

# 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**

Tuesday, June 11, 1963

Senate called to order by the President.

Prayer by Brig. William O. Wilbur, S.A., Augusta.

On motion by Mr. Cole of Waldo, the Journal of yesterday was read and approved.

Resolve, Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry. (S. P. 95) (L. D. 232)

In Senate June 3, passed to be engrossed as amended by Committee Amendment "A".

Comes from the House Indefinitely postponed in Non-concurrence.

In the Senate, on motion by Mr. Edmunds of Aroostook, the Senate voted to insist and ask for a Committee of Conference.

Bill, "An Act Relating to Investigation of Motor Vehicle Accidents by Highway Safety Committee". (S. P. 492) (L. D. 1344)

In Senate, May 28, Bill passed to be engrossed as amended by Senate Amendment "B" (S-256)

Comes from the House, Indefinitely postponed in Non-concurrence.

In the Senate, on motion by Mr. Porteous of Cumberland, tabled pending consideration and especially assigned for later in today's session.

**Committee Reports — House**

The Committee on Highways on Recommended Bill, "An Act Relating to Weight of Commercial Vehicles." (H. P. 866) (L. D. 1253) reported that the same Ought to pass in New Draft under same title (H. P. 1103) (L. D. 1583)

Comes from the House, bill passed to be engrossed.

In Senate, the Report was accepted, and under suspension of the rules, the bill in new draft, was given its two several readings and passed to be engrossed.

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

The Committee on Highways on Bill, "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Little-

johns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island." (H. P. 275) (L. D. 369) reported that the same Ought Not to Pass.

(Signed)

Senators:

COLE of Waldo  
FERGUSON of Oxford  
BROWN of Hancock

Representatives:

TURNER of Auburn  
ROSS of Brownville  
CARTER of Etna  
NADEAU of Biddeford  
DRAKE of Bath

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

(Signed)

Representatives:

CROCKETT of Freeport  
DENBOW of Lubec

Comes from the House, Minority Ought to Pass Report read and accepted and the Bill passed to be engrossed.

Mr. COLE of Waldo: Mr. President, I move the acceptance of the majority "Ought not to pass" report.

Mr. HINDS of Cumberland: Mr. President and members of the Senate: This legislation has been before this legislature before. The Chebeague Island Bridge Committee, before the last session, worked very hard to obtain the signatures to put this out to state-wide referendum, and because of many people using rubber stamps for their name and because of town and city clerks not notarizing the signatures properly, these petitions were thrown out for lack of signatures. There was a bill presented to the 100th session of the legislature, and, if my information is correct, it passed the House of Representatives and passed the Senate here, where it was placed on the Appropriations table and where it died in the last few hours of the 100th Legislature. So the Chebeague Island Bridge Committee figured they would go out and do this in a proper way, to be presented at the 101st Legislature. Consequently they contacted the Attorney General's office and the Secretary of State to

get the proper wording for their petitions which they would take to the people to get the proper signatures in order to put this on a state-wide referendum. I have a letter here from the Secretary of State's office, telling me that the petitions are in order and proper and could be put out for printing. Then, as we all know, the petitions were turned in with the proper amount of names, all certified correct by the Secretary of State, the signatures were approved by this legislature and by the Judiciary Committee, and then we sent the question to the Court to find out whether the people of this State could initiate a bond issue by petition, and we found that the people could not. It is my understanding that if the people had not put the bond issue in this they could have initiated the question of the bridge, but not the bonds to go along with it.

Now this group has acted in good faith all the time they have done this, they are only asking for a statewide referendum which possibly could be defeated, or it might pass, no one knows, but this is certainly a worthwhile project and would open up recreational areas, open up the Casco Bay Islands, and I really feel, even though we have a difference in the reports as to the cost of this project, that all we are asking for here in this bill is exactly what the people asked this legislature for. They petitioned this legislature, they did not try to go over this legislature's head, they petitioned this legislature for the right to vote in all good faith. The differences in the reports as to cost I do not think enter into the question, because if this bill is passed and is put to a vote of the people, this asks for a three-million-dollar issue of bonds, and consequently if the bridge were to come in at any additional amount of money over three million dollars the bridge could not be built anyway. So all I would like to ask the Senate to do is to go along with these people who in good faith petitioned several times and have had bills before the legislature several times, in order to have a bridge and causeway for their very lovely and large and beautiful island. I hope that the

motion of my good friend, Senator Cole of Waldo, will not prevail.

Mr. COLE of Waldo: Mr. President and members of the Senate: On several occasions I have listened with interest to facts and information presented by proponents of the Chebeague Island Bridge, and I would like to go back over some of the ground covered and take a look at some of the information and the sources from which it was developed.

The Chebeague Island Bridge Committee employed the engineering firm of Fay, Spofford & Thorndike to make a survey of the need for this bridge. The physical survey and preliminary design of the facility was made by them. The funds available to the Chebeague Island Bridge Committee were of a very limited amount, I think the exact amount was \$2500, so you can see for yourself that the original survey as made by Fay, Spofford & Thorndike was done with very limited means, and I believe there were only four soundings made of the whole project. Of course you know a project of this size, if it is voted, will have to be surveyed in detail and borings taken, and I understand that the area does consist of a lot of marine clay which will make it very expensive to build.

I would like to give you a little description of this bridge. The bridge itself consists of a section 1050 feet long, causeway sections of a length of 3600 feet, roadway sections of a length of 5420 feet, for a total length of 10,070 feet. In fact you have got approximately two miles of highway trestle work and bridge construction.

Now the cost for the bridge, the causeway and roadway, according to the report by Fay, Spofford and Thorndike, the original report back in 1956, was \$2,700,000 plus \$300,000 interest during construction for a total of three million, which this bill calls for. Now the suggested toll schedule is \$1.25 each way or \$2.50 for the round trip for passenger cars, and trucks of course would pay a higher toll. Financing is by means of 50-year serial bonds, interest rate at 2.75 per cent.

Fay, Spofford & Thorndike, Inc. concluded that revenue would be suf-

ficient to pay the operating costs, maintenance and amortize the debt at the interest rate of 2.75. This conclusion is based on population figures, both permanent and seasonal, on Chebeague Island as supplied by the Chebeague Island Committee. Now these facts were all supplied by the committee. I think a little later it will be brought out that another actual survey was made and these figures were not correct.

Now the State Highway Commission Planning and Traffic Division report, in accordance with Chapter 178, Resolves of 1957, was directed to study the economic and engineering aspects of the proposed Chebeague Island Bridge, causeways and roadways. The Planning and Traffic Division made a house to house canvass of Chebeague Island to determine population figures and could not find justification for the population figures used by Fay, Spofford & Thorndike, particularly the seasonal population. The Planning and Traffic Division of the State Highway Commission concluded:

(a) That the cost of the proposed Chebeague Island Bridge, causeways and roadways could not be liquidated by means of tolls.

(b) That assuming 50-year serial bonds as suggested in the Fay, Spofford & Thorndike report and 3 per cent interest charges, which are probably more realistic than 2.75 per cent, it was determined that payments from the General Highway Fund to finance deficits in the matter of debt retirement over a fifty year period would amount to \$2,327,000.

Now the current report of Wilbur Smith and Associates: At the request of the State Highway Commission, Wilbur Smith and Associates of New Haven, Connecticut filed a report with the Commission dated March 18, 1963. This report was requested due to the fact that the Commission was of the opinion that the construction figures as used in the Fay, Spofford & Thorndike report filed in 1956 would not be valid at the present time. Wilbur Smith and Associates used Hardesty & Hanover of New York City,

consulting engineers, to determine the cost of construction.

Now the Wilbur Smith and Associates report indicates the following:

(a) Using the same construction design as suggested by the original engineers, Fay, Spofford & Thorndike, and using an H-15 loading which is not feasible as present day bridges are designed by H-20 loading. The bridge from the mainland to Cousins Island is based on an H-20 loading. The total cost of the bridge, causeways and roadways, including financing charges, would be \$6,335,000. Using a H-20 loading the total cost would be increased by \$215,000, making a total of \$6,550,000.

(b) Hardesty & Hanover computed the cost of the facility using trestle type construction rather than causeways in certain locations and with an H-15 loading the cost, including financing, was estimated to be \$4,730,000. With the H-20 loading it would be \$5,205,000.

(c) Wilbur Smith and Associates, after investigations involving Casco Bay Lines records and information from other sources, estimated the traffic on the proposed facility to be essentially the same as that determined by the Planning and Traffic Division of the State Highway Commission. In both instances this traffic was less than that used by Fay, Spofford & Thorndike who used population figures supplied by the Chebeague Island Bridge Committee.

(d) Assuming a 30 year bond issue with 3.25 per cent interest, which is more realistic than a 50 year bond issue with either 2.75 or 3 per cent interest, payments from the General Highway Fund would amount to no less than \$6,000,000 with trestle type construction and as much as \$9,000,000 with causeway type construction. This is based on a toll rate for passenger cars of \$2.50 per round trip with a \$2.00 toll round trip used by Fay, Spofford & Thorndike and by the Planning and Traffic Division. Trucks in each case would pay a higher toll.

In conclusion: Under no circumstances, using realistic population figures and likewise realistic financing figures which would be a maximum of a 30 year bond issue with

assumed interest rate of 3.25 per cent, would the proposed facility consisting of bridge, causeways and roadways be self-liquidating as a toll facility.

In other words, the three million dollars won't begin to build the bridge; and I am quite sure that I speak for the Commission, that without sufficient funds available by this proposed bill, should it pass, I doubt very much whether construction would be started.

Mr. CRAM of Cumberland: Mr. President and members of the Senate: I think it is interesting that this piece of legislation has been before the legislature at every session since 1955. At that time it was requested that the Highway Commission make a survey, and that was turned down. I came down at the time and helped to present the proposal as, at that time, a member of the Board of Selectmen of the town of Cumberland. I think it is interesting that 55,000 signatures were obtained two years ago and 42,000 last year, a total of 97,000 signatures obtained on petitions for the proposal. And I should like to emphasize that no attempt has been made to by-pass the legislature, the petitions were directed to the legislature, asking their action.

My friend Senator Cole mentioned the fact that there was a large amount of marine clay in the area. Probably there is some marine clay, I don't know of any place along the coast where there is not, but wouldn't say the portion of marine clay was very high because the take-off on the shore of Littlejohn's Island for this bridge is rock, it is a rocky shore that goes right down to deep water. At the other end we have a long bar extending out from Chebeague Island, which is a hard bar because at low tide there are large boulders standing out on this bar very nearly out to the channel buoy. I think the survey showed that there was only two feet of muck on top of rock for a good distance along this bar, tapering off with some clay at the end.

Now it was also interesting to me to find that when Wilbur Smith and Associates made this survey

this winter, apparently in a last-ditch attempt by the Highway Commission to defeat the bill and kill the bridge for once and for all, that they came to the island in the winter-time when there was three feet of snow on the ground and stayed there for a matter of two hours and then confined their studies to the material prepared by Fay, Spofford & Thorndike earlier.

Recently there was an article in the Boston Sunday papers, written by a resident of the Boston area who was well acquainted with Maine and he went to considerable length to point out that Casco Bay was closer to Boston in time than the outer portion of Cape Cod, which is a most popular resort area for Massachusetts people. He pointed out that Casco Bay had a multitude of islands, was uncrowded, and particularly that Chebeague Island had sandy beaches as attractive as those on Cape Cod.

I would again like to emphasize that all we are asking is that the bill be submitted to the voters. If it should develop, as Senator Cole predicts in his funeral manner, that there would be insufficient money to build the bridge, the bridge of course could not be built. On the other hand, we have competent engineers on our side of the question who feel sure that the bridge could be built for three million dollars.

I wonder whose ideas are slanted. I hope you will vote to defeat Senator Cole's motion.

Mr. BROOKS of Cumberland: Mr. President and ladies and gentlemen of the Senate: For a moment I would like to discuss the philosophy that has been related to us during this session regarding the future of the state in the area of recreational development.

It seems to me that what we are discussing this morning is closely related to the recreational development of this great State and that Casco Bay is but a part of the over-all picture in regard to this question. Are we going to go forward and take steps to develop Maine recreationally, and are we going to use those natural resources that we have been blessed with, one of which is the Casco Bay area,

or are the thoughts and dreams that have been stated here in this Senate but hollow words? I am sure that all of us in this body are most interested in developing Maine recreationally, and I am sure, if you think seriously for a moment, that you will agree with me and others, that this particular area, Casco Bay, does deserve consideration and certainly should be developed.

Let me for a moment state a statistic or two. There are some 250 islands in the area, most of them unoccupied, many of them occupied. In the center part of the bay is Chebeague Island, the largest of all the islands in Casco Bay. On the west tip of Big Chebeague is an island known as Little Chebeague. And do you know, ladies and gentlemen, there are approximately twenty-five million people that live within 500 miles of this area? I, as well as many others in this body, have talked to out-of-staters, people from the west coast and all over the United States, who have sailed, motored or what not in this area, and they are rather amazed, as a matter of fact abashed, that we have done nothing about this very great recreational potential.

Now I mentioned earlier Little Chebeague Island. Little Chebeague Island can be reached from Great Chebeague by a causeway. Little Chebeague eventually, I believe, should be a private or a state park. Little Chebeague has more acreage today than that developed area in Sebago Lake State Park, and Sebago Lake State Park is turning back a great many dollars to the state each fall after their tremendous business in the summer.

Now it is also known that whenever visitors come into our state and they camp in these state parks or private parks for several years eventually a great percentage of them stay and build cottages and become semi-permanent, and many of them even permanent residents of the State of Maine. It seems to me that by opening up Chebeague Island by bridge and developing perhaps in the future Little Chebeague that we would be opening to the people of the United States an opportunity to see what we have.

From Cape Elizabeth, Crescent Beach Park, down to Harpswell and Bailey's Island there is a distance of around fifty-five to sixty miles and there is not one place where the public can look at the Atlantic Ocean, it is all privately owned. This bridge is an expensive proposition, no one would deny it. The Senator from Waldo, Senator Cole, has very honestly, I believe, and fairly explained his position and the position of the State Highway Commission, and anything expensive we must naturally look at hard and long. But I am sure that in the future the building of this bridge would bring to the State of Maine a great deal more in return than the three million and some odd dollars that it will cost to build.

In my humble opinion, ladies and gentlemen, I believe that this bridge would be the first step in opening up this very wonderful area of Casco Bay to the public and that Maine can little afford to turn its back on this subject and that the citizens of Maine would profit greatly if you and I are willing to allow the people of the State to vote on this proposition, and, if passed, allow it to be built. Remember, ladies and gentlemen, that we are discussing a proposition of around three million dollars. If contracts cannot be received to build this bridge at that price the bridge will not be built. As the Senator from Cumberland, Senator Cram, has stated, we have outside competent engineers who have stated quite frankly and quite honestly that this bridge could be built for that amount of money. So I, of course, oppose the motion of the Senator from Waldo, Senator Cole, and when the vote is taken I would request a division.

Mr. HINDS of Cumberland: Mr. President and ladies and gentlemen of the Senate, I won't belabor this too much but I would like to answer one or two questions which have been raised by the Senator from Waldo, Senator Cole. One was the fact that this first report was not quite as complete as the second report that was done on this bridge. We had several meetings with the people that did the second report and Senator Cole and other members of the Highway Committee and members of the Cumberland

County delegation and the leadership in this body were present, and it was brought out at that time that the Wilbur Smith firm used a good amount of the Fay, Spofford & Thorndike report, and in fact the Wilbur Smith firm never made any soundings or borings whatsoever in the whole bridge, they used a few soundings and borings that were done by Fay, Spofford & Thorndike. And one thing that stood out in my mind during the discussion we had here was the fact that there was the question of why should you manicule the ledge when there were only two feet of muck on the ledge and when the crushed rock would push the muck off the ledge if the causeway was built, and the gentleman, I believe he represented the Wilbur Smith Company, said that even though Fay, Spofford had put down that there were two feet of muck present in the bottom of the ocean there from their soundings, that they had decided that there were seventeen feet of muck and it would not be able to spread out off the ledge. Last week I sat down to read the Wilbur Smith report and in their report they say there are two feet of muck, so, so far as the 17 feet he contradicted his own report and, in my estimation, he contradicted several other things, so he couldn't even stand up for his own report. That kind of bothered me a little bit.

One other point I have to mention is that today if you take a ferry to Chebeague Island — and I am giving this information because the cost of the toll for the bridge has been mentioned — each individual person has to pay two dollars at the present time to go to Chebeague Island ferry. If I took four people with me I would pay ten dollars for five people to go over to the island by ferry at the present time, so a two dollar or two dollar and a half toll, and no one at the present time knows what the exact toll will be and we do not know what the exact cost of the bridge is until it is put out for construction, a two dollar or two dollar and a half toll would mean a considerable saving. We have been guaranteed by one of Maine's larg-

est bridge contractors and by the Fay, Spofford concern that this can be built for less than three million dollars. I hope that the Senate would go along and not accept the "Ought not to pass" report so that we may accept the "Ought to pass" report and send this to the people for their vote.

Mr. LOVELL of York: Mr. President and members of the Senate: I would like to go on record for this project and possibly I can get myself back up the years. The good Senator from Cumberland, Senator Hinds, said he thought we had dropped back twenty years behind the times, so I would like to get back up into the present.

I think that the effort that the Chebeague Island people have put into going after the referendum this year and last year, and through no fault of their own the Supreme Court comes out with this ruling that the bond issue cannot be initiated by referendum — I think we should give the Cumberland County delegation and the Cumberland County group the opportunity to have this placed on the ballot for referendum. I think we have a great many areas that can be developed in Maine. Now Cumberland County is the most populated county in Maine, and, in addition to that it is the richest county in the State, and I feel that if this bridge was built — and it cannot cost more than three million, according to the referendum — if this bridge was built the amount of traffic would be amazing to all people. Because of the fact that it is an island of good size, it will draw people from the Portland area as well as out of state and all over in the summer months over there for picnics, camping and so on, and when the bridge makes this island more accessible to the people I think you will find a great increase in the purchase of real estate on the island. Although this might not pass in a referendum, I think we should give these people, where they have worked so hard, the courtesy of passing this bill so that the people can have the privilege of voting on it.

Mr. PORTEOUS of Cumberland: Mr. PRESIDENT and members of the Senate: This subject has been pretty well covered but I would like to



bring up sort of a different approach. I think where there has been so much debate on this I would not stand up unless I had something in the way of a new approach in thinking about this, and that is the approach of equality for the residents of Chebeague Island and consideration for the summer people out there. There are approximately 2500 summer people, which is a far cry from the small regular population. There are some year-round homes there, but I submit to you that you should think of the great increase in the numbers of those if an area as beautiful as this and only twelve or fourteen miles from downtown Portland, in easy commuting distance, because quite a number of our people commute even further out than that over excellent highways and we can thank the Highway Commission for taking care of us on that score. Now if a like amount of money were to be spent somewhere else in the state, this legislature does not have the opportunity to approve of it or disapprove of it. It is only in the building of something that the people want themselves and bring forward to the legislature that we get a chance to vote for what the people want or vote against it.

I have here the population figures and the mileage to some of the several towns around the state, and I would submit to you that if this legislature were to be given the choice of whether to build a road to these particular towns or to leave them isolated so that there was no road going there at all that we would be in pretty hot water. I might say that the first town would be Stratton, with a population of 666 and not much of a summer population in excess of that—I would say there might be less, because there would be a few more people there in the winter due to the ski business. The distance from there to Kingfield over a very tortuous terrain is twenty-four miles. I would think that the cost of this twenty-four miles of roadway at say roughly \$200,000 a mile—I am talking of brand new construction, not repaving—would be substantial, it would be about \$4,800,000, which is more than the Chebeague Island bridge. Now Bingham is a

town that is located pretty well up from most any place else and that has a population of 1308 and is connected with millions of dollars of roadway. What if we were to isolate the town of Bingham? I never heard of the town of Rockwood before, but it has a population of 137 and it is about 35 miles from Greenville. What if we were to isolate Rockwood? We never had any voice in building that road there in the first place. Jonesport has a population of 1563 and it has two roads down there and then it has at the end of that the Beal's Island bridge where there is a very, very small population when you compare it with the population on Chebeague Island.

One point that I think should be stressed is the year-round opportunity presented by Chebeague. We think of the vacation business as being important. Yes, it is only 115 or 120 miles from Boston and many of the homes in our area that are just for summer use are owned by Massachusetts residents, whose children do not go to our schools by the way. But I think the year-round aspect should be stressed. Since the Central Maine Power Company built the bridge to Cousins Island there have been approximately twenty-five or thirty new homes built, of excellent construction and quality on that island.

Not only do we have to consider Chebeague Island as being a potential for future home-building, but we also have to consider Littlejohn's, which is a stepping-stone to Chebeague, the island that is located between Cousin's Island and Chebeague and would be connected by the causeway from Cousin's to Littlejohn's, and then the bridge and causeway from there to Chebeague. Chebeague is the largest island in Casco Bay, so you not only have the big island of Chebeague but you have a very sizeable island in Littlejohn's which presents quite a good shore of deep water, a good mooring area for boats as well as the shore of Chebeague.

Now one thing that has not been expressed before is the possibility for a really fine harbor in the lee of the causeway that would be the eastern extension of the bridge and causeway to Chebeague. There is

good water there and the prevailing wind is from the southwest so that boats moored in there would be protected from the southwest and then the island itself would protect them from the northeast, and the only place they could possibly get a low would be from westerly or north-westerly winds, which are relatively infrequent, and because of the short distance the winds will travel from the mainland to an island like Chebeague and the sea created is not severe. I had a boat moored in similar waters for many, many years up until I moved to Falmouth. We are out at Prout's Neck, and the most severe water we get out there is from the southwest, and no boat that I recall has ever been washed ashore. I came close once.

For these several reasons and for the reason of equity in dealing with these people and for the great potentials, I would support the Chebeague Island bridge, and I would hope that the motion to accept the majority "Ought not to pass" report would be defeated.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I rise in support of the motion of the Senator from Waldo, Senator Cole, that we accept the majority "Ought not to pass" report of the committee, and disagreeing with the Senators from Cumberland, particularly Senator Hinds and Senator Porteous, who claim that this should be sent to referendum. This L.D. states "The State Highway Commission is authorized to construct a causeway and bridge to Chebeague Island, Littlejohn's, and so forth."

Now as to the annual commuter, I would like to give you a little run-down on that. If we consider just the toll bridge cost it is only part of the cost of the total trip to the island. Upon landing at Littlejohn's Island it is still four and a half miles from the center of Yarmouth, 8.2 miles from Cumberland Center, 8 miles from Falmouth Foreside, the present site of one ferry terminal, and 14 miles from the junction of Washington and Congress St. in Portland. At a cost of 7 cents a mile, one should add 7 cents times 28 miles of \$1.96 for a passenger trip to Portland and re-

turn to Littlejohn to the bridge toll of \$2.50, making a total cost of \$4.46 for a round trip. Both reports considered 2.4 or 2.4 persons per vehicle, resulting in a cost per person for the average trip to Portland of over \$1.80 per trip. If persons club together to save money so that the riding costs will be reasonable, which is a natural assumption, this would result in a reduction in traffic. Using 4 persons per car instead of 2.4 persons per car would result in only about 72 per cent as much traffic as predicted, thus endangering the bridge revenues considerably. For example, the Fay, Spofford & Thorndike estimate, which was the only one conceding enough traffic to build the bridge, would be changed from 44,800 vehicles to 94,907 the 50th bond year. Of course the state's estimates show a corresponding loss in vehicles and revenues which would put the bridge farther into the red than ever.

If we go along with the report of Fay, Spofford and Thorndike we will have to be baling out this bond issue to a very, very great extent. You have seen what has happened to some of the other bridges where the State has had to come to the rescue. Certainly this is not going to be a revenue-producing piece of legislation.

You have heard the remarks of Senator Cole as to the very high amount it could eventually cost the citizens of the State of Maine, up to nine million dollars over a period of fifty years, and I think this is certainly not an area we should get into. I hope you will go along and support the majority of the committee which voted against this piece of legislation.

Mr. NOYES of Franklin: Mr. President, I rise to support the Chebeague Island bridge as I have in the last two legislatures. I have listened to all the arguments and I am sure you have read the engineering reports. This is not just a matter of Chebeague Island. Speaking of Casco Bay, there are some three hundred islands in that bay, and if Casco Bay was in any other state in the Union except Maine it would have been developed a long time ago. Chebeague Island bridge will be the focal point from which

the other islands will develop. Within 450 miles of any point in the State of Maine we have fifty-one million people. Senator Porteous mentioned the little town of Stratton up in my county as having only 666 people. That is true in the winter time but in the summer time the population is increased to some 3000 people, and the last reports of the Highway Commission show that 240,000 cars went through the town of Stratton in the months of July, August and September last year.

Now are we going to start to approach these things in Maine from a positive point of view or is it going to be a negative point of view? While it is true that perhaps some 303 people live on Chebeague, we are not building this bridge just for them; we are building it as a forward movement in the recreational development of the coast of Maine.

You have heard me speak about this before and I have always supported every recreational project in any part of Maine. This is not strictly a Cumberland County proposition, this is part of an over-all movement which Maine must take a part in. I think it is about time that we separate the men from the boys in this legislature, or perhaps the giants from the midgets, and I would like to ask for a roll call on this measure.

The PRESIDENT: A roll call has now been requested.

The Senate may be at ease.

At Ease

Called to order by the President.

Mr. COLE of Waldo: Mr. President, I ask permission to withdraw my motion.

The Senator was granted permission to withdraw his motion.

Thereupon, on motion by Mr. Hinds of Cumberland, the Minority Ought to Pass Report was accepted and under suspension of the rules, the bill was read, given its two several readings and passed to be engrossed.

**Majority — Ought to Pass in New Draft**

**Minority — Ought Not to Pass**

The Majority of the Committee on Judiciary on Resolve in Favor

of Newtuck Corporation of Portland. (H. P. 421) (L. D. 574) reported that the same Ought to Pass in New Draft under New Title of Resolve Authorizing Newtuck Corporation of Portland to Bring Civil Action Against the State of Maine. (H. P. 1104) (L. D. 1584)

(Signed)

Senator:

BOARDMAN of Washington

Representatives:

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

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

(Signed)

Senators:

FARRIS of Kennebec  
CAMPBELL of Kennebec

Representative:

THORNTON of Belfast

Comes from the House, Majority — Ought to pass in New Draft Report read and accepted, and the Bill passed to be engrossed.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: At this time I move that we accept the minority "Ought not to pass" report. I might explain that this bill was originally — not the same bill but the matter of the payment of a claim to the Newtuck Corporation — was heard by the Claims Committee and turned down. Subsequently, the bill was referred to the Committee on Judiciary and redrafted by its sponsors whereby they sought permission to bring a suit against the State of Maine, and you will note that the majority report is that this corporation be permitted to bring a suit against the State of Maine. There are some legal issues involved but we on the minority are completely satisfied that the legal issues presented are not meritorious and we also feel very strongly that in this particular instance the owner of the property — this is a three-apartment rental unit near the South Portland bridge—did absolutely nothing to protect its own property. It merely

let it lie idle, permitted water pipes to freeze after a fire on the premises and after it collected a small amount of insurance money following the fire, it did not even shore up the roof so that water came down through and the elements got at the building and the building deteriorated very, very rapidly and it would be completely unrealistic for this legislature to even permit a suit to be brought against the State of Maine and put the State to the expense of a thousand or fifteen hundred dollars to successfully defend this case.

Thereupon the Minority "Ought not to pass" report was accepted.

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

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to By-lines for Editorials in Maine Newspapers." (H. P. 470) (L. D. 674) reported that the same Ought not to pass.

(Signed)

Senators:

- STITHAM of Somerset
- SPROUL of Lincoln
- ATHERTON of Penobscot

Representatives:

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

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

(Signed)

Representative:

- GILBERT of Eddington

Comes from the House, reports and Bill indefinitely postponed.

In the Senate, on motion by Mr. Atherton of Penobscot, the Majority Ought Not to Pass report was accepted.

Thereupon, the Senate voted to reconsider its action just taken whereby it accepted the Ought Not to Pass report, and on further motion by Mr. Brown of Hancock, the bill was indefinitely postponed in concurrence.

**Committee Reports — Senate**

The following Chairman of Joint Standing Committees submitted their Final Reports:

Chairman

HAROLD S. PIKE — Agriculture.

DWIGHT BROWN — Business Legislation.

WILLIAM R. COLE — Highways.

RALPH M. LOVELL — Industrial and Recreational Development.

CARL M. STILPHEN — Inland Fisheries and Game.

HARVEY JOHNSON — Labor.

WENDELL R. ATHERTON — Legal Affairs.

LOREN KIMBALL — Liquor Control.

NORMAN K. FERGUSON — Natural Resources.

SAMUEL W. PHILBRICK — Public Utilities.

MARGARET SPROUL — Retirements and Pensions.

ROBERT L. CRAM — Sea and Shore Fisheries.

FREDERICK W. WHITTAKER— State Government.

HARVEY JOHNSON — Transportation.

IDA M. HARRINGTON — Welfare.

Which were read and accepted. Sent down for concurrence.

**Enactors**

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

Bill, "An Act Increasing Working Capital of Liquor Commission." (H. P. 262) (L. D. 356)

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

Resolve, Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers. (H. P. 324) (L. D. 451)

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

Resolve, Appropriating Moneys to Match Federal Funds Provided Under Title VIII of the National De-

fense Education Act. (H. P. 412) (L. D. 565)

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

Bill, "An Act Relating to the Excise Tax on House Trailers." (H. P. 1099) (L. D. 1576)

Which was passed to be enacted.

Resolve, Appropriating Moneys to Construct a Car Ferry Ramp at Peaks Island. (S. P. 91) (L. D. 228)

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

Bill, "An Act Increasing Salary of Forest Commissioner." (S. P. 374) (L. D. 1040)

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

#### Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 872) (L. D. 1259) House Reports from the Committee on Labor on Bill, "An Act Relating to Partial Unemployment Benefits and Experience Rating Record Under Employment Security Law"; Majority Report, Ought not to pass as covered by other legislation; Minority Report, Ought to Pass as amended with Committee Amendment A; tabled on June 6 by Senator Edmunds of Aroostook pending acceptance of either report.

Mr. EDMUNDS of Aroostook: Mr. President and members of the Senate: I believe the original intent of L.D. 459 and the item which directly follows it on today's calendar, L.D. 1258, was to correct inequities in the employment security laws as a result of the enactment at the last session of the legislature of the bill that has become commonly known as the Estey bill. I would point out to you that the original report of the Labor Committee was a majority "Ought not to pass" report as covered by other legislation, signed by eight members of the committee and the minority "Ought to pass" report signed by two members of the committee. The other legislation which was re-

ferred to was the bill which I believe has become known as the Thaanum bill, or, in essence, that was the other legislation that was being referred to, and that bill has not met with success at this session of the legislature, therefore I believe that in the interest of correcting inequities if such inequities exist in the employment security laws, that we should at this time accept the minority "Ought to pass" report of this committee and get these bills before us, and once they are before us we can then discuss the merits and possibly amend them if amendments are necessary. For that reason, I would now move that we accept the minority "Ought to pass" report of the committee.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: In studying this piece of legislation, L.D. 1259, I felt in my mind that possibly we would be up here and correcting the unemployment compensation law somehow, but, far from correcting it, we are making it worse, we are making it so bad we are going to have a double penalty on it. It wasn't enough to have a single penalty so we are going to double it. What I want to bring across here is that we do not want to lose what we have now and I think the people all over the state do not want to lose it either. At this time I am going to move indefinite postponement of the bill and all accompanying papers.

The PRESIDENT: The Senator from Androscoggin, Senator Couture, moves the indefinite postponement of the report and accompanying bill.

Mr. JOHNSON of Somerset: Mr. President, I would hope that the indefinite postponement motion of the good Senator from Androscoggin does not prevail. I would concur with the motion of the Senator from Aroostook, Senator Edmunds.

We are planning to move these two bills on today and this afternoon we plan to have a conference with the parties that are interested in the passage or defeat of this bill, at which time, or possibly tomorrow morning, we will have an amendment which will take care of anyone's objections, and if tomor-

row you wish to kill the bill I believe that would be in order, but I would hope that the motion to indefinitely postpone this bill does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Couture, that the bill and all accompanying papers be indefinitely postponed.

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

A division of the Senate was had. One having voted in the affirmative and thirty-one opposed, the motion to indefinitely postpone did not prevail.

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

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 871) (L. D. 1258) House Reports from the Committee on Labor Relating to Disqualification and Claims for Benefit and Employer's Contribution Rate Under Employment Security Law"; Majority Report, Ought Not to Pass as covered by other Legislation; Minority Report, Ought to Pass; tabled on June 6 by Senator Edmunds of Aroostook pending acceptance of either report.

Mr. EDMUNDS of Aroostook: Mr. President, for the same reason as stated on the previous bill, I moved that we accept the minority "Ought to pass" report on L.D. 1259 I now move that we accept the minority "Ought to pass" report on L. D. 1258.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: This is just like the other one. I don't know why they have two L.D.'s in there to cover it. This makes it more serious than the other one. For a while I thought they were going to kill the other one and were going to pass the second one, and now I see they are going to pass both of them. I don't care if I stand up here on my feet alone, I am still going to vote against this bill. It is the only thing we have left. We have killed every-

thing else that was for the people of the State of Maine here. We have turned our back against them, and now we try to face them with a similar piece of legislation to make it worse than it ever was before. Now who are we trying to kid here. They say we need amendments. We don't need amendments, we need a new bill. They are giving it to the people with one hand, and with the other they are trying to take the whole thing away from them and I assure you this is not what the people of the State of Maine want. It may affect some of your employees, I don't know, but in the meantime let's do something for the people who are really affected by this kind of legislation.

It was kind of shameful to have to go back and live for two years with the present law that we have now, and I do not have to go into every detail of it either because it was covered the other day pretty well, but I am sure that your governor in the corner office and our governor does not want this type of legislation. We spend thousands of dollars to see that money is coming into our state, and we are keeping millions of dollars in the fund that the people are entitled to under the federal law. All we are doing here is depriving our working people so that we are losing our working force in the state. We are spending millions trying to get industry here and still people are leaving every day because they are able to draw unemployment outside of the State of Maine. They do not want to work here any more because they know they are not protected, because they can use them four, five or six months a year and then lay them off. That is the support that we give these working people in the State of Maine. Any time we succeed in bringing some new industry here we spoil them before they come in. They are good industries outside of the State of Maine but when they come in here we spoil them. Again I move the indefinite postponement of this bill and all the accompanying papers.

Mr. EDMUNDS of Aroostook: Mr. President, I would repeat: these are the last two remaining pieces of legislation concerning the employ-

ment security laws that we have got before us, and I believe it will be in order to offer amendments to them, so at this time I would ask for a division on the motion to indefinitely postpone.

**The PRESIDENT:** The question before the Senate is on the motion of the Senator from Androscoggin, Senator Couture, that the bill and all accompanying papers be indefinitely postponed.

A division of the Senate was had.

One having voted in the affirmative and thirty opposed, the motion did not prevail.

Thereupon, the Minority Ought to Pass report was accepted, the bill read once and tomorrow assigned for second reading.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 301) (L. D. 874) Senate Reports from the Committee on Public Utilities on Bill, "An Act to Create the Maine Power Authority, Majority Report, Ought Not to pass; Minority Report, Ought to Pass; tabled on June 6 by Senator Ferguson of Oxford pending motion by Senator Philbrick of Penobscot to accept the Minority Ought to Pass report.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, I move the indefinite postponement of this bill and all accompanying papers.

Mr. PHILBRICK of Penobscot: Mr. President, the motion was just made to indefinitely postpone this bill, and the reasons that he didn't give are just as good as the reasons that have been given by the opponents of this bill.

Reference was made earlier in today's session to giants and mid-gets. I hope and trust the giants will be out today in sufficient number to pass this bill and give me an opportunity at the second reading of the bill to offer an amendment to make it even more attractive than it is, even in its present condition.

This 101st Legislature has just passed an appropriations bill which is the largest in its entire history. We are about to pass a tax bill in all likelihood, an extremely heavy tax bill. Now these are things that we have done to the people of the

State of Maine. Today I would like to see you do something for the people of the State of Maine. I have here a program for you on, figuratively speaking, a silver platter; it costs you nothing and it may do a great deal for the State. All I ask is that you give it a chance. Thank you.

Mr. CYR of Aroostook: Mr. President and members of the Senate: Some of you are probably wondering just what will be my attitude in regard to this legislation, you have heard me expound my arguments all winter in regard to the power project on the upper St. John. You have heard me particularly stand behind the Rankin Rapids development, which would be a federal project versus this one as a state project. Now I am sure that many of you are probably wondering just what will be my attitude in regard to this one.

Actually I was in opposition to this bill until Farm and Home Week one day when the utilities came out with a release that same morning in which they told the people of Maine that this project had no customers. I read that news release very carefully and my impression at that time was that the utilities had overplayed their own action. It was very apparent from this news release that the utilities of Maine want no power project of any kind on the upper St. John. Since then it has been very apparent that they are trying to kill this one because this one can be killed here in Augusta. However, reading between the lines, after they have killed this one they will go after the Rankin project on the basis it is federal money and therefore we don't want anything to do with federal money. After they have killed that one they will go along and kill the Dickey project on the basis that it is not feasible and economical. Now the main argument they offer on this project is the economics of it. They claim that this project will not create power which will be attractive to the utilities. Now if this project, which is the full development of the upper St. John River, is not feasible and economical, as they claim, how will they make Dickey feasible and economical when it will

develop only half of what this project will develop? At that time they will come out with the argument that Dickey cannot support a seventy-five million transmission line to bring this peaking power to your major markets which are outside of the State of Maine. Any good lawyer when he presents his case will look for motives. Now if you look for motives behind this project, you will see that the utilities do not want any power project of any kind. And they have a good argument for it, a good reason for it, because if you define their attitude into one paragraph it will read thus: "The utilities by nature are regulated monopolies with captive customers and according to law they are entitled to six percent of their investment. In other words they are on the same basis as a cost plus contract, and the more the cost, the more the plus."

My arguments for backing this project are these: First of all it will return to the Treasury of the State of Maine approximately \$2 million annually. \$500,000 of this will go for improvements of parks and fishing facilities in the region. My second argument is that after 45 years this project will return to the State of Maine free, at which time it can be used either to reduce the rate for power or the return will come back to the Treasury of Maine. Now if you think about this proposition just a little bit more and look around the other states you will see that Vermont has a power authority, New York has a power authority. Now, New York has a power authority which will be amortized in thirty years at which time they will be in the same position as we would be 45 years from now. They will be in the position to offer to the people of New York, either a very low rate of power or else have these revenues returned to the treasury.

Now, that is the type of competition that Maine will have to face in the future and this project I contend will help you along to compete on the same terms. We are told that this project would take approximately 200,000 acres of land from production or actually from timber production approximately

155,000 acres because 45,000 acres of this is already in water now. But at the same time it will enable the timberland people to have access to the western part of the St. John River and the northern part of the St. John River. All of the timber or at least a very high percentage of the timber which is harvested in the western and northern part of the St. John River and Estcourt and Daquaam, all of that timber today is being harvested to Canada because it is not accessible to Maine. Now with this reservoir and these motorized barges which are very popular in the section of the St. Laurence River, it will be possible now to have that timber accessible for Maine people so what you are losing by flooding out a few thousand acres of land, you will recover through the accessibility of those sections which are not accessible today.

All that this project intends to do is to create an authority to finish the engineering and send this to the FPC for valuation and also send it to contractors. As you know there are two separate figures being offered; one by the Eastern International Corporation which states that this project can be built for approximately \$255 million. The utilities have brought out figures from C.P. Mains and the evaluation whereby they claim that the figures would be closer to \$350 or \$400 million. If that is so, the project will die of its own accord. Their product will not be bought by any utility and therefore they will not be able to build this project. On the other hand if their project at the contractors price comes out around \$225 million then it is possible for them to create power at nine mills and deliver it to Boston. By the same token they will be building a 75 million transmission line throughout the State of Maine connecting with the market out of State where they can tap these big atomic plants or steam plants which are being built in Connecticut and Massachusetts today. They will be able to get the economy from these large plants and return this power cheaper into Maine.

Now, the only way that we can find out the answer to this is to



pass this authority, finish the engineering, send this to a contractor or contractors and have the contractors put out a bid price. Once you have a bid price, then you know exactly what the cost will be.

In conclusion I would say that Maine has many natural resources but we are still living in a Colonial economy. We ship many of our raw products without producing any job opportunities here in Maine. Also with the high freight we have to contend with, this has prevented us from establishing many local industries. Imagine what a stimulant a large block of cheap power would furnish our state for new industrial opportunities. The harnessing of these four rivers would put a wonderful water resource to a wide and efficient use and I wish to end by quoting a statement by a great President, an engineer, Herbert Hoover, in which he says that every drop of water that runs to the sea without yielding its full commercial return to the nation is an economic waste.

I would hope that you would follow the good Senator from Penobscot, Senator Philbrick, in trying to pass this authority. Let's send them all down to FPC, the Federal Power Commission in Washington for evaluation. We don't know what is going to come out of it. We don't know which one will be picked but at least we are giving these people a chance. They are outside people who have come into the State of Maine and they have put a lot of money into developing this project so far. I think it would be a forward gesture on our part to back them up by at least passing this authority and give them a chance to prove to the people of Maine whether they can produce power competitively or not. Thank you.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Ferguson, that the bill and all accompanying papers be indefinitely postponed.

A viva voce vote being doubted by the President

A division of the Senate was had.

Nineteen having voted in the affirmative and twelve opposed, the motion prevailed and the bill and

accompanying papers were indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 598) (L. D. 1565) Bill, "An Act Relating to Minimum Number of School Days in Public Schools"; tabled on June 6 by Senator Brooks of Cumberland pending enactment; and that Senator presented Senate Amendment A and moved its adoption.

Thereupon, the rules were suspended, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, Senate Amendment A was read and adopted; the bill was passed to be engrossed as amended, and ordered sent forthwith to the House.

The President laid before the Senate the 5th tabled and today assigned item (H. P. 295) (L. D. 389) House Reports from the Committee on Legal Affairs on Bill, "An Act to Consolidate the Maine Unitarian Association with Northeast District of the Unitarian Universalist Association"; Majority report, refer to 102nd legislature; Minority report, Ought to Pass; tabled on June 7 by Senator Whittaker of Penobscot, pending motion by Senator Stitham of Somerset that the Majority Report be accepted.

Mr. WHITTAKER of Penobscot: Mr. President, when a vote is taken, I would request a division and I should like to speak on the pending motion.

The PRESIDENT: The Senator may proceed.

Mr. WHITTAKER: Mr. President and members of the Senate, my interest in this bill and the one under Item 6, L.D. 390, which is a companion bill stems from two sources. One, I am concerned to aid and abet in every way the movement now taking place among American Protestantism for the reunion of the churches. This bill and its companion bill moves in that direction. My second reason for speaking on this issue is that I have been requested to do so by representatives of the churches interested in these two pieces of legislation.

When this bill and its companion were first presented to the legisla-

ture they received a unanimous Ought to Pass report from the Legal Affairs Committee. Subsequently for reasons which are not entirely clear to me, they were recommitted to the committee and the report then was unfavorable. I should like to call your attention to these two bills, and now to L. D. 389 since it is the one under consideration.

It seemed to me from the beginning that these were innocuous bills, routine bills. What they seek to do as I understand it is to form into one corporation, two corporations which previously existed. The history of this movement very briefly is this. In 1961 the churches of the Universalist and the Unitarian fellowships in the United States merged to form a national body known as the Unitarian-Universalist Association. Under this arrangement there were established subsequently, regional areas, state areas, if you will, and the area involving Maine and two or three churches in the Canadian Provinces is known as the Northeast District of the Unitarian-Universalist Association. Now the purpose of these bills is to form into one corporation to be known as the Northeast District of the Unitarian-Universalist Association the previous corporations established under Maine Law; namely the Unitarian Association and the Universalist Church of Maine.

These bills give to this new corporation the same powers which are resident in the separate corporations at this time. This is an attempt to make legal a consolidation which is already in effect for practical purposes and I should hope that this Senate would concur with the House of Representatives in allowing now the incorporation of the Northeast District of the Unitarian-Universalist Association which action has been voted by representatives of the two bodies involved at a meeting in May of 1962.

I should like to read into the record and for your information, portions of communications which I have received on this matter. The first is from the Reverend Kenneth C. Hawkes, who is the superintendent of the Universalist church of Maine as well as the Executive Secretary of the new Northeast Dis-

trict of the Unitarian-Universalist Association, which as I have indicated includes the Unitarian and Universalist churches in Maine plus five local units in the Atlantic Provinces. Mr. Hawkes writes, "The proposed legal consolidation of the Universalist Church of Maine with the new Northeast District is envisioned as one of the final steps in the long process of uniting these two religious bodies in Maine. The practical consolidation of programs and administration was put into effect in October, 1962. This whole matter was carefully considered by the Universalist churches of Maine, through their elected delegates, at a meeting at Augusta in October 1961, in May of 1962 and at Bangor in October of 1962. In each case the votes taken were unanimously in favor of consolidation."

I have also a letter from Samuel W. Collins, Jr., who signs himself as President of the Universalist Church of Maine, but explains in the letter that it is written also in his capacity as Vice President and legal counsel for the Northeast District of the Unitarian-Universalist Association and as special counsel for the Maine Unitarian Association. He explains that near the middle of the previous century, the legislature incorporated the Universalist church of Maine and the Maine Unitarian Association. These were separate. Nowadays corporations are usually formed under the general laws of the state. Northeast District of the Unitarian-Universalist Association is incorporated under the general laws of the State of Maine. It is now proposed to consolidate these three corporations into one, which shall be known as the Northeast District of the Unitarian-Universalist Association, governed by the general laws of the State of Maine.

I might explain as may be obvious to many of you that the purpose of this is to avoid the continuation of three separate corporations requiring separate boards of directors and separate annual meetings.

"The bill before you has been carefully considered by each of the three corporations which are concerned. The Universalist Church of Maine considered the matter at a

meeting held in Augusta in October, 1961 and again at a meeting held in Augusta in May, 1962. The vote in favor of the steps taken towards presenting this matter to the legislature were taken after full consideration and adequate notice to all of the Maine churches which were members of the corporation and there were no dissenting votes at the meetings. These bills are both permissive in character. They do not become effective unless and until they are ratified by a subsequent meeting of each corporation which is affected thereby." This is the important point it seems to me, that if passed by this legislature these bills do not become effective until they have been ratified by future actions of the corporations involved.

Mr. Collins continues: "Most any churches or persons who are not in accord with the procedure authorized by the legislation will have further opportunity to debate and to vote upon the question. Among the provisions found in the two bills are sections which permit the Maine corporation to use the services of its national affiliate in the investment of certain of its trust funds. This, however, cannot change in any way the use of those trust funds. The funds must be used as provided in the wills or other trust instruments by which they were established for a variety of purposes most ly concerning Universalist churches and other Universalist and Unitarian church organizations in the State of Maine. Control over these funds will continue to reside in the hands of Maine church people through their elected representatives as prevails at the present time."

Perhaps this is enough of background to help all of us understand what is involved here. As I said at the beginning, I am concerned that we should assist in every reasonable way a movement which is very prevalent in American Protestantism today, namely the reunion of the churches. I believe that this is good legislation, that the movement toward legal consolidation should not be delayed two years by referring to the 102nd legislature. I hope therefore that eventually the Minority report, the now Minority

Ought to Pass report, will be accepted.

Mr. FARRIS of Kennebec: Mr. President, I move that this item lie upon the table until later in today's session and I might just give the reason. The next issue will correlate with it and it might make it much clearer.

The motion prevailed, and the bill was laid upon the table pending motion by Mr. Stitham of Somerset to accept the Majority Report (Refer to the 102nd Legislature) and the bill was especially assigned for later in today's session.

The President laid before the Senate the 6th tabled and today assigned item (H. P. 296) (L. D. 390) House Reports from the Committee on Legal Affairs on Bill, "An Act to Consolidate the Universalist Church of Maine with Northeast District of the Unitarian Universalist Association"; Majority Report, Ought to Pass; tabled on June 7 by Senator Whittaker of Penobscot pending motion by Senator Stitham of Somerset to accept the Majority Report.

Mr. WHITTAKER of Penobscot: Mr. President, I request that when the vote is taken on this matter it be by division.

Mr. STITHAM of Somerset: Mr. President and members of the Senate, I tried very much not to have to debate a religious matter in this body. I am a member of the Universalist Church. My particular parish has voted to join hands and affiliate with the Unitarian Church. When this matter first came before the Legal Affairs Committee, because of my connection with the church, I kept my hands out of it and went along with the report. There was no opposition there at the hearing. In fact, I didn't attend the hearing. I was in another hearing at the time, purposely.

At the time it was recommitted, I then went into the matter from a strictly legal standpoint and I think that in order for you to understand the problem involved here, that I must go in to the background of the new organization. This organization, the joining of hands of these two bodies, started at the top on a national level. And

it came down as has been said, to the regional or state levels. Now when it reached the state level they came around to the individual parishes or individual churches and gave them an opportunity or said, "Do you want to go along with this, do you want to join hands or don't you?" Now in many cases the new parishes made other arrangements. In some instances they became more or less a union church or a community church, and in other cases they voted to remain a Universalist church and not go in with the new organization and in still other cases, certain parishes became affiliated with other denominations. One church I know joined hands with the Congregational church rather than this new organization.

Back in 1861, this legislature gave to the Universalist Church of Maine a charter and with it went certain powers and certain responsibilities. As has been said nowadays these corporations are generally formed under the general law and do not need an act of the legislature. But let me point out one very important thing, that when you wish to dissolve a corporation that has been organized under the general law and which is the normal thing nowadays, in order to dissolve, you go into the equity side of the court as we know it, and in your bill you explain to the court what assets you have, what liabilities you have, what disposition is to be made of the property both real and personal, and then the court can give its approval or reject it or give what conditions seem to be appropriate in order to accomplish what is desired.

It was my feeling and apparently the feeling of the majority of the Legal Affairs Committee that we should act the same way that a court would. We felt that we were entitled to know just what was involved as far as property matters went in these two organizations, and I am speaking now particularly of the Universalist organization. You see, this bill and the previous one accomplish three things. It would do away with the two separate organizations and by the same bills, turn over all of the property and assets

of the two other organizations to the new organization. And I call particular attention to section 4 of this bill, sub-section 1 which has the major heading, "Property Owned by Former Corporations Becomes Sole Property of New". Sub-section 2. "Bequests, Devises, Gifts, Transfers. All bequests, devises, gifts and transfers of any kind made prior to or at any time after this act becomes law to either or both prior corporations or for the benefit of either or both are transferred to and vested in the consolidated corporation as the successor corporation to both". There is sub-section 3 and sub-section 4 which also relate to the new corporation powers over the property of the two existing corporations.

If you will notice the Majority Report of the committee is not in opposition to this joining of hands of these two religious bodies which I agree with the good Senator from Penobscot is desirable. The Majority Report took this attitude that it should be referred to the 102nd Legislature in order that those churches who did not go along with this union and title of property to which is in the present state organization should be settled. Now I will give you several examples of that. If I am not informed incorrectly there is one town in Piscataquis County that was formerly a Universalist Church which decided not to go along with this union and they are now a union church or a community church. Some years ago in order to safeguard the church and as has been recommended for years, they gave a deed of the real property of all the church property to the state organization. The committee, or at least I felt that this church should have an opportunity before we give their church away to this new organization, that they should have an opportunity to go into court or whatever might be necessary and get their property back. Otherwise they are out of doors and the new organization owns their church.

Another example I believe is in Dexter. They affiliated with the Congregational church. Now if this bill goes through now without any opportunity, the real estate which has

been deeded to the State Organization, the title to that will pass over to the new corporation, the Universalist-Unitarian organization but the church has joined hands with the Congregational group. We feel that they should have the opportunity to take what action may be necessary in order to save their property for what they want to use it for.

A third example I know of is in the town of Skowhegan which formerly had a Universalist church, which for some reason some years ago, failed, and the property was sold. I understand that the proceeds for safe keeping, until such time as they might want to rebuild a church, was given over in trust to the state organization and I say that they should have an opportunity to determine what they want to do with the funds which have been entrusted to the state organization.

If you will look at the last page you will see under Section 5, subsection 1 that all that is necessary in order to implement this bill if we pass it is for any regular or special meeting of the state organization whereby a simple majority vote property which belongs to individual churches to which they have the deed, trust funds which are in their hands, given to the state organization for safe keeping, will automatically pass by a majority vote without vote of the individual parishes. And even if they want and made their objection, a simple majority vote would take the property away from them.

I say that there is no immediate necessity for this act to go through at this particular time. It is absolutely necessary that these different organizations and churches be given the opportunity to protect themselves before this property is transferred. This is what a court of law would do and that is what this legislature should do to protect everyone involved. There is no urgency sufficient to take their rights away from them. I will say this too, that I don't think the committee was treated fair. I asked Reverend Hawkes, whose letter has been read by the good Senator from Penobscot, Senator Whittaker, I asked Mr. Hawkes, "in order that the committee may intelligently make its

decision, will you please let us know what pieces of property the state organization holds in trust? What deeds to individual churches do you hold? What trust funds do you have and what are the conditions that were imposed, so that we can tell whether we should come out with a favorable report on this or not." I asked one other very prominent member of this church, the Reverend Christian, the same thing, if he would just give us that information so that we could act intelligently on this. That information was not forthcoming. We have not had sufficient information that the committee can say to you that this should pass. And it was for these reasons that the majority report was that it be referred to the 102nd legislature.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, I also was reluctant to become involved in the affairs of a private organization to the point that the entire debate would have to be aired before a legislative body. Not that there is anything we are ashamed of in either organization, I am sure of that but we dislike to bore the legislature but this has become a very important issue and I certainly want to subscribe as an attorney to the various points which the Senator from Somerset, Senator Stitham has brought out in his capacity as one of the attorneys on the Committee on Legal Affairs.

I also think it might be well to give a brief background on the overall picture. As it happened, I was Chairman of the Board of Trustees of a very active Universalist Church in Gardiner and that was at the time that the so-called national merger came before every independent church in the country. In other words it was presented to the Universalist churches individually as to whether or not they wished to vote — and it wasn't a merger, it was to consolidate in Boston the two offices, the two administrative offices, solely for administrative purposes — that was so that they could save mailings, not be duplicating on clerical help, and it was felt that both organizations could save a substantial amount each year at the administrative level. There has never been

presented to any church whatsoever a proposition where there should be a complete merger of the churches whereby the properties would merge, and more important than that that the faith, the statements of beliefs, the creeds of the two organizations should be merged. And I think that is very important and I certainly concur with the Senator from Somerset, Senator Stitham when he states that this entire matter should be given more thought. And as a matter of fact it should be presented to each individual Universalist church in the state and to each individual Unitarian church in the state before any action is taken. Now we all know that at the conventions and so forth, the delegates are not always representative of the thinking of the individual and it is the fault of the great masses of people in churches because they do not give much thought to these matters, or as much thought as they should.

I might also explain that the reason this bill was committed to the Committee on Legal Affairs after it had initially been reported out Ought to Pass, was because it was ascertained that some people, of the clergy even, who spoke in favor of the bill, after they understood more about it, were opposed to the bill, and particularly after they had spoken in favor of it and the members of their church found out they had spoken in favor of it and found out about the bill, they were so upset that they had petitions drawn up and I have a number of petitions here where active laymen throughout the State of Maine in the Universalist denomination, who had no knowledge of this whatsoever, feel that it would be premature of this legislature to permit even enabling legislation for consolidation.

Now the so-called Northeast District which was organized under general law in March 1962 merely states this as its purpose — this is what they are operating under in the State of Maine and is what they call a merger, but it is one corporation known as the Northeast District of Universalist-Unitarian Association, and their purposes are "to cultivate cooperative

relationships among the member societies to promote the religious life of those societies, to assist member societies to carry on active and effective programs within their respective communities and to cooperate with the Unitarian-Universalist Association for the promotion and fulfillment of its purposes." Now that is just about as much of a vacuum as could ever be created on any organization that calls itself ecclesiastical in nature. And we do have in the Universalist church a division of opinion on various matters. The Universalists fundamentally are conservative, they are Christocentric, they believe in the spiritual authority of Jesus Christ, that is one of their principles. And then you have the humanistic element which believes that—well, the best way I can explain it is that some of these people feel that God is too good to condemn man to hell, I guess that is us conservatives, and the humanistic element feel that man is too good to be condemned to hell. Rather a homely distinction but there is a lot of truth in it. For example, to give you some thinking, it was only a few years ago that in a national convention a group in the dwindling moments of the convention sent a resolution to the President of the United States, President Eisenhower at the time, requesting that the twelve Communists that were convicted for espionage under the Smith Act should be pardoned and released because after all, all those people were doing was expressing their political views. Well, I think the Congress has spoken effectively that to express those political views is a crime, because you are advocating the overthrow of the United States of America.

So we have these problems which we feel before everything is resolved should go to the individual churches, every Universalist and every Unitarian — I don't really care about the Unitarians, that is why I had it put on the table, if they want to join this they can. I wouldn't object to that. But I have talked with Universalist laymen over the state who knew nothing about this and they just feel that we are rushing this much too quickly and more im-

portant than that, if we are to have a successful consolidation or even a complete merger at a later date, far better that we go in united and have these issues thoroughly discussed in a convention and also have some thought given as to what is to be the theology, the statement of faith of the combined group.

There was no debate on this measure in the other body. There is so much more that I could discuss on this issue but I know it would just bore you. I certainly support the motion now before you, that of the Senator from Somerset, Senator Stitham that this matter be referred to the 102nd Legislature. Even though I might personally be inclined to see an indefinite postponement, I still feel in fairness to the leaders that have worked in convention, particularly the leaders in the clergy who have been running the conventions, that out of courtesy to them we should keep this alive and then we would hope that they out of courtesy to their parishes would send this matter down to each individual parish for a vote.

The Senator from Somerset, Senator Stitham, has not been able to obtain information regarding property transactions and deeds. Since last February he has been trying to get an abstract of the various trust funds involved here and one of the attorneys for the association has been working on it but has not been able to come up with an abstract. Another provision in this bill, the enabling act could send the trust funds — and it happens that about \$400,000 of Universalist trust funds now being administered at the Depositors Trust Company here in the State of Maine, are involved and about \$40,000 trust funds I am told in the Unitarian Association and I don't know where they are being administered. But under this, it would be a very short step for those trust funds to be taken down to the headquarters of the consolidated administrative board and you would find that they would be administering the funds and we would lose our opportunity to express ourselves locally as to how these funds should be administered in cooperation with local people.

I certainly hope and trust that this matter will be referred to the 102nd Legislature as proposed by the Committee on Legal Affairs after it had the opportunity to obtain full information on the problem.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, I have no desire to prolong this unduly, but there is one other bit of information I think I should present to you. May I first say that I have some appreciation of the difficulties involved in the uniting of churches since as a member of the Congregational church, we have finally succeeded after some fifteen years in effecting a merger with the evangelical and reform church, to found the United Church of Christ.

I should like to state very simply my own conviction here although I have no great passion about this matter, that under these two bills, so far as the trust funds and the property are concerned, the bills simply seek to transfer to the new corporation which is Universalist-Unitarian, the same powers now held by the separate corporations and it seems to me that if churches want to get out from under their obligations, the Universalist church for example, they would have done so before now and the transfer of that power to the new organization will only be a legal negotiation.

The other matter is this. It seems to me that this is a matter that ought to be discussed here because there are the rights of the majority involved as well as the rights of the minority. And the real question is whether we should accede to a type of policy which has placed the power to make this decision in a delegated body at the state level or whether we should insist that all these matters be determined by the vote of the local churches individually. The record indicates, and this is from the executive secretary of the group, the Northeast District, that this proposal which we have before us in two different forms—and particularly now I speak of the Universalist proposal since this is the meeting that I have more knowledge of — this proposal to present L.D. 390 was discussed at the annual meeting of the Universalist

church in Augusta on May 4th and 5th and the record indicates that of the twenty ministers of our principal churches, fifteen were present, five absent. Of the twenty-two principal churches some nineteen lay delegates were present. And it was this group which voted at the state level, a group representing the individual churches in the numbers which I have quoted, which voted to present this legislation for approval by the 101st Legislature. The other point is that if the minority is not satisfied it still has opportunity as pointed out earlier that this arrangement, if approved by the legislature must be ratified by another meeting of the Northeast District which according to my information is scheduled for October 2nd of this year. So there will be opportunity within the church itself to make the basic decision in this matter.

Mr. STITHAM of Somerset: Mr. President, I merely want to point out that from a legal standpoint I take issue with the good Senator from Penobscot as to the effect of this bill on transferring title if the Universalist state organization holds legal title to these instances I have spoken of, and I am sure there are others. This bill would automatically transfer title to that new organization. Now he speaks about the minority. That is another point I want to make. This minority can go to a meeting and it can be either a special or the regular meeting in October, it can be a special meeting called two weeks from now, the minority can go and holler their heads off but if the majority says, "All right, we are going to take your property", the minority has nothing to say about it.

I hope that the Senate will go along with the motion as made.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I rise in opposition to the motion of Senator Stitham of Somerset, to refer this to the 102nd Legislature. My principle source of information is the Universalist minister in Portland, Reverend Earle T. McKinney whom I know very well through Rotary Club and through his active work in the United Fund area. Some of the remarks that he would make if he were able to stand

here and rebut, would be those concerned with rushing this through.

I would remind you and reiterate that this was approved by the Committee when it was first reported out and that there have been three meetings going back to October 1961 and again in May 1962 and also in October of 1962. This proposed consolidation was carefully considered by the Universalist churches of Maine through their elected delegates meeting at those times. And each vote was taken unanimously in favor of consolidation and to petition the legislature for an enabling act.

In reference to the good Senator from Kennebec, Senator Farris whose opposition was practically alone to this bill in the first instance, neither he nor his minister, the Reverend William Veazie, nor delegates from the Universalist church in his home town presented themselves to any of the above meetings to express concern or opposition. It is possible that he represents the sentiments of a few people in one or two of the Universalist churches. We believe this to be a minority, and a very minority opinion, since the above were unanimous and since almost all the churches have already voted at official meetings or through their official boards to become member churches of the Northeast District. The Universalist churches in Maine want to consolidate. Any opposition that they may have can properly be presented to the consolidated corporations later since they have to ratify the legislative action.

I would say that there may have been some legal question brought up on behalf of one or two churches, but I would submit this, that we are dealing with two particular churches here and I believe that these men of good faith in these organizations are not going to deprive any of their brethren and fellow churchmen in other churches of any of their legal rights. I support the Senator from Penobscot, in his contention that this is the will of the people who want this chance and I hope that the motion to refer to the 102nd Legislature does not prevail.



Mr. FARRIS of Kennebec: Mr. President and members of the Senate, very briefly in rebuttal, I did not know who Mr. McKinney was but I see that he is a director of the Northeast District and as I understand now, he may be a Universalist minister, I thought he was a Unitarian minister. But just in conclusion to point out how unaware the majority of Universalists in the State of Maine are, the pastor of the local Universalist Church right here in Augusta, one of the largest in the state, appeared initially in favor of this bill. Subsequently, a very short time later, a matter of days, his parish found out about it and he learned more about the bill and he changed his mind and stated publicly that he did not feel that at this time we should move ahead but rather that the issue should be submitted to each of the local churches to vote as to whether or not they wish to accomplish a merger and here unsolicited are about 100 signatures from the people in the Universalist church in Augusta, who knew nothing about this and want to have an opportunity for further study before this type of merger is effected and I cannot stress too strongly the importance of this to both organizations and particularly to the great majority of lay people in these organizations.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Stitham, to accept the Majority Report to refer to the 102nd Legislature.

A division has been requested.

A division of the Senate was had.

Twenty having voted in the affirmative and eleven opposed, the motion prevailed, the Majority Report "Refer to the 102nd Legislature" was accepted and the bill was ordered sent forthwith to the House.

The President laid before the Senate the 5th tabled and today assigned item (H. P. 295) (L. D. 389) House Reports from the Committee on Legal Affairs on Bill, "An Act to Consolidate the Maine Unitarian Universalist Association"; Majority report, Refer to the 102nd Legislature; Minority report, Ought

to Pass; tabled earlier in today's session by Senator Farris of Kennebec pending motion by Senator Stitham of Somerset to accept the Majority Report. (Division requested)

Mr. FARRIS of Kennebec: Mr. President, as I have no particular interest in this, I yield to the Senator from Penobscot Senator Whitaker.

Mr. WHITTAKER of Penobscot: Mr. President, I would simply suggest that these are companion bills and I would urge the same action on this one.

Thereupon, a division of the Senate was had.

Twenty-eight having voted in the affirmative and none opposed, the Majority Report was accepted and the bill was ordered sent forthwith to the House.

The President laid before the Senate the 7th tabled and today assigned item (H. P. 313) (L. D. 406) Bill, "An Act Increasing Sales Tax"; tabled on June 10 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 tomorrow.

The President laid before the Senate, Item 1-3 Bill, "An Act Relating to Research Studies of the Department of Health and Welfare" (S. P. 492) (L. D. 1344) tabled earlier in today's session by Senator Porteous of Cumberland pending consideration; and on further motion by the same Senator, the Senate voted to insist and ask for a committee of conference.

The President appointed as Senate conferees, Senators: Porteous of Cumberland, Stitham of Somerset, and Brooks of Cumberland.

The President appointed as Honorary Pages for the day Hal and Steve Weisberger of Gardiner.

On motion by Mr. Edmunds of Aroostook

Recessed until two o'clock this afternoon.

After Recess

Senate called to order by the President.

**Additional Senate Papers — Out of Order.**

The Chairmen of the following Joint Standing Committees presented their final report:  
Chairman:

CLYDE A. HICHBORN  
of Claims  
RALPH D BROOKS, Jr.  
Election Laws

SAMUEL A. HINDS  
Health and Institutional Services

The Chairman of the Joint Select Committee on Municipal Affairs, Edward P. Cyr, presented its Final Report.

Which reports were read and accepted and sent forthwith to the House for concurrence.

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at ten o'clock.