

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Seventh Legislature*

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Friday, April 22, 1955

Senate called to order by the President.

Prayer by Rev. Herman Delaney of Augusta.

Journal of yesterday read and approved.

**Order**

On motion by Mr. Reid of Kennebec, out of order and under suspension of the rules:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, April 26, 1955 (S. P. 545)

Which was read and passed.

Sent down for concurrence.

Subsequently, the foregoing Order was returned from the House, having been read and passed, in concurrence.

**House Papers****House Committee Reports****Leave to Withdraw**

The Committee on Judiciary on Bill "An Act Relating to Teacher's Oath and Prohibited Teaching." (H. P. 1068) (L. D. 1256) reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on Bill "An Act to Provide for Licenses for Employees of Liquor Licensees." (H. P. 927) (L. D. 1035) reported that the same be granted Leave to Withdraw.

The Committee on Towns and Counties on Bill "An Act Increasing Salary of Sheriff of Somerset County." (H. P. 1021) (L. D. 1161) reported that the same be granted Leave to Withdraw.

Which reports were severally read and accepted in concurrence.

**Ought Not to Pass**

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Transportation of Fish, Game and Fur-bearing Animals by Aircraft." (H. P. 778) (L. D. 861) reported that the same Ought not to pass.

Comes from the House, bill substituted for the report and passed to be engrossed.

In the Senate:

Mr. CARPENTER of Somerset: Mr. President, this bill came out of the Fish and Game Committee unanimously "Ought not to pass." The original bill as it is on the statutes at the moment provides that a pilot's license shall be revoked if he transports fish or game illegally, unless the fish or game is properly aged. The department frowns upon this particular bill, and unless there is some objection I am going to move the indefinite postponement of the bill.

The motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The Committee on Taxation on Bill "An Act Providing for a State Income Tax." (H. P. 1151) (L. D. 1366) reported that the same Ought not to pass.

Comes from the House, report and bill indefinitely postponed.

In the Senate, the Ought not to pass report of the committee was accepted.

The Committee on Towns and Counties on Bill "An Act Empowering Cumberland County Commissioners to Raise Money for Roads in Pownal." (H. P. 624) (L. D. 665) reported that the same Ought not to pass.

Comes from House, report and bill recommitted to the Committee on Towns and Counties.

In the Senate, the bill was recommitted to the Committee on Towns and Counties in concurrence.

The Committee on Business Legislation on Bill "An Act Relating to Sales of Goods and Merchandise Other Than at Retail." (H. P. 1061) (L. D. 1249) reported that the same Ought not to pass.

The Committee on Highways on Bill "An Act Designating Federal Aid Secondary Routes as State Highways." (H. P. 737) (L. D. 818) reported that the same Ought not to pass.

The Committee on Retirements and Pensions on "Resolve Providing for State Pension for George Beulieu of Madawaska." (H. P. 229) reported that the same Ought not to pass.

The same Committee on re-committed "Resolve Providing for State Pension for Victor James of Princeton." (H. P. 241) (L. D. 295) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Myrtle Conant of Warren." (H. P. 320) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Galon Fogg of Wynn." (H. P. 391) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Roland Shaw of Farmingdale." (H. P. 553) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Eddie Ouellette of St. Francis Plantation." (H. P. 681) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Helen Daigle of New Canada." (H. P. 719) reported that the same Ought not to pass.

The same Committee on "Resolve in Favor of Walter E. Dow of Washburn." (H. P. 756) reported that the same Ought not to pass.

The same Committee on "Resolve Increasing Pension of Howard C. Hatch of Wells." (H. P. 757) reported that the same Ought not to pass.

The same Committee on "Resolve in Favor of Arthur Payson of Brooks." (H. P. 792) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Napoleon Breard of Waterville." (H. P. 934) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Joseph Williams True of Garland." (H. P. 1011) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Charles Moore of Auburn." (H. P. 1113) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

### Ought to Pass

The Committee on Highways on "Resolve Designating Part of Route No. 9 as State Highway." (H. P. 883) (L. D. 991) reported that the same Ought to pass.

Comes from the House, report accepted, and resolve passed to be engrossed as amended by House Amendment A (Filing No. 321) and House Amendment B (Filing No. 322).

In the Senate, on motion by Mr. Reid of Kennebec, the resolve and accompanying papers were laid upon the table pending acceptance of the report.

The Committee on Correctional Institutions on Bill "An Act Relating to Age of Commitment to State School for Boys." (H. P. 1062) (L. D. 1250) reported that the same Ought to pass.

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

### Ought to Pass—N.D.—same Title

The Committee on Public Health on re-committed Bill "An Act Relating to Registration for Barbers and Apprentice Barbers." (H. P. 551) (L. D. 608) reported the same in New Draft (H. P. 1184) (L. D. 1439) and that it Ought to pass.

Comes from House, report accepted and bill in New Draft re-committed to the Committee on Public Health.

In the Senate, the bill was re-committed to the Committee on Public Health in concurrence.

### Majority—ONTP

### Minority—OTP in N. D.

The Majority of the Committee on Liquor Control on Bill "An Act Relating to Sunday Sales of Liquor by Hotels and Clubs." (H. P. 926) (L. D. 1034) reported that the same Ought not to pass.

(Signed)

Senators:

CRABTREE of Aroostook  
CARPENTER of Somerset

Representatives:

ANTHOINE of Windham  
CHRISTIE of Presque Isle

CHARLES of Portland  
RICH of Charleston

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass in New Draft (H. P. 1208) (L. D. 1477) under the same title.

(Signed)

Senators:

BOUCHER of Androscoggin

Representatives:

COTE of Lewiston

DOSTIE of Winslow

PIERCE of Bucksport

Comes from the House, Majority Report, Ought not to pass accepted.

In the Senate:

Mr. CRABTREE of Aroostook: Mr. President, I move that the Senate concur with the House in the acceptance of the Majority Report "Ought not to pass."

Thereupon, on motion by Mr. Boucher of Androscoggin, the bill and accompanying papers were laid upon the table pending motion by the Senator from Aroostook, Senator Crabtree that the Senate accept the Majority Report "Ought not to pass" in concurrence.

**Majority — ONTP**

**Minority — OTP**

The Majority of the Committee on Liquor Control on Bill "An Act to Regulate Eligibility of Premises for Which Liquor Licenses May be Granted. (H. P. 1004) (L. D. 1151) reported that the same Ought not to pass.

(Signed)

Senators:

CRABTREE of Aroostook

BOUCHER of Androscoggin

CARPENTER of Somerset

Representatives:

COTE of Lewiston

DOSTIE of Winslow

CHARLES of Portland

PIERCE of Bucksport

The Minority of the same Committee on the same subject matter, reported that the Bill Ought to pass.

(Signed)

Representatives:

ANTHOINE of Windham

CHRISTIE of Presque Isle

RICH of Charleston

Comes from the House both reports and bill indefinitely postponed.

In the Senate, on motion by Mr. Carpenter of Somerset, the bill was indefinitely postponed in concurrence.

**Majority — ONTP**

**Minority — OTP**

The Majority of the Committee on Liquor Control on Bill "An Act Prohibiting Minors on Certain Premises Selling Liquor." (H. P. 1108) (L. D. 1299) reported that the same Ought not to pass.

(Signed)

Senators:

CARPENTER of Somerset

CRABTREE of Aroostook

BOUCHER of Androscoggin

Representatives:

COTE of Lewiston

DOSTIE of Winslow

CHARLES of Portland

RICH of Charleston

PIERCE of Bucksport

ANTHOINE of Windham

The Minority of the same Committee on the same subject matter reported that the bill Ought to pass.

(Signed)

Representative:

CHRISTIE of Presque Isle

Comes from the House Majority Report read and accepted.

In the Senate, on motion by Mr. Boucher of Androscoggin, the Majority Report "Ought not to pass" was accepted in concurrence.

Mr. REID of Kennebec: Mr. President, I ask unanimous consent to introduce a fish screen resolve. It has the blessing of Senator Carpenter, and the Department of Inland Fisheries and Game notified me this morning that this should have been done sometime ago. I can only say I cannot see any reason why it did not get in before but it did not get in.

The Secretary read the Resolve by title only:

"Resolve Providing for a Fish Screen at the Outlet of China Lake in the Towns of China and Vassalboro in the County of Kennebec."

Which resolve was received by unanimous consent.

Mr. REID of Kennebec: Mr. President, I move that the rules be suspended and the resolve be given its first reading without reference

to a committee. I think it is unnecessary to refer it, and I believe it would delay things. It is a very simple resolve. It simply provides for a fish screen and has already been taken up by the committee.

Thereupon, the rules were suspended, the resolve was read once without reference to a committee, and was tomorrow assigned for second reading.

#### Order

On motion by Mr. Weeks of Cumberland

ORDERED, that the date of invitation, in Senate Order of April 19 inviting the Rev. Howard O. Hough, Portland, to officiate as Chaplain of the Senate, be changed from April 20 to April 28, 1955.

Which was read and passed.

Mr. Chapman of Cumberland presented the following order and moved its passage:

Whereas, the Senate has been richly benefited by the altruistic generosity of Honorable Percival P. Baxter, of Portland; and

Whereas, the Honorable Percival P. Baxter has given greatly of himself to his community and State; and

Whereas, he is now regarded as the senior statesman of the State of Maine and is loved and respected by the people of the State of Maine; and

Whereas, it is the legislative intent to honor him by an appropriate memorial so that he may personally know of the esteem and love in which the people of Maine hold him; now, therefore,

BE IT ORDERED, the House concurring, that a Commission composed of 2 members of the Senate, appointed by the President of the Senate, and 3 members of the House of Representatives appointed by the Speaker, be and hereby is authorized and directed to study the ways and means of erecting a suitable memorial in appreciation by the people of the State of Maine for his service and generosity to the people of the State of Maine; and the Commission shall report to the 97th Legislature by May 1, 1955, the results of its study with recommendations as to the method and cost

of carrying out the purposes of this order and is authorized to report an Act or Resolve to accomplish such purposes.

Which Order was read and passed.

Sent down for concurrence.

#### Senate Committee Reports Leave to Withdraw

Mr. Reid from the Committee on Judiciary on Bill "An Act Relating to Private Detectives." (S. P. 403) (L. D. 1117) reported that the same be granted Leave to Withdraw.

Which report was read and accepted.

Sent down for concurrence.

#### Ought Not to Pass

Mr. Reid from the Committee on Judiciary on Bill "An Act Granting Powers to Federal Government Relative to Prospecting for Military Strategic Minerals." (S. P. 478) (L. D. 1347) reported that the same Ought not to pass.

The same Senator from the same Committee on Bill "An Act Restoring Violations of the Liquor Law to the Operation of the Criminal Law." (S. P. 490) (L. D. 1370) reported that the same Ought not to pass.

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

Which reports were read and accepted.

Sent down for concurrence.

#### Ought to Pass—as Amended

Mr. Carpenter from the Committee on Inland Fisheries and Game on bill "An Act Relating to Open Season on Deer Throughout the State." (S. P. 324) (L. D. 890) reported that the same ought to pass as amended by Committee Amendment A.

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

The Secretary read Committee Amendment A.

Committee Amendment A to L. D. 890, "Amend said bill by striking out the underlined figure '21st' in the 5th line and inserting in place thereof the underlined figure '24th'."

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

Mr. Weeks from the Committee on Judiciary on bill "An Act Relating to Publication of Specimen Balloons." (S. P. 464) (L. D. 1308) reported that the same ought to pass as amended by Committee Amendment A.

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

The Secretary read Committee Amendment A.

Committee Amendment A to L. D. 1308. "Amend said bill by striking out in the 6th line the underlined words 'whether daily, weekly or monthly'. Further amend said bill by adding at the end thereof the following underlined sentence 'monthly newspapers may be used for this purpose when authorized by the Governor and Council'."

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

Mr. Silsby from the same Committee on Bill "An Act Validating Joint Tenancy." (S. P. 483) (L. D. 1352) reported that the same ought to pass as amended by Committee Amendment A.

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

On motion by Mr. Silsby of Hancock, Committee Amendment A was adopted without reading, and the bill as amended was tomorrow assigned for second reading.

**Majority—ONTP**

**Minority—OTP**

The Majority of the Committee on Judiciary on "Resolve Proposing as Amendment to the Constitution Redefining 'Recess' of the Legislature." (S. P. 366) (L. D. 1062) reported that the same Ought not to pass.

(Signed)

Senators:

REID of Kennebec  
SILSBY of Hancock  
WEEKS of Cumberland

Representatives:

McGLAUFILIN of Portland  
HANCOCK of York  
NEEDHAM of Orono  
BROWNE of Bangor  
DAVIS of Calais  
MacDONALD of Rumford

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass.  
(Signed)

Representative:

EARLES of South Portland

On motion by Mr. Chapman of Cumberland, the resolve and accompanying papers were laid upon the table pending acceptance of either report.

**Majority—OTP in N. D.**

**Minority—ONTP**

The Majority of the Committee on Transportation on Bill "An Act Relating to License Plates for Motor Vehicle Owners Who Operate Amateur Radio Stations." (S. P. 237) (L. D. 573) reported that the same Ought to pass in New Draft (S. P. 546) (L. D. 1487), same title.

(Signed)

Senators:

COLE of Waldo  
HALL of York  
WYMAN of Washington

Representatives:

FINEMORE of  
Bridgewater  
PALMETER of  
Meddybemps

ALLEN of Chelsea  
MADORE of Van Buren  
JACQUES of Lewiston

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

(Signed)

Representative:

TOTMAN of Bangor

On motion by Mr. Low of Knox, the bill and accompanying papers were laid upon the table pending acceptance of either report.

**Majority — OTP**

**Minority — ONTP**

The Majority of the Committee on Transportation on Bill "An Act Relating to Weight Tolerances for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts." (S. P. 418) (L. D. 1179) reported that the same Ought to pass.

(Signed)

Senators:

HALL of York  
WYMAN of Washington

**Representatives:**

FINEMORE of Bridgewater  
 JACQUES of Lewiston  
 MADORE of Van Buren  
 PALMETER

of Meddybemps

ALLEN of Chelsea

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

(Signed)

Senator:

COLE of Waldo

Representative:

TOTMAN of Bangor

On motion by Mr. Low of Knox, the bill and accompanying papers were laid upon the table pending acceptance of either report.

**Second Readers**

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

**House**

Bill "An Act Relating to Service of Process on Nonresidents Operating Aircraft." (H. P. 541) (L. D. 598)

Bill "An Act Relating to Payments from Benefit Account of Maine Employment Security Commission." (H. P. 996) (L. D. 1144)

"Resolve in Favor of Allie Cota of Gray." (H. P. 1175) (L. D. 1416)

"Resolve Regulating Fishing for White Perch in All Counties and Setting Daily Bag Limit in Franklin, Kennebec, Piscataquis and Somerset Counties and in Mattawamkeag Lake, Aroostook County." (H. P. 1204) (L. D. 1470)

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

**House — as Amended**

Bill "An Act Relating to Bridges Built Under the Works Program Flood Relief Program." (H. P. 646) (L. D. 723)

"Resolve Authorizing Forest Commissioner to Convey Certain Land in Augusta to City of Augusta." (H. P. 841) (L. D. 931)

"Resolve in Favor of Harriett and George L. Christianson of Portland." (H. P. 38) (L. D. 1426)

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

**Senate**

Bill "An Act Relating to the Uniform Civil Liability for Support Act." (S. P. 251) (L. D. 683)

Bill "An Act Changing Name of Madawaska Training School to Fort Kent State Normal Schol." (S. P. 342) (L. D. 951)

Bill "An Act Increasing the Salary of the County Attorney of Sagadahoc County." (S. P. 435) (L. D. 1194)

Bill "An Act Relating to Transfer of Prisoners at Maine State Prison to Federal Penal Institution." (S. P. 437) (L. D. 1196)

Bill "An Act Relating to Purposes of the Associated Hospital Service of Maine (Blue Cross, Blue Shield)." (S. P. 541) (L. D. 1478)

Bill "An Act Relating to Preservation of Briefs in Law Court Cases." (S. P. 542) (L. D. 1479)

Which were severally read a second time and passed to be engrossed.

Sent down for concurrence.

**Senate — as Amended**

Bill "An Act Relating to Records of Unattended Deaths and Injection of Embalming Fluids Under Medical Examiner's Law." (S. P. 399) (L. D. 1113)

Bill "An Act Relating to Salary of Deputy Clerk of Courts in Hancock County." (S. P. 436) (L. D. 1195)

Bill "An Act Providing for the Uniform Trust Receipts Act." (S. P. 438) (L. D. 1211)

"Resolve Authorizing Kenneth H. Boyington and Ernestine Y. Boyington of South Portland to Sue the State of Maine." (S. P. 527) (L. D. 1455)

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

Bill "An Act Relating to Itemized Statements Filed by Legislative Counsel and Agents." (S. P. 246) (L. D. 679)

Mr. CARPENTER of Somerset: Mr. President, I would like to ask through the Chair of the Senator



from York, Senator Farley what the benefits of this bill might be.

The PRESIDENT: The Senator from York, Senator Farley, has heard the question and may answer if he wishes. The Chair will attempt to repeat the question which has reference to Item 14 under today's second readers. As the Chair understands the Senator from Somerset, Senator Carpenter, the Senator from York, Senator Farley is requested to give a brief summary of the accomplishments of the bill as amended.

Mr. FARLEY of York: Mr. President, for the benefit of the Senator from Somerset, Senator Carpenter, the purpose of the bill and the amendment that was offered yesterday was simply that members of the lobby fraternity are to submit every month an itemized account of what is spent here during the session and to tend to identify any amount of money that would be received by them from those for whom they were acting as agents. I myself personally believe that the bill has a lot of merit and the amendment I think has got some weight to it. I certainly believe that labor and industry have an avenue with us and I believe that we are here for the benefit of our constituents so that we can receive both sides of the question. Whereas a great many of us do not have an opportunity to attend all hearings we can get a second going-over from them. I think the amendment covers it quite thoroughly.

Mr. CARPENTER of Somerset: Mr. President, I do not, cannot see any particular merit to this legislative document and I move that it be indefinitely postponed.

Mr. FARLEY of York: Mr. President, when the vote is taken, I move that it be taken by a division.

Thereupon, on motion by Mr. Farris of Kennebec, the bill was laid upon the table pending motion by the Senator from York, Senator Carpenter that the bill be indefinitely postponed.

#### Enactor

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills and resolves:

An Act Repealing the Position of Director of Licensing and Enforcement Under Liquor Commission (S. P. 440) (L. D. 1210)

An Act to Increase the Salary of the Judge of Western Hancock Municipal Court (H. P. 857) (L. D. 943)

An Act Increasing the Salaries of the Judge and Recorder of Ellsworth Municipal Court (H. P. 949) (L. D. 1052)

An Act Increasing Salary of County Treasurer of Hancock County (H. P. 1083) (L. D. 1244)

An Act relating to Change of Purposes of Domestic Mutual Insurance Companies (H. P. 1194) (L. D. 1461)

An Act to Revise the Inland Fish and Game Laws (S. P. 184) (L. D. 436)

An Act relating to Insects and Diseases of Trees (S. P. 515) (L. D. 1408)

An Act relating to Compensation of Councillors of Town of Van Buren (H. P. 236) (L. D. 215)

An Act to Incorporate the Orono-Veazie Water District (H. P. 1156) (L. D. 1374)

An Act to Provide Fire Protection for Milton Township, Oxford County (H. P. 1170) (L. D. 1405)

Which bills were severally passed to be enacted.

An Act Relating to Leather Poisoning as an Occupational Disease (H. P. 466) (L. D. 1309)

On motion by Mr. Farris of Kennebec, tabled pending passage to be enacted.

An Act Increasing Salaries of Certain Officers of Lincoln County (H. P. 125) (L. D. 128)

On motion by Mr. Sinclair of Somerset, tabled pending passage to be enacted.

An Act Relating to the Salary of the County Attorney of Hancock County (H. P. 459) (L. D. 494)

On motion by Mr. Sinclair of Somerset, tabled pending passage to be enacted.

An Act Providing for Reappointment of Active Retired Justices (S. P. 157) (L. D. 351)

On motion by Mr. Weeks of Cumberland, tabled pending passage to be enacted.

An Act Providing for A Contingent Account for Androscoggin County (H. P. 1139) (L. D. 1336)

On motion by Mr. Boucher of Androscoggin, tabled pending passage to be enacted.

Resolve in Favor of Gerard Pomerleau of Portland (S. P. 77) (L. D. 176)

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

Resolve in Favor of Marcus Mitchell of Temple (H. P. 872) (L. D. 1458)

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

#### Emergency

“Resolve Providing for Motor Vehicle Registration Plates.” (S. P. 44) (L. D. 33)

Which resolve, being an emergency measure, and having received the affirmative vote of 23 members of the Senate, and none opposed, was finally passed.

#### Orders of the Day

Mr. Butler of Franklin was granted unanimous consent to address the Senate.

Mr. BUTLER: Mr. President and members of the Senate: We still have in the Retirement Committee thirty-five resolves, part of which are from members of the Senate and part from members of the House, and we are holding these resolves to obtain the additional information which we requested and which has not yet been received. We made this announcement previously, that we were going to call a deadline, and each time we have extended that deadline. However, next Tuesday will be the definite deadline, that unless the papers are in the possession of a member of the committee in the Senate or a member of the committee in the House then all additional resolves which we have in the possession of the committee will be turned out “Ought not to pass” because the

committee feels that we cannot properly screen those resolves with the same carefulness with which we have passed upon the others.

The PRESIDENT: The Chair is hesitant in making remarks such as this, but I ask your indulgence because it expresses a sincere conclusion on my part when I say that this Senate should share with me some of the appreciation of the hours of work that the Senator from Franklin, Senator Butler, has put into this committee. I know he has worked conscientiously, I know the difficulties inherent to that committee, and, so far as the Chair is concerned I do express that appreciation to the Senator from Franklin, Senator Butler, and I hope that you will cooperate with him by giving him the data which he has requested.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the forty-third tabled and unassigned matter (S. P. 486) (L. D. 1355) Senate Reports: Majority “Ought not to pass,” Minority “Ought to pass” from the Committee on Liquor Control on Bill “An Act Defining Malt Beverage Dispensing Parlors,” tabled by that Senator on April 13th pending acceptance of either report.

Mr. CARPENTER of Somerset: Mr. President, Senator Chapman has an amendment which I have read and which I believe has some merit and which he would like to propose, therefore I now yield to the Senator from Cumberland, Senator Chapman.

Mr. CHAPMAN of Cumberland: Mr. President, I move that we accept the minority “Ought to pass” report of the committee on L. D. 1355, and I do it in the light of the representation made by a member of the committee that an amendment is to be offered which seems to clear up the original difficulties that led the majority of the committee to take an adverse view of the bill. I therefore move the acceptance of the minority “Ought to pass” report of the committee.

The motion prevailed and the minority “Ought to pass” report of the committee was accepted and the bill was given its first reading.

Mr. Chapman then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A" was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 486, L. D. 1355, Bill "An Act Defining Malt Beverage Dispensing Parlors."

Amend said Bill by striking out the Title and inserting in place thereof the following Title: 'An Act Implementing Municipal Zoning Powers Relative to Restaurants.'

Further amend said Bill by striking out all of the last paragraph and inserting in place thereof the following underlined paragraph:

**"II-A. For establishing police and zoning regulations for restaurants, as defined under the provisions of chapter 61, including the classification of same according to reasonable standards of services furnished or products consumed."**

Mr. CHAPMAN of Cumberland: Mr. President, knowing at this stage of the game there is a little bit of mystery about what has taken place, I would like to offer a brief explanation of what the purpose of the bill was and now is and what the amendment does.

The original bill, which I had a hand in drafting, I can quite frankly say is in rather a bizarre shape and I share the general attitude of the committee in regard to it. If you can read it you can see that a certain standard percentage was set there that might be rather difficult to apply.

The purpose of the bill and the purpose of the amendment as it now reads is to deal with a certain situation that exists in regard to malt beverage retail-dispensing restaurants as defined in Chapter 61 of the statutes, which is the general liquor law. There, in the general liquor law, all premises which are authorized to sell beer and ale for consumption on the premises are classified together under one designation, namely "restaurant." Experience has proved in the last twenty or so years that there is quite a distinction between the various types of restaurants that do in fact exist and provide that particular service for the consuming public. For instance, as a matter of specific ex-

ample, we have a nationally-known and very highly-regarded restaurant such as Boone's Restaurant in Portland which serves magnificent food and at the same time serves beer and ale as an accommodation to its customers, and yet that is classified as a restaurant under the general liquor law along with the type of malt beverage dispensing outlet we commonly refer to as a beer parlor and which serves practically nothing but beer but must serve food under the law in order to comply with the technical requirements of law. Because the effect of the two different types of restaurant within this one general classification is very different upon the property interests that are contiguous to their location, such as professional office buildings, banks and so forth, it seemed reasonable that the municipal officers should have the power to make a distinction between those two types in regard to the establishment of new facilities. I say "new facilities" because under ordinance powers, as you know, the grandfather philosophy prevents zoning a particular business that exists out of a location; but with the thought that property interests and people that deal with valuable properties would be protected by allowing the municipal officers to say that a high type of restaurant might exist in a given location if you zone it that way, but that another type of restaurant which serves nothing but beer and ale and caters to an entirely different clientele should not be in that location but should be in another one. In line with that general ordinance theory it seemed appropriate to offer such an amendment to the law as we have here.

The members of the Committee have examined the amendment and certain corporation counsel who were interested in the problem have also examined the amendment and they feel that the amendment does the trick, the committee seems to be agreeable to it and I am and so are the other sponsors. It does not attempt to prejudice or hurt anybody, but it will mean in the future reasonable zoning to give the corporate implementation to property

interest, and that in brief is what this is all about.

Mr. President, I now move the adoption of the amendment.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Chapman, that the Senate adopt Senate Amendment "A".

On motion by Mr. Boucher of Androscoggin, the bill and accompanying papers were tabled pending the motion of the Senator from Cumberland, Senator Chapman, that the Senate adopt Senate Amendment "A".

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table the 63rd tabled and unassigned matter (S. P. 234) (L. D. 570) Senate Report "Ought not to pass" from the Committee on Towns and Counties on Bill "An Act Increasing Salary of Sheriff of Cumberland County," tabled by that Senator on April 21st pending acceptance of report.

Mr. WEEKS of Cumberland: Mr. President, for the purpose of offering an amendment I move that the bill be substituted for the report of the committee. I have discussed the matter with one member of the committee and I believe where it is a Cumberland County matter that the other members of the Committee on Towns and Counties would be agreeable.

The PRESIDENT: The Senator from Cumberland, Senator Weeks, moves that the bill be substituted for the report of the committee. Is this the pleasure of the Senate?

The motion prevailed and the bill was substituted for the "Ought not to pass" report of the Committee, and the bill was given its first reading.

Mr. Weeks then offered Senate Amendment "A" and moved its adoption.

Senate Amendment "A" was read by the Secretary as follows:

Senate Amendment "A" to S. P. 234, L. D. 570, Bill "An Act Increasing Salary of Sheriff of Cumberland County."

Amend said bill by striking out the underlined figure "\$6,000" in the 5th line thereof, and inserting in

place thereof the underlined figure '\$5,500'

Senate Amendment "A" was adopted and the bill was assigned for second reading at the hour of convening of the next legislative day.

#### Order Out of Order

On motion by Mr. Parker of Piscataquis, the rules were suspended and that Senator presented the following order out of order and moved its passage:

ORDERED, the House concurring, that whereas there have been referred to the Committee on Highways many resolves providing for highway fund appropriations for State Aid and State Highway construction and/or reconstruction, and

Whereas the final passage of any or all of these resolves may create an inequality with respect to those members of this legislature who did not offer road resolves,

Be it therefore ORDERED as follows:

1. That each of the several county delegates be requested to submit to the Highway Committee or to any member of that committee not later than noon, May 3rd such data as may indicate to the committee the road resolves considered essential by the delegation.

2. That the Highway Committee, acting with the benefit of such data as is possessed by the Planning Division of the State Highway Department, determine whether or not a consolidated resolve shall be reported by the committee, such consolidated resolve to reflect fairness and equity among the counties.

It is not the intent of this order to cover resolves relating to Federal Primary or Federal Secondary allocations from the construction allocation in the highway allocation bill, and the passage of this order expresses no more than a desire on the part of the legislature that the Highway Committee present a fair and equitable tabulation on County highway needs.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, in a brief explanation of this Order, I would like to say that the Highway Committee is very much concerned and have been since the

beginning of this session with the need for an appropriation that will take care of our hardship cases, our emergency classes on our highways. Many of the resolves that have come to our committee during this session are no more entitled to consideration and any of the funds from the highway department than many other equally as important pieces of road in our various parts of the state for which no resolve was submitted. Many of these people felt that way because of the previous session of the legislature when betterment funds were discontinued for our state aid and state highways, the so-called special resolve appropriation, was discontinued and included in our town road improvement fund.

The result was that there is at the present time in our whole highway department no funds that will take care of pieces of road that might lie between two very well constructed parts, that are in dire need of assistance or dire need of construction or reconstruction. It is the belief of the committee that this may, and we think would, solve that problem. That is the reason why the committee feels that this is something that is worthy and I hope it receives a passage in both the House and Senate.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker that the Order receive a passage.

Mr. BOUCHER of Androscoggin: Mr. President, I move that the Order lie on the table.

Mr. REID of Kennebec: Mr. President, when the vote is taken on that motion I move that it be taken by a division.

Mr. BOUCHER: Mr. President, may I debate on that motion?

The PRESIDENT: The Senator may debate only with respect to time. You may offer an amendment to your motion. The motion to table certainly is not debatable. The motion for the division certainly is not subject to debate.

Mr. BOUCHER: Mr. President, may I explain my reason for asking that this matter be laid upon the table?

Thereupon, Mr. Boucher of An-

droscoggin was granted unanimous consent to address the Senate.

Mr. BOUCHER of Androscoggin. Mr. President and members of the Senate: The reason I want to table this order is that I certainly want to study the order. I may be wrong but I surmise that this order is an invitation to come into the Pork Barrel and get it. I would want to study that. We disposed of that procedure a few years back and now again it is rearing its ugly head. I do not believe that the State should spend money to piece-meal roads here and there. The Highway Commission is well able to proceed with our road program. We are already in difficulties about money to proceed with a proper road program, and we do not need to make it any worse by having special resolves and piece-meal work throughout the State. That is why I wanted to table this order so that we may study it.

Mr. PARKER of Piscataquis: Mr. President—

The PRESIDENT: For what purpose does the Senator rise?

Mr. PARKER: Mr. President I ask for unanimous consent to address the Senate.

Mr. Parker of Piscataquis was granted unanimous consent to address the Senate.

Mr. PARKER of Piscataquis: Mr. President, I wish to explain that possibly my good friend from Androscoggin County, Senator Boucher may think that this is something that is being hurried through. I want to say that my committee, the Highway Committee has given a lot of thought through the entire session to the resolves that have come into our committee, the hardship cases on our highways, particularly from our small towns.

I also want to say that this morning I called the entire committee together and we were all there except one from Washington County who had to go home I understand, and included in that committee as you all know, we have both political parties. It was with the unanimous approval of the entire committee that this order was presented this morning, rather than being held up until next week. I asked them, "Are we trying to hurry this

order? Should we let it rest in committee until next week and give it more consideration? Is there anything you do not understand that this Order calls for?" Each and every one said that the longer we put this off, the longer the session is going to last. You will note if you read this, that the several county delegations have until a week from next Tuesday, which is May 3rd, to make their recommendations to the committee and if this is held up any length of time, instead of having two week ends for the delegates that go back to their various counties to discuss this with their constituents, it means less time and that means we will be here many days longer perhaps.

For that reason, I hope that the motion to table will not prevail.

Mr. FARRIS of Kennebec: Mr. President —

The PRESIDENT: For what purpose does the Senator rise?

Mr. FARRIS: For a point of information, Mr. President.

The PRESIDENT: The Senator may state his point.

Mr. FARRIS: Mr. President, I wish to inquire if this order is accepted, do the rules still stand that no resolve can be introduced except by unanimous consent?

The PRESIDENT: It is the understanding of the Chair that if this Order has a passage, the Committee would be authorized to present a consolidated resolve to the legislature. The legislature would then be privileged to accept or reject the consolidated resolve as presented by the Committee. Has the Chair answered the Senator?

Mr. FARRIS: Yes, thank you, Mr. President.

Mr. Boucher of Androscoggin was granted unanimous consent to address the Senate.

Mr. BOUCHER: Mr. President, this is a very serious matter as you have just informed the Senate, this will give the committee the power to present a consolidated resolve which may run into thousands or millions of dollars you know. This is an invitation to come and get it and to me, it is possibly the way and means of selling the gas tax increase. It is a serious matter and I would like to have this tabled. I

want to do some thinking on it and I wish the other members of the Senate would do some thinking on it until next Tuesday. I insist on my motion that it be tabled until Tuesday.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the Order be laid upon the table pending passage and that it be especially assigned for next Tuesday. The Senator from Kennebec, Senator Reid has asked that the vote be taken by a division. Is the Senate ready for the question?

A division of the Senate was had.

Eight having voted in the affirmative and nineteen opposed, the motion to table did not prevail.

Thereupon, on motion by Mr. Parker of Piscataquis, the Order received a passage and was sent forthwith to the House for concurrence.

The PRESIDENT: The Chair at this time will appoint the Senate members of the study committee relating to the Baxter Memorial as follows:

Senators:

CHAPMAN of Cumberland  
COLLINS of Aroostook

On motion by Mr. Dow of Lincoln, the Senate voted to reconsider its action taken earlier in today's session whereby it passed to be engrossed bill "An Act Changing Name of Madawaska Training School to Fort Kent State Normal School." (S. P. 342) (L. D. 951); and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed, and was especially assigned for Tuesday next.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table, "An Act Providing for Reappointment of Active Retired Justices" (S. P. 157) (L. D. 351) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Cole of Waldo

Adjourned until Tuesday, April 26 at ten o'clock in the morning.