

MAINE STATE LEGISLATURE

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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

Wednesday, May 22, 1963

Senate called to order by the President.

Prayer by Rev. Royal Brown of Gardiner.

On motion by Mrs. Sproul of Lincoln, the Journal of yesterday was read and approved.

House Papers

Non-concurrent matter

Divided Report

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

Report "A" — Ought to Pass

Report "B" — Ought Not to Pass

In Senate, May 10, passed to be engrossed.

Comes from the House, Report "B" — Ought not to pass accepted in non-concurrence.

In the Senate, on motion by Mr. Brown of Hancock, the bill was tabled pending consideration and especially assigned for later in today's session.

Communication

STATE OF MAINE
HOUSE OF REPRESENTATIVES
Office of the Clerk
Augusta

May 21, 1963

Hon. Chester T. Winslow
Secretary of the Senate
101st Legislature
Sir:

The Speaker has appointed the following Committees of Conference on the Disagreeing Actions of the two branches of the Legislature on: House Joint Order relative to Search and Seizure Bill to be Reported by Judiciary Committee (H. P. 1081)

Messrs: KNIGHT of Rockland
BERMAN of Houlton
CHILDS of Portland

Bill, "An Act Providing for the Formation of Sanitary Districts." (H. P. 301, L. D. 409)

Messrs: BERRY of Cape Elizabeth
WELLMAN of Bangor
BRAGDON of Perham

Bill, "An Act to Create a Mount Desert Island Regional School District." (H. P. 475, L. D. 678)

Messrs: BENSON
of Southwest Harbor
BREWER of Bath
GILBERT of Eddington

Bill, "An Act Authorizing Forest Commissioner to Permit and Regulate Dredging in Great Ponds." (H. P. 1015, L. D. 1469)

Messrs: WATERMAN of Auburn
WILLIAMS of Hodgdon
SAHAGIAN of Belgrade
Respectfully,
Clerk of the House

Which was read and placed on file.

Committee Reports — House

Ought to Pass — As Amended

Resolve, in Favor of Margaret Sinclair of Windham. (H. P. 424) (L. D. 577) reported that the same Ought to pass as amended by Committee Amendment "A" (H-369)

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

Committee Reports — Senate

Conference Committee Report

The Committee of Conference on Bill, "An Act Relating to Operation of Retail Store and Restaurant Prior to Application to Sell Malt Liquor." (H. P. 826) (L. D. 1213) reported that the Senate recede from its action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A", and recede from its action whereby Senate Amendment "A" was adopted, and adopt Conference Amendment "A" to Senate Amendment "A" and Adopt Senate Amendment "A" as amended by Conference Amendment "A" thereto; and pass the Bill to be Engrossed as Amended.

The House recede from its action whereby the Bill was Indefinitely postponed; accept Report "A", Ought to pass, and pass the Bill to be engrossed as amended by Senate Amendment "A" as amend-

ed by Conference Committee Amendment "A" thereto.

On motion by Mrs. Christie of Aroostook, the bill was tabled pending acceptance of the report and especially assigned for later in today's session.

Ought to Pass — As Amended

The Committee on Industrial and Recreational Development on Bill, "An Act Relating to the Department of Economic Development Advisory Council." (S. P. 578) (L. D. 1533) reported that the same Ought to pass as amended by Committee Amendment "A" (S-247)

Which report was read and accepted; Committee Amendment "A" was read and adopted, and the Bill, as amended, read once and tomorrow assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Relating to Exempting from Property Tax Pleasure Boats in the State for Storage." (H. P. 1092) (L. D. 1567)

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

House — As Amended

Bill, "An Act Relating to Minimum Salaries for Teachers." (H. P. 634) (L. D. 890)

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

Bill, "An Act Relating to Definition of "Hotel" Under Liquor Law." (H. P. 299) (L. D. 393)

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

Enactors

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

Bill, "An Act Relating to Allocating Moneys from Organized Township's Fund for Managing Public Reserved Lots in Plantations." (H. P. 1037) (L. D. 1503)

Bill, "An Act to Determine Liability and Responsibility of Drivers of Fire Apparatus." (H. P. 736) (L. D. 1065)

Bill, "An Act Relating to Extending Time on Attachments of Real Estate." (S. P. 296) (L. D. 869)

Bill, "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements." (S. P. 283) (L. D. 797)

Which Bills were passed to be enacted.

Orders of the Day

The PRESIDENT: With reference to Resolve Appropriating Money to Promote and Advertise Maine's Ski Business, the Chair appoints as Senate conferees on the Committee of Conference, Senator Porteous of Cumberland, Senator Brooks of Cumberland and Senator Marden of Kennebec.

Mr. LOVELL of York: Mr. President, might I inquire if L. D. 1364 is in the possession of the Senate?

The PRESIDENT: It is, having been held at the request of the Senator from York, Senator Lovell.

Mr. LOVELL of York: Mr. President, I move that the Senate reconsider its former action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from York, Senator Lovell, moves that the Senate reconsider its former action whereby it passed to be engrossed, Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays".

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I think you know the reason for this and I would ask for a division.

The PRESIDENT: All those in favor of the motion will rise and stand in their places until counted.

Mr. WHITTAKER of Penobscot: Mr. President—

The PRESIDENT: The Senator is out of order. A vote is being taken.

A division of the Senate was had.

Eight having voted in the affirmative and twenty-two opposed, the motion to reconsider did not prevail.

The President laid before the Senate Item 1-1 Divided Report from

the Committee on Taxation; Report A, Ought to Pass, Report B, Ought Not to Pass on Bill, "An Act Creating a Permanent Commission on State Tax and Financing Policy" (S. P. 401) (L. D. 1104) tabled earlier in today's session by Senator Brown of Hancock; and that Senator yielded to Senator Wyman of Washington; on motion by Mr. Wyman of Washington, the Senate voted to insist on its former action (Passed to be engrossed) and ask for a Committee of Conference.

The President laid before the Senate, Item 6-2 Committee of Conference report on Bill, "An Act Relating to Operation of Retail Store and Restaurant Prior to Application to Sell Malt Liquor" (H. P. 826) (L. D. 1213) tabled by that Senator earlier in today's session pending acceptance of the report; and on further motion by the same Senator, the bill was retabled and especially assigned for tomorrow.

The President laid before the Senate the 1st tabled and today assigned item (S. P. 477) (L. D. 1329) Senate Report, Ought to Pass in New Draft same title (S. P. 583) (L. D. 1548) from the Committee on Labor on Bill, "An Act Revising Certain Laws Under the Workmen's Compensation Law" tabled on May 14 by Senator Johnson of Somerset pending acceptance of the report.

Mr. JOHNSON of Somerset: Mr. President and ladies and gentlemen of the Senate: I believe most of you recall that we had before the Labor Committee a few Workmen's Compensation bills, and I will say that some of them were very good but they were way out in left field so far as expenses were concerned and management opposed several of them. We have compromised on all of these bills and have come here with this revision which is L. D. 1548, and it was tabled a week ago so that any of you who would like the opportunity could study it. I will explain exactly what it does. It merely changes two things in the present law. It increases the minimum amount of Workmen's Compensation from \$15 to \$18 per week and increases the maximum amount from \$39 to \$42

per week. It also reduces the waiting period to fourteen days. However I have an amendment here that will increase it to twenty-one days. Management apparently is in favor of the bill and this is their amendment. The labor group is in favor of it, the Industrial Accident Commission believes it is a small step forward. I would now move the acceptance of the "Ought to pass" report of the committee.

The motion prevailed, the report was accepted and the bill read once.

The same Senator presented Senate Amendment A (S-249) 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 2nd tabled and today assigned item (S. P. 596) (L. D. 1563) Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure"; tabled on May 15 by Senator Farris of Kennebec pending passage to be engrossed; and that Senator moved that the bill be retabled until later in the day's session.

Mr. PHILBRICK of Somerset: Mr. President, I was going to request that because of the absence of the Senator from Aroostook, Senator Edmunds, that this be tabled unassigned.

The PRESIDENT: The Chair would inform the Senator from Penobscot, Senator Philbrick, that the Senator from Aroostook, Senator Edmunds will be present Tuesday of next week.

Thereupon, the bill was retabled and especially assigned for Tuesday next.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 157) (L. D. 433) Bill, "An Act Providing for a Full-time Chairman of the Liquor Commission and Increasing the Compensation"; tabled on May 17 by Senator Campbell of Kennebec pending passage to be engrossed.

Mr. CAMPBELL of Kennebec: Just a brief word of explanation: this amendment strikes from the bill the provision that would take the salary from the general fund.

The reason for it is that Liquor Commission's operating expenses are taken out of revenues from the sale of liquor and the provision for payment will be taken care of when the liquor allocation act is passed. In other words, it does not properly belong in this bill but it belongs in one which is now in the Appropriations Committee.

Mrs. CHRISTIE of Aroostook: Mr. President, I simply want to ask the number of the amendment. I did not get it.

The PRESIDENT: The Amendment is S-243. The proposed amendment is an amendment to a Committee Amendment. Is it the pleasure of the Senate to reconsider adoption of Committee Amendment A?

Thereupon, the Senate voted to reconsider its former action where-by it adopted Committee Amendment A; Senate Amendment A to Committee Amendment A was read and adopted; Committee Amendment A as amended by Senate Amendment A.

Mr. PORTEOUS of Cumberland: Mr. President, in order to be able to read these amendments and get them more orderly, I move that this be tabled until tomorrow.

Mr. BROOKS of Cumberland: Mr. President, I request a division on the tabling motion.

A division of the Senate was had.

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

The PRESIDENT: The Chair in behalf of the Senate of this State is happy indeed to recognize a balcony full of students. They are members of the class in Problems of Democracy and American Government from Monmouth Academy here in Kennebec County. They are accompanied by Mr. Stuart Foster and Mr. Manchester Wheeler. We are always pleased to have young people of the state visit with us in the Senate Chamber. We hope you will find the proceedings interesting and educational, although we confess they are often confusing not only to members of the public but to ourselves. We are happy in-

deed to have you here and would like to introduce to you the Senators who represent your county: Senator Campbell, Senator Farris and myself. (Applause)

The President laid before the Senate the 1st tabled and unassigned item (H. P. 624) (L. D. 880) Bill, "An Act Establishing an Insurance Adviser's License"; tabled on February 28 by Senator Farris of Kennebec pending assignment for second reading; and on motion by that Senator, the bill was retabled and especially assigned for later in today's session.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 54th tabled and unassigned item (H. P. 925) (L. D. 1359) House Report from the Committee on Judiciary on Bill, "An Act Relating to Search Warrants"; Ought to Pass in New Draft, same Title (H. P. 1090) (L. D. 1562); and on further motion by that Senator, the report was accepted and the bill read once.

The same Senator presented Senate Amendment A (S-235) which was read and adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 2nd tabled and unassigned item (H. P. 23) (L. D. 47) House Reports from the Committee on Education on Bill, "An Act Relating to Accreditation of Secondary Schools"; Majority Report, Ought Not to Pass; Minority Report, Ought to Pass; tabled on February 28 by Senator Stitham of Somerset pending acceptance of either report.

Mr. STITHAM of Somerset: Mr. President, in view of the Order which was passed yesterday and which orders a study of this subject, I now move acceptance of the Majority Ought Not to Pass report.

The motion prevailed.

The President laid before the Senate the 3rd tabled and unassigned item (S. P. 381) Senate Reports from the Committee on Election Laws to which was referred Joint Resolution on Ratifying the Proposed Amendment to the Constitution of the United States Relating

to the Qualification of Electors; Majority report, Ought to be adopted; Minority Report, Ought Not to be adopted, tabled on March 5 by Senator Edmunds of Aroostook; and on motion by that Senator, the bill was retabled and especially assigned for Wednesday next.

The President laid before the Senate the 4th tabled and unassigned item (S. P. 458) (L. D. 1285) Senate Report, Ought Not to Pass, from the Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Catching of Lobsters by Skindivers"; tabled on March 13 by Senator Reed of Sagadahoc pending acceptance of the report; and on further motion by the same Senator, the Ought not to pass report of the committee was accepted.

The President laid before the Senate the 5th tabled and unassigned item (S. P. 397) (L. D. 110) Senate Report, Ought Not to Pass, from the Committee on Sea and Shore Fisheries on Bill, "An Act Providing a Sports License for Taking Lobsters"; tabled on March 13 by Senator Porteous of Cumberland pending acceptance of the report; and that Senator moved that the bill be substituted for the report.

Mr. BREWSTER of York: Mr. President and members of the Senate: I have a few facts here that I would like to present before this happens.

The Lobstermen's Association has kept the State's second or third largest industry healthy. The lobsterman is not a farmer, not a laborer entitled to State employment benefits and is not protected by federal accident laws, but the lobstermen think they should be recognized as farmers of the sea. They are business men with five thousand to forty thousand dollars invested in boats or gear. They spend where they live, better than 60 per cent of what they earn, to stay in business alone, and the rest in local shops, creating employment for others. The total fishing industry in Maine is a twenty million dollar industry and lobstering accounts for eleven or twelve million dollars of it. By the lobstermen's self-imposed restrictions they have built the industry

up from six million pounds to as high as twenty-five million pounds. The lobstermen should have a voice in legislation on fishing grounds and regulation of traps in Maine.

The skindivers say, "Let us sportsmen have fun," but we do not want lobstering classified as sport. The Maine lobstermen now recognize the value of size restrictions. Also one good Senator in this body spoke when Mrs. Sproul had a delegation in the upper gallery and he gave a much better plea against this skindiving than I have, and I think you all remember when Mrs. Sproul had one of her farm delegations in the gallery. Thank you.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Porteous, that the bill be indefinitely postponed.

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

Mr. CRAM of Cumberland: Mr. President, it was the feeling of the Sea & Shore Fisheries Committee that lobstering is an industry and should be kept an industry, that the lobster fishermen would be better off and that there is no particular gain in making this a sport. If a person who owns property on the coast wishes to consider lobstering a sport he can buy a license and set out a few traps. We do not think anything will be gained by allowing skindivers to catch lobsters.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: In asking for support of this motion to substitute the bill for the report I would like to draw your attention to the nature of the bill.

First of all, it calls for a limit on the catch that any one person could take by skindiving, limiting it to 10. Second, it also limits the number that a person could have in their possession at any one time, such as keeping them in a car — that is a lobster car, not an automobile, for those of you who are from the more inland region — they would have to buy a sports license in addition to the regular lobster license which would be ten dollars on top of the ten

dollars they had already paid for a lobster license. This would go into the Sea & Shore Fisheries fund and would be a help. They are always talking about needing money for research and warden service and the various activities they carry out.

I have lived along the shore all my life and have seen the lobstermen go out. It is a good solid industry. It breeds independent, healthy men. They catch in the neighborhood of twenty-five million pounds each year, which is a sizeable catch, as you can imagine. The estimate of the number of lobsters that would be caught should skindivers again be allowed to catch lobsters is about five thousand pounds. Perhaps it might be double that, it might be ten thousand pounds, it might be even quadrupled in the neighborhood of twenty-five thousand pounds. This is a thousand to one ratio, and I submit to you it is somewhat the same as though this legislature were to pass a bill against raising potatoes in back yards because it would be a threat to Aroostook County and their potato industry, or that it be prohibited that we raise chickens in our back yard because it would be a threat to the broiler industry in the State of Maine, or that we be prohibited from knitting sweaters and baby things at home because it is a threat to the retail industry. Ladies and gentlemen, I think that this prohibition that we passed in the last legislature against skindiving for lobsters is every bit as ridiculous and is every bit as discriminatory against a group that want to catch a few lobsters by skindiving.

Another feature of this bill is it requires the same qualifications for a lobster license that a regular lobsterman has to have: he must be a resident of the state for three years. Further than that, it sets a time limit: only from July 1 to November 30th. This is when the lobsters are hardest to catch and catching lobsters by skindiving is no easy means.

One of the things that has been said against skindivers catching lobsters is that they are suspect in taking lobsters from a trap. This,

of course, would be against the law and all the skindivers that I know, every single one of them, they are a fine group and are law-abiding citizens.

Now I submit to you that in the newspapers you have read about lobster wars and you have heard about mass cutting of tackle and gear, even the sinking of other lobstermen's boats. These men are independent but they also are independent in taking the law into their own hands, so that any infractions you might have in the laws that we already have on our books are unenforceable now. This would not aggravate the situation but would probably help to clear some of it up because they would know just where these men were. We do have, at one stage or another in the legislature, a bill which would require that markers be put down when skindiving was going on.

The Sea & Shore Fisheries Committee voted unanimously against this even though there was a very good sized representation from the skindiving groups and clubs around the state. There were, of course, a good many lobstermen at that time because the boats were not going out so much in February when the hearing was held, but I wish these lobstermen would really more appreciate the work that the skindivers do. They can come along and look under a boat and see if there is anything fouled on the propeller shaft or the propeller. They are people who are in business and in the professions all over the state. We have some of them right here in this chamber, some of the third house are members of this group. They do not try to feed their families all summer on lobsters, they just like to go out and catch a few when they can and if they can. It is not the easiest thing in the world to do. I hope that the Senate would substitute the bill for the report to protect the freedom to catch a few lobsters by a very fine group of people in this state.

Mr. REED of Sagadahoc: Mr. President and members of the Senate: When I was first on the Sea & Shore Committee the first thing I heard was, of course,

the skindivers bill that they had two years ago, and I feel that I approached this bill with a fairly open mind, feeling that the skindivers two years ago had been wronged, and yet I am a signer of the unanimous "Ought not to pass" report and I feel that this report should be upheld here this morning. There were several reasons for that. The first one being, as the President told you two weeks ago, about the lobster industry and its importance in the State of Maine. I know I enjoyed the talk on it and I feel that we should uphold the wishes of the lobstermen, and almost to a man they were opposed to this type of legislation. And, secondly, it was brought out that when conditions are right a skindiver can do pretty well in catching lobsters. I say that conditions have to be probably right, because lobsters have to be fairly close to the shore and they cannot be moving too fast, but if conditions are right I feel they can do pretty well. And, thirdly, it was brought out that enforcement is a problem. I realize that skindivers are all law-abiding citizens, and yet I cannot help but think that when I was eighteen, nineteen or twenty and if I was with a group of fellows and needed some lobsters in a hurry it would be an awful temptation not to go down and take a few out of a trap. I think this can be done. I am probably not as upright a citizen as many, but, after all, you are swimming along and you go down and then you come up with some lobsters. Now who is to say where those lobsters are coming from? Now this is the main gripe of the fishermen; there is no way to enforce it, and this bothers them. I think it is much the same way as if you people inland, if the skindivers could spear trout or salmon, you wouldn't like it, you would say they would have to go back to conventional methods. Last but not least, and I feel this is fairly important and probably in a sense was the deciding factor as far as I was concerned, I am afraid that if this bill were passed someone is apt to get hurt. The Senator from Cumberland, Senator Porteous, has said that the fishermen live

hard, they work hard, and they can fight hard, and they are opposed to this. Maybe if they could give a little bit it could be workable, but I do not see under the conditions that we now have they are willing to do this, and I think that someone is apt to get hurt and I do not like to see this happen. I know that in my own business when an inspector comes along and starts telling me to do this and that, unless there is a good reason behind it I get mad. It is my living; it is the only thing I know, and unless he can show me a good reason for doing it and it is costing me money then I am against it, and I think this is the way the lobstermen feel. I therefore feel that we should support the committee's report on this bill.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: The remarks of the good Senator from Sagadahoc, Senator Reed, disturbed me because I would not like to see anyone get hurt. I think this bill should pass in defiance of those who say that people will get hurt if it passes. I talked to some of the members of this committee who live along the shore, and Sea and Shore Fisheries is made up of people who have a great many lobster fishermen as constituents. Their remarks that their people are definitely against this, that they would vote them out of office if they voted for it, even though that particular Senator or Representative might have served this state admirably and well all the time he was here in Augusta, but on that one vote they would take it out on him at the polls — this is not what I would call good, clean politics, nor is the threat of goonism. We know what goonism is, and if we vote here today with the idea that somebody is going to get hurt, if we vote against this bill with the idea that somebody is going to get hurt by a lobsterman then we are indicting the whole lobstering group as a bunch of goons. I do not think that is fair to them and I do not think that is the American way. I think this freedom should be given back to the people who wish to exercise it in a proper and legal way.

Mr. STILPHEN of Knox: Mr. President, I am going to vote to support the Committee on Sea & Shore Fisheries on this particular measure and I do not feel that by my vote I will be indicting the lobstermen of Maine as goons. I think that if they have the stamina to come to Augusta and suggest to us that we help them protect their industry that they should not be classified as goons if we vote in their favor.

Mr. LOVELL of York: Mr. President and members of the Senate: I feel that I should oppose the substitution of the bill for the report and go with the committee amendment. As you all well know, we have 3500 miles of seacoast in the State of Maine and if this bill is passed the skindivers in getting ten lobsters a day — and they can well do that because I have known of skindivers who have gotten as high as fifty or sixty lobsters a day and are doing it in the wintertime too with the new type of suits that they have — the skindivers in Maine will become greatly more prevalent than they are, and if we build up to a group of skindivers of some three or four thousand skindivers, and I am not sure how many there are at the present time but there are quite a number and they are increasing all the time, and if they catch ten lobsters a day it could well hurt the lobster industry of some 3500 people. Our Sea and Shore Fisheries are doing their best to increase the lobster supply and at times it is really very short, as demonstrated by the prices that we pay for lobsters in the wintertime. Certainly with a great group of skindivers that are diving for lobsters and getting a maximum of ten a day, you multiply this by the number of days they are out, two or three hundred days a year, it would certainly damage this industry and the livelihood of some 3500 lobster fishermen in the State of Maine. So I feel that I must oppose this bill on the grounds of these people that are making a living in this industry, which is not an easy industry, and I hope that the Senate will accept the report of the committee "Ought not to pass."

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Porteous, to substitute the bill for the report. A division has been requested.

A division of the Senate was had.

Eight having voted in the affirmative and twenty-three opposed, the motion did not prevail.

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

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table Item 1 (Page 4) (H. P. 624) (L. D. 880) bill, "An Act Establishing an Insurance Adviser's License"; tabled earlier in today's session by that Senator pending assignment for second reading; and on further motion by the same Senator, the bill was tomorrow assigned for second reading.

The President laid before the Senate the 6th tabled and unassigned item (S. P. 217) (L. D. 526) bill, "An Act Relating to Transfer of Certain Land by the State to the City of Portland" tabled on March 19 by Senator Brooks of Cumberland pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

The President laid before the Senate the 7th tabled and unassigned item (H. P. 541) (L. D. 758) bill, "An Act Amending the Charter of the City of Portland Concerning Election Districts"; tabled on March 19 by Senator Cram of Cumberland pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

The President laid before the Senate the 8th tabled and unassigned item (H. P. 333) (L. D. 460) House Report, Ought to Pass, from the Committee on Inland Fisheries and Game on bill, "An Act to Clarify the State Boating Law"; tabled on March 26 by Senator Stitham of Somerset pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once, House

Amendments A and B read and adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 9th tabled and unassigned item (H. P. 978) (L. D. 1417) bill, "An Act Authorizing the Maine Port Authority to Establish Foreign Trade Zones in Maine"; tabled on March 27 by Senator Edmunds of Aroostook pending passage to be engrossed; and on further motion by that Senator, the bill was retabled and especially assigned for Tuesday next.

The President laid before the Senate the 10th tabled and unassigned item (S. P. 263) (L. D. 1013) bill, "An Act Relating to Allocation of Funds of Soil Conservation Districts"; tabled on March 29 by Senator Harrington of Penobscot pending enactment.

The PRESIDENT: With the approval of the Senator from Penobscot, Senator Harrington, the Senator from Aroostook, Senator Edmunds moves that this bill be placed on the Special Appropriations Table pending enactment.

The motion prevailed.

The President laid before the Senate the 11th tabled and unassigned item (H. P. 242) (L. D. 310) bill, "An Act Classifying Certain Tidelwaters in Lincoln County"; tabled on April 2 by Senator Sproul of Lincoln pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

The President laid before the Senate the 12th tabled and unassigned item (H. P. 907) (L. D. 1315) bill, "An Act Establishing a Division of Foreign Trade in the Department of Economic Development"; tabled on April 3 by Senator Lovell of York pending assignment for second reading; and on further motion by that Senator, the bill was retabled and especially assigned for Monday next.

The President laid before the Senate the 13th tabled and unassigned item (H. P. 194) (L. D. 263) House

Reports from the Committee on Claims on Resolve to Reimburse Town of Woolwich for Loss of Tax Revenue of Property Owned by State. Majority Report, Ought to Pass in New Draft and New Title on Resolve in Favor of Town of Woolwich for Rent of Certain Property Owned by State (H. P. 1026) (L. D. 1487) Minority Report, Ought not to Pass; tabled on April 3 by Senator Hichborn of Piscataquis pending acceptance of either report.

Mr. HICHBORN of Piscataquis: Mr. President, I discussed this with the leadership and in view of the fact that Senator Edmunds of Aroostook will be back next week, I would ask that this matter be retabled until Tuesday next.

The motion prevailed and the bill was retabled and so assigned.

The President laid before the Senate the 14th tabled and unassigned item (H. P. 35) (L. D. 58) House Report, Ought to Pass from the Committee on Inland Fisheries and Game on bill, "An Act Providing for Life Preservers for Boats for Hire"; tabled on April 3 by Senator Stitham of Somerset pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once and tomorrow assigned for second reading.

The PRESIDENT: The Chair is happy to recognize on behalf of the Senate of the State of Maine, seventeen members of the 8th grade of the Glenburn Consolidated School in Penobscot County. They are accompanied by their Principal and teachers, Mr. Morrison, Mrs. Giles, Mrs. Cookson and Mrs. Tobey. They are special guests of Representative Warren Cookson of Glenburn.

We are happy indeed to have you here. We hope that you find these proceedings interesting and that your interest in government may continue to the point where you may wish some day to serve your community in this way. May I introduce to you the Senators from Penobscot County: Senator Harrington, Senator Philbrick, Senator Whitaker and Senator Atherton who happens to be absent at the moment.

We are happy to have you here.
(Applause)

The President laid before the Senate the 15th tabled and unassigned item (H. P. 283) (L. D. 377) House Report, Ought to Pass from the Committee on Inland Fisheries and Game on bill, "An Act Relating to Equipment and Safe Operation of Boats"; tabled on April 3 by Senator Stitham of Somerset pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once and tomorrow assigned for second reading.

The President laid before the Senate the 16th tabled and unassigned item (S. P. 189) (L. D. 488) Senate Report, Ought Not to Pass from the Committee on Sea and Shore Fisheries on bill, "An Act Repealing the Regulation of Herring for Canning Purposes from December 1st to April 15th"; tabled on April 5 by Senator Wyman of Washington pending acceptance of the report; and on further motion by the same Senator, the report was accepted.

The President laid before the Senate the 17th tabled and unassigned item (S. P. 190) (L. D. 489) Senate Report, Ought Not to Pass, from the Committee on Sea and Shore Fisheries on bill, "An Act to Extend the Sardine Canning Season"; tabled on April 5 by Senator Wyman of Washington pending acceptance of the report; and on further motion by the same Senator, the report was accepted.

The President laid before the Senate the 18th tabled and unassigned item (S. P. 102) (L. D. 239) Senate Report from the Committee on Industrial and Recreational Development on bill, "An Act to Create the Maine Recreational Facilities Authority Act"; Majority Report, Ought to Pass; Minority Report, Ought Not to Pass; tabled on April 10 by Senator Noyes of Franklin pending acceptance of the report.

The PRESIDENT: The Chair notes the absence of the Senator from Franklin, Senator Noyes. Is it the pleasure of the Senate that the bill

be tabled and especially assigned for Monday next?

The bill was so tabled and assigned.

The President laid before the Senate the 19th tabled and unassigned item (S. P. 548) (L. D. 1480) bill, "An Act to Increase the Salaries of Certain Department Heads Elected by the Legislature"; tabled on April 10 by Senator Edmunds of Aroostook pending passage to be engrossed.

Mr. BROOKS of Cumberland: Mr. President, I have cleared this with Senator Edmunds of Aroostook and I now move the pending question.

Thereupon the bill was passed to be engrossed.

The President laid before the Senate the 20th tabled and unassigned item (S. P. 223) (L. D. 607) Senate Report, Ought Not to Pass from the Committee on Appropriations and Financial Affairs on bill, "An Act Providing for Pilot Study of Forest Land Valuations"; tabled on April 12 by Senator Johnson of Somerset pending acceptance of the report.

Mr. JOHNSON of Somerset: Mr. President and members of the Senate, I believe you all know that this particular bill calls for a study of the valuation of forest lands on the basis of their productivity. In 1953 a law was enacted by the legislature whereby the tax on forest lands would be based on that premise. However, regardless of the law, it was not enforceable, because at that time there was not enough means and methods and records, so to speak, of all these forest lands that could be used in the determining of a sound basis for this particular tax.

I guess you have all read this particular bill. I have spoken to members of the Appropriations Committee of the Senate, and I have an amendment to the bill. The original bill calls for an appropriation of \$25,000. There are interested foundations and non-profit organizations who would like to further the cause of this study over the next two years. The amendment that I will present if this report is accepted is a reduction in the

amount of \$25,000 to \$5,000, providing that the funds shall be appropriated only and when other funds become available from non-profit organizations in the amount of not less than \$5,000. It would seem to me, where we have heard so much about federal matching funds at this time that here is a chance where we might have a chance to get some private matching funds.

The reason that the state must initiate something like this is that none of these private organizations or foundations would go in for this unless it was the intention of the Legislature to start a study of this type. This money will not be spent unless there is an equivalent amount coming to match this particular fund. I have not spoken to the House members of the committee as yet but I plan to if I can substitute the bill for the report and have it accepted. This is a good study, and I think you will agree that a sincere and profound effort has been made to not charge the state for this study, whereas there are many studies that go down the drain and the moneys are dissipated. In this case someone at least has a chance to come up with something to match something for a good purpose. At this time, Mr. President, I would move that we substitute the bill for the report.

Mr. CAMPBELL of Kennebec: Mr. President and members of the Senate: I have discussed with the House members of the Appropriations Committee the proposed amendment and their feeling still is as it was to the original bill, that they do not favor the making of a study. Of course we are always at a disadvantage. We hear a bill that calls for \$25,000 and then when we take a stand on it and feel that it is not economically sound the thing is watered down and we are supposed to go along on it in the lesser amount. Five thousand dollars certainly is not going to break the state and certainly the idea of a contribution by somebody else does have an appeal, but we certainly do have to establish a policy. Are we going to keep having these study committees or not and are we going to keep watering them down to a point where the resistance of the

Appropriations Committee is worn away? It seems to me that this is a program that has already been proven. I do not think that anybody questions today that forest lands should be evaluated and taxed on the basis of productivity. Again, it seems to me, and I think it does to the committee, that here is an attempt made to give some public acceptance to something and to study it again, all to the end that it may be accepted at another session, when people will be a little more weakened and willing to accept it just because it has been studied.

The real purpose of the bill, as stated in the last few lines, is to seek out and solve the problems that may be encountered in a change to tax valuation according to forest land productivity, and apparently certain of the towns and cities are not amenable to this method of valuation, and we feel that this is simply an attempt made to foist it onto them.

Mr. JOHNSON of Somerset: Mr. President and ladies and gentlemen of the Senate: As you all recall, there is a law that says that forest lands shall be taxed on the basis of productivity, but as far as I can figure out it is a joke, because they have no means or methods whereby they can tax on productivity, because very few assessors in any town or in any area have the slightest idea what the growth is or a fair means of taxation on the growth of these timberlands. It would seem that if you are going to not vote for something of this type, especially when it is being supported by other groups, it would seem that you should repeal the present law that is now on the books and that is not workable. I have spoken to several assessors and selectmen in several towns and they agree that the woods are cut in any manner that the operator desires. He has no feeling that the woods should be preserved and should be cut on the basis of his tax. I think several of you folks here have woodlots and they grow haphazardly and when you want to cut them you do, but if you were taxed on the amount of growth on that woodlot

it would be obvious that you would use it to its best utility. I think you will all agree that Maine is probably more dependent on its forest lands than any other thing that we have. It is one of our biggest industries in the state.

When the vote is taken I would request a division.

Mr. CRAM of Cumberland: Mr. President, I rise in support of the motion by Senator Johnson. I think it was recognized in the Sly report that the forest lands in the incorporated areas were very generally over-assessed. I have been a local assessor in my town, which is fairly close to Portland, and even that close to Portland the assessments on the forested area are pretty unrealistic. A piece of land that lies back half a mile from the main road with nothing but a track leading to it has no more value ten miles from Portland than it has a hundred miles from Portland in my opinion, and it should be based on the amount of growth that it is yielding until such time as it can be developed.

I have acted as a County Commissioner in some appeals where forest lands were included. I found that in the town of New Gloucester they followed a rule that no land should be assessed at less than ten dollars an acre. Since they are assessing on a basis of 25 per cent, that meant that they considered forest lands that have been cut off cleanly, lying back a mile from the highway as worth forty dollars an acre. On what basis I do not know. There must have been mineral reserves or something under that land.

I certainly think that this study is well taken, in fact I would go for the whole \$25,000, but if \$5000 will induce somebody else to put some money into it I think it is wonderful.

Mr. CAMPBELL of Kennebec: Mr. President and members of the Senate: Just one brief word. I think we ought to stick to the point here. The point is not whether forest lands should be taxed and valued on the basis of productivity. That has been proven, there is no question about that and nobody doubts

that there are the inequities that the Senator from Cumberland, Senator Cram, has indicated. The whole question is: Are we going to spend \$5000 to restudy something that has already been determined and are we going to have the State Tax Assessor and the Forest Commissioner and the University of Maine study it. It seems to me that if they want to study it they can do it without a special appropriation.

Mr. JOHNSON of Somerset: Mr. President and members of the Senate: I beg your indulgence for speaking for the third time but I would like to read a quotation from a newspaper, by Albert D. Nutting of the University of Maine Forestry School. He says, "The fact that the 1953 law calling for timber taxation on the basis of productivity has never been used shows that the tolls needed for doing the job have never been provided to town assessors."

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Johnson, to substitute the bill for the report. A division has been requested.

A division of the Senate was had.

Sixteen having voted in the affirmative and fourteen opposed, the motion prevailed, the bill was substituted for the report and read once.

Mr. Johnson of Somerset presented Senate Amendment A and moved its adoption. (S-246)

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

The PRESIDENT: The Senate has been proceeding well this morning and it might be well if we take a five minute recess, but before doing so, certain recognitions should be made. In the Senate Chambers, we are happy to recognize an Oak Grove School class in U. S. History. We hope that your interest in that subject may be reflected in your visit here today. These students are accompanied by Instructors Dr. and Mrs. Whitehead and a gentleman by the name of Robert Owens who is a former Kennebec

County Senator whom we are happy to recognize.

The Chair would also like to recognize the good wife of Senator Edmunds of Aroostook. Joyce Edmunds would you stand up please and be recognized? (Applause.)

Senate at Recess

Senate called to order by the President.

The PRESIDENT: Before proceeding with the calendar, the Chair would like to recognize in the Chambers, 45 8th grade students from Pemetic Junior High School in Southwest Harbor. They are accompanied by their teachers Eugene Theriault and Dwight Perkins, and several parents. The students are the guests of Representative David Benson of Southwest Harbor. We have two Senators of course in this Chamber who represent your area. Senator Brown and Senator Kimball. Would you please rise gentlemen?

You have been witnessing what we might call a cleaning up process in the business of the legislature. On the calendar, and I notice that each of you has a copy, there are some 60 bills which have been placed on the table, laid aside temporarily during the legislative process and we are going through the list one by one and disposing of them one way or another. This is the procedure which normally takes place within the last month of the legislative session and while it may seem confusing to you it is very definite and positive action on the part of the Senate to dispose of these bills. We hope that you may notice by the debate on each one some general feeling as to what is taking place. We hope also that your interest may continue not only in this government but in your local town government and that some day you may participate yourselves. We are happy indeed to have you here.

The President laid before the Senate the 21st tabled and unassigned item (S. P. 218) (L. D. 527) Bill, "An Act Relating to Transfer of Certain Land to the State by the City of Portland"; tabled on April 12 by Senator Edmunds of Aroos-

took pending passage to be engrossed.

Mr. BROOKS of Cumberland: Mr. President, ladies and gentlemen of the Senate, I have discussed this item with Senator Edmunds of Aroostook and he has authorized me to remove this from the table and move the pending question.

Mr. WHITTAKER of Penobscot: Mr. President, might I ask that we be advised of the Committee report on this bill which in effect would transfer the Portland municipal airport to the state?

The Secretary read the status of the bill.

Mr. WHITTAKER of Penobscot: Mr. President, as Chairman of the State Government committee and as a signer of the Minority Ought to Pass report, I want to reiterate my position that I am still in favor of this bill. I call this to the attention of the Senate since it is a matter of major importance.

Mr. CYR of Aroostook: Mr. President, I move the indefinite postponement of the bill and ask for a division.

Mr. BROOKS of Cumberland: Mr. President, ladies and gentlemen of the Senate, this bill is a companion bill to one that we passed to be engrossed earlier in the session. The first bill passed to transfer certain lands to the state and this bill would transfer to the state the entire personal property and real estate of the airport of the city of Portland. As I have said earlier and at the risk of repeating myself, I would like to say that the concept of regional airports in the State of Maine, I think is accepted by most, and I am personally of the opinion that Portland being the aerial gateway to Maine is the logical place from which to start in this development of the regional airport concept. Therefore I agree with the Senator from Penobscot, Senator Whittaker in his statement that this is a major problem, a major question before us and that we should get on with this development of airports in the State of Maine by accepting the Portland municipal airport as a state owned and operated airport.

Therefore, I naturally rise in opposition to the motion of the Sen-

ator from Aroostook, Senator Cyr, for indefinite postponement.

Mr. CYR of Aroostook: Mr. President and members of the Senate, I still believe it would be a bad move on the part of the State of Maine to accept ownership of this airport. I have no objection on the part of the State of Maine to use or raise funds for the development of the airport but under the formula that we have today of fifty percent from the federal government, twenty-five percent from the state and twenty-five percent from the city, they can still proceed with the development of this airport. But as soon as the state assumes ownership of this airport, you are going to see the airport business at Portland go in the red instead of in the black as it is now.

The question is not so much of whether or not we should improve our air service in Maine. I am heartily in favor of that but I do not believe that this is the proper procedure. Since 1957 the air service in Maine has been going from bad to worse. The number of flights has been decreased. I see in today's paper where the Northeast has agreed to increase certain flights in certain areas. I think that is the proper step. Certainly we should be encouraging the carrier today for doing that. Before we commit the State of Maine to a ten million dollar project, I think we should look further into trying to improve the services that are now available. That should be our approach. There is no need to go to a large expense not knowing whether the flight schedule will be improved. At the hearing on another bill in regard to this the President of Northeast mentioned that even with the area airport at Sidney—I was not going to mention it but I think it is tied up with this one—the President of Northeast Airlines mentioned that even if we were to develop an area airport at Sidney he couldn't guarantee better service than what we are now getting.

I think it is false economy for us to expect the State of Maine to put in an expenditure of approximately ten million dollars and then turn around and give this to a carrier which is nearly bankrupt. I am not speaking out of school. Ev-

erybody knows that. If it is to improve our air service in Maine, if it necessitates a change of air carrier, then I am all for it but I don't believe the State of Maine should assume ownership of this airport.

Mr. BROOKS of Cumberland: Mr. President, ladies and gentlemen of the Senate, in reply to the remarks made by Senator Cyr of Aroostook, I would say that air travel, air transportation is here to stay in this country and it is here to stay in the State of Maine. The economic development of the State of Maine, the recreational development of the State of Maine is tied in very closely to air travel. I am sure you will all agree with me on that point.

I think you will also agree that Portland is the aerial gateway to the State of Maine. It is not our fault. As I said before Portland is located geographically where it is. It is there, and as such it is an important adjunct to the development of Maine in every way, shape and manner. To say that the State of Maine is going to get a red herring so to speak when it buys this airport, is nonsense. This airport is a multi million dollar operation. I don't say in jest, I say quite seriously that the city of Portland is offering it for one dollar. The state may spend or may not spend any amount of money on the airport. The state may develop the airport now or in the future. I remind you, ladies and gentlemen, that that is entirely within the discretion of future legislators.

The airport at this time is operating at a profit and so the state would not be picking up a liability in any way, shape or manner. If Northeast Airlines is not going to supply transportation to the State of Maine, I am sure an airline will as I am sure you are aware.

I honestly and sincerely believe that we should, to help the economic and recreational future development of this state, we should at this time accept this airport as a state asset.

Mr. LOVELL of York: Mr. President and members of the Senate, I might say that I signed the Ought to Pass report as I did two years ago, with the feeling that an improved airport in Portland was

necessary because not only does it serve Cumberland County but it serves York County, Sagadahoc and Oxford and surrounding areas by people going to Portland to fly out of Maine, or into Maine. In the summertime there are some fifteen thousand people each month that use this airport and certainly it is a necessary facility for the southern part of Maine which is the most populated section of Maine.

The cost of improving this airport is not, I believe, ten million dollars. The figure I heard was to make it possible for jets to land and the amount was three million dollars. However, the city of Portland feels that the twenty-five percent necessary for them to put in with their present high taxes for an area airport is such that they cannot afford to put more money into the airport, and in the last two years I think they have put in little or nothing, and if this airport is to be improved it must be taken over by the state. Since it must be or should be taken over by the state, being an area airport, Portland airport is the only airport of an area basis in New England that is not owned by the respective states.

I feel that Maine — I probably shouldn't go along with the Cumberland County delegation this morning — but I feel that Maine should have this area airport nevertheless. I hope that the motion to indefinitely postpone does not prevail.

Mr. CYR of Aroostook: Mr. President, I would like to remind the Senators that if they vote in favor of this, they are committing future budgets of the State of Maine to pick up the tab, the complete tab on any development that will occur in this project. If the city of Portland doesn't see the benefits that are derived from an airport, and is not willing to share twenty-five percent of the cost, I say they don't deserve an airport.

It is not that I am against air service. I should be the first one to be fighting for it, living 400 miles away, I should be and I am very much interested. But in this, apparently we have to bring in the area airport development argument into this debate. I would think that

it would be a lot sounder for the State of Maine to have a federally subsidized trunk line into the State of Maine and then if the State of Maine wants to further develop its air service, let the State of Maine put some money into state subsidies for some of the small airports, some of the feeder lines to this trunk service. I think that would be the logical approach to this service.

Now the good Senator from Cumberland keeps referring to Portland as the "gateway to Maine". I'd like to know if it is the gateway in or the gateway out and if it is the gateway out, well certainly it takes a lot of steam from his arguments.

I hope that my motion to indefinitely postpone will prevail.

Mr. HINDS of Cumberland: Mr. President, ladies and gentlemen of the Senate, I might just correct one or two figures that have been mentioned here this morning. The relocation of the runway which I have been close to, since it was involved with the State School for Boys, the costs that were quoted to us by the F.A.A. and the state aeronautics people was one million dollars for moving the present runway around for a five thousand foot runway, and two million dollars for the seventy-five hundred foot runway that they might eventually need in Portland. Of this the federal government would pay fifty percent of the cost if the state owned the airport.

I would hope that you would all go along with the motion of the Senator from Cumberland, Senator Brooks, and pass the bill and send it over to the other body.

Mr. CRAM of Cumberland: Mr. President, in reply to Senator Cyr's question as to whether Portland is the gateway in or the gateway out, I believe it is both a gateway in and a gateway out. When they come in they bring their money and leave it in Maine and then they leave. After they've left their money, why should we care whether they leave or not?

There is no question but what this airport serves a large area. It serves York County, Oxford, Cumberland County and other counties down the coast. It is only about thirty miles down Route 95 to

Sagadahoc. This airport is closely located to the Maine Turnpike and certainly is a distributing point for many people coming into the state. We have a state airport here in Augusta. The Portland airport serves a much larger population than the Augusta airport serves.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, I want to state publicly that this proposal has support from other areas of the state than the southern area. I want to repeat my previous testimony on behalf of this bill and express the hope that the motion to indefinitely postpone by the Senator from Aroostook, Senator Cyr, may not prevail.

There is a larger issue involved here than simply the Portland municipal airport. I think it is high time that the people of the State of Maine, whom we represent, realize that without adequate public transportation, this state will continue to lose in the areas of economic development, industrial development recreational development. It is imperative that we do something constructive about our public transportation system.

Our newspapers this morning carry the story about our approval of a highway budget of 79.3 millions of dollars. This is state subsidy of public and private transportation. But not all of our people can have their transportation needs met by highways. There are a large number of people in this state who have transportation needs which must be met by air travel and I maintain by railroad passenger travel, but that is another matter.

I strongly urge this body to give approval to this piece of legislation. It is a fact of life today that states must give subsidy to airline transportation if they wish to have adequate service in this area. At the same time it should be pointed out that we are dealing here with an operation which has consistently shown a profit. There is no evidence to indicate that the state will lose money by taking over this particular airport. The state is already in the airport business here in Augusta. It is in the business of subsidizing transportation through our highway fund and I certainly hope

that this piece of legislation may be passed.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, I would like to go on record as being opposed to the motion of the Senator from Aroostook, Senator Cyr. This Portland airport is very important to us in Oxford County. It is the nearest and the largest and one that we all look to when we are traveling in and out of the state by air. I urge the Senate to oppose the motion of Senator Cyr and go on to enact this important piece of legislation.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate, again I feel it is a move for additional expenses to the state. All of you are aware of the pressure that was on to move the School for Boys away from the airport. Now you are faced possibly in the future with building of a new runway and make it a larger airport. If it is done by the state you are going to move the School for Boys out of there.

Now the only land given to the state, this land for one dollar, is the land that is now occupied by the airport. In enlarging the airport, more land will have to be purchased. You are aware that the land now being used for the School for Boys shall remain the property of the state as long as they use it for that purpose. But once the airport is enlarged, the lives of the children in the school will be in danger and force will be put on to move them out of there. Portland naturally will be left with all property when it is not used for the school. There is more in this move than a lot of us think. I am supporting the motion of Senator Cyr of Aroostook County.

Mr. FARRIS of Kennebec: Mr. President, I would like to inquire through the Chair, probably from the Senator from Cumberland, Senator Brooks, as to the correlation between the transfers of land on which the boy's school is now located. This morning we passed to be engrossed a bill which would transfer that to the City of Portland, and yet I do not understand the over-all picture as to how these two correlate now that the boy's

school is going to remain where it is.

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

Mr. BROOKS of Cumberland: Mr. President, if I understand the question right, the Senator from Kennebec, Senator Farris, asks what would happen to the land if the State ever gave it up in the future. Is that your question?

Mr. FARRIS of Kennebec: Mr. President, I think the question is: What would happen to the land which has already been conveyed by the State to the City of Portland by L. D. 526 if now Portland conveys its airport to the State of Maine.

Mr. BROOKS: Mr. President, in the interest of accuracy I would request that I be allowed to yield to the Senator from Penobscot, Senator Whittaker, who heard these two bills.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate: I think possibly I can clear up the difficulty here. I did not oppose the passage of L. D. 526 because the bill reads after this fashion: "If and when the premises shall no longer be used for the Boys Training Center purposes, etc." Now there is very little likelihood that L. D. 526 will become effective under present plans for the boys' school, so I think this question is removed from the picture.

Mr. FARRIS of Kennebec: Mr. President, one more question: Wouldn't it be logical if the State is to take over the airport to also retain the land surrounding that airport?

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

Mr. HINDS of Cumberland: Mr. President, I do not know if I can exactly answer Senator Farris's question but in the present deed and the land arrangement at the State School for Boys the land was given to the State with the understanding many years ago that if the State ever gave up the use

of the State School for Boys that all surrounding land would revert back to the City of Portland. It is my understanding from discussion with the City Manager of the City of Portland that this applies to all land in that surrounding area that encompassed the airport and the State School for Boys.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I certainly am in favor and have long favored in this regional airport concept that the State take title to the airport at Portland. I think that is the only fair and responsible move that we can make as a state at the present time, but I certainly am a bit concerned in regard to the surrounding land now that we have conveyed that to the City of Portland. In any event, I would certainly be opposed to the motion of the Senator from Aroostook, Senator Cyr, that we indefinitely postpone the measure on which we are now to vote, but later in the day I would make a motion that we reconsider our action whereby we have passed to be engrossed L. D. 526. At the present time I certainly hope that we can move this on its way. Even though I am a realist and realize it will be very difficult to accomplish it in this session of the legislature, I would hope that we can make the proper start on the regional airport concept and have this as a State airport.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: I would like to table this bill and specially assign it for tomorrow.

Mr. BROOKS of Cumberland: Mr. President, when the vote is taken I request a division.

The PRESIDENT: All those in favor of the motion of the Senator from Androscoggin, Senator Couture, that this matter lie on the table and be specially assigned for the next legislative day will rise and stand in their places until counted.

A division was had. Twelve having voted in the affirmative and nineteen in the negative the motion to table did not prevail.

Mr. COUTURE of Androscoggin: Mr. President, may I speak again on this?

The PRESIDENT: The Senator may proceed.

Mr. COUTURE: Mr. President, going back to this L. D. 526, it certainly reads "An Act relating to transfer of certain lands by the State to the City of Portland," and that is the land that the Boys Training School is on. And certainly not long ago in this session it was stated that our children are in danger there because it is so close to the airport. I happen to be a member of the committee on that school and it was urged that the school be moved out of there before any planes crashed on the building. But still under L. D. 526 the remaining land of the School for Boys will remain the property of the City of Portland. We are going to find ourselves in the position where we cannot enlarge this airport unless we go out and purchase land from the City of Portland to be able to do it, and move the School for Boys out of there, which will eventually cost millions of dollars for the State. It also specified in that deed that the land and the buildings thereon shall be transferred to the City of Portland, even the building that the State owns on that land. I really felt that this bill needed more study but it became impossible, but I feel like voting against it more than ever.

Mr. PORTEOUS of Cumberland: Mr. President, I hope I can clear up the concern that the Senator from Androscoggin, Senator Couture has expressed in regard to this land problem.

L. D. 526 states that in 1850 the City of Portland conveyed this land to the State on which the State School for Boys, now called the Boys Training Center, was built, and this L. D. 526 was merely a vehicle by which the State could carry out its original promise to transfer back to the City of Portland this land if the Boys Training Center was ever removed from that site. Now there have been bills in this legislature to remove it from that site to various places in the State. The decision, as far as I understand, is not yet final. It would only be a matter of swapping a dollar for a dollar to carry out the letter of the law, thereby transferring this land back to the City

of Portland and then with the agreement between the State and the City of Portland that land must be transferred back and retransferred again, so it would only be a matter of swapping a little bit of land. The intention, of course, is to extend the runway in a direction that would not affect the school and would further remove air traffic from endangering the lives of the young lads in this area. So I think the fears of the Senator from Androscoggin are unfounded and I am sure we will be able to resolve this perfectly satisfactorily to all concerned.

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

A division of the Senate was had.

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

Thereupon, the bill was passed to be engrossed.

The President laid before the Senate the 22nd tabled and unassigned item (S. P. 427) (L. D. 1170) Senate Reports from the Committee on Legal Affairs on Bill, "An Act Transferring Probation of Juveniles in Cumberland County to State Probation Administration" Majority Report, Ought not to pass; Minority Report, refer to the 102nd legislature; tabled on April 16 by Senator Brooks of Cumberland pending acceptance of either report.

Mr. BROOKS of Cumberland: Mr. President, I move that the bill be substituted for the report.

Mr. STILPHEN of Knox: Mr. President, might we know the status of the bill. I notice there are two reports.

The Secretary read the status of the bill.

Mr. STITHAM of Somerset: Mr. President and members of the Senate, I signed the Majority Report, Ought Not to Pass. I believe I can fairly state that the feeling of the committee was that this was a local matter in Portland and there is much feeling both ways, and from information I have had since that time I am certainly in favor of the motion of the Senator from

Cumberland, Senator Brooks, and I hope the Senate will go along with it.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: It is with natural reluctance that I rise against my colleague, the good Senator from Cumberland, Senator Brooks, but I take issue with him on this particular question and I have a thousand pages of facts to back it up, only one of which I will press upon you at this late hour. I have a letter here from former municipal judge Louis Bernstein, who is a man who has been deeply concerned with juvenile problems in the Cumberland County area and who has been taking care of such problems for several years. He writes:

“Dear Senator Porteous:

I was disturbed last week when I heard that a bill had been introduced by Senator Brooks which would do away with the juvenile probation office for Cumberland County.

It was my privilege to have served eight years in the Portland Municipal Court, first as Recorder and second as Judge. This, of course, brought me in close contact with the juvenile division of the probation department. I assisted in the appointment of Mr. Shea as Assistant Probation Officer and worked quite closely with him and Mr. Armstrong, his superior on all cases involving probation and especially those involving juveniles. The records will disclose that in the overwhelming majority of juvenile cases the probation department has functioned so well that a small percentage were repeaters. I cite this because if the juvenile probation department in Cumberland County were to be eliminated the State School for Boys would be called upon to handle more delinquents. This would be a waste of time and money. I urge you most sincerely and strongly to oppose the passage of any measure which would deprive Cumberland County of a juvenile probation department. It would be a sad day for all of us here in the county if such a bill would ever pass.

At the time the act was passed establishing the Cumberland County

juvenile section those of us interested in the establishment of this department were told that it would not be feasible to request a statewide juvenile section but that it should grow into a statewide system by having other counties establish a similar system. Six years have passed since the establishment of our local juvenile probation section and no other county has developed a similar section, and the reason for this has been, I am told, the inability to obtain good, trained workers in this particular field. Fortunately Cumberland County has two such workers.

Respectfully yours,
Louis Bernstein.”

There are other reasons why this bill should be defeated. One of them is that the State Probation Department has requested several more men and these requests are only partially met by the Governor's supplemental budget. The case load at the State level is approximately 144 per man and in this Cumberland County Probation Department, which is paid for entirely by Cumberland County, it is about half that, about 72 or 73 per man. The transfer of this to the State would cost the State in excess of \$18,000 a year, an unnecessary expense and burden on the State, the county being willing to take care of its own problem in this respect.

Those who are very much concerned with the problem of probation have for a long time recognized that juvenile and adult probation departments should be separate, that the problems are not the same and that the case workers involved in one are not necessarily suited to taking care of the problems of the other.

There are some of the reasons that have been put forth. Some of the people who are opposed to relinquishing it are directly concerned with the Health & Welfare services in the greater Portland area. The Greater Portland United Fund has taken a definite stand against separating this and joining it with the State. Almost all phases of the social and welfare part of the Greater Portland area have joined in this opposition. The only place this came from — and I may be slightly

wrong in this — I do not want to prejudice anybody's move — has been from some of the city officials, and now it has boiled down to only one, who wish to save money out of the Cumberland County budget. You cannot criticize them for that because that is their job. Cutting this out seemed to be a way they could do it, but I think it would be a very false economy, I think it would be running against the grain of the type of progress that we need to make in this very important field of juvenile problems. I hope when the vote is taken that you will vote to reject this move to substitute the bill for the report.

Mr. LOVELL of York: Mr. President, I am somewhat confused, and I wonder if I could be cleared up on this Committee Amendment "A", Filing S-106. It does not seem to me to be germane to the bill, raising the salary of the Commissioner.

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

Mr. BROOKS of Cumberland: Mr. President, this printing here is an error in the calendar of today. That Committee Amendment "A", filing 106 refers to L. D. 1040, which has no bearing on this bill.

The PRESIDENT: The question before the Senate is the motion that the bill be substituted for the committee reports.

Mr. BROOKS of Cumberland: I do not recall that a division was requested.

Mr. STILPHEN of Knox: Mr. President, I ask for a division.

Mr. CRAM of Cumberland: The amount of money to maintain this Cumberland County juvenile probation system for the year 1963-64 is in the county budget. I know that the feeling of the people who believe that this should be retained is that juvenile offenders, will get better attention by the Cumberland County system than they would under the state system, not because of the quality of the personnel but because there is not the case load that the state workers have, which makes it absolutely impossible for them to give the attention to juveniles that the Cumberland County people can.

Mr. BROOKS of Cumberland: Mr. President and ladies and gentlemen of the Senate: This bill to remove the juvenile probation department from the county to the state was motivated by several facts. One, of course, is that the concern that the county and the towns and cities have for the ever-increasing budget of the County of Cumberland and many of the selectmen in the county and the City of South Portland have officially requested that this department be transferred to the state. The cost to the county in the next biennium amounts to approximately \$38,000.

I would also remind you, ladies and gentlemen, that fifteen counties in the state now use the state facilities for juvenile probation work. I would also like to state that judges outside of Cumberland County were contacted and asked their opinion of the state operation and they stated that they were very much satisfied with the work that the state was doing.

Now the City of Portland contributes to some degree to this work that the juvenile probation officers of Cumberland County have to do, and without attempting to criticize this juvenile probation system in Cumberland County I would like to present a fact. The fact is that in spite of all the good work that is being done that the City of Portland, percentage-wise to its population, is contributing its share to the State School for Boys. I would also like to state that I contacted Mr. Shea, at the State Probation Office and asked him point-blank how he felt, what he would do. Obviously he wanted more men and he needs more men, but in reply to my question, "Can you do the job if it is given to you now, Mr. Shea, with the facilities you have?" He was quick to reply, "Yes."

I think this is a good bill. I think the County of Cumberland should be relieved of this additional expense, and I believe the State is perfectly capable of handling the job at this time.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate: Since I signed the "Ought not to pass" report I feel that perhaps I should at least express my feelings.

It was brought out to me very clearly in the hearing that children were being very well taken care of under the present system. This bill carries an appropriation, of course, for the state, but at this time I am not considering the question of money. I think that these children are something that we are all interested in, and it was my feeling that they are being very well taken care of at present.

At the hearing this bill was opposed by Margaret Payson of Portland, Child Welfare Services, United Community Services of Portland, Mrs. Israel Bernstein, Margaret Jones, chapter of social workers, League of Women Voters, and I could go on. I think the children are being adequately and well taken care of. I was very much interested with the dedicated workers that appeared at the hearing. I certainly hope that this bill does not pass.

Mr. BROOKS of Cumberland: Mr. President, I would like to reply to the Senator from Lincoln, Senator Sproul, only to say that to the best of my knowledge there is no appropriation clause attached to the bill.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate: I have in my notes here the word "Appropriation" and "Mr. Allen suggests \$20,000 annually," so even though there is no appropriation attached it would seem as though this would cost the State of Maine something.

The PRESIDENT: The question before the Senate is the motion of the Senator from Cumberland, Senator Brooks to substitute the bill for the report. A division has been requested.

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

Thereupon, on motion by Mr. Stitham of Somerset, the Minority Report "Refer to the 102nd legislature" was accepted.

On motion by Mr. Brooks of Cumberland

Recessed until this afternoon at 1:30.

After Recess

Senate called to order by the President.

The PRESIDENT: With reference to Item 1-1, "An Act Creating a Permanent Commission on State Tax and Financing Policy, the Chair appoints as Senate Conferees on the Committee of Conference, Senator Brown of Hancock, Senator Wyman of Washington, Senator Whitaker of Penobscot.

With reference to L. D. 409, H. P. 301, regarding Sanitary Districts, the Chair appoints as Senate Conferees, the Senator from Penobscot, Senator Philbrick, the Senator from Kennebec, Senator Campbell, the Senator from Penobscot, Senator Harrington.

Mr. Brown of Hancock was granted unanimous consent to address the Senate.

Mr. BROWN of Hancock: Mr. President, the President of the United States had proclaimed today, May 22nd, as national Maritime Day in order to promote the American merchant marine. This organization's primary objective is to strengthen America through trade and travel. The display located on the third floor rotunda is presented by the Propeller Club, Fort of Castine. This is in conjunction with the Maine Maritime Academy of Castine.

The President laid before the Senate the 23rd tabled and unassigned item (S. P. 395) (L. D. 1098) Senate Report, Ought to Pass, from the Committee on Public Utilities on Bill, "An Act Relating to Right of Electric Power Companies to Take Lands for Lines by Right of Eminent Domain"; tabled on April 17 by Senator Boardman of Washington pending acceptance of the report.

Mr. BOARDMAN of Washington: Mr. President, the intention as far as this bill was concerned was to place an amendment on the bill. However, in my younger days at Calais Academy, I learned that there are times when discretion is the better part of valor and for that reason I will not present the amendment at this time and I would like at this time to yield to the Senator from Penobscot, Senator Philbrick.

Mr. PHILBRICK of Penobscot: Mr. President, I move the accept-

ance of the unanimous ought to pass report.

Mrs. CHRISTIE of Aroostook: Mr. President, I am not going to make any motion at this time, but I am very much concerned about this right of eminent domain in that it would permit that right to extend to less than 100 feet from a dwelling. I don't like that.

Mr. PORTEOUS of Cumberland: Mr. President, I guess that it is up to somebody who didn't learn that discretion is the better part of valor early in his life, to make a motion for indefinite postponement.

Mr. PHILBRICK of Penobscot: Mr. President, I would ask for a division.

A division of the Senate was had. Twenty-four having voted in the affirmative and four opposed, the report and bill were indefinitely postponed.

The President laid before the Senate the 24th tabled and unassigned item (S. P. 472) (L. D. 1324) Senate Reports from the Committee on Election Laws on Bill, "An Act Permitting Selectmen of Certain Municipalities to Act as Voting Registrars"; Report A, Ought to Pass; Report B, Ought to Pass as Amended by Committee Amendment A; Report C, Ought not to pass; tabled on April 17 by Senator Wyman of Washington pending acceptance of any report; and on further motion by the same Senator, the bill and reports were retabled and especially assigned for Wednesday next.

The President laid before the Senate the 25th tabled and unassigned item (H. P. 611) (L. D. 846) Bill, "An Act Relating to Transportation to Islands in Casco Bay"; tabled on April 18 by Senator Brooks of Cumberland pending passage to be engrossed; and on further motion by that Senator, the bill was passed to be engrossed.

The President laid before the Senate the 26th tabled and unassigned item (S. P. 278) (L. D. 792) Senate Report, Ought to Pass with Committee Amendment A from the Committee on Legal Affairs on Resolve

Discharging Town of Liberty from Indebtedness to Maine School District Commission for Preparation of Agreement for Dissolution of School Administration District No. 3"; tabled on April 18 by Senator Brooks of Cumberland pending acceptance of the report; and on further motion by the same Senator, the report was accepted, and the bill as amended tomorrow assigned for second reading.

The President laid before the Senate the 27th tabled and unassigned item (H. P. 600) (L. D. 859) House Report from the Committee on Legal Affairs on Bill, "An Act Repealing Laws Permitting and Prohibiting Certain Business on Sunday and Holidays"; Report A, Ought to Pass; Report B, Ought Not to Pass; tabled on April 18 by Senator Stitham of Somerset pending motion by Senator Atherton of Penobscot that the Ought not to pass report be accepted.

Mr. STITHAM of Somerset: Mr. President and members of the Senate, this is one of the eight Sunday business bills which were before the Legal Affairs Committee. This is commonly known as one of the two Choate bills and reminding you that this particular bill would wipe the Blue Laws from the books and would throw the business wide open. There has been a lot of conversation in the hallways that either everything should be or everything should be closed. This is your opportunity to make your expression.

The PRESIDENT: The pending question is on the motion of the Senator from Somerset, Senator Stitham, that the Senate accept the Ought Not to Pass report.

The motion prevailed.

The President laid before the Senate the 28th tabled and unassigned item (S. P. 574) (L. D. 1519) Bill, "An Act Relating to a Permit for Processing of Imported Lobster Meat Under Bond"; tabled on April 18 by Senator Wyman of Washington pending assignment for second reading; and on further motion by that Senator, the bill was retabled and especially assigned for Wednesday next.

The President laid before the Senate the 29th tabled and unassigned item (S. P. 126) (L. D. 443) Bill, "An Act Providing for County Industrial and Recreational Development Personnel"; tabled on April 23 by Senator Christie of Aroostook pending adoption of Committee Amendment A.

Mrs. CHRISTIE of Aroostook: Mr. President, having cleared this with leadership, I move that it be retabled until Wednesday next.

The motion prevailed and the bill was so retabled.

The President laid before the Senate the 30th tabled and unassigned item (H. P. 876) (L. D. 1416) Bill, "An Act Repealing Laws Requiring Fences Around Burying Grounds"; tabled on April 23 by Senator Stillphen of Knox pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

The President laid before the Senate the 31st tabled and unassigned item (H. P. 712) (L. D. 968) Bill, "An Act Relating to Height of Motor Vehicles and Trailers"; tabled on April 23 by Senator Campbell of Kennebec pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

The President laid before the Senate the 32nd tabled and unassigned item (H. P. 862) (L. D. 1249) Bill, "An Act Relating to the Educational Foundation Program Allowances"; tabled on April 24 by Senator Brooks of Cumberland pending passage to be engrossed; and on further motion by the same Senator, the bill was retabled and especially assigned for tomorrow.

The President laid before the Senate the 33rd tabled and unassigned item (H. P. 558) (L. D. 773) House Reports from the Committee on Municipal Affairs on Bill, "An Act to Divide the Town of Enfield, Penobscot County into Two Municipalities, one to be Designated as Enfield and the Other as West Enfield"; Majority Report, Ought Not to Pass; Minority report, Ought to Pass; tabled on April 24 by Senator Harrington of Penobscot pending acceptance of either report.

Mrs. HARRINGTON of Penobscot: Mr. President and members of the Senate, this is a local controversy similar to Harpswell that we had for three times and finally it was solved; they solved it themselves by vote. I am going to move that we accept the minority report, Ought Not to Pass, so that they can vote. Maybe they will lose and maybe they won't.

Mr. CYR of Aroostook: Mr. President and members of the Senate, I don't intend to shed blood on this bill but as Chairman of this committee, I think that you should be acquainted with the facts.

First of all, I would like to acquaint you with the so-called Bailey report of the Department of Education which was made after the Enfield school burned. This is the conclusion and the recommendation of the report. "From the information presented in the previous section, the following conclusions have been reached:

"1. If the citizens of Enfield want the best possible elementary possibilities for their children in years to come, all pupils should be housed in a single school plant. Educationally, two buildings within the town, each housing all grades, cannot be justified.

"2. A single building should be so located that the smallest number of pupils possible will have to be transported the shortest possible distance.

"3. The existing West Enfield school building, although deficient in some respects, can be renovated and enlarged.

"4. The gift offer of the A. J. Cole family is indeed generous, but it should not necessarily influence long range planning for a modern public school system in Enfield. The immediate saving that is apparent could possibly be exceeded by extra cost over the period of years which the school will be operated."

Now, Number 3 has been implemented since then. The school at West Enfield has been enlarged and renovated. I visited the school myself and found it was a very fine school. At the hearing, the superintendent of schools, and members of the school board spoke against dividing these two communities for

the reason that this school has now offered this community an opportunity to better their school system. Unfortunately, most of the arguments in favor of this split have degenerated into personalities and the feud is so severe that I am afraid that many of the people that are favoring this split do not realize what they are getting into. Right now in their mind it is a question of winning their point at the expense of anything else, and particularly at the expense of the children.

Many of the members of the committee feel that the feud has gone so far that it is impossible to really bring these people that are feuding together and have them work together. However, we feel that there is a third party coming up which will help out in ironing out these difficulties. And this third party is the children. The children are now all gathered together in the same school and they are having right now the best schooling they have ever had. Prior to this they had I think a teacher to take care of three grades. Right now they have nine teachers and every grade is taken care of by one teacher which is quite an improvement.

If we get down to statistics, the total valuation of the two towns, the 1963 valuation is \$768,000. The rate per thousand is \$115. Now the total assessment — and this is the 1962 figure — that they raised was \$71,000. 71 percent of that was spent for education. They have in the grade schools, and this is the school that is affected because they don't have any high school, the high school pupils are sent out, they have a total enrollment of 255 pupils. If the split does occur, it means that Enfield would get approximately 120 of these students and West Enfield would get 135 of these students. You also will be splitting this assessment of \$71,000 in half. Now how can you expect these two communities to support a government of their own.

The arguments that were presented were that Enfield was not getting its share of the services. And yet, they tell us that out of twelve town officers, ten reside in the Enfield part, the section that wants to secede. Ten of the twelve reside

in that section and yet they tell us that they are not getting their share of the services. It does not make sense. If these two communities are allowed to divide, it means that each section would have to have its own government, its own twelve town officials, the selectmen, the school board, the clerk, treasurer and other officials involved. West Enfield now has a proper school but it would be too large for their needs, while the other end of town, the Enfield end, would have to build their own school.

That is why I say that this feud has degenerated into personalities so much that they don't realize what they are doing and I think to help them out, it would be a favor to them if we were to refuse them this authority to divide.

Mr. HICHBORN of Piscataquis: Mr. President, being employed in an adjoining town, I think perhaps I have had a little closer contact with this problem than some. I am sure that if I lived in the Enfield half of the town, I would probably join them in their efforts to try to divide the town. I am sure there probably have been some real injustices done and I would agree that neither side has been all right and neither side has been all wrong. However, being able to get out of the woods and able to see the forest from a distance, I can't see that dividing the town would solve the problem at all. I am very sure that the remarks that Senator Cyr of Aroostook has made concerning the school, could carry a great deal of weight. These youngsters are going to do a better job probably than their parents and I am sure that time will heal some of these wounds that he spoke of. And although I recognize the problems of the people living in the various sections of the town, I feel that in the best interest of the town as a whole, that this bill should not be passed.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate, being a member of the Municipal Affairs Committee, I sat all afternoon listening to this bill. I could see one side of the aisle being one town and the other side of the aisle being the other town and

not talking to each other. I know what happened to Harpswell a few years back and even today I think the feud is still on and I certainly would not want to see these two towns get into that trouble. I would say that the report was seven to three in not dividing the towns. I move the indefinite postponement of this bill and accompanying papers.

Mr. ATHERTON of Penobscot: Mr. President and members of the Senate, you probably all realize that the town of Enfield is divided into two villages, West Enfield and Enfield. I received so much correspondence from the Enfield side that I was concerned about their position and also whether or not they had fully studied the problems that might arise if the town should be divided and I made an inquiry in that respect. I have here a letter received from Mr. Paul Grey, who I understand is one of the leaders of the Enfield group. I would like to read it.

“Senator Wendell R. Atherton,
State Senate
Augusta, Maine

Dear Sir:

“I am told that there is some wonderment among the legislators, respecting the bill to “divide the Town of Enfield”, as to the financial consequences of a separation of these two communities.

“There are several points to consider before getting to the mentioned point of inquiry, namely,

(1) that this bill was introduced by the smaller village;

(2) that on a per capita basis the valuations of the two Towns which would result from a split are almost precisely identical, as can be proved by incontestable figures of present population, present (1962) assessments and present State valuation;

(3) that separation, if it took place, would be on two-thirds vote by the smaller community to detach itself out of the present partnership of villages;

(4) that the larger community would retain the bulk of present Town property, including Town Hall and the recently expanded and remodeled Town grade school.

“Questions naturally occurring here are, then, (1) why would the smaller community wish to invoke this decision, which then would mean taking on the burden of building a new schoolhouse in addition to the higher tax rate almost inevitable from this step-down in municipal size? And in particular: Would two-thirds of the Enfield Village voters approve this bill, at referendum as provided? If it is supposed that they would, then it would seem necessary to introduce some very special postulate, such as (a) long-range benefit, (b) escape from a distasteful association, or (c) fear of punitive and discriminatory measures in connection with apportionment of Town services and appropriations.

“Some consideration of the above curiosities should, we believe, incline an outside observer to suspect that this village may indeed have valid reasons to wish for separation.

“It is also worth more than passing attention that the West Enfield bloc opposes this bill so strongly — between self-respecting equals might one expect a somewhat different reaction?

“With this background, then, coming to the question of financial results of separation, we in Enfield Village are seriously concerned about this, perhaps more so than anyone else. Various citizens have checked over the Town books; I went through them last Fall, myself, with an accountant, to determine present revenues and assessments. It appears to us that all normal operating costs, based on school census in recent years, miles of road to handle, etc., could be met separately by this Village with only slight increase in tax rate. The one item to really hurt us is financing of a new school building. We would try for 6 rooms, with hope of getting the Lowell children on a contract or District arrangement. We have approximately 90 grade school children; this adjacent Town, Lowell, has 30 or so badly needing a new school. We have been quoted figures which we consider unrealistic: I have worked as a carpenter all my life and know quite well that \$70,000 ought to clear us, having a lot with sewage and water

available, so far as we can anticipate. Even unexpected difficulties could be overcome, I am sure, since this community has a good record of working together for needed civic projects. We can see a school recently constructed in nearby Greenbush, which cost this figure, which is about what we would need for room.

"So, our increase in tax rate is really going to be on the payments needed to keep up a Maine Building Authority loan. Reckoning this in, we come up with a 30-40 per cent increase over present rates, which are low. This, Sir, you can take as an honest figure and you may be sure that nobody is going to try to sell the idea that separation can be attained without cost and sacrifice. If this bill were passed, you see then that these villagers would have to give all this a very sober inspection. Then, if the two-thirds vote were secured, you could rest easy that it was by deliberate wish and intent of this community, for reasons considered imperative to them.

"The effects of separation on West Enfield probably would be much the same. They should not be hurt as much, initially, since they have a nice building, paid for largely with money out of Enfield Village; over the years, however, they would have to take up the slack and pay for education of their own children. They certainly would miss us, financially.

It is a very complex question, Sir — one that I don't pretend to be sure of, myself, and one for which precedents are not too clear or numerous. I hope, as a minimum, that either this year, or in some future Legislature, the enablement for referendum will be secured. I am not at all sure it would pass the vote here in Enfield but the mere ability to separate if desired would be a powerful leverage here to correct and hold down Town actions and commitments which many of us feel are altogether unjust and inequitable.

Very truly yours,
Paul Grey"

I support the motion of my fellow Senator from Penobscot, Sena-

tor Harrington and I ask for a division when the vote is taken.

Mr. CYR of Aroostook: Mr. President, it does seem possibly undemocratic to refuse them the referendum on this issue. However, I would like to call your attention to the referendum clause which is on this bill. There are 600 voters in the West Enfield end of the town and 400 in the Enfield end of town, the section that wants to secede. The bill says that two-thirds of the voters of the Enfield end would be required; two-thirds of the 400, that is two-thirds of those voting. So if you have a hundred people voting, sixty-six people can decide the fate of these two communities. Is that democratic?

You have also heard "for these reasons we want to split" and "for those reasons we want to split". But nobody has ever advanced a reason. The reasons are personal and that is why I say that this has degenerated into personalities, into a personal feud and for that reason I don't believe that their judgment is clear enough to pass a worthwhile judgment on their actions, not realizing what they are getting into and also not realizing what they are getting the other section of town into. Their share of the cost would also be increased.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, apparently the Penobscot delegation is once more going to be split on this matter. I rise simply to agree with the sentiments expressed by the Senator from Aroostook, Senator Cyr. It was my intention if he had not done so to call attention to the referendum provision. We are dealing here with a township, the town of Enfield. It seems to me that if there is to be a split, that all the voters of the town should vote on the matter and not one section of it.

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

A division of the Senate was had. Twenty-two having voted in the affirmative and seven opposed, the

reports and bill were indefinitely postponed.

The President laid before the Senate the 34th tabled and unassigned item (S. P. 453) (L. D. 1345) Bill, "An Act Amending Certain Provisions of the Employment Security Law"; tabled on April 25 by Senator Edmunds of Aroostook pending adoption of Senate Amendment B.

Mr. BROOKS of Cumberland: Mr. President, I have discussed this item with the Senator from Aroostook, Senator Edmunds and he has authorized me to take this from the table and I yield to the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I move the pending question.

Thereupon, Senate Amendment B was adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the 35th tabled and unassigned item (H. P. 737) (L. D. 1066) House Reports from the Committee on Judiciary on Bill, "An Act to Provide for a Lien for Hospital Services on Recoveries from Third Persons" Report A, Ought to Pass; Report B, Ought Not to Pass; tabled on April 26 by Senator Ferguson of Oxford pending motion by Senator Campbell of Kennebec to accept the Ought Not to Pass report.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, I certainly don't feel qualified to come up here and oppose a motion made by a member of the Judiciary Committee, but I do want to get a few facts before the Senate this afternoon regarding this bill. This lien for hospital services on recoveries from third persons is quite a serious problem with the hospitals in our state. I am a trustee of one of the smaller hospitals in the state and we find a good many cases where people in automobile accidents on the highways come in and need medical attention. Our own hospital which can take care of 75 patients will take them in regardless of whether they

have any money or not and we find in a good many cases that they do recover a substantial amount from the insurance company where the case is settled. They effect a settlement with the insurance adjuster and leave the hospital without paying their bill. A good many come from the Maritime Provinces being on Route 2, the direct Route from western Canada to eastern Canada so we feel that this is good legislation.

Where attorneys come in and take over the claims for the injured, we don't have any problem. We find that they do take care of the hospital bills from the settlement they get from the injured people and we come out of it very well.

I feel very strongly about this bill, that it is a good bill and I hope that the motion of the Senator from Kennebec does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Campbell, that we accept the Ought Not to Pass report of the committee.

Mr. CAMPBELL of Kennebec: Mr. President and members of the Senate, I don't think the Senator from Oxford, Senator Ferguson need hesitate to debate this measure with a member of the Judiciary Committee too. I would point out to him that the decision of Judiciary was not unanimous. I do represent the majority of that committee and I'll tell you why we felt that this probably was not worthy of passage.

The hearing developed that the losses the hospitals are suffering from the non-payment of bills do not basically come from the accident cases, yet this bill is designed to give the hospitals a lien for a full year on all settlements, all causes of action in claims arising out of action in cases. The Senator did concede that lawyers do protect the hospitals and I think basically they do. In other words, when a lawyer is employed on a case and makes a settlement, he is zealously interested in seeing that the hospital gets its pay if for no other reason than that he wants coopera-

tion from the hospital the next time that he wants to look at their reports. In the sense of fair play, it seems reasonable to see that they are paid. I think most lawyers are interested in the local hospital as are other professional and business people.

What we feel is that this will seriously interfere with and discourage the settlement of cases. You have an accident and you have one that happens under circumstances that makes liability doubtful. In other words as you well know in law the plaintiff has to be free from negligence and he has to show that the defendant is negligent and responsible for the accident. Many times in these accidents, both parties contribute to the accident and neither probably is entitled to recovery at law. But the insurance companies invariably settle cases. They find it economically to their advantage to do so and they settle the so-called doubtful cases by making compromise payments, which seems like a reasonable thing. Somebody gets some money out of it and invariably the hospital gets some pay and the doctor gets paid and there usually is some left over for the lawyer and some for the plaintiff — probably I should say the lawyer first. (Laughter).

Now if you are going to place a lien on these settlements, we believe that these settlements are going to be held in abeyance for a year and after the year is over the settlement is going through, the hospital isn't going to get any more protection than they did before.

Let me explain to you why I think this is true. If you are going to compromise with a man who has had an accident and who suffered injury and who has accumulated a lot of bills but he is probably responsible for the accident, he probably hasn't got a good case at all, but you still are willing to pay him some money — this bill would require all of it to go to the hospital up to the full amount of the bill whereas actually the hospital ought to be willing to scale down and take less than one hundred percent because the lawyer is going to take less than a hundred

percent, the plaintiff is going to take less than a hundred percent, and in a spirit of compromise, everybody gets something but nobody gets fully paid.

Here is another thing that we thought of. When this injured party is out of work and in trouble financially, he has to get credit from the doctor and the doctor doesn't get paid. The grocer doesn't get paid, the landlord doesn't get paid, and if it happens to be a fatal case, even the u n d e r t a k e r doesn't get paid, and yet this bill singles out the hospital as the only one to have the lien. There is no lien for the doctor, no lien for the grocer or the landlord, and we just felt that it wasn't proper to protect the hospitals to that extent. I think probably in conclusion, the most convincing argument I can give you in support of the Ought Not to Pass report is that this bill has been debated at great length in the other body and was defeated 90 to 31.

The PRESIDENT: The question before the Senate is the motion by the Senator from Kennebec, Senator Campbell, to accept the Ought Not to Pass report of the Committee.

A viva voce vote being had
The motion prevailed.

The President laid before the Senate the 36th tabled and unassigned item (H. P. 246) (L. D. 314) Bill, "An Act to Increase the Pensions of Certain Retired Teachers"; tabled on April 26 by Senator Edmunds of Aroostook pending enactment; and on motion by that Senator, the bill was placed on the Special Appropriations Table pending enactment.

The President laid before the Senate the 37th tabled and unassigned item (S. P. 65) (L. D. 115) Senate Reports from the Committee on Natural Resources on Bill, "An Act Creating an Allagash River Authority for State of Maine"; Report A, Ought to Pass in New Draft; Report B, Ought Not to Pass; tabled on April 30 by Senator Ferguson of Oxford pending acceptance of either report.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, I am a bit surprised at the speed with which we are moving along today. I did not expect to get to this bill. In fact I haven't looked at the bill recently or prepared what I was going to say. Anyway we will give it a whirl and see what we can do with it.

As you remember, last year you people who were here, there was an Order introduced by both branches to make a study of the Allagash by the Legislative Research Committee and in fact this bill is in the form of a report which the Legislative Research Committee, and certain members of the Natural Resources Committee felt that this bill should receive passage. We have had several new drafts on it, and the amended new draft is designed to correct some objections and establish a better clarification of the original bill. In no way is there any thought to change the basic idea of an Allagash River Authority or the charge to carry out certain duties and agreements. It is a positive approach to come up with plans, proposals, and tentative agreements for final approval by either the next regular or special session of the Legislature. There is the further provision for extended legislative action. The Authority is given considerable latitude in drafting a workable plan for the use, maintenance, and operation of an Allagash River Watercourse with assurance of continued opportunity for the public to enjoy the natural beauty and wilderness characteristics of the Allagash. I will go through several sections of the bill, briefly.

Sections 1 and 2 — These sections set up a policy of preserving the wilderness characteristics of an established Allagash River Watercourse and spell out by definitions what is meant by "agreements, authority, and development rights."

Section 3 — Creation of a 5-member Allagash River Authority.

Section 4 — Creation of an Allagash Advisory Committee to render information and advice as related to the administration of the authority.

Section 5 — Broad duties and functions are clearly spelled out as a course for the authority to follow.

Section 6 — Most important is the positive charge to the authority to enter into tentative agreements with landowners in respect to lands, interest in land, leases, agreements and development rights consistent with the policy and provisions of this chapter. Size of area, width of land, and other conditions are left to the discretion of the authority.

Conclusion — The bill itself, with the proposed amendments, appears to cover the main features of:

1. Creation of an Allagash Authority and Allagash Advisory Committee, and outlining a positive course of action.

2. Establish a cooperative agreement between the State of Maine and private landowners for an Allagash River Watercourse.

3. Assurance of continued public use of the watercourse, preserving the natural beauty and wilderness characteristics of the Allagash.

The original recommendation of \$25,000 has been cut down to \$7500 for the operation of this authority. I think it is very important that we preserve the natural beauty of the Allagash. Those of you who have been up through the Allagash area know that it is the last wilderness in the United States, particularly in the eastern part.

We of the sub committee of the Legislative Research Committee made a trip up there last spring. We flew over and cruised quite a number of acres up there and we really hope that they can preserve this beauty spot for the citizens, not only of the State of Maine, but for all of the United States. I hope that the Senate will go along with me today in supporting Report A, Ought to Pass in New Draft. I move that we accept Report A of the Committee.

Mr. CYR of Aroostook: Mr. President and members of the Senate, on the previous debate I mentioned that I was not ready to shed blood on that one, but I assure you I am ready and willing to shed blood on this one.

First of all I would like to call your attention to the fact that the

bill calls for the creation of an authority. The bill does no such thing. When you create an Authority, you are creating a new corporation, a new entity, with rights and privileges, rights to sue and rights to be sued, with duties and responsibilities, rights to raise finances and this bill does none of these things. All it does is to create a committee. They are asking the State of Maine for \$15,000 to continue the discussion that has been going on for two years.

Maybe I should brief you a little bit on the background of this legislation. And this is no reflection on the sponsor of the bill. This was created in a double session. If you recall at the last session during the last week we had before us an order to send this matter to legislative research. At that time I opposed it very violently. I opposed the language and I opposed the purpose. They granted me permission to table the matter until I could inquire of the companies involved. They were also disturbed about the language in this proposition. The author of the order assured me that the purpose of the measure was to try to find out what could be done with the natural resources on the Allagash. At that time he assured me that hydro electric potential would be looked into as well as the recreation and timber and fishing and white water canoeing.

The order that came out of this and the bill that came out of this completely ignored the hydro electric potential and I say to you that a natural dam site — or a natural site for a dam, let's put it that way — is as much a natural resource as a forest, an oil well, or a coal mine. We are spending hundreds of thousands of dollars in the geology department to try to find mineral deposits in the State of Maine. What would you say if a report came out that said that we have an oil well somewhere in Maine? Wouldn't you say that the leadership in the State of Maine would be failing the people of the State of Maine by not developing that oil well? You have the same proposition here. We have a natural resource which is unique in the

east. Yet we are fighting against its development. That is why I say that this bill was conceived in double cross. What are the natural resources involved?

You have timber, recreation, white water canoeing and fishing. Also you have hydro electric potential and flood control. Let's take them one by one and appraise them one by one and appraise them as to what benefits they bring to the State of Maine. Let's weigh them carefully and find out which ones bring the most benefits to our State.

Let's take fishing. The opponents claim that this would destroy fishing and yet statistics in other areas where they have had hydro-electric development shows just the contrary. They also tell us that undesirable species — and I have had a map reproduced and put in front of you so you can have an idea what this is all about — they claim that undesirable species of fish from the St. John, the Little Black and the Big Black have not migrated past Allagash Falls which has acted as a natural barrier and yet, you talk to anyone that has fished the area and they will tell us that fishing on the Allagash is no good in the summer because the water gets too shallow. Consequently your trout will stay in the streams and the tributaries where the waters are cooler. So you see the argument on fishing doesn't stand up.

Now let's take the argument on white water canoeing. The white water canoeing has been pushed by an individual by the name of Zeke Dwelley who is interested in keeping this concession. He charges from \$275 to \$600 a head to take Boy Scouts upon tours and they come out and they tell us that there is only one canoe trip in the State of Maine and yet in this folder presented by DED, they list 27 of them. So that argument doesn't stand up.

The third argument by the timberland people. The timberland people claim that this would jeopardize their operations. Will it? Let's look into statistics. I have here a letter from the Forest Commissioner and by my request they have had the flowage plenumetered and the acre-

age that would be affected is approximately thirty-one thousand acres. To further give you a comparison as to what this means. If you look at the Allagash River, you will see that the water that would be affected today is approximately five thousand acres. In other words, thirty-one thousand acres would increase the size of the river five times more than what it is today. Will it jeopardize the timber land interest? Thirty-one thousand acres. Statistics tell us that the annual cut plus the annual loss through fire and insects is less than two-thirds of the annual growth. In other words, we are cutting less than the forest is growing. To further confound the problem, out of the annual cut, thirty-five percent of the hardwood goes to Canada and sixty-six percent of the soft wood goes to Canada. So if thirty-one thousand acres are going to jeopardize their operations, why don't they put restrictions on this exportation? I claim that there again this argument doesn't stand up.

So what have we left? We have an emotional and sentimental argument. They have blossomed up the idea of the Allagash to almost a national trademark. It is almost like Coca Cola and the proponents of the Allagash are behaving like children who are having their Coca Cola taken away from them.

I can best summarize the argument by this statement which was made in this issue of Maine Fish and Game by this line: "Allagash. The word brings to mind spruce, blue waters and solitude. It is an area many people talk about but few people know."

There you have it. And the statistics on the traffic count taken by the Great Northern since 1959 prove that very statement. The highest traffic count on the Michaud farm above the Allagash farm since 1959 has been 808 people. Out of that 250 were wardens, or Fire wardens on business. 255 were Zeke Dwelley's Boy Scouts on the trip. 150 were people going up and down to Round Pond where they have camps. What does that leave you? What are you trying to protect?

These are emotional arguments. I am a Senator from that area. This is my constituency. The arguments that I will present to you from now on are bread and butter arguments. They are arguments that affect our pocketbooks and the lives of these people.

In the newspaper article that was given at the hearing on the Allagash Authority, one of the gentlemen that made quite a hit said this, "The point I would like to make is that for every one of us who has been lucky enough to spend a lot of time up there, there are thousands, maybe hundreds of thousands who want to get up there and haven't been able to and you shouldn't take the dream away from them."

That seems to be the thing that hit the audience. Let me answer this gentleman this way, "I have a dream, too, and many parents in the area have dreams. We have dreams of passing on to our children the little bit that we can round up during our lifetime and if economic conditions continue in Aroostook County, we won't be able to fulfill our dream". What are the statistics on the other side? The hydro-electric and flood control? I will present to you documentation of all the facts and statistics that I give you.

First of all from this report on the International Professional Electrical Board. This is what they say about Rankin Rapids. The Rankin Rapids project is an exceptionally excellent hydro-electric potential, having a benefit cost ratio of nearly 3. It's net benefits amount to about eight and a half million dollars annually. The net benefits of the Rankin Rapids-Quoddy combination amount to nearly fourteen million dollars annually. We have therefore, a benefit cost ratio for Rankin Rapids alone of three to one, and of the combination of 1.7 to one. That's what I base myself on to push this hydro-electric project.

I also have here some remarks which were made by the General Manager of the New Brunswick Power and Light Company. This is

what he has to say, and he is considered an authority on the matter.

"I should like to briefly discuss the power potential of the St. John river and to clarify some misunderstandings which seem prevalent in this regard. We have made an exhaustive and very careful analysis of the total potential of the St. John river and are happy to find that the possibilities of power in this river are even greater than had been originally anticipated."

Then he says in his last sentence, "This total potential can be developed with or without the development of power and storage in the State of Maine. You have heard a lot of remarks saying that this is entirely for the Canadian interests. They can develop their side of the river without our stowage. It is perfectly economical and would produce energy at an average cost of approximately five mills when integrated with thermo-generating plants in New Brunswick."

He goes on to speak about the down river benefits. He says, "New Brunswick, of course, does not expect to get their down stream benefits for nothing. We would expect to pay our fair share for any benefits which we would receive. This would tend to reduce the power cost to United States consumers as well as being beneficial to Canadian power users if this entire potential of almost one and a half million kilowatts were developed cooperatively."

I won't be much longer on the power part of this presentation except to say this: The decision apparently is between a project that would flood the Allagash River and one which would not flood the Allagash River. The alternative which has been proposed, as you know, was Big Rapids and Lincoln School. If you look on your map you can follow me. However, I have been opposed to this project right from the start purely on the economics of it and here is the answer on economics.

It is clear from the report that the advantages of the use of all of Rankin Rapids over the Big Rapids — Lincoln School combination are considerable. The report

shows that the project's first cost per installed kilowatt of Big Rapids — Lincoln School, would be twenty percent greater than at Rankin Rapids. The Rankin Rapids project would produce 215 million kilowatts more per year than Big Rapids — Lincoln School and would have 68,000 kilowatt greater capacity. The report shows that the Rankin Rapids project would have about three million dollars more power benefits per year than the other combination.

That's what I mean by the economics of it. In other words, Big Rapids — Lincoln School would cost twenty percent more per kilowatt hour and would yield three million dollars worth of power less a year, or about a third less a year. It would not be the flood control that Rankin would have, because if you look at your map where Big Rapids is, it would only trap the waters of the upper St. John and the Big Black which we don't see on the map. So in the Spring of the year you would still have the water from the Allagash flowage and from the Little Black which would keep on flooding down river. So you would not have flood control and you would not have the tourist attraction that Rankin Rapids would have.

You have heard lately about another proposal which is the Dickey and that is the reason I have this map here to show the place of Dickey. All they have done is to relocate the dam at Big Rapids down to Dickey so that they could trap the waters of the Little Black and they come around and call it a compromise. In my definition of a compromise, both sides give a little bit. At no time do I see that the proponents of the Allagash River have given anything so instead of a compromise, I call it a capitulation. You are capitulating to the timber interests, to the white water canoeing interests and you are capitulating to the fishing interests and I still stand by the Rankin Rapids development.

The only reason why they are coming out with this Dickey-Lincoln School proposition is, they say, to save the Allagash River. I have shown you from previous comments

that the arguments of the proponents to save the Allagash are purely emotional and sentimental. I realize that there are many big names, influential people that are backing this proposition and I appreciate their concern. However at times I wonder if they are not misinformed or misled. If they actually knew what this is all about, would they have the same arguments? The benefits that would be derived from hydro-electric project are these. For a period of five years it would leave a payroll of approximately \$45,000 a day. You would have an annual return of approximately eight and a half million dollars. You would have flood control on the St. John River, which we don't have today and two years out of five, Fort Kent gets flooded but you only hear about the damages done at Fort Kent. You don't hear about the lowlands that are being covered by water every spring of the year. Some of that land is under water right now. That, of course, washes away your fertility.

You would have a tourist attraction in this area, which is only approximately 75 miles from Quebec, of great importance and you'd be attracting tourist into the area who would continue throughout the State of Maine and would spend two or three days in the State of Maine. You would have a project unique in the East. At the Colby meeting here last week you all had mentioned to you the fact that the St. John River is unique in the East, the largest river in the East and only thirteen percent of it is developed and all of that in Canada. Aren't we failing the people of our state by stalling these developments for a few benefits that would be generated by a few fishermen and a few canoeists in the area?

This will be my conclusion, for those of you who are anxious for me to conclude. As you know we are attacking DED for their results. We claim that we are not getting the results we are paying for and yet I am wondering how much support are we giving DED? If you want to industrialize an area, first of all you have to try to study what you have available, the resources you can

develop. Then you have to take into consideration the limitations that you have, and certainly you should not ignore those limitations. These are the limitations that we have in regard to industrial development. We have the highest fuel cost of any state in the union. I could read you extracts on this but I won't. Ninety percent above the 1958 average. Does that make sense to you? We are the second highest on power rates. We are the highest in transportation. Doesn't it make sense to you if we have a natural resource right in our back yard, in the nature of a hydro-development that we should develop it? Doesn't it make sense to you in a state that has the highest fuel cost because our fuel comes from Texas and such areas a long way off. Doesn't it make sense to you that if we have hydro potential we should develop it? Let me ask you this question. Why is it that a hydro electric project of this nature is feasible and economical in the west, the Pacific west, the south, the middle west and all the other areas that are sitting on coal mines or oil wells, feasible and economical for them but not for us that live in a state with the highest fuel cost, the highest transportation cost and I would say the highest power cost? Wouldn't you say there is a little brain washing behind this somewhere?

That is what I am trying to say, the message I am trying to pass on to you. I don't know whether my arguments will reach you or not but I hope that my enthusiasm will reach you. Let me conclude by giving you these statistics in regard to the Allagash, which are way out of proportion to what it actually is. We have in the state of Maine 17 million acres of forest. Assuming that we were to allot one acre apiece for each one of these nature lovers so they could do their contemplation peacefully. Do you realize that the State of Maine could accommodate seventeen million of them?

Thank you.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Ferguson, to accept Re-

port A, Ought to Pass in new draft.

Mr. CYR of Aroostook: Mr. President, I forgot to make my motion. I move to indefinitely postpone the bill.

Mr. STILPHEN of Knox: Mr. President, I ask for a division.

Mr. BROOKS of Cumberland: Mr. President, I rise with some trepidation. It seems that Senator Cyr and myself on this particular day have not agreed on much of anything, and I certainly cannot agree with him and his attitude on this document, L. D. 115.

First I want to make it quite clear, ladies and gentlemen of the Senate, that I am very much interested in the citizens of the State of Maine, all the citizens of the State of Maine, and I am interested in the future of the State in all of its economic and social areas. I voice my opinion here today without emotion. I had rather not be known here today as "nature boy" when I get through discussing this problem.

Section 1 of the bill states: "It is declared to be the policy of the State of Maine to provide for preservation and natural beauty and wilderness character of the Allagash watercourse while retaining the natural economic resources of the area." This bill, if it becomes law, is a vehicle, I am firmly convinced, that will be used in forwarding this particular area in the area of conservation and development of our recreational facilities, which I believe to Maine are most important.

I think perhaps I can make my point most clear by quoting from the June issue, 1963 of Down East magazine, a very fine magazine that is dedicated to the furtherance of Maine and its economic and recreational area. On Page 23, in an article entitled "North by East," they state:

"So many programs for Maine's Allagash region have been evolved here in the past several years that proponents and opponents of the various schemes are using the same arguments to arrive at wildly different conclusions, but one conclusion is of paramount concern to all Mainers with any type of Allagash

axe to grind, whether it be multiple use of timberland, State and private administration, State power, Federal power, private power or State and Federal Recreation. It is almost a certainty that if the various Allagash allocators do not soon come to a meeting of minds they will all find this wilderness quietly taken over by the Department of Interior. While the main debates have flourished on miles and miles of newsprint harvested from the Allagash, Secretary of the Interior Udall has gone ahead and brought out a new brochure entitled "Future Parks for the Nation." It lists 24 areas in 26 states that might be acquired to use as federal parks and recreational regions, and at the head of the list alphabetically is Maine's Allagash River. A Federal take-over may still be a long way from an accomplished fact, but we remember only a few years back when the Department of Interior pointed publicly at the province lands of Massachusetts and said, "We would like that for a park," and the tip end of Cape Cod was preserved despite all protestations. It makes us uneasy to have Mr. Udall quietly state his interest in the Allagash which Maine and Mainers have preserved thus far without any federal interference."

I abhor any thought of the federal government taking over this part of our State when I am sure the State of Maine and its people are certainly capable of handling their own affairs. I therefore oppose the motion of the Senator from Aroostook, Senator Cyr for indefinite postponement of this bill.

Mrs. HARRINGTON of Penobscot: Mr. President and members of the Senate; I am going to move for the indefinite postponement because I feel that if we authorize this authority that it will prevent some projects from being established or some industries from being established in that part of the State.

All winter long I have seen family after family move out of that section, seeking employment. Some of these families have left nice little homes that they built and had pride in, to go to Connecticut and live in two or three rooms, a trail-

er, or whatever they could find, so that the bread winner could feed his family. These people would like to live in Maine and they would return to Maine if they could find employment at a living wage.

I am mindful that some of these projects I have voted on and probably will vote on are against my political philosophies, however I am willing to waive those philosophies if these projects will bring employment to these people and some semblance of prosperity to the State of Maine.

Mr. CYR of Aroostook: Mr. President, I would like to clarify certain things.

Maybe in my presentation on this I talked quite a bit on Rankin Rapids, and some of you may think that by voting for this or against this you are voting on Rankin Rapids. The only reason I brought up Rankin Rapids was to show you the benefits that could be derived from a hydro-electric project.

Now let's come back to the nature of the bill itself. I am as much of a conservationist as anyone in this room here, in fact I worked on reforestation, I have worked on diversion ditches, I have worked on salt waterways and what have you, and I believe very much in conservation of land and forests, so it is certainly not from that standpoint that I am attacking this. What I am trying to pass on to you is the exaggeration of the opponents in regard to this.

At the hearing on the Allagash River the Forestry Department here showed a 45-minute film. 35 minutes of that film was entirely on scenes that would not be affected by flooding, only the last ten minutes was. There you have it, all the way through. Now they never mentioned that these scenes would be flooded but by implication they tried to leave the impression — unless I had been there to bring it to the attention of the audience — by implication you would have thought that the whole area would have been flooded.

In the flowage of the Allagash River there are approximately fifty townships. Now 31,000 acres is less than a township and a half. That is all it would take, less than a township and a half. In the whole

of Aroostook County there are approximately 200 townships that are in forest. That is 4,800,000 acres. So when you talk of the Allagash territory you are talking about four million acres of land, and they try to make you believe this would all be flooded and would be a great, big lake. It would not. You will still have fishing, you will still have timbering; the timbering would not be jeopardized in any way whatsoever. So that this Allagash Authority they are trying to create by this bill, you are creating nothing, you are just asking for \$15,000 for a committee to talk for the next two years. Now they have worked for two years in Legislative Research. What have they got? They couldn't even agree with themselves. You have three versions, you have three drafts of this bill, and I could give you some of the drafts. One of the drafts which is recommended by the Natural Resources Council of Maine would take half a mile on each side of the river, which would include 120,000 acres of land, but they think nothing of that. They even made the recommendation that timbering would not be allowed on that, but after it was brought out that it was poor forestry management not to have any harvesting of timber then they rescinded and changed their mind. But in the draft you have before you here — I would like to quote these lines:

“The term shall not be applied to prohibit the cutting and harvesting of timber or removal of minerals, and shall not be applied to restrict the exercise of those rights commonly known as flowage and driving rights as they now exist.”

So the timber people are incorporating in the bill protections.

Also, this authority creates no corporation or no entity, no rights to raise funds to buy this land. So what is going to happen: The timber people are going to give the State of Maine this land but on their terms. Their terms are going to be: no taxes to the State of Maine, but we are allowed to timber, we are allowed to harvest this timber. So that is what you are buying by this, and I want to bring this to your attention, and the fact

that if this passes we are setting the State of Maine on one course and one course only, while at the same time the federal government is spending \$800,000 in a comprehensive study of the area.

Now I am taking my chances on whether Rankin is going to be approved or not, and why can't they take their chances too?

Let's assume that we do go through and pass an authority or a corporation that belongs to the State of Maine. The State of Maine cannot afford it. We have hundreds of thousand of acres today in parks, in public lands, that we do not have the funds to develop, so what are you buying? You are buying something and you say, "Let's leave it there let's not touch it." So it is a do-nothing program that they are asking you to buy, plus the fact that if a hydro-electric project goes through the federal government, the Interior Department, which is the same department that will appraise the recreational aspect, the park aspect, as well as the hydro-electric aspect — it is the same department, and their recommendation is a park, something like Fundy National Park in New Brunswick, which is very well attended in the summer.

The Senator from Cumberland seemed to think that federal money to develop the area would be tainted. Well, the only answer that I can give him is this: What is wrong with Mt. Cadillac? That is a national park.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I did not realize either that this measure would be coming up for debate here today, but we have moved along at a very rapid pace.

Certainly there is no one, probably, in this Senate, who has been accused any more than I have of being a conservative, and I am glad to be a conservative; but I do not believe that conservatism means that we should close the door for future development of resources of Maine, and I certainly must agree with the Senator from Aroostook, Senator Cyr, when he says that we are taking one course if we pass this particular document which is, in its redrafted form, known as L. D. 1534.

Now just looking at the bill itself, we see that an Allagash River Authority is created. The Senator from Aroostook, Senator Cyr, has rightfully pointed out that this actually is not legally an authority which is being established, because this committee would then be going to an advisory committee, which is established in the next section of the bill, and it stands to reason there would not be much accomplished by these public officials designated as members of the authority without consultation with the advisory committee. As a matter of fact, the law would so state, that they must consult with the advisory committee. In other words, the hands of the so-called authority are tied and the hands of the State of Maine in the future could well be tied if we were to adopt this particular measure.

And when you get down to the duties or the so-called duties of the authority, under sub-section 5 of the bill and Roman numerals, I, II, III and IV, it is about as innocuous language as you could find for anything that purports to be an authority, but when you go down into sub-section 3, "They shall consult with and seek the advice of conservation and naturalist groups in the planning and development of the water course," certainly you could not tie your hands any more for the future of the State of Maine than to say as far as development of economy and development of water power than to say that before you can do anything on this great river you are going to go to the conservationist and the naturalist groups, so we certainly would be tying our hands. I certainly do not know enough about the over-all issues on power development as to whether I favor Rankin Rapids or Cross Rock or any other particular development, but I certainly feel that we would be derelict in our responsibilities as members of the State Senate if we were to completely close the door to the over-all purpose for the benefit of all the people of the State of Maine by enactment of this bill, and I certainly hope that we indefinitely postpone it.

Mr. HICHBORN of Piscataquis: Mr. President, I ask to be excused from this voting because of this reason: I paired my vote with the Senator from Aroostook, Senator Edmunds, who, if he were present would vote "No," and if I were to vote I would vote "Yes."

Thereupon, Mr. Hichborn of Piscataquis was excused from voting and given permission to pair his vote with the vote of Senator Edmunds of Aroostook.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Aroostook, Senator Cyr, that the bill and all reports be indefinitely postponed. A division has been requested.

A division of the Senate was had. Seventeen having voted in the affirmative and eleven opposed, the motion prevailed.

The President laid before the Senate the 38th tabled and unassigned item (S. P. 426) (L. D. 1169) Senate Reports from the Committee on Judiciary on bill, "An Act Relating to Discrimination in Rental Housing"; Majority Report, Ought not to pass; Minority report, Ought to Pass; tabled on April 30 by Senator Edmunds of Aroostook pending motion by Senator Farris of Kennebec to accept the Majority Ought Not to Pass report; and on motion by Mr. Edmunds of Aroostook, the bill was retabled and especially assigned for Wednesday next.

The President laid before the Senate the 39th tabled and unassigned item (S. P. 281) (L. D. 795) Bill, "An Act to Correct the Name of Heron Lake Dam Company and Relating to Its Powers"; tabled on April 30 by Senator Cyr of Aroostook pending enactment; and that Senator moved that the rules be suspended in order to permit him to make a motion for reconsideration.

On motion by Mr. Brooks of Cumberland

A division of the Senate was had. Twelve having voted in the affirmative and fifteen opposed, the rules were not suspended.

The PRESIDENT: The pending question on this bill is the question of enactment.

Mr. CYR: I now move indefinite postponement of this bill and I would like to speak on it.

The PRESIDENT: The Senator may proceed.

Mr. CYR: This bill says, "An Act to Correct the Name of Heron Lake Dam Company and Relating to its Powers." If you read the bill you will find they are trying to make you believe they are just changing the name, and yet there is a sleeper in this thing here. You will find that they are asking you for authorization to build a dam and to create power. Now if they are that sneaky that they cannot come out and say exactly what they want to do and debate it the way it should be done I do not think that this bill should pass.

Now my amendment that I had was to leave the change of the name but delete the power, but I failed on that motion so now I am asking for indefinite postponement of the whole thing.

Mr. BROOKS of Cumberland: Mr. President, I request a division.

Mr. ATHERTON of Penobscot: Mr. President and members of the Senate: This bill, as I understand it, does not provide for building a new dam. As a matter of fact there is already a dam there, an old one, which is somewhat in a state of disrepair. You may not have it with you now, but we were all given a copy of the magazine entitled "Maine Fish & Game," the spring 1963 issue, put out by the Department of Inland Fisheries and Game. On Page 13, I believe, although not numbered, there is a picture of this particular team and the captain refers to it as "The Old Churchill Dam," but I understand the actual name is the Heron Lake Dam Company. By this change in name the company wishes to have authority, if they think it desirable, to rebuild or repair the old dam that is there. I might say that under existing law, or a special law back in 1891, Chapter 19, there is a restriction as to the height of the dam, and they do not, of course intend to exceed that restriction in any way whatsoever.

I think this applies only to the company itself, it does not affect anyone else. For example, I understand it is not in conflict with the Cross Rock project, which, if created would put this dam under twenty or fifty feet of water. Therefore I oppose the motion for indefinite postponement.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator, Cyr, that the bill be indefinitely postponed.

Mr. BOISVERT of Androscoggin: Mr. President and members of the Senate: I wish that you members would take a few seconds and look at the bill. I certainly support the motion to indefinitely postpone this bill as presented by Senator Cyr of Aroostook.

Now the title of that bill is misleading. I served on the Public Utilities Committee and at the time I opposed the measure. The title reads, "An Act to Correct the name of Heron Lake Dam Company and Relating to its Powers." That was changed. The first request was just to change the name, but when the opposition was shown then they included in the title "Relating to its Powers." By that it not only gives them the right to rebuild the dam but they also will be authorized to develop power on that river. The bill was presented to the committee just for the change of the name but now we find out that through a change in the title it means also to develop power on the river through a dam. I certainly feel that due to what is before this legislature, all the projects that we have on the St. John River, that more study should be made concerning this bill, and for that reason I will support the motion of the Senator from Aroostook, Senator Cyr, for indefinite postponement.

Mr. CYR of Aroostook: Mr. President, if there was a dam there before it means that they had the authority to put that dam in. If they had the authority to put in that dam why should they come to us again to ask for authority? It seems to me that is an awful sneaky way to try to put a project through, and that is typical of these timber

lobbyists, timber interests and utility interests. They try little by little to put their foot in the door, so to speak, until we find that there is nothing left for us, and that is why we find we have no more rights in these timberlands, and this is exactly what this is. If they want to build a dam there why don't they come out and tell us the size of the dam, the length of the dam, the height of the dam, how much flowage they are going to take, how much land are they going to flood. And if they are sensitive about flooding the Allagash River this is on the Allagash Chain of Lakes. If they are that sensitive why are they presenting something like this here. They have a right to manufacture power. Now that is right in the domain of my utility up there, and certainly I would like to protect my utility as much as I can. I wouldn't want them to be in competition with my own utility there and possibly lower the rates or something like that. You never know. So, Mr. President, I think just for the purpose of teaching them a lesson we ought to kill this bill.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: Inasmuch as the Heron Dam Company, as it is known today, operates under a charter set forth in our Private and Special Laws going back well over a hundred years and this is only touching one facet of the over-all charter, in order that we might have an opportunity to study more of the entire charter I would move that this lie on the table and be specially assigned for Tuesday next.

The PRESIDENT: The Senator from Kennebec is out of order. The question before the Senate is on the motion to indefinitely postpone the bill.

Mr. ATHERTON of Penobscot: Mr. President and members of the Senate: Just to correct any possible misunderstanding, the bill before you is as introduced, it has not been changed and the title has not been changed in any way. I believe it had a unanimous report from the Committee on Public Utilities, it has been through its sev-

eral readings in both branches and has been pending enactment for some time. I further would like to say it is not creating a new dam, it is merely authorizing them to repair or rebuild a new dam.

On motion by Mr. Reed of Sagadahoc the matter was tabled and specially assigned for Tuesday next.

The President laid before the Senate the 40th tabled and unassigned matter (S. P. 374) (L. D. 1040)

Bill, "An Act Increasing Salary of Forest Commissioner"; tabled on May 1 by Senator Edmunds of Aroostook pending consideration and on further motion by that Senator, the bill was retabled and specially assigned for Tuesday next.

On motion by Mr. Brooks of Cumberland

Adjourned until tomorrow morning at ten o'clock.