

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First  
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Tuesday, February 26, 1963

Senate called to order by the President.

Prayer by Rev. Douglas H. Robbins of Augusta.

On motion by Mr. Philbrick of Penobscot, the Journal of February 21 was read and approved.

**Papers from the House  
Non-concurrent matters**

Bill, "An Act Relating to Premarital Medical Examinations." (S. P. 134) (L. D. 421)

In Senate, February 6, passed to be engrossed.

Comes from the House passed to be engrossed as Amended by House Amendment "A" (H-42) in non-concurrence.

In the Senate, House Amendment A was read, and the Senate voted to recede and concur.

Bill, "An Act to Provide for Acceptance of Federal Funds by State Park Commission." (H. P. 131) (L. D. 174)

In Senate, February 12, passed to be engrossed as Amended by Committee Amendment "A" (H-7) in concurrence.

Comes from the House passed to be engrossed as Amended by Committee Amendment "A" and as amended by House Amendment "A" (H-55) in non-concurrence.

In the Senate, House Amendment A was read, and the Senate voted to recede and concur.

**House Paper**

**Bill for reference**

Bill, "An Act Repealing Laws Requiring Fences Around Burying Grounds." (H. P. 876) (L. D. 1416)

Which was referred to the Committee on Municipal Affairs in concurrence.

**Communication**

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
Office of the Clerk  
Augusta

February 21, 1963

Hon. Chester T. Winslow  
Secretary of Senate  
101st Legislature

Sir:

The Speaker of the House today appointed the following Conferees on

the part of the House on the disagreeing actions of the two branches of the Legislature on H. P. 833, L. D. 1220, Bill, "An Act Relating to Registration of Sanitarians:

Committee of Conference

Messrs: WELLMAN of Bangor  
BERRY of Cape Elizabeth  
SMITH of Falmouth  
Very truly yours,  
HARVEY R. PEASE  
Clerk of the House

HRP-sr

Which was read and ordered placed on file.

**Senate Papers**

The President laid before the Senate the following bills which were referred to this Legislature from the 100th Legislature:

Bill, "An Act to Reimburse Town of Warren for Cost of Municipal Services Provided for the State." (S. P. 509)

Bill, "An Act Relating to Control of Structures Near Airports." (S. P. 510)

Bill, "An Act Authorizing Municipal Construction of Industrial Buildings." (S. P. 511)

Bill, "An Act to Reimburse Town of Thomaston for Cost of Municipal Services Provided for the State." (S. P. 512)

Bill, "An Act to Create the Maine Recreational Facilities Authority Act." (S. P. 513)

(On motion by Mr. Noyes of Franklin, tabled pending consideration.)

Bill, "An Act Relating to Joint Bank Accounts." (S. P. 514)

Bill, "An Act Authorizing Creation of Municipal Sewerage Systems." (S. P. 515)

Bill, "An Act Establishing the Uniform Commercial Code." (S. P. 516)

On motion by Mr. Edmunds of Aroostook, the bills were severally indefinitely postponed.

Sent down for concurrence.

**Committee Reports**

**House — Leave to Withdraw**

The Committee on Health and Institutional Services on Bill, "An Act Making Mandatory the Reporting of Blindness to Department of Health and Welfare." (H. P. 905) (L. D. 1313) reported that the

same should be granted Leave to Withdraw.

The Committee on Inland Fisheries and Game on Resolve, Changing the Name of Sand Pond, Oxford County, to Little Hancock Pond. (H. P. 452) (L. D. 656) reported that the same should be granted Leave to Withdraw.

#### House — Ought Not to Pass

The Committee on Election Laws on Bill, "An Act to Hold the Primary Election on the Second Tuesday after Labor Day." (H. P. 280) (L. D. 374) reported that the same Ought not to pass.

The same Committee on Bill, "An Act to Permit Straight Voting on Liquor Local Option Questions." (H. P. 667) (L. D. 923) reported that the same Ought not to pass.

The Committee on Inland Fisheries and Game on Resolve, Regulating Fishing in Lake Thompson, Cumberland County. (H. P. 336) (L. D. 463) reported that the same Ought not to pass.

(On motion by Mr. Ferguson of Oxford, tabled pending acceptance of the report.)

The same Committee on Resolve, Regulating Ice Fishing in Big Machias Lake, Aroostook County. (H. P. 455) (L. D. 659) reported that the same Ought not to pass, as covered by other legislation.

The Committee on Taxation on Bill, "An Act Increasing the Tax on Gasoline." (H. P. 314) (L. D. 407) reported that the same Ought not to pass.

(On motion by Mr. Lovell of York, tabled pending acceptance of the report.)

Which reports were read and accepted in concurrence.

#### House — Ought to Pass

The Committee on Business Legislation on Bill, "An Act Relating to Stuffed Toys." (H. P. 420) (L. D. 573) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Change of Purposes of Mutual Insurance Companies." (H. P. 626) (L. D. 882) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Insurance by Mutual Companies." (H. P. 627) (L.

D. 883) reported that the same Ought to pass.

The same Committee on Bill, "An Act Increasing License Fee for Insurance Rating Organizations." (H. P. 628) (L. D. 884) reported that the same Ought to pass.

The same Committee on Bill, "An Act Revising the Laws Relating to Employee Benefit Plans of Domestic Insurance Companies." (H. P. 629) (L. D. 885) reported that the same Ought to pass.

The Committee on Claims on Resolve, in Favor of Arthur J. Valley, Sr. of Bethel for Damage to Water Supply. (H. P. 269) (L. D. 363) reported that the same Ought to pass.

The Committee on Judiciary on Resolve, Authorizing the Building of a Private Road Across Portion of Mousam Lake, York County. (H. P. 446) (L. D. 800) reported that the same Ought to pass.

The same Committee on Bill, "An Act Providing for Penalty for Violating Ordinances for Protection of Pedestrians." (H. P. 596) (L. D. 834) reported that the same Ought to pass.

Which reports were read and accepted in concurrence, and the Bills and Resolves read once and tomorrow assigned for second reading.

#### House — As Amended

The Committee on Natural Resources on Bill, "An Act Relating to Classifying Part of Medomak River and Certain Waters In and Bordering Waldoboro." (H. P. 390) (L. D. 589) reported that the same Ought to pass as Amended by Committee Amendment "A" (H-25)

(On motion by Mr. Ferguson of Oxford, tabled pending acceptance of the report and especially assigned for later in today's session.)

The Committee on Taxation on Bill, "An Act Exempting Swine Under Nine Months of Age from Taxation." (H. P. 135) (L. D. 178) reported that the same Ought to pass as amended by Committee Amendment "A" (H-36)

Which report was read and accepted, in concurrence, Committee Amendment "A" read and adopted in concurrence, and the Bill, as amended, read once and tomorrow assigned for second reading.

**Senate — Ought to Pass**

Mr. Brown from the Committee on Highways on Bill, "An Act Relating to Certain Advertising Signs Erected on the Interstate System." (S. P. 359) (L. D. 1025) reported that the same Ought to pass.

(On motion by Mr. Porteous of Cumberland, tabled pending acceptance of the report.)

Mr. Kimball from the Committee on Industrial and Recreational Development on Resolve, Continuing New York City Public Relations Office and Providing for Contractual Services. (S. P. 293) (L. D. 866) reported that the same Ought to pass.

Mr. Reed from the Committee on Natural Resources on Bill, "An Act to Change the Name of Serpentine Stream, Somerset County, to Harlow Stream." (S. P. 251) (L. D. 625) reported that the same Ought to pass.

Which reports were read and accepted and the bills and resolve read once and tomorrow assigned for second reading.

**Senate — Ought to Pass, As Amended**

Mr. Boisvert from the Committee on Claims on Resolve to Reimburse Beatrice Pitcher of Steuben for Well Damage by Highway Construction. (S. P. 243) (L. D. 617) reported that the same Ought to pass as amended by Committee Amendment "A" (S-21)

Mr. Cyr from the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Moose River, Somerset County. (S. P. 247) (L. D. 621) reported that the same Ought to pass as amended by Committee Amendment "A" (S-26)

Mr. Couture from the Committee on Labor on Bill, "An Act Relating to Work Permits for Minors Under Sixteen Years of Age." (S. P. 214) (L. D. 523) reported that the same Ought to pass as amended by Committee Amendment "A" (S-30)

Mr. Jacques from the Committee on Municipal Affairs on Bill, "An Act Amending the Charter of the City of Presque Isle." (S. P. 184) (L. D. 483) reported that the same Ought to pass as amended by Committee Amendment "A" (S-28)

Mr. Atherton from the Committee on Retirements and Pensions on

Bill, "An Act to Correct Inconsistencies and Inequities in the Maine State Retirement Law." (S. P. 187) (L. D. 486) reported that the same Ought to pass as amended by Committee Amendment "A" (S-29)

Which reports were read and accepted, Committee Amendments "A" were read and adopted, and the bills and resolves, as amended, read once and tomorrow assigned for second reading.

**Senate — Ought to Pass — New Draft**

Mrs. Sproul from the Committee on Retirements and Pensions on Bill, "An Act Relating to Retirement Allowances for Certain State Employees After Restoration to Service." (S. P. 153) (L. D. 429) reported that the same Ought to pass in New Draft under the same title. (S. P. 517)

Which report was read and accepted, the bill read once and tomorrow assigned for second reading.

**Majority — Ought to Pass in New Draft**

**Minority — Ought Not to Pass**

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Counsel for Indigent Persons in Criminal Cases." (S. P. 148) (L. D. 425) reported that the same Ought to pass in New Draft. (S. P. 507)

(Signed)  
Senators:

CAMPBELL of Kennebec  
BOARDMAN of Washington  
FARRIS of Kennebec

Representatives:

BERMAN of Houlton  
THORNTON of Belfast  
PEASE of Wiscasset  
SMITH of Bar Harbor  
KNIGHT of Rockland

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass

(Signed)  
Representatives:

CHILDS of Portland  
RUST of York

On motion by Mr. Farris of Kennebec, the Majority Ought to Pass in New Draft report was accepted

and the bill read once; on further motion by the same Senator, the bill was laid upon the table pending assignment for second reading.

**Majority — Ought to Pass**

**Minority — Ought Not to Pass**

The Majority of the Committee on Labor on Bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law." (S. P. 180) (L. D. 479) reported that the same Ought to pass.

(Signed)  
Senators:

HINDS of Cumberland  
COUTURE of Androscoggin

Representatives:

BROWN of South Portland  
NOEL of Waterville  
EWER of Bangor  
PRINCE of Oakfield

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed)  
Senator:

JOHNSON of Somerset

Representatives:

GIFFORD of Manchester  
MENDES of Topsham  
DUNN of Denmark

Mr. WHITTAKER of Penobscot: Mr. President, I move that the majority "Ought to pass" report of the committee be accepted and I request permission to make a few comments.

The PRESIDENT: The Senator may proceed.

Mr. WHITTAKER: Mr. President and members of the Senate: I was moved to support this bill because I think there is a matter of simple justice involved. May I call to your attention the fact that under the Revised Statutes of Maine, Chapter 72, the practice of chiropractic is licensed and permitted; there are rules and regulations established by the statute concerning examination and issuance of certificates. Sections 4 and 5 of Chapter 72 set forth the educational requirements, which involve two years of college training and four years of professional education. Section 12 of the same chapter carefully defines chiropractic and uses the words: "Not to be the practice of medicine or sur-

gery." You will note that the bill includes this definition, so that there may be no doubt in anyone's mind as to what is involved here. Section 8 of the same chapter also provides penalties for exceeding the field of chiropractic into the field of treating diseases of the human body.

It is my feeling that this bill ought to pass so that those under the Workmen's Compensation Law, employers, and or employees, should have freedom of choice if they so desire and may employ chiropractors when the need seems evident to them. I hope therefore that my motion may prevail.

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

Mr. BROOKS of Cumberland: Mr. President, I move that the bill and accompanying papers lie on the table.

Mr. WHITTAKER of Penobscot: Mr. President, I request a division on the motion to table.

A division of the Senate was had.

Twenty-one having voted in the affirmative and twelve opposed, the bill was laid upon the table pending motion by Mr. Whittaker of Penobscot that the Senate accept the Majority Ought to Pass Report.

**Passed to Be Engrossed**

**The Committee on Bills in the Second Reading reported the following Bills and Resolves:**

**House**

Bill, "An Act Authorizing Bureau of Public Improvements to Study Desirability of a Dam Across Bagaduce River." (H. P. 330) (L. D. 457)

Bill, "An Act Releasing Interest of State in Certain Land in Poland, Androscoggin County." (H. P. 601) (L. D. 836)

Bill, "An Act Relating to Issuance of Certificates of Shares." (H. P. 666) (L. D. 922)

Bill, "An Act to Increase the Borrowing Capacity of the Topsham Sewer District, to Authorize the Town to Contribute to Construction Costs and Otherwise Amend the Charter." (H. P. 303) (L. D. 396)

Bill, "An Act Permitting Public Utilities Commission to Extend Time

for Filing Public Utility Balance Sheets." (H. P. 391) (L. D. 590)

Bill, "An Act to Incorporate the South Berwick Sewer District." (H. P. 347) (L. D. 557)

Bill, "An Act Relating to Revocation of Sellers' Certificates Under Sales and Use Tax Law." (H. P. 351) (L. D. 505)

Bill, "An Act to Repeal the Dry Bean Tax." (H. P. 352) (L. D. 506)

Bill, "An Act Relating to Meaning of Letters Used in State Valuation." (H. P. 354) (L. D. 507)

Bill, "An Act Providing for a Two-year Motor Vehicle Operator's License." (H. P. 355) (L. D. 508)

Which were read a second time and passed to be engrossed in concurrence.

**House — As Amended**

Bill, "An Act Appropriating Funds for State of Maine's Participation in the New York World's Fair, 1964-1965." (H. P. 356) (L. D. 530)

Which was read a second time, and on motion by Mr. Edmunds of Aroostook was laid upon the table pending passage to be engrossed, and was especially assigned for tomorrow.

Bill, "An Act Amending the Charter of the Presque Isle Water District." (H. P. 67) (L. D. 91)

Which was read a second time and passed to be engrossed in concurrence.

Resolve, Opening Carrabasset River to Fly Fishing Only. (H. P. 289) (L. D. 383)

Which was read a second time, and on motion by Mr. Porteous of Cumberland, was laid upon the table pending passage to be engrossed.

**House — New Draft**

Resolve, Regulating Fishing in Hatcase Pond in Penobscot and Hancock Counties. (S. P. 976) (L. D. 1348)

Which was read a second time and passed to be engrossed, in concurrence.

**Senate**

Bill, "An Act Relating to Investment of Municipal Funds." (S. P. 308) (L. D. 974)

(Which was read a second time and on motion by Mr. Couture of

Androscoggin, tabled pending passage to be engrossed.)

Resolve, Regulating Fishing in Certain Waters of Somerset and Kennebec Counties. (S. P. 207) (L. D. 517)

Bill, "An Act Relating to Salaries Paid by the State to Minister of the Gospel." (S. P. 156) (L. D. 432)

Bill, "An Act Providing County Funds for Insurance for Firemen." (S. P. 164) (L. D. 440)

(Which was read a second time and on motion by Mr. Brown of Hancock, tabled pending passage to be engrossed, and especially assigned for Thursday next.)

Bill, "An Act Relating to Rental of Space in County Buildings by State Departments." (S. P. 377) (L. D. 1033)

Which were read a second time and passed to be engrossed.

Sent down for concurrence.

**Senate — As Amended**

Resolve, in Favor of Oscar Hanley of Newcastle. (S. P. 49) (L. D. 99)

Bill, "An Act Relating to Age in Criminal Offenses." (S. P. 79) (L. D. 187)

(On motion by Mr. Boardman of Washington, tabled pending passage to be engrossed.)

Resolve, Authorizing Anthony M. Look and the A. M. Look Canning Company to Sue the State of Maine. (S. P. 248) (L. D. 622)

Bill, "An Act Relating to Municipal Revenue Bonds." (S. P. 340) (L. D. 1005)

Which were read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

**Enactors**

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

Bill, "An Act Transferring Burial Allowance Program for Veterans from Department of Health and Welfare to Division of Veterans Affairs." (H. P. 311) (L. D. 404)

(On motion by Mr. Edmunds of Aroostook, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Relating to Number of Catch of Fish in Aroostook County." (S. P. 34) (L. D. 27)

Bill, "An Act Relating to Distribution of Obscene Literature." (S. P. 114) (L. D. 342)

Bill, "An Act Revising the Maine Mining Law." (S. P. 121) (L. D. 348)

Bill, "An Act Relating to Powers of Enforcement by Inland Fish and Game Wardens." (H. P. 3) (L. D. 23)

Bill, "An Act Classifying Card Brook in Ellsworth." (H. P. 34) (L. D. 220)

Bill, "An Act Relating to Discharge in Bankruptcy Under Financial Responsibility Law." (H. P. 110) (L. D. 154)

Bill, "An Act Providing for Approval of Legislature for Expenditure of Inland Fisheries and Game Expenditures." (H. P. 128) (L. D. 172)

Bill, "An Act Relating to Certificates for Female Dogs." (H. P. 261) (L. D. 355)

Bill, "An Act Increasing Indebtedness of Limestone Water and Sewer District." (H. P. 304) (L. D. 397)

Bill, "An Act Relating to Retirement of Policemen and Firemen by Local Districts Participating in Maine State Retirement System." (H. P. 305) (L. D. 398)

Which Bills were passed to be enacted.

Resolve, Naming the Max L. Wilder Memorial Bridge at Woolwich and Arrowsic. (S. P. 443) (L. D. 1152)

Resolve, Authorizing George W. Carson, Jr. and Marion P. Carson to Bring Action Against the State of Maine. (H. P. 226) (L. D. 296)

Resolve, Designating the Veterans Memorial Bridge at Belfast. (H. P. 277) (L. D. 371)

### Emergency

Bill, "An Act Clarifying the Corporate Powers of the Franciscan Fathers of Maine." (H. P. 342) (L. D. 499)

Which bill, being an emergency measure, and having received the affirmative vote of 32 members of the Senate, was passed to be enacted.

### Emergency

Bill, "An Act Relating to Superintending School Committee of Town of Winslow." (H. P. 480) (L. D. 683)

Which bill, being an emergency measure, and having received the affirmative vote of 31 members of the Senate, and 1 opposed was passed to be enacted.

### Emergency

Bill, "An Act to Incorporate the Port Clyde Water District." (H. P. 493) (L. D. 696)

Which bill, being an emergency measure, and having received the affirmative vote of 32 members of the Senate, was passed to be enacted.

### Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 30) (L. D. 54) House Report — Ought to Pass As Amended by Committee Amendment A (H-22) from the Committee on Health and Institutional Services on bill, "An Act Increasing Fees and Clarifying Barber Licensing Law." tabled on February 21 by Senator Porteous of Cumberland pending acceptance of the report.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: The purpose of the bill itself as I have understood it from the Chairman of the State Barbers Board and from people who are interested in it is to further organize the control of barber shops by the barbers themselves throughout the state.

At the present time they have an inspector who has been with them about three or four months. He has the responsibility for the inspection of approximately 800 barber shops and approximately 1500 licensed barbers, although not all of those may be engaged in barbering at any one time.

The rest of the L. D. provides for increases in fees for new barber shops opening from \$25 to \$50, and also provides for an increase in the fee for a barber shop that is in existence to seven dollars from five dollars. This will produce some new revenue.



The feeling of this group is that they need an additional man. I am prompted to introduce this amendment to keep the fee at five dollars for each individual barber by our own barbers at home. They feel, as I did when I first tabled the bill, that this had been increased by the 100th Legislature from three dollars to five dollars after the barbers and the hairdressers split up into two distinct organizations, and that an increase now with about a year of experience actually, from five to ten, doubling it now is a precipitate increase; it does not allow for a period of time and consideration to find out if one inspector, who, as I said before, has only been on the job three or four months, can do the job that he is supposed to do.

With an interest in it, as we all get hair-cuts, my interest went to the extent of asking what this inspector does, and it seems that one of the principal time-consuming things is to look at the certificate that all of you men who get hair-cuts in a barber shop see up on the mirror in front of you, or on the compartment, showing the man's picture and it has his name and his license number on it, and the inspector is required to check this number and then check it with the records.

My suggestion to the Chairman of the Barbers' Board would be a registration describing the barber as being six foot one, black hair, blue eyes — much the same as on a driver's license, and he would merely have to take a quick look at the man behind the chair, compare him with the picture and the registration, and it would save the inspector part of the time-consuming duties he is presently undertaking, as required by law. He said this would be feasible, he thought it was a good suggestion, and that the only hitch would be the cost of printing. But when you only have 1500 barbers, I do not think the cost of printing would be prohibitive. Therefore, to give the average run-of-the-mine barber throughout the state a break and not to double the fee he is charged to ply his trade — it is not a highly-paid trade, I think you will agree, but a very necessary one — I would like to see this

amendment to this bill passed, with the distinct feeling that if they run into very troublesome times in the next twenty-four months that the 102nd Legislature in its wisdom might raise it. But it is my sincere belief that they should be given the chance to see if they can operate with this one man, given some more experience, knowing which shops he has to watch out for and which shops he can take just a quick look at.

Mr. President, I move the adoption of this amendment.

Mr. HINDS of Cumberland: Mr. President and ladies and gentlemen of the Senate: I hate to rise in opposition to my very good friend and colleague, Senator Porteous of Cumberland, but, as Chairman of the Health and Institutional Services Committee, I must say that this bill had its public hearing and approximately fifty barbers attended the hearing and there was no opposition to this bill whatsoever. The State Barber Commission appeared in favor of this bill, the State Association of Barbers and their president and secretary appeared and spoke in behalf of this bill. The total sum and substance of it is that they feel that they should be a self-supporting board and not have to ask the legislature for funds to operate, which they feel they will have to do if they do not get these fees increased. I have had no one approach me in opposition to the bill whatsoever. I realize that perhaps one or two people around the state might be in opposition to it, but I think that any fee that gets increased has a little opposition. However, there was no opposition at this hearing and there was quite a group of people from all over the State of Maine, and where I do feel that they need these funds to carry on their inspections, I would move the indefinite postponement of this amendment.

The PRESIDENT: The Chair would advise the Senate that the question before the Senate is on the acceptance of the report of the committee as amended by Committee Amendment "A". The Chair would inquire of the Senator from Cumberland, Senator Porteous, as to whether or not he proposes to

introduce a Senate amendment at the proper time, and, if so, the filing number of the same.

Mr. PORTEOUS: Mr. President, that is precisely correct. The filing number is F-27. Now I would move the pending question.

The committee report was accepted and the bill was given its first reading.

Committee Amendment "A" was read and adopted.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: One more word about this, since the matter of the hearing was brought up by my colleague, Senator Hinds. It was noted that many of these people at the hearing were students, and that the barbers who asked me to try to put off this increase in fees said that they had not had sufficient warning at that time. The first thing they knew about it was at the hearing. They were generally in favor of the entire bill, but this particular increase in fees, as you can see from the L. D., was tucked in at the very end — not that it was done surreptitiously or anything like that, but it was an inconspicuous addition to the bill.

I move adoption of Senate Amendment "A".

Senate Amendment "A" was read by the Secretary.

Mr. HINDS of Cumberland: Mr. President, I won't repeat what I said before, but I would mention that the Barbers Association contacted me at the start of the session and asked me to schedule this so they could notify everyone in the state of this in writing, and it is my understanding that everyone was notified of this, so I would now move indefinite postponement of this amendment.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Hinds, that the Senate indefinitely postpone Senate Amendment A.

Mr. PORTEOUS of Cumberland: Mr. President, I request a division.

A division of the Senate was had.

Twenty having voted in the affirmative and thirteen opposed, Senate Amendment A was indefinitely postponed and the bill was tomorrow assigned for second reading.

The PRESIDENT: The Chair is happy to recognize in the Senate Gallery, members of the 8th grade class of Kingfield Elementary School, accompanied by their teacher Mr. Byron Bean. They are guests of Representative Harold Hutchins and I know they are likewise welcomed by Senator Noyes of Franklin. It is a pleasure to have you young people with us today. (Applause)

The President laid before the Senate the 2nd tabled and today assigned item (6-16) bill, "An Act Relating to Classifying Part of Medomak River and Certain Waters in and Bordering Waldoboro (H. P. 390) (L. D. 589) tabled earlier in today's session pending acceptance of the Ought to Pass as Amended report from the Committee on Natural Resources; and on further motion by that Senator, the report was accepted, the bill read once, Committee Amendment A read and adopted, and the bill as amended tomorrow assigned for second reading.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 8th tabled item (S. P. 158) (L. D. 434) Senate Report — Ought Not to Pass — from the Committee on Sea and Shore Fisheries on bill, "An Act to Prohibit the Plugging of Lobster Claws", tabled on February 7 by Senator Wyman of Washington pending acceptance of the report, and on further motion by the same Senator, the Ought Not to Pass report was accepted.

Sent down for concurrence.

On motion by Mr. Lovell of York, the Senate voted to take from the table the 5th tabled item (H. P. 298) (L. D. 392) House Reports from the Committee on Liquor Control on bill "An Act Decreasing Minimum Food Sale in Class A Restaurants Under Liquor Law": Majority Report, Ought not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment A (H-10); tabled on February 6 by Senator Lovell of York pending acceptance of either report.

Mr. LOVELL of York: Mr. President, before making a motion, I

would like to speak briefly on this bill.

The PRESIDENT: The Senator may proceed.

Mr. LOVELL: Mr. President and members of the Senate: This is by no means a new law; this is a law that has been in effect for some time, and if you will turn Filing No. S-16, Senate Amendment "A", I would like to briefly explain the reason for this amendment.

At the present time, Class "A" restaurants, so-called, to have a beverage license need to do a business of fifty thousand dollars a year. Now it has been brought to my attention that many restaurants in the state that are doing a forty or forty-five thousand dollar business a year are unable to get this beverage license, while another Class "A" restaurant in another location in the same city got their license. Consequently what happened: The restaurant doing a fifty thousand dollar a year business increased their business with the license to sixty thousand or even more, and the restaurant doing a forty-five thousand dollar business, being unable to get a license, their business dropped, so it seems rather unfair that the regulation should state "fifty thousand."

Now in regard to seasonal restaurants, the law states "thirty thousand" for a seasonal restaurant which might be open a couple of months in the summer time, and thirty thousand in many cases in a smaller summer resort — the restaurant did not do that business — they might have been the only restaurant in that particular area, but they were still unable to get a license; and also in the larger summer resort the restaurant doing a thirty-thousand dollar business got their license.

Now the Liquor Commission has the right to refuse to grant any restaurant a license when they deem it is not qualified or does not meet the requirements of the statute. Also, in the over-all picture, a restaurant in a summer resort might be called a restaurant but be more or less of a hot dog stand, and might do that much business if it was a very large stand. Here again, the Commission could

refuse that license. Consequently this amendment to the bill is simply to make it a little bit more fair and it is not any new law, because we already have the Class "A" restaurants in the State of Maine. And if you will note further in the bill: The Liquor Commission also, if any license is abused, they can revoke the license and take it away from the restaurant, regardless of the business they are doing, and I think the enforcement on Class "A" restaurants is very good..

Furthermore, the suspension under Section 2, as it stands at the present time a new Class "A" restaurant which is opening must wait 90 days before they can get approval for a license to serve beverages. It has been brought to my attention, for example, that a million dollar Class "A" restaurant will be built on the Westbrook-Portland exit of the Turnpike, and it is a great hardship for a restaurant of this type to wait 90 days, and it hurts their business a good deal. There was a restaurant just recently opened in Scarborough and they had to wait 90 days, and yet they would qualify under the Commission as doing sufficient business, but still they had to wait 90 days, which hurt their business a good deal. Consequently, as a liquor enforcement officer stated, if in the opinion of the Commission that restaurant would do that sufficient business then they be granted that license at the end of 90 days. They could tell by the investment in equipment, location, etc.

Consequently, to make it fairer and similar with other states, this 90 days is stricken off of this bill, so that if in the opinion of the Liquor Commission their investment is sufficient then they will be able to get their license at once.

So I would like to move at this time the acceptance of the minority report "Ought to pass" on L. D. 392.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: When Class "A" restaurants were first permitted to have a liquor license the requirement was that they should do a business of \$100,000 annually. That was later cut to \$50,000.

In inquiring about the amount of business done in various restaurants around this area, I found that a little hole-in-the-wall does a \$50,000 business. It is a place where there are a few booths, perhaps five or six booths and a counter and I found on good authority that that little place does a \$50,000 business. Another little place of about the same size does a \$50,000 business. I feel that we should confine this to the large restaurants and not go into these little holes-in-the-wall. So I move the indefinite postponement of this bill and all accompanying papers.

Mr. LOVELL of York: Mr. President, I can understand the point of view of the good Senator from Aroostook, but I am not sure of the restaurant she means — I think it might be one near the Augusta House, which does a good deal of business during the session. If this restaurant is not qualified, or doesn't meet the requirements, then the Liquor Commission will not grant them a license. I have great confidence in the enforcement officer who has been on since about 1934 and the ability of the Liquor Commission in granting licenses. In this particular instance, maybe Senator Christie is right but on the other hand, there are restaurants throughout the skiing area, throughout our summer resorts, throughout the State of Maine, who have been injured by not being able to get a license. There are restaurants in the small communities that maybe do not do that much business and have been denied the opportunity of getting a license. This is not going to cause any great change in the law or any relaxation in the rules of the Liquor Commission. It simply gives a fair break to other restaurants that are not doing that sufficient business, and it will mean — the restaurant fee is something like \$750 a year plus the money taken in on the sales tax on the individual beverage, and the extra people that would be brought in there on food — as you all know last year our liquor receipts were 10.7 million and this could well move it up to about 11 million a year. I think it certainly would be worth while, and

I ask for a division on the motion for indefinite postponement.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate: I should like to speak in support of the motion of Senator Christie. I do so not on moral grounds, as someone might expect me to do, but I do so on the basis of what I like to think of as State responsibility. The State of Maine is in the liquor business, therefore it seems to me that the State should be very careful in keeping control of this business.

We have before this legislature a large number of bills seeking to break down these controls, one of which is the bill now under consideration. I hope that we may take seriously our responsibility as legislators to keep reasonable controls on our liquor business. I hope that the motion of Senator Christie may prevail.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: In support of Senate Amendment "A" particularly, where it is crossed out and amended "that the applicant for a new restaurant establishment, the restaurant has to be in operation for a minimum of 90 days, or three months, prior to making application," I would like to say this: that we are bending quite a bit of our efforts here in the State of Maine to attract new and better recreational operations, such as motels and hotels, and better restaurants, and the better ones we have, the better kind of tourists and vacationers we are going to attract, and it follows they will spend more money and we will have more to run our state with. So I think this particular provision of this bill is a very good one. I would also say that the amendment to forty thousand at this time would be reasonable.

This comparison by the Senator from York, Senator Lovell, of a restaurant doing just slightly less than the required amount and two or three doors down the street is one that does just a little bit more—the one doing just a little bit more with the liquor license could put the other fellow out of business, whereas if they were both to be allowed the same privilege and this arbitrary line not be drawn at this

particular level, both restaurants would be able to go on serving the public in an equal manner.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Christie, that the bill and all accompanying papers be indefinitely postponed. A division has been requested.

A division of the Senate was had. Twenty-five having voted in the affirmative and eight opposed, the motion prevailed and the bill and accompanying papers were indefinitely postponed.

Sent down for concurrence.

Mr. COUTURE OF Androscoggin: Mr. President, I ask unanimous consent to remove from the table Item 7-15 on page 6, which I tabled earlier in today's session and had especially assigned for tomorrow.

The PRESIDENT: The Chair regrets that it must rule that once a bill has been especially assigned to a later date, it cannot on that same day be removed from the table.

Mr. COUTURE: Mr. President, I move that the Senate reconsider its action taken earlier this morning whereby it laid upon the table Item 7-15 on page 6, bill, "An Act Relating to Investment of Municipal Funds" (S. P. 308) (L. D. 974)

The motion to reconsider prevailed and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Kimball of Hancock, the Senate voted to take from the table the 26th tabled item (H. P. 208) (L. D. 277) House Report — Ought to Pass — from the

Committee on Inland Fisheries and Game on bill, "An Act Designating Mount Desert Island as Game Management Areas"; tabled on February 20 by Senator Kimball of Hancock pending acceptance of the report.

Thereupon, the ought to pass report was accepted and the bill read once.

Mr. KIMBALL of Hancock: Mr. President, I would like at this time to offer an amendment and I wish to speak briefly. This particular bill, L. D. 277, designating Mount Desert Island as a game management area is one of the bills that has come so many times before this legislature that I am sure almost everybody knows it by heart. I personally have fought against it for many years here in Augusta. I have various volumes of paper, mail and editorials none of which am I going to bring up at this time. I will simply state that the amendment as planned is trying to put the matter before the people where it should be, right on Mount Desert Island. It is asking the voters of the four towns of that island to decide for themselves whether or not they want it open to deer hunting. I believe that is the location that should vote on it, rather than this legislature. I present Senate Amendment B (S-25) and move its adoption.

Senate Amendment B was read and adopted, and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at ten o'clock.