

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

SENATE

Wednesday, April 26, 1961

Senate called to order by the President.

Prayer by Rev. Fr. Frederick E. Dougherty of Augusta.

On motion by Mr. Bates of Penobscot,

Journal of yesterday was read and approved.

The PRESIDENT: The Chair notes that we have in the Senate Chamber, the 1961 Maine Maple Queen, Patricia Probert and I would like to ask the Senator from Franklin, Senator Noyes to escort Miss Probert to the rostrum.

Miss Patricia Probert, Maine Maple Queen was escorted to the rostrum amid the applause of the Senate, the members rising.

The PRESIDENT: Miss Probert was crowned Queen on April 8, at Strong, Maine, during the third annual sugaring off party and Maine Maple Festival. Miss Probert is a senior at Strong High School where she is Class Valedictorian. She is the D.A.R. good citizen candidate and was queen of the Strong High School Winter Carnival. An outstanding athlete, Miss Probert was the leading scorer of Strong's North Franklin Conference Girls' Basketball team and is an experienced horsewoman. 18 Year Old Queen Pat is the daughter of Mr. and Mrs. Albert Probert of Strong. It certainly is a pleasure to have you with us this morning, Miss Probert and if you would step over here to the microphone, I am sure the Senators would like to hear a word from you.

PATRICIA PROBERT, Maine Maple Queen: Mr. President, ladies and gentlemen of the Senate, this visit is probably the most exciting way in which any girl could start her year long reign as Queen. My sincere thanks to you all for the opportunity of being here and speaking to you. Now to work.

I have been told by the Department of Agriculture that their industry queens should have facts as well as figures. So here are a few about the Maine Maple Industry that I hope will be of interest to you.

Nearly 150 Maine maple syrup producers make some 17,000 gallons each year. This returns over \$100,000. In Somerset County in sugar berths leased by Maine Paper Companies, Canadian sugar making cooperatives harvest an additional 100,000 gallons worth nearly one half million dollars. Most of this goes to Vermont and represents one-tenth of that State's annual production. Maine's maple syrup potential for production has hardly been tapped. We have over 53 million tapable sugar maple trees and only one-fourth of one percent are now in production. Finally may I insert just a small plug for my sponsor, the Maine Maple Producers Association who present you with this small sample of your fine Maine Product.

The PRESIDENT: Thank you very much Miss Probert. It is certainly a pleasure and an honor to have you with us. I am sure most of us did not realize that the Maple Sugar industry was such a large industry. It is an important part of the economy of our state. It was a pleasure to have you with us and I hope that you will come back again.

The Chair wants to take this opportunity to introduce to the Senate the lovely mother of Miss Probert. She is sitting in the back of the Senate Chambers. (Applause)

The PRESIDENT: We have as visitors in the Chambers this morning six students from Maria Grammar School in Hallowell, accompanied by their teacher, Mr. Larry Arber. Will this group please stand so that the Senate may recognize them

It is certainly a pleasure to have you with us. We hope that your stay is educational and enjoyable. We hope that you visit the House of Representatives, the museum downstairs and other places of interest in the State House. At this time the Chair would like to introduce your Senators from Kennebec County. Senator Farris and Senator Marden. Senator Gilbert is absent. If there are any questions you would like to ask the Senators, I am sure they will be pleased to answer them if they can. It is a

pleasure to have you with us. (Applause)

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**Papers from the House  
Bills Requiring Reference**

Bill, "An Act Relating to Taking of Alewives in Waters Leading to Winnegance Lake." (H. P. 1129) (L. D. 1556)

Bill, "An Act Regulating the Taking of Alewives in East Machias." (H. P. 1130) (L. D. 1557)

Comes from the House approved by a majority of the Committee on Reference of Bills, and referred to the Committee on Sea and Shore Fisheries.

In Senate, referred to the Committee on Sea and Shore Fisheries in concurrence.

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**Non-Concurrent Matter**

Resolve, Authorizing Study of Road from Allagash Plantation to the Canadian Border. (H. P. 746) (L. D. 1032)

In House, April 12, passed to be engrossed.

In Senate, April 21, indefinitely postponed in non-concurrence.

Comes from the House, that body having insisted on its former action whereby the Bill was passed to be engrossed, and asked for a Committee of Conference.

In the Senate, on motion by Mr. Cole of Waldo, the Senate voted to insist on its former action and join with the House in a Committee of Conference. The President appointed as Senate Members of such Committee: Senators: Cole of Waldo, Ferguson of Oxford and Brown of Hancock.

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**Order**

On motion by Mr. Wyman of Washington,

ORDERED, the House concurring that the Committee on Towns and Counties be and hereby is authorized to report in consolidated form such bills relating to the salaries of county officers and municipal court officers as are in the possession of the committee.

Which was read and passed.

Sent down for concurrence.

**House Committee Reports  
Leave to Withdraw**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Automobile Travel by State Employees." (H. P. 540) (L. D. 784) reported that the same should be granted Leave to Withdraw.

The Committee on Towns and Counties on Bill, "An Act Exempting Town of Alfred from Apportionment of County Tax." (H. P. 364) (L. D. 516) reported that the same should be granted Leave to Withdraw.

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**Ought Not to Pass**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Re-establishing Western Maine Sanatorium in Hebron." (H. P. 87) (L. D. 127) reported that the same Ought not to pass.

The same Committee on Resolve, Establishing Control Program for Abatement of Mosquitoes in Cranberry Isles. (H. P. 378) (L. D. 553) reported that the same Ought not to pass.

The same Committee on Resolve, Appropriating Funds to Purchase Land Adjacent to Maine State Prison. (H. P. 651) (L. D. 929) reported that the same Ought not to pass.

The same Committee on Resolve, Providing for Purchase of "Breath-Test-Meters." (H. P. 728) (L. D. 1016) reported that the same Ought not to pass.

The Committee on Towns and Counties on Bill, "An Act Relating to Certain Per Diem Fees of Deputy Sheriffs." (H. P. 166) (L. D. 229) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Special Deputies for Kennebec and Penobscot Counties." (H. P. 167) (L. D. 230) reported that the same Ought not to pass.

(Report accepted and subsequently acceptance reconsidered on motion by Mr. Porteous of Cumberland; on further motion by the same Senator, the bill was tabled pending acceptance of the report and especially assigned for Wednesday next.)

The same Committee on Bill, "An Act Relating to Fees of Depu-

ty Sheriffs for Court Attendance.” (H. P. 275) (L. D. 389) reported that the same Ought not to pass.

The PRESIDENT: The Chair recognizes in the Senate Chambers the lovely wife of our Assistant Sergeant-at-Arms, and the Chair would like to introduce to the Senate, Mrs. Leland King. Will Mrs. King please rise so that the Senate can honor her (Applause)

The same Committee on Bill, “An Act Permitting Counties to Expend Money for Advisory Organizations.” (H. P. 354) (L. D. 506) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

#### Ought to Pass

The Committee on Judiciary on Bill, “An Act Relating to Actions for Injuries Causing Death.” (H. P. 316) (L. D. 468) reported that the same Ought to pass.

Which report was read and accepted and the bill read once.

On motion by Mr. Carpenter of Somerset, tabled pending assignment for second reading and especially assigned for Tuesday next.

The same Committee on Bill, “An Act Relating to Rulings on Admissibility of Evidence by Public Utility Hearing Examiners.” (H. P. 755) (L. D. 1041) reported that the same Ought to pass.

The same Committee on Bill, “An Act Relating to Rulings on Admissibility of Evidence by Public Utility Hearing Examiners.” (H. P. 755) (L. D. 1041) reported that the same Ought to pass.

The same Committee on Bill, “An Act Relating to Disclosure of Vital Records.” (H. P. 988) (L. D. 1375) reported that the same Ought to pass.

The Committee on Natural Resources on Bill, “An Act Classifying Certain Tidal Waters in Sagadahoc County.” (H. P. 832) (L. D. 1147) reported that the same Ought to pass.

The same Committee on Bill, “An Act Classifying Certain Waters in Salmon Falls-Piscataquis River Watershed.” (H. P. 1013) (L. D.

1414) reported that the same Ought to pass.

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

The Committee on Judiciary on Bill, “An Act Relating to Liability of Landowners Towards Hunters, Fishermen, Trappers, Campers, Hikers or Sightseers.” (H. P. 934) (L. D. 1282) reported that the same Ought to pass.

Comes from the House, passed to be engrossed, as amended by House Amendment “A” (Filing H-214)

In Senate, report accepted in concurrence, and the Bill read once. House Amendment “A” read and adopted in concurrence and the Bill, as amended, tomorrow assigned for second reading.

#### Ought to Pass — New Draft

The Committee on Judiciary on Bill, “An Act Repealing Law Providing for Additional Court Review in Public Utility Cases.” (H. P. 752) (L. D. 1038) reported that the same Ought to pass in New Draft, under new title: An Act Amending Law Providing for Additional Court Review in Public Utility Cases.” (H. P. 752) (L. D. 1038)

Which report was accepted in concurrence, and the Bill in New Draft read once and tomorrow assigned for second reading.

The Committee on Taxation on Bill, “An Act Prohibiting Illegal Collection of Sales Tax.” (H. P. 1036) (L. D. 1437) reported that the same Ought to pass in New Draft, under same title, (H. P. 1126) (L. D. 1553)

Which report was accepted in concurrence, and the Bill in New Draft read once and tomorrow assigned for second reading.

The Committee on Natural Resources on Bill, “An Act Revising Laws Relating to Pollution Control.” (H. P. 940) (L. D. 1288) reported that the same Ought to pass in New Draft, Same Title, (H. P. 1125) (L. D. 1552)

In the House, report read and accepted, and subsequently the Bill recommitted to the Committee on Natural Resources.

In the Senate, recommitted in concurrence.

**MAJORITY — Ought to Pass in New Draft — Same Title**  
**MINORITY — Ought Not to Pass**

The Majority of the Committee on Labor on Bill, "An Act Revising Minimum Wage Law." (H. P. 820) (L. D. 1135) reported that the same Ought to pass in New Draft, under the same title, (H. P. 1115) (L. D. 1537)

(Signed)

Senators:

MAYO of Sagadahoc  
EDMUNDS of Aroostook

Representatives:

WINCHENPAW  
                            of Winthrop  
HANCOCK of Nobleboro  
HARDY of Hope

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

(Signed)

Senator:

COUTURE of Androscoggin

Representative:

BROWN of South Portland  
JOBIN of Rumford  
BOISSONNEAU  
                            of Westbrook

In House, Majority Report Ought to Pass in New Draft read and accepted, and the Bill passed to be engrossed as amended by House Amendment "A" (Filing H-207) and by House Amendment "A" thereto (Filing H-215).

In the Senate:

Mr. MAYO of Sagadahoc: Mr. President, I move that the Senate accept the Ought to pass report in concurrence.

Mr. BOISVERT of Androscoggin: Mr. President and members of the Senate, due to the absence of the Senator that signed the Minority report, I would like to move that this lie on the table and be assigned for later in the day.

The motion prevailed and the bill was tabled pending motion of Senator Mayo of Sagadahoc to accept the Majority Ought to Pass Report; and was especially assigned for later in today's session.

**Second Readers**

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

**House**

Resolve Regulating Fishing in Certain Waters of Aroostook County. (H. P. 487) (L. D. 687)

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

**As Amended**

Resolve, in Favor of Irving L. Leach of Bluehill. (H. P. 657) (L. D. 935) as amended by Committee Amend. "A" (Filing H-75)

Bill, "An Act Creating the Town of Kittery Port Authority." (H. P. 682) (L. D. 960) as amended by Committee Amend. "A" (Filing H-201)

Bill, "An Act Relating to Definition of Public School Under Maine State Retirement System." (H. P. 1117) (L. D. 1539) as amended by House Amend. "A" (Filing H-185)

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

**Senate**

Resolve, Providing Funds for Urban Planning. (S. P. 101) (L. D. 246)

Resolve, Providing that the Legislative Research Committee Study the Clerical and Data Processing Activities of the State Government. (S. P. 222) (L. D. 627)

Bill, "An Act Relating to Statements of Ministers, Priests and Rabbis as Privileged Communications." (S. P. 346) (L. D. 1079)

(On motion by Mr. Marden of Kennebec, tabled pending passage to be engrossed and especially assigned for later today.)

Bill, "An Act Including Piers and Terminals in Maine Industrial Building Authority Act. (S. P. 418) (L. D. 1357)

On motion by Mr. Edgar of Hancock, Senate Amendment A read and adopted.

On motion by Mr. Mayo of Sagadahoc, tabled pending passage to be engrossed; and especially assigned for later today.

Bill, "An Act Relating to Immunity from Prosecution for Giving

Testimony." (S. P. 425) (L. D. 1389)

Which were read a second time and passed to be engrossed.  
Sent down for concurrence.

**As Amended**

Bill, "An Act Authorizing Washington County to Construct an Addition to County Court House." (S. P. 209) (L. D. 542) as amended by Committee Amend. "A" (Filing S-129)

Bill, "An Act Providing for a Review of Laws of Department of Mental Health and Corrections." (S. P. 220) (L. D. 625) as amended by Committee Amend. "A" (Filing S-126)

Bill, "An Act Relating to the Regulation of the Practice of Professional Engineering." (S. P. 293) (L. D. 904) as amended by Committee Amend. "A" (Filing S-130)

Bill, "An Act Relating to Use of Motor Vehicles Without Authority in any place." (S. P. 465) (L. D. 1464) as amended by Committee Amend. "A" (Filing S-131)

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 Bill and Resolve:**

Bill, "An Act Relating to Initial, Digital and Antique Motor Vehicle Registration Plates." (H. P. 1096) (L. D. 1509)

(On motion by Mr. Marden of Kennebec, tabled pending enactment and especially assigned for Friday next.)

**Emergency**

Resolve, in Favor of Stanley Megquier of Orient. (H. P. 1085) (L. D. 1495)

Which Resolve, being an emergency measure and having received the affirmative vote of 29 members of the Senate, and one opposed was finally passed.

**Orders of the Day**

Mr. WYMAN of Washington: Mr. President, may I inquire if L. D. 1421, bill, "An Act Relating to

Appointment of Director of Indian Affairs," H. P. 1020, L. D. 1421, is in the possession of the Senate?

The PRESIDENT: The Chair will state that it is, having been held at the request of the Senator from Washington, Senator Wyman.

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its action whereby the bill was passed to be engrossed, and on further motion by the same Senator, the bill was tabled pending passage to be engrossed and was especially assigned for May 5.

Mr. BROWN of Hancock: Mr. President, may I inquire if the Senate is in possession of S. P. 415, L. D. 1346; Bill, "An Act Relating to Form of Standard Fire Insurance Policy?"

The PRESIDENT: The Chair will state that it has, the bill having been held at the request of the Senator from Hancock, Senator Brown.

On motion by Mr. Brown of Hancock, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be enacted: and to further reconsider its action whereby the bill was passed to be engrossed; and on further motion by the same Senator, Senate Amendment A was indefinitely postponed and Senate Amendment B was presented.

On further motion by the same Senator, the bill was tabled pending adoption of Senate Amendment B, and was especially assigned for tomorrow.

The President laid before the Senate the 1st tabled and today assigned item (H. P. 811) (L. D. 1126) House Report, Ought Not to Pass, from the Committee on Judiciary on Bill, "An Act to Revise the Civil Defense and Public Safety Council Law", tabled on April 18 by Senator Chase of Lincoln pending acceptance of the report; and on further motion by the same Senator, the bill was recommitted to the Committee on Judiciary.

Sent down for concurrence.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 563) (L. D.

760) House Report from the Committee on Transportation on Bill, "An Act Relating to Mandatory Fines on Axle Weights of Commercial Vehicles"; Report A, Ought to Pass; Report B, Ought Not to Pass; tabled on April 19 by Senator Noyes of Franklin pending acceptance of either report; and on further motion by the same Senator, Report A, Ought to Pass, was accepted in concurrence and the bill read once; the same Senator presented Senate Amendment A, and moved its adoption.

Mr. NOYES of Franklin: Mr. President, I would like to explain briefly if I may, this amendment which I have presented. It would allow discretion whereby the judge could suspend in case of axle weight, not in case of the gross weight. As you know today, many of the pulpwood trucks are loaded mechanically and they are loaded in the woods, but as they come out of the woods, sometimes there is a shifting of the load and even though the individual has made every attempt to keep his weight under the gross weight, because of the shifting and because of the weighing by axle weight, sometimes there is a violation. Now this would allow the judge in his discretion to make an exception only because of the axle weight proposition.

Thereupon, Senate Amendment A was adopted.

On motion by Mr. Stilphen of Knox, the bill was laid upon the table pending assignment for second reading, and was especially assigned for Wednesday next.

The PRESIDENT: The Chair recognizes in the Senate Chambers 59 students from the 6th, 7th, and 8th grades of St. Mary's Grammar School of Lewiston, accompanied by Mother Superior Delores, Sister St. Claire and Sister Jean de la Croix and Mrs. Raymond Ouellette. In this group is the daughter of one of our Senators, Miss Patricia Couture, daughter of Senator Paul Couture of Androscoggin. It certainly is a pleasure to have this young group with us. We hope your stay is enjoyable, educational and we hope that some day you will be taking your places

in the Senate Chambers representing the County in which you live.

It is a pleasure to introduce to you the Senators from Androscoggin County, Senator Boisvert, Senator Couture and Senator Jacques. They certainly will do anything they can to make your stay enjoyable. (Applause.)

The President laid before the Senate, the 3rd tabled and today assigned item (S. P. 438) (L. D. 1350) Senate Report, Ought Not to Pass, from the Committee on Judiciary on Bill, "An Act to Further Regulate the Sale of Malt Liquor Between Manufacturers and Wholesalers"; tabled on April 19 by Senator Stanley of Penobscot pending acceptance of the report.

Mr. STANLEY of Penobscot: Mr. President, I have a great deal of respect for the advice and counsel of the Judiciary Committee. I would ask the Senate indulgence to substitute the bill for the report in order that I might present an amendment. The amendment has not been reproduced but I would now move that we substitute the bill for the report.

Mr. EDMUNDS of Aroostook: Mr. President, although I am not really familiar with this bill, it did come out of the Judiciary Committee with a unanimous ought not to pass report, and I move that this bill and all accompanying papers be indefinitely postponed.

Mr. STANLEY: Mr. President, what the gentleman has said is true. It was a unanimous ought not to pass report but I think we give the courtesy to most of us of presenting an amendment which might make it more palatable to the Senate. That is my only thought on this. I would hope that the gentleman's motion to indefinitely postpone does not prevail.

Mr. PORTEOUS of Cumberland: Mr. President, would it be in order, through the Chair, to ask Senator Stanley the nature of his amendment?

The PRESIDENT: The Senator from Cumberland, Senator Porteous, poses a question to the Senator from Penobscot, Senator Stanley, and that Senator may answer if he wishes.



Mr. STANLEY: Mr. President, the nature of the bill is to strike out the title and insert in place thereof "An Act Clarifying Power of Liquor Commission Relative to Sale of Malt Liquor". This has not been reproduced. It goes on "Further amend said bill by striking out everything after the enacting clause and inserting in place thereof the following: 'Sec. 1, R.S., c. 61 Sec. 8, sub-Sec. IXA to read as follows:

'IXA. Malt Liquor. To establish by rules and regulations an effective control of the business of manufacture, sale, dispensation, distribution and importation of malt liquor within and into the State, including the time, place and manner in which malt liquor shall be sold and dispensed.'

Sec. 2, R.S., c. 61 Sec. 18-A, additional. Chapter 61 of the Revised Statutes is amended by adding a new section to be numbered 18-A, to read as follows:

'Sec. 18-A. Termination of a franchise between a holder of certificate of approval and wholesaler. If a rule and regulation should be made by the commission relative to termination of a franchise between a holder of certificate of approval and a distributor of malt liquor at wholesale, it shall provide that:

I. Termination time. Said termination franchise notice as set by the commission shall be 90 days or less.

II. Notification. Either party shall notify the commission in writing prior to any change to be made by them as to change of distributor or territory to be served.

III. Hearing. Either party may request a hearing before the commission, and for cause of malfeasance or nonfeasance the commission may cancel the waiting period. By notifying the commission in writing both parties may waive their rights and the commission may immediately approve this change in territory or distributorship."

Mr. ERWIN of York: Mr. President, to explain in part the Judiciary Committee's stand, I would merely like to state that this amendment which is offered is not

the bill which was unanimously voted ought not to pass by the Committee.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate, my brother Senator Erwin is correct. It is not the same bill.

In my judgment, it is worse than the bill. I was one of those who signed the unanimous ought not to pass report. In my judgment this bill is legally indigestible and I challenge anyone interested in this classic battle between the brewers and the wholesalers to tell us what the public interest is. I therefore support the motion of Senator Edmund of Aroostook.

Mr. FARRIS of Kennebec: Mr. President, this does have a very vital effect apparently upon the distributors. Legally in my opinion, it is not indigestible. The law court has held consistently that in this area of government, economics, the Liquor Commission does have authority to make rules and regulations on anything pertaining to that issue, and I am not convinced that the amendment which the Senator from Penobscot, Senator Stanley will be introduced is an amendment which would be accepted in its present form but I certainly do feel that it is worthy of consideration and that amendment might even be reduced to a lower period of days as set forth and I would oppose the motion to indefinitely postpone and I request a division.

Mr. JACQUES of Androscoggin: Mr. President, a little while ago I presented a bill to the Claims Committee to get a claim for a company that went — I wouldn't say bankrupt, but he was trying to clean up his debts and he had used the license for about 12 to 15 days. One of the reasons that this company went "kaput" was that he never had a chance. They came in and said, "This is it. We are taking this line off your hands." I would support Senator Stanley's amendment.

Mr. MAYO of Sagadahoc: Mr. President, just briefly in support of the motion of Senator Edmunds, I would like to point out that this bill will put into the hands of the Liquor Commission certain authority that I don't feel the Commission was set up to handle original-

ly. I might add that the present Liquor Commission did not solicit or want this legislation and we should not allow further commissions to put themselves in the position where it would be possible for segments of the industry to be pressing them for Commission approval of contracts and territories. I would further say that we should not put the state in the business of regulating contracts to parties and leave further commissions vulnerable to industry pressures.

I really feel that this is a battle between the brewers and the wholesalers and I think it is a situation they have got to straighten out among themselves in their own contracts. I firmly believe that the state, by passing this type of legislation is entering a field it should not tamper with and I certainly hope that the motion of the Senator from Aroostook, Senator Erwin, does prevail.

Mr. BOARDMAN of Washington: Mr. President and members of the Senate, referring to the motion of Senator Stanley to substitute the bill for the report, I would like to go on record as supporting that motion. I believe under the circumstances as a member of the Judiciary Committee, I believe that the amendment is so much different from the bill itself that he should be allowed to substitute the bill for the report, propose the amendment and then we can take a vote on it and see what we wish to do.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Edmunds, to indefinitely postpone, and a division has been requested.

A division of the Senate was had.

Nine having voted in the affirmative and twenty-one opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Stanley of Penobscot, the bill was substituted for the report and given its first reading. Mr. Stanley presented Senate Amendment A; and on further motion by the same Senator, the bill was retabled and especially assigned for Friday next.

The President laid before the Senate the 5th tabled and today

assigned item (H. P. 652) (L. D. 930) House Reports from the Committee on Business Legislation on Bill, "An Act Relating to Form Standard Fire Insurance Policy"; Majority Report, Ought to Pass; Minority Report, Ought not to Pass; tabled on April 19 by Senator Brown of Hancock pending acceptance of either report; and on further motion by the same Senator, the bill was retabled and especially assigned for Tuesday next.

The President laid before the Senate, the 6th tabled and today assigned item (S. P. 382) (L. D. 1192) Bill, "An Act Defining Mother, Father and Parent under Maine State Retirement", tabled on April 19 by Senator Ferguson of Oxford pending enactment; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its action whereby the bill was passed to be engrossed; and the same Senator presented Senate Amendment A and moved its adoption.

Senate Amendment A was read and adopted and the bill was passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate the 7th tabled and today assigned item (H. P. 501) (L. D. 700) House report, Ought Not to pass from the Committee on Judiciary on Bill, "An Act Creating a Lien on Real Property of Beneficiaries of Old Age assistance, Aid to the Blind and Aid to the Disabled," tabled on April 20 by Senator Christie of Aroostook pending acceptance of the report.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: I move to substitute the bill for the report, and I now defer to the Senator from Kennebec, Senator Marden.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: I think I speak fairly for the Judiciary Committee when I say that we thought favorably of this legislation but we were particularly bothered with the priorities created by certain recording acts of the liens as compared with mortgages, deeds, and most particularly with tax liens, which was a technical

recording difficulty which bothered us to the extent that we thought at the time the bill could not stand the test of reasonableness if we passed it out "Ought to pass." Since that time we have arrived at sufficient and correct wording by way of amendment so that the bill could be favorably acted upon. Therefore I would support the motion of Senator Christie that the bill be substituted for the report and I will thereafter offer an amendment.

The motion prevailed, the bill was substituted for the report and read once.

Mr. Marden of Kennebec presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted and the bill was tomorrow assigned for second reading.

The President laid before the Senate, the 8th tabled and today assigned item (S. P. 527) Joint Order relative to additional telephone service, tabled on April 21 by Senator Carpenter of Somerset pending passage; and on further motion by the same Senator, the Order received a passage.

Sent down for concurrence.

The President laid before the Senate, the 9th tabled and today assigned item (H. P. 1121) Joint Order relative to Recalling L. D. 741 (Motor Vehicle Excise Tax) from files; tabled on April 21 by Senator Wyman of Washington pending passage, and on further motion by the same Senator, the Order was retabled and especially assigned for Friday of this week.

The PRESIDENT: The Chair notes in the Senate Chamber 46 students from Rumford, Dixfield and Mexico, accompanied by Mrs. Kidder, President of the Women's G.O.P. Club of Rumford, Mrs. Hosie, Mrs. Hanscom, Mrs. Casper and Mr. Ellis, Sheriff. It certainly is a pleasure to have you with us. We hope that your stay is enjoyable. We would like to introduce to you the two Senators from Oxford County, Senator Ferguson and Senator Pike. Will the ladies please rise so the Senate can determine

where the group is in the Chambers? (Applause)

We also have the ladies of the State G.O.P. March to Augusta present in the Senate Chambers today. Will these ladies please rise so the Senate can recognize them? It is nice to have you with us.

The President laid before the Senate the 11th tabled and today assigned item (H. P. 255) (L. D. 369) House Reports from the Committee on Labor on Bill, "An Act Relating to Costs of Witness and Attorney Fees under Workmen's Compensation Act"; Majority report, Ought not to pass; Minority report, Ought to pass; tabled on April 21 by Senator Lovell of York pending acceptance of the motion by Senator Mayo of Sagadahoc to accept the Ought not to pass report.

Mr. LOVELL of York: Mr. President, out of order and under suspension of the rules I move that the Senate reconsider its action of accepting the ought not to pass report.

The PRESIDENT: The Chair will inform the Senator that there is a motion pending before the Senate at the present time, made by Senator Mayo of Sagadahoc to accept the Ought Not to Pass Report.

Mr. LOVELL: Mr. President, I would like to present Senate Amendment A and for that reason I hope that the motion of Senator Mayo of Sagadahoc will not prevail.

Mr. MAYO of Sagadahoc: Mr. President, to clarify this situation, I would withdraw my motion.

Thereupon, on motion by Mr. Lovell of York, the Minority Report Ought to Pass was accepted and the bill read once.

Mr. Lovell of York presented Senate Amendment A and moved its adoption.

Mr. MARDEN of Kennebec: Mr. President, through the Chair may I ask the Senator from York, Senator Lovell, what he intends to accomplish by this amendment.

The PRESIDENT: The Senator from Kennebec, Senator Marden, poses a question through the Chair to the Senator from York, Senator

Lovell, and he may answer if he chooses.

Mr. LOVELL of York: Mr. President, I have another Senate amendment that may clarify it for the good Senator from Kennebec.

Mr. MARDEN of Kennebec: Mr. President, I think the good Senator from York is too hopeful of my intellect, because I have read Senate Amendment B as proposed and it does not clarify Senate Amendment A in any manner whatsoever. Therefore I would ask anyone in the Senate Chamber whether or not they can inform me what is intended by the proposed Senate Amendment A.

The PRESIDENT: The Senator from Kennebec, Senator Marden, poses a question through the Chair to any member of the Senate who cares to answer it.

Mr. PORTEOUS of Cumberland: Mr. President, at the risk of taking an awful beating on the head and shoulders from the Senator from Kennebec, I will try to explain that the original intent of this bill was to provide the poor working man with attorneys' fees that he was unable to afford. Now the original intent, as I understand it, of the Industrial Accident Commission was that there be no lawyers representing either the insurance company or the person who had the accident and was making a claim, so this new legislation is merely to either have it all fair on both sides, that neither side be represented in the case of Senate Amendment "A", as was the original intent before the Industrial Accident Commission.

I do not know that I have explained it much, but the intent of the bill is certainly a measure in favor of the small workingman and is certainly a measure to give him equal chance before the Industrial Accident Commission against the lawyers of the large insurance companies such as Liberty Mutual who appear there and who are practiced in the terminology, the phraseology and the practice of this particular commission. I think everybody in this room except the lawyers will agree that when you are before such a commission, especially the small workingman who has not the knowledge necessary

to state his own case in clear and concise terms, you either should have some representation or the insurance company should not be represented. In other words, the intent of this bill is for equality before the Industrial Accident Commission.

Mr. MAYO of Sagadahoc: Mr. President, as Chairman of the Labor Committee which acted on this original bill, and after reading Senate Amendment "A", I feel that I must make a motion to indefinitely postpone Senate Amendment "A".

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: I rise in support of the motion of the Senator from Sagadahoc, Senator Mayo. In the excellent intention to help out the poor workingman they have now taken away his right to counsel in his effort to be compensated for his injury. I am doing all I can to restrain myself to argue this matter logically.

Mr. FARRIS of Kennebec: Mr. President, I also rise in support of the motion of the Senator from Sagadahoc, Senator Mayo, for indefinite postponement but for a completely different reason.

I certainly am in favor of the principle that employees should be represented or have an opportunity for representation and have counsel paid at the discretion of the Industrial Accident Commission. The employers represented by the insurance carriers have the very best of counsel in the State, experts in the legal-medical field, and the employee is, on many, many occasions, left without counsel and pretty much at sea, even though the Commission does its best to act fairly as a fair arbitrator and also to protect the rights of the employee. But in recent years the hearings before the Commission have become more in the form of court hearings and the Commission has been adhering to much more strict rules of evidence than they have in many years gone by. But, as a matter of fact, very few cases coming before the Commission for agreements to be approved reach the point where hearings become necessary, and in the present bill and also in the amendments we are also going to the

very initial step that takes place where an industrial accident claim is presented and that is a representation at the stage where an agreement is to be taken. If we were to have legislation of this type it certainly should be limited to the point in Section 37 of the Workmen's Compensation Act relating to actual hearings. I am afraid that we would merely have more confusion if we were to enact the bill as written or either of the two amendments as submitted. But if there is actually any interest in this proposition there is a very fair way of handling it and I think it is worthy of consideration. That would be to have an attorney assigned to the Industrial Accident Commission for the purpose of protecting employees who do need legal representation. In other words, it would be more in the status of an employee defender or a public defender. I think that would accomplish the purpose and make for much more efficient administration of the act, but as the bill and the amendments are written they do not perform the service which I know the Senator from York, Senator Lovell, would like to perform and which I would like to see performed.

Mr. PORTEOUS of Cumberland: Mr. President, I would like to clarify my reasoning in arising at the time an explanation was asked for on Senate Amendment "A". I did not necessarily arise in favor of it. I have to agree with the Senator from Kennebec, Senator Farris, that something ought to be done, but these amendments and the bill itself are not necessarily the answer.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Mayo, that Senate Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed and Senate Amendment "A" was indefinitely postponed.

Mr. BOARDMAN of Washington: Mr. President, I would like to make the motion that this bill be tabled until a week from Friday, May 5th, and I want to explain my reason for so moving. I think

that enough discussion has come up here this morning to indicate that there is a possibility that maybe an amendment could be added to this bill that would be of some use to us. That would be my intention, and I would like to study the thing carefully along with some of the other members and see if we can come up with some amendment that might be satisfactory.

Mr. MAYO of Sagadahoc: Mr. President, I would like to ask for a division on the tabling motion.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Boardman, that this bill be tabled and specially assigned for one week from Friday. A division has been requested.

All those in favor of the motion of the Senator from Washington, Senator Boardman, will rise and stand in their places until counted.

27 having voted in the affirmative and 2 in the negative, the motion prevailed and the bill was tabled, pending assignment for second reading.

The President laid before the Senate the 10th tabled and today assigned item (H. P. 950) (L. D. 293) House Report, Ought not to pass, from the Committee on Transportation on Bill, "An Act Providing for a Two Year Motor Vehicle Operator's License"; tabled on April 21 by Senator Porteous of Cumberland pending acceptance of the report.

Mr. PORTEOUS of Cumberland: Mr. President, may I apologize for being absent from the Chambers. I had a very important personal matter to attend to, a telephone call, and was unable to be here. I have discussed this matter before us with authorities in and out of the State, and for the purpose of further study, I would like to retable the bill until Friday next.

The motion to table and so assign prevailed.

The President laid before the Senate, the 12th tabled and today assigned item (S. P. 165) (L. D. 411) Bill, "An Act Relating to Retirement of Chief Warden of Inland Fisheries and Game"; tabled on April 21 by Senator Carpenter

of Somerset pending motion by Senator Davis to indefinitely postpone; and on motion by Mr. Carpenter of Somerset, the bill was retabbed and especially assigned for Tuesday next.

The President laid before the Senate, the 13th tabled and today assigned item Senate Report, Ought not to Pass, from the Committee on State Government to which was referred Senate Order Relating to Amending Senate Rule No. 11A and Addition of No. 19A; tabled on April 25 by Senator Edgar of Hancock pending acceptance of the report.

Mr. EDGAR of Hancock: Mr. President, I now yield to the Senator from Penobscot, Senator Bates.

Mr. BATES of Penobscot: Mr. President and members of the Senate: I appreciate the courtesy of the Senate in holding this matter for twenty-four hours on the motion of the Senator from Hancock, Senator Edgar.

Actually, in order for this proposed change in Senate Rule No. 11-A and addition of No. 19-A to have been effective and useful for this session of the Legislature we would have had to have taken action on this much earlier. This is one of those items that came from your Joint Interim Committee on Legislative Procedures.

I move the acceptance of the "Ought not to pass" report.

The motion prevailed and the "Ought not to pass" report of the committee was accepted.

The President laid before the Senate the 14th tabled and today assigned item Senate Report, Ought not to Pass, from the Committee on State Government to which was referred Senate Order Relating to New Senate Rule No. 22A and Revised Senate Rule No. 33 tabled on April 25 by Senator Edgar of Hancock pending acceptance of the report, and that Senator yielded to Senator Bates of Penobscot.

On motion by Mr. Bates of Penobscot, the Ought not to pass report was accepted.

The PRESIDENT: The Chair notices three friends from Penob-

scot County and would like to take this opportunity to introduce to the Senate, Mrs. Ruth Dolley of Bangor, Mrs. Loren Thompson of Brewer and Mrs. Bert MacKenzie of Orono. It is certainly a pleasure to have you with us. (Applause)

The President laid before the Senate Item 6-20 House Reports from the Committee on Labor: Majority Report, Ought to pass in new draft, same title; Minority Report, Ought to pass in new draft, same title; Minority Report, Ought not to pass, on Bill, "An Act Revising Minimum Wage Law" (H. P. 320) (L. D. 1135) tabled earlier in today's session by Senator Boisvert of Androscoggin pending motion by Senator Mayo of Sagadahoc to accept the Majority Ought to Pass report.

Mr. BOISVERT of Androscoggin: Mr. President, I would like at this time to yield to the Senator from Androscoggin, Senator Couture.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: This is another strike at our minimum wage law.

I remember when this law went into effect. Since then they have cut it and sliced it thinner and thinner than it was before it became law. Here we are in another session and we are sharpening our knife a little sharper than it was before.

We have this minimum wage law in the State and certainly I am proud of it. I have supported it previously and I am in opposition to slicing it any thinner than it was sliced before. If in every session we are cutting it down, why don't we do away with it if we are going to keep slicing our minimum wage law in the State of Maine we might just as well have nothing on the books.

I hope that the Senators in this room will study carefully these amendments to this L. D. 1135 that I am now speaking about. It practically puts the minimum wage law completely out of the State. In some ways I would feel just as good to see any of the Senators get up and defeat it.

Do any of us in this State think that we are paying our employees too much? Do any of us think

that under our minimum wage law we are overpaying our working people in the State?

We in this session as well as in the last session have taken stand after stand to increase wages according to the cost of living, but when it comes time to see that the low-bracket workers in the State are getting a little fairer break under our minimum wage law today they are now trying to defeat it.

I always believed in paying people who work at least sufficient wages so they will be able to eat three meals a day, but if any person in this Senate here feels that anyone in this State can live on wages of less than a dollar an hour I would like to see it. Certainly we have legislation before us now to tax them further. How will we have the front to deprive them from earning a dollar an hour minimum wage and then turn around and tax them? How can that be done when they haven't got enough today to even live on? We stand here and we tax. They have got to pay it, because that is the law. Then we want to turn around and cut their wages so they haven't even got enough to live on.

As I said before, this minimum wage law has been cut and sliced in every way, shape and manner that is possible. They did it at the last session and now they are trying to do it again, and I am in opposition to it.

At this time, Mr. President, I will move the indefinite postponement of this bill and all its papers and I ask for a division.

Mr. MAYO of Sagadahoc: Mr. President, a point of order. I think the motion of the Senator from Androscoggin, Senator Couture, is out of order and that my motion has precedence.

The PRESIDENT: The Chair will have to inform the Senator from Sagadahoc, Senator Mayo, that the motion of the Senator from Androscoggin, Senator Couture has precedence. Your motion was to accept the "Ought to pass" report of the committee?

Mr. MAYO: That is right, Mr. President. We did not vote on it.

The PRESIDENT: The motion before the Senate at the present time is the motion of the Senator from Androscoggin, Senator Couture, that this bill and accompanying papers be indefinitely postponed.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I rise in opposition to the motion made by the Senator from Androscoggin, Senator Couture. I do not think I have to take up too much time this morning in the Senate Chambers to explain what this bill does regarding the minimum wage.

The remark that no one is to receive a dollar minimum wage should be taken very lightly. The minimum wage bill supports many categories of laborers at a minimum wage of one dollar. This bill as revised by the Labor Committee merely takes certain categories in the labor market, specifically service-type employees. These service-type employees receive very large amounts in tips, and because they do receive large amounts in tips it works a burden on the employer to pay the dollar an hour minimum wage on top of this large amount they receive in tips.

This revised bill, L. D. 1537, which was the revision of L. D. 1135, is a very workable piece of legislation. The Senator from Androscoggin signed the "Ought not to pass" report; he was one of the three minority signers.

I certainly hope the motion of the Senator from Androscoggin, Senator Couture, does not prevail, and when the vote is taken I ask for a division.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: I too rise in opposition to the motion of the Senator from Androscoggin, Senator Couture.

Contrary to Senator Couture's feeling that this revision of the minimum wage law slices the present law even thinner, I would like to point out to the Senate that under the present law—and this is just one example of how this proposal does not slice the present law any thinner—under the present law students enrolled in an educational institution or on vacation therefrom are exempted from the

provisions of the minimum wage law regardless of age. There is no age requirement in the present law. I would point out to the Senate and to Senator Couture that this proposal puts within the limits of the provisions of the minimum wage law students enrolled in educational institutions or on vacation therefrom who are over the age of 19. In that respect this revision does not thin out the present law; it does bring within the minimum wage law some who are not within it at the present time.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: The remarks made by our good Senator Mayo in speaking about hotels and restaurants and the fact that it makes a burden upon the operator of the business to pay a dollar an hour minimum wage because of tips—the tips are no burden on the hotels and restaurants; they come out of the persons that are served satisfactorily by the waitress. I am wondering at this time if they feel that the tips are just as good in every restaurant there is in the State of Maine? What are we going to do in our small restaurants that serve only hot dogs and sandwiches and light lunches? How many tips do they get in restaurants of that class? If some of you eat in hotels and high-class restaurants naturally you are going to tip, but the other class of people who do not eat in high-class restaurants and hotels are not tipping. If you are basing your dollar-an-hour minimum wage on tips, I am telling you there are no tips there. If a person can only afford to buy a sandwich he does not feel like tipping a waitress a quarter or half a dollar. We have all of these so-called restaurants with beer where the waitresses are not receiving any tips as a waitress would receive in the lounge of a hotel or a Class A restaurant.

One of the reasons I oppose this is because some people are taking advantage of the law because they are not covered and hiring people similar to those we have in the State House here in our own restaurant who are working for fifty cents an hour cleaning your table in your own cafeteria down here.

How many of you ever tipped anybody that cleans up the table in the cafeteria in our State House? I further understand that it is illegal to tip them, that the operator does not want that, but their wages are twenty dollars a week for forty hours. Are they covered? Are we taking care of these people? They are supposed to be covered.

I took this matter up with Miss Marion Martin, and she says, "The only way I can move forward would be to have a written complaint from the employee." Naturally if you walk in there with a written complaint by an employee to look the books over and find out what the wages are, that employee is fired. That is going on all over the State. I do believe that a person who is a waitress, a bell-boy, a waiter or whatever he does in this State, should be paid for what he is doing, leaving the tipping aside. How many people are working without being tipped every day? Sure, I have sat in restaurants and I have seen a tip of a nickel or a dime, and I have sat in other places where I have seen tips of half a dollar and a dollar. But my point is: they are not working in the same kind of place and you cannot classify these people and say they receive as much in tips in one place as in another. Certainly if a person becomes unemployed in the State today and refuses suitable employment they will be deprived of their unemployment benefits for the reason that we have the law, and they are forced to go in and work for fifty, or sixty cents an hour where there are no tips. We are turning around and making sure that workers in restaurants, waiters, door-keepers or anybody, will be deprived of their minimum wage. I do not believe it is right.

And as far as the other remark about our students at the age of 19, that is all right but I am not willing to sacrifice the rest of the bill for that one section for our students. Just because there is one such section in the bill we do not have to accept the entire bill to defeat our minimum wage law.

Again, I am strongly opposed to this bill, and that was my reason for moving indefinite postponement.



Mr. EDGAR of Hancock: Mr. President and members of the Senate: I am very happy that Senator Couture accepts the one point that I did mention as an illustration, but there are two points which the Senator has just raised which I think could be cleared up if the Senator would read the language of the bill. Senator Couture used as an example the men and women downstairs in the cafeteria who clean off the tables. Now with all due regard to those ladies and gentlemen, I cannot recall ever seeing one of them who looked to me to be under the age of 19, and if the Senator will read this bill he will find that only those who are under 19 and who are regularly enrolled in an educational institution are exempt from the dollar an hour.

With regard to the small restaurants which, as the Senator described, are those serving hot dogs and sandwiches, I think, with a possible few exceptions, I believe I am in general correct in saying that that type of restaurant consists mainly of a counter with stools on which the patrons sit; and again, if the Senator will read the bill, he will find that included within the provisions of a dollar an hour are counter waiters and waitresses.

I sincerely hope his motion to indefinitely postpone does not prevail.

Mr. COUTURE of Androscoggin: Mr. President, if I am in order to answer the good Senator from Hancock, Senator Edgar, I was thinking of restaurants serving sandwiches and light lunches where there are waitresses on the floor. I am speaking about waitresses serving in a booth.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Couture to indefinitely postpone, and a division has been requested.

A division of the Senate was had.

Three having voted in the affirmative and 28 opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Mayo of Sagadahoc, the ought to pass report was accepted, the bill read once, House Amendment A to House Amendment A read and adopted, House Amendment A as amended by House Amendment A read and adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate Item 7-7, bill, An Act Relating to Statements of Ministers, Priests and Rabbis as Privileged Communications (S. P. 346) (L. D. 1079) tabled earlier in today's session by Senator Marden of Kennebec pending passage to be engrossed.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: As you may recall, this bill was reported out by the Judiciary Committee unanimously "Ought not to pass" and upon motion of the Senator from Sagadahoc, Senator Mayo, the bill was substituted for the report, in his words "in order that the Senate may either debate or know the issues involved."

I will speak for myself and based upon my recollection of the committee discussion, and if I am in error either Senator Boardman or Senator Erwin will correct me I know.

The matter of privileged communications has great historical basis in the law and they are extremely jealously regarded. One of the difficulties we had with this particular bill — and I hasten to point out the philosophy of the bill is excellent — but the real difficulty, I think, insofar as the Judiciary Committee was concerned, was the indefiniteness of the wording of this particular bill. For example, "a minister of the gospel." At first blush this is a plainly understood term, but if you stop to think about it a little bit there are as many ministers of the gospel as there are religions and we could run into a thousand different groups, some members of which are all called ministers of the gospel.

The word "forced" is probably a poor word to be used in this bill, because while generally you may say we can force a witness to

testify, the truth and the realistic explanation of the matter is that ninety-five per cent of the time you call somebody up and say, "Will you come down to court about ten-thirty and testify in this particular matter?" and they seldom send them a witness fee. In the event of a hostile or unwilling witness a subpoena is served and they appear in court, and I suppose in that respect the word "forced" is correct, but it seems to be incongruent when it couched in the language of a legislative document concerning religious confessionals.

The third area of difficulty in indefiniteness for the committee was the use of the words "the sanctity of the religious confessional." I am no student of religion, but those who do know much more about it than I say that there are many religions with confessional procedures, and this created even a larger field in which our natural reluctance to broaden the historical restriction on privileged communications was brought up.

The good which could come out of such a bill I think is outweighed by the possible bad which would come about. In the first place, I was not convinced that there has been any abuse of such procedure. I have not been a witness or a party to any procedure in court where a member of the clergy was forced or compelled to testify on a subject-matter which seemed to be against his own conscience, and I have never seen it happen. Secondly, the very nature of our judicial system, the very backbone and heart of our system of justice in this country is the search for the truth. The search for truth, whether it affects large property rights or the basic human rights on the individual, his right to have the truth declared in a court of law, is one of the most basic legal rights, and when you start to broaden the area of privileged communications you are restricting this right and you are restricting the search for the truth.

This therefore is my explanation as to why I was opposed to the bill, and because of these reasons and because I still believe in those reasons, I would move for indefinite postponement of the bill.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: In defense of my bill, on which the Senate very graciously allowed me yesterday to substitute the bill for the report, I would merely say that the idea for this piece of legislation was given to me by the church of which I am a member, the Episcopal Church of the State of Maine.

In trying to draw up the bill we searched the laws of other states and tried to pick a form of legislation which would be workable here in the State of Maine. I can sympathize with the committee in the problems they have been faced with in trying to either reword this bill to do something that would keep the bill alive. The motion as made by the Senator from Kennebec, Senator Marden, is a necessary motion because of the position that he is in, being on the committee. I will not debate the motion further but I would ask for a division when the vote is taken.

Mr. ERWIN of York: Mr. President, I subscribe to everything that was said in explanation by my friend and colleague, Senator Marden, in regard to the committee, and I must confess that it frequently appears to people who look at the title of some things that being against this bill is a little bit like being against sin — and I hasten to assure everyone involved that I am against sin although I am not opposing Senator Marden's motion.

The whole point of this bill is that it is unnecessary, because it seems to me we are on the brink of offering a bill to cover a situation which has not yet existed. I am not a student of religion either, but everybody who goes to law school has to study a little history, and I can honestly say to the members of the Senate that I cannot recall any instance where it was ever brought out in the study of legal history, constitutional history or the struggles of the church and state in the early days of the Anglo-Saxon historical background that we now hold as our heritage, where any minister or priest or rabbi was ever forced against his conscience to reveal statements which he felt he was

not able to reveal; and I know of no instance, especially so far as a strict confessional is concerned in the sense that we understand the Catholic confessional and the high Anglican confessional, where any minister or priest was ever forced to reveal any confidential matter and it is not conceivable to me that a court in the United States of America would force this kind of a procedure upon such a person. But we had before the committee not just a priest — to accept the narrow understanding of religious confession — we had before us ministers of the gospel in general, priests and rabbis. We had an amendment offered to the committee by the Christian Scientists, who asked in the best of faith that Christian Science readers be included in this bill, and it was pointed out to us, as Senator Marden has said, that there are a great many religious sects all of those members are in certain ways considered to be ministers of the moment; they are all ministers of their own particular gospel. It occurred to the Judiciary Committee that here you were placing upon the courts the necessity of determining as to whether or not, say a member of the sect known as Jehovah's Witnesses were, as they claim to be, ministers, all of them, or whether they were not in regard to this privilege. We feel that inasmuch as there is no particular problem you are putting an undeniable and unjustified burden on the courts of the State of Maine to make this determination, and we feel that because of that, and only because of that, that the problem does not exist here in Maine, that this kind of legislation would best be avoided, and for that reason I do second the motion of Senator Marden to indefinitely postpone this bill.

Mr. BOARDMAN of Washington: Mr. President and members of the Senate: I do not want to continue this discussion too far, however, being the third member of the Judiciary Committee, I would like to say that I also join Senator Marden in his statement, also with the Senator from York, Senator Erwin.

I would like to say in regard to the hearing that was held that afternoon more time was spent on this bill than on any other bill we had before us that afternoon. I believe it is fair to say that more time was spent on this bill than any bill and it has been given careful consideration. I am against sin, the same as we all are. This is one of those situations where a survey of the law of the United States was taken into consideration and there were no cases that were brought before our committee nor could we find any where there had been any harm with regard to this particular proposition. For that reason, I would like to assure everyone that this matter did get careful consideration, and if the motion does prevail it is certainly nothing against Senator Mayo.

Mr. MAYO: Mr. President, as a last parting remark to the dying bill, so to speak, I would just like to say that I do fully realize that the committee gave my bill its just due in deliberation and I am very pleased if my bill has done nothing else except make the Judiciary Committee work real hard.

The PRESIDENT: The question before the Senate is on the motion of Senator Marden of Kennebec to indefinitely postpone and a division has been requested.

A division of the Senate was had.

Twenty-two having voted in the affirmative and eight opposed, the motion to indefinitely postpone prevailed.

The PRESIDENT: The Chair would like to recognize a group of 30 students of State Government from Phillips High School, accompanied by their teacher, Mrs. Merton Smith. It certainly is a pleasure to have you young folks with us. We hope that your stay is both educational and enjoyable. We hope that some day you will take your places in the Senate Chamber representing the counties in which you live. The Senator from your county is the Majority Floor Leader, Senator Sheldon Noyes of Raymond.

The Chair would like to state that Mrs. Mae Chapman was in the Senate Chambers this morning but since she was here during our

debate, the Chair was unable to recognize her. Mrs. Chapman was formerly Assistant Clerk of the House.

I am informed by Senator Lord that we also have in the Senate Chambers a group of ladies from Scarborough. These are ladies of the Republican Club and the Chair would ask them to stand so the Senate may honor them. It is nice to have all these visitors. (Applause)

The President laid before the Senate Item 7-8 bill, "An Act Including Piers and Terminals in Maine Industrial Building Authority Act (H. P. 418) (L. D. 1357) tabled earlier in today's session by Mr. Mayo of Sagadahoc, pending passage to be engrossed.

Mr. MAYO of Sagadahoc: Mr. President, I have had an opportunity to check with the Industrial Building Authority and they have informed me that because of the amendment that was introduced to this bill that it is now a workable piece of legislation. I therefore move the pending question.

Mr. PARKER of Piscataquis: Mr. President, in order that I may vote against this whole bill I move for indefinite postponement and ask for a division.

The PRESIDENT: The question before the Senate is the motion of the Senator from Piscataquis, Senator Parker, that this bill and accompanying papers be indefinitely postponed.

Mr. STILPHEN of Knox: Mr. President and members of the Senate: This piece of legislation which is before us today is a bill which has as its purpose the encouraging of industrial development of our harbors on the coast of Maine.

In September of 1957 the people of Maine in referendum vote amended the constitution to allow the State to pledge its credit to insure mortgage loans to foster and encourage the physical location settlement and resettlement of industrial and manufacturing enterprises within the State.

In October of 1957 in special session the Legislature implemented this constitutional amendment by passing the Maine Industrial Build-

ing Authority Act. This Act provided for appointment of individuals to operate the authority prescribed, their duties, and sets up rules for the obtaining of insured mortgage loans for industrial projects. Section 5, Subsection 3, defines an industrial project. It is this section of the law that this bill would amend. Because the present language restricts industrial projects to land on which manufacturing processing or assembling of raw materials is done, a pier or terminal could not be included under this definition, for their use would be primarily in the transshipment of goods and not assembling or manufacturing them. As I see it, the question here to be considered is: Does the Maine Legislature want to encourage this development of our harbors and the consequent industrial potential it can mean?

We in Knox County are particularly interested because of two towns that might take advantage of this bill were it to pass. The Rockland Chamber of Commerce is conducting a survey now to determine the suitability of its harbor economically and physically for the building of a pier to accommodate ocean-going vessels. The surveys are not complete and no firm conclusions have been made. The town of Rockport also has an individual who is working on the possibility of developing its harbor. This bill would not guarantee that Rockland, Rockport or any other community would obtain piers and terminals. It is, however, a tool that could help should all other problems be resolved to show the project feasible. To obtain a loan for this purpose a community would have to have a local development corporation for the authority can only insure loans in which a development corporation is the mortgagor.

In addition, the mortgagee or tenant who applies for the insurance must convince the authority that he is responsible and able to service the mortgage properly. Nobody could do this unless the Authority was sure that there would be adequate income from the operation of the pier or terminal.

I regret that the individual who is promoting the Rockport project is opposed to this bill. His objections from all that I have learned is based solely on the premise that Rockland, if it should build a pier or terminal, would jeopardize his plans for Rockport. I want it clearly understood that nobody in the Rockland Chamber of Commerce or any citizen of Rockland had any such thought in mind when this piece of legislation was proposed. This legislation would be available and could be useful to many other communities besides Rockland or Rockport. The amendment which was offered has been drawn after consultation with the Attorney General's office and has been approved by the Maine Industrial Authority and has 100 percent of the Maine Port Authority.

I feel that we in this legislature should take immediate action to improve, develop and enhance the utility and economic effectiveness of the State's harbors, tidal waters and tributary inlets, with due regard for the federal matching share of responsibility both fiscal and administrative, all to the end that cities and towns of the coastal area will be provided with the basis to redevelop, develop anew and expand the magnificent, unique and rich economic potential which our seacoast provides.

Again I say, the only issue in considering this bill should be: Is this a proper area in which to encourage industrial development and will this bill be helpful? I believe that the answer to both questions is yes and I urge you to defeat the motion to indefinitely postpone this particular measure.

Mr. LOVELL of York: Mr. President and members of the Senate, as Chairman of the Recreational and Industrial Development Committee, I might say that it was unfortunate at this particular hearing that we had a conflict of interests but in my moving to accept Report A to adopt this under MBA, it was my feeling that it should rule out, any particular conflict in nearby communities. This bill was for the good of the state as a whole. Here just two weeks ago we passed a bill to establish a Kittery Port

Authority and the Commissioner of the Department of Economic Development has stated that he is much for this amendment to the MIBA regulations, and the Maine Industrial Building Authority as you all know does not loan this money to the organization that is building the pier. They guarantee ninety per cent of the loan and I have great confidence in their Board of Directors that their loans when made are feasible and without any reasonable doubt of the paying back to the loaning organization. The ten percent of whatever pier or terminal is to be put up is furnished by non-profit organizations in the community. It would seem to me that this is a step forward in creating more jobs in industrial development and bettering the economy of the State of Maine, because this is not going to benefit any particular port. It is going to benefit all the ports if they so see fit along the entire coast of the State of Maine.

The PRESIDENT: The question is on the motion of Senator Parker of Piscataquis that the bill be indefinitely postponed and a division has been requested.

A division of the Senate was had.

One having voted in the affirmative and twenty-six opposed, the motion did not prevail and thereupon the bill was passed to be engrossed as amended.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 6th tabled and unassigned item (S. P. 441) (L. D. 1310) Senate Report, Ought not to pass, from the Committee on Retirements and Pensions on bill, "An Act Relating to Credit for Military Service under State Retirement Law"; tabled on March 3 by Senator Wyman of Washington pending acceptance of the report; and on further motion by the same Senator, the Ought not to pass report of the Committee was accepted.

Sent down for concurrence.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table the 5th tabled and unassigned item (S. P. 183) (L. D. 429) bill, "An Act Increasing Com-

pensation of and Revising Fee Schedules of Court Reporters"; tabled on February 22 by Senator Marden of Kennebec pending adoption of Senate Amendment A; and on further motion by the same Senator, Senate Amendment A was adopted and the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table (H. P. 109) (L. D. 149) House report, Ought to Pass with Committee Amendment A, from the Committee on Claims on Resolve to Reimburse Denis N. Caron of Litchfield for Damage to Poultry, tabled on February 9 by Senator Stilphen of Knox pending acceptance of the report; and on further motion by the same Senator, the report was accepted and

the bill read once; Committee Amendment A was read and adopted and the bill was tomorrow assigned for second reading.

The PRESIDENT: The Chair wants to take this opportunity to mention something I just noticed. On this gift which was presented by the Maine Maple Queen, are the words "A Product of Vacationland". It is nice for business to advertise its product as coming from Vacationland. I wish all of the manufacturers in the state would use that slogan. I wish I had noticed it before the ladies and Mr. Woodcock left the Chambers.

On motion by Mr. Noyes of Franklin

Adjourned until tomorrow morning at 9:30 o'clock.