

# MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Friday, May 10, 1963

Senate called to order by the President.

Prayer by Brig. Wm. O. Wilbur, S.A. of Augusta.

On motion by Mr. Pike of Oxford, the Journal of yesterday was read and approved.

On motion by Mr. Edmunds, out of order and under suspension of the rules,

ORDERED, the House concurring that when the Senate and House adjourn, they adjourn to meet on Tuesday, May 14, 1963. (S. P. 595)

Which was read and passed.  
Sent forthwith to the House.

**House Papers**

**Non-concurrent matter  
Joint Order**

WHEREAS, serious doubt has been cast on the validity of certain statutes governing the procedure on search and seizure in Maine by the case of Mapp v. U.S. (367 U.S. 643); now, therefore be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary is directed to report out a Bill which will assure the compliance of the State's statutory provisions on search and seizure with the Mapp decision. (H. P. 1081)

In House, May 2, read and passed.

In Senate, May 8, Indefinitely postponed in non-concurrence.

Comes from the House, that body having insisted and asked for a Committee of Conference.

In the Senate, on motion by Mr. Farris of Kennebec, the Senate voted to insist and join in the Committee of Conference.

**Orders**

On motion by Mr. Edmunds of Aroostook

ORDERED, that the President of the Senate and not exceeding four members of the Senate, designated by him, be and hereby are authorized during the current biennium to attend the conferences of the National Legislative Conference, and the National Conference of Commissioners on Uniform State Laws; and be it further

ORDERED, that the necessary expenses of the President and the members appointed by him be paid from the legislative appropriation.

Which was read and passed.

**Committee Reports — House**

**Leave to Withdraw**

The Committee on Judiciary on Bill, "An Act Relating to Use in Probate Court of Blanks made by Commission on Probate Rules and Blanks." (H. P. 916) (L. D. 1350) reported that the same should be granted Leave to Withdraw.

Which report was read and accepted in concurrence.

**Ought to Pass — As Amended**

The Committee on Municipal Affairs on Bill, "An Act Relating to a Tax Assessor for City of Bath and Amending Payment of Bonds by City of Bath." (H. P. 543) (L. D. 760) reported that the same Ought to pass as amended by Committee Amendment A (H-235)

Comes from the House, passed to be engrossed, as amended by House Amendment A (H-301) Committee Amendment A, having been Indefinitely postponed.

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

**Ought to Pass — New Draft —  
New Title**

The Committee on Highways on Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Five Million and One Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways." (H. P. 442) (L. D. 647) reported that the same Ought to pass in New Draft under New Title: "An Act to Authorize the Issuance of Bonds in the Amount of Seven Million Dollars on Behalf of the State of Maine to Build State Highways." (H. P. 1072) (L. D. 1537)

**Ought to Pass — New Draft —  
Same Title**

The Committee on Taxation on Bill, "An Act Relating to Tax Ex-

emption of Property of Veterans Not Located in Place of Residence." (H. P. 693) (L. D. 949) reported that the same Ought to pass in New Draft under same title (H. P. 1079) (L. D. 1546)

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

The Committee on Highways on Bill, "An Act Relating to Weight Tolerances of Vehicles Loaded with Construction Materials." (H. P. 639) (L. D. 895) reported that the same Ought to pass in New Draft under same title. (H. P. 1085) (L. D. 1558)

Comes from the House, passed to be engrossed as amended by House Amendment A (H-341)

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

**Report A — Ought to Pass in New Draft — Same Title**

**Report B — Ought Not to Pass**

Five Members of the Committee on Education on Recommended Bill, "An Act Relating to Certificates for Teaching." (H. P. 24) (L. D. 48) reported in Report A that the same Ought to pass in New Draft under the same title (H. P. 1080) (L. D. 1547)

(Signed)

**Representatives:**

EASTON of Winterport  
SNOW of Jonesboro  
BRADEEN of Waterboro  
CURTIS of Bowdoinham  
TREWORGY of Gorham

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

(Signed)

**Senators:**

BROOKS of Cumberland  
WHITTAKER of Penobscot  
HICHBORN of Piscataquis

**Representatives:**

McGEE of Auburn  
LEVESQUE of Madawaska

Comes from the House, Bill and Reports Indefinitely Postponed.

In the Senate:

Mr. BROOKS of Cumberland: Mr. President I move that we accept Report "B" "Ought not to pass."

Mr. FARRIS of Kennebec: Mr. President, just so our Chairman of the Committee on Education will not lose any more sleep over this bill, I want to assure him that I will support his motion, but in order to give this particular measure, which is of such importance to education in the future, a proper burial I move that this lie on the table and be specially assigned for one week from today.

The motion prevailed and the bill was so tabled.

**Amended Bill**

**Majority — Ought to Pass**

**Minority — Ought Not to Pass**

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays." (H. P. 930) (L. D. 1364) reported that the same Ought to pass as amended by Committee Amendment A (H-331)

(Signed)

**Senators:**

SPROUL of Lincoln  
ATHERTON of Penobscot

**Representatives:**

COTE of Lewiston  
BOISSONNEAU  
of Westbrook  
FOSTER of Mechanic Falls  
COPE of Portland  
WELLMAN of Bangor

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

**Senator:**

STITHAM of Somerset

(Signed)

**Representatives:**

WHITE of Guilford  
GILBERT of Eddington

Comes from the House, Bill and reports Indefinitely Postponed.

In the Senate, on motion by Mr. Atherton of Penobscot, the bill was tabled and especially assigned for Wednesday next pending acceptance of either report.

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

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Sale on Sunday Afternoons of Malt Liquor not to be Consumed on the Premises." (H. P. 668) (L. D. 924) reported that the same Ought not to pass.

(Signed)

Senators:

KIMBALL of Hancock  
 CHRISTIE of Aroostook

Representatives:

BERNARD of Sanford  
 CHAPMAN of Norway  
 MEISNER  
     of Dover-Foxcroft  
 OAKES of Portland  
 WADE of Skowhegan  
 TOWNSEND of Baileyville

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

(Signed)

Senator:

JACQUES of Androscoggin

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

In the Senate:

Mr. KIMBALL of Hancock: Mr. President, I move that the Senate accept the Majority Ought Not to Pass Report.

Thereupon, on motion by Mr. Jacques of Androscoggin, the bill and reports were tabled pending the motion by Senator Kimball of Hancock to accept the Ought Not to Pass report.

**Report A — Ought Not to Pass**  
**Report B — Ought to Pass in New Draft — New Title**  
**Report C — Ought to Pass As Amended**

Five members of the Committee on Municipal Affairs on Bill, "An Act to Grant a Council Manager Charter to the City of Lewiston." (H. P. 603) (L. D. 838) reported in Report A that the same Ought not to pass.

(Signed)

Senator:

CYR of Aroostook

Representatives:

CHOATE of Windsor  
 KILROY of Portland  
 WELLMAN of Bangor

**HARDY of Hope**

Three members of the same Committee on the same subject matter reported in Report B that the same Ought to pass in New Draft under New Title "An Act Providing for a New Charter for the City of Lewiston." (H. P. 1087) (L. D. 1559) (Signed)

Senators:

JACQUES of Androscoggin  
 CRAM of Cumberland

Representative:

DUDLEY of West Enfield

And two members of the same Committee on the same subject matter reported in Report C that the same Ought to pass, as amended by Committee Amendment A (H-340)

Comes from the House, Reports and Bill Indefinitely postponed.

In the Senate, on motion by Mr. Jacques of Androscoggin, tabled pending acceptance of either report.

**Majority — Ought to Pass As Amended by Committee Amendment A**

**Minority — Ought to Pass As Amended by Committee Amendments A & B**

The Majority of the Committee on Public Utilities on Bill, "An Act to Incorporate the Baileyville Water District." (H. P. 972) (L. D. 1411) reported that the same Ought to pass as amended by Committee Amendment A (L. D. 1554) (Signed)

Senators:

PHILBRICK of Penobscot  
 HARRINGTON  
     of Penobscot

Representatives:

RAND of Yarmouth  
 WELCH of Chapman  
 PHILBRICK of Augusta  
 TYNDALE  
     of Kennebunkport  
 PLANTE  
     of Old Orchard Beach  
 PITTS of Harrison

The Minority of the same Committee on the same subject matter reported that the same Ought to pass as amended by Committee Amendments A (L. D. 1554) and B (L. D. 1555)

(Signed)

Senator:

BOISVERT of Androscoggin

Representative:

TAYLOR of South Portland

Comes from the House, passed to be engrossed, as amended by Committee Amendment A and by House Amendment A. (L. D. 1554) (H-348)

In the Senate:

On motion by Mr. Philbrick of Penobscot, the Majority Ought to Pass report was accepted, the bill read once, Committee Amendment A was read and adopted and House Amendment A was read.

Mr. PHILBRICK of Penobscot: M President, my motion was to accept the Majority Ought to Pass report as amended by Committee Amendment A. I said nothing about House Amendment A.

The PRESIDENT: The Chair will reply to the Senator, that the rules require reading of any amendment offered in the other Body and sent to the Senate. The Chair would assume that the Senator will now want to move for indefinite postponement of House Amendment A.

Mr. PHILBRICK: I so move.

Mr. BOARDMAN of Washington: Mr. President, I am a little bit confused, because as I look at House Amendment "A" it appears to be nothing more than a correction as far as wording is concerned. I wonder if the Senator would please explain what the difference is here.

The PRESIDENT: The Senator from Washington, Senator Boardman, poses a question through the Chair of the Senator from Penobscot, Senator Philbrick, who may answer if he chooses.

Mr. PHILBRICK of Penobscot: Mr. President, this bill was drawn rather hastily by a Bangor attorney at the very last moment before the cloture rule went into effect. They needed a vehicle in which to present this bill. After the bill was presented the proponents asked to present a redraft, but we called it Committee Amendment "A" to facilitate matters. The entire committee was in favor of the new redraft or Committee Amendment "A", whichever you prefer to call it, but two members of the Committee felt that we should add House Amendment "A" which would provide for the election of the trustees of the water district as opposed to appointment of the trustees of the water district.

Now this Baileyville Water District is about 90 per cent under an obligation of the St. Croix Paper Company Division of Georgia Pacific Corporation and they pay 90 percent of the taxes. They were very much in favor of the bill. The vice president of that organization appeared and he was in favor of Committee Amendment "A" and nothing at that time had been said about this House Amendment "A", so the bulk of the committee was in favor of the original sense of the bill without disturbing it.

Now in the State of Maine there are some 68 water districts, 34 of whom have elected trustees and 34 of whom have appointed trustees. There are two different theories on the better way to do it. Some say that the democratic way is to have an election by the citizens, while others say that appointment is the better way because you get better men for the jobs who will refuse to run for office.

I think I should have answered your question by now. Our feeling was to go along with the proponents of the bill as there were no opponents there.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I believe the Senator from Penobscot, Senator Philbrick, is talking about another committee amendment, probably "B". House Amendment "A", being filing No. H-348, is merely of a technical nature and brings the law into conformance with our existing statutes pertaining to registrar of voters and that lists are to be made up by the registrar of voters instead of the old board of registration, which was the municipal officers.

Thereupon, on motion by Mr. Philbrick of Penobscot, the bill was tabled pending that Senator's motion to indefinitely postpone House Amendment A and was especially assigned for later in today's session.

#### Committee Reports — Senate Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Establishment of a Personnel Law for Certain

Employees of the City of Lewiston.” (H. P. 544) (L. D. 801) reported that the Report and Bill should be referred to the Committee on Municipal Affairs.

Which report was read and accepted.

#### Ought Not to Pass

Mr. Whittaker from the Committee on Education on Bill, “An Act Providing a Bond Issue in the Amount of Ten Million Dollars for a Vocational Educational Institute” (S. P. 50) (L. D. 100) reported that the same Ought Not to Pass.

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

The PRESIDENT: The Senator may proceed.

Mr. LOVELL: Mr. President and members of the Senate: This bill for a third vocational college in State of Maine is considered by the Industrial Council of Maine as one of the most important bills before this session of the legislature. If we are to get new industry into Maine and get it in in volume it is the full agreement of the Commissioner of the Department of Economic Development, the Commissioner of Education, and many others of high standing throughout the state that we should definitely start a third vocational college. We have one vocational college in South Portland which is doing an excellent job and which we will vote more funds to, and we have another in Aroostock County. While this is not in my area, the next most popular area is in the Waterville-Bangor area. It is necessary that we start another vocational college in Maine if we are to keep up with other states and to get more industry in Maine, because it is necessary that we have skilled and trained labor in Maine above the high school level.

I do not need to remind you folks in the Senate that we are losing jobs every year and have for the past twelve years. We have lost some 17,000 textile jobs, some 3,000 jobs in the shoe industry, and in the woodworking industry we have lost considerable jobs. Our total em-

ployment in manufacturing is down to something like 100,000 people working in industry. If we are to build this force up it is essential that a vocational college be established in the State of Maine, a third one, so that the students can commute after they graduate from high school to a vocational college. Now from Lewiston, Sanford, and areas surrounding Portland they can commute to the Maine Vocational Institute in South Portland, and in Aroostook County the students in that area can commute to the one in Presque Isle.

The European common market is taking jobs away from us on non-durable goods and will continue to take more jobs away from us as time goes on.

Now the ten million dollars stated in the bill was simply an ordinary figure that was sort of pulled from the hat, but this is only if and when needed that this amount is to be issued. Certainly the cost of a vocational college would probably not be that amount but this is to give them sufficient money to build and promote this third vocational college in Maine. Actually Maine needs four vocational colleges. Now if we vote on this bill it goes out to referendum, and not until November 1964, and the chances are that if passed in referendum the college would not be built and ready for operation until 1967. Now that is long enough to wait for a third vocational college in Maine. If we want to stop one per cent of our population leaving the state each year, especially young people, we need this third vocational college. Industries will not come into Maine unless they have skilled and trained employees on a vocational college level, students that have had advanced training can do advanced work and scientific work in the new industries that we hope to get in the future. The research and development program in the state is next to nothing, and if we are to get research and development programs into Maine, get into some of the work being done, for example, by the National Aeronautics and Space Administration, who are spending 3.8 billion this year

and will continue to spend more as the years roll on, we certainly need to have a third vocational college.

I do not want to go into the complete details of the necessity. The Industrial Development Council of Maine, which is made up of development groups throughout the state, have stated it is one of the three bills they think are necessary to spur the industrial development in the State of Maine and to help start the growth of new industry to hold Maine people in Maine, so when they get through their school, they will have a college to go to and can become highly specialized.

An editorial in the Press Herald says: "Maine's economy should be put first," and to do this this third vocational college is again necessary.

I think most everyone saw the Industrial Development article in the Press Herald yesterday stating the importance of vocational colleges. So I would hope that for the good of the state over this long period that this college can be established, and that the Senate will stop and think and realize the importance of this bill which is a bond issue which will take little from the state treasury at present, and it can be left to the Commissioner of Education and the Governor's Committee on Education as to the location of this college, whether it be in Waterville or Bangor. There is the thinking that the University of Maine or Colby College could cooperate with them in special courses that they might be able to attend while going to the vocational college.

I certainly hope that the Senate will go along with this very important issue in substituting the bill for the report.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate: I would like to make it quite clear, speaking for myself and on behalf of the Committee on Education, that many of the remarks made by the good Senator from York, Senator Lovell we are quite aware of, and we are certainly interested in vocational technical training in the State of Maine. We gave this bill a great deal of study. We came to the conclusion that

presently we have two schools, one in South Portland and one to start in Presque Isle in the fall. We have many bills before this legislature pending to benefit these two schools. We have had a very difficult time in getting MVTI under way for lack of funds and we are attempting to get Presque Isle started off on the right foot.

There is also another problem. We are talking about post-secondary vocational technical training institutes, and we have a problem in the state that the Education Committee is well aware of, and that is the vocational technical training at the secondary level, and these post-secondary vocational technical institutes are not schools for so-called drop-outs, or what have you, from high school; they are very important schools, the entrance requirements are high, and we did determine, after a study, that we certainly should prepare at the high school level these boys and girls before we send them on to the post-secondary schools. We reluctantly reported this out "Ought not to pass," but we firmly believe we did the right thing in view of the fact that we do have these two schools that I assure you, ladies and gentlemen, are not producing as well as they could produce with the finances supplied to them for this work. We would much rather see the two schools, the one at Presque Isle and the one at South Portland, well-established and on the way before we embark on any new school. This is due primarily to the restrictions we must recognize in this state on our finances. The ten million dollars was taken out of the air, so to speak, and there is no guarantee that is enough and it may be way too much. I certainly would hope that you would accept the committee report.

Mr. EDMUNDS of Aroostook: Mr. President and members of the Senate: I merely rise to point out the fact that the Appropriations Committee does have pending before them a measure which would implement a third vocational school in the state. When the vote is taken I would request a division.



Mr. LOVELL of York: Mr. President, I fully realize that at this present session we must be ultra-careful on how money is spent. That is why this is on a bond issue. Because of the fact that it can be paid over a period of twenty years, no immediate money is needed, and if we wait it will be something like 1970 before we will be able to get a third vocational college in operation. The lack of funds is covered by coming under a bond issue. I feel and I think many others feel that we must be a little more daring and be willing to go out and buy things on time in Maine if we are going to have the state progress. If the state can get industry in through this third vocational college, which it surely will, and create more jobs, then the extra amount that these people and their families who do not leave the State of Maine, through their paying the sales tax, cigarette tax and various other taxes will more than offset the cost of this college over the period of the next twenty years. I hope this Senate will recognize the importance of education for industry in this State of Maine. The various educational institutions of Maine, for example the University of Maine, are not specialized sufficiently to bring in new industry, in their various subjects. In fact it was stated just recently that 74 per cent last year of the graduates of the University of Maine left the state to get jobs and the previous year 76 per cent left the state to get jobs, and in the various other colleges of Maine, Bowdoin, Bates, Colby, they are not specialized in a high type of vocational training to bring industry into Maine, and without question that is one of the chief ways in which we are going to bring industry into Maine, by having highly-specialized and trained employees for those industries.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I personally must agree with the theory as propounded by the Senator from York, Senator Lovell, and also the practicalities of our problem as propounded by the Senator from Cumberland, Senator Brooks, but there is at the present

time — and this is a very recent development — in the Congress a bill called the Perkins bill, which seems to be receiving excellent reception in that body in Washington, and it would provide a considerable amount of funds, even for construction costs as well as operating costs, to accomplish the purpose which the Senator from York has set forth.

I would like to ask a question through the Chair of the Senator from York, Senator Lovell, and that is whether or not he might be willing to reach into the hat again and see if he could come up with another number which might be about twenty percent of the \$10 million on this proposal.

The PRESIDENT: The Senator from Kennebec, Senator Farris, poses a question through the Chair, to the Senator from York, Senator Lovell, who may answer if he chooses.

Thereupon, on motion by Mr. Lovell of York, the bill was laid upon the table pending his motion to substitute the bill for the report. The bill was especially assigned for Wednesday next.

The PRESIDENT: The Senate of this State is surprised and honored to welcome today a distinguished visitor. She is one of the world's best known business women, maintaining establishments not only in the United States but throughout the world. What is not generally known is that she is a citizen of Maine where she maintains the nationally known Maine Chance Farm at Mt. Vernon. She is always ready to be of assistance to this state and she was here yesterday to aid in the great fight against cancer.

Elizabeth Arden has been honored by many foreign governments. It seems only fitting, of course, that we honor her here today. She is the guest of ex-Senator Mayo of Sagadahoc. Elizabeth Arden, would you rise and be recognized please? (Applause)

Mr. Hichborn from the same Committee on Bill, "An Act Providing for Vocational High Schools" (S. P. 5) (L. D. 5) reported that the same Ought not to pass.

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

The PRESIDENT: The Senator may proceed.

Mr. LOVELL of York: Mr. President, vocational high schools in the state of Maine have been neglected for a great many years, and that is the reason why the drop out in high schools is so high. If you will note in recent reports in Maine, out of the children that graduated from grammar school and continued on and finished high school, only 54 per cent did this, and 46 per cent dropped out during high school, almost half of the students, and that is on the Dr. Sly report. The national average is that 60 per cent who enter high school graduate.

In the town of Sanford for example we have built at our own expense, a \$200,000 vocational high school, and this \$200,000 vocational high school according to our superintendent of schools has put us up way above the national average. In other words in the town of Sanford, 68 per cent of our students continue on and finish high school, some 8 per cent above the national average. And I think we have definitely proved what we can do in Sanford as well as other communities in the state. In Sanford, for example, on the loss of our industries which was in textile jobs, in our vocational high school, we have trained the students in the high school age brackets and adults in night school in special courses, so that they are able to be adapted to the new industries coming in to our area and in so doing we have got back 2100 new jobs and some nine million dollars in new payroll which had it not been done, Sanford would, I assure you, have been pretty nearly off the map at this time if we hadn't been able to get out and get new industries and accommodated those industries with training programs in our high school.

This bill calls for a vocational high school for high schools with three hundred or more students and I think for the good of the whole state of Maine — these are not advanced courses, these are just courses that teach the high school student who may be does not in-

tend to go to college. At the present time most high school students go through and prepare themselves for college or a commercial type course and in Maine we are way under the national average of students who continue on and go to college, some 16.9 percent in Maine continue on and go to college and the national average is about 25 percent.

If we are to give our young people jobs in Maine, vocational high schools throughout the state are necessary. Some communities have vocational high schools but in having a vocational high school not only can you train the high school student to a specific job whether it be running electronic machines or training in a textile field or the shoe field, automobile mechanics and so forth. It gives the student a chance not to drop out of high school but to learn a trade. I think it is agreed among most superintendents of schools that I have talked with that it is essential that we develop vocational high schools all over Maine for the sake of getting new industries, and particularly the counties that are under the area redevelopment act, and over half the state is in a depressed area. I am talking now not of Sanford because we have a vocational high school, but I am talking of the whole State of Maine. When I say that, I deeply mean and deeply feel that it is essential for this bill to pass. It may cause some hardship on some communities but we have a Constitutional Amendment coming through to increase the borrowing capacity of communities of their valuation from seven and a half to ten percent and that is one of the reasons for this constitutional change so that a vocational high school can be built and paid for on a twenty year period and it will benefit and help every community because of the new industry that they will be able to get with a vocational high school and they will be able with the extra taxes, real estate, property taxes in that community, by the increase of people and the industry in the community to pay for the vocational high school over a period of years.

I certainly hope that the Senate will realize the extreme importance of this bill and go along with me on substituting the bill for the report.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, believe me it grieves me greatly to have to rise again in opposition to the motion of the Senator from York, Senator Lovell.

Again I say the Committee on Education deliberated over this particular bill for a great length of time. I admit readily that we do have a high dropout rate in Maine as the Senator stated.

Perhaps at this time I would like to explain briefly that I don't stand here assuming I am an expert on education or that I know too much about education. I have been exposed to this problem for some time now and have done a great deal of studying in most of the areas in education and I think you will all agree that I am in favor of good education.

Now, this bill that the Senator from York, Senator Lovell refers to. We have two philosophies you might say for training children at the secondary level in technical, vocational subjects. One is the area vocational school which is a separate high school built and supported by the state, and the other philosophy is the vocational technical training integrated into existing high schools. There is a bill before this legislature that would allow extending high schools to embark on a vocational training program.

Again I go back to the problem of finance. We on the Committee are firmly convinced that the most practical, the most efficient way for this state to get technical vocational training on the secondary level is to integrate it into existing high schools, allow the local communities to use initiative with state aid. That is the reason that this bill was reported out "Ought not to pass". We are not against vocational training. On the contrary, we are very much concerned about it as I am sure is everyone in this chamber. We feel that the best and most effective way to develop vocational training at the secondary level is

to integrate it into the existing high schools, which I can assure you would be most effective.

When the vote is taken, Mr. President, I request a division.

Mr. HICHBORN of Piscataquis: Mr. President and members of the Senate, I am sure that we all appreciate the enthusiasm of the Senator from York, Senator Lovell. I am wholeheartedly in accord with almost everything that he has said. However, the bill does require that all communities where they have 300 or more in the high school, "shall" put up a vocational high school. There are some communities where such may not be needed. It is also true that a vocational education even at the high school level is much more expensive than the academic program that is the basis for most high school programs. It is also true that at the secondary level you are dealing with youngsters from thirteen up to probably seventeen years of age, and the program necessarily has to be of an exploratory nature. Youngsters of that age aren't sure of what they want. You have to offer usually several fields for them to work in in order that they may make the proper decisions. I am very much in favor of the industrial arts program and the vocational program as it is being carried on in the state for which there is at the present time considerable assistance at the state and the federal level.

I think to make this an arbitrary thing would be wrong. I am heartily in accord with the theory however, that we should get busy and do something but I don't think this is the right vehicle with which to do it.

Mr. LOVELL of York: Mr. President, I certainly appreciate the comments of the Senators saying that this is such a fine project. I hope they will all vote for it when it comes to the vote, if they think it is so good. The "shall" set-up - possibly that could be amended. As far as local communities are concerned, I think they should stand on their own feet and build their own high school under a bond issue which is necessary and there may be some places that don't want new industry

but certainly a school with three hundred or more students must have sufficient population to need a vocational high school if they are interested in getting in new industry.

For example, let me just quote to you. "The other aspect of education has to do with what we have been calling vocational education in the high school and to some extent post high school educational years which we should now relate even more strongly to the technical and scientific training at that level of instruction. You cannot train an architect in high school but you can create a good draftsman and not an engineer but a surveyor, particularly if you do so in the 13th and 14th years." That article was in yesterday's Portland Press Herald. I think that if we are going to progress in Maine, get industry in Maine, keep our young people here, we must start this program on vocational high schools right away and not wait until the people have all left the state. Of course we are getting a good number back again, eleven percent of our population is 65 years of age or over and climbing I understand but the young people are leaving us and without vocational high schools in some form, they are going to continue to leave us.

I hope the Senate will go along with my motion.

The PRESIDENT: Is the Senate ready for the question? A division has been requested.

A division of the Senate was had.

Seven having voted in the affirmative and twenty opposed, the motion did not prevail.

Thereupon, the report of the committee was accepted.

#### Ought to Pass as Amended

Mr. Brooks from the Committee on Education on Bill, "An Act to Pay School Subsidies on the Basis of Uniform Local Effort" (S. P. 416) (L. D. 1159) reported that the same Ought to pass as amended by Committee Amendment A and by Committee Amendment B.

Which report was read and accepted, the bill read once, Committee Amendment A read and adopted, Committee Amendment B read and adopted, and the bill as amend-

ed tomorrow assigned for second reading.

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

Mr. CRAM of Cumberland: Mr. President and members of the Senate, I am greatly interested in educational matters, and as a matter of fact today my home town of Cumberland is voting on the question of whether to join in a school administrative district with two other neighboring towns and feeling has been running quite high. I think that this bill of my friend Senator Brooks is a very fine bill and better than the present method of paying educational subsidies. However, I would like to call your attention to the fact that there is another subsidy bill which is now on the table in the other body which has the interesting feature in that under that bill the amount to which subsidies can rise in a two year period is very easily forecast. That bill will be before the Senate sometime and it would be well for the Senate to study that bill so they will be fully acquainted with the subject.

#### Majority — Ought to Pass in New Draft — Same Title

#### Minority — Ought Not to Pass

The Majority of the Committee on Judiciary on Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure." (S. P. 298) (L. D. 871) reported that the same Ought to pass in New Draft under the same title (S. P. 596)

(Signed)

Senators:

FARRIS of Kennebec  
BOARDMAN of Washington  
CAMPBELL of Kennebec

Representatives:

RUST of York  
PEASE of Wiscasset  
SMITH of Bar Harbor

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

(Signed)

Representatives:

KNIGHT of Rockland  
THORNTON of Belfast  
CHILDs of Portland  
BERMAN of Houlton

Mr. FARRIS of Kennebec: Mr. President, I move acceptance of the Majority Ought to Pass report in new draft.

Mrs. CHRISTIE: Mr. President and members of the Senate, it seems to me that in my section of the state it might create a great hardship to reduce this period of foreclosure to six months which is what the amendment would do, I believe. I think we should be hesitant to reduce this period from a year as it is now, because a good many times a person who has given a mortgage might be able to redeem it in a year where in six months he would lose his property. So I am a little concerned about this bill and move when the vote is taken it be taken by division.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, this issue has been discussed and rediscussed and had very thorough examination before the Committee on Judiciary. You will note that this is a divided report. I might explain at this time that the shortening of the redemption period, so-called, in which one could pay off the balance due on a mortgage, from one year to six months would only have application to any mortgages which are taken out in the future. It will have no effect upon existing mortgages and of course many of them are in operation and will continue for the next couple of decades.

A survey by the banks shows that as a general rule, if a person is going to be in a position to redeem their property it is accomplished within the six month period. In addition to that even though the redemption period is by law six months, as a matter of practice it is always at least two or three months and many times longer than that before the bank or the lending institution commences any foreclosure action. So even if we are to reduce the period by law from one year to six months, it still would be pretty close to a year, certainly at least nine months in which the borrower would have an opportunity to pay the balance due on the mortgage or arrange other financing so he would not lose his property.

And in addition to that, another very compelling reason for amending our laws at this time is because of the fact that it is absolutely impossible under our present statutes for our lending institutions to go to financial sources outside of the state particularly and borrow money on the collateral which they hold in the lending institution and there are strong indications that if we were to reduce the period to six months it could make available at least an additional \$20 million of outside financing to have that amount of money in circulation in the state of Maine and for the benefit of the State of Maine.

Mr. EDMUNDS of Aroostook: Mr. President, I rise merely to address this question, through the Chair, to any member of the Senate who could possibly answer it for me. What is the redemption period in our sister states of New Hampshire, Vermont and Massachusetts?

The PRESIDENT: The Senator from Aroostook, Senator Edmunds, poses a question through the Chair to any Senator who may answer if he chooses.

Mr. FARRIS of Kennebec: Mr. President, in reply to the question of the Senator from Aroostook, Senator Edmunds, in the State of New Hampshire in particular, they have a system whereby when a mortgage is written there is a power of sale written into the mortgage and under the terms of the mortgage — in other words, it is not governed by law, it is governed by the written instrument at the time the borrower obtains the money — it is a four month period by the terms of the standard written instrument in the State of New Hampshire. The lender has the right to exercise his power of sale and then there is a waiting period of about four months and even under that situation it usually runs about six months before the lending institution does obtain title to the property.

As to Massachusetts, the Senator from Kennebec, Senator Campbell might have more information on that.

Mr. CAMPBELL of Kennebec: Mr. President, as I understand it, under

the laws of Massachusetts the foreclosure is sixty days.

Mr. NOYES of Franklin: Mr. President, if we can discuss this matter not so much as a banker or in the legal sense, but more looking toward the development of the State of Maine. I do not have letters here but the larger bankers of the State of Maine, some of them, appeared before the Committee and said that this would bring at least \$20 million to \$50 million into the State of Maine. I have talked with some of the larger insurance companies and you will know that development-wise - Vermont for example, is way ahead of Maine and so is New Hampshire because they are rather reluctant—and after all if you could invest your money in Vermont and New Hampshire under more favorable conditions, you would.

Also I have talked with many other people and I am in the development business myself, as you know. This is an area in which we in the State of Maine, without spending a nickel can make a very slight change which does not affect anyone in the State of Maine. For example, No. 1, this does not affect present mortgages so if I have a mortgage on my house it doesn't affect the present mortgage. But it will open up a new vista of financing in this state without a penny of cost and it would be my considered opinion that it would bring in perhaps \$100 million dollars. You will know that we in Maine, as bankers, and I will speak now as a banker — I'm not much of a banker; I'm a small banker but you examine the statement of any bank and you will see millions of dollars invested outside the State of Maine. They have gone into FHA mortgages many of the savings banks as you know. They did that because they were guaranteed. And it seems almost ridiculous that some of the banks of Maine have as much as two million dollars of your money and my money in Puerto Rico, in Florida, Arizona and what have you. It is true in those cases they were perhaps FHA mortgages but I assure you that probably ten or fifteen million in conventional

mortgages of Maine money is in New Hampshire, in Vermont, in Arizona and in Florida. So we have a great opportunity here and perhaps we are thinking of the poor fellow who will lose his house or has lost it but I am sure if you examine the integrity and the past record of the bankers of Maine, there have been very few places where anyone has taken something away from somebody.

As the good Senator from Kennebec said, certainly it is two, three or six months before anyone moves in on a foreclosure and then under our present law you have got to wait another twelve months and then perhaps you have to bring legal action and I think the State of Maine average is that the property is tied up for eighteen months. In many cases two or three years which of course would be the exception.

So if we are going to attract new capital, and it is available, there are millions of dollars going begging. You have read that Prudential for example must invest \$230 million a week and they are not putting it into Maine because we are non-competitive and why put it into Maine when you could put it in some other state such as New Hampshire with a sixty day proposition or Vermont with a four month proposition.

So this is a golden opportunity and as a practical matter we must consider the great potential and it may be true that in maybe one out of a thousand cases there might be some small inequity or injustice. Looking ahead and on the basis of what we can do to attract outside money which is available and to counteract the some \$250 million of Maine money invested outside the state, let's open up the doors and let this money come back, because Maine cannot develop without its labor as Senator Lovell will say later on, and opportunities for education, and roads, but money is important and this is an important opportunity for us all.

Mr. EDMUNDS of Aroostook: Mr. President, I hesitate to arise in opposition to a report signed by the three Senate members of the Committee on Judiciary but the question

under discussion here seems to be referring mostly to mortgages on homes. I happen to represent an area where farming is rather important and you all know that the potato industry in the State of Maine has been going through some very rough years the last few years, and the prospects for the coming year are perhaps no better than they have been for the past four.

I would point out that it takes approximately one year to plant, harvest and market a crop of potatoes and that a good year might be necessary in order for somebody to redeem a mortgage. I am wondering if the Judiciary Committee might consider an amendment which would leave the one year redemption period in the case of farm mortgages and I have no interest in the other. I am a banker also, probably a very poor one but I am wondering if they had thought of that possibility.

The PRESIDENT: The Senator from Aroostook, Senator Edmunds, poses a question through the Chair, to any Senator who may answer if he chooses.

Mr. NOYES of Franklin: Mr. President, I would like to answer the question of the Senator from Aroostook, Senator Edmunds with a question, since he is a banker. Senator Edmunds, do you think that regardless of the period of exemption, that the bankers as a matter of policy would change their method of operation?

The PRESIDENT: The Senator from Franklin, Senator Noyes, now poses a question to the Senator from Aroostook, Senator Edmunds, who may answer if he chooses.

Mr. EDMUNDS of Aroostook: Mr. President, speaking for myself only, no. But I have had some bankers that I would not have that much confidence in.

Mrs. CHRISTIE of Aroostook: Mr. President, I now move that this bill be tabled until Tuesday.

The motion prevailed and the bill was tabled pending motion by Senator Farris of Kennebec to accept the Majority Ought to Pass report, and the bill was especially assigned for Tuesday next.

## Second Readers

### House

Bill, "An Act Providing for Repair and Maintenance of State-owned Dam on Dead River, Androscoggin County." (H. P. 17) (L. D. 42)

Bill, "An Act Authorizing the Construction of Self-Liquidating Student Dining Facilities for the Maine Maritime Academy and the Issuance of not exceeding \$475,000 Bonds of the State of Maine for the Financing Thereof." (H. P. 357) (L. D. 531)

Resolve, in Favor of Macwahoc Plantation for School Construction Aid. (H. P. 523) (L. D. 740)

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

### House — As Amended

Resolve, for Development of Revenue-Producing Park Facilities on Mt. Battie. (H. P. 414) (L. D. 567)

Which was read a second time and on motion by Mr. Edmunds of Aroostook tabled pending passage to be engrossed and especially assigned for the next legislative day.

### Senate

Bill, "An Act Relating to Loans by Washington County." (S. P. 592) (L. D. 1556)

Bill, "An Act Creating a Permanent Commission on State Tax and Financing Policy." (S. P. 401) (L. D. 1104)

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

Sent down for concurrence.

### As Amended

Bill, "An Act Relating to Use of Titles by Unregistered Persons in Practice of Architecture." (S. P. 113) (L. D. 341)

Which was read a second time and passed to be engrossed, as amended by Senate Amendment A (S-213)

Sent down for concurrence.

### Enactors

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

Bill, "An Act Relating to Eating Places." (H. P. 638) (L. D. 894)

Resolve, Granting to the State Park and Recreation Commission the Power to Acquire by Eminent Domain Land at West Quoddy Head." (H. P. 979) (L. D. 1418)

Resolve, appropriating Moneys for Support of the Civil Air Patrol Program. (S. P. 31) (L. D. 25)

(On motion by Mr. Edmunds of Aroostook, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act Increasing Salaries of Justices of Supreme Judicial Court and Superior Court." (S. P. 221) (L. D. 606)

(On motion by Mr. Edmunds of Aroostook, placed on the Special Appropriations table pending enactment.)

Bill, "An Act Increasing Salary of Official Court Reporters." (S. P. 228) (L. D. 609)

(On motion by Mr. Edmunds of Aroostook, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act Relating to Adoption of Ordinances by Penobscot Tribe of Indians." (S. P. 246) (L. D. 620)

Which Bills were passed to be enacted and the Resolve finally passed.

#### Orders of the Day

The PRESIDENT: The Chair would like to appoint several Senate conferees:

On L. D. 1213, "An Act relating to Operation of Retail Store and Restaurant Prior to Application to sell Malt Liquor": the Chair appoints: Senators Kimball of Hancock, Jacques of Androscoggin, Lovell of York.

With reference to Item 1-1 on today's calendar, the Joint Order, the Chair appoints: Senator Farris of Kennebec, Campbell of Kennebec, Boardman of Washington.

On Bill "An Act relating to penalty for furnishing liquor to certain persons," the Chair appoints Senators Kimball of Hancock, Atherton of Penobscot, Brown of Hancock.

On L. D. 1505, "An Act prohibiting the use of live birds and animals for certain purposes," the Chair appoints Senators Atherton of Penobscot, Stitham of Somerset, Porteous of Cumberland.

On L. D. 112, "An Act relating to admission of Attorneys to the Bar of the State of Maine," the Chair appoints Senators Campbell of Kennebec, Farris of Kennebec, Stitham of Somerset.

The President laid before the Senate the 1st tabled and today assigned item (H. P. 950) (L. D. 1384) House Report, Ought not to pass from the Committee on Taxation on Bill, "An Act Exempting Certain Elderly Persons from Real Estate Taxes"; tabled on May 3 by Senator Whittaker of Penobscot pending acceptance of the report; and on further motion by the same Senator, the Ought not to pass report was accepted.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 928) (L. D. 1362) House Reports from the Committee on Labor on Bill, "An Act Revising the Workmen's Compensation Act"; Majority Report, Ought Not to Pass; Minority Report, Ought to Pass; tabled on May 3 by Senator Johnson of Somerset pending acceptance of either report; and on further motion by the same Senator, the Majority Ought Not to Pass report was accepted.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 575) (L. D. 1525) Bill, "An Act Establishing a Forest Products Marketing Law"; tabled on May 7 by Senator Edmunds of Aroostook pending assignment for second reading; and that Senator yielded to the Senator from Aroostook, Senator Cyr.

Mr. Cyr of Aroostook presented Senate Amendment A (S-208) and moved its adoption.

The Secretary read the amendment.

Mr. CYR of Aroostook: Mr. President and members of the Senate: On your desks you have been given a letter by the Assistant Attorney General in regard to the constitutionality of this law. I would like to bring to your attention the fact that this refers to L. D. 1332, so the opinion is on L. D. 1332. However, the redraft is L. D. 1525, and in the redraft most of these objections



have been corrected. On No. 1, for instance, the Attorney General's office claims that this interferes with interstate commerce. Well, it did when the wording said, "wholly or partially work within the State of Maine," but that has been changed to "within the United States," and therefore you are not interfering with interstate commerce in the new draft. On Page 2, Section 2, it goes on to say that this section goes beyond the police powers, and so forth, and then there is given as a reason "Inasmuch as there is no rational basis for the licensing." The rational basis is for the public good. I think I have proven that to you in my presentation that there is a problem, and in my amendment I am confining this to Aroostook County, so all we are asking is to cover Aroostook County. No doubt there may be some bugs in this law. There are bugs in any law. In fact you have seen the President appointing a large number of conferees, and most of our legal matters, as you have seen during the session, have to go to a committee of conference — even the lawyers cannot agree among themselves.

Section 3 refers to the flexibility clause. Now the flexibility clause in 1332, apparently the Legislative Research Committee understand my thinking on this, and the flexibility clause, which was written in the original bill actually, instead of releasing the regulation it is tightening the regulation, and, as is stated here, he can stop the issuing of permits if he feels the industrial, commercial or economic conditions of the state so warrant. If you read the flexibility clause in L. D. 1525 you will see that it is just the opposite. The flexibility clause will be used by the Forest Commissioner when the economic conditions would be adversely affected by this legislation, and the Commissioner will have the right to remove the regulations. In other words, I refer to the western part of the county, the western part of the St. John River and the northern part of the county where most of the timber is harvested through Canada. And the reason for that is that there is no railroad available and there is no

American community, there is no road, and the only way to harvest this would be through Canada. Now through the flexibility clause in that area the Forest Commissioner may continue to issue permits without this export regulation, the flexibility clause in the original bill did just the opposite of the intention that I had. The flexibility clause is aimed at adjusting conditions when it would appear that it would adversely affect the economic condition of the section.

I also have another amendment to present after this one is accepted to cut down the amount of the penalty from \$500 to \$100 and from \$2000 to \$500.

That is all I have to say for the moment, and I hope that my amendment will be accepted.

Senate Amendment "A" was read and adopted.

Mr. CAMPBELL of Kennebec: Mr. President I now move that L. D. 1525 and the accompanying papers be indefinitely postponed and I would like to be heard on that motion.

The PRESIDENT: The Senator may proceed.

Mr. CAMPBELL: Mr. President and ladies and gentlemen of the Senate: I refrained from the debate on this question the other day because I have a distinct aversion to entering into discussions of constitutionality when I do not know the problem, and I think that people without legal training are equally impatient at lawyers who, when they cannot think of anything else say, "Well, this measure probably is unconstitutional." I also detected, as the Senator from Aroostook, Senator Cyr, has called our attention to it, that the letter that we have before us from the Attorney General did concern the first bill and not the redraft, so I too felt that perhaps the objections that were raised by the Attorney General might not be pertinent to the redraft. Since that time, however, I have taken the two L. D.'s and I have compared them word for word, and I am now satisfied, and I say to you without any qualification that I do not feel that the redraft does solve the problem and I think that the redraft is vulnerable to attack on

constitutional grounds, and it will be my endeavor, as briefly as I can, to explain it to you.

Now basically this bill is designed, and we all know it, to prevent the exportation from Maine, and particularly Aroostook County now, of lumber which is unprocessed. That would be a movement of goods from one nation to another, and assure you that the Constitution of the United States, Article I, Section 8, specifically provides that Congress alone and not the states may regulate commerce between nations, and while the amendment has eliminated, as Senator Cyr fairly states, the objection that was previously raised that this was in violation of interstate commerce it still is in violation of the provision that gives to Congress the right to regulate commerce between nations, and the State of Maine cannot constitutionally legislate by L. D. 1525 a prohibition against the movement of goods from Maine into Canada. It just cannot be done.

Now there are other objections to the bill and I dare say they could be corrected, but this one you cannot correct because that is fundamental to the bill. That is what we are trying to do here, to prevent the shipment of this unprocessed wood to Canada, and we just cannot do it.

Now this bill purports to be a conservation measure, and yet there are no tests in here, there is no definition, no specifications to indicate what the basis is on which the Forest Commissioner will or will not grant these permits. There again I think that is a fatal defect in the bill. You just cannot say to the Forest Commissioner, "You shall decide whether or not to issue permits for the exportation of wood" and at the same time not give him some standards. Now if this were truly a conservation measure as it says it is, they might perhaps say that you could not export a particular species of wood, or that perhaps you could cut only a certain percentage of the standing growth on the lot, or a very practical test perhaps would be that you cannot cut wood below a certain diameter and a certain height in the tree. You do not have any

standards here. You simply say to the Forest Commissioner, "You are the one to determine whether or not to issue the permit," and I say that is completely violative of the rights of the individual land owner. After all, that is what we are talking about here, because the land owner owns the wood, he has the right to do with it as he wishes unless there can be some reasonable basis for restricting that right. Without a standard, I say that this bill would be violative of the right of the individual to do with his wood as he might wish. Now this is an objection that could be cured. However, I am not in favor of the bill because I think it is bad from the start, and I might just as well go on.

In Section 3 of the bill they provide for the creation of the Forest Products Marketing Board. Now, mind you, this is going to be the board that is going to advise with the Forest Commissioner and it is also going to be the board to which appeals from his decision are to be taken. This bill provides that two members of that board are to be appointed by the Maine Forest Products Council, and I remind you that under the Constitution it is the Governor and Governor and Council that has the power of appointment, that power is vested by the Constitution in the Governor and it is inappropriate for this legislature to provide for the appointment to an administrative board by the Maine Forest Products Council.

The so-called flexibility section, which is Section 4, I think has been corrected to eliminate partially the objections that are raised in the letter from the Attorney General's office, however I still think it is vulnerable to attack to allow the Forest Commissioner to suspend the requirement of permits in connection with cutting when he determines that it is in the best interests of the state to do so and when to withdraw the suspension and to go back again on the requirements of permit. The magic words there are "industrial, commercial or economic conditions." I say again I think they are much too general and that really gives the Forest Commissioner no particular

guidance, and I do not think that under those words he would know when he should or should not go back to requiring a permit. That is the section upon which the Attorney General says there is no rational basis upon which the police power of the state can be invoked. Incidentally, I would point out to you that under this section there is no provision for a hearing: the Forest Commissioner makes this decision as he sees fit and there is no notice ahead of time, or at least there is no provision, but there is a provision for notice.

Section 8 of the bill has to do with the appeal, and it says in there that the decisions of this board that I mentioned earlier shall be final. Well, here is a board that is appointed not necessarily with any person on it with legal training, and they are going to have to discuss and consider questions of law, and it seems rather inappropriate to me to provide that the decisions of that board should be final. It would certainly remove the right that normally people have to a jury trial, or at least to resort to the courts; and in my own opinion, even though the bill says that the decision is final I am very sure it would not be and I am very sure that the court would enter and consider an appeal.

Now the amendment that went on this morning compounds the felony so far as I am concerned, because I do not think that if this bill were proper in every other respect that you could limit it to Aroostook County and not have it apply to other counties, at least those that would be similarly situated. Now Washington County and Piscataquis County are counties with unorganized territory, and why should the landowners in those adjoining counties be treated differently than the landowners in Aroostook County and have to have a permit when the landowners in the other two counties do not have to have one?

Now we have heard a lot about this bill being just a little constitutional. To me there is no such thing as that. That is sort of like pregnancy: it is either constitutional or it isn't constitutional. I as a

lawyer cannot go along and accept this bill just because it is "just a little unconstitutional."

Now at the risk of seeming to be picking up pins, I have just a few more objections to it that I will sketchily go through. In Section 1 is reference to license, and yet the word "license" does not thereafter appear in the bill; you start from that point on talking about permits. Section 2 of the bill allows the Forest Commissioner to fix the fees that are going to be charged for these permits. I think there is a serious question whether the legislature can delegate to an administrative authority the right to fix fees without at least setting a maximum or minimum fee, some range within which he could charge. This bill would allow the Forest Commissioner to find out at some stage how much it would cost him to administer this law and then to fix the fee at an amount which would be self-liquidating. With the amendment limiting the effect of the bill to Aroostook there are two places at least in the bill where it still refers to conditions that exist in other areas of the state, and I would certainly suggest that it would be inappropriate for the Forest Commissioner, were he to be administering this law in Aroostook County alone, to be required to make decisions based upon conditions that might exist in some other part of the state.

Section 10 has an objection which appeals to me, as a member of Appropriations anyway, because it creates a special fund and would provide that the money that came from these permits would be dedicated to the Forest Commissioner for the administration of this act. I think that is a poor fiscal arrangement. I think that this ought to go into the general funds and I think that an appropriation should be set up for administering the law.

Section 7 of the bill has a new provision in it which exempts pulpwood. It seems to me that is going to cause a serious administrative problem, because it is obvious that when you are going to cut pulpwood you first cut down the tree

and at that stage nobody is quite sure whether it is for pulpwood or whether it is for long logs. If pulpwood is going to be exempt how does the inspector know, when he comes onto the operation and he finds the long logs? The operator can then say, "Well, I am cutting this for pulpwood." It really does not become pulpwood until it is cut into four-foot lengths, and yet he may very well be bonafidely cutting it for pulpwood.

I have no interest in this bill except as a lawyer, and as I said at the outset I restrained myself the other day because I was not sure of it, but now I am very sure that this is a bad bill. I certainly hope that my motion will prevail, and I ask that the vote be taken by a division.

Mr. CYR of Aroostook: Mr. President and members of the Senate: It seems as though I will have to bow to the inevitable after listening to the silver-tongued orator from Kennebec. I have not got the funds to hire a Philadelphia lawyer to rebut him.

I have been working on this law for two years. I have asked all the departments in the State House for help. I have asked DED. They are supposed to be very concerned in regard to this. I have asked the Attorney General's office before this was introduced as to the possibility of trying to make this legal. The DED forest products representative, who has been working with me on this, at the hearing this presentation was so vague that Senator Reed asked him if he was a proponent or an opponent to the bill. That is the kind of help that I have been getting on this.

You also know how deadly the timber interests can be. I knew this morning that I had lost my bill when I saw their team in the corridor here buttonholing everybody. I would say that the timber lobbyists are more damaging to the State of Maine than the spruce budworms and my only regret is that I didn't keep that spruce budworm on the table and exchange them for these lobbyists.

We also faced the Harold Schnurle truth squad this morning. Put all

that together and I knew what was coming. But I will say this. There is a problem up there and everyone that you talk to agrees with you. There is a problem but nobody comes forth with a solution. Now the legislation here as it was referred to is not a conservation measure, because statistics show that the annual cut plus the annual loss through insect and disease is less than two thirds of the annual growth. The problem is job opportunity. We see this timber being cut in our section and you stand alongside the road and it breaks your heart to see all these big trucks loaded with timber, going across into Canada and not offering one dollar's worth of opportunity to our people.

We are pouring millions of dollars into DED to try to create jobs for the State of Maine and here is an opportunity. And what do we do? We listen to the timber interests, the same interests that a hundred years ago stole all our public forestry lands that we have up there. They did such a good job of tying the hands of the people of the State of Maine that we haven't been able to recover our rights since then.

On the spruce budworm bill, if I had wanted to I could have killed that on constitutionality. They claim that this is not constitutional because it interferes with private rights. They also tell us that we cannot apply regulations because it is private property and then they turn around and come to us and ask the State of Maine to finance \$211,000 to protect their own timber from insects. You think twice about that, whether it is constitutional or not.

Those of you Senators who have made commitments to these timber interests, it is now time for you to relax because I won't pursue this any longer and you can do whatever you want to the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Campbell to indefinitely postpone. A division has been requested.

A division of the Senate was had.

Nineteen having voted in the affirmative and eleven opposed, the motion prevailed and the bill was indefinitely postponed.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 283) (L. D. 797) Bill, "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements"; tabled on May 8 by Senator Cram of Cumberland pending consideration; and on further motion by that Senator, the bill was retabled and specially assigned for Wednesday next.

The President laid before the Senate the 5th tabled and today assigned item (H. P. 408) (L. D. 561) House Report, Ought Not to Pass from the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys for Maine Civil War Commission" tabled on May 9 by Senator Campbell of Kennebec pending acceptance of the report; and on further motion by the same Senator, the bill was substituted for the report and read once.

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

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

The President laid before the Senate the 6th tabled and today assigned item (H. P. 516) (L. D. 718) House Report, Ought to Pass in New Draft and Under the Same Title from the Committee on Transportation on Bill, "An Act Requiring Persons Seventy-Five Years of Age to take Biennial Examination for Motor Vehicle Driver's License" (H. P. 974) (L. D. 1302) tabled on May 9 by Senator Campbell of Kennebec pending acceptance of the report.

On motion by the same Senator, the report of the committee was accepted and the bill read once.

Mr. CAMPBELL of Kennebec: Mr. President and members of the Senate, I now offer Senate Amendment A which is Filing No. 226 and move its adoption. I would like to ad-

dress a few remarks concerning it.

The PRESIDENT: The Senator may proceed.

Mr. CAMPBELL of Kennebec: Mr. President, this amendment is technical in a sense and is designed to clarify this particular bill which concerns the taking of tests by operators upon attaining the age of 75 years. As you know we are now embarking on a new arrangement whereby your license is good for two years and confusion arose as to the driver, of whom there must be some, who at age 74 will get a driver's license good for two years; the question being: Must that driver take a test at 75 or at 76, and if he takes it at 75, does he have to take it at 76? This amendment has been drawn by the Secretary of State, it has the blessing to require that the first test come at the expiration of the two year license next after the 75th year. In other words, if a man is 74 and he gets his license for two years, the first time that he takes the test is at age 76, then 78 and so on.

The Secretary read the amendment.

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

The President laid before the Senate the 7th tabled and today assigned item (H. P. 475) (L. D. 678) Bill, "An Act to Create a Mount Desert Island Regional School District"; tabled on May 9 by Senator Lovell of York pending passage to be engrossed.

Mr. LOVELL of York: Mr. President, may I inquire as to the status of the bill?

The Secretary read the status of the bill.

Mr. LOVELL of York: Thank you, Mr. President. As you know, I have no particular interest in this bill with the exception of fair play and democracy. I have been assured that Committee Amendment A — and I will move that it be indefinitely postponed — it eliminates the town of Southwest Harbor in voting whether or not they wish a school district composed of their town and three other towns in that area. Now I feel without

question that this town should have the privilege to vote whether or not they wish to take part in that school district and I am assured that that vote would be by secret ballot.

I also have a great deal of respect for the very fine Senator from Hancock, Senator Kimball. I traveled with him a good deal in the last two years and I certainly hope that he is reelected and comes back to this Senate. Consequently I don't want him to get involved in a local feud in his area so it might cost him the election. On the other hand, the representative from that community in the other body, is willing to take that risk and consequently if he is not reelected, that is his fault. I certainly would want to see the Senator back here and I hope that the Senate will go along with the indefinite postponement of Committee Amendment A.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate, first I think I should apologize to my colleagues in the Senate and to Senator Kimball and Senator Brown of Hancock County. When this bill was reported out of committee I signed the bill which included Committee Amendment A. This is an act to Create a Mount Desert Island Regional District which would consist of the towns of Bar Harbor, Southwest Harbor, Tremont and Mount Desert. Since the public hearing facts have been presented to me which obviously have caused me to reverse my original stand.

These people on this island are attempting to form a good productive type high school. Southwest Harbor is an integral part of the area and it is said by some, as a matter of fact, that without Southwest Harbor, the regional school district would not be effective. I am inclined to agree. I would certainly support the motion of the Senator from York, Senator Lovell for indefinite postponement of Committee Amendment A. It has been said that many people have signed petitions and called asking that Southwest Harbor be eliminated from the bill. As a matter of fact I have such a petition. I have also received many calls and many letters from people of Southwest Har-

bor, pleading that Southwest Harbor voters be given an opportunity to vote. If this is permissive legislation, it is legislation only to allow these four towns to vote and I believe it only just that we allow them their request and I assure you that there are many, many people from Southwest Harbor who are very much interested in being allowed to vote on this issue.

Mr. WYMAN of Washington: Mr. President, when this was first considered, I voted against indefinite postponement of Committee Amendment A because it seemed to me that these people in Southwest Harbor had voted so many times on this matter and voted against it, that we should not subject them to another vote at this time.

However, I had assumed wrongly that they voted at their last town meeting in March on this particular measure. Since that time I find that they have not voted on this matter for four years, since 1959. Therefore I intend today to change my vote and vote for the indefinite postponement of this amendment.

Thereupon, their being no objection, Mr. Lovell of York was granted permission to withdraw his motion and the bill was passed to be engrossed in non-concurrence.

The President laid before the Senate the 8th tabled and today assigned item Senate Order Relative to Constitutionality of Cousins Island Causeway Bond Issue, tabled on May 9 by Senator Stilphen of Knox pending passage; and that Senator yielded to the Senator from Waldo, Senator Cole.

Mr. COLE of Waldo: Mr. President, in order that I may present another order to clarify the situation somewhat, I now move the indefinite postponement of this order.

The motion prevailed and the Order was indefinitely postponed.

Mr. Cole of Waldo presented an order and moved its passage.

#### STATE OF MAINE

IN SENATE May 10, 1963

WHEREAS, on January 8, 1963, certain petitions were presented to the Secretary of State under the provisions of Article IV, Part 3, Section 18 of the Constitution of the

State, to initiate an Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island and a Bridge and Causeway Connecting Littlejohns with Chebeague Island at an estimated cost of \$3,000,000. A true copy of said petition is attached hereto, marked Exhibit A, and incorporated herein; and

WHEREAS, after due consideration of said petitions and the signatures thereon the Committee on Judiciary reported that there were 34,183 valid signatures on said petitions and that a total of 29,273 valid signatures were required under the provisions of the Constitution, and, therefore, there were a sufficient number of valid signatures and that the proposed Act be submitted to the electors of the State at the next regular or special election; and

WHEREAS, both branches of the 101st Legislature have accepted the report of said Committee and the Secretary of State has been instructed as aforesaid; and

WHEREAS, doubt now exists and a question has arisen as to the propriety of the Legislature's accepting the petitions which contain the initiation of a bond issue as proposed in said petitions and doubt now exists and a question has arisen as to the constitutionality of the initiation of a bond issue as proposed; and

WHEREAS, the Maine State Highway Commission has caused a study to be made of the estimated cost of erecting and constructing the bridge and necessary approaches thereto which it would be required to construct under the initiated Act; and

WHEREAS, the consulting engineers' estimated cost of construction as reported on March 18, 1963, and accepted by the Maine State Highway Commission, the administrative agency required to construct the causeway connecting Cousins Island and Littlejohns Island and the bridge and causeway connecting Littlejohns and Chebeague Island, contains estimates which are substantially in excess of the amount of money to be made available by the issuance of bonds, namely,

(a) Construction and engineering costs for the proposed bridge and approaches with causeway estimated at \$6,335,000.

(b) Construction and engineering costs for the proposed bridge and approaches with causeway with a more economical trestle type of construction estimated at \$4,730,000; and

WHEREAS, it appears to the Senate of the 101st Legislature that the following are important questions of law and that the occasion is a solemn one, be it therefore

ORDERED, that in accordance with the provisions of the Constitution of the State that the Justices of the Supreme Judicial Court are hereby respectfully requested to give the Senate their opinion on the following questions:

1. Is Article IX, Section 14, of the Constitution of Maine an exclusive method of issuing bonds?

2. Is it constitutional to initiate a bond issue under the provisions of Article IV, Part 3, Section 18

3. If the answer to Question 2 is in the affirmative, may an Act be constitutionally initiated and sent to the electors of this State for ratification where the administrative agency charged with the construction of the proposed structure or project has determined that said Act cannot possibly be carried out and the proposed structure or project constructed within the amount of money to be made available under the initiated Act through the issuance of bonds, the proceeds of which are the sole source of funds for the construction of the structure or project?

4. If the answer to Question 1 is in the affirmative, or the answer to 2 or 3 is in the negative, may the Legislature pass either a bill, resolve, or joint order specifically prohibiting the Secretary of State from sending the proposed initiated Act to the electors?

Mr. HINDS of Cumberland: Mr. President and ladies and gentlemen of the Senate: I would like to move that this order be indefinitely postponed and I would like to speak to my motion.

The PRESIDENT: The Senator may proceed.

Mr. HINDS: We have had several meetings in regard to this particular order with members of the

Cumberland County delegation, the leadership and Senator Cole and others from the Highway Commission. It has been our feeling, or at least my feeling, that where 34,000 signatures were received from Chebeague Island petitioners and where they checked these with the Secretary of State and the Attorney General's office before they started circulating these petitions throughout the State, that the people should have a right to vote on this measure.

I have no argument with Question 1 and Question 2 of this order on the last page at all. It is Question 3 and Question 4 that upset me. First of all, in regard to Question 3, it is the Highway Commission's feeling that the new report that they have had done, or new survey, in regard to Chebeague Island Bridge is correct. This doubles the cost from the original report, which was an estimated cost of \$2,700,000 to a cost at present of six million dollars. The first report was completed in 1956, but upon checking with the firm that did this—and they were not asked to do the second report, although many of their facts and figures that they filed in the first report were used by the engineering firm that did the second report — and it is their feeling at the present time that the three million dollars is adequate to build this bridge and causeway. It is also the feeling of a very prominent contractor in the State of Maine that does a lot of this type of work that this bridge can be built for the three million dollars. There seemed to be differences of opinion in the price that would have to be paid for crushed rock and things of this nature, in fact the estimate of the new firm is three times that of the estimate of the first firm that did the work. But we have received figures, we worked on this thing for several weeks, and we have received figures that prove to me at least that this causeway and bridge could be built for the three million dollars.

In the second part of the order—I will read Question 3 of the order: "If the answer to Question 2 is in the affirmative, may an act be constitutionally initiated and sent to

the electors of this state for ratification where the administrative agency charged with the construction of the proposed structure or project has determined that such act cannot possibly be carried out and the proposed structure or project constructed within the amount of money to be available under the initiated act through the issuance of bonds, the proceeds of which are the sole source of funds for the construction of the structure or project?" This means to me that this is just a way of trying to stop these 34,000 people that have signed petitions and want to vote on this matter from voting on this matter. However, as I said before, I do agree with the first and second questions, but I think it is unfair to send this order to the Supreme Court when there is information in here of disagreement between two engineering firms. Question 4 just backs up what we have already said, and for the purpose of rewriting this order and just asking for the constitutional question, I have made this motion that is before you here.

The PRESIDENT: The Senator from Cumberland, Senator HINDS, moves the indefinite postponement of the Order.

Mr. COLE of Waldo: Mr. President and members of the Senate: It would seem to me that we do have a solemn occasion here and the proponents do agree that Article 1 and Article 2 in the order should be answered. Why wouldn't it be fair to them as a whole rather than only half of the picture.

Now what is going to happen in case the bond issue is approved by the electorate and the money set forth in that article is not sufficient to build the bridge. In my own personal opinion I feel that when the actual survey is made—the one we are discussing now is only a preliminary one and a very minor one at that — when this survey is actually made and the costs are decided to be definitely above the three million — which in the opinion of the commission and in my opinion is true — what happens to the bond issue? I am sure that I can speak for the Chairman of



the Commission that if these facts are true that no project will be started. Now in fairness to the 34,000 signatures on the initiated referendum wouldn't it be fairer to them, where they signed this petition setting forth that three million dollars would be sufficient to build the bridge, to have this question answered so that when they vote they will know what they are voting for?

Now it is true, as the good Senator from Cumberland, Senator Hinds, has stated, that we have had several meetings with the leaders of the Senate and Senators and members of the Highway Committee in regard to the actual cost. Now we heard from one engineer who sets forth that the original figure of three million is adequate. Now when we state here that in 1958 there was some doubt as to whether the figure was adequate—and I have in my possession a telegram from Fay, Spofford and Thorndike who did the original survey work, as to whether or not three million dollars would complete the project. Their reply to my inquiry was that provided the bond money could be had at the stated figure of 2.75 per cent they thought that it could. In effect we can't borrow money—we couldn't at that time and we certainly can't now at that figure—so in effect they were saying then that it was impossible to build the bridge for three million dollars. Now, the figures set forth by the local engineer states that the original figures of Fay, Spofford and Thorndike were blown up and the bridge can still be built at the three million dollar mark. It seems to me, and I have definite ideas that this firm of consultants are very reliable and I doubt very much that in 1956 when the survey was actually made that they blew up any figures. I think they were actual. In fact the figures taken now, as the good Senator from Cumberland, Senator Hinds has stated, are not right. It would seem to me that the fellow that did the work for Hardesty and Hanover used the basic facts and figures as were originated by Fay, Spofford and Thorndike.

This project has two miles of causeway and one quite large steel

bridge structure. The bridge alone will cost two million three hundred thousand and you have two miles of causeway to build along with it. The only possible way that reputable contractor could build this project is to be misinformed on the requirements of the work. It seems to me that if we are presenting this to the Court, Section 1 and Section 2 of the amendment, we should also include Section 3 and Section 4.

Mr. BROOKS of Cumberland: Mr. President and members of the Senate: At the risk of offending my good friend, the Senator from Waldo, Senator Cole, I would like to make a few remarks concerning this problem. I will also say that on questions of law I do not want to tangle with the great legal minds in this body in an attempt to clarify the legal aspects of this problem. However, I have before me a communication that reflects the thinking of prominent attorneys in the Portland area. I would like to quote in part from this opinion from these attorneys which refers to the first part of the order.

"The Constitution provides that when a perfect initiative petition is presented to legislature, the legislature shall pass the law petitioned for without variation or allow it to go under the terms of the petition to a referendum."

The Secretary of State has validated the petitions presented to him so the initiative petition is in order. Now when we discuss the cost estimates that Senator Cole of Waldo elaborated upon a few minutes ago, I would like to say that in this present order he has presented, he has given the opinion of the Highway Commission which most of us respect quite highly. On the other hand I have received from my colleagues the opinion of an engineer who has a great deal of experience in this type of work and who satisfied me that the estimates stated in the petition are sufficient to build this causeway and bridge.

To confuse you further, perhaps, the problem is how to construct; what to construct with, and that is where the difference of opinion has come in. In the type of construction, the cost as far as materials are concerned, and the location and so

this area, having been brought up I have had the advantage that I wish more of you had had of sailing in and around these islands in Casco Bay and I am quite familiar with the waters. In my humble opinion, the conclusion of the engineer that also talked to us are correct and accurate, and the bridge and causeway that he proposed are more than sufficient to handle the waters in this particular area and so I am supporting the motion of the Senator from Cumberland, Senator Hinds.

Mr. COLE of Waldo: Mr. President, when the vote is taken, I ask for a division.

Mr. FARRIS of Kennebec: Mr. President and ladies and gentlemen of the Senate: It seems to me that we do have a problem here which should be attacked from the practical point of view.

As has been mentioned, the citizens in this area that are so much interested in this area have on two occasions obtained signatures to have this proposition submitted to a referendum. Two years ago their petitions failed by a very slim margin for the lack of valid signatures, so they again went out most courageously. It is not an easy job to cover the state and obtain the necessary valid signatures in order to initiate a referendum.

Now we have before us at this session of the legislature, upon the recommendation of the Constitutional Commission which was created two years ago, a proposed amendment to the Constitution which would specifically prohibit an initiated referendum for the purpose of creating a bond issue. As a practical matter, let us assume that the Highway Commission has correct and accurate information and that there are not sufficient assets within the limits of this bond issue to finance the construction. What is going to happen? This matter must go out to a bid, and certainly if there is no bid submitted within the limitations of this bond issue then the bridge cannot be constructed.

Now there also is a legal doctrine and this again is practical, I am thinking of individual rights, and it is known as estoppel. For example,

if I were to build a home and Senator Cole and myself had adjoining parcels of land, and in constructing my foundation I encroached upon Senator Cole's land and he was there, watched the construction and saw me do it and then after I had completed my home at considerable expense, he should come along and say, "I am sorry; you have got to tear that building down; you have built it partially on my land." Now the doctrine of estoppel is this: That if a person sits idly by, does nothing and then comes forward with a proposition, legally, that would be damaging to that individual, he is estopped from coming into court and seeking anything more than nominal damages.

Certainly there is not going to be any cost attached to this referendum going to the people, because I don't think it would take much of a prophet to state and be reasonably accurate to state that there is going to be an issue or two submitted to the people of Maine before the 102nd legislature convenes, both in regard to bond issues and constitutional amendments. And I submit that I might vote against the bond issue, as a citizen, if I were voting, but I submit that it is unfair and unconscionable for us at this late date to say to the people in that area that they should not have the opportunity to have this matter submitted to the people of the State of Maine for a vote. Then let the natural course of events follow and nothing can happen except that if there is not a bid within the limitations of the bond issue to construct the bridge, then the bridge will not be constructed.

So I heartily support and endorse the motion of the Senator from Cumberland, Senator Hinds, to indefinitely postpone this order.

Mr. CRAM of Cumberland: Mr. President, I would certainly endorse the thinking of Senator Farris. These petitions were obtained after a great deal of work, and it has been said that it is not the first petition that was circulated. Petitions were circulated two years ago and many more signatures were obtained. Unfortunately there was a

very heavy election and they failed to have enough signatures.

Not only that but the proposal has been before the legislature at least twice before that time — as long ago I think as 1955. I came down here with a large group of people from Chebeague Island asking for a study of the proposal by the Highway Department. It seems only fair after these petitions have been circulated and accepted by the House and Senate, with a sufficient number of names, that the thing should go to the voters.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, very briefly, I would like to submit that if the Senate would go along in the indefinite postponement of this order, we, the members of the Cumberland County delegations would be glad to sit down with Senator Cole of Waldo to iron out our differences and perhaps writing up Numbers 1 and 2 and leaving out 3. Another reason that I rose was to point out that I have been to several meetings at which testimony has been given on the construction of this bridge and that I have talked water conditions and the height of water and the amount of force that water has on various breakwaters in other areas. The engineer who gave the testimony which resulted in these astronomical figures and I differ greatly on water conditions. Now he spent one day there and I have spent my life around those waters. He was talking about the kind of surf you get at Old Orchard Beach or around the sea wall or along the rockbound coast of Maine right out on the water. We are talking about a protected area and as Senator Brooks has said, that is where the difference is. You don't have to construct as big a causeway, as broad a causeway as they say. There is a contractor who has said that he can do it, and his construction and the things he has built are a good idea that he knows what he is doing. He is one of the finest in the state of Maine.

I would like to be the fourth Senator from Cumberland County to say that I hope this is indefinitely postponed.

Mr. COLE of Waldo: Mr. President and members of the Senate, it seems to me that we are getting off course a little bit. The question before us is on the constitutionality of the four questions to be presented to the Court. Now once this forenoon we already decided a bill on the constitutionality. This is all I am asking. If Item 1 and 2 are good questions, my only question is, why aren't 3 and 4?

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Hinds that the Order be indefinitely postponed. A division has been requested.

A division of the Senate was had.

Seventeen having voted in the affirmative and thirteen opposed, the motion prevailed and the Order was indefinitely postponed.

The President laid before the Senate the 9th tabled and today assigned item (H. P. 346) (L. D. 501) Bill, "An Act Classifying Certain Tidal Waters in Hancock County"; tabled on May 9 by Senator Ferguson of Oxford pending enactment; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

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

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

The President laid before the Senate Item 6-10, House Reports from the Committee on Public Utilities: Majority Report, Ought to Pass as Amended by Committee Amendment A; Minority Report, Ought to Pass as Amended by Committee Amendments A and B; on Bill, "An Act to Incorporate the Baileyville Water District" (H. P. 972) (L. D. 1411) tabled earlier in today's session by Senator Philbrick of Penobscot pending his motion to indefinitely postpone House Amendment A.

Mr. PHILBRICK of Penobscot: Mr. President, with downcast eyes and humble mien I confess my pre-

vious unsullied record for accuracy has today acquired a small irregular black mark. In other words, I made a mistake and rather a big one. What I did was to confuse House Amendment A and Committee Amendment B, so I will be more than happy if this Body will pass the bill with Committee Amendment A and House Amendment A in concurrence with the other body.

Mr. Philbrick of Penobscot was then granted permission to withdraw his motion to indefinitely postpone House Amendment A, and the bill was tomorrow assigned for second reading.

---

On motion by Mr. Edmunds of Aroostook, the Senate voted to take from the table the 66th tabled and unassigned item (H. P. 141) (L. D. 193) Resolve Appropriating Funds for the Block House at Fort Kent, tabled on May 9 by Senator Edmunds pending adoption of House Amendment A; and on further motion by the same Senator, House Amendment A was adopted, and the bill was tomorrow assigned for second reading.

---

On motion by Mr. Edmunds of Aroostook, the Senate voted to take from the table the 14th tabled and unassigned item (S. P. 322) (L. D. 988) Senate Reports from the Committee on Labor on Bill, "An Act Exempting Firemen from Waiting Periods under Workmen's Compensation Act"; Majority Report, Ought to Pass as Amended with Committee Amendment A; Minority Report, Ought Not to Pass, tabled on March 26 by that Senator pending acceptance of either report; and that Senator yielded to Mr. Stitham of Somerset.

Mr. STITHAM of Somerset: Mr. President and ladies and gentlemen, I am not interested in this particular bill for any other reason than the fact I believe it is poor legislation. If you will read it as it is before you now you will see that it is a breakdown or an initial step in the breakdown of the Workmen's Compensation Law. As you all know, the first seven days of disability is not compensable un-

til there has been a certain period that the disability has existed. That applies to all workmen under the Workmen's Compensation Law. Now this particular one — and for what reason I cannot understand — as I understand it was made to apply to firemen, but it has been watered down to include a special class of firemen, members of call for volunteer firefighting departments. I do not know the definition of "call" men, but certainly volunteer firefighters are not employees under the act and therefore are not covered by the Workmen's Compensation Act, so this bill would be meaningless. For that reason alone, I think it is poor legislation.

Secondly, I have heard no compelling reason why this particular class should be exempted more than any other employees in the state. I feel certain that if the opening wedge is made and we make an exception on this we are going to be flooded by everyone who can come in in good conscience and say, "We want this exemption too." For that reason, and without going into it any further, I move the indefinite postponement of the amendment and the bill.

The PRESIDENT: The Senator from Somerset, Senator Stitham moves indefinite postponement of the amendment and the bill.

The motion prevailed and the bill and amendment were indefinitely postponed.

---

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 52nd tabled and unassigned item (S. P. 542) (L. D. 1468) Bill, "An Act Relating to Power of Eminent Domain of Maine State Park and Recreation Commission"; tabled on May 1 by Senator Farris of Kennebec pending motion by Senator Lovell of York to recede and concur.

Mr. FARRIS of Kennebec: Mr. President, just so that no one will gain the impression that I am trying to put something through here quickly I will explain that this could not be tabled and moved along until we had enacted another tabled item which we have done today. Now this is able to go on its way

and I move the pending question of Senator Lovell of York that we recede and concur.

The motion to recede and concur prevailed.

On motion by Mr. Philbrick of Penobscot, the Senate voted to take from the table the 58th tabled and unassigned item (H. P. 310) (L. D. 409) House Report from the Committee on Public Utilities on Bill, "An Act Providing for the Formation of Sanitary Districts"; the report being to refer to the 102nd Legislature; tabled on May 7 by that Senator pending acceptance of the report.

Mr. PHILBRICK of Penobscot: Mr. President, ladies and gentlemen of the Senate, it was the unanimous report of the Public Utilities Committee to refer this matter to the 102nd Legislature, and it was based on a number of reasons. 1. The bill was the result of a Legislative Research Survey. The survey was sponsored by people interested in controlling pollution and by the cities and towns. It is very important that they have a workable statute.

2. The bill was printed so late that few people had a chance to study it before it was in the legislative process. After it was in the process there was insufficient time to do the work that needed to be done.

3. This proposal is an unusual type of administrative procedure which would be most difficult to make work in the sewerage field, as opposed to the fact that it would work in some areas such as education.

4. The method of establishing the district by local vote is archaic and needs complete rewriting.

5. The procedure for the finding of convenience and necessity, which is the prerequisite of establishing the district is extremely complicated and difficult to follow. Such procedure is unnecessary and there is no need for a finding by anyone except the local community.

6. The method of providing for the trustees is completely unwork-

able, and the proposed amendment, H-327, does not sufficiently clarify the procedure.

7. The powers of eminent domain and the appeal procedure for damage claims are not in the best interests of either the district or the claimants.

8. The bonding procedure is complicated to an extreme.

9. The rate structure formula is too narrow and has no capital reserve fund provision.

10. The method of collecting delinquent service charges is almost completely in effect for any serious non-payment situation.

11. There is no provision for close coordination between the community and the district in their public works operations.

12. This legislation is necessary and is in the best interests of the State. The big problem is trying to rewrite the bill to make it workable. Reference to the 102nd Legislature provides this time and is a far better solution than turning the bill down at this stage. To accept the bill in its present form with the House amendment would be to provide an unworkable piece of legislation, which is a disservice to the cities and towns confronted with serious pollution abatement problems. Therefore, Mr. President, I move the adoption of the committee report in non-concurrence.

The motion prevailed and the report of the committee was accepted.

On motion by Mr. Cram of Cumberland, the Senate voted to take from the table the 68th tabled and unassigned item (S. P. 296) (L. D. 869) Bill, "An Act Relating to Extending Time on Attachments of Real Estate"; tabled on May 9 by that Senator pending assignment for second reading; and on further motion by the same Senator the bill was tomorrow assigned for second reading.

On motion by Mr. Edmunds of Aroostook

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