

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 17 - JUNE 4, 1965

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Friday, May 28, 1965

Senate called to order by the President.

Prayer by Rev. Leonard A. Le-Clair of Togus.

On motion of Mr. Brown of Hancock, the Journal of yesterday was read and approved.

Out of order and under suspension of the rules, on motion by Mr. Harding of Aroostook.

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet on Tuesday, June 1st.

Which was read and passed.

Sent forthwith to the House for concurrence.

## Papers from the House

## Non-concurrent matters

Bill, "An Act to Eliminate Straight Ballot Voting in Elections." (S. P. 191) (L. D. 571)

In Senate, May 26, passed to be engrossed as amended by Senate Amendment "A". (S-200) (H-222) in non-concurrence.

Comes from the House indefinitely postponed in non-concurrence, and motion to Reconsider lost.

Mr. SNOW of Cumberland: Mr. President, I feel that this document to eliminate straight ballot voting in elections represents sound legislation. It is my conviction, and obviously from action that both bodies have taken on this, the legislature feels that this is good legislation. I feel, though, that further action before the legislature on this would not be in the best interest of the legislature at this time and I therefore move that we recede and concur.

The motion to recede and concur prevailed.

Bill, "An Act Relating to Municipalities Joining School Administrative Districts." (S. P. 349) (L. D. 1115)

In Senate, May 20, passed to be engrossed as amended by Senate Amendment "A" (S-197)

Comes from the House May 24, indefinitely postponed in non-concurrence.

In Senate, May 26, passed to be engrossed as amended by Senate Amendment "A" (S-197) and Senate Amendment "B" (S-267) in non-concurrence.

Comes from the House, passed to be engrossed as amended by Senate Amendment "B" (S-267) only, in non-concurrence.

In the Senate, on motion by Mr. Snow of Cumberland, the Senate voted to recede and concur.

Joint resolution extending congratulations to Senator Margaret Chase Smith. (H. P. 1154)

In House, May 24, read and adopted.

In Senate, May 25, read and adopted as amended by Senate Amendment "A" (S-265) in non-concurrence.

Comes from the House indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Harding of Aroostook, the Senate voted to recede and concur.

Bill, "An Act Relating to Fees for Fishing and Hunting Licenses." (S. P. 427) (L. D. 1362)

In Senate, May 24, passed to be engrossed as amended by Committee Amendment "A" (S-153)

Comes from the House, passed to be engrossed as amended by Committee Amendment "A" (S-153) and by House Amendment "A" (H-383) in non-concurrence.

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

Bill, "An Act Providing for Retirement of Teachers." (H. P. 758) (L. D. 995)

In Senate, May 24, passed to be engrossed as amended by Senate Amendment "B" (S-262)

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

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

Bill, "An Act Relating to Expenses of Members of Liquor Commission." (S. P. 519) (L. D. 1496)

In House, May 24, bill passed to be engrossed without amendment in non-concurrence.

In Senate, May 24, receded and concurred.

Comes from the House indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Jacques of Androscoggin, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and the same Senator presented Senate Amendment B and moved its adoption.

Which amendment (S-274) was read and adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Resolve, Proposing an Amendment to the Constitution to Lower the Voting Age to Twenty. (S. P. 153) (L. D. 394)

Comes from the House that body having ordered the Resolve placed on file.

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

Bill, "An Act Protecting the Right of Public Employees to Join Labor Organizations." (H. P. 741) (L. D. 978)

In House, May 17, Ought not to pass report accepted.

In Senate, May 24, Passed to be Engrossed as amended by Senate Amendment B in non-concurrence.

In Senate:

Mr. O'LEARY of Oxford: Mr. President, I would like to say a few words on this bill. At this late date, I am not going to try to fight it any longer. However, I believe state employees of this state are being discriminated against. In our national constitution it says that you shall not be discriminated against because of race, creed, color, religion, national origin and such, and this should have been sufficient to protect the rights of all the citizens of this country. However, in the Congress of the United States and here in the state of Maine, we felt that we needed to spell it out. We don't want to discriminate and we want everyone to know that we don't. However, there are only two states in the Union where this type of legislation isn't already enacted into law, Maine and Mississippi. So we will continue to discriminate against our own employees. And I shall just remind you that even President Kennedy

gave this right through Executive Order 10988 allowing all federal employees to do the same thing.

At this time I move that we recede and concur with the house.

The motion to recede and concur prevailed.

### Communication

State of Maine  
Supreme Judicial Court  
Augusta

May 26, 1965

Hon. Edwin H. Pert  
Secretary of the Senate  
State House  
Augusta, Maine

Dear Mr. Pert:

There are enclosed the Answers of the Justices to the Questions of May 11, 1965, relative to "An Act to Authorize Municipalities to Finance Industrial and Recreational Projects." (L. D. 1487)

Respectfully yours,

Robert B. Williamson

Enclosure.

Opinion of the Justices of the Supreme Judicial Court given under the Provisions of Section 3 of Article VI of the Constitution.

\* \* \*

Questions propounded by the Senate in an Order dated May 11, 1965.

Answered May 26, 1965.

Which was ordered placed on file.

### Reports of Committees

#### House

#### Ought Not to Pass

The Committee on Health and Institutional Services on Bill, "An Act Relating to Transfer of Incurables from Training Centers to Reformatories." (H. P. 475) (L. D. 628) reported that the same Ought not to pass.

Which report was Read and Accepted in concurrence.

#### Ought to Pass

The Committee on Taxation on Bill, "An Act Exempting Textbooks Used in Schools of Higher Education from Sales Tax." (H. P. 1028) (L. D. 1398) reported that the same Ought to pass.

Comes from the House, Report Accepted and the Bill Passed to be Engrossed As Amended by House Amendment "A" (H-369)

In the Senate, the report was read and accepted, the bill read once, House Amendment A read and adopted and on motion by Mr. Harding of Aroostook, the rules were suspended, the bill read a second time and passed to be engrossed as amended in concurrence.

### Divided Reports

The Majority of the Committee on Labor on Bill, "An Act Revising the Maine Employment Security Law." (H. P. 283) (L. D. 365) reported that the same Ought to pass in New Draft under the same title: (H. P. 1137) (L. D. 1557)

(Signed)

Senators:

O'LEARY of Oxford  
SMITH of Cumberland  
CHISHOLM  
of Cumberland

Representatives:

LEVESQUE  
of Madawaska  
BEDARD of Saco  
BAKER of Winthrop  
DUMONT of Augusta  
GAUVIN of Auburn  
KITTREDGE  
of S. Thomaston

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

(Signed)

Representative:

BENSON  
of Southwest Harbor

Comes from the House, Majority Ought to pass Report Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "D" (H-384)

In the Senate, on motion by Mr. O'Leary of Oxford, the Majority Ought to pass report was read and accepted, the bill read once, House Amendment D read and adopted; and on motion by Mr. Harding of Aroostook, the rules were suspended, the bill read a second time and passed to be engrossed in concurrence.

The Majority of the Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Use of Purse Seines in Taking Herring from Certain Waters." (H. P. 540) (L. D. 714) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-350)

(Signed)

Senators:

MOORE of Washington  
GLASS of Waldo

Representatives:

WATTS of Machias  
BEDARD of Saco  
PRINCE of Harpswell  
YOUNG of Gouldsboro

The Minority of the same Committee on the same subject matter, reported that the same Ought Not to Pass.

(Signed)

Senator:

JUTRAS of York

Representatives:

LOWERY of Brunswick  
MITCHELL of Frankfort  
MILLS of Eastport

Comes from the House, Majority Ought To Pass Report Accepted, and the Bill Passed To Be Engrossed As Amended by Committee Amendment "A" (H-350)

Mr. MOORE of Washington: Mr. President, I move that the Senate accept the Majority Ought to Pass report.

At this point, at the request of the President, the Sergeant at Arms escorted to the rostrum, the Senator from Franklin, Senator Maxwell, who assumed the Chair, President Reed retiring from the Senate Chamber.

The PRESIDENT pro tem: The question before the Senate is the motion of Senator Moore of Washington to accept the Majority Ought to Pass report on L. D. 714.

Mrs. SPROUL of Lincoln: Mr. President, I would hope that the minority report will be accepted on this bill. I have had calls from fishermen in my area and I find that it is their custom to go for what they call purse seining in Casco Bay. It is not only one fisherman but I have a list here with the names of Lee Reilly, Linwood Bracket, Abden Gilbert, Junior Benner, and I don't know how

many others, but they all object strongly to this bill. As I say, they have gone fishing in Casco Bay, particularly in the fall when there are not other places where they can go. They feel very strongly that the intent of this bill is that—and I am quoting—they would like to keep this for their own private fishpond. I object to this bill and I would move for acceptance of the minority report.

Mrs. CHISHOLM of Cumberland: Mr. President, I definitely go along with Senator Sproul's motion to accept the minority report.

Mr. HOFFSES of Knox: Mr. President, and ladies of the Senate: I had not seriously considered this bill until yesterday when I received a phone call from an attorney in Rockland who was representing some fishermen but more especially was representing the fish reduction plants in Knox County. These fish reduction plants employ quite a number of people and a great deal of the material which is fish from this particular area. If they were not to receive the fish from this area it would be necessary for them to cease their operations or curtail them to quite an extent. We do save several sardine factories in that area and we also have a very large freezing plant where the boats bring in fish from the Banks, and the material which these fish reduction plants receive is only the waste from the sardine factories and this large freezing plant, so they must supplement their supply with fish from the Casco Bay area and I understand that a very large percentage of their material is coming from this particular source. As has been stated, they feel that this legislation is providing sort of a private fishing ground for the people in the Casco Bay area.

I would hope that the motion to accept the majority report does not prevail and that this bill may be indefinitely postponed.

Mr. JUTRAS of York: Mr. President, ladies and gentlemen of the Senate, the time has come when fishermen in the State of Maine must adopt new concepts and new attitudes if their industry is to flourish, keep pace, and advance

in consonance with these rapidly changing times.

Why has the fishing industry failed to make progress in this technological age? It would seem that the reason behind this lag in the fishing industry along these New England coastlines is due to the apathy and shortsightedness of many engaged in this business.

New attitudes and new techniques and bold new concepts must be adopted soon, not five years from now. In the Christian Science Monitor of Tuesday, May 25, this week, we read, "a national center for the marine sciences was launched Tuesday at the University of Rhode Island. Dr. Francis H. Horn, university president, announced formation of the Southern New England Marine Sciences Association.

"The Association," Dr. Horn said, "could be instrumental in helping bring ocean oriented industries and research groups to the area and in strengthening existing firms. The result would be more jobs and a healthier economy. Most of the ingredients for a strong scientific complex—marine based industries, federal research laboratories, and graduate programs in oceanography and engineering are already here but we have lacked a rallying point for leadership which this organization can provide."

It was only 78 months ago that another element of our civilization which had not kept pace with the rapidly changing world of the last fifty years finally was spurred to move ahead under the leadership of a man named John. This man had the vision, the courage and fortitude to offer a bold new approach in dealing with the problems of all people of this planet. His bold new concept of mutual respect and understanding was to the conservative element "anathema" in their stereotyped minds. But he insisted in a change of mental attitude and a change of modus operandi.

Today we are living through a series of effected changes which will be felt for generations to come in bettering our world. Yes, the Christian world can collectively thank good Pope John XXIII for

his soothing gift to humanity. Now the same realistic and positive revolution must happen in the fishing industry.

The time has come to redefine the objectives and take a hard look at our operational techniques in this lagging operation. We must request and press for legislation for a 12 mile limit along our shores as a protective base line of operations. We must find federal subsidies to build and maintain an efficient fishing fleet. We as Maine fishermen must adopt some new modern fishing techniques. Let us not be afraid to mechanize our fishing boats. Let us no longer fight automation.

Voltaire once said that he would not argue a point unless it had been defined so let us define purse seine and stop seine, the key words of L. D. 714 which is being considered today.

Seine is a fishing term, from the Anglo Saxon word "zegne", the Latin word "sagena", from the French, "seine", a large net, one edge provided with sinkers and the other with floats. It hangs vertically in the water and when its ends are brought together encloses the fish. A purse seine or purse net, defined as above is a large net, and as its name implies it resembles a woman's purse. When the net is opened it like an open pocket book. When it is closed, by pulling in the purse line through brass rings which act as sinkers, the fish cannot escape. A stop seine is a method of fishing or seining in which the cove of the bay forms a natural seine, and when and if the herring swim into the cove, the entrance to the cove is closed off by a net or seine which is called a stop seine. Then the herring are harvested with small purse seines.

In 1961 and 1964, the herring near Casco Bay, having no contract to swim into the coves of Casco Bay to be caught by stop seiners did not show up as expected. Consequently the sardine packing industry was dealt a severe blow, the stop seiners could not sell them any fish. Who rescued the sardine packers? You

have made a rightful deduction. The purse seiners. They did not sit to wait for the herring to show up. They went after them with their purse nets.

It is said that the purse seiners break up schools of herring thus precluding their coming into the coves of Casco Bay. Of course there is no scientific basis for this assertion but there is a scientific basis for the following statement: In the past few years our marine biologists are reporting colder waters along our New England Coasts. Herring keep away from the colder streams of water. This may help explain why some of the stop seiners are looking for a sacrificial lamb or scapegoat. What method of fishing is presently being used on the west coast? Purse seining. Honestly, can the stop seiners afford to sit and wait in a placid little cove for a free gift of nature to swim into a cove or directly into a sardine can? Evidently the stop seiners of Casco Bay do not want to be disturbed. They do not want to rock the boat, as the old nautical expression so adequately fits the situation. They are against progressive fishing methods. They revolt at the thought of stimulating the economy by buying more expensive fishing equipment.

The purse seiners have a lot of money invested; boats with all the appurtenances for this type of fishing run generally from fifteen to one thousand dollars according to the size of the vessel used. The purse seiners represent the aggressive and progressive group in this fishing fraternity. Should they be denied the right to fish in Casco Bay because the stop seiners do not want to be disturbed? The stop seiners want a monopoly on the market for their catch.

The purse seiner's catch or his product is for sale to any packer or manufacturer or processing plant which indicates a desire to buy.

It is of general knowledge that representatives of a sardine plant who were proponents of this bill shall no longer continue their sardine packing operations. If such

be the case the supply of herring could justifiably be sold by the purse seiners to other processors of their product at other plants which process fish meal, or cat and dog food or pearl essence.

There is a market for their catch. It may not be so lucrative but in the final analysis it is rewarding and rewarding enough to those who work hard at purse seining. This L. D. 714 is restrictive. It would seem that because of the introduction of L. D. 714, the stop seiners in Casco Bay want three things: 1. They want a monopoly of operations or the maintenance of status quo. 2. They want a monopoly on the market outlet for their product and 3. They want an exclusive fishing right in Casco Bay.

It would appear, if this be the case, as presented in L. D. 714, that this bill is loaded with discrimination.

I would like to remind you that you, members of the Senate, were instrumental in an action that is being taken today in the office of the Chief Executive of this great State of Maine when he signs a bill banning discrimination.

As Chairman of the Joint Legislative Committee of Sea and Shore Fisheries, I move for the indefinite postponement of L. D. 714 with a four to six minority report, and I move for the indefinite postponement of all its accompanying papers. I finally respectfully request a division when the vote is taken.

Mr. SNOW of Cumberland: Mr. President, I rise not as an expert on the subject of seining but as one who lives on the shores of Casco Bay and as one who is speaking in behalf of 78 stop seiners and 184 lobster fishermen who have petitioned for favorable action on this legislation.

Some of the reasons to favor this legislation, it seems to me, should be considered quite seriously and are quite valid. Aside from the fact that the stop seining industry in Casco Bay is a livelihood for approximately one hundred families, I would note that we are not trying to restrict the entire area of Casco Bay, we are trying

to restrict a portion of Casco Bay which is the area where these one hundred families make their livelihood. And I would note that legislation of this nature which restricts certain areas for the benefit of the residents of that area is not new in this State. I believe that there either are or have been some restrictions in York County on the use of certain waters there, and in other areas of our coast.

Senator Jutras of York has adequately explained the difference between stop seines and purse seines. I would like to point out to the Senate the effect of the two operations. A stop seining operation is a more gentle operation. The fish which are caught by stop seines are more suitable for use to be canned as sardines; the fish which are caught by purse seines are more apt to be damaged, they do not discharge the red feed which they have in them and consequently they go to grinding organizations and are used subsequently for cat food or for fertilizer or uses of a similar nature. Stop seining, however, can produce a sardine which can be canned, and there are factories in the area along the coast which depend on this industry.

I would also like to point out to the Senate that the purse seining operation has in the past been so thorough in its operation that it has cleaned an area out, and the roughness of the operation tends to leave dead fish on the bottom to rot and to spoil the use of that area for this type of activity. I believe this happened in Machias Bay during war time and that only now is Machias Bay again becoming an area for purse seining or stop seining.

I do not think there is much more I can add to this. To sum up my arguments: this legislation is backed by a petition from 78 stop seiners and from 184 lobster fishermen from this area. It is not unusual for restrictive legislation of this type to be enacted. The stop seiners in Casco Bay are concerned lest the purse seining, by its very nature, deprive them entirely of the opportunity to ply their trade and they are also con-



cerned that if they do this there will be no fishing of this nature not only for the stop seiners but also for the purse seiners.

I would note in conclusion that as this legislation is written it is effective only from October 1, 1966 to October 1, 1967. I hope that the Senate will vote against the motion to indefinitely postpone this legislation.

Mr. JUTRAS of York: Mr. President, I would like to point out at this time that an English magazine entitled *World Fishing*, serving the commercial fishing industry in all countries — I will simply read the headline and wave it before the members of the Senate with the word "Success" on top of this picture. "All the year round purse seining pays off in Iceland" — and I will not read to you about the merits of purse seining because that has already been demonstrated and I do not think there is any question in your minds as to the value of purse seining. However, in closing, I would like to remind you, in reading the minutes of the House debate on L. D. 714, it is noted that the sponsor, through his own statements, shows himself to be parochial or provincial or chauvinistic, inconsistent and unscientific or verbose without any scientific foundation whatsoever. He is adamant and persistent to cram through a bad piece of legislation that could start a fishing fraternity fratricidal fracas.

The PRESIDENT pro tem: The motion before the Senate is the motion of Senator Jutras of York, that the bill be indefinitely postponed; and a division has been requested.

A division of the Senate was had.

Twenty-four having voted in the affirmative and five opposed, the motion prevailed and the bill was indefinitely postponed.

The PRESIDENT pro tem: Would the Sergeant at Arms please escort the rightful owner of this gavel back to the Chair?

Thereupon, the Sergeant-at-Arms escorted President Reed to the Chair, Senator Maxwell of Franklin retiring amidst the applause of the Senate.

The PRESIDENT: The Chair would like to thank Senator Maxwell for holding forth.

### Senate Committee Report

Mr. Violette from the Committee on Judiciary on Bill, "An Act Relating to Petition for Release of Respondents Acquitted on Basis of Mental Defect." (S. P. 380) (L. D. 1196) reported that the same ought to pass as amended by Committee Amendment "A" (S-286)

Which report was accepted, the bill read once, Committee Amendment "A" read and adopted; and on motion by Mr. Harding of Aroostook, the rules were suspended, the bill read a second time and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: The Chair would like to recognize in the gallery a group of twelve Columbian Squires, the 8th to 11th grades. They are chaperoned this morning by Mr. Lee Couture and Mr. John MacIntire. We welcome you here this morning and hope you enjoy and benefit from your visit. They are from Mexico and the Chair would like to introduce the Senators from the County of Oxford, Senator O'Leary and Senator Norris.

Mr. O'LEARY of Oxford: Mr. President, I would like to note that one of the boys is my older son; the other boy could not make it today.

The PRESIDENT: The Chair would say that if young Mr. O'Leary would like to come down and act as an honorary page, the Senate would be more than happy to have him. (Applause)

### Second Readers

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

#### House—As Amended

Bill, "An Act Regulating Collection Agencies." (H. P. 1150) (L. D. 1582) which was read a second time and on motion by Mr. Violette of Aroostook was tabled pending passage to be engrossed, and especially assigned for Tuesday next.

### Senate — As Amended

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 414) (L. D. 1310) which was read a second time and Mr. Stern of Penobscot presented Senate Amendment "A" and moved its adoption.

Which amendment was read (S-288) and adopted and the bill as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto, and as amended by Senate Amendment "A", was passed to be engrossed and sent down for concurrence.

### Enactors

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

Bill, "An Act Relating to Salaries of County Officers in the Several Counties of the State." (S. P. 531) (L. D. 1519)

On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending enactment.

### Emergency

Bill, "An Act Relating to Powers of Board of Trustees of Maine Maritime Academy." (H. P. 877) (L. D. 1173) This Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be Enacted.

### Emergency

Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1966 and June 30, 1967." (S. P. 551) (L. D. 1550)

On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending enactment.

### Orders of the Day

The President placed before the Senate the 1st tabled and today assigned item (S. P. 581) Joint Order Relative to Public Defender Study by Judicial Council; tabled on May 27 by Senator Harding of Aroostook pending passage; and on motion by Mr. Violette of

Aroostook, the rules were suspended and that Senator was granted permission to withdraw the Order.

The President placed before the Senate the 2nd tabled and today assigned item (H. P. 845) (L. D. 1146) Bill, "An Act Relating to Construction and Operation of Intrastate Natural Gas Pipelines"; tabled on May 27 by Senator Harding of Aroostook pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

The President placed before the Senate the 3rd tabled and today assigned item (H. P. 1144) (L. D. 1568) Bill, "An Act Authorizing Qualified Licenses after Conviction for Drunken Driving if Essential to Livelihood"; tabled on May 27 by Senator Harding of Aroostook pending enactment.

On motion by Mr. Violette of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, and the same Senator presented Senate Amendment A and moved its adoption.

Senate Amendment A (S-290) was read and adopted.

Mr. HOFFSES of Knox: Mr. President, ladies and gentlemen of the Senate, I am not going to speak for any length of time on this bill but I just want to go on record in expressing my personal feelings in regard to this legislative document.

It is my feeling that the laws which we now have are the only vehicle whereby we have much control over drinking and driving, and I am fearful that this piece of legislation is not going to be the deterring factor which we desire to keep this drinking and driving matter under control. I simply want to go on record as being in opposition to L. D. 5168.

Mr. VIOLETTE of Aroostook: Mr. President and members of the Senate: I am very mindful of the problems which are involved in regard to the use of intoxicating liquor and operation. I think it has become the considered opinion of many of the people who are

concerned with this problem that the matter of continuous suspension of operators licenses for operating under the influence is not one of the greatest deterrents in the use of intoxicating liquor. Maine has one of the most severe laws with regard to the suspension or revocation of operation rights. I certainly feel that there should be some restrictions and that they should be quite severe. Most of your states have periods of revocation running anywhere from three months up to longer periods, and in those states the operation and the use of liquor has not been considerably greater than it is in our State of Maine. I think there are a lot of people who, for many good reasons, feel that there ought to be some flexibility in the period of revocation of licenses, principally because the matter of revocation itself is punishment and ought to be punishment but it also implies various other problems with regard to the capacity of a person to earn his livelihood and support his family.

These are basically the reasons why our committee considered this bill. I personally had some reservations about, but I say there are many good reasons for its enactment. There are people today who are punished for crimes that are much more serious than operating under the influence—and I do not wish in any way to minimize the seriousness of operating under the influence—but some people are punished for crimes much more severe than that, and yet, because of circumstances which are taken into consideration by our courts, are allowed to remain in our society and continue earning their livelihood and take care of their families, and the basic reason why people, after having been sentenced for crimes in our courts are allowed to remain in our society and to continue carrying on their everyday life—the basic reason is that they will be able to take care of their family, take care of their obligations without their families becoming charges upon our society. That is the underlying reason for this bill as amended. In a situation which

is serious enough and after six months revocation, if the Secretary of State feels there is no other way in which this man can earn his livelihood and take care of his family he will have the authority to grant a restricted license so that this man can operate solely for the purpose of his employment. I think there is a great deal of good in this bill.

Mr. STERN of Penobscot: Mr. President, I merely wish to concur wholeheartedly with the remarks made by Senator Violette.

Mr. SHIRO of Kennebec: Mr. President, I wish to also go on record as supporting this measure as I believe it is a measure that would not in any way be a detriment to the enforcement of our driving under the influence laws here in the State. I have seen many, many hardship cases and many people who are responsible individuals be subjected to a first conviction driving under the influence charge and become very hurt financially and their families have suffered in grave disproportion to the offense with which they are charged, and in many cases I have found that even an innocent person suffers unjustly this. This would certainly give him a chance to show that he is a responsible driver and a responsible individual, so I wish to concur wholeheartedly with the comments made by Senator Violette.

Thereupon the bill was passed to be engrossed in non-concurrence and sent down for concurrence.

#### Joint Order

Out of order and under suspension of the rules, on motion by Mr. Harding of Aroostook.

ORDERED, the House concurring, that Legislative Document No. 316, Resolve, Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens, (H. P. 248) be recalled from the Governor to the Senate. (S. P. 586)

Which was read and passed.

Sent forthwith to the House for concurrence.

On motion by Mr. Harding of Aroostook.

Recessed for five minutes.

**After Recess**

Senate called to order by the President.

Mr. HARDING of Aroostook: Mr. President, is the Senate now in possession of Resolve Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens, (H. P. 248) (L. D. 316)?

The PRESIDENT: The Chair would state that it is, the resolve having been recalled by Joint Order.

Thereupon, on motion by Mr. Harding of Aroostook, the Senate voted to reconsider its former action whereby the resolve was passed to be enacted; and to further reconsider its former action whereby the resolve was passed to be engrossed; and Senator Harding yielded to Senator Chisholm of Cumberland.

Mrs. Chisholm of Cumberland presented Senate Amendment A and moved its adoption.

Which amendment (S-270) was read and adopted, and the resolve as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair would like to recognize in the Senate Chambers Michael Henchey who is eleven, and Paul Henchey who is nine and they are from the town of Presque Isle. The Chair would request the Sergeant at arms to please escort Michael and Paul to the rostrum where they will act as honorary pages for today. (Applause)

Mr. HARDING of Aroostook: Mr. President, the manager of Presque Isle is here, and it is the city of Presque Isle, not the town of Presque Isle. (Laughter)

The PRESIDENT: The Chair stands corrected and apologizes to the City Manager.

Additional Senate Committee Report, out of order and under suspension of the rules:

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Testamentary Shares of Omitted Children." (S. P. 287) (L.

D. 849) reported that the same Ought to pass.

(signed)

Senators:

GLASS of Waldo

VIOLETTE of Aroostook

STERN of Penobscot

Representatives:

RICHARDSON

of Cumberland

DAVIS of Calais

DANTON

of Old Orchard Beach

GILLAN of South Portland

BRENNAN of Portland

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

(signed)

Representative:

BERMAN of Houlton

On motion of Mr. Violette of Aroostook, the Majority Ought to pass report was read and accepted, the bill read once and Tuesday next assigned for second reading.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 2nd tabled and unassigned item (H. P. 1091) (L. D. 1487) Bill, "An Act to Authorize Municipalities to Finance Industrial and Recreational Projects"; tabled on May 19 by that Senator pending passage to be engrossed; and that Senator yielded to Senator Violette of Aroostook.

Mr. Violette of Aroostook presented Senate Amendment "B" and moved its adoption.

Mr. VIOLETTE of Aroostook: Mr. President, I would like to speak briefly on the amendment.

The PRESIDENT: The Senator may.

Mr. VIOLETTE: Mr. President, this amendment has a filing number of 289 and it has been prepared for the purpose of correcting the bill in compliance with the questions which were propounded by the Senate to the Supreme Judicial Court and the answer which is contained in today's calendar. The court gave an answer with regard to the 3rd question, Sections 5339 and 5340 and 5341 of the bill which declared that

some of the provisions contained in the bill were unconstitutional.

With regard to Section 5341 where there was a provision for payment in lieu of taxes, the courts declared outright that this was unconstitutional and therefore this has been removed from the bill. With regard to 5339, that section has been rewritten to comply with the position of the court, because of the answer on question 4 and other questions which indicated that the purpose of this act with regard to revenue bonds that it was entirely a legitimate, proprietary purpose of the municipalities to issue these bonds. In the third question they also declared it was not a proper governmental purpose. Therefore the amendment which you have before you with regard to Section 5339, places in it the language of the bill itself in declaring it is a proper proprietary action of the municipalities and it takes governmental part out of it.

It is the feeling of everyone connected with this bill that the new section is clearly within the constitutional power of municipalities to provide for this purpose and I move the adoption of the amendment.

Thereupon, Senate Amendment "B" (S-289) was read and adopted, and on motion of Mr. Violette of Aroostook, the Senate then voted to reconsider its former action whereby it adopted Senate Amendment "A"; on further motion by the same Senator, Senate Amend-

ment "A" was indefinitely postponed and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boisvert of Androscoggin, the Senate voted to take from the table the 9th tabled unassigned item (S. P. 557) Joint Order Relative to Creating a Committee to Make Recommendations for Legislation Relating to Clarification of Contract Carrier Permits; tabled on May 21 by Senator Boisvert of Androscoggin pending passage.

Mr. BOISVERT of Androscoggin: Mr. President, I move that S. P. 557 be indefinitely postponed. It has been replaced, if I may add, by another Order which has been passed in both branches.

The motion prevailed and the Order was indefinitely postponed.

On motion of Mr. Harding of Aroostook, the Senate voted to take from the table the 12th tabled and unassigned item (S. P. 55) (L. D. 378) Bill, "An Act Increasing Salaries of Judges of the District Court"; tabled by that Senator on May 26 pending enactment; and that Senator moved the pending question.

Thereupon, the bill was passed to be enacted.

On motion by Mr. Harding of Aroostook

Adjourned until Tuesday next at ten o'clock in the morning.