

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

Tuesday, May 9, 1961

Senate called to order by the President.

Prayer by Rev. Richard Rokos of Augusta.

On motion by Mr. Chase of Lincoln.

Journal of Friday was read and approved.

The PRESIDENT: The Chair recognizes in the Senate Chambers the fourth grade of Farwell School, Lewiston with Mrs. Pauline Simpson, Mrs. Shackleton, Mrs. Casey, Mrs. Fleisher and Mrs. Beggs. It is certainly a pleasure to have this group of young folks with us. We hope your stay will be enjoyable and educational and that some day some of you will be sitting in the chambers of the House or the Senate serving the County in which you live. At this time the Chair would like to introduce to you the Senators from Androscoggin County: Senator Boisvert and Senator Jacques. Senator Couture is not in the room. (Applause)

The PRESIDENT: The Chair also notes the presence in the Senate Chambers of a former Senator from Kennebec; a great citizen and a man who served his county and his state well. He is very civic minded and has been a member of the Board of Directors of the State YMCA. It gives me great pleasure to introduce former Senator Bryant Hopkins of Waterville. (Applause)

Papers From the House

JOINT ORDER relative to printing of Resolution relative to School Safety Patrol Recognition Week. (H. P. 1154)

Comes from the House, read and passed.

In Senate, read and passed in concurrence.

Non-concurrent Matters

Bill, "An Act Establishing Fees to be Collected by Registers of Probate." (S. P. 447) (L. D. 1399)

In Senate, April 28, passed to be engrossed.

Comes from the House, recommended to the Committee on Towns and Counties in non-concurrence.

In the Senate, the bill was re-committed to the Committee on Towns and Counties in concurrence.

Bill, "An Act Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled." (H. P. 501) (L. D. 700)

In Senate, May 3, passed to be engrossed as amended by Senate Amendment A, as amended by Senate Amendment A thereto, and by Senate Amendment B, in non-concurrence.

Comes from the House, passed to be engrossed as amended by Senate Amendment A, as amended by Senate Amendment A thereto; also as amended by Senate Amendment B, as amended by House Amendment A thereto in non-concurrence.

In the Senate, that body voted to recede and concur.

Mr. MAYO of Sagadahoc: Mr. President may I ask for the filing number of House Amendment A to Senate Amendment B.

The SECRETARY: Filing Number H-258

Senate Papers

Mr. PARKER of Piscataquis presented

Resolution

WHEREAS, Almighty God, in His infinite wisdom has removed from this life a former Legislator, WILBUR H. "GUS" HARRIS, of Greenville, who was recognized state-wide for his ability as a member of the Fish and Game Committee of the Maine Legislature, and

WHEREAS, his community, county and all of the members of the 98th and 99th Legislatures will greatly miss his able leadership; devotion to duty and friendship, be it

RESOLVED, that in his passing from this life the State of Maine has lost an able leader, his community, a great civic organizer, and his family a loving father, and be it further

RESOLVED, that his many friends, of both political parties,

and the House of Representatives and the State Senate wish to convey to his family our deepest sympathy in their hour of bereavement, and be it further

RESOLVED, that a copy of this resolution be placed in the Senate Records of the 100th Legislature, and a copy sent to his family.

Which was read and ordered placed on file.

Mrs. CHRISTIE of Aroostook presented the following Resolution.

STATE OF MAINE
SENATE
100th LEGISLATURE

Resolution

WHEREAS, the members of the Senate of the One-Hundredth Legislature have learned with profound sorrow of the death of a former Governor, Honorable Carl E. Milliken, Governor of Maine from 1917 to 1921; and

WHEREAS as history informs us that he was honorable and kindly, being highly regarded for his character and sterling qualities of mind and heart; and

WHEREAS by great courage, by clear wisdom, by remarkable patience, by unusual thoroughness and conscientiousness, and by a mighty intellect he has established a record of achievement which will be a source of inspiration to generations to come; and

WHEREAS in his passing the State of Maine has suffered an irreparable loss:

NOW THEREFORE, BE IT RESOLVED that the State of Maine mourns the loss of a faithful and valued public servant, and the members of the Senate lament the departure of one of Maine's outstanding citizens;

AND BE IT FURTHER RESOLVED, that a copy of these Resolutions be sent to his family.

Dated at Augusta this eighth day of May in the year of our Lord One Thousand Nine Hundred and Sixty-One.

Secretary of the Senate

Which was read and placed on file.

House Committee Reports

Committee of Conference on Resolution, in Favor of John W. Mc-

Guire, of Houlton. (H. P. 951) (L. D. 1254) reported that the Senate recede and concur with the House in passing the Resolve to be engrossed without amendment.

Comes from the House read and accepted.

In the Senate, the report was accepted in concurrence.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Resolve, Providing Funds for Service to Islands in Casco Bay by Casco Bay Lines. (H. P. 60) (L. D. 101) reported that the same Ought not to pass.

Ought to Pass — as Amended

The Committee on Appropriations and Financial Affairs on Bill, "An Act Reactivating the State Committee on Children and Youth." (H. P. 452) (L. D. 652) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing No. H-249)

Comes from the House, Bill substituted for the Report, and passed to be engrossed, as amended by House Amendment "A" (Filing No. H-255).

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

The Committee on State Government on Bill, "An Act Relating to Preservation of Essential Records Against Destruction in Event of a Disaster." (H. P. 989) (L. D. 1376) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing No. H-262)

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

The Committee on Public Utilities on recommitted Bill, "An Act to include the Town of Winslow in the Kennebec Water District." (H. P. 416) (L. D. 591) reported

that the same Ought to pass, as amended by Committee Amendment "A" (Filing No. H-235)

Comes from the House passed to be engrossed, as amended by Committee Amendment "A", as amended by House Amendment "A" thereto (Filing No. H-264), and as amended by House Amendment "A" (Filing No. H-261)

In the Senate, that body voted to recede and concur; the bill was read once, Committee Amendment A and House Amendment A to Committee Amendment A were read; House Amendment A to to Committee Amendment A was adopted; Committee Amendment A A as amended by House Amendment A was tomorrow assigned for second reading.

Ought to Pass—New Draft

The Committee on Taxation on Bill, "An Act Relating to Inventory of Tax Exempt Property by Assessors." (H. P. 1037) (L. D. 1438) reported that the same Ought to pass in New Draft, under Same Title (H. P. 1152) (L. D. 1586)

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

Second Readers

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

House

Resolve, Providing Funds for Public Landing at Islesford, Hancock County. (H. P. 571) (L. D. 791)

Indefinitely Postponed in the House.

In Senate read a second time and passed to be engrossed in non-concurrence.

Bill, "An Act Removing Hurricane Island from Territorial Limits of Town of Vinalhaven." (H. P. 410) (L. D. 585)

Resolve, Appropriating Moneys to Match Federal Funds Provided Under Title X of the National Defense Education Act. (H. P. 724) (L. D. 1012)

(On motion by Mr. Davis of Cumberland, Senate Amendment A was read and adopted)

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

Resolve, in Favor of Walter Lanoue of Limerick. (H. P. 1134) (L. D. 1565)

Bill, "An Act Relating to Recording of Conditional Sales." (H. P. 1148) (L. D. 1580)

Bill, "An Act Relating to Place for Recording Certain Chattel Mortgages." (H. P. 1149) (L. D. 1581)

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

House — as Amended

Resolve, Appropriating Funds for Advisory Committee on Education. (H. P. 227) (L. D. 341)

Amended by Committee Amendment "A" (Filing No. H-250)

Resolve, in Favor of School Administrative District No. 14, Danforth-Weston, for School Construction Aid. (H. P. 573) (L. D. 793) amended by Committee Amendment "A" (Filing No. H-246)

Bill, "An Act Relating to Certain Property of Town of Union, Knox County, Acquired Under Will of Francis E. Thompson. (H. P. 886) (L. D. 1221) amended by Committee Amendment "A" (Filing No. H-251)

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

Senate

Bill, "An Act to Create the Development Fund." (S. P. 541) (L. D. 1588)

Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1962 and June 30, 1963." (S. P. 542) (L. D. 1589)

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

Sent down for concurrence.

Senate — as Amended

Bill, "An Act Creating an Administrative Code for State of Maine." (S. P. 396) (L. D. 1343) Amended by Committee Amendment "A" (Filing No. S-168)

Which was read a second time.

On motion by Mr. Bates of Penobscot, tabled pending passage to be engrossed.

Enactors

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

Bill, "An Act Providing for the Union of the Towns of Mars Hill and Blaine as One Municipality." (H. P. 412) (L. D. 587)

Bill, "An Act Relating to Powers of Arrest by Inland Fish and Game Wardens." (H. P. 491) (L. D. 691)

Bill, "An Act Revising Certain Probation and Parole Laws." (H. P. 498) (L. D. 697)

Bill, "An Act Amending the Juvenile Offender Law." (H. P. 499) (L. D. 698)

Bill, "An Act Relating to Petition for Review of Incapacity Under Workmen's Compensation Act." (H. P. 506) (L. D. 705)

Bill, "An Act to Grant a New Charter for the Town of Falmouth." (H. P. 690) (L. D. 968)

Bill, "An Act Relating to Transfer of Duties of School District Commission to State Board of Education." (H. P. 801) (L. D. 1115)

Bill, "An Act to Provide for a Civil Service Commission for the Fire Department of the City of Biddeford." (H. P. 1133) (L. D. 1560)

Bill, "An Act Relating to Search and Seizure of Vehicles Containing Liquor." (H. P. 1135) (L. D. 1562)

Bill, "An Act Repealing Provision of Financial Responsibility Law Concerning Accident by Non-licensed Driver." (H. P. 525) (L. D. 1551)

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 579) (L. D. 799) House Reports from the Committee on Claims on "Resolve Reimbursing Bay Ferry Corporation for Loss of Business"; Majority Report, Ought to pass as amended by Committee Amendment A; Minority report, Ought not to pass; tabled on May 5 by Senator Parker of Piscataquis pending acceptance of either report.

Mr. PARKER of Piscataquis: Mr. President, I do have some strong convictions on this bill. However, at this time I would like very much to yield to Senator Edgar of Hancock.

Mr. EDGAR of Hancock: Mr. President and members of the Senate, first, I would like to thank very sincerely Senator Parker of Piscataquis for his courtesy in giving me an opportunity to explain to the Senate what this bill involves.

About four years ago prior to the inception of the new so called island ferries which are being operated by the State of Maine, a private corporation ran both service from Mt. Desert Island to Swan's Island and Long Island and back to Mt. Desert Island. This private corporation provided the only public water transportation between these islands. It was a corporation which had been formed by a great many people in the area who purchased stock to provide the boat, the personnel and the necessary ferry service. At the time the state operated island ferries showed signs of becoming a reality it became obvious that this private corporation would be literally forced out of business when the island ferry began to operate. The corporation, or the stockholders of the corporation in order to prevent a total loss of what they had invested in the Bay Ferry Corporation as a community enterprise, came to the legislature four years ago not necessarily looking for compensation for loss of business, but trying to find out what steps they should take to recover their loss after having been put out of business by the State of Maine. They were told at that time that they could do nothing until the actual damage had occurred and if they would wait until that time, then the legislature would give consideration to their claim. The island ferries are now in operation; the actual damage has occurred. The Bay Ferry Corporation and its stockholders have been completely put out of business by competition provided by the State of Maine.

The Bay Ferry Corporation entered a claim or a resolve which was heard by the Claims Commit-

tee seeking \$20,000 as recompense for having been forced out of business. The Claims Committee saw fit, and I don't object, to amending the Claim from \$20,000 down to \$10,000 which would, while not completely, at least in large measure, compensate the stockholders for the situation into which the State of Maine forced them. Now I understand that the Attorney General has ruled that there is no legal obligation on the part of the state to make up for a loss of business under these circumstances but the Attorney General has further stated that if the legislature feels that the State of Maine is under a moral obligation, it will be perfectly within legal limits for the state to provide this \$10,000 compensation. The question here is not one necessarily of legality. It is a question of moral obligation.

If a group of people band together to provide service, invest money by purchasing stock, and by virtue of that investment, purchase a boat and provide personnel and the landing places and what not to provide this service, and then the State of Maine comes along and with state operated ferries summarily puts this group of people out of business, there is very definitely an inequitable condition created. I feel it is a moral obligation if nothing more on the part of the state to alleviate the financial loss which the state itself has brought about.

This bill came out of the Claims Committee, as I said, nine to one, ought to pass as amended down to \$10,000. Now, Senator Parker has stated that he objects to this as a matter of principle and that he fears the state would be setting some kind of precedent if it were to grant this \$10,000 compensation. I would like to point out to the Senate and to Senator Parker, that some five years ago when the Deer Isle Bridge was built over the relatively narrow stretch of water between Deer Isle and the mainland, a small ferry was in operation where the bridge now stands. Of course the erection of the bridge put that small ferry out of business. The owner of the ferry entered a

claim against the state and before anything could be done about it, unfortunately the owner of the ferry passed away. However, the legislature granted a compensation in the amount of \$5,000 not to the owner of the ferry who had been put out of business, but to the estate, mind you. So I submit that we are not setting any precedent. We are not establishing any new principle. We are merely asking that something be done which has already been done before and which I personally do feel in all fairness is definitely a moral obligation on the part of the state. I think it would be highly unfortunate if the state could within the state, set up competitive businesses that not only force privately owned businesses out of existence but result in a substantial loss to the stockholders of that business, who in all good faith have invested their money to provide a community service. For these reasons Mr. President, I now move that the Senate accept the majority ought to pass as amended report.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I certainly am opposed to this bill and I concur with Senator Edgar of Hancock that the Claims Committee did ask the Attorney General to sit in with them when they were trying to get information to base their opinion on to make their report. I also agree that in his judgment, the State of Maine had no legal obligation in granting this request. If they granted any request under this claim, it would be from a moral point of view.

I am quite concerned when the State of Maine, through any committee agrees that we should pay back to stockholders any of the value, however small, for stock that they own in a corporation. Those of us on the committee understood that part of the amount that was to be paid to this corporation was to repay the stockholders for the loss and value of their stock. You may consider that a legal obligation or you may consider it a moral one. To me, that is beyond anything that I can buy.

I have been interested in this bill to the point where I have checked with the Port Authority in Portland; I have checked with the Southwest Boat Corporation in Southwest Harbor and I might say that the man I talked with there is also one of the stock owners in the Bay Ferry Corporation, and the information I got from him was this. That there has been very little effort, if any, to lessen the impact on this corporation during the period when they knew they were going to be put out of business, in fact right up to the present day. The boat that they were operating, I understand, is now not being used. It is tied up at a wharf. It is not in condition to bring the best sale price. They were offered five thousand dollars last year for it and if it were cleaned up and painted, in his judgment it would bring very much more than that. The reason I am pointing these out to you is because of what I just said they have done little if anything to lessen the impact of their loss. I might feel differently about this if they had done what they could when they knew they were going to be put out of business, to try and get additional services where they could perhaps have continued; or perhaps, knowing that they were entirely out, they had taken some means to get the best price they could for their boat. I believe that first of all the Bay Ferry Corporation should make every effort as possible to salvage as much as possible, and then if they had a reasonable claim against the State of Maine, I might feel differently about it. But this bill as written, and knowing what little they have done to try to help themselves, I feel I must move for indefinite postponement, and I ask for a division.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, as Chairman of the Claims Committee, I would like to give some reasons why we came out with a nine to one ought to pass report. We studied this Bay Ferry situation very thoroughly. We asked the man who submitted the bill, Mr. Kimball to supply us

with additional information which he readily did. He supplied us with a list as to who the stockholders were and we did everything in our power to ascertain just what the moral obligation of the other people of the State of Maine might be to the people in the State of Maine who own the Bay Ferry Corporation. We viewed it as not the State of Maine versus the Bay Ferry Corporation but all the people of the State of Maine versus the people who owned this corporation.

These stockholders merely invested in this, not for profit as is the case in most investments, whereby stock is purchased, but for a service. Now the reason for finding out who the stockholders were and how many shares each held was that we wanted to ascertain whether or not certain businesses doing business with Swan Island and Long Island Plantation were by their purchase of stock creating a business that would only aid their businesses. From the list of stock and stockholders, we found that this was not true. The principal stockholder was and is, with 73 shares out of approximately 300 and the only stockholder larger than ten shares is the skipper of the boat and the man who operates the ferry service. The rest of the stockholders were sprinkled through the islands that were served, and through the businesses that served them, each costing fifty dollars. To many of these people, I am sure, the fifty dollars was quite a sacrifice but after all, they needed transportation to and from the mainland and so they were willing to put up money for this service.

We took this into account very thoroughly because we didn't want to award anything to a group that had done it just for business purposes because we recognized that the State, after all, by replacing this ferry with the state run ferry, had also substituted a service for a service so if business had been primarily responsible for this, then the reason for which they put up the money would have been satisfied and therefore, no claim, in my judgment anyway, would have been justified.

As far as this boat is concerned, the loss that is shown on their books amounts to \$26,000 and they put in a claim for \$20,000 so they recognized in the first instance that they were not putting in a claim in any way for the boat. Part of the claim was for \$1495 which was for money spent on the maintenance and storage since then, but we shaved that down. There was an outstanding bank loan to keep the business going, of \$3,000 and we shaved that down. We shaved everything down to the point we thought they deserved to be repaid. The Attorney General's last paragraph reads, "The unique circumstances of the case pertaining to the Bay Ferry Service" and I want to underline 'unique'. When the Attorney General says "unique", he must mean that perhaps there will not be any other situations whereby if a precedent is set it is unlikely that some other corporation or some other persons might take advantage of such a ruling. "The unique circumstances of the case pertaining to Bay Ferry Service where it is alleged that it has been put out of business by the entrance of the State into the ferry service, distinguishes it from the case of a business that is ordinary in the sense that there are a great number of other kinds of business similarly circumstanced. For this reason we are of the opinion that the legislature in exercising its wisdom and judgment may pay a sum of money to the instant claimant if the legislature determines that the facts surrounding the circumstances are such that the state owes a moral obligation to the claimant." It was the opinion of nine members of the Claims Committee that this was satisfied, that the state owed a moral obligation to the claimant.

Mr. CYR of Aroostook: Mr. President and members of the Senate, this is in the form of a question just to try to get more information. It is addressed to anyone who wants to answer it. Why was this service substituted by the State of Maine service? What was the reason behind it?

Mr. EDGAR of Hancock: Mr. President and members and Sena-

tor, Cyr, the Bay Ferry Corporation's boat was a relatively small boat that carried I don't know how many passengers, not many, and I believe one automobile. The way they could transport that one automobile was to sling it across the boat crosswise, and the front wheels and the rear wheels hung over each side of the boat. Now it says, "Swan's Island and Long Island". Now Swan's Island is a relatively large island with a considerable number of miles of road and quite a few automobiles. It has a tremendous tourist potential and under all the circumstances, a larger boat, a better boat, and a boat that would provide more frequent trips was obviously needed and when the state operated island ferries were brought into being because the need of Swan's Island was so obvious, Swan's Island was included along with Vinalhaven and the others.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, it always is difficult when you have a report from such as the top-notch Claims Committee which gave this very great consideration, as to how to vote, unless you do have all other information. I would like to inquire either through the Senator from Hancock, Senator Edgar, or the Chairman of the Claims Committee, Senator Porteous, as to what the assets as compared to liabilities of this particular corporation were at the time they were put out of business, and also what was the actual loss or what is the actual loss as matters now stand to each individual stockholder per share. I am going on the assumption that my understanding of \$50 a share is correct. And also whether in the claim—I understand that the heavy controlling interest by the owner of the boat company and I am wondering what proportion of the debts are represented by the service and maintenance provided by this particular boat company.

Mr. PORTEOUS of Cumberland: Mr. President, I would be glad to answer. Those are good questions and we took them up thoroughly in committee. The total amount of stock was figured

at \$13,900 — 318 shares. I gave it roughly as 300 and should have said 318. The captain and operator of the boat owns 73 shares. The next highest stockholder was a man who owned ten shares. They had a bank loan of \$3,000; back salaries owed of about \$3,000 — \$3639 to be exact; interest of about \$180; storage \$220; miscellaneous figures of \$3640 which included the operational loss. The total was \$26,000 and they knocked out what they figured to be the value of the boat or about \$6,000 and then we ruled out some of the items, those which we figure as not in the area of moral responsibility.

Mr. FARRIS of Kennebec: Thank you, Senator Porteous. Further than that, didn't this corporation actually have these debts at the time it was put out of business?

Mr. PORTEOUS of Cumberland: Yes. Mr. President, the state ferry service started some time in March and the Bay Ferry went out of business some time around July 4th. One reason it stayed in business as we in the Claims Committee were told is that it had a mail contract to exercise. After the state ferry was put into business, the Bay Ferry operated from then on with practically nothing aboard but the mail contract and no other revenue. So actually even at the time that the state ferry was put into service, if it could have closed down then it could have saved some of the loss but we considered that too. At the time of closing down, these are the figures that should be considered. I want to correct myself on one thing. The storage is a figure that would be considered as being from the time of closing down of the Bay Ferry Service.

Mr. FARRIS of Kennebec: Mr. President, I would like to inquire further of the Senator from Cumberland, Senator Porteous, as to what the actual estimated loss was between March when the State instituted service and the time that the Bay Ferry terminated its service.

Mr. PORTEOUS: Mr. President the answer is \$1495. Now the Supreme Court has ruled that loss

of business is not repayable and we have considered this not as loss of business but in loss of a business. Not loss of business which is the \$1495 operational loss between March and July, but the total loss of a total business.

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

A division of the Senate was had.

Ten having voted in the affirmative and twenty-one opposed, the motion did not prevail.

Thereupon, on motion by Mr. Edgar of Hancock, the Ought to pass report was accepted, the bill read once, Committee Amendment A read and adopted and the Bill tomorrow assigned for second reading.

On motion by Mr. Mayo of Sagadahoc, the Senate voted to take from the table the 43rd tabled and unassigned item (S. P. 325) (L. D. 1000) Bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law"; tabled on May 2 by Senator Mayo of Sagadahoc pending motion by Senator Farris of Kennebec to recede and concur.

Mr. MAYO of Sagadahoc: Mr. President, may I ask a question of the Chair? Does a motion to indefinitely postpone take precedence over a motion to recede and concur?

The PRESIDENT: The motion to recede and concur has precedence, due to the fact that any motion to get both branches together has precedence.

Mr. MAYO: Thank you, Mr. President, I will ask for a division on the motion to recede and concur.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I certainly will not belabor this particular bill because we have had it with us for practically the entire session. I merely wish to point out this measure has been passed by the House of Representatives several times in the past, it has been passed by this body and it has been passed by

both bodies. I would like to point out that in the House of Representatives the vote was—

Mr. MAYO of Sagadahoc: Mr. President, a point of order.

Mr. FARRIS: I would request, Mr. President, that that portion of my remarks be stricken.

I would like to point out that the total vote on this measure at this time in this legislature stands at 108 to 46, 108 wishing to have this measure enacted and 46 against it. As mentioned the other day when some of the members were absent: in the law we do have the famous case, referred to as 8th Cushing, and when a jury cannot arrive at a verdict and there is disagreement the Judge sometimes requests the jury to come in and in effect says to them. "You are responsible people. Let not one or two hold out but see if you cannot in your heart and mind consider the views of the majority."

I certainly hope that the motion to recede and concur prevails.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I will play the game very squarely and not make any mention of the other body.

In 1945 the bill was indefinitely postponed by a vote of 19 to 8; in the 93rd Legislature no bill was introduced; in the 94th Legislature the bill was indefinitely postponed, 75 to 22; in the 95th Legislature by a vote of 85 to 16 indefinitely postponed; in the 96th Legislature the House recommitted the bill to the committee and the Senate accepted the "Ought not to pass" report: in the 97th Legislature there was a unanimous "Ought to pass" report and the bill was finally defeated by a vote of 70 to 36; in the 98th Legislature it was indefinitely postponed 18 to 11.

Now just briefly and not to prolong this: The definition of chiropractic is "The method of science commonly known as chiropractic, the practice of chiropractic, is defined to be the science of palpating and adjusting the segments and articulations of the human spinal column by hand and correcting interference with nerve transmission and expression by

hand, electrical treatment, hydrotherapy and diet without the use of drugs or surgery, and any and all other methods are declared not to be chiropractic and chiropractic is declared not to be the practice of medicine, surgery, dentistry or osteopathy."

You can see they are not permitted to stop bleeding, use antiseptics, use hypodermics, anesthetics, take stitches, repair fractures, lacerations or apply bandages or splints. Neither hospitals nor operating rooms are available in which they can care for their patients. They are limited by law to use of the hands on the spinal column in such accident cases, hence they should not seek to take over and treat industrial accident cases, which almost entirely involve lacerations and fractures.

In 1959 such a bill passed the legislature in New Jersey but was vetoed by Governor Meyner. The number of states which license chiropractic is rather larger than those that license such type of treatment in workmen's compensation cases. Only six states expressly permit chiropractic under workmen's compensation acts: California, Colorado, Connecticut, Iowa, New Mexico and Texas. In non-medical services on the express approval of the commission. These might include chiropractic. Our new state, Alaska, specifically excludes chiropractic services for workmen's compensation cases. Thirty-six have no statutory provisions covering the matter either directly or under the general heading of non-medical services. While it is possible by interpretation that some of these under some circumstances might authorize chiropractic, most of these states presumably, are in the same position as Maine, where failure to specifically include chiropractic has the effect of not permitting it.

I therefore hope that my motion does prevail.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I believe that we have thoroughly debated the duties of a chiropractor, what he is licensed to perform, and I merely want to make it clear again at this time

that the passage of this measure would in no way make it possible for a chiropractor to treat lacerations or fractures; he is limited by his license in the State of Maine, and all that this act is providing is that when chiropractors perform a service which they have been licensed to do by the people of the State of Maine they shall be paid. The safeguard is always there in the workmen's compensation act for the employer to designate the physician to whom the injured employee may go, and, further than that, the Industrial Accident Commission, if they are not satisfied with the treatment can also require the employee to seek the services of a physician or osteopath. This measure in no way does anything other than to permit payment for a licensed service licensed by the State of Maine.

I sincerely hope that the motion does prevail and that we can get through with this bill forever as far as State of Maine legislatures are concerned.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I ended up my very fine talk on this bill with the wrong motion. I hope that the motion of Senator Farris does not prevail.

The PRESIDENT: The question is on the motion of Senator Farris to recede and concur, and a division has been requested.

A division of the Senate was had.

Sixteen having voted in the affirmative and fifteen opposed, the motion prevailed, and the bill was given its second reading.

Mr. MAYO of Sagadahoc: Mr. President, I now move that the bill be tabled until later on in the day.

Mr. FARRIS of Kennebec: Mr. President, I ask for a division.

A division of the Senate was had.

Nineteen having voted in the affirmative and ten opposed, the bill was tabled pending passage to be engrossed.

On motion by Mr. Mayo of Sagadahoc, the Senate voted to take from the table the 64th tabled and unassigned item (H. P. 1008) (L. D. 1409) bill, "An Act Repealing Laws Requiring that Cemeteries

be Fenced"; tabled on May 4 by Senator Mayo of Sagadahoc pending motion by Senator Lord to Adopt Senate Amendment B; and that Senator yielded to the Senator from Piscataquis, Senator Parker.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: The reason I am hesitating is because I was attempting to read an amendment that was just laid on my desk. However, very seriously; I do want to attempt to explain this bill and what it proposes to do.

If you will turn to your legislative document file you will find that L. D. 1409 as presented by Mr. Johnson of Stockholm attempts to remove the requirement of the statute that requires all towns that are incorporated and all unincorporated townships to keep their public burying grounds fenced and cared for. Under the proposed bill as presented by Mr. Johnson, L. D. 1409 it would eliminate the need for fencing only.

When this bill came to my attention I was concerned with the fact that it would eliminate the requirements for unincorporated places. During the years that I have served in the legislature I have attempted to do what I thought was best for the State of Maine and all the groups that it represents and I have been particularly interested in trying to keep the ancient and public burying grounds in unorganized townships properly cared for and properly fenced.

I think if you will look back to the record in either 1949 or 1951 you will note that I presented a bill, I think in the other branch, that would require county commissioners to see that ancient and public burying grounds were cared for and fenced in unorganized townships. Under this proposed bill it would eliminate the fencing. I am very sure that those in this Senate who are familiar with conditions in unorganized townships where many families have their dear ones laid to rest in ancient and public burying grounds feel that these burying grounds should not only be cared for but the fences should still be around them, because of

people and animals that travel in our forests, hunters, trappers and so forth that, in some instances have no regard for even an ancient and public burying ground.

For that reason, when this bill came to my attention I offered an amendment that would still require that burying grounds in unincorporated places should still be required to be fenced and cared for. Now that is my interest in this bill.

Since then there has been an additional amendment, I believe, offered, that would still require that all towns fence their cemeteries. Now I have no quarrel with that. If a town wants to fence, if they believe it is necessary to have their cemeteries fenced, I see no reason why they shouldn't. I do know this: that many towns at the present time, even though this law has been on the books, have removed fences from their cemeteries, and I have some question whether if the requirement was still there that every town would still think they should have a fence around their cemeteries for various reasons. However, I do not want to express any opinion on what incorporated towns shall or shall not do. I am particularly interested in the unincorporated townships. My amendment that I presented has been accepted. I think the one we are discussing today is the amendment that was introduced very recently, and I am sure that the Senator who introduced that amendment probably would like to defend his position.

The PRESIDENT: The question is on the motion of Senator Lord of Cumberland to adopt Senate Amendment B.

Which Amendment was read and adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Senate Committee Reports

Mr. Noyes from the Committee on Industrial and Recreational Development on Bill, "An Act Relating to the Pine Tree State Forest Products Council." (S. P. 546) pursuant to Joint Order S. P. 464, reported that the same Ought to pass.

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

Sent down for concurrence.

On motion by Mr. Lovell of York, the Senate voted to take from the table the 71st tabled and unassigned item (S. P. 531) (L. D. 1570) bill, "An Act Relating to County Appropriations for Industrial Development"; tabled on May 5 by Senator Lovell of York pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur.

Mr. STANLEY of Penobscot: Mr. President, I would inquire if H. P. 1123, L. D. 1547, bill, "An Act Permitting Governor of Penobscot Tribe of Indians to Bring Suit for Money" is in the possession of the Senate?

The PRESIDENT: It is, having been recalled by Joint Order on May 5th.

Thereupon, on motion by Mr. Stanley of Penobscot, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be enacted; and on further motion by the same Senator, the bill was tabled pending enactment.

On motion by Mr. Brown of Hancock, the Senate voted to take from the table the 65th tabled and unassigned item (S. P. 293) (L. D. 904) bill, "An Act Relating to the Regulation of Practice of Professional Engineering"; tabled on May 4 by Senator Brown of Hancock pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

The PRESIDENT: The Chair recognizes in the Senate Chambers a former Speaker of the House, a great legislator, former candidate for Governor and a friend of all, and it gives the Chair real pleasure to introduce Bill Trafton of Auburn. (Applause)

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 15th tabled

and unassigned item (S. P. 262) (L. D. 779) Senate Reports from the Committee on State Government on Resolve Proposing an Amendment to the Constitution to Provide for the Apportionment of Senators for and Within Each County"; report A, Ought to pass; Report B, Ought not to pass; tabled on March 24 by Senator Wyman of Washington pending acceptance of either report.

Mr. WYMAN of Washington: Mr. President and members of the Senate: According to my friends, this bill does not appear to be very popular, and I have no illusions as to its final resting place. However, I feel that the bill does have merit and I move that we accept Committee Report "A" "Ought to pass," and I would appreciate your indulgence while I speak in regard to that motion.

This resolve has been presented in an endeavor to bring about within counties a more equitable geographical distribution of State Senate seats. This resolve would refer to the people for their consideration a proposal to amend the Constitution to provide that in those counties with more than one state senator the senators would be elected from senatorial districts and not at large within the county as at present.

Our mother state Massachusetts selects her senators in this way, as does every other state in New England except Vermont; also a large majority of the fifty states do likewise. Such large states as New York, Pennsylvania, New Jersey and Minnesota do this while on the other hand small states like New Hampshire and Delaware do the same. Our own state of Maine did likewise in the early days of her statehood.

However, I do not advocate this change because other states follow this method. That in itself is not a good reason, but it does show that this method of election is neither new nor is it confined either to large or small states. I do propose the change in the interest of fairness, fairness to the citizens of the state as well as fairness to the candidates who seek to represent them.

This present Senate has a much more equitable distribution of senate seats, geographically speaking, than has occurred for some years, but the present distribution of seats would appear to be only a pause in the trend which is continually making it more difficult to nominate and elect a senator from the less populous areas within the several counties. And, to quote from the Portland Sunday Press Herald, in an article by the good Senator from Penobscot, Senator Bates, it states:

"He is also concerned that too many senate seats are usually held by men from the dominating city or town in their county."

If we will take not the present distribution of Senate seats but instead the distribution over a longer period, the past ten or fifteen years, we will see how difficult it has been for certain areas to have representation in our state senate.

Let us look at Cumberland County for example. Prior to the present session, the area outside of Portland and South Portland, has approximately one-half the population of Cumberland County, had not for a period of fifteen years had the privilege of having one-half of the state senators' seats. In fact, there was not one session of the legislature between 1943 and the present when the Portland-South Portland area did not hold three of the four Cumberland County senate seats, and in four of these years all of the Cumberland County state senators came from Portland.

During this same fifteen-year period a similar situation existed in Kennebec County. There the Augusta-Hallowell-Gardiner area, with only about forty per cent of the population of the county, held all of the state senate seats except for two sessions when a single seat was held in Waterville and one session when a single seat was held in Vassalboro.

Again, in Penobscot County the situation has been similar with respect to Bangor as compared to the remainder of the county. Also much the same situation in York County, with the Biddeford-Saco area holding an unequal advantage.

And now for the most glaring example of lack of senate representation from the rural areas: Androscoggin County. In Androscoggin County, Lewiston, with less than one-half of the population, has held all the state senate seats since 1943.

Let me say at this time that my desire for this change in geographical representation of state senators does not in any way reflect upon the honorable, able and conscientious service of the state senators who have been sent to this senate from the aforementioned counties during those years. But I am sure you will agree that there are able and conscientious persons outside of the larger cities who have the ability and desire to serve their state as a state senator.

In addition to a more equitable geographical distribution of state senator seats, this change would benefit the candidates since they would have less area to cover in campaigning and, most important of all, it would be of great benefit to the citizens of the state because it follows that with less area to cover each senator would have fewer constituents and so could become better acquainted with each of them, with their thinking and their needs. In short, he could give his constituents better service and representation.

This resolve proposes to let the voters of the State make the final decision in the next statewide referendum. I sincerely hope you may vote to give them this choice. Thank you.

Mr. President, if I did not make a motion I will move that we accept Committee Report "A".

Mr. JACQUES of Androscoggin: Mr. President, just to correct the record, I believe that last June Androscoggin County elected a man from Minot, with a population of less than 250 people.

Mr. BROOKS of Cumberland: Mr. President, I would like to say in regard to the question that the Senator from Washington, Senator Wyman has brought up, that we have a principle at stake: the members of the Senate are elected at large in the county, as I think they should be, and they do rep-

resent all the people of their county. If we just had our senators, as Senator Wyman has indicated, representing only a small area of the county—we have in the other body representatives from the various localities, and I think the Senate, organized as it is, should not district its representatives. I do not think it is necessary. We are elected at large and we should continue to be so.

As far as the County of Cumberland is concerned, those of us in the rural areas who are now sitting in this august body are not too much concerned with our future. We feel that the people of Cumberland County, including the City of Portland, will judge us, if we choose to run again, on our record here at the legislature.

I would definitely be against Senator Wyman's motion that we accept Report "A". I ask for a division.

The PRESIDENT: The question is on the motion of Senator Wyman of Washington to accept Report A, Ought to pass; and a division has been requested.

A division of the Senate was had.

Twelve having voted in the affirmative and nineteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Brooks of Cumberland, Report B, Ought not to pass was accepted.

On motion by Mr. Mayo of Sagadahoc, the Senate voted to take from the table bill, "An Act Relating to Chiropractic Treatment under Workmen's Compensation Law" (S. P. 325) (L. D. 1000) Tabled by that Senator earlier in today's session pending passage to be engrossed; and that Senator moved indefinite postponement of the bill and all accompanying papers and requested a division.

A division of the Senate was had.

Seventeen having voted in the affirmative and fifteen opposed, the motion to indefinitely postpone prevailed.

Sent down for concurrence.

On motion by Mrs. Christie of Aroostook, the Senate voted to reconsider its action taken earlier in today's session whereby it

passed to be engrossed bill, "An Act Repealing Laws Requiring that Cemeteries be Fenced"; (H. P. 1008) (L. D. 1409)

Mrs. CHRISTIE of Aroostook: Just another word, Mr. President, and this may be an indication of my dumbness but I would like to check this a little further and for that reason I move that it be tabled until later in today's session.

The motion to table pending passage to be engrossed and so assign prevailed.

Mr. FARRIS of Kennebec: Mr. President, might I inquire if L. D. 510, bill, "An Act Relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies is in the possession of the Senate?

The PRESIDENT: The Chair will state that it is, having been held at the request of Senator Farris of Kennebec.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I had hoped to arrive in the Senate chamber prior to this matter coming up last week and I did not expect that it would have all its two readings which it did have last Friday. The reason I have requested it be held is because a great amount of interest in it has been manifested to me by municipal officers in the County of Kennebec as well as municipal officers in various other parts of the state.

I think this measure has a great deal of merit. I am very happy to note that the Taxation Committee has recognized the merit of this bill by reporting it out of committee that the distribution of the tax received from the telephone companies possibly should be changed and made on a per capita basis rather than upon the basis of residents of a locality who hold stock in a telephone company. I have also been very happy to note that further merit has been recognized in this measure by the fact that there has been suggestion that it be referred to the Legislative Research Committee for an interim study and report to the next legislature.

I might point out very briefly that at the present time none of

the municipalities are receiving any tax on the real estate or power lines and installations, cables, buildings and so forth owned by the telephone company and we do have a different system of assessment as between public utilities like the power companies and public utilities such as the telephone company.

In the event that there was no major tax increase at this session of the legislature I certainly would not be in favor of going any further than has the committee in its suggestion of a rebate to the communities based upon five cents per capita.

The original bill, you will note, called for a redistribution of this tax, which amounts to approximately two and a half million dollars, on a gross receipts tax, the money to go to the general fund, other than roughly thirty or forty thousand a year which is redistributed on the basis of stock held in local communities. I would not be in favor of going any further than that if there is no major tax increase, but in the event there should be a major tax increase I can think of nothing that is more important to the State of Maine and to its citizens than to have some relief at the local level. We still have not by any means exhausted our resources for producing new revenue at the state level, but at the local level we are pretty close to the saturation point as to what can be derived from tax upon real estate.

Of course when the State of Maine removed itself from the real property tax field at the time that it enacted the sales tax it was felt that we would get a great deal of relief at the local level. There still is a good source of income at the local level if they could tax telephone companies on a real estate assessment the same as other utilities.

At this time I would move that we reconsider our action whereby this bill was given its second reading simply for the purpose of requesting that it lie upon the table until we finally determine just what our tax measure will be for this session and what amount of money will be available.

At this time I have no desire to debate the amount of money involved although I do have some figures. That is the only purpose of my making the motion that we reconsider at this time.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I wonder if it would not be better to let this bill go along to the enactment stage and hold it at that point—I would be agreeable in case some money comes from somewhere so it could be paid to the town as originally intended. It seems too bad to hold this bill from the engrossing department at this stage.

The PRESIDENT: I think the motion of the Senator from Kennebec, Senator Farris, would be to reconsider our action whereby this bill was passed to be engrossed.

Mr. FARRIS of Kennebec: Mr. President, in view of the fact that this will apparently, with the consent of the Taxation Committee, go on the table at the time of enactment, I would have no objection to withdrawing my motion.

The PRESIDENT: Is it the pleasure of the Senate that the Senator from Kennebec, Senator Farris, be allowed to withdraw his motion?

Permission to withdraw the motion was granted.

On motion by Mr. Porteous of Cumberland, the Senate voted to take from the table the 55th 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 on May 4 by Senator Porteous of Cumberland pending motion by Senator Sampson of Somerset to indefinitely postpone.

Mr. PORTEOUS of Cumberland: Mr. President, I present Senate Amendment B.

The Secretary read the amendment.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: When Senator Sampson made his motion to indefinitely postpone this bill and all its papers, in my tabling remarks—which were probably out of order because we are not allowed to

make remarks on tabling—I said I would try to answer four-fifths of his objection. Now I may not have come very close to that but I hope I have.

In the original bill as written and presented by the Maine Highway Safety Committee it was written so as to have a re-examination of people who have reached their seventy-fifth birthday, and then would have an examination each year thereafter, in other words at 76, 77, 78, 79 and 80.

The present regulations are that a person would be re-examined at 80 years of age and then each year thereafter. However, the number of people reaching the age of eighty is not great, and it is considered in the states that have this as quite proper that they should be re-examined.

I agree that being examined each year from 75 on would be a burdensome and unnecessary thing because, as I stated before here, the reason for an examination at 75, 70 or 65 is merely to find out those people who, having reached whatever age the examination may start at, whether they have deterioration in their eyesight. This is the principal reason, and in most cases of these examinations the motor vehicle department can make allowance for the infirmities and let the people in many cases drive on some of the routine trips that they have to make around their community, such as from their house to their store or office and back but not generally into the main stream of the ever-increasing and growing traffic in our state.

Since this has been debated quite a bit before and you have heard the pros and cons I will not attempt to debate this further, but I would submit to you that this has been very seriously considered by the Maine Highway Safety Committee; the Governor's Highway Safety Committee has been set up to study such measures for the benefit and the welfare and protection of all the people of the State. It is not meant to seriously deprive any age group from driving on our highways. We do have problems with other age groups; they are separate problems and

should be considered separately. This is the kind of legislation, I believe, that if the people of the State of Maine are going to continue having trust in us as their senators, we should pass, because it is highly recommended by the officials and by the people who have studied these problems most thoroughly.

I would move that when the vote is taken on Senator Sampson's motion to indefinitely postpone it be taken by a division.

Mr. SAMPSON of Somerset: Mr. President, I do not quite agree with Senator Porteous's compromise. I do not see that he has offered too much as a compromise except forcing these seventy-five year old men to take a driver's examination. I still would stand by my stand which I took last week where I stated that I believed that a man reaching the age of seventy-five should not be subjected to driver's examination since he causes practically no accidents to amount to anything. His driving is usually done in the daytime; he does not drive at night. I hope that the Senate will respect the man reaching the age of seventy-five.

The PRESIDENT: Is it the pleasure of the Senate to adopt Senate Amendment "B"?

Thereupon Senate Amendment "B" was adopted.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Somerset, Senator Sampson, that the bill and accompanying papers be indefinitely postponed.

Mr. COLE of Waldo: Mr. President and members of the Senate: As most of you know, this bill does require drivers to submit to re-examination or to examination at the age of 75. Personally, I think the amendment weakens the bill, however, in a spirit of compromise I am willing to go along with it. However, as has already been stated, the Governor's Highway Safety Committee has spent considerable time on this. We feel that this is a step in the right direction. Many other states have already, by executive order, provided that all drivers be examined, which is being done at the present time.

For those of you who may be nervous or afraid of an examination, I would like to say that the results of the examinations in that particular state show that only one per cent of those being examined were turned down or rejected at that time and seven per cent of those, after proper correction of their eyes, were given their licenses.

It just doesn't seem practical to permit a person to command an automobile without knowing whether he is physically qualified to do so. It seems even less practical to permit an individual to drive twenty-five or thirty years or longer without any check on his physical condition.

Now the examinations are not the ultimate answer to the problem of highway safety, there is no single action which will supply the answer, but this is one of the measures which, in combination with others, can reduce the inexcusable slaughter of many, many persons annually. I believe the time has come when Maine must start a program such as this bill calls for. The question of where and what age group we should start with is open to debate. As the good Senator from Cumberland, Senator Porteous said, the Governor's Highway Safety Committee has discussed this many, many hours with the executive board and then with the full membership of the committee, and we were unanimous in our thinking that this was a start in the right direction, at age 75.

Now any program of examination or re-examination is bound to rouse resistance. The young complain because they are healthy, the old because they may not be healthy, and all complain about the added cost of physical examination, but they shall all reap the advantage of early detection of any illness plus a degree of extra safety on the highways.

As I have said once before, prior to 1937 no examination was required, so we have many, many drivers now who have been driving at least twenty and thirty, forty and fifty years, and it is quite conceivable that a good many of them can no longer drive sensibly, sure-

ly and safely. It would seem to me that this is certainly a start in the right direction if we want highway safety.

Mr. PIKE of Oxford: Mr. President and fellow senators: If you remember correctly, perhaps two weeks ago the good Senator from Cumberland had a bill requiring those that reached the age of 65 to have an examination, and he and I had quite a little scrap over that one. I do not want to be on the other side from him all the time, and while I do not believe this bill is necessary in many cases, yet I am going along with him.

The PRESIDENT: The question now before the Senate is on the motion of Senator Sampson of Somerset, that the bill and all accompanying papers be indefinitely postponed.

A division of the Senate was had. Six having voted in the affirmative and twenty-four opposed, the motion did not prevail.

Thereupon, on motion by Mr. Porteous of Cumberland, the bill was passed to be engrossed as amended.

Sent down for concurrence.

On motion by Mrs. Christie of Aroostook, the Senate voted to take from the table bill, "An Act Repealing Laws Requiring that Cemeteries be Fenced" (H. P. 1008) (L. D. 1409) tabled by that Senator earlier in today's session pending passage to be engrossed.

Mrs. CHRISTIE of Aroostook: Mr. President, I don't want to ask that this bill remain on the table because of the additional expense it would involve, but I would like to ask any members of the legal profession what in their opinion Senate Amendment Number 157 would do to our present law?

The PRESIDENT: The Senator from Aroostook, Senator Christie poses a question to any member of the legal profession and any Senator may answer who wishes.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, the only reason I rise is

that this bill was originally before the Legal Affairs Committee and frankly, I have not had an opportunity to actually study the amendment. If there would be no objection I would like to request that it be retabled until tomorrow morning and I will then have an opinion.

The bill was tabled pending passage to be engrossed and was especially assigned for tomorrow morning.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 37th tabled and unassigned item (H. P. 869) (L. D. 1204) House Report, Ought to pass in new draft and under New Title of "An Act Establishing Educational Requirements for Insurance Agents and Brokers" (H. P. 1080) (L. D. 1488) from the Committee on Business Legislation on bill, "An Act Establishing Educational Requirements for Insurance Agents, Brokers and Adjusters"; tabled on April 19 by Senator Farris of Kennebec pending motion by Senator Ferguson of Oxford to accept the report.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, I understand that one or two Senators have an amendment they wish to present, and at this time I yield to either one of these Senators.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, complying with the thought expressed by the good Senator from Kennebec, Senator Farris, I do know that there is an amendment that will be available, but not today. It will be available tomorrow and for that reason I would ask that this be retabled until tomorrow.

The motion prevailed and the bill was retabled.

On motion by Mr. Noyes of Franklin.

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