

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 17 - JUNE 4, 1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

compensation equal to 2/3 the difference, due to said injury, between his average weekly wages, earnings or salary before the accident and the weekly wages, earnings or salary which he is able to earn thereafter, but not more than \$42 a week 2/3 of the average weekly wage in the State of Maine as computed by the Employment Security Commission; and in no case shall the period covered by such compensation be greater than 300 weeks from the date of the accident except for vocational rehabilitation services provided under sections 52 and 54.’”

House Amendment “B” was adopted.

On motion of Mr. Levesque of Madawaska, the rules were suspended and the Bill “An Act to Revise the Workmen’s Compensation Law,” House Paper 1146, L. D. 1570, was given its third reading and passed to be engrossed as amended by House Amendment “B”.

The SPEAKER: Is there objection that this bill be sent forthwith to the Senate? The Chair hears objection. All those in favor of the rules being suspended and this bill being sent forthwith to the Senate will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-three having voted in the affirmative and twenty-six having voted in the negative, the motion prevailed.

Thereupon the Bill was sent forthwith to the Senate.

The Chair laid before the House item 2 under Senate Reports which was tabled earlier in today’s session: Bill, “An Act to Correct Errors and Inconsistencies in the Public Laws,” Senate Paper 414, L. D. 1310, pending acceptance of the Committee “Ought to pass” Report in concurrence.

The SPEAKER: Is it now the pleasure of the House to accept the Committee Report?

Thereupon, the Committee Report was accepted in concurrence and the Bill read twice.

Mr. Levesque of Madawaska then offered House Amendment “A” and moved its adoption.

House Amendment “A” was read by the Clerk as follows:

HOUSE AMENDMENT “A” to S. P. 414, L. D. 1310, Bill, “An Act to Correct Errors and Inconsistencies in the Public Laws.”

Amend said Bill by inserting after the Title, the following:

‘**Emergency preamble.** Whereas, Acts and resolves passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the said 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and institutions will become due and payable on or immediately after July 1, 1965; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,’

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

‘**Emergency clause.** In view of the emergency cited in the preamble, this Act, except as provided in section 30, shall take effect when approved.’

The SPEAKER: Is it now the pleasure of the House that House Amendment “A” be adopted?

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, Members of the House: From hastily glancing at this amendment, I would assume that there are appropriation measures within this L. D. I would inquire if this is correct?

The SPEAKER: The Chair will answer in the affirmative, there are appropriation matters in the omnibus bill.

Thereupon, House Amendment “A” was adopted.

The SPEAKER: The Clerk will now read Committee Amendment "A."

Committee Amendment "A," being L. D. 1589, was read by the Clerk.

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

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S. P. 414, L. D. 1310, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Amendment by striking out all of that part designated "Sec. 19-A," and the paragraph immediately preceding and inserting in place thereof the following:

'Further amend said Bill by inserting after section 19, 2 new sections, as follows:'

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

Mr. COTE: Mr. Speaker, I move that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The SPEAKER: The question before the House now is on the motion of the gentleman from Lewiston, Mr. Cote, that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker and Members of the House: If we adopt this amendment it will hamper the liquor inspectors from doing their job. In other words, it would strike out where they can make arrests for intoxication. I feel it is part of their job of enforcement of the liquor questions that if they should come upon someone in some gathering which was intoxicated that they could arrest them, but under this amendment if adopted, the liquor inspectors would be stopped from making those arrests, and I think that would be wrong and would tend to relax our liquor laws and I feel that this thing should remain in the law.

The SPEAKER: The question before the House now is on the

motion of the gentleman from Lewiston, Mr. Cote, that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

Thereupon, Committee Amendment "A" was adopted without amendment thereto in non-concurrence.

The SPEAKER: The Clerk will read Senate Amendment "A."

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

SENATE AMENDMENT "A" to S. P. 414, L. D. 1310, Bill, "An Act to Correct Errors and Inconsistencies in the Public Law."

Amend said Bill by inserting after section 9, a new section, as follows:

"Sec. 9-A. R. S., T. 14, §157, additional. Title 14 of the Revised Statutes is amended by adding a new section 157 to read as follows: '§157. — Governmental agencies

The State of Maine or any political subdivision thereof or any quasi-municipal corporation or quasi-governmental agency, whether acting in its governmental or proprietary capacity, shall be considered to have waived its immunity from liability for damages arising out of its negligent operation of a motor vehicle during the period a policy of insurance is effective covering the liability of such governmental agency.

Each policy of insurance issued to such governmental agency shall contain a provision to the effect that the insurer shall be estopped from asserting, as a defense to any claim covered by said policy, that such governmental agency is immune from liability on the ground that it is a governmental agency. The amount of damages in any such case shall not exceed the limits of coverage specified in the policy, and the courts shall abate any verdict in any such action to the extent that it exceeds such policy limit.'"

Senate Amendment "A" was adopted in concurrence.

Thereupon, under suspension of the rules, the Bill was given its third reading, passed to be en-

grossed as amended by Committee Amendment "A", Senate Amendment "A" and House Amendment "A" in non-concurrence and by unanimous consent sent forthwith to the Senate.

The Chair laid before the House item three under Third Readers which was tabled earlier in today's session; Bill "An Act Revising the Minimum Wage Law," S. P. 526, L. D. 1504.

The SPEAKER: The pending question before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that Senate Amendment "A" to Senate Amendment "B" be indefinitely postponed.

Mr. Levesque of Madawaska requested a division.

The SPEAKER: A division has been requested. All those in favor of the indefinite postponement of Senate Amendment "A" to Senate Amendment "B" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-four having voted in the affirmative and forty-eight having voted in the negative, the motion did prevail.

Senate Amendment "B" was then read by the Clerk.

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

Mr. KATZ: Mr. Speaker, a question through the Chair, maybe I'm a little thick, but this amendment and all these other amendments now appear to be referring to a bill that no longer exists, that we wiped out by our adoption of House Amendment "A" this morning, and all the quotes in regard to lines and paragraphs no longer exist. Am I in error here, sir?

The SPEAKER: Is the gentleman referring to House Amendment "B" which was adopted this morning? House Amendment "B" is the original bill which would have its own filing number, which would have no effect on other amendments.

Mr. KATZ: All right, so we are not getting into a hassle by refer-

ring to terminology that doesn't exist?

The SPEAKER: That is correct, we are not. Is it now the pleasure of the House that Senate Amendment "B" be adopted?

The motion prevailed.

The SPEAKER: The House may be at ease for a moment.

House at Ease

Called to order by the Speaker.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I now move we reconsider our action whereby we adopted House Amendment "B" this morning under filing number 370.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that we reconsider our action whereby we adopted House Amendment "B" this morning. Is this the pleasure of the House?

Mr. Katz of Augusta requested a division.

The SPEAKER: A division has been requested. All those in favor of reconsidering our action whereby we adopted House Amendment "B" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy having voted in the affirmative and fifty-three having voted in the negative, the motion did prevail.

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

Mr. LEVESQUE: Mr. Speaker, with the intention of this amendment, I now move that this amendment be indefinitely postponed.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque now moves that House Amendment "B" be indefinitely postponed. Is this the pleasure of the House?

The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, I request a three minute recess so that I can have some material distributed please?