

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

Thursday, April 27, 1961

Senate called to order by the President.

Prayer by Hon. James S. Stanley of Bangor.

On motion by Mr. Boardman of Washington,

Journal of yesterday was read and approved.

**Paper from the House
Non-Concurrent Matter**

Bill, "An Act Amending Charter of City of Waterville." (H. P. 825) (L. D. 1140)

In House, April 21, passed to be engrossed.

In Senate, April 25, Majority Report, Ought not to pass accepted in non-concurrence.

Comes from the House, that body having insisted and asked for a Committee of Conference.

In the Senate, on motion by Mr. Marden of Kennebec, the Senate voted to insist and join in the Committee of Conference, and the President appointed as Senate members, Senators: Farris of Kennebec, Marden of Kennebec and Edgar of Hancock.

Senate Paper

The following Bill approved by a Majority of the Committee on Reference of Bills for appearance on the Senate Calendar:

Mr. Erwin of York presented Bill, "An Act Repealing Certain Limitations on Elliottsville Plantation." (S. P. 532)

Which was referred to the Committee on Legal Affairs, and ordered printed.

The PRESIDENT: The Chair notes in the Senate Chambers, the son of one of our fine Senators, Senator Lovell of York. The Chair would request the Sergeant-at-Arms to escort to the rostrum Marston Lovell who has been appointed an Honorary Page for the day. (Applause)

**House Committee Reports
Leave to Withdraw**

The Committee on Judiciary on Bill, "An Act Relating to Issuance

of Written Warnings by State Police to Violators of Motor Vehicle Laws." (H. P. 998) (L. D. 1385) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The same Committee on Bill, "An Act Relating to Property of Inmates of Institutions Under Jurisdiction of Department of Mental Health and Corrections." (H. P. 495) (L. D. 694) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Actions Against Officers and Employees of the Department of Mental Health and Corrections." (H. P. 493) (L. D. 693) reported that the same Ought not to pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Term of Office of the City Clerk of Lewiston." (H. P. 98) (L. D. 138) reported that the same Ought not to pass.

The same Committee on Bill, "An Act to Incorporate the Town of Garland School District." (H. P. 407) (L. D. 582) reported that the same Ought not to pass.

The Committee on Taxation on Bill, "An Act to Enact a Uniform Local Sales and Rental Tax Law." (H. P. 550) (L. D. 747) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on Resolve, in Favor of Maine Society of the Sons of the American Revolution. (H. P. 291) (L. D. 443) reported that the same Ought to pass.

The Committee on Legal Affairs on Bill, "An Act to Ratify and Confirm the Incorporation of the Lewiston and Auburn Society for the Prevention of Cruelty to Animals." (H. P. 607) (L. D. 824) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Increase the Indebtedness of the Town of Poland School District." (H. P. 1086) (L. D. 1506) reported that the same Ought to pass.

The Committee on Towns and Counties on Bill, "An Act Relating

to Fees of Certain Sheriffs for Service of Criminal Process." (H. P. 427) (L. D. 602) reported that the same Ought to pass.

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

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on Resolve, Authorizing Completion and Printing of a Digest of the Opinions of the Law Court. (H. P. 184) (L. D. 280) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-210)

The same Committee on Bill, "An Act Relating to Participation by the State of Maine in the 1964-65 New York World's Fair." (H. P. 377) (L. D. 552) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-211)

The Committee on Legal Affairs on Recommitted Bill, "An Act Relating to Licenses and Fees Therefor by Running Horse Racing Commission." (H. P. 827) (L. D. 1142) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-213)

The Committee on Natural Resources on Bill, "An Act Classifying Certain Tidal Waters, Cumberland County." (H. P. 1014) (L. D. 1415) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-115)

The Committee on Towns and Counties on Bill, "An Act Relating to Compensation of Chief Deputy Sheriffs Performing Special Duties." (H. P. 168) (L. D. 231) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-212)

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

The Committee on Legal Affairs on Bill, "An Act Clarifying Electricians Licensing Law." (H. P. 821) (L. D. 1136) reported that the same Ought to pass, as amend-

ed by Committee Amendment "A" (Filing H-168)

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

In the Senate, on motion by Mr. Brown of Hancock, tabled pending acceptance of the report and especially assigned for Wednesday next.

MAJORITY — Ought to Pass, As Amended by Committee Amendment "A"

MINORITY — Ought Not to Pass

The Majority of the Committee on State Government on Resolve, to Create the Maine Legislative Internship Plan. (H. P. 707) (L. D. 985)

Reported that the same Ought to pass, As Amended by Committee Amendment "A" (Filing H-193)

(Signed)

Senators:

NOYES of Franklin

Representatives:

DENNETT of Kittery

KIMBALL of Mount Desert

BEARCE of Bucksport

NOEL of Waterville

DOSTIE of Lewiston

WHITMAN of Woodstock

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

(Signed)

Senators:

CHRISTIE of Aroostook

LOVELL of York

Representative:

HAUGHN of Bridgton

Comes from the House, indefinitely postponed.

In the Senate, on motion by Mrs. Christie of Aroostook, the Senate voted to concur with the House in the indefinite postponement of the bill.

Senate Committee Reports

Ought Not to Pass

Senate Committee Reports

Mr. Stanley from the Committee on Appropriations and Financial Affairs on

Resolve, Appropriating Moneys to Promote and Advertise Maine's Ski Business. (S. P. 2) (L. D. 2)

Reported that the same Ought not to pass.

(On motion by Mr. Marden of Kennebec, tabled and especially assigned for one week from today, pending acceptance of the report.)

Mr. Wyman from the Committee on Taxation on Bill, "An Act Exempting Benevolent and Protective Order of Elks from Property Taxes. (S. P. 364) (L. D. 1097)

Reported that the same Ought not to pass.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Marden from the Committee on Judiciary on Bill, "An Act relating to Disposition of Mentally Ill Juveniles Guilty of Juvenile Offenses. (S. P. 228) (L. D. 633)

Reported that the same Ought to pass.

Mr. Edmunds from the Committee on Public Utilities on Bill, "An Act to Increase the Indebtedness of the Fort Fairfield Utilities District. (S. P. 510) (L. D. 1533)

Reported that the same Ought to pass.

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

Ought to Pass, As Amended

Mr. Stanley from the Committee on Appropriations and Financial Affairs on Bill, "An Act relating to Pollution Abatement. (S. P. 133) (L. D. 316)

Reported that the same Ought to pass, As Amended by Committee Amendment "A" (Filing S-139)

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

Mr. Sampson from the same committee on Bill, "An Act Providing Expanded Community Mental Health Services. (S. P. 191) (L. D. 524)

Reported that the same Ought to pass, As Amended by Committee Amendment "A" (Filing S-140)

Mr. Davis from the same Committee on Resolve, Providing Funds for a Referral Center at Farmington State Teachers' College for

Assistance to Teachers. (S. P. 274) (L. D. 875)

Reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-138)

Mr. Erwin from the Committee on Judiciary on Bill, "An Act relating to Appointment of Examiners of Insane Convicts. (S. P. 170) (L. D. 416)

Reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-135)

Mr. Boardman from the same Committee on Bill, "An Act to Revise Laws relating to Department of Mental Health and Corrections. (S. P. 282) (L. D. 883)

Reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-136)

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

Ought to Pass in New Draft

Mr. Davis from the Committee on Appropriations and Financial Affairs on Resolve, Appropriating Money for the Establishment of a School of Practical Nursing in Portland or Vicinity. (S. P. 340) (L. D. 1073)

Reported that the same Ought to pass in New Draft, under Same Title (S. P. 530)

Mr. Cyr from the Committee in Inland Fisheries and Game on Bill, "An Act to Clarify State Boating Law. (S. P. 420) (L. D. 1300)

Reported that the same Ought to pass in New Draft, under Same Title (S. P. 529)

(On motion by Mr. Marden of Kennebec, tabled pending acceptance of the report and especially assigned for one week from today)

Mr. Wyman from the Committee on Towns and Counties on Bill, "An Act relating to County Appropriations for Industrial Development. (S. P. 385) (L. D. 1195)

Reported that the same Ought to pass in New Draft, under Same Title (S. P. 531)

Mr. Pike from the same Committee on Bill, An Act Establishing Fees to be Collected by Registers of Probate. (S. P. 447) (L. D. 1399) reported that the same Ought to

Pass in New Draft, under Same Title (S. P. 533)

Which reports were Read and Accepted and the Bills Read Once in New Draft, and tomorrow assigned for second reading.

The PRESIDENT: The Chair notes in the gallery the students of the 7th and 8th grades of Jefferson School with their Principal, Mrs. Edna Parlin. It certainly is nice to have you folks with us and we hope that your stay is enjoyable. We hope that some day one of you young men or women will be sitting in the Chair now occupied by Senator Chase and that you will take your turn serving the county in which you live.

At this time, I would like to introduce a pretty close relative, my grandson Charles Hillman Jr. This is his birthday today and it is certainly a pleasure to have him here to be near his grandfather. Would one of the Pages escort Charles to the rostrum? He likes to spend a lot of time with his grandfather and I love to have him. (Applause)

Second Readers

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

House

Bill, An Act Relating to Rulings on Admissibility of Evidence by Public Utility Hearing Examiners. (H. P. 755) (L. D. 1041)

Bill, An Act Classifying Certain Tidal Waters in Sagadahoc County. (H. P. 832) (L. D. 1147)

Bill, An Act Relating to Disclosure of Vital Records. (H. P. 988) (L. D. 1375)

Bill, An Act Classifying Certain Waters in Salmon Falls-Piscataqua River Watershed. (H. P. 1013) (L. D. 1414)

(On motion by Mr. Lovell of York, tabled pending passage to be engrossed and especially assigned for Wednesday next.)

Bill, An Act Prohibiting Illegal Collection of Sales Tax. (H. P. 1126) (L. D. 1553)

Bill, An Act Amending Law Providing for Additional Court Review in Public Utility Cases. (H. P. 1127) (L. D. 1554)

(On motion by Mr. Erwin of York, tabled pending passage to be engrossed and especially assigned for Wednesday next.)

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

House — As Amended

Bill, An Act Relating to Liability of Landowners Towards Hunters, Fishermen, Trappers, Campers, Hikers or Sightseers. (H. P. 934) (L. D. 1282) Amended by House Amendment "A" (Filing H-214)

Resolve, to Reimburse Denis N. Caron of Litchfield for Damage to Poultry. (H. P. 109) (L. D. 149) Amended by Committee Amendment "A" (Filing H-15)

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

Bill, An Act Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled. (H. P. 501) (L. D. 700) Amended by Senate Amendment "A" (Filing S-134)

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

Bill, An Act Revising Minimum Wage Law. (H. P. 1115) (L. D. 1537) Amended by House Amendment "A" (Filing H-207) as amended by House Amendment "A" thereto (Filing H-215)

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

Enactors

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

Bill, An Act Providing for Profession Immunity to Physicians in Emergency Cases. (H. P. 62) (L. D. 104)

(On motion by Mr. Marden of Kennebec, tabled pending enactment and especially assigned for Wednesday, May 3.)

Bill, An Act Relating to Rental of Northern Cumberland Municipal Court. (H. P. 66) (L. D. 108)

Bill, An Act Extending the Powers of the Maine-New Hampshire Interstate Bridge Authority. (H. P. 78) (L. D. 121)

(On motion by Mr. Marden of Kennebec, tabled pending enactment, and especially assigned for Wednesday, May 10.)

Bill, "An Act Relating to Allocation of Funds for Purchase of Real Estate by State. (H. P. 285) (L. D. 437)

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

Bill, An Act Relating to Use of Appropriation for Education of Physically Handicapped and Exceptional Children. (H. P. 736) (L. D. 1024)

Bill, "An Act Revising the Laws Relating to Registration of Architects. (H. P. 822) (L. D. 1137)

Bill, An Act Relating to Disqualifying Interest of Judge or Register of Probate. (H. P. 987) (L. D. 1374)

Bill, An Act Repealing Laws Requiring that Cemeteries be Fenced. (H. P. 1003) (L. D. 1409)

(On motion by Mrs. Lord of Cumberland, tabled pending enactment and especially assigned for Wednesday next.)

Bill, An Act Relating to Duties of the Attorney General. (H. P. 1021) (L. D. 1422)

Bill, An Act to Create the Boothbay Harbor Sewer District. (H. P. 1092) (L. D. 1503)

Bill, An Act Permitting Municipalities to Contract for Public Telephone Along Public Ways. (H. P. 1120) (L. D. 1543)

Bill, An Act Relating to Distribution of Obscene Literature to Minors. (S. P. 9) (L. D. 9)

Bill, An Act Relating to the Employment of the Industrial Development Director of the City of Lewiston. (S. P. 233) (L. D. 637)

Bill, An Act Providing for School Bus Shelters for School Children. (S. P. 513) (L. D. 1530)

Bill, "An Act relating to Reckless Homicide, and Death Caused by Violation of Law, by Vehicle Operator. (S. P. 521) (L. D. 1545)

Which Bills were passed to be enacted.

Resolve, Regulating Fishing in Maranacook Lake, Kennebec County. (H. P. 490) (L. D. 690)

Resolve, Permitting Demolishing Certain Building at Maine State Prison. (H. P. 743) (L. D. 1199)

Which Resolves were Finally Passed.

Orders of the Day

On motion by Mr. Mayo of Sagadahoc, the Senate voted to reconsider its action taken this morning whereby it assigned for second reading bill, "An Act to Revise Laws relating to Department of Mental Health and Corrections" (S. P. 282) (L. D. 883) (Item 6-26); and on further motion by the same Senator, the bill was laid upon the table pending acceptance of the report and especially assigned for tomorrow.

The President laid before the Senate the 1st tabled and today assigned item (S. P. 353) (L. D. 1086) Bill, "An Act to Clarify the Liquor Laws") tabled on April 18 by Senator Christie of Aroostook pending motion by Senator Mayo of Sagadahoc to indefinitely postpone.

Mrs. CHRISTIE of Aroostook; Mr. President and members of the Senate: I move the pending question.

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.

Mr. MAYO of Sagadahoc: Mr. President, to clarify the situation and to allow the Senator from Aroostook, Senator Christie, to present an amendment, I will withdraw my motion.

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo, requests that the Senate allow him the privilege of withdrawing his motion.

The request was granted.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate; My feeling was very strongly in favor of this amendment which I had presented, Senate Amendment "A," but since the Senate did not feel that they could go along with that I would like to present Senate Amendment "C." I move the adoption of Senate Amendment "C" and I would like to speak to that motion.

The PRESIDENT: The Chair will

inform the Senator from Aroostook, Senator Christie, that we must first act on Senate Amendment "A."

On motion by Mrs. Christie, Senate Amendment "A" was indefinitely postponed. The same Senator then presented Senate Amendment "C." Senate Amendment "C" was read and adopted.

Mrs. CHRISTIE: Mr. President and members of the Senate: I will speak only briefly in justification of this amendment.

Authoritative enforcement services close to the liquor problem inform me that unescorted women, whether single or married, are the cause of nine-tenths of the disorders and disturbances taking place in public places. This will permit clubs, which are considered by law as private licensed places for members only, to admit women in these places where males are congregated and liquor being consumed. This makes for an explosive situation, and for that reason I wanted to present this amendment.

Thereupon the bill was passed to be engrossed as amended by Senate Amendments "A" and "B."

Sent down for concurrence.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 560) (L. D. 757) House Reports from the Committee on Transportation on bill, "An Act Permitting Certain Commercial Vehicles to Exceed Weight Limits"; Majority Report, Ought Not to pass; Minority Report, Ought to pass; tabled on April 19 by Senator Ferguson of Oxford pending acceptance of either report; and on further motion by that Senator, the Minority Ought to Pass Report of the committee was accepted, the bill read once, House Amendment "A" read and adopted; and on further motion by the same Senator, the bill was placed on the table pending assignment for second reading and was especially assigned for Thursday, May 4.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 493) (L. D. 489) bill, "An Act relating to Area Directional Signs for Sanford and Rangeley Areas and Acadia Na-

tional Park"; tabled on April 19 by Senator Ferguson of Oxford pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 512) (L. D. 1529) "Resolve, Proposing an Amendment to the Constitution Exempting Certain Industrial Property from Taxation" New Draft (S. P. 304) (L. D. 892); tabled on April 25 by Senator Noyes of Franklin, pending motion by Senator Porteous of Cumberland to indefinitely postpone; and Mr. Noyes of Franklin yielded to the Senator from Cumberland, Senator Porteous.

Mr. Porteous of Cumberland was granted permission to withdraw his motion to indefinitely postpone.

Mr. NOYES of Franklin: Mr. President, I move the pending question, after which I shall present Senate Amendment B and explain.

The Secretary read the status of the bill.

Thereupon, the bill was passed to be engrossed.

Mr. NOYES: Mr. President, I present Senate Amendment B and I would say that —

The PRESIDENT: The Chair will inform the Senator that engrossing must be reconsidered in order to present an amendment.

Thereupon, on motion by Mr. Noyes of Franklin, the Senate voted to reconsider its action just taken whereby the bill was passed to be engrossed; and the same Senator then presented Senate Amendment B and moved its adoption.

The Secretary read Senate Amendment B.

Mr. CYR of Aroostook: Mr. President, there are certain things in regard to this legislation that we are passing which disturb me tremendously.

First of all, there is no definition of "resettlement," and if we assume, for instance, that resettlement means the moving from one location to another what is there in the law to prevent somebody with an old building to move across the street from where he is and build a new building and then he would be covered by this legislation whereby he would be exempt-

ed from local taxation for five years. Also, if we go back to the amendment which we previously passed, Amendment "A", I am very much disturbed by the language in that amendment also because the relocation is not very well defined and neither is the language in regard to replacement after a fire. Most of these industries are covered by at least the 80 per cent clause on insurance; in fact I am told that on the new industries that are covered by the MIBA loans they have to be covered one hundred per cent. Now if they have a fire and they collect 80 per cent or 100 per cent of the valuation of the plant from insurance then they are covered by this legislation which we are passing now, they are exempt from local taxation, or they can be exempt for five years if they apply.

I made reference before in debating this particular legislation to the fact that this might stimulate arsonists to be at work. Well, I said it more or less in a joking way, but the more we think about it it may be a good argument for it. So I am really disturbed in regard to this legislation and I would like to hear more from some of the other Senators, either that or else I will have to table it until I know more about it.

Mr. NOYES of Franklin: Mr. President, I will try to explain this thing from the beginning.

In the first instance, we had a bill before our committee which called for permissive legislation whereby the town, if they so chose, could exempt certain industrial property from taxation, the reason for that being that, as a matter of fact today many assessors are doing that very same thing. Then as it progressed here in debate on the floor of the Senate the second amendment was presented by the Senator from Washington, Senator Wyman, in which he wished to include the situation where an industry was destroyed by fire, and that accounts for Senate Amendment "A". Then as we further discussed this thing the question came up that perhaps there might be industries coming to Maine which were not of the A No. 1 class and they might prevail upon the select-

men and the assessors to abate their taxes perhaps for a period of time, and then after a year leave, so Senate Amendment "B" is the result of the work of a special committee which was appointed, composed of four Senators, and that requires that the town fathers if they wish, if there is any question about the industry or its assets, may require a bond.

Now this thing is just permissive legislation, and in some cases it is actually making legal what is now being done throughout the State. There certainly is nothing harmful about this legislation. As a matter of fact, it is a very good piece of legislation, and I think that all of us can sit here and think of situations perhaps where arsonists might come to play or runaway industries might run, but I think with Senate Amendments "A" and "B" certainly every situation is pretty well covered. I feel this is very important legislation and I certainly hope that this Senate will follow through and pass it.

Mr. CYR of Aroostook: Mr. President, I go along with the purpose of this legislation in regard to more or less softening the load of some of these industries in their relocation in the State of Maine or introduction of new industries into our communities. I go along with the thinking that possibly for a year or two years or three years they may need certain concessions to get over the expense of relocating or the expense of training new personnel. However, looking at it from the municipality's standpoint, I am a little disturbed in regard to it.

Of course the original bill has been softened, it has been cut down to five years, which is a concession in the right way so far as I am concerned, but I am still disturbed about the fact that the municipality where this new industry will be settled will have to absorb the cost of school expansion, utilities, new streets and so forth. If you have an industry that brings in three or four hundred new people certainly that will have a disturbing effect upon the community. It will increase the cost of certain of these services that the municipalities are expected to offer. For that reason,

I do not believe it is fair for the existing industries in that particular municipality, neither is it fair for the properties that are there now that will have to absorb that tax.

I made reference before to the fact that a new industry can be a blessing or it can be a curse to a town, depending on how solid it is. If it is a fly-by-night affair and we loosen up our legislation to the extent that it might encourage some of these fly-by-night affairs, then it might turn out that it will be a curse to the community.

Also, I would like to say a few more words in regard to the two amendments that were put in in regard to the relocation and also for an after a fire exemption. I understand that this is permissive legislation. That is well and good, but the pattern would be set and certainly the industry that will not take advantage of this tax exemption will be probably considered in the class of a sucker. Certainly if they have legislation that will permit them to do it at a great saving to them certainly they are not going to deny themselves that saving.

So, for these reasons, I would like to table this bill until a week from today for further study.

Mr. NOYES of Franklin: Mr. President, in view of the fact that this has been debated quite a bit and in view of the fact we went to the special effort here of—

Mr. CYR of Aroostook: A point of order, Mr. President. This is a tabling motion.

Mr. NOYES: Mr. President, I would like a division on the motion.

The PRESIDENT: The question is on the motion of Senator Cyr of Aroostook that the bill be laid upon the table and especially assigned for one week from today.

A division of the Senate was had. Twenty having voted in the affirmative and seven opposed, the motion prevailed and the bill was tabled and so assigned.

Mr. STANLEY of Penobscot: Mr. President, May I ask a question of the Chair. I believe that the gentleman was in order in debat-

ing the time of assignment. Am I correct?

The PRESIDENT: The Senator is correct.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 438) (L. D. 1359) bill, "An Act to Further Regulate the Sale of Malt Liquor Between Manufacturers and Wholesalers"; tabled on April 26 by Senator Stanley of Penobscot pending adoption of Senate Amendment A.

Mr. STANLEY of Penobscot: Mr. President, just briefly: L. D. 1359 was brought into this general court for one reason. I am a great believer in free enterprise, the freer the better, but it does seem that in the course of human affairs we do get things out of adjustment now and then; if we did not we probably would not have to be sitting here every two years.

It seems to me that the malt beverage industry is a big industry, not only in the State of Maine but nationally, and it seems to me that we should be free to govern ourselves, to make our rules and regulations as best we know how. It appears that there are no franchises, no contracts between breweries and the distributors of malt beverages in the State. It being a big industry, the fact they do not have franchises could conceivably upset the complete industry at any one time.

With that in mind, I presented this bill to the legislature and it was referred to the Committee on Liquor Control. Because I felt that it should go to a committee where the members had a good deal of legal background, I asked this Senate that we refer it to the Committee on Judiciary. It came out of the committee, as you all know, with a unanimous "Ought not to pass" report, and I will have to agree with them that the bill was not good, that it made it mandatory that a distributor be given ninety days' notice upon completion of the brewery doing business with that particular distributor.

The amendment that you have before you, which, in the wisdom of the Legislature, has been set up to control items of this sort, the

discretion to require a distributor or a brewer, either one, if they want to terminate their business transactions with either or the other.

It seems to me that this is something we should do to protect primarily, I would say, the distributors, where they have no guarantee of continuing to sell or advertise a particular product, where they could at one moment, any morning or any evening, be told, "We are no longer going to do business," it does something to an industry which could be much more stable if this were not the case.

The State of Delaware at the present time does make it mandatory that the brewery and the distributor give each other ninety days' notice. That is one case that I know. This amendment would not make it mandatory; it would give the Commission discretion to have a notice up to 90 days or less, as it says.

With that bit of explanation, I would move that we adopt Senate Amendment "A".

Mr. MARDEN of Kennebec: Mr. President, my digestion is not improved any by the proposed amendment, but I would rise to suggest that my colleague, Senator Farris, is ill today and is therefore prevented from voting on this measure through no fault of his own. I have every reason to believe his vote would be different than mine, and, simply in a sense of fairness to both sides, I would inquire whether someone in the Senate would like to table the matter or whether or not there is a procedure whereby, under the circumstances, our votes could be paired.

The PRESIDENT: The Chair would inform the Senator that the request would have to come from Senator Farris of Kennebec.

Mr. CARPENTER of Somerset: Mr. President, I move, in view of the facts that Senator Marden has just stated, that the bill lie on the table and be especially assigned for Tuesday next.

The motion prevailed and the bill was tabled pending motion by Senator Stanley to adopt Senate Amendment "A", and was especially assigned for Tuesday next.

The President laid before the Senate the 6th tabled and especially assigned item (S. P. 405) (L. D. 1346) bill, "An Act relating to Form of Standard Fire Insurance Policy"; tabled on April 26 by Senator Brown of Hancock pending adoption of Senate Amendment "B"; and on further motion by the same Senator, the bill was retabled and especially assigned for Tuesday next.

Additional Paper From The House Joint Order

ORDERED, the Senate concurring, that Bill "An Act Regulating Lobster Traps on Trawls" (H. P. 900) (L. D. 1234) be recalled from the Legislative Files to the House. (H. P. 1141)

Comes from the House read and passed.

In Senate, read and passed in concurrence.

On motion by Mr. Mayo of Sagadahoc, the Senate voted to take from the table Item 6-22, Senate Report from the Committee on Appropriations and Financial Affairs Ought to Pass as amended by Committee Amend. A "An Act relating to Pollution Abatement" (S. P. 133) (L. D. 316) tabled by that Senator earlier in today's session pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once, Committee Amendment "A" read and adopted, and the bill was tomorrow assigned for second reading.

Mr. MARDEN of Kennebec: Mr. President, with reference to Item 6-28 tabled by me earlier in the day and especially assigned for one week from today, at the risk of incurring the wrath of Senator Edgar of Hancock, I would move, out of order and under suspension of the rules, that the Senate reconsider its action whereby this matter was tabled and especially assigned, in order that I may make a motion to recommit the bill to committee.

Mr. EDGAR of Hancock: Mr. President, I am not "wrathy" but I still object very strongly to the establishment of precedent whereby we remove from the table an

assigned item at a time other than that for when it was originally assigned. I don't know if anyone who was present in this Senate Chamber when the bill was assigned, has left but it could well happen and I think that the members of the Senate should have every right to depend on assignments. I am

very much opposed to the motion of the Senator from Kennebec.

THE PRESIDENT: An objection has been entered, and the Chair will rule the motion out of order.

On motion by Mr. Noyes of Franklin,

Adjourned until tomorrow morning at 9:30.