

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Thursday, May 18, 1967

Senate called to order by the President.

Prayer by Rev. Joseph E. Le-Master of Monmouth.

Reading of the Journal of yesterday.

**Papers From the House
Non-Concurrent Matters**

RESOLVE Permitting R. Dean Sequin of South Paris to Take the Examination for Admission to Practice Law. (H. P. 514) (L. D. 727)

In House, March 22, Passed to be Engrossed.

In Senate, May 3, Indefinitely Postponed in non-concurrence.

Comes from the House, Passed to be Engrossed, As Amended by House Amendment "A" (H-306) in non-concurrence.

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

Mr. MILLS of Franklin: Mr. President, I move that the Senate recede and concur with the action of the House.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate now recede and concur. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: This is Legislative Document 727. It first appeared in the Senate as a Resolve to permit one individual to take the bar examination to be admitted to practice law in this State. At that time it was indefinitely postponed in non-concurrence in the Senate. Later I will make a motion that this bill be indefinitely postponed.

There is an amendment on your desks which, apparently, doesn't improve the bill to my way of thinking, being H-306. I will come to that in a minute. Now, in order to be eligible to take the bar examination in the State of Maine there is a statute on it which sets forth the qualifica-

tions which must be fulfilled before you are eligible to take the bar examination in the State. That is Title 4, Section 804, which reads in part: "Each applicant, unless heretofore qualified, before taking examination for admission to the bar of this State, shall produce to said Board satisfactory evidence of good moral character, and of having received preliminary education sufficient to entitle him to admission as a member in good standing of the third year class of Bates College, Bowdoin College, Colby College, or the University of Maine." As stated, I have quoted in part. Therefore, one of the requirements, in order to take the bar examination in the State of Maine, is that you have two years of pre-law school college education. Most of the attorneys that I have been associated with have had at least four years of college and are graduates of Bowdoin, Bates or the University of Maine or Colby, or some other college outside of the State, and they have a B.S. Degree before they go to law school. Now, this amendment would lower those standards, to my way of thinking.

I will read the amendment in part, Filing No. H-306: "Notwithstanding the foregoing education and study requirements" — that I just read — "an applicant who is a permanently physically handicapped individual as generally defined in Title 20, Section 2053, Subsection 3, or who suffers from polio or other similarly disabling disease, and who has a high school education, and who has a certificate of equivalency of a high school education, and who has studied law diligently and in good faith for at least four years, which study shall be by instruction and completion of a course in law from a correspondence law school shall, if otherwise qualified, qualify to take the bar examination."

Now, they give a definition in here of a physically handicapped individual as referring to Title 20, Section 3053. I will quote from that definition of a physically handicapped individual. "Handicapped individual means any individual, other than the blind, who is under a physical or a mental

disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a remunerative occupation." There is nothing in the amendment that would now require that they have at least two years of college education before going to law school. It takes out the requirement of the two-year pre-law study.

I watched the bills go through this session of the Legislature, and many occupations are being made more stringent in order to obtain more qualified persons to do the job that they are supposed to do. We have just strengthened the oilburnermen's law; they must be better qualified. We have just strengthened the electricians law; they must be better qualified. And we have just strengthened the plumber's law, so that they must be better qualified. Therefore, I move that this bill and the amendment be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Good, moves that this bill be indefinitely postponed.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, as the Senators will recall, this measure was here a short time ago, and at that time it was in the form of Legislative Document 727. Despite a unanimous Judiciary Report, the bill was under attack because of its alleged unconstitutional provisions. The bill was then defeated, as we took it, on those grounds. We didn't understand it to be questioned on the merits at that time.

It then went to another part of this building where a serious and sincere effort was made to cure such objections as had been raised through the Attorney General's Office, and the product of that effort is the amendment, Filing H-306. Now, it seems that if there are real bugs, as we might say, involved, there is no one more interested in curing them

than the proponents of this bill. And the sincerity of the proponents, I think, has been amply demonstrated.

On the merits this bill was given the entire approval of the Judiciary Committee. We are not a bunch of softies down there. We don't buy every bill of goods anyone puts up to us. I think that has been shown by the record. We are not a bunch of sentimentalists. I think perhaps you could say that we are a jury of lawyers. We represent a cross-section of the bar. Certainly the most brilliant may be in other places, but we come from all walks of the practice of law, and we do our best to meet these things as we see them.

I wish you could have seen this case; there isn't any doubt about how you would have voted. I can't picture it for you. But I do ask you to give this young man your vote today, and I would like to see it by roll call.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I am going to decline to discuss the merits of this bill as amended in terms of the ability of the gentlemen on Judiciary, because I think they are gentlemen of the highest ability. However, I think this legislation as amended represents an improper step for the State of Maine, and one which is not in the public interest, and I would like to say why.

At the present time a person may not become a member of the bar, may not be eligible to take the bar exam until he has graduated from high school and has completed at least six years of study following high school. Mail order correspondence courses are not acceptable under our present laws in order to become an attorney. If this bill is passed it will allow a person to be eligible to take the bar exam immediately upon graduating from high school if he has taken his correspondence courses during high school. And, since it allows the high school equivalency, the person may not

have graduated from high school at all.

It seems to me this is lowering the standards of one of our professions at a time when the public interest to the contrary dictates that the standards ought to be raised. I regret that I cannot join the Judiciary Committee in its humanitarian effort.

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

Mr. STERN of Penobscot: Mr. President and fellow Members of the Senate: I rise to support the Judiciary Committee and also in support of Senator Mills in connection with this proposed amendment.

You know, the fact that an attorney is practicing law, the fact that he has gone to college and got a degree, doesn't by itself make him qualified. This is an exception, and I would hate to fall within that category, or anyone that I know, that if a person is permanently disabled, which is one of the conditions of him being able to take the bar exam, I can't see where there is any harm.

You can't say this is a lawyers' bill, because you have heard lawyers opposed to each other on this particular bill. We feel, or I feel, that there is merit in this amendment. I feel that if a person is able to pass the bar exam, and is permanently disabled and permanently crippled so he cannot have the benefit of going to a college and acquiring a degree, this should not prevent him from at least showing that he has absorbed the law and knows the law and probably, because of his condition, he could become a much better lawyer than some of us who have passed the bar, and after we have passed the bar we seem to deteriorate.

I feel—and I know I am not speaking about something I don't know anything about; I think I have mentioned this before—that some of our top lawyers and top judges who have never received a degree from college are some of our top lawyers and judges. The fact that we obtained the standards and made the require-

ment of a degree necessary, or college necessary, does not make a better lawyer. The Judiciary Committee is not afraid of the competition. And I don't feel that there is going to be any harm to the public if this man was permitted to take his bar exam and was able to satisfy the Board of Bar Examiners that he could pass. He should be able to dispense his knowledge to the public in the area in which he lives.

I don't know whether or not many of you have had experience with lawyers, but I have never observed that when a client comes into my office that he goes to the wall and looks at my diploma to see whether or not I graduated from college or what college I went to. He knows by reputation whether or not the man is qualified. And if this man, whoever he is, this Sequin, this cripple, this permanently disabled fellow, is able to pass the bar exam, and he doesn't seem to have the qualifications or he isn't able to convey to his clients and protect them, he is the one who will suffer; people will not go to him. How will the public be adversely affected? People go to the attorneys who have a reputation for knowledge, who have a reputation for moral character, and for all the other things that go into making an outstanding attorney. What harm could there possibly be to give this boy a chance to pass the bar? And once he passes the bar, and I may be one of them, I know that many of these lawyers who have passed the bar are far from being good lawyers, and are having a tremendous struggle today to maintain and keep their practice because they don't have the qualifications, despite the fact that they passed the bar.

This is an exception which, I feel, cannot harm the public. It can benefit possibly this man, and it possibly can encourage others who have the disability that this man unfortunately has and who, but for the disability, probably would have gone to college to meet the requirements. I ask you, all I ask you, is to give this man a chance to prove whether or not he is capable. If he isn't,

that is it. If he is, I am sure that there will be no harm done to the public.

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: Just so there will be no misunderstanding, this amendment is not the original bill. The original bill was a resolve pertaining to one man. We are not necessarily talking about one man here. This amendment is virtually a redraft, and would apply to all persons who would qualify under the amendment. So, we are talking about the one man, but we are talking about a much broader field than the original bill encumbered.

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

Mr. STERN of Penobscot: Mr. President, perhaps my choice of words was not meticulously exact, but as far as the present situation exists, it only encompasses this one particular man. How many people do you think that this will apply to in the future? How many people do you think that are permanently disabled and permanently crippled will have the fortitude, the desire, and the courage to study as hard as it is necessary to study to pass the Maine Bar Exam? I couldn't pass it today, and I am lucky and I am fortunate that I am a member of the bar right now.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Mrs. Sproul.

Mrs. SPROUL of Lincoln: Mr. President and Members of the Senate: This is a bill that disturbs me for several reasons. One, I will agree that I am a lawyer who certainly has doubt of her own qualifications. I worried about this bill in the beginning and, frankly, I would much prefer the original bill to the amendment. In spite of the remarks that have been made both ways, I now feel that I would be willing to make an exception in this case to the law. But I do feel that the amendment is a little too broad. And I realize that this was done in the House

with the thought that maybe it might be more acceptable in the Senate, but at this point I still feel that I would prefer to make an exception in this case, and then as cases come along like this later on, if there are any, that they be decided on their merits.

If there is no motion before the House, I would move acceptance of the original bill and postponement of the amendment.

The PRESIDENT: The Chair would have to rule that the Senator is out of order in making the motion, the pending motion being directed to the bill before the Senate, and the pending question is on the motion of the Senator from Cumberland, Senator Good, that the bill be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President, for the information of the Senator from Lincoln, Mrs. Sproul, to obtain her ends, the motion, of course, to indefinitely postpone could be withdrawn, and you could vote on the motion to recede and concur and defeat that, and then she could make the motion to insist and ask for a Committee of Conference.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I was not and am not enough of a learned person in the law to take my original position on this bill because of the constitutionality or lack of constitutionality of the original bill which was before us. I was seriously concerned at that time because of the deterioration in the professional requirements, and the situation still exists, even more so, as has been pointed out, because the field has been broadened here to include everybody who is physically handicapped.

Yesterday we heard the good Senator from Cumberland, Senator Snow, speaking in connection with his resolve for a study of the practice of Chiropractry, saying that the chiropractors were increasing the stringency of their educational

requirements. I am very proud that I am a professional man. I am registered by the Board of Registration of Professional Engineers of the State of Maine. It is my livelihood. I have frequently tried to define in my mind what a professional man is. A professional man does not have to be registered to be a professional man, as such. Generally when we think of professional people we think of lawyers, doctors, engineers, and so forth. But I think a professional person is one who, in the discharge of his duties, improves the welfare of mankind somewhat. And I think that any attempt to erode this rather lofty, if you will, principle is against the public interest.

I feel that we are talking here a very basic philosophy, and I sympathize sincerely, mostly with the individual involved, and also with the members of the Judiciary Committee. However, I think the Senator from Franklin, Senator Mills, put his finger right on it when he said that if we had seen the individual involved he knows how we would vote. I feel this is a difficult decision and I feel it is a necessary one, so I hope you will support the motion for indefinite postponement.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I certainly feel very much out of place standing up here and trying to debate with some of these legal minds, but I must say I am in favor of this resolve. I was glad that the Senator from Cumberland, Senator Good, read information I had put on your desks this morning entitled Subchapter I, Section 804, regarding the qualifications. I was wondering how much further are we going? Of course, this section has only been on the statutes since 1963, and attorneys passing the bar who would take the examination prior to that time were not required to reach these standards. It certainly is, I think, asking too much. He also spoke about the standards for oilburnermen, electricians,

plumbers and other trades people. As you know, these standards come about by competition, selfish people. At one time in order to be a stone mason, you had to be the son of a mason to qualify. This was never set up by a statute or by agreement through the various unions — the trades people — this is what you had to do.

I would like to point out too that this young man has completed all the requirements under the LaSalle University Extension School in his correspondence course, and if you will bear with me for a minute I will read a letter from the Director of the Law School of the LaSalle University:

“To Whom It May Concern:

“This is to certify and attest that Richard D. Sequin of South Paris, Maine, bearing student number 1524743, was enrolled in LaSalle Extension University where he is in the upper one per cent of his academic class. His grades have been outstanding in every way and he has maintained a remarkable aptitude for law.

“Although correspondence law students are not allowed to sit or take the examination for the bar in the State of Maine, students of the program in which Mr. Sequin is now a candidate can take examination in some states, such as California and Montana.

“The program in which Mr. Sequin is involved is a difficult one and he has manifested the highest standards of scholarship. Transcript will be made available without charge upon request to interested parties.”

In reading over this amendment there was reference made to anybody — this amendment will let anybody in — and if you will look in your book under Filing 306, the amendment says that “A person who has a high school education or possesses a certificate of equivalency of a high school education or who has studied law diligently and in good faith for at least four years, which study shall be by instruction and completion of a course in law from a correspondence law school, shall, if otherwise qualified, qualify to take the bar examinations.”

You must remember we are not going to issue this young man the right to practice law in the State of Maine. We are only asking for the right to take the examination, and I hope when the vote is taken that you will certainly vote against the motion of the good Senator from Cumberland, Senator Good.

The PRESIDENT: The Senator from Franklin, Senator Mills, has requested that the vote be taken by the "yeas" and "nays". In order for the "yeas" and "nays" to be entertained, there must be the expressed desire of at least one fifth of the members present. Will those Senators who wish that the vote be taken by the "yeas" and "nays" stand and remain standing until counted. A sufficient number having arisen, a Roll Call is ordered.

The pending question is the motion of the Senator from Cumberland, Senator Good, that we indefinitely postpone the Resolve. Those in favor of indefinite postponement will vote "yes". Those opposed to indefinite postponement will vote "no". The Secretary will call the roll.

ROLL CALL

"YEAS": Senators Albair, Barnes, Berry, Brewer, Duquette, Good, Hildreth, Hoffses, Katz, Lund, MacLeod, Sewall, Snow, Sproul, Viles, Wyman, Young, and President Campbell.

"NAYS": Senators Anderson, Beckett, Boisvert, Couturier, Curtis, Farley, Ferguson, Girard, Harding, Johnson, Mills, Norris, Reny, Ross, Stern.

ABSENT: Senator Greeley.

A Roll Call was had. 18 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to indefinitely postpone prevailed.

Sent down for concurrence.

Bill "An Act Relating to Wages Paid for Benefits and Eligibility Under Employment Security Law." (H. P. 515) (L. D. 728)

In Senate, May 9, Passed to be Engrossed in concurrence.

Comes from the House, Engrossment Reconsidered, and Passed to

be Engrossed as Amended by House Amendment "A" (H-310) in non-concurrence.

(On motion by Mr. Good of Cumberland, tabled and specially assigned for Tuesday, May 23, pending further consideration.)

Communication

State of Maine
House of Representatives
Augusta, Maine

May 17, 1967

Hon. Jerrold B. Speers
Secretary of the Senate
103rd Legislature

Sir:

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill "An Act relating to Mental Illness as a Ground for Divorce" (H. P. 319) (L. D. 453)

Messrs.

QUINN of Bangor
BELIVEAU of Rumford
MEISNER of

Dover-Foxcroft.

Respectfully,

BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Committee Reports

House

Ought Not to Pass

The Committee on Education on Bill "An Act Providing an Education Loan Fund for the Higher Education of Teachers. (H. P. 626) (L. D. 882)

Reported that the same Ought Not to Pass.

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

In Senate: Voted to Accept the Ought Not to Pass Report of the Committee in non-concurrence. Sent down for concurrence.

The Committee on Legal Affairs on Bill "An Act Clarifying the Location of Town Line Between China and Winslow. (H. P. 1118) (L. D. 1595)

Reported that the same Ought Not to Pass.

Comes from the House, Recommended to the Committee on Legal Affairs.

On motion by Mr. Stern of Penobscot, the Senate voted to Accept the Ought Not to Pass Report of the Committee in non-concurrence.

Sent down for concurrence.

Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Construction of Self-Liquidating Student Housing and Dining Facilities for the State Colleges and the Maine Maritime Academy, and the Issuance of Not Exceeding \$5,227,300 Bonds of the State of Maine for the Financing Thereof." (H. P. 87) (L. D. 117)

Reported that the same Ought to Pass in New Draft under a New Title: "An Act to Authorize Construction of Self-Liquidating Student Housing and Dining Facilities for the State Colleges and the Issuance of Not Exceeding \$5,400,000 Bonds of the State of Maine for the Financing Thereof." (H. P. 1160) (L. D. 1659)

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

Which report was Read and Accepted in concurrence, the Bill read once and tomorrow assigned for second reading.

Recess

The Senate retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

**After Joint Convention
Divided Report**

Called to Order by the President.

The Majority of the Committee on Business Legislation on Bill "An Act Relating to Insurance Transactions Through Credit Card Facilities" (H. P. 876) (L. D. 1288)

Reported that the same Ought Not to Pass.

(Signed) Senators:
MacLEOD of Penobscot

HARDING of Aroostook
KATZ of Kennebec

Representatives:
SULLIVAN of Portland
HARRIMAN of Hollis
FECTEAU of Biddeford

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

(Signed) Representatives:
TRASK of Milo
GAUTHIER of Sanford
SCOTT of Presque Isle
SCOTT of Wilton

Comes from the House, and the Bill Indefinitely Postponed

(On motion by Mr. MacLeod of Penobscot, tabled and specially assigned for Tuesday, May 23, pending acceptance of either report.

Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Charging Fees for Services to Persons Acting as Subjects for Student Instruction and Training in Beauty Schools." (H. P. 611) (L. D. 854) reported that the same Ought to Pass.

(Signed)
Senators: SPROUL of Lincoln
STERN of Penobscot

Representatives:
BELIVEAU of Rumford
RICHARDSON
of Stonington
WHEELER of Portland
SHAW of Chelsea

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

(Signed)
Senator: GOOD of Cumberland
Representatives:

BAKER of Orrington
CUSHING of Bucksport
CONLEY of Portland

Comes from the House, Majority Report Ought to Pass Accepted and the Bill Passed to be Engrossed As Amended by House Amendment "A" H-308.

(On motion by Mr. Stern of Penobscot, tabled and specially

assigned for Wednesday, May 24, pending acceptance of either report.)

Senate

Ought to Pass

Mr. Ferguson for the Committee on Natural Resources on Resolve, Reimbursing Certain Municipalities for the Control of Dutch Elm Disease. (S. P. 627) (L. D. 1629) reported that the same Ought to Pass.

Which report was Read and Accepted and the Resolve read once and tomorrow assigned for Second Reading.

Ought to Pass — As Amended

Mr. Hildreth for the Committee on Judiciary on Bill, "An Act Concerning Duty of Reasonable Care to Social Invitee." (S. P. 432) (L. D. 1086) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-151).

Which report was Read and Accepted and the Bill read once. Committee Amendment "A", Filing S-151, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A"
to S. P. 432, L. D. 1086, Bill, "An Act Concerning Duty of Reasonable Care to Social Invitee."

Amend said Bill by striking out all of that part designated "\$159." and inserting in place thereof the following: '\$159. Social and business invitees, standards of care.'

The standards of care for a social invitee shall be the same as that of a business invitee.'

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

Mr. Hildreth for the Committee on Judiciary on Bill, "An Act Relating to Municipal Financing of Industrial and Recreational Projects." (S. P. 193) (L. D. 545) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-153).

Which report was Read and Accepted and the Bill read once. Committee Amendment "A", Filing S-153, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A"
to S. P. 193, L. D. 545, Bill, "An Act Relating to Municipal Financing of Industrial and Recreational Projects."

Amend said Bill by striking out all of section 5 (same in L. D. 545) and inserting in place thereof the following sections:

'**Sec. 5. R. S., T. 30, §5340-A, additional.** Title 30 of the Revised Statutes is amended by adding a new section 5340-A, to read as follows:

§5340-A. Records confidential

No member of the board, agent or employee thereof shall divulge or disclose any information obtained from the records and files or by virtue of such person's office concerning the name of any applicant, lessee or tenant or information supplied by any applicant, lessee, tenant, mortgagee, financial institution, municipality or local development corporation in support of an application proposing to issue revenue-obligation securities.

Sec. 6. Provisions deemed declaratory of existing laws. Sections 1, 2 and 4 of this Act shall be deemed declaratory of existing law.'

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

Mr. Good for the Committee on Legal Affairs on Bill, "An Act Establishing the Maine Medical Laboratory Act." (S. P. 475) (L. D. 1208) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-152)

Which report was Read and Accepted and the Bill read once. Committee Amendment "A", Filing S-152, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A"
to S. P. 475, L. D. 1208, Bill, "An Act Establishing the Maine Medical Laboratory Act."

Amend said Bill in that part designated "\$2013" by adding at the end the following underlined subsection (same in L. D. 1208):

'6. Radiology. The practice of radiology by a radiologist.'

Further amend said Bill in that part designated "S2026" by striking out in the 4th line (3rd line in L. D. 1208) the underlined word "Society" and inserting in place thereof the underlined word 'Association'; and by striking out in the 5th line (4th line in L. D. 1208) the underlined word "Society" and inserting in place thereof the underlined word 'Association'; and by striking out all of the last underlined sentence of the first paragraph and inserting in place thereof the following underlined sentence (same in L. D. 1208): 'If no such qualified persons are available, then the Governor shall substitute a physician licensed to practice medicine in the State of Maine whom he deems qualified.'

Further amend said Bill in that part designated "§2028" by striking out in the first and 2nd lines (first line of L. D. 1208) the underlined words "and the board"

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

Mr. Stern for the Committee on Legal Affairs on Bill, "An Act Creating a Council-Manager Form of Government for the City of Saco." (S. P. 552) (L. D. 1505) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-155)

Which report was Read and Accepted and the Bill Read once. Committee Amendment "A", Filing S-155, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 552, L. D. 1505, Bill "An Act Creating a Council-Manager Form of Government for the City of Saco."

Amend said Bill by striking out all of subsections c and d of that part designated "Section 2.03." of Article II (same in L. D. 1505) and inserting in place thereof the following:

'c. Term. The mayor and the councilmen shall be elected for 2-year terms commencing on the first Monday of November in the odd-numbered year.

d. Date of election. The city election shall be the 2nd Monday of

October in each odd-numbered year.'

Further amend said Bill by striking out all of subsection a of that part designated "Section 4.01." of Article IV (same in L. D. 1505) and inserting in place thereof the following:

'a. Composition and election. The board of education shall consist of mayor and 4 other members. The members of the board of education except for the mayor shall be elected for 4-year terms with 2 being elected at every city election. The election and nomination procedure shall be the same as for the mayor. Vacancies on the board of education shall be filled by the council until the next regular city election at which time vacancies for the unexpired term shall be filled in the same manner as for a regular term.,

Further amend said Bill by striking out all of subsection a of that part designated "Section 7.01." of Article VII (same in L. D. 1505) and inserting in place thereof the following:

'a. Regular elections. Regular city elections shall be held on the 2nd Monday of October in each odd-numbered year.'

Further amend said Bill by striking out all of subsections c and d of that part designated "Section 7.02." of Article VII (same in L. D. 1505).

Further amend said Bill by striking out all of subsection a of that part designated "Section 10.07." of Article X (same in L. D. 1505) and inserting in place thereof the following:

'a. Election. The mayor and council elected on the 2nd Monday of December in 1967 shall serve until their successors qualify on the first Monday of November in 1969. The board of education as elected on the 2nd Monday of December in 1967 and those still in office shall serve until the first Monday of November in 1969. Upon taking office the mayor shall immediately become a member of the board of education. At the election on the 2nd Monday of October in 1969, 2 members of the board of education shall be elected to serve 2 years, 2 members of the board of education

shall be elected to serve 4 years. Ward officials elected on the 2nd Monday of December in 1967 shall serve the same term of office as the mayor.'

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

Ought to Pass in New Draft

Mr. Stern for the Committee on Legal Affairs on Bill, "An Act Regulating Snow Traveling Vehicles." (S. P. 488) (L. D. 1211) reported that the same Ought to Pass in New Draft.

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

Second Readers

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

House

Bill, "An Act Relating to Powers of Administrative Hearing Commissioner Concerning Minors Under the Liquor Laws." (H. P. 1159) (L. D. 1656)

Which was read a second time.

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

House — As Amended

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)

Bill "An Act to Provide for a Lien for Hospital Services on Recoveries from Third Persons." (H. P. 901) (L. D. 1314)

Resolve to Reimburse Richard Jewell of Mechanic Falls for Well Damage by Deposit of Salt on Highway. (H. P. 969) (L. D. 1411)

Resolve to Reimburse Elinor Nichols of Poland for Well Damage by Deposit of Salt on Highway. (H. P. 968) (L. D. 1410)

Resolve to Reimburse Henry T. Parent of Mechanic Falls for Well Damage by Deposit of Salt on Highway. (H. P. 970) (L. D. 1412)

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

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

Senate

Bill, "An Act Relating to Reimbursing Municipalities by State for Property Tax Exemptions of Veterans." (S. P. 653) (L. D. 1661)

Bill, "An Act Relating to Fair Minimum Wages for Construction of Public Improvements by State of Maine." (S. P. 652) (L. D. 1660)

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

Sent down for concurrence.

Enactors

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

An Act Relating to Adult Education. (H. P. 311) (L. D. 445)

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

An Act Relating to Trapping Beaver. (H. P. 405) (L. D. 571)

An Act to Provide for an Economic Survey to Establish an Industrial Foreign Trade Zone. (H. P. 1029) (L. D. 1495)

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

An Act Creating the Pest Control Compact. (S. P. 630) (L. D. 1631)

(On motion by Mr. Berry of Cumberland, tabled and specially assigned for Friday, May 19, pending enactment.)

An Act Relating to Education of Indians. (S. P. 633) (L. D. 1634)

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

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

Orders of the Day

The President laid before the Senate the first tabled and today assigned matter (H. P. 1147) (L. D. 1638) Bill, "An Act Relating to

the Financing of the State Liquor Commission." Tabled May 11 by Senator Johnson of Somerset 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 second tabled and today assigned matter (H. P. 218) (L. D. 308) House Report Ought to Pass in New Draft under same title (H. P. 1120) (L. D. 1592) from the Committee on Inland Fisheries and Game on Bill, "An Act Granting Complimentary Fishing Licenses for Certain Maine Residents in Armed Forces." Tabled May 15 by Senator Hoffses of Knox, pending Acceptance of Report.

On motion by Mr. Hoffses of Knox, the Senate voted to Accept the Ought to Pass in New Draft Report of the Committee and the Bill was read once.

House Amendment "A" was read by the Secretary. On further motion by the same Senator House Amendment "A" was indefinitely postponed, in non-concurrence, and the Bill tomorrow assigned for second reading.

The President laid before the Senate the third tabled and today assigned matter (H. P. 979) (L. D. 1421) Bill, "An Act Relating to the Computation of Secondary School Tuition." Tabled May 17 by Senator Katz of Kennebec pending Adoption of House Amendment "A", Filing H-260.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A".

On further motion by the same Senator Committee Amendment "A" was indefinitely postponed, and on further motion by that Senator House Amendment "A" was adopted in concurrence, and the Bill, As Amended, tomorrow assigned for second reading.

The President laid before the Senate the fourth 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 17 by Senator Berry of Cumberland pending Passage to be Engrossed.

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

Senate Amendment "A", Filing S-156, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 910, L. D. 1320, Bill, "An Act Relating to Survey of Private Sewage Disposal Systems by Department of Health and Welfare."

Amend said Bill in the 5th line (4th line in L. D. 1320) by striking out the underlined word "shall" and inserting in place thereof the underlined word 'may'

Further amend said Bill in section 1 by adding at the end of the first underlined paragraph (same in L. D. 1320) the following underlined sentence: "The Department of Health and Welfare shall exempt from the provisions of this paragraph private sewage disposal systems installed prior to October 15, 1967 which cannot be corrected to comply with this paragraph due to terrain, soil or any other factors beyond the control of the owners."

Further amend said Bill in the 12th line (10th line in L. D. 1320) by striking out the underlined word "shall" and inserting in place thereof the underlined word 'may'

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

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table (S. P. 9) (L. D. 15) Bill, "An Act to Appropriate Funds and Provide Staff for Alcoholism Services."

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing S-140, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 9, L. D. 15, Bill, "An Act to

Appropriate Funds and Provide Staff for Alcoholism Services."

Amend said Bill in the 17th line (15th line in L. D. 15) by striking out the figure "\$102,546" and inserting in place thereof the following: '\$55,165 for the fiscal year ending June 30, 1968 and \$47,381 for the fiscal year ending June 30, 1969'

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

'Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1967.'

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

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table (H. P. 342) (L. D. 490) Bill, "An Act Relating to Advertising and Promotion of Tourism into the New England Region."

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was passed to be engrossed.

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

Senate Amendment "A", Filing S-141, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 342, L. D. 490, Bill, "An Act Relating to Advertising and Promotion of Tourism into the New England Region."

Amend said Bill in section 2 by adding at the end thereof the following:

The breakdown shall be as follows:

	1967-68	1968-69
ECONOMIC DEVELOPMENT,		
DEPARTMENT OF		
All Other	\$25,000	\$25,000'

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

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table (S. P. 209) (L. D. 548) Resolve Appropriating Moneys for Search of Lost Persons in the Woodlands of the State.

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its action whereby the Resolve was passed to be engrossed.

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

Senate Amendment "A", Filing S-142, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 209, L. D. 548, Resolve, Appropriating Moneys for Search of Lost Persons in the Woodlands of the State.

Amend said Resolve in the first line (2nd in L. D. 548) by inserting after the words "from the" the words 'Unappropriated Surplus of the'

Senate Amendment "A" was adopted and the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table (H. P. 440) (L. D. 615) Bill, "An Act Appropriating Funds to Expand Homemaker Services in the Department of Health and Welfare."

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A" Filing S-143, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 440, L. D. 615, Bill, "An Act Appropriating Funds to Expand Homemaker Services in the Department of Health and Welfare.

Amend said Bill in the 3rd line (2nd line in L. D. 615) by striking out the figure "\$101,000" and inserting in place thereof the following: '\$50,000 for the fiscal year

ending June 30, 1968 and \$51,000 for the fiscal year ending June 30, 1969; and by striking out in the 4th line (3rd line in L. D. 615) the words "of expenditures"

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

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table (H. P. 1138) (L. D. 1620) Bill, "An Act Relating to Allowance for Widows of Justices of the Supreme Judicial Court and the Superior Court."

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A," Filing S-146, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 1138, L. D. 1620, Bill, "An Act Relating to Allowance for Widows of Justices of the Supreme Judicial Court and the Superior Court."

Amend said Bill in section 5 by adding at the end thereof the following:

"The breakdown shall be as follows:
1967-68 1968-69

SUPREME JUDICIAL AND SUPERIOR COURTS		
All Other	\$27,500	\$33,000'

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

Sent down for concurrence.

On motion by Mr. Good of Cumberland, the Senate voted to take from the table the 43rd tabled and unassigned matter, (S. P. 655) Joint Order—Relative to Legislative Research Committee study of subject matter of (L. D. 1103). (Chiropractic in Workmens' Compensation.) Tabled May 17 by the same Senator, pending Motion by Senator Anderson of Hancock to Indefinitely Postpone.

Mr. Anderson of Hancock moved the pending question.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Order be indefinitely postponed?

The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, I would speak in opposition to the motion of the Senator from Hancock, Senator Anderson. I feel that this matter has been before us many times. With the exception of one legislative year, it has been before us since 1945.

It is my understanding that the chiropratic profession is endeavoring to improve its standards of education. It is also my understanding that there is some question about whether or not the profession practices within the limits of its licensing. It seems to me that if they are indeed endeavoring to upgrade their education we should take this into consideration. It also seems to me that if they are violating the requirements of their licenses that we should take this into consideration. In other words, it seems to me that we should review this subject. I also think that most of us would appreciate not having to consider this matter at every session of the Senate.

I don't know what the experience of the other Senators has been with respect to this, but I know that my own experience has not been a relaxed one. For example, for some reason that is not highly clear to me, three of the Democratic Town Committees in my County held special meetings and voted to write to me asking me to vote for the measure. The Democratic County Committee of Cumberland County took this same action.

I received a letter from a physician who is a personal friend of mine imploring me to vote against the measure that was before us yesterday. Doctors of Osteopathy have told me that if I could see the damage which some of these people have done I would never vote for this bill. I have had other Doctors of Osteopathy tell me that they do good work. Therefore, Mr. President, I would rise in opposi-

tion to the motion of the Senator from Hancock, Senator Anderson, and I would hope that the Order might receive passage so that we can lay this matter to rest.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion of the Senator from Hancock, Senator Anderson, that this Joint Order be indefinitely postponed will say "Yes." Those opposed, "No."

A viva-voce vote being taken, and the Chair being in doubt, a division was ordered.

A division was had. Ten Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Johnson of Somerset, placed on the Special Legislative Research Table.

On motion by Mr. Young of Hancock the Senate voted to take from the table the third tabled and unassigned matter, (H. P. 242) (L. D. 350) House Report — Ought to Pass from the Committee on Sea & Shore Fisheries on Bill, "An Act to Correct Inconsistencies in the Public Laws Related to Sea and Shore Fisheries."

Tabled — March 2 by the same Senator, pending Acceptance of Report.

On motion by the same Senator, the Senate voted to accept the Ought to Pass Report of the Committee. The Bill was read once and tomorrow assigned for second reading.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby it accepted the Ought Not to Pass Report of the Committee on Legal Affairs on Bill, "An Act Clarifying the Location of Town Line Between China and Winslow." (H. P. 1118) (L. D. 1595)

Thereupon, on motion by Mr. Johnson of Somerset, tabled and

specially assigned for Tuesday, May 23, pending consideration.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the table the 31st tabled and unassigned matter (S. P. 612) (L. D. 1597) Bill, "An Act to Regulate the Alteration of Wetlands"

Tabled — May 9 by Senator Sewall of Penobscot, pending Enactment.

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

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby it adopted Senate Amendment "A", and on further motion by the same Senator Senate Amendment "A" was indefinitely postponed.

Then the same Senator presented Senate Amendment "C" and moved its adoption.

Senate Amendment "C", Filing S-134, was read by the Secretary as follows:

SENATE AMENDMENT "C" to S. P. 612, L. D. 1597, Bill, "An Act to Regulate the Alteration of Wetlands."

Amend said Bill in that part designated "\$4701" by striking out in the 3rd line (same in L. D. 1597) the underlined words "inland or"

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

On motion by Mr. Johnson of Somerset, the Senate voted to reconsider its action whereby this bill was Passed to be Engrossed.

On further motion by the same Senator, tabled and specially assigned for Friday, May 19, pending Passage to be Engrossed.

On motion by Mr. Ross of Piscataquis,

Adjourned until 9:30 o'clock tomorrow morning.