a serious nature. Over the years occasionally they would come up with the proposition that someone from out of State might be injured perhaps, and he would get some lawyer from out of State, and they might be deprived of their fee. This does not deprive the hospital from suing. They still have the claim for damages. Just take a look around this Senate Hall. I think, if any one of us were in an automobile accident, the hospital would have very little difficulty in getting its claim.

I spoke in behalf of the insurance companies because if they were forced, and were held up in a settlement, and couldn't equitably and fairly determine whether or not part of this bill was one that they should pay for, it is going to encourage trials. And if it is going to encourage trials, now that you have killed this bill that prevented interest from running from the date of complaint, I hope — you know, the trouble with lawyers' bills is that you never realize how wise they are until you are unfortunately in the position, and I hope you never are, of knowing that what this Judiciary Committee tried to do today was for the public's interest. I hope you are never impressed, painfully impressed, about the words of wisdom, that

you never will be put in that position. But this is it, unless you are in that position, you fail to see or can't see how we are trying to protect the public. The fact that it incidentally might protect the lawyer is of little significance.

I would like to say, briefly, further that there is such a thing as carrying this too far. As someone has suggested, I don't know why, in the case of an individual who is a pauper, the landlord has to carry on this man who is injured over a period of several months, why the doctor should not have a lien. I wish somebody would protect me on some of my bills. But I don't think they should have a preferred status. I don't think it is equitable or fair, as I stated before, that the insurance companies should be held up without having a right to fairly and adequately determine whether or not they should pay the bill.

Last, but not least, this is not a lawyers' bill. Remember that, because our Committee who heard these facts was composed of six laymen and four lawyers.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Ross.

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: The last thing I want to do is put myself in the middle of a hassle between two lawyers, but I do want to support Senator Hildreth in favor of this bill. While I am not a lawyer myself, I would like to give the good Senator Hildreth a little advice. If he will back the upcoming implied consent bill he will at least know whether Senator Snow was cockeyed or not when he ran into him.

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: I wish to support the motion of the Senator from Penobscot, Senator Stern, and the unanimous report of the Committee that this bill Ought Not to Pass. The Senator has completely covered the subject. I would, however, like to add that in the settlement of an estate there are other outstanding bills, and this bill, in that instance,

would give preference to the hospitals over widows and orphans.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I would like to make a few remarks in opposition to the motion of the Senator from Penobscot, Senator Stern.

As a trustee of one of the local hospitals in Oxford County, I have had quite a lot of experience with these automobile cases in trying to collect from people who collected a substantial amount of money from insurance companies. Reference was made to the grocer who extends credit to one of his customers or refuses to extend credit. Well, the hospitals certainly accept everybody, whether they have any money, whether they are sick or poor, they accept them in the hospitals. Neither our hospital, or any of the other hospitals that I know of, makes people sign notes for money. This is a fee which motorists, the people in automobile cases, certainly pay premiums to protect in cases of court action, or preparing cases to collect recoveries. In many cases the attorneys will accept these cases on a 50-50 basis, with no guaranty of a fee. And in many cases they receive a substantial amount of money, five, six or seven thousand dollars, and in many cases ten thousand dollars and, as you know, the insurance company in this case has got to make the check payable to the injured and to the attorney. And there are many times that the hospital is serving these people for weeks or months at a time and winds up without getting any of the money that was intended in the settlement for the hospital. Doctor fees and hospital fees are included in the settlement fee. This I know because I am an old insurance man myself and I was in the insurance business in Boston for a good many years, and I do know that this is so. I hope that you people go along in opposing the motion of the Senator from Penobscot, Senator Stern, so we can give this bill the treatment it is deserving of.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: In very brief rebuttal, I was disturbed that my attorney suggested that this bill was perhaps not in the public interest. I think it is very much to the contrary. I think it is in the public interest.

In the first place, I would again repeat that the hospital exercises no choice over who it brings in or who it treats in these emergency situations. I think it is very much in the public's interest that they continue to take in people off the highways who are accident victims and are not bothered by having to run financial checks on them and so forth.

In another very real way it is in the public's interest because for every dollar that these hospitals lose out of either settlements that get sidetraced or people who don't, won't or can't pay their bills or who, after they receive treatment, leave the State and go back to Florida where they originally came from, let's say, for every dollar that the hospitals lose, the public has to make it up, you and I as hospital patients and you and I as taxpayers.

The PRESIDENT: Is the Senate ready for the question?

The pending question is on the motion of the Senator from Penobscot, Senator Stern, that the Senate accept the Ought Not to Pass Report of the Committee. As many as are in favor of accepting the Ought Not to Pass Report will say "Yes," those opposed, "No."

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

Thereupon, the Senate voted to substitute the bill for the Ought Not to Pass Report of the Committee, and the Bill was read once. House Amendment "A" was read and adopted, and the Bill as Amended, tomorrow assigned for second reading.

On motion by Mr. Johnson of Somerset, recessed for five minutes.

### After Recess

Called to Order by the President.

The President laid before the Senate the tenth tabled and today assigned matter, (H. P. 406) (L. D. 572) Bill "An Act Relating to Right of Entry and Inspection of Nursing Homes." Tabled May 16 by Senator Mills of Franklin, pending Assignment for Second Reading.

Mr. Mills of Franklin presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-138, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 406, L. D. 572, Bill "An Act Relating to Right of Entry and Inspection of Nursing Homes."

Amend said Bill in the Title by adding after the word "Homes" the words 'and Boarding Homes.'

Further amend said Bill in the 4th line (3rd line in L. D. 572) by inserting after the underlined word "homes" the underlined words 'and boarding homes'

Further amend said Bill in the 7th line (6th line in L. D. 572) by inserting after the underlined words "nursing home" the underlined words 'or boarding home'

Further amend said Bill in the 8th line (6th line in L. D. 572) by inserting after the underlined words "at any" the underlined word 'reasonable'

Senate Amendment "A" was adopted. Out of order, the Bill was given its second reading and passed to be engrossed, as amended, in nonconcurrency.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table (H. P. 1139) (L. D. 1621) Bil "An Act to Restrict Purse Seining Near Certain Stop Seines."

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

Mr. BERRY of Cumberland: Mr. President, I apologize to the Secretary of the Senate and to the President for my pronunciation.

We are in receipt of information from the Department of Sea and Shore Fisheries that there is no cost to enforcing this bill.

Accordingly, I would move for passage for enactment.

Thereupon, the Bill was finally passed and, having been signed by the President, was by the Secretary presented to the Governor, for his approval.

On motion by Mr. Young of Hancock, the Senate voted to take from the table the fifth tabled and unassigned matter, (H. P. 638) (L. D. 894) Bill "An Act to Classify the Waters of First Pond (Billings Pond) in Blue Hill, Hancock County." Tabled May 21 by the same Senator, pending Motion to Reconsider Acceptance of the Ought Not to Pass Report of the Committee.

On further motion by the same Senator, the Senate voted to reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee.

Thereupon, the Minority Ought to Pass Report of the Committee was accepted, and the Bill read once.

Mr. Sewall of Penobscot presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-139, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 638, L. D. 894, Bill "An Act to Classify the Waters of First Pond (Billings Pond) in Blue Hill, Hancock County."

Amend said Bill by inserting at the beginning of the first line the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by adding at the end the following section:

'Sec. 2. Effective date. This Act shall become effective July 1, 1969.'

Senate Amendment "A" was adopted, and the Bill, as Amended, tomorrow assigned for second reading.

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

Mr. HARDING of Aroostook: Mr. President, is the Senate in possession of L. D. 1625, which is a re-draft of L. D. 967, "An Act Creating the Maine Power Commission"?

The PRESIDENT: The Chair will reply in the affirmative, this meas-

ure having been held for reconsideration at the request of the Senator from Aroostook, Senator Harding.

Mr. HARDING: Mr. President, I now move that we reconsider our action whereby we accepted the Majority Ought Not to Pass Report, and I would like to speak briefly to my motion.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate now reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I believe that this matter has been debated very thoroughly within this body. You have seen the pros and cons and read the pros and cons in the newspapers over the weeks and months since this session started. But I would like to make sure that everyone had an opportunity to think this matter over last night for a final decision because it is important to the State of Maine. Therefore, at this time I would hope that you would support the motion which I have made to reconsider our action. And when the vote is taken, Mr. President, I would ask that it be taken by the "Yeas" and "Nays."

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Aroostook, Senator Harding, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee. The same Senator has requested that the vote be taken by the "Yeas" and "Nays." In order for the "Yeas" and "Nays" to be entertained it must be the expressed desire of not less than one fifth of the members present.

Those in favor of the vote being taken by the "Yeas" and "Nays" will stand and remain standing until counted. Obviously more than a sufficient number having arisen, the vote will be taken by the "Yeas" and "Nays."

Once again, the pending question is on the motion of the Senator from Aroostook, Senator Harding,

that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee. Those in favor of reconsideration will vote "Yes;" those opposed, "No." The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Beckett, Boisvert, Couturier, Duquette, Farley, Ferguson, Girard, Greeley, Harding, Hildreth, Hoffses, Johnson, Katz, Mills, Norris, Reny, Ross, Sewall, Snow, Stern, Wyman, Young and President Campbell.

NAYS: Senators Berry, Brewer, Curtis, Good, Lund, MacLeod, Sproul, Viles.

A roll Call was had. 26 Senators having voted in the affirmative, and eight Senators having voted in the negative, the motion to reconsider prevailed.

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

Mr. HARDING of Aroostook: Mr. President, I now move that the Senate accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate now accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I request a division on the motion.

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

Mr. HARDING of Aroostook: When the vote is taken, Mr. President, I would ask that it be taken by the "Yeas" and the "Nays."

The PRESIDENT: The Senator from Aroostook Senator Harding, has requested the roll call. In order for the roll call to be entertained, there must be the expressed desire of not less than one-fifth of the members of the Senate present.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: Yesterday I voted "No" on An Act Creating the Maine Power

Commission, but I have been given definite assurance that an amendment will be offered on this bill in the other body putting it up to the people in referendum. In view of that fact I shall vote "Yes" today on the issue.

The PRESIDENT: Is the Senate ready for the question? In order for the roll call to be entertained there must be the expressed desire of not less than one-fifth of the Senators present. Those in favor of the roll call will stand and remain standing until counted. Obviously a sufficient number having arisen, the roll call is ordered.

The pending question is the motion of the Senator from Aroostook, Senator Harding, that we accept the Minority Ought to Pass Report of the Committee. As many as are in favor of accepting the Minority Ought to Pass Report will answer "Yes" when their name is called. Those opposed to accepting the Report will answer "No." The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Boisvert, Couturier, Duquette, Girard, Harding, Hoffses, Mills, Norris, Reny, Snow, Stern, Wyman, Young.

NAYS: Senators Beckett, Berry, Brewer, Curtis, Farley, Ferguson, Good, Greeley, Hildreth, Johnson, Katz, Lund, MacLeod, Ross, Sewall, Sproul, Viles and President Campbell.

A roll call was had. 16 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to accept the Majority Ought Not to Pass Report of the Committee in concurrence.

On motion by Mr. Good of Cumberland, the Senate voted to take from the table the 21st tabled and unassigned matter, (H. P. 756) (L. D. 1103) House Report — from the Committee on Labor on Bill, "An Act Relating to Chiropractic Services for Injured Employees Under Workmen's Compensation Law." Majority Report, Ought Not to Pass; Minority Report, Ought

to Pass. Tabled April 21 by the same Senator, pending Acceptance of Either Report.

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

Mr. GOOD of Cumberland: Mr. President, I would like to make an inquiry as to what the vote was on this divided report, please.

The PRESIDENT: The Ought Not to Pass was signed by seven members and, presumably, the Ought to Pass by three. Signing the Ought Not to Pass Report: the Senator from Cumberland, Senator Good, the Representative from Sidney, Mr. Drummond, Representative Huber from Rockland, Representative Hoover from Phillips, the Senator from Somerset, Senator Johnson, the Representative from Raymond, Mr. Durgin, and the Representative from Saco, Mr. Bedard. The Ought to Pass Report is signed by the Senator from Oxford, Senator Norris, the Representative from Lewiston, Mr. Couture, and the Representative from Bangor, Mr. Ewer.

The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: If this bill is passed, and I am opposed to its passage, it would permit chiropractors to practice under the Workmen's Compensation Law. In other words, they would be entitled to handle injuries and diseases sustained by those in the course of their employment.

Now, the Workmen's Compensation Law is very comprehensive. I will mention that later, and I will be as brief as possible, in light of the hour. There is a vast difference between a medical doctor and a chiropractor, and the present handling of those sustaining bodily injury and those sustaining occupational diseases by the medical doctors is very satisfactory, and we see no reason why we should license the chiropractors to practice on cases where bodily injury has been sustained or where there is an occupational disease as a result of employment.

The privilege of practicing in the State of Maine by chiropractors is very limited by statute, and I would like to read the statute to

you. That is Title 32, Section 451, setting forth what a chiropractor is and what he is able to do for those who are injured and who sustain occupational diseases in the course of their employment. I am reading to you now what a chiropractor is licensed to do, and I quote: "The system, method or science commonly known as chiropractic, or the practice of chiropractic, is defined to be the science of palpating and adjusting the segments and articulations of the human spinal column by hand, and locating and correcting interference with nerve transmissions and expressions by hand, or by electrical treatment, hydro-therapy and diet, without the use of drugs or surgery. And any and all other methods are declared not to be chiropractic, and chiropractic is declared not to be the practice of medicine, surgery, dentistry or osteopathy."

I was at a loss to determine just what the chiropractor could do in the case of an employee who is injured. How would they correct an injury by the manipulation or palpation of the spinal column? The other category under Workmen's Compensation is occupational diseases, and I was at a loss to determine how they could correct occupational diseases, since they are not able to administer medicine, drugs or surgery. They are confined to the palpation and manipulation of the spinal column. In this section I have just read to you there is no authority to diagnose, so how can a chiropractor correct what he is unable to diagnose?

I would like to read to you what the physicians and surgeons are licensed to do under the statutes of this State. I read to you Title 32, Section 3251, and I quote: "Unless duly registered and licensed by said board" — that is their board — "no person shall practice medicine or surgery, or any branch thereof, or hold himself out to practice medicine or surgery, or any branch thereof, for gain or hire within the State by diagnosing, relieving in any degree, or curing, or professing or attempting to diagnose, relieve or cure any human disease, ailment, defect or complaint, whether physical or

mental, or by physical or mental origin, by attendance or by advice, or by prescribing or furnishing any drug, medicine, appliance, manipulation, method, or any therapeutic agent whatsoever, or in any other manner, unless otherwise provided by statute of this State." Now, the only otherwise is that for the chiropractors, and it sets forth here that they can manipulate, but there is no statement here that they can diagnose, and only the physicians and surgeons are able to diagnose.

Now, we have just passed, or are passing, an amendment to the Workmen's Compensation Law. It has broadened the field under which an employee may be compensated for disease or injury under the Workmen's Compensation Law. I would like to quote to you from that Act. "Whenever used in this Law, the term 'occupation disease' shall be construed to mean only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade or occupation, process, or employment, and which arises out of and in course of his employment." Now, that is a very broad definition as to the coverage now under the Workmen's Compensation Law. The Law used to be confined to certain occupational diseases, but now the law will state that any disease that is contracted in the course of employment is compensable under the Workmen's Compensation Law.

Also that new bill covers the loss of hearing, occupational hearing, and I don't know how a chiropractor is going to correct the loss of occupational hearing by the manipulation of the spinal column.

The State of Maine does not employ any chiropractors as such. I called Mr. Willard R. Harris this morning, the Director of Personnel, and he stated that the State of Maine does not employ any chiropractors as such, but of course they do employ a great number of medical doctors. Chiropractors, furthermore, do not qualify to practice under Medicare.

I have several letters here in opposition to this bill. Here is one from the American Academy

of General Practice, signed by Lloyd T. Davis, Medical Doctor, President, and I will quote in part: "I am writing to officially inform you of the opposition of this organization to the so-called Chiropractic Bill scheduled for hearing before your Committee on March 21st. This is to do with chiropractors treating industrial accident cases under the Workmen's Compensation Act. We feel that chiropractic is an unscientific cult, and has no place in the treatment of this sort. As family physicians, we feel strongly that passage of this bill would not be in the public interest. We respectfully ask you for your assistance to defeat the bill."

I have another letter here from Kevin Hill, Medical Doctor in Waterville, in which he sends a letter signed by Joseph J. Hiebel, Medical Doctor, which he states expresses the opinion of 35 other physicians, and I will quote in part: "Our position on this point is that chiropractic physicians do not fulfill the requirements set up by statute for physicians and surgeons in the State of Maine. In view of this limitation they should not be permitted to exercise prerogatives of treating potentially seriously ill people, which is the responsibility of persons licensed as physicians and surgeons. We feel that the passage of this law would represent a serious indiscretion on the part of the Legislature and result in a serious impairment of quality medical care in Maine."

I have another letter here from William E. Schumacher, M.D., Director of the Bureau of Mental Health of the State of Maine, in which he states in part: "The Department employs some 2,400 persons, all eligible for benefits under the Workmen's Compensation Law and, in the opinion of the Department, chiropractic services should be provided only to that individual who has had his work related injury diagnosed and a determination made that chiropractic services are appropriate for the diagnosed injury."



Finally, I would like to quote from a letter by F. J. L. Blasingame, Medical Doctor, Executive Vice President of the American Medical Association. Probably what he has to say of the most significance is at the bottom of Page 2, and I quote: "Specifically authorized treatment by chiropractors for an injury involving a strain or sprain. This seemingly innocuous authorization needs careful examination. Assuming that the strains and sprains refer primarily to the back, medical science has much to say about the dangers of manipulating by those uneducated in scientific diagnosis. In many cases there is no harm; a good backrub or massage can be helpful, as athletic trainers can testify. But it is often difficult to distinguish between a minor ailment and a major one in the back. Deterioration of vertebra might feel like a sprain. A slipped disk might give similar pain. To treat such ailments without adequate scientific diagnosis is potentially dangerous to the patient."

Thereupon, I move that the Senate accept the Ought Not to Pass Report of the Committee.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I am speaking on this matter only as a State Senator and only from the practice which I have had as an attorney which has been concerned to some degree with injuries under the Workmen's Compensation Act.

Let me say first of all that I am not speaking in any derogation at all of the medical profession in the State of Maine. I owe a great debt to the medical profession of the State of Maine, both for my own life and the life of members of my family. I found them to be dedicated and able. I worked, I've served as trustee of the Arthur R. Gould Memorial Hospital as president of that body, and I can attest for their devotion and the contributions which they have made to the welfare of the people of the State of Maine.

I do feel, and I feel this sincerely, that most of the medical profession

do not understand the nature of this bill. You will notice from the letters that the good Senator from Cumberland, Senator Good, read, they somehow feel that the issue here is whether or not chiropractors will be allowed to practice in the State of Maine. That was already decided some forty years ago. They can practice here, and they can practice I believe in almost all of the states. The issue here is whether or not under this act a chiropractor, once he has rendered a service to an injured employee, may recover for his services. The law already is such that a chiropractor may treat an injured employee. I have had them treat injured employees and we have not been able to recover under the act, so with the greatest respect I suggest to you that this issue has been blown far out of proportion. This is reminiscent of the old fight that used to go on between the M. D.'s and the osteopaths. It now has been settled and they do get along each within their respective spheres. But under this act, you will notice if you read under L. D. 1103, the nursing profession can recover for its services under the act, but of course if a nurse should perform surgery, he obviously could not recover. Now, if the chiropractor is going to recover, he wants to perform the services which are as the act now says, or would be amended, provided that the service is needed and provided that the Commission finds such service to be reasonable and proper. In other words, in order to recover, the service has got to be one which was reasonable and proper.

Now, if you will vote against the Senator from Cumberland, Senator Good, on his motion, I will offer an amendment which will further restrict this so that in order to recover, it would have to be with the consent of the employer. In other words, if you have an injured workman, he would have to have the consent of the employer before he could receive the chiropractor's services. After he received those chiropractor's services, they would have to be approved by the Commission as reasonable and proper. Now, it seems to me that

these are safeguards which are fair and just, and I have said to the members of the medical profession, "If you wish the issues to be raised as to the need for chiropractors' services, if you want to abolish the profession, bring in a bill and bring in your evidence to show that they are no longer needed, and if you can demonstrate that evidence, then I will support that bill. But if you are content to let the people practice chiropractors' services as they are now doing, you are content to let them treat injured workmen as they are now doing. The only thing that you object to is that they get paid by insurance companies for their treatment."

Now the workman that I think of who went to the chiropractor was restored. He had a bill of some \$500 and he had to pay it himself. I don't think that is fair and that is why I speak for this bill, and I don't say this in any derogation of the medical profession because I believe that if they knew the issue here, they would not be fighting this thing as they are.

When the vote is taken, Mr. President, I ask that it be taken by a division.

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: The Senator from Aroostook, Senator Harding, relates the osteopathy to the chiropractor. While the osteopaths have improved their medical position to a great extent in the last thirty or forty years, I would like to quote to you from a dictionary by Funk and Wagnall in 1933 giving the definition of osteopathy and I quote: "The treatment of disease without drug or knife." Now, that was their position in 1933. Since that date they have come a long way. They have raised their standards and are accepted into the medical profession. Thirty years later we find this definition of osteopathy, showing that the position is greatly improved. In addition to manipulation, and this is from Schmidts Attorneys' Dictionary of Medicine, 1963, and I quote: "In addition to manipulation, surgical and medical

methods are utilized." There is no evidence that the chiropractors have made a similar advance along these lines in the last thirty years.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: When the vote is taken, I ask that it be taken by the "yeas" and "nays".

The PRESIDENT: In order for a Roll Call to be ordered, there must be the expressed desire of at least one-fifth of the members of the Senate present.

All those in favor of the vote being taken by the "yeas" and "nays" will stand and remain standing until counted. A sufficient number having arisen, a Roll Call is ordered.

The pending question is on the motion of the Senator from Cumberland, Senator Good, that we accept the Majority Ought Not to Pass Report of the Committee. Those in favor of accepting the Majority Ought Not to Pass Report will vote "yes"; those opposed, "no". The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Anderson, Berry, Brewer, Duquette, Farley, Ferguson, Girard, Good, Greeley, Hoffses, Johnson, Katz, Lund, MacLeod, Mills, Ross, Sewall, Snow, Sproul, Viles, Young, and the President of the Senate, Mr. Campbell.

NAYS: Senators Albair, Barnes, Boisvert, Couturier, Curtis, Harding, Hildreth, Norris, Reny.

ABSENT: Senators Beckett, Stern, Wyman.

A Roll Call was had. 22 Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion to accept the Ought Not to Pass report prevailed.

On motion by Mr. Ross of Piscataquis, the Senate voted to take from the table the 39th tabled and unassigned matter (S. P. 620) (L. D. 1612) Bill, "An Act Relating to List of Prospective Jurors and Selection of Jurors." Tabled May

11 by Senator Ross of Piscataquis pending Enactment.

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

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

Mr. MILLS of Franklin: Mr. President, I present Senate Amendment "A" and move its adoption. In offering it, Mr. President, I did mention the other day that this is a one-word amendment which was called to our attention by the Attorney General's office, changing the word "motion" to "cause," which we considered to be very appropriate and a necessary amendment.

Senate Amendment "A", Filing S-149, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 620, L. D. 1612, Bill, "An Act Relating to List of Prospective Jurors and Selection of Jurors."

Amend said Bill in that part designated "\$1255" by striking out in the 23rd line (18th line of L. D. 1612) the underlined word "motion" and inserting in place thereof the underlined word 'cause'

Senate Amendment "A" was Adopted and out of order the Bill, As Amended, was passed to be engrossed in non-concurrence.

Sent down for concurrence.

#### Out of Order

Out of Order and under suspension of the rules, Mr. Snow of Cumberland presented the following Order and moved its passage:

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, directed to study the subject matter of the Bill: "An Act Relating to Chiropractic Services for Injured Employee Under Workmen's Compensation Law." Legislative Document No. 1103 introduced at the regular session of the 103rd Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation, and be it further

ORDERED, that the committee is directed to place special em-

phasis in the following areas of study:

1. Standards of training used in schools of chiropractic;

2. Review of rules and regulations governing licensing in the chiropractic profession and the enforcement thereof, together with appropriate changes; and be it further

ORDERED, that a report of such study, together with any recommendations deemed necessary, be made to the 104th Legislature.

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

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: I urge passage of this Order. This bill has been before us many times, dating back to 1945. There is evidence that the chiropractic profession is making a real effort to improve its standards of education. I have done some research on this matter, and I find that after September 30, 1967, in addition to graduation from high school, the admission requirements will require one academic year, or 30 semester hours, of credit hours earned in an accredited junior college or university. In the next year the standards will be further upgraded. It is my feeling that this deserves a considered look, and I hope the Senate will pass this order.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, I move indefinite postponement of this order, and when the vote is taken I move it be taken by a division.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that the Order be indefinitely postponed.

Thereupon, on motion by Mr. Good of Cumberland, the Order was tabled and specially assigned for Thursday, May 18, pending the Motion by Senator Anderson of Hancock to Indefinitely Postpone.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.