

# 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, May 4, 1961

Senate called to order by the President.

Prayer by Rev. Wm. Dawes Veazie of Gardiner.

On motion by Mr. Brown of Hancock, Journal of yesterday, Read and Approved.

The PRESIDENT: The Chair recognizes in the Senate gallery a group of seventy-one students from the 8th grade of St. Augustine's School, Augusta. The Chair would like to have the Senator from Kennebec, Senator Gilbert, introduce these children to the Senators, also the teachers that are with them.

Mr. GILBERT of Kennebec: Mr. President and members of the Senate: I think this one has kicked back on me. Our good President here apparently was given a note and it seems that some of the names on there were not the names he wanted to read.

The PRESIDENT: If the Senator wants to know the truth, the Chair cannot read the Senator's writing.

Mr. GILBERT: It is a great deal of pleasure for me to have here the seventy-one students from the 8th grade of the St. Augustine School here in Augusta. I take a lot of pride in seeing them here because I went to this same school myself as a boy. They are supervised by Sister Saint Narcisse and Sister Sainte Marie de Sept Douleurs. Now I shall yield to our good President again and he can make the rest of the speech.

The PRESIDENT: Thank you Senator Gilbert.

It is certainly a pleasure to have this group here with us this morning. We hope that your stay is educational and pleasant. We hope you visit both branches and also the Museum, because we are very proud of that. We hope that you come back and visit with us again. Some day we know that you will be taking your places in either the House or the Senate, serving the county from which you come.

I would like to take the opportunity at this time to introduce to you the Senators from your county: Senator Gilbert, whom you just

heard, Senator Farris and Senator Marden.

It is a pleasure to have you with us. (Applause)

**Papers from the House**

Joint Resolution Re School Safety Patrols (H. P. 1146)

Comes from the House, read and adopted.

In the Senate, read and adopted in concurrence.

**Non-concurrent Matter**

Bill, "An Act to Clarify the Liquor Laws." (S. P. 353) (L. D. 1086)

In Senate, April 27, passed to be engrossed, as amended by Committee Amendment A (Filing S-92) and by Senate Amendment B (Filing S-103) and Senate Amendment C (Filing S-144)

Comes from the House, Passed to be engrossed as amended by Committee Amendment B in non-concurrence.

In the Senate:

Mrs. CHRISTIE of Aroostook: Mr. President, I move that the Senate insist on its former action where it adopted Senate Amendment C and I ask for a Committee of Conference.

Mr. EDGAR of Hancock: Mr. President, I would like to ask a question either of you or of the Senator from Aroostook, Senator Christie.

I am very much interested in Committee Amendment "A" to this bill, and I would like to know whether or not if there should be a committee of conference whether the question to be settled by the Committee of conference would be on the entire matter or just on Senate Amendment "C". Knowing the fate of most bills that wind up with the question to be settled by a committee of conference, I am a little bit concerned about whether we may lose this whole bill just because we are worried about Senate Amendment "C." I would like some assurance that the question before the committee of conference would only be on Senate Amendment "C".

The PRESIDENT: The Senator from Hancock, Senator Edgar, poses a question through the Chair of the Senator from Aroostook,

Senator Christie, and she may answer if she wishes.

Mrs. CHRISTIE: Mr. President and members of the Senate: The request I have made is for a committee of conference on Senate Amendment "C" only.

Thereupon the Senate voted to insist upon its former action where-by the Senate adopted Senate Amendment "C" and ask for a committee of conference.

The Chair appointed as members of that committee on the part of the Senate:

Senator Christie of Aroostook  
Senator Mayo of Sagadahoc  
Senator Jacques of Androscoggin

Resolve, Providing for Survey to Determine New Projects for Recreational Areas (S. P. 286) (L. D. 887)

In Senate, March 17, passed to be engrossed as amended by Committee Amendment A (Filing S-50)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Noyes of Franklin tabled pending consideration.

#### ORDERS

On motion by Mrs. Christie of Aroostook

ORDERED, the House concurring, that H. P. 487, L. D. 687, "Resolve Regulating Fishing in Certain Waters of Aroostook County" be recalled from the Governor to the Senate. (S. P. 538)

Which was read and accepted.  
Sent down for concurrence.

On motion by Mr. Stanley of Penobscot

ORDERED, The House Concurring, that H. P. 1123, L. D. 1547, "An Act Permitting Governor of Penobscot Tribe of Indians to Bring Action for Money Due" be recalled from the Governor to the Senate. (S. P. 539)

Which was read and accepted.  
Sent down for concurrence.

#### House Committee Reports Ought Not to Pass—Recommended

The Committee on Appropriations and Financial Affairs on Resolve, Providing for Legislative Research Committee Study of State

and Municipal Sewage Problems. (H. P. 572) (L. D. 792) reported that the same Ought Not to Pass.

In House, recommended to the Committee on Appropriations and Financial Affairs.

In the Senate recommended in concurrence.

#### Ought Not to Pass

The Committee on Judiciary on Bill, "An Act Relating to Trespass on Residential Property." (H. P. 996) (L. D. 1383) reported that the same Ought Not to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Penalty for Operating Business on Sundays." (H. P. 118) (L. D. 158) reported that the same Ought Not to Pass, as Covered by other Legislation.

The same Committee on Bill, "An Act Relating to Operating Automatic Laundries and Holding Auctions on Sundays." (H. P. 460) (L. D. 660) reported that the same Ought Not to Pass, as Covered by other Legislation.

The same Committee on Bill, "An Act to Encourage the Observance of Certain Holidays." (H. P. 939) (L. D. 1287) reported that the same Ought Not to Pass, as covered by other Legislation.

The Committee on State Government on Bill, "An Act Increasing Salaries of Justices of Supreme Judicial Court and Superior Court." (H. P. 538) (L. D. 736) reported that the same Ought Not to Pass.

The Committee on Towns and Counties on Bill, "An Act Increasing Appropriation to Promote and Advertise County Resources and Attractions." (H. P. 911) (L. D. 1245) reported that the same Ought Not to Pass.

Which reports were read and accepted in concurrence.

#### Ought to Pass

The Committee on Natural Resources on Recommended Bill, "An Act Revising Laws Relating to Pollution Control." (H. P. 1125) (L. D. 1552) reported that the same Ought to Pass.

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

**Ought to Pass—As Amended**

The Committee on Judiciary on Bill, "An Act Relating to Costs and Fees in Civil Cases in Municipal and Trial Justice Courts." (H. P. 141) (L. D. 204) reported that the same Ought to Pass, As Amended by Committee Amendment "A" (Filing No. H-186)

In House, Indefinitely Postponed.

In the Senate, indefinitely postponed in concurrence.

The same Committee on Bill, "An Act Relating to Fees of Clerks of Courts for Entry of Action and Motion." (H. P. 993) (L. D. 1380) reported that the same Ought to Pass, As Amended by Committee Amendment "A" (Filing No. H-187)

In House, Passed to be Engrossed as Amended by Committee Amendment "A" (Filing No. H-187)

The Committee on Legal Affairs on Bill, "An Act to Grant a New Charter to the City of South Portland." (H. P. 605) (L. D. 864) reported that the same Ought to Pass, As Amended by Committee Amendment "A" (Filing H-178)

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 Taxation on Bill, "An Act Relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies." (H. P. 358) (L. D. 510) reported that the same Ought to Pass as Amended by Committee Amendment "A" (Filing H-236)

Comes from the House Passed to be Engrossed, As Amended by Committee Amendment "A", as amended by House Amendment "A" thereto (Filing H-243), and as amended by House Amendment "A" (Filing H-240)

In the Senate, on motion by Mr. Edgar of Hancock, tabled pending acceptance of the report.

**Ought to Pass—New Draft**

The Committee on Judiciary on Bill, "An Act Relating to the Control of Malfunctioning Disposal Systems." (H. P. 251) (L. D. 365)

reported that the same Ought to Pass in New Draft under Same Title (H. P. 1142) (L. D. 1574)

The same Committee on Bill, "An Act Relating to Dissolution of Corporations by Action of Stockholders." (H. P. 791) (L. D. 1105) reported that the same Ought to Pass in New Draft, under New Title: "An Act Relating to the Dissolution of Corporations." (H. P. 1143) (L. D. 1575)

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

The Committee on Towns and Counties on Bill, "An Act Relating to Rental of Space in County Buildings by State Departments." (H. P. 277) (L. D. 391) reported that the same Ought to Pass in New Draft, under the Same Title: (H. P. 1104) (L. D. 1520)

In House, Reports read and accepted, and subsequently the Bill and Report were Indefinitely Postponed.

In the Senate, on motion by Mr. Wyman of Washington, indefinitely postponed in concurrence.

The same Committee on Bill, "An Act Relating to Per Diem Compensation for Superior Court Messenger of Cumberland County." (H. P. 554) (L. D. 751) reported that the same Ought to Pass in New Draft, under New Title: "An Act Relating to Annual Compensation for Superior Court Messenger of Cumberland County." (H. P. 1138) (L. D. 1568)

In House, Passed to be Engrossed, As Amended by House Amendment "A" (Filing H-245)

In the Senate, the report was read and accepted in concurrence, the bill read once, House Amendment A read and adopted in concurrence, and the bill tomorrow assigned for second reading.

**MAJORITY — Ought to Pass, As Amended by Com. Amend. "A"**

**MINORITY — Ought Not to Pass**

The Majority of the Committee on Claims on Resolve, Reimbursing Bay Ferry Corporation for Loss of Business. (H. P. 579) (L. D. 799) reported that the same Ought to

pass, as amended by Committee Amendment "A" (Filing H-165)

(Signed)

Sensors:

PORTEOUS  
of Cumberland  
BREWSTER of York

Representatives:

HUGHES of St. Albans  
HAGUE of Gorham  
GALLANT of Eagle Lake  
HUTCHINS of Kingfield  
ANDERSON  
of Greenville  
JOHNSON of Stockholm  
BREWER of Bath

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

(Signed)

Sensor:

PARKER of Piscataquis

In House, the Majority, Ought to pass as amended report accepted, and the resolve and reports indefinitely postponed.

In the Senate:

Mr. PARKER of Piscataquis: Mr. President, I note that the Chairman of the Appropriations Committee is not in his seat this morning and as this calls for an appropriation from the general fund, I move that it be tabled and especially assigned for tomorrow.

The motion to table and so assign prevailed.

**MAJORITY — Ought to Pass in New Draft — New Title**  
**MINORITY — Ought not to Pass**

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Criminal Conduct Because of Mental Disease." (H. P. 991) (L. D. 1378) reported that the same Ought to pass in New Draft, under New Title: "An Act Relating to Mental Disease." (H. P. 1144) (L. D. 1576)

(Signed)

Sensor:

MARDEN of Kennebec  
BOARDMAN  
of Washington

Representatives:

KNIGHT of Rockland  
BERMAN of Auburn  
RUST of York  
SMITH of Bar Harbor

MINSKY of Bangor  
BEANE, Jr. of Augusta

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

(Signed)

Sensor:

ERWIN of York.

In House, Majority Report, Ought to pass in New Draft, accepted, and the Bill, in New Draft, passed to be engrossed.

In the Senate, the Majority Ought to pass report was accepted on motion by Mr. Marden of Kennebec, and the bill was read once and tomorrow assigned for second reading.

**REPORT "A" — Ought to Pass**  
**REPORT "B" — Ought Not to Pass**

Five members of the Committee on Legal Affairs on Bill, "An Act Designating Monday for Observance of Memorial Day." (H. P. 1005) (L. D. 1406) reported in Report "A" that the same Ought to pass.

(Signed)

Sensors:

NOYES of Franklin  
LORD of Cumberland

Representatives:

BRIGGS of Portland  
KELLAM of Portland  
KNAPP of Yarmouth

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought not to pass.

(Signed)

Sensor:

FARRIS of Kennebec

Representatives:

SPROUL of Bristol  
BERRY  
of Cape Elizabeth  
STEWART  
of Presque Isle  
BERMAN of Houlton

In House, Reports and Bill indefinitely postponed.

Mrs. LORD of Cumberland: Mr. President, I move that we accept Report "A" "Ought to pass" and I would like to speak briefly.

This bill would not become effective unless all the other New England States did accept it. It would make a long holiday for

Memorial Day, and since Memorial Day was just a day that was picked out for celebration it does not commemorate anything and I think this would be a good bill.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I have no strong feeling on this bill, but it has come from the House with the report and bill indefinitely postponed.

My primary reason for signing Report "B" was that we have a problem on every long week-ends from the point of view of highway safety because the number of fatalities, not only in this State but throughout the nation, that occur on our highways on every long week-end is becoming more and more alarming each year.

I am not in complete accord with the statement that Memorial Day means nothing. I think it means a great deal. We have been celebrating on May 30th for nearly a hundred years.

At this time I would move that the report and bill be indefinitely postponed.

Mr. CYR of Aroostook: Mr. President and members of the Senate: I would go along with Senator Farris, because my wedding anniversary is Memorial Day and if the date was changed I wouldn't know whether I should celebrate on the 30th of May or if I should celebrate on Memorial Day. (Laughter)

Mr. PORTEOUS of Cumberland: Mr. President, throughout the United States there has been consideration for some time of scheduling some of these holidays on Monday to give a long week-end. I am not aware that the traffic fatalities are any higher per day on the long week-ends than they are on regular week-ends, but I cannot testify on that.

I support Senator Lord in her motion because from the standpoint of vacation business, the standpoint of people coming down here from Massachusetts and Connecticut to open up their camps, they will be more apt to come down here if they are given a long week-end at the beginning of the season than they would if it was just a two-day affair, Saturday and Sunday. Having a holiday in the middle of the week breaks up our business week. Most accidents

in factories happen either on Monday or the day after a holiday. Men are always getting their fingers caught in machines on days following a holiday. That is when most of the accidents happen in the industrial areas.

It looks like a pretty good split here, five to five, and I think we ought to consider this thing a little further, especially since we are pretty deeply involved in the vacation business.

Mr. STILPHEN of Knox: Mr. President, I would like to rise in support of the motion of the Senator from Kennebec, Senator Farris.

This is one of the old chestnuts that we have had for many years, only this is a milder form than we have had previously. Usually we have had bills in here before the legislature to make all holidays come on Monday. They are apparently attempting now to make it only Memorial Day. Their reasoning, to me, is not particularly sound, because they are asking for a long week-end, and I know now that federal employees, state employees and so forth if Memorial Day happens to come on Thursday they do not have to work on Friday and they do not have to work anyway on Saturday or Sunday, and that gives them four days, so why cut them down? Let's have a long week-end every once in a while.

I hope that the Senate goes along with the motion and I ask for a division.

Mr. LOVELL of York: Mr. President and members of the Senate: I think the good Senator from Knox does not realize what making this holiday come the same time each year will mean to Knox County in the tourist business. If this holiday falls each year on Monday this will give every year a long week-end, and it has been definitely proven that a long week-end would bring into the State of Maine at this particular time of year and from there on through over a million dollars in new business, which in turn would give the State some couple of hundred thousand dollars in direct taxes. Consequently, although we may with increased traffic have more accidents on the highway, I think

our State Police are doing very well, and on this week-end I am sure they will function as they have always done. It is a matter of the law of averages the way the accidents seem to occur, so I think the accidents should not be taken into consideration. I think we should take into consideration the extreme importance of this to the tourist and the boost to the general economy of the State of Maine by making this holiday come on the same day each year. Not only will it help in getting the camps open for people but in many cases it will bring new people into Maine who will spend new money here which we so badly need.

I heartily agree with the good Senator from Cumberland County that we should accept Report "A".

Mr. PORTEOUS of Cumberland: Mr. President, I would like to remind the Senator from Knox that the holidays these state employees are getting now are paid for by us, the taxpayers.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: If the House had accept Report "A" I would not have been as vigorously in support of the motion to indefinitely postpone, but it has been indefinitely postponed in the other body.

Memorial Day may not mean much to a lot of people, but I still think that for us to engage in debate and desecrate the memory of those Northern soldiers who fought so gallantly to preserve this Union is most distasteful.

Mrs. LORD of Cumberland: Mr. President, I would like to answer the Senator from Kennebec, Senator Farris.

I do not think anyone reveres more the heroes of these United States than I do. This date was simply picked as a date. It does not celebrate anything; it doesn't mean anything. If it did mean anything I would be the first one to defend it. It was just selected for one day, and I cannot see that it makes any difference on which day we celebrate it.

The PRESIDENT: The question is on the motion of Senator Farris of Kennebec, that the bill be indefinitely postponed in concurrence; a division has been re-

quested by Senator Stilphen of Knox.

A division of the Senate was had.

Ten having voted in the affirmative and seventeen opposed, the motion did not prevail.

Thereupon, on motion by Mrs. Lord of Cumberland, the Ought to pass Report A was accepted, the bill read once and tomorrow assigned for second reading.

#### **Senate Committee Reports Referred to the 101st Legislature**

Mr. Farris from the Committee on Legal Affairs on Bill, "An Act Authorizing Creation of Municipal Sewerage Systems." (S. P. 434) (L. D. 1387) reported that the same should be referred to the 101st Legislature; and that the subject matter be referred to the Legislative Research Committee for study, and recommendations be reported to the 101st Legislature.

(On motion by Mr. Noyes of Franklin, tabled pending acceptance of the report.)

Mrs. Lord from the same Committee on Bill, "An Act Relating to Control of Structures Near Airports." (S. P. 172) (L. D. 418) reported that the same should be referred to the 101st Legislature; and that the subject matter be referred to the Legislative Research Committee for study, and recommendations be reported to the 101st Legislature.

(On motion by Mr. Noyes of Franklin, tabled pending acceptance of the report.)

#### **Ought Not to Pass**

Mr. Noyes from the Committee on State Government on Senate Order Relative to Joint Rule No. 23, and Amendments Thereto. (S. P. 52) reported that the same Ought not to pass.

(On motion by Mr. Stanley of Penobscot, tabled pending acceptance of the report.)

#### **Ought to Pass**

Mr. Lovell from the Committee on State Government on Resolve, Authorizing the State of Maine to Convey Certain Land in the City of Saco. (S. P. 523) (L. D. 1550) reported that the same Ought to pass.



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

The PRESIDENT: The Chair notes in the Senate Chamber the daughter of one of our fine Senators, and at this time the Chair would like to appoint the young lady as Honorary Page for the day. The Chair will ask the Senator from Hancock, Senator Edgar to escort his daughter Margaret to a seat with the Pages.

This was done amid the applause of the Senate.

The PRESIDENT: I don't blame the Senator for showing off that lovely young lady. (Applause)

#### Ought to Pass—As Amended

Mr. Boardman from the Committee on Judiciary on Bill, "An Act Amending Certain Statutes to Conform to Rules of Civil Procedure." (S. P. 455) (L. D. 1465) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing 158)

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

#### Ought to Pass — New Draft

Mr. Erwin from the Committee on Judiciary on Bill, "An Act Relating to Burden of Proof on Questions of Fact in Industrial Accident Commission Decisions." (S. P. 112) (L. D. 257) reported that the same Ought to pass in New Draft, under the same Title, (S. P. 535) (L. D. 1583)

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

#### Second Readers

The Committee on bills in the Second Reading reported the following bills and resolves:

Bill, "An Act Relating to Special Deputies for Kennebec and Penobscot Counties" (H. P. 167) (L. D. 230)

Which was read a second time.

Mr. Ferguson of Oxford presented Senate Amendment "A" and moved its adoption.

On motion by Mr. Farris of Kennebec, the bill was tabled pending motion by Mr. Ferguson to adopt Senate Amendment "A".

Mr. FARRIS of Kennebec: Mr. President, there was some confusion originally in relation to Kennebec County as to whether this should go back to the Committee or whether the bill should be substituted for the report. In view of this development, I would suggest that this be referred to the Committee on Towns and Counties.

Subsequently, on motion by Mr. Farris of Kennebec, the bill was removed from the table and that Senator yielded to the Senator from Oxford, Senator Ferguson.

On motion by Mr. Ferguson of Oxford, the bill was recommitted to the Committee on Towns and Counties in non-concurrence.

Sent down for concurrence.

Bill, "An Act Providing for Civil Service for the Old Orchard Beach Police Department." (H. P. 614) (L. D. 831)

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

#### House — As Amended

Bill, "An Act Providing for Repair and Maintenance of State-owned Dam on Dead River, Androscoggin County." (H. P. 1128) (L. D. 1555) Amended by House Amendment "A" (Filing H-244)

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

#### Senate

Bill, "An Act to Reactivate a Maine Committee on Problems of the Mentally Retarded." (S. P. 77) (L. D. 177)

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

#### Senate — As Amended

Bill, "An Act Relating to Second Injury Fund and Vocational Rehabilitation under Workmen's Compensation Act." (S. P. 37) (L. D. 79) Amended by Committee Amend. "A" (Filing 155)

Resolve, Appropriating Moneys to Match Federal Funds Provided Under Title VIII of the National Defense Education Act." (S. P. 270) (L. D. 871) Amended by Committee Amend. "A" (Filing 156)

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

Sent down for concurrence.

### Enactors

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

Bill, "An Act Relating to Compensation of Chief Deputy Sheriffs Performing Special Duties." (H. P. 168) (L. D. 231)

Bill, "An Act Relating to Fees of Certain Sheriffs for Service of Criminal Process." (H. P. 427) (L. D. 602)

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)

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 Liability of Landowners Towards Hunters, Fishermen, Trappers, Campers, Hikers or Sightseers." (H. P. 934) (L. D. 1282)

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

Bill, "An Act Classifying Certain Tidal Waters, Cumberland County." (H. P. 1014) (L. D. 1415)

Bill, "An Act Revising Minimum Wage Law." (H. P. 1115) (L. D. 1537)

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

(Which was passed to be enacted; subsequently on motion by Mr. Ferguson of Oxford, enactment reconsidered and the bill tabled pending passage to be enacted; and especially assigned for later in today's session.)

Bill, "An Act Revising Fee Schedules of Court Reporters." (S. P. 183) (L. D. 429)

Bill, "An Act Authorizing Washington County to Construct an Addition to County Court House." (S. P. 209) (L. D. 542)

(8-13) Bill, "An Act Relating to the Regulation of the Practice of Professional Engineering." (S. P. 293) (L. D. 904)

(On motion by Mr. Brown of Hancock, tabled pending passage to be enacted and especially assigned for later today.)

Bill, "An Act Defining Mother, Father and Parent under Maine State Retirement Law." (S. P. 382) (L. D. 1192)

Bill, "An Act Relating to Use of Motor Vehicles Without Authority in any Place." (S. P. 465) (L. D. 1464)

Bill, "An Act Relating to Unauthorized Charging of Long-Distance Telephone Toll Service." (S. P. 524) (L. D. 1548)

Which Bills were passed to be enacted.

### Emergency

Bill, "An Act Relating to Licenses and Fees Thereof by Running Horse Racing Commission." (H. P. 827) (L. D. 1142)

Which Bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

Resolve, to Reimburse Denis N. Caron of Litchfield for Damage to Poultry (H. P. 109) (L. D. 149)

On motion by Mr. Sampson of Somerset, tabled pending final passage.

Subsequently on motion by the same Senator, the resolve was removed from the table and received final passage.

### Emergency

Bill, "An Act to Increase the Indebtedness of the Town of Poland School District." (H. P. 1086) (L. D. 1506)

Which Bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

### Emergency

Bill, "An Act Relating to Immunity from Prosecution for Giv-

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

Which Bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

#### Emergency

Bill, "An Act Relating to Additions to and Dissolution of School Administrative Districts." (H. P. 1145) (L. D. 1577)

Mr. COLE of Waldo: Mr. President before this bill is enacted, I would like to express my appreciation for the very hard work the Committee on Education has done along this line. This bill is designed to perhaps resolve some of the problems in School Administrative District 2 and also School Administrative District 3. I now hope that the Department will give us the same sincere action we have received from the Committee on Education.

This being an emergency measure a division of the Senate was had.

Twenty six having voted in the affirmative and none opposed, the bill was passed to be enacted.

#### Orders of the Day

Out of order and under suspension of the rules, Mr. Mayo of Sagadahoc presented the following order and moved its adoption:

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House respectively be authorized to furnish postage stamps for each member of the Senate and House, not exceeding four dollars in amount each, for the purpose of distributing the various reports of the departments of state and other public documents such as they may desire to mail to the citizens of the State.

Read and passed.

Sent down for concurrence.

The President laid before the Senate the 1st tabled and today assigned item (S. P. 223) (L. D. 628) Senate Report, Ought not to pass, from the Committee on Appropriations and Financial Affairs on "Resolve, Providing Funds for Thayer

Hospital, Waterville, to Aid its Rehabilitation Program"; tabled on April 25 by Senator Ferguson of Oxford pending acceptance of this report.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I am going to make a motion which I would like to speak briefly on. I move that we substitute this bill for the report of the committee.

I have checked with the Chairman of the Appropriations Committee, Senator Davis of Cumberland, Senator Stanley of Penobscot, and Senator Sampson of Somerset, also with Representative Bragdon who is Chairman of the Appropriations Committee in the House.

This legislation would be of great assistance to the rehabilitation program for citizens of the State of Maine. Thayer Hospital incorporated a Department of Rehabilitation some three years ago, feeling that this was a branch of medicine which had been badly neglected and which is quite necessary to the citizens of the State of Maine. In order for the hospital to do a real comprehensive job this resolve is quite necessary.

Thayer Hospital has been working on a limited grant from the office of Vocational Rehabilitation and I think it has been of real service to the injured in the State of Maine. Insurance companies have expressed an interest in the program, because when we get additional facilities and equipment they won't have to be sending their injured to Boston, which is the nearest rehabilitation center we have to the State of Maine.

I would like to have the Senate accept this report and let it go to the enactment stage, and if we do not find the funds I certainly will not press this resolve. I hope the Senate will go along with my motion.

Mr. SAMPSON of Somerset: Mr. President, due to the absence of two members of the Appropriations Committee, I move that this be tabled and especially assigned for tomorrow.

The PRESIDENT: The Chair notices in the Senate Chambers the Chairman of the Republican State Committee, and former Councillor.

It gives the Chair great pleasure to introduce to the Senate the Honorable David Nichols. Will he please rise? (Applause)

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 316) (L. D. 468) bill, "An Act Relating to Actions for Injuries Causing Death"; tabled on April 26 by Senator Carpenter of Somerset pending assignment for second reading; and on further motion by the same Senator, Senate Amendment "A" was presented and the bill was tabled pending motion by Senator Carpenter to adopt Senate Amendment "A", and especially assigned for later today. (Ordered reproduced.)

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 2) (L. D. 2) Senate Report, Ought not to pass, from the Committee on Appropriations and Financial Affairs on "Resolve Appropriating Moneys to Promote and Advertise Maine's Ski Business tabled on April 27 by Senator Marden of Kennebec pending acceptance of the report; and that Senator yielded to the Senator from Cumberland, Senator Porteous.

On motion by Mr. Porteous of Cumberland, the bill was retabled.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 420) (L. D. 1300) Senate Report, Ought to pass in New Draft (S. P. 529) (L. D. 1563) from the Committee on Inland Fisheries and Game on bill, "An Act to Clarify State Boating Law"; tabled on April 27 by Senator Marden of Kennebec pending acceptance of the report; and on further motion by the same Senator, the bill was recommitted to the Committee on Inland Fisheries and Game.

Sent down for concurrence.

The President laid before the Senate the 5th tabled and today assigned item (H. P. 1127) (L. D. 1554) bill, "An Act Amending Law Providing for Additional Court Review in Public Utility Cases"; tabled on April 27 by Senator Erwin of York pending passage to be

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

The President laid before the Senate the 6th tabled and today assigned item (H. P. 560) (L. D. 757) bill, "An Act Permitting Certain Commercial Vehicles to Exceed Weight Limits" tabled on April 27 by Senator Ferguson of Oxford pending assignment for second reading; and on further motion by the same Senator, the bill was retabled.

The President laid before the Senate the 7th tabled and today assigned item (S. P. 512) (L. D. 1529) "Resolve Proposing an Amendment to the Constitution Exempting Certain Industrial Property from Taxation"; tabled on April 27 by Senator Cyr of Aroostook pending adoption of Senate Amendment B; and that Senator yielded to the Senator from York, Senator Lovell.

Mr. LOVELL of York: Mr. President and members of the Senate: I would like to briefly speak on this bill to amend the Constitution. I might say first that back in November it was my feeling at that time, after I was very fortunate to be elected, that one of the prime things that should be accomplished in Maine is to increase our industrial development in our State. I contacted Senator Margaret Smith who in turn, through the office of Area Development in Washington and they had one and sometimes two men working on the various successful methods that have been used by other states of the United States and other countries in the world in regard to industrial development. They have come up with various things and this was one of the projects that was suggested.

Now in the state that has but very little unemployment this certainly is not necessary. As was mentioned, this particular bill would apply principally in the New England States and in southern states who because of various problems had to offer certain concessions to get industry to come into the area. We in Maine well know that for quite a number of years we have had at least 26,000 unem-

ployed on the Maine Employment Security Commission rolls, and in addition to that there have been many others unemployed who, after their compensation runs out, then either stay in Maine without work and compensation or go to other states looking for work. As you can well realize, we being the 44th state in the country in regard to population increase, only six per cent in the last ten years, we are under the national average of 17 per cent, showing that we certainly are a state that needs to do something progressive.

As you well know, Governor Reed in his inaugural message wanted a vigorous plan for promoting industrial and recreational growth. President Kennedy has also suggested tax concessions for industries.

Now naturally the over-all unemployment picture in Maine has been quite bad for quite a number of years. Not only are we the second highest state in New England in per capita tax but we are the lowest state in New England in per capita income. Although our educational program is fairly good, over half of our children when they graduate from school must go to other states, even though they may be very well trained, seeking jobs.

There are seventeen states that are giving this type of concession. I think the nearest state to us that is doing this is Rhode Island.

This is a progressive step, without question, in getting new industries to come into Maine. Actually, the over-all picture of giving a tax concession has been stated by the Maine Association of Tax Assessors: that they felt that this was something that probably was not needed; they felt that it produced a burden on currently operating industries with the tax-free competition. But this is not so. The industries that move into a community with so many people unemployed, they are not going to increase the burden on the community but they will be a help to the community, because in certain areas like my own area of Sanford and Biddeford, there are so many unemployed that in getting these people back to work in a new industry it definitely helps out the

over-all economy of the community due to the fact of the importance of the payroll.

Now when the industrial development specialists in Maine when they go out seeking an industry they tell the industry, which is true, that we are not seeking this industry for their taxes, but that here in Maine we are going to give them every type of break possible, but we are seeking the industry for their payroll, because an industry coming into a community with a payroll of a million dollars which turns over at the rate of five per cent certainly is a great asset in putting people to work, keeping more skilled labor in the area, keeping it from moving out of the state, and helping out the over-all economy of the community, helping the others to pay their taxes.

Now the few thousand dollars this industry might pay in taxes—and with this new amendment on it limits it to five years—that five years simply gives the industry a chance to get on its feet. I think most of the other industries in the area are for it because they like to see the industry that comes in get going, get on its feet, and keep the over-all labor market in a good position in the community. It certainly does not burden the residents and the commercial property owners because the residents and the property owners are the people who are going to benefit from an industry employing 250 people with a million dollar payroll, because as this money from the payroll is spent, generating in this particular case five million dollars worth of business, it helps everybody to pay their taxes. In many cases in the State of Maine, as I think everybody realizes, this is already now being done. I know it is being done in my own particular community. For instance, in the Saco Industrial Development Park they already have one industry in there and they are giving a five-year tax exemption.

Now there has been some feeling that there should be a gradual scale of the tax exemption; in other words, in the first year they would pay nothing, as is done in most cases now, in the second year

twenty-five per cent, in the third year fifty per cent, in the fourth year seventy-five per cent and so on; but this bill, with the amendment making it five years, gives the community, if they so vote, the right to do that, whereas if the community has no unemployment problem and they do not want to give the tax concession, they in turn need not vote this industry a tax concession on their property tax.

The Association stated that the industry might receive a quantity of services from the community. Of course that is true, but with the present number of unemployed throughout the state and in the various communities these people are already getting the services, their children are already getting the services at the expense of the taxpayers because they are already unemployed and in many cases drawing unemployment compensation, so consequently this will not burden that community but it will help that community because of the fact that these families, if the father and mother are working, they are going to help the over-all picture of the taxes in the community with the increased payroll. Certainly that is the important feature, not a few thousand dollars that may be collected by the community in taxes, but the new payroll coming into the community and increasing the economy. This also will cut down a great deal on the Health and Welfare payments in the community with the people going to work, and it will cut down the town budgets and in turn will help us in our state budget in the Department of Health and Welfare.

I do not want to go into too long a discussion of this. I would simply mention that according to the Department of Area Development bulletin Maine, between 1954 and 1958 Maine on the added value of manufacturing by states showed a rate of 96, and the southern states giving this tax exemption, along with North Dakota had a rating of anywhere from 110 to 146, and in New Mexico 144 and Arizona 185. Also in another bulletin for the same years: Maine's loss of industry was minus 3 per cent, in other words it showed in those four

years a net loss, while the states giving this concession showed in the case of Arizona a gain plus 58 per cent and New Mexico plus 33 per cent and so on in the other southern states.

This bill has passed the House and has gone thus far in the Senate. I will not go into the great success in other places, but in Louisiana, for instance, in the year 1960 obtained 180 new industries of all kinds through this method and created 3,818 new permanent jobs and 9,744 construction jobs.

I would now move that the Senate Amendment setting this at five years be adopted at this time.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: As you may remember, I originally moved for indefinite postponement of this bill, but that was before this amendment was put on it. This amendment answers all my objections because it cuts the period to five years. My most serious objection was that a plant could come into a town, stay for ten years, and then jump out without having paid their taxes. However, the purchase of a bond answers that and I think that the five years is a good compromise, so I rise in support of Senator Lovell's motion.

Mr. CYR of Aroostook: Mr. President and members of the Senate: As you know, I tabled this bill here last week because I was quite disturbed over some of the language and also some of the intention of this bill. The bill was amended to five years instead of ten years. Well, at ten years I considered it a bad bill and five years is half as bad. It is a little bit like taking half a glass of poison.

Now in the meantime I have approached several organizations and several people in regard to their feelings on this bill. I approached the Taxation Department, I approached the DED, the Maine Municipal Association. I have a letter from the Assessors Association. I have also talked to assessors on the level, and every one of them are in opposition to this bill. I will read a few remarks from the Assessors Association letter:

"It is wrong to burden our currently operating industries with tax-free competition. Second, it will burden residential and commercial property owners with the support of tax-free industry. Third: It will encourage the marginal type of industry to locate in Maine until the expiration of the tax-free period, at which time they will move. Fourth: Assume that an industry does not receive a quantity of services from any community, educational benefits for its employees' children would usually surpass the taxing cost, particularly in the marginal type of industry. Fifth: We should not be misled into thinking that taxation is the prime factor in attracting new industry of a worthwhile nature."

Now in the taxation laws we already have a clause that will cover some of this exemption. It is under the powers granted to the assessors. The assessors have the power to exempt or abate in hardship cases, and they define hardship cases as the inability to contribute towards public charges. Now if you have an industry that comes into your town for a year or two years, during the time they will absorb their relocating costs they can come in under this clause of hardship. If you have an industry that burns down you can also exercise this hardship clause. But it is entirely in the hands of the local assessors and they will make a decision on the local level depending on the merits of what is presented to them. If this legislation is passed it will legalize it on a statewide basis.

I realize that the legislation is permissive in nature, but by the very fact that we pass this legislation we will be creating a pattern throughout the State of Maine. If Community "A" exercises this power certainly Community "B" will be forced into it, so you are creating a pattern throughout the State of Maine.

The danger that I see in this is that it is discriminatory in regard to the industries that are already existing. It is also a discrimination against the local property owners, because existing industries and the local property owners will have to share the burdens of the ex-

panded utilities that will have to be provided, streets, sewers and all the rest that goes along with it, plus the fact that if you look at it from the state valuation standpoint, even though a community will grant an exemption to an industry to attract it to the community, your State assessors will not recognize that, and therefore the new valuation of that industry will increase your state valuation for that particular community. In doing that, that community will fall into a new bracket as far as their school subsidies are concerned and will stand to lose some of their school subsidy. Also the new cost that might be involved by this industry; if it is exempted from taxation on the local level it means that it is not incorporated in your local valuation. By so doing you are penalizing that community in their borrowing capacity. As you know, there is a law on the statutes today that a community can only borrow up to seven and a half percent of its valuation, so if that new plant is exempted from taxation you are therefore penalizing that particular community as far as its borrowing capacity is concerned.

It has been told to me that the State of Maine has too many other factors in their favor to attract new industry without having to resort to this tax concession, and in most cases we are told that an industry that can stand on its own feet, an industry that you would be proud to have in your own community, in most cases they do not ask for an exemption or an abatement. By the very same statement you are insinuating that the industries that will be exempted from taxation may not be industries that you care to have in your town.

I made the statement before that a new industry can be either a blessing or a curse to a community, and the marginal type or the fly-by-night industry that you might attract may turn out to be a curse to that particular community. I will repeat by saying that your local assessors already have the power, if they want to grant an exemption or if they want to grant an abatement, they already have the power under the statute under

the hardship cases. In fact, I have been told that in North Carolina the State of North Carolina enacted such a bill ten years ago, and lately I have been told that they have had to go to the industries and plead with them and ask them to voluntarily pay their taxes so that some of the communities will not be bankrupt. It has hurt the financial set-up of the State of North Carolina and many of the small communities. Right here in Vermont such an exemption was passed and I have been told that it has been used in very few cases and they are very leery about it.

For these reason, I would move for indefinite postponement of the bill and all its accompanying papers.

Mr. FARRIS of Kennebec: Mr. President, before we take a vote on this measure, I would like to inquire from the Secretary as to the status of Senate Amendment A. Was that amendment adopted? It is Filing No. 117.

The SECRETARY: In the Senate, on April 4, Senate Amendment A read and adopted.

Mr. FARRIS: Thank you, Mr. President. It would appear that possibly there could be a conflict between Senate Amendment A and Senate Amendment B and I would make a motion that this lie on the table until later in the day.

The bill was tabled pending motion by Senator Cyr to indefinitely postpone, and was especially assigned for later in the day.

The PRESIDENT: The Chair notes in the Senate Chambers a group of 52 pupils from Bar Harbor High School, the Class on Problems of Democracy, accompanied by their teacher Mr. Small. The Chair would like to introduce to you your Senators from Hancock County, Senator Brown and Senator Edgar. I am sure they will be pleased to answer any questions you may have. We also have one of your classmates in the Senate Chamber today. Miss Edgar, the daughter of Senator Edgar is acting as Honorary Page.

On motion by Mr. Edgar of Hancock, the Senate voted to take

from the table the 57th tabled and unassigned item (H. P. 1132) (L. D. 1559) bill, "An Act Relative to the Granting of Licenses for Certain Business and Purposes by the Municipal Officers of the Town of Old Orchard Beach;" tabled on May 2 by Senator Edgar of Hancock pending adoption of House Amendment A.

Mr. EDGAR of Hancock: Mr. President, it was with a great deal of interest I noted this bill when it was first introduced into this session of the legislature, and in talking with the sponsor of the bill, Representative Plante of Old Orchard, I found that Old Orchard and the town of Bar Harbor have many problems in common pertaining to the purposes of this bill. I have worked closely with him on it and he and I have agreed on a procedure which I trust the Senate will go along with in so far as it is my desire to include the town of Bar Harbor in with the town of Old Orchard under this bill. The pending question on this situation at the moment is the adoption of House Amendment A which was introduced by Representative Plante. He and I have agreed, after securing the advice of several legal lights in the State House, that House Amendment A has been drafted incorrectly and if the Senate will go along with my motion to indefinitely postpone House Amendment A, I will introduce another amendment which not only has my approval but also that of the sponsor of the bill. At this time I would move the indefinite postponement of House Amendment A.

The motion prevailed and House Amendment A was indefinitely postponed.

Mr. Edgar of Hancock presented Senate Amendment A and moved its adoption.

The Secretary read the amendment.

Mr. FARRIS of Kennebec: Mr. President, in view of the fact that I did prepare the redraft which, I would move that this lie upon the table until later in the day until I have an opportunity to study this Senate Amendment A.

The motion prevailed and the bill was tabled pending motion by



Senator Edgar to adopt Senate Amendment A.

On motion by Mr. Stilphen of Knox, the Senate voted that S. P. 420, L. D. 1300, bill, "An Act to Clarify State Boating Law," (Item 4) be sent forthwith to the House.

On motion by Mr. Erwin of York, the Senate voted to reconsider its former action taken earlier today whereby it assigned for second reading bill, "An Act Relating to Dissolution of Corporations by Action of Stockholders" (H. P. 1143) (L. D. 1575) on the next legislative day; and on further motion by the same Senator the bill was laid upon the table pending assignment for second reading.

On motion by Mr. Cyr of Aroostook, the Senate voted take from the table the 23rd tabled and unassigned item, (H. P. 139) (L. D. 202) House Reports from the Committee on Inland Fisheries and Game on bill, "An Act Relating to Collection and Disposition of Money Received for Violation of Fish and Game Laws," Majority report, Ought not to pass; Minority report, Ought to pass; tabled on March 29 by Senator Cyr of Aroostook pending acceptance of either report.

Mr. CYR of Aroostook: Mr. President and members of the Senate I make a motion to accept the Ought to pass report, and I would like to speak on my motion.

As you know this relates to the disposition of the fines that are received for violation of Fish and Game. That amounts to a total of \$80,000 a year and what happens to that sum of money? It is collected by the counties and it is then sent to the Department of Inland Fisheries and Game. What this bill calls for is for the counties to keep half of the violation fines. Many of us believe that it is only fair because it is the county and the municipality that have to bear the burden of the cost, the court cost and the judge cost. Many of the communities as you probably know from the Sly report are burdened by property taxes. More and more the problem is getting acute, and it is the same thing on

the county level. My own county of Aroostook this year for instance took an increase of thirty percent. Many of us are disturbed by that. We have no other way to collect taxes. This is one way that the counties—and inversely it also goes to the municipalities—of helping out a little bit and furthermore it seems only fair and just that half of these violations would bear the costs of the court and the judges of collecting it. I don't believe it would hurt the Department of Fish and Game. They already have quite a surplus as you probably know from their report, so I move for the acceptance of the ought to pass report.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate, I must rise to oppose the motion of my good friend the Senator from Aroostook, Senator Cyr, and I will read a few brief remarks:

To start with, this a very poorly worded bill. It states that ½ of all fines, penalties, officers' costs shall accrue to the Treasurer of the State and shall be paid into the Treasury of the County when the offense is prosecuted. It goes on to say the other ½ shall accrue to the County and shall be paid into the Treasury of the county where the offense is prosecuted. Then it goes on to say that ½ of all fines, fees, penalties recovered and money received or collected shall be paid to the Treasurer of the State. In all, that is three halves.

Last year the total fines collected were \$80,612. This year it should be considerably more because we have had a sharp increase in the number of prosecutions for night hunting. This would be a substantial loss to our Department.

Under present law, we pay for board of prisoners imprisoned for fish and game offenses. Where we have a trial in Superior Court, costs are assessed against the respondent, if found guilty. It hardly seems fair that Wardens should work all night, night after night, to apprehend a night hunter and if they are successful, for the few minutes of the court's time required for a trial, the county should collect half of the fine that

resulted from the efforts of the Warden.

When this Department was modernized at the time that Tudor Gardiner was Governor, the thinking of the Governor and the Legislative leaders was that the resident fishermen and hunters should pay one-third of the cost of supporting the department; that the non-resident fishermen and hunters should pay one-third and that because of the benefits accruing to people of the State who are not fishermen and hunters and because other State departments, such as highway, benefit through the gasoline tax paid by fishermen and hunters, one-third should be and was appropriated from the general fund. Later, with demands for other services to come from the general fund, the appropriation was taken away and the entire burden put on the fishermen and hunters.

Until four years ago, costs were assessed in lower court in all court cases. The complaining officer, if he did not have mileage, charged \$2.70 costs which accrued to the department. The court assessed \$5 costs which accrued to the county. With the change in that law made at the 1957 Legislative session, costs, as such, were done away with.

If a change is to be made, I think it would be very unfair to take one-half of our fines. Rather, I would suggest that a change be made in the law going back to the old system wherein the costs of court were charged to the respondent when he was found guilty.

I might state briefly that our Inland Fish and Game Department, with no cost to the counties whatsoever does participate in searching for lost persons, or persons drowned which would ordinarily come under the county category of the sheriff's department and I feel they are rendering a great service to the county that doesn't cost them anything and so I hope that the motion of the Senator does not prevail and when the vote is taken I ask for a division.

Mr. MAYO of Sagadahoc: Mr. President, I rise in opposition to the motion of Senator Cyr of

Aroostook. I am very worried about the continual sniping at this fine department. Reference made to the surplus is a reference that should be considered very lightly because what surplus is in the Department of Inland Fish and Game is being used for furtherance of the fishing pleasure of the sportsman and for the building of hatcheries and so forth. I am also reluctant to take the fines and give them to the counties, or half to the counties for the simple reason is that it is my understanding—I could be wrong—but it is my understanding that when a fine is assessed under the new process where a fine and court costs are all in one, that the cost of the court is taken out and left with the county and it is the part of the fine which is sent on to the Fish and Game department. I have here a list, a complete financial breakdown of the Fish and Game Department and in checking through the list, you can see their so called surplus is being spent and is projected in the next two years so that when they finish the next two years construction they will have less than \$100,000 in surplus. So I think we should leave the department alone. They are doing a fine job under the present laws and I think we should leave it as it is today.

Thereupon, on motion by Mrs. Christie of Aroostook, the bill was tabled pending motion by Mr. Cyr of Aroostook to accept the Ought to pass report.

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table the 66th tabled and unassigned item (H. P. 1008) (L. D. 1409) bill, "An Act Repealing Laws Requiring that Cemeteries be Fenced"; tabled on May 3 by Senator Lord of Cumberland pending adoption of Senate Amendment B; and that Senator moved the pending question.

The Secretary read Senate Amendment B.

Mr MAYO of Sagadahoc: Mr. President, I would like to ask a question of Senator Lord, through the Chair.

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo asks

a question through the Chair of the Senator from Cumberland, Senator Lord, and that Senator may answer if she wishes.

Mr. MAYO: Mr. President, it is my understanding in regard to this amendment that the present title of the bill calls for cemeteries in unorganized territories and yet when I read the amendment it says "any county". I would like to ask the Senator if this means that this would be a statewide bill under this amendment and not particularly a bill regarding unorganized territories?

Mrs. LORD of Cumberland: Mr. President, I would say that this bill as originally written removed the necessity for any town to fence a cemetery. I talked with Senator Parker who, although he didn't sponsor the bill does want it and I did not want removed, the fact that it has to be fenced but he wanted the unorganized territory to come under the county so expenses would fall on the county. That is the only change so far as I know.

The PRESIDENT: Does that answer the question, Senator Mayo?

Mr. MAYO: Mr. President, I would like to ask the courtesy of tabling this until later in the day pending the motion of Senator Lord to adopt Senate Amendment B.

The motion to table prevailed, and the bill was assigned for later in the day.

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table the 21st tabled and unassigned item (S. P. 320) (L. D. 995) bill, "An Act Relating to Public Health Nursing"; tabled on March 29 by Senator Lord of Cumberland pending consideration; and that Senator moved the pending question.

The Secretary read the status of the bill.

In the Senate on March 16 passed to be engrossed.

In the House on March 28 indefinitely postponed.

Thereupon, on motion by Mrs. Lord of Cumberland, the Senate voted to recede and concur with the House in the indefinite postponement of the bill.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table H. P. 1132, L. D. 1559, bill "An Act Relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of the Town of Old Orchard Beach" tabled by that Senator earlier in today's session pending motion by Senator Edgar of Hancock to adopt Senate Amendment A; and Senator Farris of Kennebec yielded to Senator Edgar of Hancock.

Mr. EDGAR of Hancock: Mr. President since presenting my Senate Amendment A, both Senator Farris and myself have been made aware of a technicality which was overlooked in the preparation of the amendment so to allow time to correct the present error in the amendment, I will now request that this be tabled unassigned pending my motion to adopt Senate Amendment A.

The motion to table prevailed.

On motion by Mr. Noyes of Franklin Recessed until 1:30 o'clock this afternoon.

#### After Recess

The Senate was called to order by the President.

On motion by Mr. Brown of Hancock, the Senate voted to take from the table Item 8-13, bill, "An Act Relating to the Regulation of the Practice of Professional Engineering", (S. P. 293) (L. D. 904) tabled by that Senator earlier in today's session pending enactment, and especially assigned for this afternoon; and on further motion by the same Senator, the bill was retabled unassigned.

On motion by Mr. Erwin of York, the Senate voted to take from the table the 59th tabled item, (H. P. 1013) (L. D. 1414) bill, "An Act Classifying Certain Waters in Salmon Falls-Piscataqua River Watershed; tabled by that Senator on May 3 pending passage to be engrossed; and that Senator yielded to the Senator from York, Senator Lovell.

Mr. ERWIN of York: Mr. President I yield to my colleague Senator Lovell.

Mr. LOVELL of York: Mr. President, over the weekend I talked with the selectmen in Berwick, North Berwick and South Berwick with some difficulty and got their opinion as to how they felt, if they would be willing to go along with the classification of the Piscataqua River. All three towns have sewerage district plans at present. I have gotten their opinion and I have also talked it over and gotten the approval of the Chairman of the Natural Resources Committee.

I present Senate Amendment "A" and move its adoption.

Senate Amendment A was read by the Secretary.

On motion by Mr. Ferguson of Oxford, the bill was tabled pending adoption of Senate Amendment "A".

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table Item 2, (H. P. 316) (L. D. 468) bill, "An Act Relating to Actions for Injuries Causing Death" tabled by that Senator earlier in today's session pending assignment for second reading; and the same Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Mr. ERWIN of York: Mr. President, I think it is only right as Chairman of the Judiciary Committee which passed out the original bill unanimously Ought to pass, to explain why the Judiciary Committee took this action. The original bill, or the law before the bill was entered stated that in actions for wrongful death the limit of recovery was \$20,000. This creates this anomaly which I wish to present to you for your own consideration and then I will have no more to say pro or con.

For someone driving an automobile to kill, let us say a young physician in his late thirties or his early forties, who has an earning potential that may very well be unusual, a very skillful man, and his earning potential may be in the neighborhood of \$35,000 to \$45,000 a year. If you kill him his estate can collect a maximum of \$20,000 and under this amendment, \$30,000. If you break his

back and cripple him for the rest of his life, it is perfectly possible for a jury to make an award to compensate him and ultimately his family for his loss of earnings which could be calculated as high as \$100,000 or more. It has been felt a long time that this is an unusual situation; that if you kill somebody the recovery can be limited to twenty or thirty thousand dollars, but if you cripple him, maim him in some manner so that his earning capacity is ended, the award would be limited to only what damages the jury might find.

Thereupon, Senate Amendment A was adopted and the bill was tomorrow assigned for second reading.

On motion by Mrs. Christie of Aroostook, the Senate voted to take from the table the 23rd tabled item (H. P. 139) (L. D. 202) House Reports from the Committee on Inland Fisheries and Game on bill, "An Act Relating to Collection and Disposition of Money Received for Violation of Fish and Game Laws"; Majority report, Ought not to pass; Minority report, Ought to pass; tabled by that Senator earlier in today's session pending motion by Senator Cyr to accept the Minority Ought to pass report.

Mr. MAYO of Sagadahoc: Mr. President, I would ask for a division on the motion of Senator Cyr.

Mr. CYR of Aroostook: Mr. President and members of the Senate, I would like to correct the Senator from Sagadahoc, Senator Mayo who said in his remarks this morning that there probably would be something like \$100,000 left in the Fish and Game after this biennium expense. The Department has now \$904,000 according to the report. Out of that \$904,000 there is \$250,000 which is in an emergency account. And there is \$150,000 for a contingent account. The balance has either been obligated or it will be spent during the following biennium for repairs, heavy repairs on hatcheries but there is \$400,000 that will remain in the fund. I thought I would just make those remarks.

Mr. CARPENTER of Somerset: Mr. President, I move that this L. D. be indefinitely postponed.

Mr. STILPHEN of Knox: Mr. President and members of the Senate, I rise in support of Senator Carpenter's motion. I feel definitely that this would be a bad practice to start interfering and taking away from the Department of Inland Fisheries and Game some of the monies which are dedicated funds. These funds are set up under the Inland Fisheries and Game laws to promote the welfare of the State of Maine by their stocking program relative to putting salmon and trout in the many lakes and streams throughout the State of Maine is carried out under the monies which is received from these fines. It is part of the income of the State Department and I feel that they are doing a good job and they have planned on monies which they will receive in the future and I think it would be bad practice for this legislature to establish a precedent of taking away dedicated funds from this department.

This is nothing new. In this legislature we have had bills during this winter and they all originated from the same county. I don't know what happened down there in that county. Perhaps the good Senator from Waldo could tell us, but there were bills presented before this legislature which would pay half of the fines which were collected on fines for overload of trucks back to the county. There were half of the fines collected in the counties in violations of the public utilities commission and they had four or five different bills which were trying to dig away at dedicated funds. They all originated in the same area and if there is a trouble spot down there I don't think it is up to us in the legislature to start taking away funds from these departments which are doing such a good job.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, in defense of my statements I made this morning I will read you the summary of the operations. Cash balance of \$904,457,000. I read this in round figures. Reserve for emergencies, \$250,000. Operating capital \$150,000. Encumbered purchase orders \$64,000.

Contract for Peachy Builders Aircraft \$37,000, Unencumbered cash as of 7/1/1960 is \$402,000. Of this amount \$105,000 is allotted to the 1960-61 year for capital non-recurring expenditures leaving a balance of \$297,000 which will be earmarked for hatchery renovations. As I spoke before under the present plans which the department has for hatchery renovations and new hatcheries in the next biennium, it will leave them approximately in round figures around \$100,000.

Mr. CYR of Aroostook: Mr. President, I lost my notes on that but all that this is trying to do, and I think it is just justice, it is trying to keep half of the fines that are collected to pay for the expenses that are borne by the county. The expenses of running courts, for sheriffs, for judges. I think it is only fair that they should be recompensed for the expenses they have to go through.

Mr. COLE of Waldo: Mr. President and members of the Senate, since reference has been made to my county, I would like to state that I have a lot of faith in my colleague who introduced this bill from the city of Belfast. However, I am not in agreement with it, because of the fact, as the good Senator from Knox said, Senator Stilphen, that there have been other bills similar to this that I also opposed and I hope that the motion of Senator Carpenter prevails.

The PRESIDENT: The question is on the motion of Senator Carpenter to indefinitely postpone.

A division of the Senate was had.

Sixteen having voted in the affirmative and eight opposed, the motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Mayo of Sagadahoc, the Senate voted to take from the table bill, "An Act Repealing Laws Requiring that Cemeteries be Fenced" (H. P. 1008) (L. D. 1409) (Item 66) tabled by that Senator earlier in the day's session and especially assigned for this afternoon.

Mr. MAYO of Sagadahoc: Mr. President, Senator Parker is still

absent and due to the fact that this bill originally pertained to Piscataquis County, I would now ask that it be retabled unassigned and I assure you it will be taken off the table as soon as Senator Parker is in his seat.

The motion to retable prevailed.

On motion by Mr. Ferguson of Oxford, the Senate voted to take from the table bill, "An Act Prohibiting Illegal Collection of Sales Tax", (H. P. 1126) (L. D. 1553) (Item 10) tabled by that Senator earlier in today's session pending enactment.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, I now move the indefinite postponement of this bill. My reason for that is that it is already covered in our statutes, Chapter 17 of the Revised Statutes. It will only clutter up our law books with another section and therefore I hope that my motion will prevail.

Mr. EDGAR of Hancock: Mr. President, I am sorry I was so busy reading the bill that I did not get Senator Ferguson's motion. What is the motion please?

The PRESIDENT: The motion is to indefinitely postpone the bill.

Mr. EDGAR of Hancock: Mr. President, this bill was heard by the Committee on Taxation and like Senator Ferguson, I at first wondered why we had to have a law prohibiting something that is illegal. But Mr. Johnson, Ernest Johnson explained to the committee that although under the present law it is illegal to collect sales taxes where that collection is not provided for legally, never has the Taxation Department had any way of doing anything about such collections. There was no provision in the present law whereby the person that was collecting sales taxes when he was not supposed to could be held legally responsible for any particular offense and this bill, L. D. 1553 gives the Taxation Department a weapon to use in such cases by providing that any person violating this section shall be guilty of a misdemeanor. This, by that wording, provides the Taxation Department with a means for getting at the people who are collecting sales taxes when they

should not be doing so. I can assure you that there are those who are doing it.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, Senator Ferguson of Oxford did discuss this matter very briefly with me this noon and Section 5 of Chapter 17 does set forth what shall be done. It says that every retailer shall add the sales tax, and so forth, imposed by this chapter. And then when the sales tax isn't an even amount on the three percent, they have their table that is utilized. In that same law, Section 36 of Chapter 17, it says that any violation of this provision which the penalty is not provided for shall have a fine of not less than \$20 nor more than \$500 or by imprisonment for not more than eleven months or by both. This in my opinion, and I may have led Senator Ferguson down the primrose path, would certainly cover that situation, because if they charge more than that they are in violation under criminal penalty. However, in view of Senator Edgar's explanation as given to the Taxation Committee by Mr. Johnson who certainly must have had occasion to go into this in great detail, I would not favor the motion to indefinitely postpone because actually just putting another section into this law won't make too much difference with all the verbiage we are putting into it anyway.

Mr. WYMAN of Washington: Mr. President and members of the Senate, I want to support the view of Senator Edgar because we heard this in Taxation and our State Tax Assessor has asked for it as an added tool to help him to enforce the sales tax law. It seems to me he must know more about it. He has had a lot of experience with it and I feel if he thinks he needs it we should let him have it and therefore I oppose the motion to indefinitely postpone.

Mr. STILPHEN of Knox: Mr. President, I would like to pose a question to any member of the Taxation Committee. In regard to the illegal collection of the Sales Tax. As I understand it there is a penalty that they shall be deemed guilty of a misdemeanor if

they collect the tax when they are not supposed to. What happens if they do not collect the tax when they are supposed to?

Mr. EDGAR of Hancock: Mr. President, if I may answer. I would like Senator Farris to check my answer on this; I think I am right. The present law provides penalties for someone who does not collect the tax when he is supposed to but it does not provide penalty for someone who collects tax when he is not supposed to. This bill would provide such a penalty and make it possible for the Taxation Department to get after the people who are charging a tax when they are not supposed to.

One reason I am very much in favor of this bill, assuming it does what it does is that there are certain examples with which I am very familiar in my area where certain merchants do charge a sales tax when they are not supposed to and they tax all through the summer season which amounts to a tidy sum and they put it in their pocket, under the guise of a sales tax which the public has no reason to suspect.

Mr. STILPHEN of Knox: Mr. President, that answers my question to a certain extent but my real question and the thing that is bothering me is the fact that if they pay the tax to the Tax Department on their gross sales and don't collect it from the people they are considered in my area as being unfair competition. I cite to you the example of the many Dairy Queens or Dairy Joys and all these different frozen ice cream places. Some of them you go into and order a .15 cone and they say, "Fifteen cents". Well they sell you an item for fifteen cents, according to the Tax Division. Somebody else goes in and they say, "That includes the tax." Well there's no such thing as a 15 cent item, because a fourteen cent item doesn't have any tax and a fifteen cent item would be sixteen cents. Hot dog stands and places like that. And they say there is no way they can enforce it. My question is what is the use of putting something like this on the books if they can't enforce what is already on the books?

Mr. EDGAR of Hancock: Mr. President, if I may answer Senator Stilphen. I know from personal knowledge that the sales tax law is not being enforced right down to the nth degree and I say that in no way critical of the Taxation Department, but I also know that there are many situations where the tax is being collected and even if the Taxation Department wanted to do anything about it they can't unless this bill is passed.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, in reference to Senator Stilphen's remarks about the Dairy Queens, the Dairy Joys and hot dog stand, in the past I can see where there could have been confusion because most of those items are taken from the premises where they wouldn't have been taxed because it was food to take out rather than being eaten right there inside the premises. Another thing the Taxation Committee did do is to eliminate that. So there is now a tax on it whether it is taken out or eaten on the premises and that will help the people who are collecting the tax to avoid unpleasantness. It is a step in the right direction and there was no objection to that so that has been cleared up.

Senator Edgar was referring to some of the people who come in for a couple of months in the summer. They are not reputable local business people. He has told me they charge all the way up to twenty percent and of course a lot of them don't know what kind of a tax we have or they get confused as to whether it is a federal or a state tax and these are unscrupulous people. There is no more earnest or dedicated servant of the State than Ernest Johnson and if he wants this couple of lines there I think he ought to have it.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, I want to explain my position on this motion to indefinitely postpone this bill. I had reference to stores, merchants selling merchandise where there is a stock that is fifty percent taxable items and fifty percent items which are not tax-

able, such as food. You go in and buy a few small items and come to the cash register and pay possibly sixteen cents, and you go back and by the time you get out you have paid possibly four, five or six percent. This is done of course by some inexperienced clerks at times and I was wondering if it would create a hardship on the merchants. I am not a merchant and not in the grocery or the dry goods business but I thought this possibly would create a hardship that wouldn't be good. Therefore I, perhaps unaware of the accomplishment of the bill, I read it and thought it was a dangerous bill but in view of the explanation from Senator Edgar, I will withdraw my motion.

Thereupon, on motion by Mr. Ferguson of Oxford, the bill was passed to be enacted.

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table the 26th tabled and unassigned item (H. P. 159) (L. D. 222) bill, "An Act Relating to Public Hearing on Certain Articles in Warrant for Town Meeting" tabled on March 29 by Senator Jacques of Androscoggin pending passage to be engrossed; and that Senator yielded to the Senator from Kennebec, Senator Farris who presented Senate Amendment A and moved its adoption.

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

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table "Resolve Proposing an Amendment to the Constitution Exempting Certain Industrial Property from Taxation", (S. P. 512) (L. D. 1529) (Item 7) tabled by that Senator earlier in today's session pending motion by Senator Cyr to indefinitely postpone.

Mr. FARRIS of Kennebec: Mr. President, there appear to be some inconsistencies between the two amendments, one of which has been adopted and one of which is before us for consideration. In view of the fact there is a motion pending for the bill and accom-

panying papers, I will defer any further remarks until I see how that motion makes out.

The PRESIDENT: The motion before the Senate is the motion of Senator Cyr of Aroostook that this bill and accompanying papers be indefinitely postponed.

All those in favor of the motion of Senator Cyr will rise and stand in their places until counted.

A division was had.

Twelve having voted in the affirmative and fifteen in the negative, the motion did not prevail.

Mr. FARRIS of Kennebec: Mr. President, in regard to the conflict between Senate Amendment "A" and Senate Amendment "B", I have no desire to take control of this matter by tabling it but I would suggest that the proponents who are in favor of it have it tabled so that the conflict can be ironed out before Senate Amendment "B" is adopted.

The PRESIDENT: The Chair will declare a short recess so that the Senators may discuss the amendment.

#### Recess

Called to order by the President.

Mr. LOVELL of York: Mr. President, since the Director of Legislative Research will have this amendment to straighten out this difference, I move that this bill be tabled.

Thereupon the bill was tabled until later in the day pending reproduction of the new amendment.

#### Additional Enactor Emergency

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

Which Bill, being an emergency measure, and, having received the affirmative vote of 26 members of the Senate and one opposed was passed to be enacted.

On motion by Mr. Sampson of Somerset, the Senate voted to take from the table the 25th tabled and unassigned item (S. P. 387) (L. D. 1197) Bill, "An Act Requiring Persons Seventy-five Years of Age



to Take Examination for Motor Vehicle Driver's License", tabled by that Senator on March 29 pending passage to be engrossed.

Mr. SAMPSON of Somerset: Mr. President and members of the Senate: I tabled this bill in order to get more information pertaining to the number of accidents and the age groups relative to them. I have been presented with a summary from the Maine State Police Bureau of Traffic Records and Statistical Section, and this summary states that in the age group 75 and over Maine has only 1.4 per cent of the drivers in this class who have drivers' licenses at the present time and which I understand cause about one-tenth as many accidents as drivers in the 35 to 44 age groups. Now I believe that any person who is lucky enough to reach the age of 75 should not be bothered and humiliated by being made to take a driver's test.

The consensus of opinion is that only ten per cent of the persons over 75 could pass this driver's examination, due to being nervous and upset and embarrassed by having a young examining officer give them their driver's examination.

Now many of us are fast approaching the age of 75 whether we know it or not, and I believe that if I am lucky enough to reach the age of 75, and since only a small portion of the accidents are caused by drivers over 75, I do not think that I should be molested and made nervous by having to take an examination every year until I am of the age of 80 at least, and at 80 there is at the present time a required examination.

I move that this L. D. 1197 be indefinitely postponed.

Mr. PORTEOUS of Cumberland: Mr. President, with apologies to those bills already on the table, I wish to table this one because I have an amendment to this bill that I think will answer four-fifths of the objection of Senator Sampson. I apologize for not having it written up at this time, but when it comes out I do not think he will object to it.

Mr. SAMPSON of Somerset: Mr. President, I move for a division on the motion.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Porteous, that this bill lie on the table. A division has been requested. All those in favor of the motion of the Senator from Cumberland, Senator Porteous, will rise and stand until counted.

A division was had.

Fourteen having voted in the affirmative and thirteen in the negative, the motion prevailed and the bill was tabled pending the motion of the Senator from Somerset, Senator Sampson, that the bill be indefinitely postponed.

On motion by Mr. Cyr of Aroostook, the Senate voted to take from the table the 49th tabled and unassigned item (H. P. 578) (L. D. 798) House Reports from the Committee on Claims on Resolve, to Reimburse Guy Cyr of Hamlin for Property Damage by Highway Relocation; Majority report, Ought not to pass; Minority report, Ought to pass; tabled on April 28 by Senator Cyr of Aroostook pending that Senator's motion to accept the Minority Ought to pass as amended by Committee Amendment A report.

Mr. CYR of Aroostook: Mr. President and members of the Senate: My batting average today has not been very good, but I have a bill here, the only bill I have ever lobbied since I have been down here, and I have been assured of enough votes to pass it. However, since I made that motion to table it new information has come to me and I have an opinion by the Highway Department that this would be unconstitutional. Since then, last Sunday, I took the time to go down there, which is about twenty-five miles from my home, I took the time to go down and look over the situation and I am quite convinced in my mind that this is a town problem between the individual and the town, and to insure my colleagues of my sincerity and my integrity and my faith in the

State of Maine, I withdraw my motion.

The PRESIDENT: Is it the pleasure of the Senate that the Senator from Aroostook, Senator Cyr, be allowed to withdraw his motion? Permission is granted.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: I believe in the other body it was passed to be engrossed. I move that it be indefinitely postponed in non-concurrence.

Mr. CYR of Aroostook: Mr. President, the reason why I did not want to make that motion is because the Senators have been voting against me all day and I was afraid they would pass it. (Laughter)

Thereupon the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

Mr. Porteous of Cumberland was granted unanimous consent to address the Senate.

Mr. PORTEOUS: Mr. President, if it is in order I would like to say to Senator Cyr that I have had my hard days and I know just how he feels. I know he has worked hard on this and I would like to commend him for his integrity.

Mr. COUTURE of Androscoggin: Mr. President, some of the Senators have been having a bad day but I have had a bad session, so I would like to take a bill from the table.

On motion by Mr. Couture of Androscoggin, the Senate voted to take from the table the 15th tabled and unassigned matter, (H. P. 760) (L. D. 1046) House Reports from the Committee on Labor on Bill, "An Act Shortening Waiting Period Under Workmens' Compensation Act," Majority Report "Ought not to pass", Minority Report "Ought to pass," tabled on March 24th by the Senator from Androscoggin, Senator Couture pending acceptance of either report.

Mr. COUTURE: Mr. President I move to accept the "Ought to pass" report of the committee.

Mr. EDMUNDS of Aroostook:

Mr. President, to refresh our memories here, would it be possible to have the Secretary read how this report was originally signed when it came from the Labor Committee?

The PRESIDENT: The Secretary may read the status of this bill.

(The committee report was read by the Secretary)

Mr. EDMUNDS: In view of the fact that this bill came out of committee 8 to 2 "Ought not to pass" I hope that the motion of the Senator from Androscoggin, Senator Couture, does not prevail, and when the vote is taken, I request a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Couture, that the Senate accept the minority "Ought to pass" report of the committee.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: Of course this bill came out like the rest of them or most of them from the Labor Committee with a majority report "Ought not to pass" all the way down the line. I hope at this time we can base it on what the majority of the people wanted who were in favor of the bill and those who were against the bill. That was not recognized by the committee. It was recognized when it was an "Ought to pass" bill. That is the only time they recognize those who appear at the hearings, the number favoring and the number opposing such a piece of legislation. That was not reasonable, because this bill here that will shorten the waiting period under Workmen's Compensation was before that committee with a representation of eight to nine against those who opposed it. I am not pulling any punches against the committee, but that is what has been going on all the year, and it is getting so that no one is getting consideration as to whether they attend the hearing or do not attend the hearing. If the bill is of concern to them they come out with a redraft or a committee amendment so that some way they have their way anyway.

Now it is entirely up to you Senators. Senator Cyr has had his bad day and I have had my bad session. A bill that concerns not any town or county, but a bill representing the City of Lewiston only, it is unanimously a party line against the bill.

Mr. MAYO: Mr. President, a point of order. The Senator's remarks are not germane to the question.

The PRESIDENT: The Senator may proceed.

Mr. COUTURE: Mr. President, I was referring to the public hearing, the attendance at the hearing and the number of people in favor and in opposition to this bill. I do not think I am out of order in repeating what went on in the public hearing and what convinced me that this bill should pass. That is about all I have to say and I ask the Senate to go along with me.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I feel I must rise in support of my Labor Committee as Chairman. I think that all matters have had had a very fair hearing before the Labor Committee. As far as the reports coming out of the committee are concerned, the reports come out entirely as the individuals want to sign the reports. If the Senator from Androscoggin, Senator Couture, feels that he has been misjudged or hurt in any way because of committee reports it is no fault of the committee. I do not think the remarks made on this floor regarding my Labor Committee are justified.

As far as my rising to a point of order, the Senator from Androscoggin, Senator Couture, referred to the Lewiston charter bills, and that was my point of order. I now hope that the motion of the Senator from Androscoggin, Senator Couture, does not prevail.

Mr. COUTURE: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question is on the motion of Senator Couture of Androscoggin that the Senate accept the Minority Ought to Pass report of the Committee, and a division has been requested.

A division of the Senate was had.

Three having voted in the affirmative and twenty-six opposed, the motion did not prevail.

Thereupon, on motion by Mr. Mayo of Sagadahoc, the Ought not to pass report was accepted in concurrence.

Mrs. Christie of Aroostook was granted unanimous consent to address the Senate.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: Since I have not a single bill on the table I cannot do anything to help expedite this part of our program but I hope that every Senator will very carefully study the bills which he has on the table and move to get them off as fast as possible and not to retable them because I know we all realize that retabling is expensive to the state and I think we ought to keep the expenses of this legislature down as much as possible. I am not one of leadership, but I would like just to get this thought in.

The PRESIDENT: The Chair concurs with the Senator.

Mr. COUTURE of Androscoggin: Mr. President, I concur with the Senator, too. I have a bill on the table, page 14, Item 31 and I'd like to take it off the table.

On motion by Mr. Couture of Androscoggin, the Senate voted to take from the table, the 31st tabled and unassigned item, (S. P. 495) (L. D. 1492) Bill, "An Act Limiting the Sale of Alcoholic Beverages in Certain New Retail Stores and Restaurants in the Unorganized Territory"; tabled on March 31 by Senator Couture of Androscoggin pending enactment.

Mr. COUTURE: Mr. President, may I have the status of the bill?

The PRESIDENT: The bill has been enacted by the House. Does that answer the Senator's question?

Mr. COUTURE: Yes, Mr. President. I feel that this is an unnecessary law. It is a hardship for people in business, depriving them from operating their own business. I think the bill is unfair and I move that it be indefinitely postponed.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate, this bill simply takes care of a situation which did occur once and could occur again when a business, a retail seller of a malt beverage moved his place of business across the line when a town in which he was operating voted dry, and very shortly thereafter he was able somehow to get a license to operate. My feeling is that when a person moves across a line for the simple purpose of getting a license to carry on after his town has voted dry, and who is just in the proximity of that town, he should not impose on that town something which they do not want.

In this particular case to which I refer, they moved just across the line where they were still in proximity to the town and went on operating their business. This would apply only to new retail stores set up under such circumstances or conditions as I have described and I hope the motion does not prevail.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, as a member of the Liquor Control Committee in this session I was at the hearing the time this bill was brought out, and discussed it very thoroughly at the hearing and in committee sessions. We have gone over it and I see no harm in the bill and therefore I am opposed to the motion that is now before the Senate and I would request a division.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate, maybe some of you don't see harm in the bill but I can see harm in it, depriving a person to open a business in this free state of ours especially if it is agreeable with the Liquor Commission that this man be granted a license to operate and he would be deprived by an act of the legislature for a full year and would have to stay out of business. I think at all times we should take our stand here and support the business people in the state and reading this bill very carefully, I find that it deprives a person from moving his business anywhere else and after having the approval of

the Liquor Commission for a license, we will deprive him of operating. I don't think it is fair to any person in business, whether he is in the grocery business or whatever it is.

We have a liquor commission and the law is there and if they think it is illegal they wouldn't give him his license but by this bill it would put the man out of business for a year. In the meantime he possibly would have to go through bankruptcy. If the man had always operated legally and had no charges against him and if the Commission saw fit to give him the license, I don't think he should be deprived of it.

Mr. JACQUES of Androscoggin: Mr. President, I don't know why I am getting up here but being a member of Liquor Control, I listened to the bill carefully. It would not affect our county at all. It would affect the unorganized territory but I feel that I should let the Senate know that if the man had a license before, he could not operate his business in the other town, the town that was unorganized. But if he never had a license, a new business comes in and wants to operate in this unorganized territory, he is able to get a license. I certainly can't see why this was put in for a certain individual — I don't remember where the case happened but it is to correct one situation but it might hurt others. As I said before, if I never had a license before, I could go over there and open up a shop and run it but if I had had a license and I was closed voted dry, I couldn't. I am penalized because I had a license before. If I never had one I wouldn't be penalized.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, I have just checked on L. D. 1492 and find that it is a redraft of L. D. 49. In other words, the Liquor Control Committee was not in agreement with the original wording of the first draft because it did work hardships on certain people. That is why this is a new draft of the bill which clarifies it and makes it more workable and if I am not mistaken, I think it came out of

committee with a very large majority, an ought to pass in new draft report. This pertains to unorganized territory only. It does not affect my county and does not affect a good many of the towns and counties in the state. We do have a problem in the northern and some eastern counties where they have unorganized territories. I think this will help regulate and help stop the misuse of some of the problems that the Liquor Enforcement officials do have.

The PRESIDENT: The question is on the motion of Senator Couture of Androscoggin to indefinitely postpone.

Mr. COUTURE of Androscoggin: Mr. President, I ask for a division.

The PRESIDENT: A division has been requested.

A division of the Senate was had.

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

Thereupon, on motion by Mrs. Christie of Aroostook, the bill was passed to be enacted.

On motion by Mr. Edgar of Hancock, the Senate voted to take from the table Bill, "An Act Relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of the Town of Old Orchard Beach"; (H. P. 1132) (L. D. 1559) (Item 57) tabled by that Senator earlier in today's session pending adoption of Senate Amendment A.

Mr. EDGAR of Hancock: Mr. President before continuing, may I inquire as to what is the pending question.

The Secretary read the status of the bill.

Mr. EDGAR: Thank you, sir. As I explained this morning, after offering Senate Amendment A, Senator Farris and I were advised of certain technicalities in it which made it untenable and at the time I stated that we would have still another amendment drawn which would overcome objections to the one then pending. In order to present my corrected amendment, I would not move the

indefinite postponement of Senate Amendment A.

The motion prevailed and Senate Amendment A was indefinitely postponed.

Mr. EDGAR of Hancock: Mr. President, I now offer Senate Amendment B and move its adoption. If it would help any and save time, I would be very happy to explain. There are several purposes which this amendment is attempting to accomplish. Basically, the town of Old Orchard has problems in connections with certain strictly summer time businesses, problems which are of mutual concern to the community in which I live, Bar Harbor. Because of the mutual interest in this bill, the sponsor and I have been working together on it and after he had the bill drafted and introduced applying just to the town of Old Orchard, with his consent and approval I have included in his bill also the town of Bar Harbor, which is one of the things this amendment does. Another thing which it does, it provides that the municipal officers of the town of Bar Harbor may enact ordinances or an ordinance pursuant to the licensing provisions included in this bill. Basically that is what the amendment is. It is merely an attempt on the part of Old Orchard and Bar Harbor to bring within some sphere of regulation these strictly summer seasonal businesses which are to say the least, not particularly desirable in any community, let alone the two which are covered by this bill. It is the first opening wedge that I have been able to find in years of trying, a means whereby Bar Harbor could control the objectionable types of business that we are plagued with every summer. There is nothing very technical about it and basically that is what the amendment is designed to accomplish.

Mr. MAYO of Sagadahoc: Mr. President, I am not rising in any objection to the bill because I notice it pertains to Old Orchard Beach and Bar Harbor, but I would like to ask through the Chair, of possibly Senator Edgar. The question would be if this schedule of lists means that all of

these people will pay a \$75 tax in order to enter into business.

The PRESIDENT: The Senator from Sagadahoc poses a question through the Chair of the Senator from Hancock, Senator Edgar, who may answer if he wishes.

Mr. EDGAR: Mr. President and Senator Mayo, may I have just a second here to glance through this? The words in the bill are "a license fee not to exceed \$75". The exact amount of the license fee is left to the discretion of the municipal officers. Also this is not a mandatory bill in any sense of the word. It is permissive. It gives the town the right to license if they choose. Certain types of business as enumerated in the bill at a license fee to be set by the municipal officers. There is nothing compulsory about the \$75 figure.

Mr. MAYO: Thank you very much.

Thereupon, Senate Amendment B was adopted.

Mr. EDGAR of Hancock: Mr. President, in view of the fact that this bill has an emergency clause and also in view of the fact that I have been informed that in Old Orchard, certain merchants are already applying for licenses in anticipation of this bill, and in view of the fact that the municipal officers of Old Orchard are already a bit perturbed over the fact that this bill has been held up, if it is possible, sir, I would move that the rules be suspended and this bill be given its second reading at this time.

The motion prevailed and under suspension of the rules, the bill was given a second reading and passed to be engrossed.

Mr. EDGAR: Mr. President, I don't know whether or not the House is still in session but if it is, I would request that the rules be suspended and the bill sent forthwith to the House.

The PRESIDENT: The Chair will inform Senator Edgar that the House is still in session.

Thereupon, the bill was ordered sent forthwith to the House.

Mr. CARPENTER of Somerset: Mr. President, I am sure that

many members of the Senate are aware of the untimely death of our good friend and former legislator, Gus Harris of Greenville. I know all the members of the Senate will mourn for his widow and his children. There are many members here in the Senate who formerly served with him in the House and I would just like to go on record as saying that this is a very sad situation. I don't know the time of the funeral but I hope that some of the members will plan to attend.

The PRESIDENT: The Chair thanks the Senator for his remarks. I, too, served with Representative Harris on the Inland Fish and Game Committee. I found him to be a dedicated citizen and an asset to the legislature.

On motion by Mr. Lovell of York, the Senate voted to take from the table Resolve, Proposing an Amendment to the Constitution Exempting Certain Industrial Property from Taxation, (S. P. 512) (L. D. 1529) (Item 7, page 8) tabled by that Senator earlier in today's session.

Mr. LOVELL of York: Mr. President, I tabled this earlier today and before proposing Amendment C which takes in Amendment A and B I would move the indefinite postpone of Senate Amendment A.

The motion prevailed and Senate Amendment was indefinitely postponed.

On motion by the same Senator, Senate Amendment B was indefinitely postponed.

The same Senator presented Senate Amendment C and moved its adoption.

Mr. CYR of Aroostook: Mr. President and members of the Senate: In reading this over, I think instead of being better it is worse.

I was very disturbed on the lack of definition of "relocating" but now by the introduction of "relocating or being rebuilt" I think it makes it even worse than what it was originally. If this piece of legislation goes through in my estimation we are just giving a slap at our present industry, and certainly before we try to ask any new industry to come in we should

first of all take care of the industries that are existing now. They are the ones, I think, that will be the salvation so far as our industrial development is concerned.

I would ask for a division on this amendment.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: In support of this amendment and the bill which I originally opposed because it was too loose, I would like to make a couple of remarks that I made to the Taxation Committee and the Committee on Industrial Development the day before yesterday.

There are those who talk about existing industry, and there is no one in the state who appreciates the existing industry that we have more than I do, but I want you to very carefully consider that what we do here in Augusta, and particularly here in the Senate, is supposed to benefit all of the people of the State of Maine.

Now if you protect existing industry by not bringing in any outside industry then you are not doing the workingman or the people of any town a favor. If you bring in an industry that is going to pay two dollars or two-fifty an hour as against the existing industry that is paying a dollar or a dollar-fifty an hour and you thereby attract some of those people that work for the one dollar or a dollar-fifty an hour plant to the two dollar or two-fifty plant, are you doing anybody a disfavor? I do not think you are. I would sooner think that you are making job opportunities at better pay rates available to the people of that community. I think in voting on this you want to keep that very carefully in mind.

Mr. CYR of Aroostook: Mr. President, in answer to my good friend from Cumberland, Senator Porteous: If that particular industry can afford to pay two dollars where the present industry can only afford to pay a dollar and a half, that industry certainly can pay its own taxes, and that is what I am after.

I am not against industry; I am the Chairman of Industrial Development in my own town and I have been working for industrial

development for a number of years. Now in all the meetings that I have attended on industrial development where this question was brought in, including panels that we had at the Maine Municipal Association meeting in Portland, in every case they mentioned that there should not be any tax exemption. If you do so you are putting yourself in a very bad situation. That is the only thing that I am against in this particular bill. I am not against the principle, but there is a gimmick to bring in new industry. Well, I do not believe that we should legislate gimmicks. That is my personal opinion of the thing. We should legislate good sound legislation; that is what we should be interested in. I do not believe that this is good, sound legislation. This is going to set a pattern throughout the State of Maine whether it is permissive or not, and I think that we are being unfair to existing industries and we are being unfair to the property owners that will have to carry the burden of the new taxes that this will involve.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: The more I hear of this bill and these amendments the more I am against it myself. I too feel that good industries will never ask for free taxes. I think in the other states you will find that you have industries in the state that will travel like a salesman travels. They will have a long-base trailer truck so they can travel from town to town and get free taxes while operating in the state.

I too feel that an industry that can pay that kind of wages in the State of Maine certainly will not come in and ask to be tax-exempt; they will be only too glad to come in and pay their taxes.

I am going to vote against this amendment and the bill also.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I certainly am opposed to this bill and certainly the amendment does not sweeten this thing, as the good Senator from Aroostook, Senator Cyr, says.

I did not attend the hearing on this bill but I understand that the Maine Industrial Development came in in opposition to this bill and several of the other industrial directors from various cities and towns around the state have been opposed to it. I certainly would not want to serve on the board of assessors of any community if this legislation should pass. You are certainly going to put the assessors of the local communities on the spot.

I therefore move that the bill and all accompanying papers be indefinitely postponed.

Mr. LOVELL of York: Mr. President, one or two more words on this bill.

I think if you will glance around the State of Maine and notice the 35,000 people who are out of work you will realize that something necessarily must be done to improve industrial development.

It has been stated to me that some of the established industries in Maine, some of the largest ones, were not interested in getting new industry into Maine because it might raise the wage scale. I am sure the Senator from Androscoggin, Senator Couture, would like to see the wage scale raised because he is definitely for labor bills.

The importance of the thing is the payroll in the community. What few dollars they may get in taxes is nothing compared to a million-dollar payroll coming into the community. Now if we are satisfied with industrial development in the State of Maine and the number of industries coming in, if we are satisfied with having thirty or thirty-five thousand people out of work, then we can vote against this bill.

As far as industries moving, this bill calls for them to be bonded. They will be bonded so that they cannot move. The Class A industries that come into Maine, and we have gotten a few, are willing to go along because they have the money and can pay their taxes from the very start, but we in Maine who have boosted our state so very much, that to get in B and C industries that are in the red in other states due to the cost of

labor and high wages, they need a little help to get going — if we can get all A industries it would be fine but we find that we can't get them; but with our good labor and our other assets in the state, these B and C industries, if we give them a proper break, can start off and be successful, and the payroll is what counts. If they move in ten years what of it if we have had a million dollars worth of payroll. That is the important thing. Certainly we are for industrial development here, and this is something that has been used in many states. I move for a division when the vote is taken.

Mr. EDMUNDS of Aroostook: Mr. President, while I think I appreciate the intent of this bill and I believe it might possibly have some merit, in a certain sense I think it is unworkable. For instance, here is an example I would like to give:

In the area which I represent we have three established potato processors that have been in business up there for eight, ten and twelve years; we have three new potato processors who are constructing plants and who will be in operation in the area very, very shortly. There is probably room for four or five more of these processing plants. Now let us say that these four or five new ones who may come in get free taxes. Have we not created a situation whereby they have an unfair competitive advantage over the already-established plants that we have in the county?

I think this is perhaps the reason that I am opposed to this legislation, because I can see where it could create very serious inequities as far as established industry is concerned.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: In answer to the good Senator Lovell of York, I do feel that in the State of Maine we have been hurt by low wages, but I certainly do not want to make it any worse. I certainly do not feel that we should open the door to have these overnight industries come in here in competition with our good industries where we possibly in time will lose these good



industries and be left with the overnight ones alone.

Secondly, I think we have an Industrial Department here in the State that is costing the taxpayers a lot of money, and I think all of us are satisfied with the way they operate. I think they are doing everything they can. But even our Industrial Department is opposing this piece of legislation. If we have an Industrial Department in the state if we are going to pass laws in opposition to it, we are really working against ourselves. If the Industrial Department of this state were in favor of this piece of legislation certainly they would have endorsed it. That is my reason for opposing it.

The PRESIDENT: The question before the Senate is on the motion of Senator Ferguson of Oxford that the bill be indefinitely postponed, and a division has been requested.

A division of the Senate was had.

Fourteen having voted in the affirmative and thirteen opposed, the motion to indefinitely postpone prevailed.

Sent down for concurrence.

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table the 7th tabled and unassigned item (Page 10) (S. P. 439) (L. D. 1394) Senate Report, ought not to pass, from the Committee on Liquor Control on Bill, "An Act Relating to Shipments of Malt Liquor Into the State;" tabled by that Senator on March 14 pending acceptance of the report.

Mr. STILPHEN: Mr. President, I yield to anybody who would like to make a motion.

The PRESIDENT: Since no other Senator has risen, would Senator Stilphen of Knox care to make a motion?

Mr. STILPHEN: No, Mr. President.

The PRESIDENT: Is it the pleasure of the Senate to accept the Ought not to pass report of the committee.

Thereupon, the ought not to pass report was accepted.

Sent down for concurrence.

On motion by Mr. Noyes of Franklin

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