

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, April 2, 1963

The Senate was called to order by the President.

Prayer by the Rev. Joseph E. LeMasters of Monmouth.

On motion by Mr. Campbell of Kennebec, the Journal of March 29 was read and approved.

The PRESIDENT: The Chair congratulates the Senator from Somerset, Senator Johnson, for completing public hearings with the Joint Standing Committee on Labor.

House Papers

Non-concurrent matters

Bill, "An Act Relating to Inter-local Cooperation." (S. P. 367) (L. D. 1033)

In Senate, March 26, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (H-175) in non-concurrence.

In the Senate, on motion by Mr. Whittaker of Penobscot, tabled pending consideration and especially assigned for tomorrow.

Bill, "An Act Extending Time of Validity of Motor Vehicle Registrations." (S. P. 489) (L. D. 1341)

In Senate, March 22, Indefinitely Postponed.

Comes from the House, March 29, passed to be engrossed in non-concurrence.

In the Senate:

Mr. JOHNSON of Somerset: Mr. President, I move that the Senate adhere.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I believe that in considering this bill the other day, we were hasty in our judgment. I think there are those of us who would have liked at that time to have discussed this among ourselves and I would feel that this bill should be further considered. I ask for a division on the motion.

Mr. JOHNSON of Somerset: Mr. President, ladies and gentlemen, I have the same feeling that the good Senator from Cumberland, Senator Porteous has. It seemed that

possibly some part of the bill could be salvaged. But after exhaustive study, I have come to the conclusion, the Transportation Committee has also, that it would be in the best interest of the towns of the state that this bill be indefinitely postponed. It is a poor bill and I hope that the Senate will vote against it.

The PRESIDENT: The Chair will inform the Senate that the motion to adhere is a privileged motion and has precedence over other motions, such as a motion to indefinitely postpone.

The question therefore, is on the motion of the Senator from Somerset, Senator Johnson, that the Senate adhere.

A division of the Senate was had. Twenty-one having voted in the affirmative and eight opposed, the motion to adhere prevailed.

Bill, "An Act Relating to Fee for Tags in Registering Deer." (H. P. 40) (L. D. 63)

Committee on Inland Fisheries and Game reported Ought not to pass.

In House, March 13, bill substituted for the report.

In Senate, March 20, Report accepted in non-concurrence.

Comes from the House, that body having insisted.

In the Senate, on motion by Mr. Stilphen of Knox, the Senate voted to reconsider its previous action whereby it accepted the Ought Not to Pass report; and on further motion by the same Senator, the bill was substituted for the report, read once, House Amendment A read and adopted, and the bill as amended tomorrow assigned for second reading.

Bill, "An Act Relating to Length of Residence for Property Tax Exemptions for Veterans." (S. P. 72) (L. D. 122)

In Senate, March 22, passed to be engrossed.

Comes from the House indefinitely postponed in non-concurrence.

In the Senate on motion by Mr. Farris of Kennebec, the Senate voted to recede and concur.

Bill, "An Act Relating to Resident Requirements for Malt Liquor

Wholesale License." (H. P. 669) (L. D. 925)

In Senate, March 19, passed to be engrossed.

Comes from the House, passed to be engrossed, as amended by House Amendment A in non-concurrence. (H-180)

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

Bill, "An Act Relating to Appointment and Duties of Deputy Registers of Probate." (H. P. 927) (L. D. 1363)

In Senate, March 20, passed to be engrossed as amended by Committee Amendment A (H-104)

Comes from the House, passed to be engrossed, as amended by Committee Amendment A and as amended by House Amendment A (H-176) in non-concurrence.

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

Joint Order

Joint Order relative to Congratulations to Basketball Team of Anson Academy. (H. P. 1031)

Comes from the House read and passed.

In Senate, read and passed in concurrence.

Committee Reports — House

Leave to Withdraw

The Committee on Judiciary on Bill, "An Act to Create a Law Revision Commission." (H. P. 919) (L. D. 1353) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Authorizing Civil Actions Against the State." (H. P. 660) (L. D. 916) reported that the same should be granted Leave to Withdraw.

The Committee on Legal Affairs on Bill, "An Act Relating to Time of Racing at Scarborough Downs." (H. P. 740) (L. D. 1069) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Inland Fisheries and Game on Bill, "An Act Clarifying the Use of Artificial Lights During Open Season for Hunting Deer." (H. P. 887) (L. D.

1272) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Prohibiting the Transfer of Registration of Vehicles to Defeat Purpose of Financial Responsibility Law." (H. P. 224) (L. D. 293) reported that the same Ought not to pass.

The same Committee on Bill, "An Act to Provide a Lien for Bowdoinham Water District Charges." (H. P. 462) (L. D. 666) reported that the same Ought not to pass.

The Committee on Labor on Bill, "An Act Increasing the Rate of Minimum Wages and Otherwise Revising the Minimum Wage Law." (H. P. 59) (L. D. 82) reported that the same Ought not to pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Penalties for Carelessly Shooting a Human Being While Hunting." (H. P. 777) (L. D. 1131) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels." (H. P. 232) (L. D. 300) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Inspection and Exemptions in Boilers and Unfired Steam Pressure Vessels Law." (H. P. 233) (L. D. 301) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Designating the General Election as a Legal Holiday." (H. P. 934) (L. D. 1368) reported that the same Ought not to pass.

The Committee on Sea and Shore Fisheries on Bill, "An Act Regulating the Maximum Size of Otter Trawlers in Casco Bay and Adjacent Waters." (H. P. 930) (L. D. 1374) reported that the same Ought not to pass.

The Committee on Transportation on Bill, "An Act Relating to Display of Name of Owner or Lessee of Trucks." (H. P. 710) (L. D. 966) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

The Committee on Welfare on Bill, "An Act Relating to Definition of Dependent Child under Aid to Dependent Children." (H. P. 957)

(L. D. 1391) reported that the same Ought not to pass.

(On motion by Mrs. Harrington of Penobscot, tabled pending acceptance of the report and especially assigned for Friday next.)

Ought to Pass

The Committee on Claims on Resolve Providing a World War I Bonus for George E. Maroon of Lewiston. (H. P. 966) (L. D. 1405) reported that the same Ought to pass.

The Committee on Retirements and Pensions on Bill, "An Act Granting Full Pension Benefits to Lillian Watson of Bangor." (H. P. 499) (L. D. 701) reported that the same Ought to pass.

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

The Committee on Municipal Affairs on Bill, "An Act Increasing Salaries of Members of Council of City of Portland." (H. P. 604) (L. D. 839) reported that the same Ought to pass.

Comes from the House indefinitely postponed.

In the Senate, the report was accepted in non-concurrence, the bill read once and tomorrow assigned for second reading.

The same Committee on Bill, "An Act Relating to Disposal of Certain Municipal Records." (H. P. 746) (L. D. 1075) reported that the same Ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment A (H-182)

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

The Committee on State Government on Bill, "An Act Providing an Additional Reporter for Industrial Accident Commission." (H. P. 683) (L. D. 939) reported that the same Ought to pass.

Comes from the House passed to be engrossed, as amended by House Amendment A (H-178)

In the Senate, the report was read and accepted in concurrence,

the bill read once and on motion by Mr. Edmunds of Aroostook, was tabled pending adoption of House Amendment A and especially assigned for tomorrow.

Ought to Pass — New Draft — Same Title

The Committee on Inland Fisheries and Game on Bill, "An Act Clarifying the Inland Fish and Game Laws." (H. P. 287) (L. D. 381) reported that the same Ought to pass in New Draft under the same Title, (H. P. 1022) (L. D. 1478)

Ought to Pass — New Draft — New Title

The Committee on State Government on Bill, "An Act Increasing Salary and Expenses of Reporter of Decisions." (H. P. 943) (L. D. 1377) reported that the same Ought to pass in New Draft under New Title: "An Act Increasing Salary of Reporter of Decisions." (H. P. 1023) (L. D. 1479)

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

Ought to Pass — As Amended

The Committee on Agriculture on Bill, "An Act Clarifying the Maine Milk Law." (H. P. 172) (L. D. 241) reported that the same Ought to pass as amended by Committee Amendment A (H-159)

The Committee on Municipal Affairs on Bill, "An Act Relating to Appointment of Chief Engineer of Fire Department of City of Westbrook." (H. P. 384) (L. D. 583) reported that the same Ought to pass as amended by Committee Amendment A (H-162)

(On motion by Mr. Cram of Cumberland tabled pending acceptance of the report, and especially assigned for Wednesday next.)

The same Committee on Bill, "An Act Repealing Pittsfield Water Company and Transferring Assets to the Town of Pittsfield." (H. P. 609) (L. D. 844) reported that the same Ought to pass as amended by Committee Amendment A (H-163)

The same Committee on Bill, "An Act Providing for New Charter for the City of Waterville." (H. P. 383)

(L. D. 582) reported that the same Ought to pass as amended by Committee Amendment A (H-160)

The same Committee on Bill, "An Act to Grant a New Charter to the City of South Portland." (H. P. 334) (L. D. 529) reported that the same Ought to pass as amended by Committee Amendment A. (H-161)

The Committee on Retirements and Pensions on Bill, "An Act Relating to Retirement of Employee Option by Local Districts Under Maine State Retirement System." (H. P. 789) (L. D. 1142) reported that the same Ought to pass as amended by Committee Amendment A (H-164)

The Committee on State Government on Bill, "An Act Increasing Compensation of Members of Maine Employment Security Commission." (H. P. 682) (L. D. 938) reported that the same Ought to pass, as amended by Committee Amendment A (H-165)

The same Committee on Bill, "An Act Increasing Salary of Insurance Commissioner." (H. P. 752) (L. D. 1081) reported that the same Ought to pass, as amended by Committee Amendment A (H-169)

The same Committee on Bill, "An Act Increasing Salary of Director of Legislative Research." (H. P. 836) (L. D. 1223) reported that the same Ought to pass, as amended by Committee Amendment A (H-167)

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

The Committee on Education on Bill, "An Act to Authorize the Municipalities of Detroit, Etna, Plymouth and Stetson to Form a School Administrative District." (H. P. 435) (L. D. 640) reported that the same Ought to pass as amended by Committee Amendment A (H-94)

Comes from the House, Committee Amendment A — Indefinitely Postponed, and the Bill passed to be engrossed as amended by House Amendment A (H-125)

In the Senate, on motion by Mr. Brooks of Cumberland, tabled pend-

ing acceptance of the report and especially assigned for Tuesday next.

Majority — Ought to Pass in New Draft — New Title Minority — Ought Not to Pass

The Majority of the Committee on Judiciary on Bill, "An Act Providing for Driver Education for All New Applicants for Operators' Licenses." (H. P. 77) (L. D. 39) reported that the same Ought to pass in New Draft under new title: "An Act Providing for Driver Education for Certain Applicants for Operators' Licenses." (H. P. 1627) (L. D. 1488)

(Signed)

Senators:

FARRIS of Kennebec
BOARDMAN of Washington

Representatives:

BERMAN of Houlton
PEASE of Wiscasset
SMITH of Bar Harbor
KNIGHT of Rockland
CHILDS of Portland

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

(Signed)

Senator:

CAMPBELL of Kennebec

Representatives:

RUST of York
THORNTON of Belfast

Comes from the House, Minority—Ought not to pass report read and accepted.

In the Senate, on motion by Mr. Campbell of Kennebec, the Ought not to pass report was accepted in concurrence.

**Majority — Ought to Pass
Minority — Ought Not to Pass**

The Majority of the Committee on Election Laws on Bill, "An Act Providing for Voting by New Residents in Presidential Election." (H. P. 803) (L. D. 1190) reported that the same Ought to pass.

(Signed)

Senators:

BROOKS of Cumberland
FARRIS of Kennebec
STITHAM of Somerset

Representatives:

CROCKETT of Freeport

HARRINGTON of Dexter
 GILL of South Portland
 MATHIESON of Montville

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

(Signed)

Representatives:

VILES of Anson
 BROWN of Fairfield

Comes from the House, Majority—Ought to pass report read and accepted.

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

Report A — Ought to Pass

Report B — Ought Not to Pass

Five members of the Committee on Liquor Control on Bill, "An Act Relating to Definition of Public Places under Law Relating to Drinking in Public Places." (H. P. 786) (L. D. 1139) reported in Report A that the same Ought to pass.

(Signed)

Senator:

CHRISTIE of Aroostook

Representatives:

MEISNER
 of Dover-Foxcroft
 CHAPMAN of Norway
 OAKES of Portland
 TOWNSEND of Baileyville

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

(Signed)

Senators:

KIMBALL of Hancock
 JACQUES of Androscoggin

Representatives:

WADE of Skowhegan
 BERNARD of Sanford

Comes from the House, Report A—Ought to Pass—Read and accepted, and the bill subsequently indefinitely postponed.

In the Senate:

Mr. KIMBALL of Hancock: Mr. President, as we had a letter in our committee from Commissioner Stuart of the Park and Recreational Committee stating that he believes the regulations already in effect in their own services covered

this matter quite thoroughly and he suggested that he was not in favor of this. I would move that we accept Report B.

The motion prevailed and Report B was accepted.

Report of Committee of Conference

—on Resolve, Regulating Fishing in the West Branch of the Penobscot River, Piscataquis County. (H. P. 214) (L. D. 283) reported that they are unable to agree.

Comes from the House, report read and accepted.

In the Senate, the report was read and accepted.

Committee Reports — Senate

Leave to Withdraw

Mr. Ferguson from the Committee on Highways on Bill, "An Act Relating to Expenditures Under Town Road Improvement Fund Law." (S. P. 387) (L. D. 1090) reported that the same should be granted Leave to Withdraw.

Mr. Lovell from the Committee on Industrial and Recreational Development on Resolve, Appropriating Money for an Additional Public Relations Representative, Department of Economic Development. (S. P. 294) (L. D. 867) reported that the same should be referred to the Committee on Appropriations and Financial Affairs.

Which reports were read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Brown from the Committee on Highways on Bill, "An Act Providing Area Directional Sign for Damariscotta, Pemaquid Region." (S. P. 312) (L. D. 978) reported that the same Ought to pass.

Mr. Hinds from the Committee on Health and Institutional Services on Bill, "An Act Relating to Attendance Officers of Passamaquoddy Indian Tribe." (S. P. 311) (L. D. 977) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Qualifications for Voting on Indian Reservations." (S. P. 449) (L. D. 1278) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Indian Tribal Elections." (S. P. 310) (L. D. 976) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Disposition of Convicts and Persons Detained in County Jails Alleged to be Mentally Ill." (S. P. 385) (L. D. 1088) reported that the same Ought to pass.

Mr. Letourneau from the Committee on Veterans and Military Affairs on Bill, "An Act Relating to the Organization of the Maine State Guard." (S. P. 85) (L. D. 192) reported that the same Ought to pass.

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

As Amended

Mr. Boardman from the Committee on Veterans and Military Affairs on Bill, "An Act Relating to Definition of and Educational Assistance for Orphans of Veterans." (S. P. 466) (L. D. 1293) reported that the same Ought to pass as amended by Committee Amendment A (S-118)

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

Second Readers

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

Bill, "An Act Regulating the Storage and Transportation of Frozen Foods." (H. P. 756) (L. D. 1085)

Bill, "An Act Relating to Election and Term of Board of Assessors of City of Bath." (H. P. 542) (L. D. 759)

Bill, "An Act to Provide Adjustments in Pensions Being Paid to Members of the Police and Fire Departments of the City of Portland." (H. P. 545) (L. D. 761)

Bill, "An Act Providing for Civil Service for the Old Orchard Beach Police Department." (H. P. 606) (L. D. 841)

Bill, "An Act Relating to Payments in Lieu of Taxes Under Urban Renewal Authorities Law." (H. P. 674) (L. D. 930)

Bill, "An Act Increasing Salary of Mayor, Providing Compensation of Councilmen and Providing Initiative and Referendum for City of Gardiner." (H. P. 997) (L. D. 1445)

Bill, "An Act Amending the Charter of the City of Brewer." (H. P. 605) (L. D. 840)

Resolve, Increasing Retirement Benefit for Georgia Dinsmore of Bath. (H. P. 13) (L. D. 10)

Resolve, Providing a Pension for Margaret H. Frisbee of Belfast. (H. P. 349) (L. D. 503)

Bill, "An Act Increasing Pensions of State Employees Retired on Council Orders." (H. P. 827) (L. D. 1214)

Bill, "An Act Relating to Exemption from Taxation of Property of the United States." (H. P. 512) (L. D. 714)

Bill, "An Act Amending Certain Provisions of the Charter of the Town of Old Orchard Beach." (H. P. 1017) (L. D. 1472)

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

As Amended

Bill, "An Act to Incorporate the Phippsburg Cemetery District." (H. P. 552) (L. D. 767)

Bill, "An Act Relating to Height of Motor Vehicles and Trailers." (H. P. 712) (L. D. 968)

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

Bill, "An Act Relating to Definition of Industrial Project under Maine Industrial Building Authority Act." (H. P. 104) (L. D. 148)

Which was read a second time, and passed to be engrossed, as amended by Senate Amendment A (S-114) in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act Relating to Group Credit Insurance." (S. P. 447) (L. D. 1276)

Bill, "An Act Directing Review of Maine Criminal Statutes and Model Penal Code." (S. P. 273) (L. D. 787)

Bill, "An Act Relating to Violations of Law by Parolees of Reformatory for men." (S. P. 295) (L. D. 868)

Bill, "An Act Relating to Request for Arraignment in Vacation." (S. P. 363) (L. D. 1029)

Bill, "An Act Relating to Placing Objects on Utility Poles Without Consent." (S. P. 450) (L. D. 1279)

Bill, "An Act Relating to Interference or Destruction of Transit Points and Monuments." (S. P. 474) (L. D. 1326)

Bill, "An Act to Establish and Regulate Commercial Driver Education Schools and Instructors." (S. P. 478) (L. D. 1330)

Bill, "An Act Amending the Act of Incorporation of the Associated Hospital Service of Maine." (S. P. 276) (L. D. 790)

Bill, "An Act Relating to Sewer Service Charges." (S. P. 331) (L. D. 996)

Bill, "An Act Adding the Maine Motor Vehicle Dealer Registration Board to the State Agencies Subject to the Administrative Code." (S. P. 487) (L. D. 1339)

Bill, "An Act Adjusting Salary for the Supreme Judicial Court Messenger in Cumberland County." (S. P. 435) (L. D. 1178)

Bill, "An Act to Repeal the Act Creating the South Paris Village Corporation." (S. P. 501) (L. D. 1398)

Bill, "An Act to Revise the Laws Relating to Real Estate Brokers and Salesmen." (S. P. 552) (L. D. 1483)

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

Sent down for concurrence.

As Amended

Bill, "An Act Relating to Definition of Potatoes and Shipper Under the Potato Tax Law." (S. P. 306) (L. D. 972)

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

Bill, "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years ending June 30, 1964 and June 30, 1965. (S. P. 131) (L. D. 411)

Which was read a second time.

Mr. EDMUNDS of Aroostook: Mr. President, I would like to move that this bill be passed to be engrossed and I would like to speak briefly to my motion.

I think all of the members of the Senate are aware that L. D. 1481 is a redraft of the original Current Services Budget proposed by the Governor in L. D. 411. I would like to take just a few moments and review the changes that were made in the original legislative document by the Appropriations Committee.

First I would like to cover the area where there were increases on the part of the Appropriations Committee. First, under Baxter State Park we added \$200 in each year of the biennium under the All Other category. This was necessary because the size of the park was increased by a recent gift of an additional 6900 acres.

Secondly, under the Department of Mental Health and Corrections and especially with respect to the Maine State Prison, no provision was made to start the new south wing which will be completed before the end of the biennium, and we have added 8 guards there, which would increase the personal services in the first year of the biennium by \$31,512 and in the second year of the biennium by \$32,104 and would also add \$1000 under All Other for both years of the biennium, for a total increase of \$65,616.

Thirdly, under the office of the Secretary of State we have added \$494 in the first year of the biennium and \$504 in the second year of the biennium for a total increase in personal services of \$998. This is to relieve a critical problem in the Secretary's office as to clerical staff.

The last increase is in the office of the Treasurer of State. We have added \$3342 for the first year and \$2843 in the second year for a net increase of \$6185 in the All Other category. This is necessitated by the increase in cost of postage from four to five cents.

Now I would like to review briefly decreases made by the Appropriations Committee.

First, in the Bureau of Purchases in the first year of the biennium there is a decrease of \$999 and in the second year a decrease of \$578 in personal services which is partially offset by an increase in the first year of \$238 and in the second year of \$289 in the All Other cate-

gory, for a net biennial saving of \$1000, and this is due to certain readjustments within the department which made this possible.

Secondly, under the Department of Health and Welfare, Division of Child Services, we have decreased this account by \$24,699 in the first year of the biennium and \$25,701 in the second year of the biennium in the Personal Services category; and we have also decreased it \$3750 in both years of the biennium for travel expense under the All Other category for a total reduction of \$57,900. What this would do would be to do away with the mandatory provision of the statute that social workers be present in divorce actions in six of the Superior Courts in the State of Maine. This does not imply that social workers would not be available at the discretion of the presiding judge. They would be available, and the social workers are available for this purpose, but it does leave it to the discretion of the judge who is presiding as to whether they are needed or not, and I might say that this is the consensus of the thinking of the legal fraternity here in the State of Maine.

The third decrease occurs in interest on bonds, a reduction of \$11,250 in the first year and \$10,125 in the second year for a total decrease of \$21,375. This was possible because originally the estimate of interest on the ETV bonds was in the vicinity of three to three and a half per cent. The money market at the time the bonds were sold, which was only two or three weeks ago was such that the bonds were placed at very favorable rates, between 2.55 and 2.60 per cent.

The fourth decrease is in the Department of Mental Health and Corrections and is connected with the Military and Naval Children's Home. As you know, the Appropriations Committee has recommended that this home be discontinued. Accordingly, there is a reduction of \$49,543 in the first year and \$54,300 in the second year for personal services; \$17,131 in the first year and \$18,418 in the second year in the All Other category, and \$750 and \$500 respectively in the area of capital expenditures, for a g r a n d

total decrease of \$140,642. I know this is a controversial area. I do not want to discuss the merits or demerits of this move on the part of the Appropriations Committee at this time because I understand an amendment will be presented to return this to the budget. I would say at that time I am fully prepared to debate the amendment that is offered.

In recapitulation: we have increased through the various departments and in the various categories the Governor's original budget by \$73,200 and we have decreased it again in various departments and under various categories by \$220,934, for a net decrease from the Governor's original figures of \$147,744. However, this is partially offset by certain income at the Military and Naval Children's Home. This is largely the money that the staff pays in for the meals that they eat at the home, which amounts in the biennium to \$14,585, so that the total reduction is \$133,159 from the Governor's original figures. I realize this is not a major reduction, but I would point out this: that this is the first time, I believe, in approximately twenty years that the Appropriations Committee has reported out the Current Services Budget at a figure lower than that recommended by the Governor. While it is a small step it is a step in the direction of economy and I hope that the Senate will accept it as a step in the right direction.

I would like to point out that there are still several areas of review as far as the current services budget is concerned. With respect to the Agricultural Department there is a possibility that there could be a very minor decrease in their budget, depending on certain potato legislation which is before the 101st Legislature. In the Department of Economic Development there are so many bills and so many proposals in both chambers that the committee felt that the only practical course they could pursue would be to report the budget out as originally recommended by the Governor, waiting for some of these other ideas to firm up and to perhaps finalize. At that time it may be possible to recommend the

budget for the Department of Economic Development either upward or downward. Further, with respect to the Water Improvement Commission, because of a very important L. D. we have before our committee, L. D. 227, which would provide funds for sewer projects in four communities in the State of Maine—this has not entirely firmed up yet but there is a possibility that the budget of the Water Improvement Commission could be changed by transferring their appropriation for the second half of the biennium to the first half of the biennium. With respect to the Department of Health and Welfare, there is a proposal before us to realign the budget in some areas. These are in the area of the Welfare Administration Account. There are many pros and cons to this, but should it materialize it would save approximately \$100,000 for the biennium. I would point out that should it materialize the supplemental budget is available as a vehicle to implement the changes I have mentioned in these four areas.

I would like to call attention to two errors in printing. On the redraft of L. D. 1481 on Page 17, the printer by error after Military and Naval Children's Home has twice added "Grants Received 13 parentheses." In addition to that, on Page 20 of L. D. 1481 Section 2 has been left out in its entirety. I would say that this is a printer's error. I have checked the original bill and the original bill has been very carefully checked by the Department of Finance and Administration and the original bill is entirely correct. You can ignore these because in essence we are dealing, when we pass or reject this legislative document, with the original bill itself.

There is one other consideration that I would like to mention to you because it does not show up clearly in the redraft, but the action of the Appropriations Committee has made substantial additional moneys available in two ways. Under the Forestry Department, under the account known as Aid to Towns for Forest Fires we have transferred back into the unappropriated surplus \$121,737. Under the Institution-

al Reserve Fund under the Department of Mental Health and Corrections we have transferred back into the unappropriated surplus \$72,358. Under the mandatory capital construction program from the unappropriated surplus recommended by the Governor and necessary in order to comply with fire regulations here in the State of Maine, there was provided \$29,400 for certain projects at the Military and Naval Children's Home. Should this home be closed, these projects would no longer be necessary. As a result, we have increased the unappropriated surplus by \$223,495. I would remind you that that money will be available either for bricks and mortar or else for such worthy legislative documents we have before us which qualify for financing from the unappropriated surplus. So I would say that in a sense the net saving by the actions of the Appropriations Committee is \$133,159 under the various department proposals plus \$223,495 which is either transferred to or left available in the unappropriated surplus. We have a total gain in a sense by committee action of approximately \$356,654.

There is one last consideration and that is a change in the Preamble, which is new. This is different from anything that has been included in the current services budget in the past. First, might I say that we have retained the very desirable feature implemented by the 100th Legislature in which all permanent positions are listed in the document in parentheses and these permanent positions cannot be increased by any action of the Governor and Council or the department head while the legislature is not in session. For those of you who are wondering, that provision is definitely in there. It has found much favor with the Governor and Council; it has found much favor with the Department of Finance and Administration. Unfortunately, it has not found quite so much favor with some of the other departments. We do feel that it is good. It is one of the only ways that we can control spending.

The other change that we have made is also, as I say in the Preamble, and we have gone a step

further than we went in the 100th session. It was possible, under the Preamble of the 100th session and previous sessions for a department to be awarded a position like, say, a psychiatrist, which they could not fill because the salary scale was not adequate or psychiatrists were generally not available for other reasons — it was then possible for them to take that money near the end of the biennium and hire seasonal help, not permanent help but seasonal temporary help and spend that money up so that in effect they could come back to the next session and say, "Well, we used all the money we got last time and we have got to have so much more this time." We have not entirely restricted them on that but we said that if they are to do that first they must receive the approval of the Personnel Board, secondly they must receive the certification of the Department of Finance and Administration, and, thirdly, they must in the final analysis have it approved by the Governor and Council. This may not look like a major addition to the Preamble, but I have had estimates from people whose opinions I respect that it could possibly add as much as half a million dollars to the unappropriated surplus which would thereby be available for the 102nd Legislature when it meets.

Mr. President, I am sorry to take so much time, but since this bill does propose to appropriate 143 odd million dollars I felt it should be explained on the floor of the Senate. I believe I have already made a motion that this bill be passed to be engrossed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Edmunds that L. D. 1481, "Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years ending June 30, 1964 and June 30, 1965" be passed to be engrossed and sent down for concurrence.

Mr. REED of Sagadahoc: Mr. President, at this time is it in order to present an amendment?

The PRESIDENT: The Chair informs the Senator that it is.

Mr. REED: Mr. President I would like to present an amendment to this L. D. and move its passage and I would like to speak on the amendment.

Senate Amendment "A" was read by the Secretary.

Mr. REED: Mr. President and members of the Senate: This amendment restores the deleted sum of money to the Current Services Budget for the Military and Naval Childrens Home located in the City of Bath. I have passed out on your desks last night's copy of the Bath Times. I did this primarily so you could take a look at what we are talking about here this morning. I have also passed out the Down East magazine, an issue of June, 1959, and on Page 40 you will find a story entitled "Maine's Largest Family." I do not have enough copies to go around because it is an old edition, and for economy's sake I would like to have them back.

I feel this is very important to let you know that people have thought a great deal of this home and they thought this way before it was challenged here in this legislature.

I believe I know what many of you are thinking right now, that we are all for economy but when it hits home we are not. Now in this regard I would like to make my position clear. Although I have presented this amendment and urged its adoption, as far as economics go in Sagadahoc County we would be just as well off without it. This is not a factory employing so many people and bringing in X number of dollars into our community. First of all, you can see it is in a beautiful residential area. Tear it down and several new homes can be built and the City of Bath will realize some \$50,000 of taxable property. The City of Bath educates these thirty odd children free of charge. Scatter these children in foster homes throughout the State of Maine, and I feel that the City of Bath will save between ten and twelve thousand dollars on their educational budget. In my way of thinking, the State of Maine is getting somewhat of a bargain from the City of Bath. It is also true, however, that there is probably more sentiment for this home in

my area than anywhere else, but this is only natural, since we have all seen the wonderful job the home has done, and I doubt if there is a person who has been reared in the Bath area who at some time or other has not known one of these children. I know that when I went to High School I knew several of them and I went to several parties there — certainly not elaborate affairs but they were a lot of fun. Also there are a lot of people who, although originally not from the Bath area, but because they spent most of their younger years in this home have just naturally settled around the Bath area. This alumni, so to speak, is of course most interested in the future of the home.

Now I would like at the outset to apologize this morning for being lengthy, yet I feel I am left with no alternative for two reasons. First, I must speak on behalf of the hundreds of people who are very concerned about this home and who were not afforded their day in court by the Appropriations Committee. I would like to submit to this Senate that no public hearing was ever held on this proposal; also at no time did the Sagadahoc delegation meet with the Appropriations Committee to discuss it. I cannot help but feel their decision was unwise, based upon the fact that it was made in haste and without having all the evidence. I feel as if when this legislature hears some 1500 bills that they could have found time to have heard this one issue in a public hearing.

The second reason for being lengthy is that Senator Edmunds and I agreed that we would not lobby the senators. This I have not done. I understand he had to this morning and he apologized because others had been lobbied. But I have not approached any of you on this issue, knowing full well that I would probably get outdone either way. If I must go down, I choose this manner.

I would now like to discuss the three main reasons for closing the home as against the reasons for continuing it. I believe that the argument from the Senator from Aroostook will be three-fold: 1. That the per capita cost is too high. 2. The building is a firetrap, and 3.

the State is paying for a haven that only the Bath area people use.

Now let us take the third item first. I believe this item is easily refuted by examining its present enrollment. There is one child from Clinton, two from Windham, brothers, two from Gardiner, brother and sister, two from Richmond, brother and sister who are twins, two more from Waterville, brothers, two from Augusta, brothers, one from Rockland, two from Wiscasset, four from Poland. This makes twenty out of the thirty-two not from the Bath area. There is included in the twelve from the City of Bath a family that presently has seven children in this home. Now this probably makes the Bath residency higher than it generally is. At one time I understand there were as many as eleven children going to this home from the City of Rockland. But I believe that the figures clearly indicate that this home is not a simple haven for Sagadahoc County. It is operated for any child in Maine, with the preference to be given to the children of veterans.

Now let us go to the second argument for closing: that the building is a firetrap. Now I do not know whose expert advice was given to the Appropriations Committee on this matter, yet I disagree with the implication that the word "firetrap" indicates. The building itself is as sound and as true as it ever was. It is kept clean and neat, free from the usual fire potential. It is adequately equipped with fire escapes and fire extinguishers. The building, however, according to the Bath fire chief, who for many years inspected the building but does no longer, probably should have a sprinkler system and certain sections blocked off. Now there is appropriated, as already stated here this morning, \$2900 for this purpose in the Governor's supplemental budget. Now the exact reduction from the present insurance rate if this building had installed the sprinkler system I am not sure, but the chances are, from all information I could get, it would be cut nearly in half. Now the building is insured for \$100,000 and the contents are insured for \$43,000. Now if you install a sprinkler system the chances are you take about ten

years to pay for the sprinkler system. I have talked with both state fire insurance men and also with the New England Fire Insurance Rating Bureau, and I think it is also noteworthy that the rate on this building is 30 cents. I asked him why this low rate, because both gentlemen admitted that it was a low rate. I did not get a direct answer, but I do not believe that these people put a low rate on a building that is a firetrap. Now the home is a half mile and located on the same street as the Bath fire station, which is one of the best fire departments in Maine.

Now lets not call it economy to close this home because it needs a sprinkler system. And also ask yourself: even without the spinkler system, in the average type of foster home we have wouldn't they be placed in just as great a firetrap?

Now we next come to the cost of operating this institution. It is about \$2100 per child. I had this figure from the institutional bureau. Now this I suppose we might say is high, yet if the cost is high I feel that the results are also high, and I believe we all know that generally speaking we get just about what we pay for. In order to prove this point, I would like to read several letters that I know Senator Edmunds has received and copies were sent to me. I apologize to the Senator. I realize he has got a lot of mail, but there was little sense for me to sit around and answer the telephone and agree with these people.

“Dear Mr. Edmunds:

It is with great concern that I read this past week the recommendation of your committee to close the Military and Naval Children's Home at Bath. For several years I have taught second grade at the Lillian Fisher School in Bath where the elementary grade children from the home are enrolled. I too have visited the home. Instead of considering it a firetrap I consider it a place where thirty odd unfortunate children are allowed to live a safe and happy life under the care of trained personnel. It is my belief that Mr. and Mrs. Harold Libby are a capable and dedicated

couple who give generously of their love and understanding to these children who look to them for guidance. They are aided in their task by an able staff of assistants who maintain a smooth-running establishment, etc.” And this was signed by Roberta H. Stevens.

Another letter:

“Dear Senator Edmunds:

I am writing to you regarding the proposed closing of the Maine Military and Naval Children's Home in Bath. On paper and from strictly an economy viewpoint, this may be a good way to save the State some money. Please bear with me just a little while while I point out a few things that should be taken into consideration.

“This home, over a period of many years, has done a tremendous job with the children who have passed through here. Many of the children were of problem variety from broken homes and from homes lacking affection and discipline. I cannot recall as I write this a single failure among the many children who have spent any period of time at the home. I can recall many cases of fine young men and women going on to further education in responsible positions in and out of the State of Maine,” etc. This was signed “Sincerely yours, Robert E. Wagner, Chief of the Bath Fire Department.”

I have here another letter that was just passed to me by the good Senator from Lincoln. I will not take time to read it. It was from a graduate who went on from the home, received the Davenport fund and went on to graduate from Bates College. The alumni and graduates of this home I will not again go into, but they certainly have made a great mark in the State of Maine.

I suppose as compared to foster homes the per capita cost is high, yet as compared to per capita cost in other Maine institutions it is not. Where it costs \$2100 per child in the Military and Naval Home it costs \$3500 at the South Portland School for boys, and we are being asked to give them nearly two million dollars, or five million, whichever you want to pick, for capital improvements.

Now I think it is also noteworthy that the cost in this home has been nearly constant in the past eight years and the total appropriation requested for the next biennium is several hundred dollars less per capita than at present. I cannot understand why the Appropriations Committee decided to go into this particular institution. The cost, again, for the South Portland School for boys has continually risen, as has every other institution in the State. Now in 1964-1965 the appropriation request is \$4000 for Part 1 and \$3000 for Part 2, making a grand total of \$7000 per capita cost. Now the total per capita cost, let us say, of the Stevens Training Center in Hallowell requested in 1964-1965 is \$4400. Now I personally would rather spend some \$2100 per child at the Military and Naval Home than take a chance of having to spend between four and seven thousand at either the boys or girls training school.

Another one that still baffles me is that we have a Men's Reformatory and a Women's Reformatory. Now the per capita cost for the Men's Reformatory is under \$2000, whereas the per capita cost for the Women's Reformatory is some \$4500. It seems to me there might be some savings in these larger institutions. Now I believe that there is still another question that should be examined and that is, is there a need for such an institution. I know that when I sit down here it will be brought out to you that it costs only \$800 to send a child to a foster home. In my mind there is no question that the difference in the quality of the product is worth it in most cases. I do defect, however, in inquiring around, that no tears will be shed here in Augusta if this Home were closed. All admit that it is a wonderful Home and the child is well taken care of. However, I think human nature being what it is, some believe it is operated too much as a separate unit with not enough consideration to the state's general welfare and institutional program. This is certainly not a unique feeling among institutions, because I think each institution department head feels that his particular domain is most im-

portant. I have understood this morning that Dr. Fisher is for closing this home. This I do not know but I do know this: Dr. Fisher and I talked in the corridor and he told me that it was not in his department; he had no feelings one way or the other. I feel that I like to get the same answers from a department head as the next fellow. This is all I ask.

I believe that it is also possible that if this home is closed these children of course have to go somewhere. Chances are they will have to be put on welfare. I believe almost all of them will. Presently there are only seven but the others would be committed to welfare. The process is already going on that some of them will be. Some department is going to have to get additional money if this home is closed. I think it is noteworthy that we have just hired seven more guards for our Maine State Prison. The Welfare Department will also tell you that it is becoming more and more difficult to find good foster homes. I believe all of us realize that for \$9 a week, you are not going to give a child room and board and make much money on it. The days of the big home and the family farm with all the chores to do are passing, and with it the good foster home.

Also they say that there is a definite need for this type of home for many children. The feeling of insecurity and not belonging that is created by many foster homes, and the rebellion of a place such as the School for Boys, makes this type of institution a must in many cases.

One hitch, of course is that this Home is not under the Welfare Department, but under the Department of Institutions and Corrections. I predict that if this Home is closed that you will find a push on in several years to open up a new one and this will cost you from half a million to a million dollars worth of money. I don't believe you will find another city that will move a Home in and educate some thirty-odd children without coming back on the state.

Another thing you will not get by this new mortar is that it will probably set out in some field somewhere and the children will take

years to get the feeling of belonging that they have in this Home. This institution has been going on for a hundred years. "Where are you from?" "I am from the Children's Home". It is an accepted statement around the area. It is not a black mark for any child. I have spent considerable time going into this matter, and about the only crime I can see is that this institution is too small and hasn't spent enough money. Now if it spent between one and six million dollars as other institutions do, no one would know enough to question it. This seems to be in the realm of what we can realize. I have five children. At \$2000 apiece it is \$10,000. This of course I do not pay for my children, but there again, my wife has been telling me for years that the housewife is underpaid and I suppose if I moved out and had to hire someone to go in there twenty-four hours a day, seven days a week, fifty-two weeks a year then my per capita cost would be way up over the \$2,000.

I would not like to present here this morning the idea that I do not think this home can be bettered, because I believe it might be. It takes something pretty near perfect before it cannot be bettered. In fact if this amendment is passed, I believe it would be wise for our Legislative Research Committee to study this Home, concerning its relationship with the state's over-all welfare and institutional program, also in its relationship to per capita cost, and yes, if you want to, to its need in this state. But to just wipe it off the books would be a grave mistake.

The only thing cut in our \$143 million current services budget of any substance, is this \$150,000 appropriation that gives some thirty-odd children better care than they could receive anywhere else. The mere fact that brothers and sisters can stay together is worth something. The man in the street is shaking his head when we appropriate \$500,000 for the World's Fair and then cannot find it in our hearts to keep this home open. It has served a useful purpose for nearly 100 years and without question is still serving that same purpose. I hope and pray that this Senate

weighs heavily the future of these children. Thank you.

Mr. EDMUNDS of Aroostook: Mr. President, I rise reluctantly to debate with the Senator from Sagadahoc, Senator Reed, and I would like to say to the Senate that he did respect the agreement which was made between us that we would not lobby individual senators on this matter but that we would debate it on its merits. However, and this was without his knowledge and I am sure without his approval, many other people have taken over the job for him and I am sure that many members of the Senate have been contacted. However, I would like to say that you all know and respect the man as I do and he did keep his word. He is also right that I have received quite a lot of mail in respect to this particular question. I have answered it all and I have attempted to point out the reasoning of the Appropriations Committee as to why they deleted this.

I hope I won't be too lengthy in debating this but I think it is an important issue and I think I should give you the considerations which were presented to the appropriations committee and which enabled them to reach the decision that they did. They went into the budget aspects, they went into the comparative costs, they examined other programs and I think with one exception all of the Appropriations Committee visited the home. Our conclusions are based on a number of facts which I would like to present to the Senate at this time and initially is the one which Senator Reed just debated, the question of the per capita cost, which is approximately \$2340 per child after making all allowances for income at the home, from every source. This is four, five or six times more than similar type programs cost, depending on what type programs you want to consider. The reasons are obvious — the home is too small to be economic with a population of only thirty children and it is entirely impractical to expand the home at this time. The appropriations necessary to expand the home to a size where it could possibly

become economic would be in the millions of dollars I am sure.

As far as comparing these costs to the costs of some of our other institutions, I would point out that I, these are good children, I will admit that. They do not need guards. These children are not mal-adjusted; they do not need social workers. These children do not need expensive psychiatric help in the same sense that the children at the Stevens School and the Boys Training Center need it and they are not mental patients. They do not need many high priced drugs in order to make them well again. So it might not appear to be too high if you compare it to some of the custody programs we have for juvenile delinquents, mentally ill people and so on, but compared to the cost of taking care of a child that has to be committed to a regular foster home, I repeat, the cost is four, five or six times greater than this program which is generally established throughout the state.

I would also like to say that good foster homes are available, or so we were informed, that the modern concept is that this is a preferable way of taking care of these children because it retains in a certain sense, the family relationship.

I would also like to say that I am in no way critical of the superintendent at the home who happens to come from my home town. I know many members of the family very well and there is no question in my mind that she is doing an excellent job at the home. It is just that the problem of keeping the home open with its very limited population is an impossible problem for any superintendent.

Now with respect to the building being a fire trap. It is a wooden building as I think you all know, approximately 13 years old. When the state took it over, I believe they renovated it and put a third floor on it and the children, many of them if not most of them, now sleep dormitory style on the third floor of this building. There are fire escapes. However, I understand there have not been fire drills for a number of years because they had accidents in trying to use these escapes in the past and I am

even quite positive that at the moment the fire alarm gong in the building does not work. They have had several people in to attempt to repair it but nobody has been successful as I understand it.

As to the cost of insurance which the Senator from Sagadahoc, Senator Reed mentioned, thirty cents may be a cheap rate or it may be an expensive rate, I don't know what insurance rates are in Bath, but I would point out that the state gets a special low rate because they have a group risk and for that reason get a special low rate, lower than you or I would get as private individuals.

Now we mentioned the amount of insurance on the home. I would like to ask this question. How much are the children in the home insured for? I assure the Senate: Keep this facility and then look to your own conscience when there is a catastrophe, because sooner or later there is bound to be one in a building this old and where the children are housed on the third floor.

Another reason why the Appropriations Committee felt that this home should be abandoned is the fact that the institution is unique. It has no counterpart in any other of the fifty states in the Union. It was founded as a result of the Civil War when a pledge was made by the citizens of Bath to the soldiers who went to the war, that their orphans would be taken care of if they did not return. Over the years the state has gradually assumed the responsibility for it and I would like to point out that throughout our entire nation there is no precedent and no justification for a state operated home of this particular type.

Of course the title of the home makes all of us stop and think for a moment: "The Military and Naval Children's Home". I would also like to point out to the Senate that this home no longer has any military significance. The veterans' children, true, are supposed to have precedence in being admitted to this home. However, the discretion as to who is admitted to the home is placed entirely with the superintendent and while I know that she has done an excellent job in using this discretion, any superintendent

could, within her prerogative or his as the case might be, refuse to take any veterans' children and take only children of non-veterans. I do repeat there is no longer any military significance and the veterans organizations of the State of Maine have been appraised of the move of the Appropriations Committee and they have told us they would not oppose this move.

As far as the children at the home are concerned, I would point out that this is not an orphan's home. Some people are under the impression that it is. This definitely is not the case. The children are from broken homes as a result of divorces, alcoholism, other causes. I am sure we are all sympathetic to these children, but I would point out that of the present population, in each instance the father is living and in only five instances is the mother dead. So these children definitely are not orphans in any sense of the word.

I would point out that hundreds, possibly thousands of children from broken homes are being placed in foster homes annually here in the State of Maine. There is a question in my mind as to why these thirty children should be privileged in preference to the hundreds or thousands of other children and I feel that Maine can no longer afford to support a costly, antiquated, dangerous facility such as we now have at Bath. I know that the Senator from Sagadahoc mentioned the number of children there from Bath at the present time. Bath is concerned and Bath well should be concerned in this particular instance. I would point out that approximately forty percent of the children in the home at the present time are from the County of Sagadahoc.

This is not the first time an attempt has been made to do away with this facility. An attempt was made back in 1953 and a very vehement protest was raised by the City of Bath and many promises came forward from the City of Bath as to what they would do to assist and to assume the burden of taking care of this home if the state would keep it open. If I may indulge your patience for just a moment, I would like to read from the record, and I am now quoting

the then Senator Collins of Aroostook who apparently was a two headed monster similar to myself. In his remarks he said, "Let us be honest in evaluating its worth to the State of Maine. If it is to continue, let's change the Appropriations Bill. If it is to be discontinued, let us adjust our figures to the situation. It may well be that there is a compromise area whereby the good people of Bath and Sagadahoc County will recognize some of their own responsibility."

In reply to this I would like to read the remarks of the then Senator from Sagadahoc, Senator Cummings, in which he says that he has offered Senate Amendment A to restore this item to the budget. He says, "We have substantially reduced the Governor's recommendations in that we in Sagadahoc and others, perhaps veterans organizations will be glad to come to the rescue of such a fine and honorable institution." And he went on to propose that Bath would contribute very substantial amounts of money and so on and so forth. Just one further quote from that particular record from the then Senator Haskell of Penobscot, who said, "To me it is gratifying to hear the comments that have been made by the good people of Bath that they will make an effort to be partners with the state in support of the institution, which seems reasonable and fair. I don't think any legislature is going to force the issue. I think it is well, as the Senator from Sagadahoc, Senator Cummings has said, to lay the issue before the legislature, but I believe that the type of spirit that has been evidenced by Bath people, Sagadahoc people that they will make every reasonable effort so that they may come before the next Appropriations Committee with contributions that will make them partners with the State of Maine in maintaining what is without doubt a very fine institution."

Now to just look at the record again. I have examined the support that the city of Bath — and I might say the County of Sagadahoc — has given this home over the years after making these very fine promises back in 1953.

In 1954 they donated \$90. In 1955 they donated \$50. I do not have the figures for 1956. In 1957 they donated \$33. In 1958 they donated \$29. In 1959 they donated \$57. In 1960, \$61. In 1961, '62 and '63, they donated \$25 each of those three years. A total of \$395. I would point out that this probably represents six thousandths of one percent of the annual cost of maintaining this facility in the Bath area. So I do not really believe that the people in the Bath area have lived up to the promises that they made back in 1953 when this particular home was under fire by another session of the legislature.

Concern has been raised about closing this home violently and throwing children out in the snow and so on and so forth. I would point out that there is still money left in the present biennium, that we have appropriated a small amount of money in the next biennium, and that we have scheduled a meeting — this will not be a public meeting by the way — but we have scheduled a meeting between the Appropriations Committee, the Committee on Health and Institutional Services, interested Bath citizens and the Commissioner of Health and Welfare, Commissioner of Mental Health and Corrections, superintendent of the home, and many other interested people, to come in and discuss with us how we properly can phase this home out so we do not create any undue hardships for any of the children and personnel that are there.

I would also point out that this was heard in public hearing. The Appropriations Committee hears the budget requests of the Department of Mental Health and Corrections. They were advertised and at that time the Military and Naval Children's Home was given a chance to present their reasons why their budget should be continued for the next two years. So the statement that there was no public hearing is not justified in my opinion because there very definitely was one. I gain point out that there will be a subsequent meeting, not public in nature, to ease this blow in every way possible in so far as all are concerned.

In the last analysis I would like if I may, to quote some of the

opinions of people who I consider to be experts in this field with respect to this home. First I would like to read a letter if I may from Dr. Bowman, whom I think you all know as head of Pineland, the hospital and training center at Pownal. This letter is addressed to me and it reads: "Upon request I wish to inform you—" I might say at the outset that the Commissioner of Mental Health and Corrections Mr. Walter Ulmer is home ill with bronchial pneumonia so we have not been able to get an opinion from him. Dr. Schumacher is acting in his stead. "Upon request I wish to inform you of the sentiments of the Director of the Bureau of Mental Health, Dr. William E. Schumacher, and myself, regarding abandonment of the Military and Naval Children's Home at Bath Maine. Dr. Schumacher's comment was solicited by telephone today and it is his feeling that a PAS study urged abandonment of the facility a number of years ago, that this program is no more appropriate according to present day standards regarding orphanages and that the facility definitely duplicates the efforts of the Department of Health and Welfare, Division of Child Welfare. I personally wish to add to this that this was the firm conviction of the late Commissioner Perry D. Hayden who once attempted to abandon the facility and this was opposed by the people in the Bath area. I personally feel that this facility is a fire trap and that it is duplicating certain services under the Department of Health and Welfare. In conclusion I would suggest that abandonment of this facility in the judgment of the late Commissioner Perry D. Hayden, Dr. William E. Schumacher and myself is a sound measure."

I would like to quote from a letter I received from Mr. William H. Hughes, superintendent of the Boys Training Center in South Portland. This also was addressed to me.

"As a representative of the Department of Mental Health and Corrections, I wish to make the following observations concerning the Military and Naval Children's Home, and recent news releases concerning the Appropriations Committee statement relative to disbanding the above referred to institution.

"The following statements are based on my knowledge of the institution and also stem from many and varied discussions with our late Commissioner, Perry D. Hayden. A survey of several years ago urged that the institution be disbanded. It was Commissioner Hayden's intention to introduce a bill to Maine's 100th session to disband the Military and Naval Children's Home. Discussions with people from the Bath area revealed political overtones to the extent that Mr. Hayden felt that it was not advisable at that time to present the above referred to bill, being cognizant of the many and varied political pressures involved. It was Mr. Hayden's opinion that it would be more advantageous to expend the funds appropriated to the Military and Naval Children's Home to other institutions in dire need of funds. My personal observations concur with the above referred to thinking of the late Commissioner, Perry D. Hayden.

"In addition I wish to state that it is my considered opinion that the Military and Naval Children's Home is not in keeping with present day concepts of child care, and in fact, is duplication of the efforts of the Bureau of Social Welfare, Department of Health and Welfare, as well as other state institutions. It would appear that the children served at the Military and Naval Children's Home could be served at far less expense to the Maine state taxpayer, and as advantageously to the child, by proper placement in a foster home situation under supervision of the Department of Health and Welfare.

"I have just finished a conversation with Mr. Merton R. Johnson, superintendent of the Reformatory for Men who, as you no doubt know was very close to the late Commissioner, Perry Hayden. They discussed among other things, problems relative to the Military and Naval Children's Home. The following statements are presented in behalf of Mr. Johnson:

"It was Mr. Hayden's considered feeling that it was a waste of time, effort and money, for an institution to try to do something for which it was not intended. It was Mr. Hayden's opinion that children could be cared for under more normal con-

ditions in foster homes at a far lesser cost to the State of Maine. Mr. Hayden determined that the Home had become a burden to the state without fulfilling the purpose for which it had been established."

In addition to that, I do not know what Dr. Fisher's feelings are, the Commissioner of Health and Welfare, with respect to whether or not this home should be closed but I have talked to him with respect to the seven or eight children who are presently confined in the home and who are still under the custody of his department. He has assured me that these children can be placed in foster homes by his department and there will be no additional appropriation necessary as far as the state is concerned in order to appropriate these six, seven or eight children. True there might be a small additional appropriation for the other children.

I realize that I have debated this at length but I wanted to assure the Senate that this is not a cavalier move on the part of the Appropriations Committee. We have examined it I think very carefully. We feel that it is your decision and that you will decide it on its merits and certainly the Appropriations Committee will abide with the decision of the Senate. Thank you.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed has presented Senate Amendment A and moved its adoption.

Mr. EDMUNDS of Aroostook: Mr. President, at this time I would move that Senate Amendment A be indefinitely postponed.

Mr. HINDS of Cumberland: Mr. President, ladies and gentlemen of the Senate, we have certainly had this particular issue amply debated here this morning and I have no long speech to make on the subject. I would like to say, as Chairman of Health and Institutional Services, that early in the session I took my committee to this home and we visited with them and spent an afternoon there. It was our feeling, the unanimous feeling of the committee that the children were well cared for and that this was an excellently run institution. I prefer myself, to support Senator Reed's motion, an amendment to place monies back in the budget to care for this

home. I would say, however, that because of the Chairman of Appropriations excellent presentation today that I think it would be very wise perhaps to refer this to the Legislative Research Committee and have them come back with an answer for the next session, perhaps recommending that the institution stay as it is, or perhaps recommending that it be done away with. I myself at this present time cannot see doing away with this institution. They are doing an excellent job and I am quite familiar with foster homes, my father has been a welfare worker for the past 25 years and I am sure we have many excellent foster homes in this state. However, I can take you in to several that you wouldn't want any of your children or grandchildren to live in.

I would like to say again that the Institutions Committee has discussed this and it was the unanimous feeling of those present that we oppose doing away with this home.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, I rise also as a member of the Committee on Health and Institutional Services to support the amendment. I recognize the weight of the arguments presented by the Senator from Aroostook, Senator Edmunds but I do feel that this action should not be taken at this time; that is, the action to close the school. I do not wish to debate this at any length. I simply wish to make one or two observations.

In regard to the condition of the building, the committee did visit it this year in January. I fully believe that if it is to be retained, we should make capital improvements with regard to a sprinkler system and other necessary fire preventive measures. I am a little concerned with the suggestion here that we ought not to do the best we can for a group of children because they are small in number or because they happen to be the inheritors of a tradition. I don't support the notion that we should do away with an institution which is doing an exceptional job in favor of doing the job on a somewhat lower level as might very well be the case in foster homes. I therefore oppose the motion to indefinitely postpone.

Mr. EDMUNDS of Aroostook: Mr. President, when the vote is taken I request a division.

Mr. PORTEOUS of Cumberland: Mr. President, I rise in support of the Chairman of the Appropriations Committee, the Senator from Aroostook, Senator Edmunds, in support of his motion that Senate Amendment A be indefinitely postponed. I do this with the full knowledge that it is always unpopular to cut down or cut out completely such an institution or program as we have under consideration here today. I do not intend to add or elaborate on the remarks of Senator Edmunds of Aroostook. I think they were full and well expressed. In serving with the Senator these past three months I have come to regard his investigation into such a matter as this as being full and sincere and thorough. We are faced in the State of Maine—we the Senate of the State and the members of the other body — with the responsibility to the citizens to come down here to Augusta and consider the programs that we need, the institutions that must be maintained, and the amounts of money necessary and how to raise them. When we come to a point where almost all professional advice is to close an institution and we either postpone it and leave it to somebody else to decide, or we disregard it, I believe we are shirking our responsibilities as elected representatives of the people.

The job of this committee has been a long and arduous one. Our job is not yet completed. One of the major parts of it has been that it is at times very dull work, dealing with figures continuously, hearing the pleas — pleas not dull, but somewhat repetitive — we are under continuous pressure from all sections of the state to support the institution located therein and I believe it is the citizens' duty of not only the Bath and Sagadahoc area but other areas where they are familiar with institutions, to fully support the institutions in a geographical area. But I think that they must understand that when in the judgment of a committee charged with the financial affairs of the State and with the advice of those people who are in that field, that it becomes clear after more than ten years of study

to close an institution, then we must take that action courageously. Yes, we can feel very sympathetic to the children in this home and we can feel glad that they have had this wonderful care. Our hats are certainly off to the people that run this institution and that have supported it in the past. But this is the time when we must make a decision. I therefore repeat that I fully support the Chairman of my committee in his motion to indefinitely postpone Senate Amendment A.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate, I do not doubt but what the Appropriations Committee has spent several hours, probably days on this question, and I respect their judgment. However, I am in the next county over, you might say, on the coast, to the one of the Senator from Sagadahoc, and I have had a call from what I would call a hard-hearted business man. I hope he is not here to hear me say that but it is the truth, saying that he certainly opposed the closing of the Children's Home in Bath. He said that here was a place where the children could find a home that was like a home. I have had one or two other letters that I passed over to the Senator as he told you.

One time it was my good fortune or bad, I don't know what you'd say, to work for four years for the Division of Old Age Assistance which was then under the Department of Health and Welfare. At that time I became greatly troubled by these children who were shifted from one foster home to another. I certainly cannot support the motion to do away with this home. I have seen these children shifted from one home to another. It has troubled me. It still troubles me. I certainly agree with the Senator from Sagadahoc.

Mr. REED of Sagadahoc: Mr. President and members of the Senate, I am sorry to prolong this but I would like to answer in somewhat of a rebuttal here. The fact that this had no public hearing. I still think that that is true. I think that the Senator is being almost facetious when he thinks that we should go and notify our constituents when the Current Services Budget is being heard, that they should all come up here because they are

going to delete every item that affects Sagadahoc County. I just don't think that we as a legislative group could do this.

I would also like to point out to this honorable Body that I am not here to promise that the city of Bath is going to support this home. I don't believe they could. I don't believe they should. Thirty percent as he said, are from Bath. I believe this is a high percentage but it is true probably right now. Why should we keep a home seventy percent of which is used by people from other areas? One other thing you have got to face up to is that the city of Bath already contributes \$12,000 to this home. What if they moved this home into your community with thirty odd children? Somebody has to educate them. We do it free of charge. And another thing. I haven't called up Department Heads, but it amazes me. They have all said that they had just as soon have it closed because Mr. Hayden at one time or another thought it might be closed. That is one safe way for a Department head to get out from under anything is to say that he is for it because the man who—I don't like to mention his name this way because he is dead—but because he said so. Why don't they stand on their own feet and say what they think? They are the ones that are going to be running it.

It has been brought out by the Senator from Cumberland, Senator Porteous that this study has been going on for ten years. This is not true. Probably other Appropriation Committees have looked over it but to my knowledge — and I have been pretty well acquainted with the last six or eight years this legislature has been convened and there has been no comprehensive study made. And this is what I would offer to do. No more. I am not here to say that the city of Bath is going to contribute a lot of money. The Senator from Aroostook, Senator Edmunds has quoted certain figures. Here again they are small. You could hardly help but chuckle over them but there are a lot of things that go into that home. Things such as gifts from people. One of the ships sends to this home as much as \$500 a year just for Christmas gifts and part of that money goes

back into the trust fund. There is a small trust fund.

These children can go to the beach in the summer. I agree that probably they are getting a little more than children in the foster homes but this doesn't mean necessarily that it should be cut out.

The other argument that it is outdated to our times, I just cannot grasp this. Now I took psychology in college and all I did was spend my time arguing with the professor. Probably I'll argue at this point. You give them ten years and they're saying it is bad, what they said ten years ago was good. Now the idea and the purpose of this home is that it is a small unit. You put five or six hundred children in a foster home and chances are you could run it more economically but you wouldn't get the affection and the closeness that you get by having thirty to thirty-five children.

I would also like to say that the veterans organizations are now opposed to this, very definitely opposed to this closing. It has been brought out that the home is old. This is no factor. Because a home is old doesn't mean a thing so long as it has been painted and the roof kept shingled, that home is just as good as the day it was built. It is true, I agree, it is wooden but there is no crime against a wooden building if it is properly equipped. Now it has also been brought out that these children are not orphans. I don't know how you feel about it but I think I would much rather be an orphan than have a mother and father who did not want me. What constitutes a child that goes to a school for boys, a reform school or a state prison? Can you tell when he is five or six years old what is going to happen to him twenty years from now? No. The only control you can have is over his environment, and this has proven throughout the years to be good environment and I think this legislature would make a mistake to do away with an institution that has proven its worth. You are dealing with human nature. You are dealing with people, and I certainly hope that the motion of the Senator from Aroostook, Senator Edmunds does not prevail.

The PRESIDENT: The motion before the Senate is the motion of

the Senator from Aroostook, Senator Edmunds, to indefinitely postpone Senate Amendment A. Is the Senate ready for the question? A division has been requested.

A division of the Senate was had.

Twenty having voted in the affirmative and twelve opposed, the motion prevailed and Senate Amendment A was indefinitely postponed.

Mr. Whittaker of Penobscot presented Senate Amendment D and moved its adoption.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, this amendment was distributed this morning and may not be in your books. It has reference to an item in L. D. 181 with regard to child welfare services which have been deleted by the Appropriations Committee. The item involves five case workers or court workers as they are sometimes called who have been serving our superior courts with relation to divorce cases in particular. I understand that some four years ago the judges of the courts requested that the Health and Welfare Departments provide these workers, five in number, for consultative purposes in connection with the hearing of divorce cases involving children.

For the past four years, if my information is correct, these five employees of the Health and Welfare Department have been serving in six of our courts in York County, Cumberland, Androscoggin, Kennebec, Penobscot and Aroostook. In presenting his bill this morning, the Chairman of the Appropriations Committee, Senator Edmunds mentioned that this deletion has the approval of what he called the legal fraternity. I am taking this motion to express an opposite opinion representing a somewhat different profession because I believe that we have here involved a matter of principle. The adoption of the deletion at a saving of \$57,900 means in effect that we are removing a service which had been desired by the judges of our courts. We have been told it is a service which they now wish to place on a temporary basis rather than a permanent basis. We have been told that in court cases involving divorces, the judges may

decide whether or not they wish to have the social workers present for consultative purposes but that this should no longer be mandatory. It has been said that if these five positions are removed that the judges may then call upon presumably other workers in the Health and Welfare Department for this service.

There are two factors involved here as I see it. One is the question of the welfare of the children involved in divorce cases. If it has been a good thing in the past for the Health and Welfare Department to provide trained workers in this field to consult with the judges in difficult cases, then I am sure the situation has not changed today. We are involved in this nation with an ever increasing divorce rate. It is reliably estimated that twenty percent of our families are involved at one time or another in divorce proceedings. This is something that we cannot push under the rug. It should be faced honestly and it seems to me that this state should provide every service possible in protection of the children involved in such divorce cases.

Therefore, it appears to me to be false economy, to save \$58,000 at the expense of a service which can affect the lives of many children as well as parents who are involved in divorce proceedings.

The other point I wish to make is this. The Health and Welfare Department is now greatly understaffed with regard to social workers in terms of national averages. This reduction will be felt in one way or another. If it is the intention of this legislature to reduce the number of social workers, then I think we should face this fact squarely. At the present time in the Health and Welfare Department under direct supervision due to the wilful neglect of parents, there are some 3000 other children who are considered as service cases under the Health and Welfare Department, the Child Welfare Service. To handle this case load of some 5000 there are 50 workers, or a case load of 100 each. This should be reduced at least in half. I feel if these case workers, five in number, are not needed in our divorce courts, they are certainly needed in the general

work of the department under its Child Welfare care. I therefore hope that the legislature will adopt the amendment which I presented.

Mr. CAMPBELL of Kennebec: Mr. President and members of the Senate as a lawyer I think this is a matter I can speak of with some personal knowledge. I would like to say that this has been a pilot program that has been introduced for but two years, not four. It is something brand new. It has been tried and, in the opinion of many of the lawyers at least, it is not working out satisfactorily. It is an uneconomical operation for the reason that these girls from the Health and Welfare Department are in the courtroom throughout the term of court, sitting there doing nothing, simply being available in the event that the judge in a particular case might feel that there was some circumstance in a case that required investigation.

Now if they are going to investigate a case, they are not going to do it in court. They are going to have to go out into the field to do the investigation so really there is no worthwhile purpose having them sit there day in and day out doing nothing. The Health and Welfare Department had recommended that as this pilot program had been tried now for two years, that we now should extend it to the sixteen counties. It seems to me that that really is what we are talking about. We are either going to continue this program for sixteen counties at an expense in excess of \$100 thousand in each of the next two years, or we are going to dispense with it now, while it is new, while it has had a trial and found not to serve its purpose.

Now, Senator Whittaker suggested that this had something to do with divorce. I can assure you that these young ladies are there listening to divorces already in progress, and their being there is never going to stop that divorce.

When the news was made clear to Commissioner Fisher that there was some possibility that we would like to discontinue this, he very promptly suggested that if we wanted to dispose of this program, he would like to keep these five girls and use them in the Aid to Dependent

Children program so I mention that as indicating no burning desire on his part to continue this. He is interested obviously in lowering the case load per girl, and it may well be that as part of the Part II budget that we will see a way to increase the number of workers for Health and Welfare. But, as a lawyer anyway, I can assure you that this is a program which has been tried and has been found wanting.

I hope you realize that under the existing law, this service of calling in Health and Welfare has existed for many years. This is not something new. It has been in the statutes and any judge, any time he wanted to refer a case to them, he had the right to do it. It is simply the standby service that we are talking about and we just don't think that we are getting our money's worth. We think this is a good way to save \$57,900 and even a better way of putting an end to this program on a sixteen county basis at a cost in excess of \$100,000. Therefore, I move the indefinite postponement of Senate Amendment D and ask that there be a division.

Mr. WHITTAKER: Mr. President, just one or two comments which I think should be made in the way of correction. I too have talked with Dr. Fisher about this matter. We are not dealing here with the Part II budget or with case workers for the Aid to Dependent Children. We are dealing here with the Child Welfare Service under the Department of Health and Welfare.

These workers are now available for special assignments in the courts. If they are relieved of this duty then they will be available if the item is left in the budget, for work with the 5000 children which I have mentioned in Child Welfare Service, without relation to Aid to Dependent Children. I just wanted to make this clarification.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Campbell, that Senate Amendment D be indefinitely postponed.

A division of the Senate was had.

Thirty-one having voted in the affirmative and one opposed, the motion prevailed, Senate Amendment

D was indefinitely postponed and the bill was passed to be engrossed and sent down for concurrence.

Enactors

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

Bill, "An Act Classifying Certain Tidewaters in Lincoln County." (H. P. 242) (L. D. 310)

(On motion by Mrs. Sproul of Lincoln, tabled pending enactment.)

Bill, "An Act Amending the Charter of the Westbrook Sewerage District." (H. P. 488) (L. D. 690)

Bill, "An Act Relating to Portland High School Athletic Commission." (H. P. 482) (L. D. 733)

Bill, "An Act Relating to Extension of Water Service in Town of Scarborough." (H. P. 490) (L. D. 692)

Bill, "An Act to Include Town of Winslow in the Kennebec Water District." (H. P. 491) (L. D. 693)

Bill, "An Act to Extend the Charter of the R. and T. Cement Railroad Company." (H. P. 492) (L. D. 694)

Bill, "An Act Relating to Superintendent of Schools in School Districts Employing Less Than Fifteen Teachers." (H. P. 765) (L. D. 1119)

Bill, "An Act Prohibiting Insurance Companies from Owning Funeral Establishments and from Contracting for Funeral Services." (H. P. 800) (L. D. 1187)

Bill, "An Act Correcting Certain Omissions and Inconsistencies in the Workmen's Compensation Law." (H. P. 818) (L. D. 1205)

Bill, "An Act Revising Laws Relating to Hairdressers." (H. P. 864) (L. D. 1251)

Bill, "An Act Classifying Certain Tidal Waters in Scarboro, Cumberland County." (H. P. 938) (L. D. 1372)

Resolve, Authorizing Forest Commissioner to Convey Part of a Public Lot in Moro Plantation. (H. P. 971) (L. D. 1410)

Which bills were passed to be enacted and resolve was finally passed.

Resolve, Providing for Retirement and Pension for Stephen A. Regina of Saco. (S. P. 188) (L. D. 487)

(On motion by Mr. Cole of Waldo, placed on the Special Highway Table.)

Emergency

Bill, "An Act Relating to Issuing of Bonds by School Administrative District. No. 15." (S. P. 51) (L. D. 101)

Which Bill, being an emergency measure, and having received the affirmative vote of 32 members of the Senate, was passed to be enacted.

Orders of the Day

On motion by Mr. Whittaker of Penobscot, the Senate voted to reconsider its action taken earlier today on Item 1-1, Bill, "An Act Relating to Interlocal Cooperation" (S. P. 367) (L. D. 1033) whereby it placed the bill on the table and especially assigned it for tomorrow; and on further motion by the same Senator, the Senate voted to recede and concur.

The President laid before the Senate the 1st tabled and today assigned item (H. P. 367) (L. D. 540) House Report, Ought to Pass as Amended by Committee Amendment A, from the Committee on Education on Bill, "An Act to Authorize the Municipalities of Corinna and Newport to Form a School Administrative District"; tabled on March 26 by Senator Brooks of Cumberland pending acceptance of the report; and that Senator moved the pending question.

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

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 117) (L. D. 161) House Report, Ought Not to Pass, from the Committee on Legal Affairs on Bill, "An Act Extending Eastern Daylight Time for the Entire Year"; tabled on March 26 by Senator Stitham of Somerset pending acceptance of the report, and that Senator moved the pending question.

Thereupon, the Ought Not to Pass report of the Committee was accepted.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 71) (L. D. 121) Senate Report, Ought Not to Pass, from the Committee on Taxation on Bill, "An Act Reducing Sales Tax on Machinery for New and Expanded Industry"; tabled on March 26 by Senator Lovell of York pending acceptance of the report.

Mr. LOVELL of York: Mr. President, I would like to move that the bill be substituted for the report and speak on it.

The PRESIDENT: The Senator from York, Senator Lovell.

Mr. LOVELL of York: Mr. President and members of this progressive Senate, I have listened to a good deal of spending of money this morning and now I would like to see this Senate go along with a bill that will mean money coming in to the State of Maine.

I think you must have read the papers recently, where the President of a large paper company has stated that Maine needs to move a little faster on its industrial development program.

I am not going into a lengthy debate on this unless it is necessary but I would like to say that now Maine people are realizing that they must meet competition with other states. The days that we can go along on our livability — and it is a wonderful state to live in and a wonderful climate — and on our excellent labor, are gone by. We have got to offer other incentives to get industry in to the State of Maine.

Now the Maine Industrial Development Council went on record and voted in favor of this bill and sent to the hearing two of their members, Mr. O'Connor, Executive Secretary of the Maine Industrial Building Authority and Mr. Coffin of the Maine Development Credit Corporation. It was felt by the industrial development council of the State of Maine that this was a progressive bill for us to meet competition with other states, and an incentive to get new industry to come to Maine, and to get those industries that are here, to expand.

If you will note the bill. This is for "Machinery for New and Expanded Industry". It is so worded. It is not to replace machinery. Now, for example, some people have the feeling that this would hurt the amount of sales tax that would come into the State of Maine. On the contrary, it would increase the amount of sales tax and other taxes coming in to the State of Maine, because with this incentive to get new industry into the State of Maine, a new industry with a million dollar payroll for example, employing approximately 300 people with a million dollar payroll, that payroll would turn over five times in the area. Consequently, in turning over five times, the state would get from its employees a tax bite from the sales tax, the gas tax, the cigarette tax, the profit on liquor, a half million dollars. Now that is what we call progressive thinking, and thinking in terms of moving ahead in the State of Maine for industrial development.

Let me tell you what Tennessee has done. The original bill came from Tennessee. The State of Tennessee two years ago got in a hundred and twenty-two new industries that provided some nine thousand new jobs. That's the kind of venture we need. Maybe it was not all due to this incentive but when an industry comes in to the State of Maine and purchases a million dollars worth of machinery, in thirty days they have to pay \$30,000. That can well keep them from coming to the State of Maine. They could go to New Hampshire because maybe New Hampshire has as good livability as the State of Maine. This would give us an incentive to compete with other industries and I certainly hope without further debate the Senate will go along with my motion.

Mr. WYMAN of Washington: Mr. President and members of the Senate, I rise to oppose the motion of the good Senator from York, Senator Lovell.

Your Committee on Taxation heard this bill and considered it very carefully. In fact we kept it in committee an unusually long time and voted finally unanimously "Ought Not to Pass". As the bill is printed now it is unworkable. It

provides for exemption on machinery for new work and for expansion. You all know it is difficult to tell when you buy new machinery whether it is for entirely new work or whether it is replacement. A great many times an industry will buy a machine; it will replace an old machine but it will also provide for expanded production and so it leaves a gray area and the bill would be difficult to enforce.

Even so, the Department of Taxation estimates that this would cost some \$500,000 per year for each year of the biennium. The bill can be rewritten to exempt all machinery, both new and used and for expansion. That in turn would cost \$600,000 for the first year of the biennium and \$800,000 for the second year of the biennium according to the estimates of the Taxation Department.

Last year we built a freezing plant and I paid some \$3,000 in sales or use tax on equipment and I certainly can see the point that the good Senator from York makes. We don't any of us like taxes and if we could have Maine without any taxes I think we all would be a lot happier. But the fact remains that if we pass this bill according to the best estimates of our Department of Taxation it will take some million, four hundred thousand dollars out of our taxes for the next two years and I think the question before the legislature is whether they feel the state can afford to take \$400,000 out of our appropriations which we are making this year. The Committee felt that they could not and therefore I oppose the motion of the Senator from York, Senator Lovell.

Mr. LOVELL of York: Mr. President, I think the Senator from Washington, Senator Wyman, fully realizes that Washington County needs industry about as bad as any county in the State of Maine. I would also say that unless some incentives are offered down in Washington County that they have little chance of getting new industry down in that area. Now I am sure that the Department of Taxation can handle this if they have the intelligence and integrity to handle the bill as it is written.

If you never get industry in the

State of Maine, how are you going to tax them? Consequently if we lose half a dozen industries that is not the important thing, the important thing is the payroll. If we lose those industries that might come into the State of Maine with this concession to give the industrial agents—and all the industrial agents in the various chambers of commerce of the state are for this, and I state that this will increase the sales tax and not cut it down because as new industries come in, they pay one percent, but on the other hand their payroll transferred throughout the area will increase the sales tax as the people buy clothing and everything on down through.

I hope that the Senate will go along and I request a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Lovell, that the bill be substituted for the report. A division has been requested.

A division of the Senate was had.

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

Thereupon, the Ought Not to Pass report was accepted.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 160) (L. D. 336) Senate Report, Ought Not to Pass, from the Committee on Taxation on Bill, "An Act Relating to Exempting Manufacturing Establishments and Mines from Property Tax"; tabled on March 26 by Senator Lovell of York, pending acceptance of the report.

Mr. LOVELL of York: Mr. President, I would like to move that the bill be substituted for the report and speak at length on the subject.

The PRESIDENT: The Senator may proceed.

Mr. LOVELL of York: Mr. President and members of this progressive Body, I would like to bring to your attention the importance of this bill to "Exempt Manufacturing Establishments and Mines from Property Tax" for a period up to ten years, not necessarily ten years but up to ten years — one, two, three, four, five,—whatever the community so votes.

Now let's take mines for example. Only recently before my committee, it was brought up that the number of minerals in the State of Maine would be a bonanza if this were a western state — it would be a bonanza if they had in a western state the number of minerals we have in the State of Maine. And yet we have no development of these mines to any great extent. Consequently if the community that has the particular mineral that has been discovered there could give a tax exemption to the industry that was going to do the mining, for five years, on the property tax, then that could well give them an incentive to come to the State of Maine and start this program.

I don't need to tell you the conditions in the State of Maine. I don't need to tell you about our annual per capita pay — the lowest per capita in New England, and going higher. I think you understand that without any question. I don't need to tell you that there are some twenty-odd thousand people unemployed and have been for some time and that people leaving the State of Maine amount to one percent of the population each year which is one of the highest states in the country.

Now, we need to meet competition. At the present time there are thirty three states giving tax concessions. There are nineteen states giving tax concessions on this particular type bill. Those states have shown that they can get industry in by that very program. I have an area development bulletin here and the states of Texas, New Mexico, Arizona, the southern states that have this type of tax exemption are doing a great deal more getting in industry are doing far more than the State of Maine is. The days when you are going to walk a block to get a loaf of bread for twenty cents, and a man a half a mile down has the bread for forty—you are not going down to pay forty cents for the loaf of bread when you can get it much closer for forty. Consequently, this applies to this same bill. We need to meet competition with the southern states.

I grant you that they are farther from the market than we are but they are picking up new industries at a great rate which I will bring to you very shortly.

For example the Container Corporation that settled in Alabama received a ten year tax exemption and their total capital investment was sixty million dollars and employment was some 500 in that particular plant. That is something that we need. We need to meet competition with other states if we are going to get more industry. The actual tax that a community gets is not the important thing. It is the payroll that counts. If an industry comes into a community with a hundred people working that means there is over \$350,000 a year turning over five to seven times in the area which in turn will bring prosperity to that particular area which in turn will bring prosperity to that particular area which will mean more taxes to the town, more taxes to the state all the way down the line.

I certainly had not intended to go into this particular bill, feeling that final passage might be very difficult, but after getting a number of letters and correspondence — for instance, the town of Tremont down in Hancock County realizing the importance of this, passed in their town meeting an Article to allow fifteen years taxes, if they employed fifty or more people. I have the clipping from the March 10 Portland paper in my hand. They said, Richard Sanborn and Barnett Shur that they didn't think that this municipality could do this. However, they are doing it all over the state. In fact we got an industry in my county recently and a seventy-five percent tax concession was given the industry for three years or we wouldn't have got them there. It means seventy new jobs already and they are going to employ ninety more. But let's do it on a legal basis.

Now in the town of Tremont in Hancock County, Mr. Young a selectman says that he definitely hopes that this particular bill will pass so that they can have a chance to get an industry in that partic-

ular community that is suffering and starving and the people are moving out as fast as they possibly can, out of the State of Maine.

If you glance around at the colleges in the State of Maine, outside of the University of Maine, some twenty percent or under are Maine people and the rest are out of state people that are going to our colleges and out of the twenty percent that are in the State of Maine, they have to leave the State of Maine because they can't get a position.

In the various states throughout the south, middle west, — I guess incidentally, I'd better not go into the long debate — we'll see if I have any competition and then I will switch as best I can — but some of the states that have done tremendous jobs on this — the State of Alabama, for example, has gotten in a total of 55,000 new jobs in a period of three years and added 8434 commercial or industrial firms in the past five years. Many other states have done as well or are doing even better. The State of Mississippi, for example, has also done a tremendous job with \$120,000,000 in plant locations there in the last two or three years, in fact in the year before last. The State of Missouri, for example, they have no immediate investment in plant and equipment and no sales tax for a new company coming in. They are after industry; they are anxious to get industry, and certainly it has proven that they are getting industry.

Now some have said, "Well, this might mean that the blue chip companies do not want this," but I have this from Washington: In the State of Louisiana, they created year before last 58 new manufacturing plants with the employment of 3,818 new permanent jobs and 9744 construction jobs, and a total of applications of \$56,225,000. Some of these plants, for instance U.S. Rubber, they are pretty well a blue chip company I would say. They have listed dozens of plants that I won't bore you with. For instance, there is Allied Chemical Corporation which took the tax concession, and they are not too small a company either.

Now we need to get some of these companies in Maine. Possibly the blue chip companies do not need the tax concession.

Let me turn just very briefly to Europe. The countries of Europe from Italy up through Ireland and Wales have developed and they are threatening us too. That is one of the reasons that Raytheon is closing down. They are threatening us with the European common market. And how have they built up? They have built up from the fact that plants have been built there on tax concessions given to companies that would go into a community given a ten-year tax concession.

I hope that we do not have to go into long debate because I would like to see the Senate get their lunch by 1:30, so I hope my motion will prevail.

Mr. WYMAN of Washington: Mr. President, I reluctantly arise to oppose the motion of the good Senator from York, Senator Lovell. It does seem as though we are always on the opposite side of these bills. Maybe my philosophy is wrong, but, according to his statement a lot of towns are giving new industry tax exemption now, and I think if they do not give them complete tax exemption they can agree upon a very low valuation, so it does not seem to me that this piece of legislation is necessary at this time and I hope his motion does not prevail.

Mr. CYR of Aroostook: Mr. President and members of the Senate: I opposed my colleague from York on similar legislation last time and I rise again in opposition. I mentioned at that time that a new industry may be a blessing or it may be a curse to a community. It is a blessing if it stays and a curse if it does not stay. Therefore we should be very careful in screening out the industries that want. We all realize that we would like to have new industry but at the same time we should not try to encourage marginal industries or fly-by-night industries, and this type of legislation will encourage that type of industry to locate in an area. Furthermore, it is not fair for industries that are

in your community to carry the load of the new services that this new industry would bring into this community. For that reason, I also will oppose the motion of the Senator from York, Senator Lovell.

Mr. LOVELL of York: Mr. President, I would like to just answer briefly the good Senator from Washington, Senator Wyman. I might say that I respect him not going along with my bill because I understand the condition of his county. But this is local option and they do not have to have this down in Washington County and they do not have to have it in Aroostook County either. This is local option for the community, so if they do not want to have it they don't need to have it.

Now the good Senator from Aroostook also said it would increase services. It might increase services if we didn't have thousands of people unemployed in the State or even if we didn't have unemployed in the State and got people to come back here in the State; the small tax exemption given to that industry for two, three or four years would mean little to the community. It is the payroll that the town is going to bite their taxes from. When that payroll is spread around that mill up in the town of Madawaska, if a hundred more people went to work up there and took some of those unemployed out, that would mean that in that community they would have new homes, improve their homes, and the valuation would be higher; they would be able to pay their bills, buy more merchandise, and everybody would be helped. But the town of Madawaska does not have to have it. This calls for local option, and if they do not need it they do not have to have it. Let's make it legal. We are doing it around the State, so let's make it legal. I have never heard of any industry that went down south for a tax concession moving back up north again. On the other hand, an industry that might come into a community, say for a five-year tax exemption, with local option, I think our selectmen and our community people are intelligent enough to look over an industry and know whether

it is a good industry or not. But regardless of that, if an industry came in for five years and then moved, if they had \$100,000 of payroll a year that is \$500,000 spread around that community in five years. What if they do move after five years? Get somebody else in. But let's get the payroll. That is the important thing; it is not slamming these industries with taxes. We do not want people from out-of-state to come into Maine if all we want to do is get their tax money. I certainly move for a division on this, seeing that I am having competition.

Mr. CYR of Aroostook: Mr. President and members of the Senate: I claim that this legislation will not be a sound basis for new industry to come into a community. Any industry that is worth its salt will insist that they pay their share of the burden. What I am talking about are the services that will be involved, such as schools, roads, utilities and everything else, expansion of the town, that would have to be borne by the industry now existing there.

In my own town the industry pays 66 per cent of our taxes. Now would it be fair to bring in another industry and require them to be tax-free for ten years and charge the new services to the industry that is now existing? I say not. And by passing this legislation, even though it calls for local option, you are setting a pattern throughout the State of Maine. One community that will grant that type of taxation on a legal basis will force the hand of any other community in the State of Maine to do likewise to be competitive. So what we are doing is just setting a pattern. We have today on the books a hardship clause that can be resorted to by the assessors if they think they should make concessions. Also, the assessors are required to use their judgment. I am not opposed to the possibility of giving certain small concessions to attract industry but we should put it on a statewide legal basis.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: Without becoming involved in

the merits of the motion of the Senator from York, Senator Lovell, I do want to agree with him specifically on one point, and that is if we are going to enact legislation of this nature let us do it legally, and in my opinion the only manner in which legislation such as this could be enacted and be legal in the State of Maine would be by way of a constitutional amendment, because this is definitely discriminatory and it would not be a fair apportionment of taxes in a community as is required by the constitution. For that reason solely, I move for indefinite postponement of this bill and accompanying papers.

The PRESIDENT: The Senator from Kennebec, Senator Farris, moves indefinite postponement of the bill and all accompanying papers.

Mr. LOVELL of York: Mr. President, I read Article IX, Section 8 in the Constitution and there may be some question as to constitutionality. However, the number of people that have gone on record for this, among them is the manager of the City of South Portland and there are many other people throughout the State.

As the Senator from Aroostook, Senator Cyr, has pointed out, there are thousands of people out of work in the State, and whether it is fair to one area or unfair to another area, that is certainly up to the people to decide on local option. But if we can get the industries in I do not care particularly where they go as long as we have the payroll in the State of Maine, so I would move that this bill be referred to the Constitutional Amendments Committee.

The PRESIDENT: The Senator from York, Senator Lovell, has made a motion which has priority over the motion to indefinitely postpone, and that is that the bill be committed to the Joint Standing Committee on Constitutional Amendments.

Mr. NOYES of Franklin: Mr. President and members of the Senate: I concur and would join in that motion because those of us that were here two years ago remember that this was defeated by only one vote in the Senate.

Now throughout the State of Maine—and I will speak only of my coun-

ty — the last five industries that we have brought into that county, the selectmen have had to perjure themselves in that they have had to write letters stating that they would not assess taxes or, if they did, they would be for a certain amount. Now this is definitely an incentive, and, as I say, the last five industries that came into my county were doing this very thing. If you read the law you will see it says it is not mandatory, it is permissive, and it is a matter for each town to decide whether or not they would want to do this. For that reason, I gladly concur, and I think that we should, if that is the opinion of the legal talent in the Senate, send this to the Committee on Constitutional Amendments and then it can go to the people.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Lovell, that this bill be committed to the Committee on Constitutional Amendments and Legislative Reapportionment. Is there further debate? Is this the pleasure of the Senate?

The motion prevailed and the bill was so referred and sent down for concurrence.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 163) (L. D. 439) Bill, "An Act Relating to Lapsing of Funds Appropriated to Construct a Fishway at Aroostook Falls"; tabled on March 26 by Senator Lovell of York pending acceptance of the report; and that Senator yielded to Senator Christie of Aroostook.

Mrs. CHRISTIE of Aroostook: Mr. President I present an amendment and move its adoption. I might say that this amendment is in accordance with the vote of all but two of the Aroostook delegation.

The Secretary read Senate Amendment C (S-117)

Which amendment was adopted and the bill as amended was passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate the 6th tabled and today assigned item (H. P. 569) (L. D. 807) House Report, Ought Not to Pass, from the Committee on Claims on

Resolve in Favor of Everett L. Scott of Calais; tabled on March 29 by Senator Jacques of Androscoggin pending acceptance of the report; and on further motion by the same Senator, the bill was retabled and especially assigned for tomorrow.

The President laid before the Senate the 7th tabled and today assigned item (H. P. 570) (L. D. 808) House Report, Ought Not to Pass, from the Committee on Claims on Resolve in Favor of Harold Thompson of Calais; tabled on March 29 by Senator Jacques of Androscoggin pending acceptance of the report; and on further motion by the same Senator, the bill was retabled and especially assigned for tomorrow.

The President laid before the Senate the 8th tabled and today assigned item (H. P. 967) (L. D. 1406) House Report, Ought Not to Pass, from the Committee on Claims on Resolve in Favor of Reed Plantation; tabled on March 20 by Senator Jacques of Androscoggin pending acceptance of the report; and on further motion by the same Senator, the resolve was retabled and especially assigned for tomorrow.

The President laid before the Senate the 9th tabled and today assigned item (S. P. 457) (L. D. 1284) Bill, "An Act Relating to State Police Retirement Benefits Under the Maine State Retirement System"; tabled on March 29 by Senator Stitham of Somerset pending consideration; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby it passed the bill to be engrossed; House Amendment A was read and the Senate voted to recede and concur.

On motion by Mr. Edmunds of Aroostook, the Senate voted to take from the table the 3rd tabled and unassigned item, (H. P. 250) (L. D. 319) House Report, Ought to Pass, from the Committee on State Government on Bill, "An Act Relating to Requirements, Appointment and Term of the Adjutant General, tabled by that Senator on February 13 pending acceptance of the report; and on further motion by the

same Senator, the report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Boardman of Washington, the Senate voted to take from the table the 20th tabled and unassigned item (H. P. 986) (L. D. 1428) Bill, "An Act Increasing Number of Superintending School Committee of Town of Baileyville"; tabled by that Senator on March 12 pending enactment; and on further motion by the same Senator, the bill was recommitted to the Committee on Municipal Affairs.

Sent down for concurrence.

On motion by Mr. Brown of Hancock, the Senate voted to take from the table the 40th tabled and unas-

signed item (H. P. 486) (L. D. 688) House Report, Ought to Pass in New Draft under same title (H. P. 1018) (L. D. 1473) on Bill, "An Act Relating to Fees of Tax Collector of Town of Dedham in Collecting Lucerne-in-Maine Village Corporation Taxes;" from the Committee on Municipal Affairs; tabled by that Senator on March 29 pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Edmunds of Aroostook,

Adjourned until tomorrow at ten o'clock in the morning.