

# 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**

Thursday, June 13, 1963

Senate called to order by the President.

Prayer by the Rev. Malcolm A. MacDuffie, Jr. of Hallowell.

On motion by Mr. Cram of Cumberland, the Journal of yesterday was read and approved.

**House Papers**

**Joint Order**

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the municipal tax structure of the State to determine the most equitable tax sources which can be utilized to finance expenditures of municipalities including, but not limited to, taxation of real estate and gross receipts taxes; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature. (H. P. 1107)

Comes from the House, read and passed.

In the Senate, on motion by Mr. Brown of Hancock, placed on the Special Research Table pending passage.

**Non-Concurrent Matters**

Bill, "An Act Relating to Minimum Number of School Days in Public Schools." (S. P. 598) (L. D. 1565)

In House, May 22, passed to be engrossed.

In Senate, June 11, passed to be engrossed, as amended by Senate Amendment "A" (S-287) in Non-concurrence.

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

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

Bill, "An Act Shortening the Period of Real Estate Mortgage Foreclosure." (S. P. 596) (L. D. 1563)

In Senate, May 28, passed to be engrossed as amended by Senate Amendment "A" (S-244)

Comes from the House, passed to be engrossed as amended by Senate

Amendment "A" and as amended by House Amendment "H" (H-446) in non-concurrence.

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

Bill, "An Act Relating to Penalty for Procuring Liquor for Certain Persons." (S. P. 328) (L. D. 993)

In Senate, June 5, Conference Committee Report read and accepted.

Comes from the House, Indefinitely postponed.

In the Senate, on motion by Mr. Kimball, the Senate voted to adhere.

**Committee Reports**

**Report of the Joint Select Committee on Railroad Passenger Service**

In accordance with Joint Order (S. P. 196) passed by the 101st Legislature, the following report of the Joint Select Committee on Railroad Passenger Service is submitted.

The Committee has conferred and negotiated with officials of the Boston and Maine, Maine Central, and Bangor and Aroostook Railroads with regard to ways and means of restoring railroad passenger service to and from points in Maine north and east of Portland through voluntary action on the part of the railroads. Meetings with representatives of the three railroads were held in Augusta on February 12, March 12, and April 10, 1963.

The railroad officials were most cooperative and cordial during the course of negotiations with members of the legislative committee. There was early agreement that discussion should be concerned primarily with the possible restoration of railroad passenger train service through the use of self-propelled "Budd" cars on the lines of the Maine Central and Bangor and Aroostook Railroads; this type of equipment is currently being used on the Boston and Maine Railroad between Boston and Portland.

At the request of the Committee, cost estimates were prepared by the railroads with respect to the inauguration and operation of two round trips daily between Boston and

Bangor, and one round trip six days per week between Bangor and points on the Bangor and Aroostook Railroad. These estimates included capital expense, operating costs, and anticipated revenue. Railroad officials indicated that the only basis upon which passenger trains could be restored north and east of Portland would be for the railroads to provide the service at a nominal charge to the State of Maine and for the State to purchase the necessary equipment and pay the net operating costs of the service.

The Majority of the Committee submitted the following report:

The majority of the Committee bases its conclusions on the following information. The administrative regulatory body charged with the primary responsibility, the Public Utilities Commission, as well as the Supreme Judicial Court of the State of Maine have both had the question of rail passenger service squarely before them for decision. In each case those two highly competent and learned bodies determined that there was no public need for, or substantial interest in, rail passenger service. This determination was made after lengthy investigation, extensive public hearings and careful deliberation by those in the best position to render a sound decision.

No evidence or indication of any kind was adduced before this Committee which would warrant a conclusion or determination contrary to that of the Public Utilities Commission or the Supreme Judicial Court of Maine.

Further, although the majority of this Committee is firm and positive in its conclusion that there is no justification for the reversal of the decision of the Public Utilities Commission and the Supreme Judicial Court and no real need established for the reestablishment of rail passenger service, even if such had been the case it could not adopt recommendations which would suggest reestablishment of rail passenger service by the use of state funds. In this biennium, with the multitude of financial problems confronting this legislature, it is hardly conceivable that consideration should be given to the appropriation of \$1,750,000 for the purpose of sub-

sidizing rail passenger service between only two cities in the south central portion of the state. This very substantial sum of money would be required to provide service between Portland and Bangor. The majority of this Committee supports the conclusion that the State of Maine has other pressing needs for available revenue which far exceed the desire that rail passenger service between only two cities be the beneficiary of state subsidization, and ask leave to report to the 101st Legislature that this report Ought to be accepted.

(Signed)

Senator:

BROOKS of Cumberland

Representatives:

COPE of Portland

ALBAIR of Caribou

PEASE of Wiscasset

The Minority of the same Committee on the same subject matter reported as follows, and asked leave to report that this report Ought to be accepted:

Before making its recommendations, a minority of the Joint Select Committee wishes to list the conclusions upon which these recommendations are based:

1. Daily railroad passenger service between Portland and Bangor is desired and needed by the traveling public. Such service is also essential to the industrial, recreational, and cultural growth of the State of Maine.

2. As determined by the 1960 decision of the Maine Supreme Judicial Court, the Maine Central Railroad cannot be expected to subsidize this service in the public interest.

3. Since the State of Maine gives financial assistance to other forms of transportation through funds allocated to highways, airport, development and ferry service, there is justification for the use of State revenue to support railroad passenger trains.

4. In view of the experimental nature of the proposal, it should be limited in scope to the Maine Central Railroad and in duration to a two-year trial period.

5. Based upon figures submitted by the Maine Central Railroad, \$1,-

001,949 is the capital cost of new equipment needed to inaugurate the proposed limited rail passenger service between Portland and Bangor. The annual actual operating expense is estimated to be \$431,872 and the annual anticipated revenue of \$100,000 would reduce the annual deficit to \$331,872. The annual operating deficit may be further reduced by additional income resulting from fast and dependable service, attractive train schedules, and vigorous promotional activities.

Based upon the factors listed above, Based upon the factors listed above, a minority of the Joint Select Committee on Railroad Passenger Service makes the following recommendations to the 101st Legislature:

1. That the State of Maine enter into a contractual arrangement for a two-year trial period with the Maine Central Railroad whereby the Railroad will operate passenger train service in self-propelled "Budd" cars on a schedule involving two round trips daily between Portland and Bangor.

2. That the State of Maine purchase the equipment necessary for this service, the estimated cost of which is \$1,001,949.

3. That the State of Maine agree to pay the actual net annual operating cost for this service, estimated at \$331,872, plus a fee to the Maine Central Railroad for services rendered not to exceed six percent of the actual annual operating cost.

4. That State of Maine funds in an amount not to exceed \$1,750,000 for the biennium 1963-65 be appropriated for the purposes stated in this report.

5. That legislation to implement the above recommendations be prepared and submitted to the 101st Legislature for consideration, as authorized in the Joint Order (S. P. 196) establishing the Joint Select Committee on Railroad Passenger Service.

(Signed)

Senator:

WHITTAKER of Penobscot  
S. P. 626

Mr. WHITTAKER of Penobscot: Mr. President, I move that the Senate accept the Minority Ought to

Pass report, and I should like to speak to the motion.

The PRESIDENT: The Senator may proceed.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, I realize that this is the first time we have had opportunity to see this report, and if time permitted, I should move to table it for this day. However, I should like to present some arguments in favor of the report, during the course of which I think you may have ample opportunity to read the report.

This morning I feel that I am joining the few voices crying in the wilderness and perhaps by what I say I may be found eligible to join the firm made up of Senators Lovell, Noyes and Marden. However, in all seriousness, I should like to suggest that the restoration of railroad passenger service in the State of Maine is a possibility and to my mind is a necessity for the total welfare of the people of this state.

As background, may I very briefly say that for ten years I have worked for the New Haven railroad. Since 1929 I have been a good patron of all available railroads whenever I have had occasion to travel. I have watched the Boston and Maine, and the Maine Central Railroads lose their patronage. I have watched the service decline for many and good reasons. When the people of Bangor and vicinity indicated that they were opposed to the cessation of all rail passenger service in the State of Maine it was my privilege to work with some of them, that the pleas of the Maine Central and other railroads to abandon should not be heeded. As a result, at the public hearing, the Public Utilities Commission in spite of the majority report did maintain that there was need for continued passenger service and ordered the Maine Central and others to continue service for a total period of one year. Subsequently, the Maine Central and other railroads petitioned the Supreme Judicial Court of Maine and were successful in setting aside the order of the PUC, so we have had no

railroad passenger service north of Portland since 1961.

I should like to present some of the evidence here as to the need for the service and the need for its restoration. First of all, let me quote from three or four letters. I have volumes of letters. I have brought some of my files here but I do not intend to delve into them. I have made a selection of a few to present to you. First of all let me read from a letter addressed to me by former Governor Horace A. Hildreth in February of this year, saying: "I just want to send you a note of congratulations and good luck for raising the question of railroad transportation in the State of Maine. Some passenger transportation is of so much importance to the State of Maine that even though the problem must be extremely complicated it is none the less worthwhile raising it and struggling with it."

Here is a letter from an individual, a woman living out of the state who writes, "I live in New York City and visit my daughter in Orono frequently. Disliking air travel and distrusting busses, I take the train to Portland where she meets us by car. This involves over 300 miles of driving for her, and in the winter time several Orono to New York phone calls the night before and early morning of my trip to see if the roads are clear and driving conditions good at the Maine end of my journey. Altogether a nuisance."

And this from a banker in New York City, signed, R. L. Ireland, III: "The cessation of railroad service has made it virtually impossible for a great many people to commute on weekends during the summer months and I feel very strongly that it would be in the best interest of the future of the 'vacation trade' for the Maine legislature to take the proper steps to restore passenger service."

One more letter, this from an attorney in Bar Harbor, Ralph C. Masterman who writes: "The transportation facilities available to Maine citizens are most inadequate. I have occasion to travel in my profession and the experience of traveling from Bar Harbor to New York City when the planes are

down in the winter is one that should not be indulged unless of great necessity. On Mt. Desert Island, several of our cottage owners are leaving because they cannot or do not travel by air and there is no train service. If we can spend millions on our highways why cannot the state subsidize railroad companies to the extent necessary for the companies to have a fair return on the investment? The present conditions are very hard on elderly persons and the ill who have to travel."

These are just a few samples of communications which have been sent to me on this matter and I leave the testimony at that point. However, I should like to suggest to you that the restoration of railroad service is essential for other reasons. For example, here we are in Augusta, the State Capitol, and there is no railroad passenger service available to this city. I doubt if there is another State Capitol in the whole of the United States in such a position. At this point may I recount an incident reported to me just the other day by a high government official in this city who found it necessary in mid-evening not long ago to find transportation to a distinguished guest who needed to travel to the south. The only available transportation was by bus. These two people went to the bus station here in Augusta which is a store on Main Street. There were no facilities, not even a bench on which to sit. This is the kind of image which we are presenting to people from outside the state at the present time.

Think if you will of our college situation and university situation. The University of Maine at Orono without any railroad passenger accommodation. Bates College, Bowdoin College, Colby College, without dependable public transportation. This is a serious matter. I know that some other schools have done the same thing that Bangor Seminary has had to do. Each year during the winter months we have a convocation. We have three prominent speakers coming from various parts of the United States. Because there is no dependable public transportation, it is necessary for us to

have a private car available in the city of Boston so that we can be sure that these people will arrive in Bangor, since they cannot depend on air travel and cannot be expected to travel by bus.

I call to your attention the public image of Maine, the prestige of the state which I know has fallen as a result of the cessation of passenger traffic in this state. I am very often subject to ridicule on the part of my friends in southern New England on this matter, and I am sure many of you have had a similar experience. I believe it is important as indicated in the report, for the industrial development and the recreational development of this state that we have at least a limited railroad passenger service between our major cities.

Now with regard to the findings of the Public Utilities Commission, and I call upon them now for the support of my position, the majority report you will note indicates that the Public Utilities Commission was in favor of the cessation of passenger service. This is not true. I have before me copies of two decisions of the Public Utilities Commission, both of them issued in January of 1960. The first, Number 3460, in which the Public Utilities Commission in its conclusions made this statement: "Railroad passenger service is particularly important to a state like Maine due to its geographical location in relation to the rest of the nation, its large land area, predominately rural economy, severe long winters and the resulting travel difficulty. Maine's quest for industrial development and its reputation as a vacation area also add to the importance of this service."

And again in conclusion, the PUC report said, "We are of the opinion that the complete discontinuance of railroad passenger service is not the best solution nor would such a move be in the public interest. Railroad passenger service is an integral and necessary part of the transportation system of this state."

These conclusions were contained in the findings of the PUC on its investigation of railroad passenger service in general. At the same time it issued a finding with re-

gard to the Maine Central Railroad and the discontinuance of passenger trains. Again I quote from the report briefly: "The evidence shows that many people still prefer rail passenger service for one reason or another. Notwithstanding the amount of alternative service available many people refuse to fly, either can't or don't like to drive and find the busses cramped and uncomfortable. These people prefer trains for reasons of safety, dependability and comfort, reasons which are undeniably true. Railroad passenger service is particularly important to a state like Maine, in light of its geographical location in relation to the rest of the nation, its large land area, predominantly rural economy; severe long winters and resultant travel difficulty. Maine's efforts toward industrial development and its reputation as a vacationland unquestionably add to the importance of this service. There is a substantial public demand for and use of the passenger trains here involved"

As I indicated earlier, the PUC ordered the continuation of two trains between Portland and Bangor. This decision was set aside by the Maine Supreme Court. Another point I should like to make, and it is made in the report, is this: Since the state gives aid to other forms of transportation, there is no logical reason why it should not subsidize railroad passenger service. Quite to the contrary, there is every reason why it should.

Let me quote just a sentence from the report of the Maine Supreme Judicial Court when it issued its findings. It raises this question: "Are the alternative means of passenger transportation adequate to the needs of the traveling public? The evidence shows that upon discontinuance of train service, the communities involved will be served by air at terminals in the principle cities, by automobile over public highways and the Maine Turnpike and by bus service available through the areas now served by the railroads and offering comparable transit times and somewhat cheaper fares. These alternative services are in fact the very ones

for which the public has increasingly shown a marked preference.”

While I do not stand here to disagree with the Supreme Court, I quote this paragraph so that I may quote the next sentence. “All of these services are being constantly improved by the expenditure of large sums of public sums for airports and highways.” If for airports and highways, why not for railroad passenger service?

This report in its minority form suggests that the state invest slightly over one million dollars as a capital investment in equipment in order to restore limited service between the cities of Portland and Bangor. This would of course serve intermediate stations although the majority report argues that the request is made for only two cities, which is obviously not the case. Such service would provide adequate, safe, fast transportation to Auburn, Lewiston, Brunswick, Waterville, Augusta and other stations between Portland and Bangor. It is estimated and these are figures provided by the Maine Central Railroad, that there would be an annual deficit of \$331,872 for this particular service, but I should like to suggest that this deficit could be reduced and I believe would be reduced if the service were inaugurated, by proper scheduling, by adequate promotion of the service, all of which was not offered at the time the trains were taken off.

Another point I should like to underline is that the railroads of Maine for many years operated passenger trains at a financial loss. This was a service to the state. A service which was not appreciated. Now the time has come when the railroads need the help of the state in order to properly serve the traveling public. This is another argument I present for your consideration. I remind you that the 99th legislature failed to give important tax relief to the railroads, which might have prevented the necessity for their abandoning railroad passenger service. Now we have an opportunity to make amends for that shortsightedness. In conclusion, Mr. President and members of the Senate, let me summarize if I may what appear to me to be the advantages

of the restoration of limited passenger service at the estimated cost of a million and three quarter dollars during the next biennium. It would provide safe, dependable, comfortable service to the traveling public. It would provide accessibility to our leading institutions of higher education, including the state university. I believe that this action on the part of the state would restore confidence in our state on the part of industrialists who may be thinking of establishing industry in this state, on the part of those who would visit our state for recreation purposes. I suggest that the adoption of the plan which I propose would give much needed assistance to the Maine Central Railroad which is a vital industry in our state, which is a public utility that ought to be encouraged to perform its function, part of which is to provide railroad passenger service.

And may I just say in parentheses here, that the Bangor and Aroostook railroad, through its representative, agreed at our meetings, that at this time they would not be interested in restoring railroad service because they feel that people are adequately served by bus. However, the Maine Central representative did say that if this plan were adopted, the railroad would be willing to cooperate with the state. And in the final analysis, I believe that a plan such as that outlined here would greatly enhance the image and the reputation of our state. E. D. White, part time resident of the State of Maine and well known as an editor of the New Yorker magazine has said that a state without railroad passenger service is a state that is coming apart at the seams.

I agree that this state is in need of revitalization and I believe that the restoration of limited passenger service will give a blood transfusion, will restore new health and vitality to the corporate body which is our beloved State of Maine. Thank you.

**The PRESIDENT:** The Senator from Penobscot, Senator Whittaker, moves that we accept the Minority Ought to be accepted report of the committee.



Mr. KIMBALL of Hancock: Mr. President, ladies and gentlemen of the Senate, I at this time would like to stand to express my feeling that what we have just heard from Senator Whittaker applies more than to just the distance between Portland and Bangor, it applies to the whole section so well known as Down East.

We are fifty miles from Bangor at Mount Desert Island and I would like to recall a picture of the old days when the Bar Harbor Express came into the station at Ellsworth and I have seen as many as nine sections of the Bar Harbor Express come in in one morning's time, unloading passengers to distribute through the entire Down East area. And this full area has been benefited greatly in the past by railroad service. Unfortunately now there is no way for many of the people who would like to get here, to get here. I speak now particularly of some of the older women who would like to come up to spend the summer along the coast of Maine, who again don't feel that they can fly, perhaps there is some reason they should not fly. If train service were available as far as Bangor, they would still come up. I can show you letters in my files at home from a party down in Charlottesville, Virginia another party in Memphis, Tennessee, and so on, of people expressing a wish to come back into the state, but as the transportation difficulties are so great at the time, they do not feel that they can come.

Now I am thinking of just a small personal angle but you figure how many people were on nine different sections of the Bar Harbor Express that used to come up there and unload passengers who come down basically on the island. Then magnify that by the number that go all over the general area and you can see what is missing now. Perhaps you can see why it is that the Mount Desert area was one of the areas listed under the report that has just been distributed last week of having a drop-off of five percent in collection of the sales tax. The lack of transportation is a very serious problem. There are

many of us who go by automobile primarily or if in a hurry we try to fly, but when you have a summer such as last summer when the weather conditions were extremely bad, the people who made reservations by plane to try to fly in were calling day after day that they had been unable to secure further reservations, they couldn't get there. Therefore the various businesses would lose anywhere from two or three days to a week's time in having people with them. It is a serious problem.

I sincerely hope that there is some way that we here in the state can get behind this idea of resurrecting some form of railroad traffic to this great Down East area to help it out even in the recreational field. Over and beyond that you have the industrial field, and again agreeing with Dr. Whittaker, I feel how strongly the people must feel who are considering opening up a business anywhere in their general area when they have no sure transportation such as railroad transportation. You get a stormy day in winter and it is quite a different proposition getting on a railroad train and going through than it is trying to get on a plane with the uncertainties in getting through in inclement weather, and we all know what a car can do on a slippery road. Thank you.

Mr. BROOKS of Cumberland: Mr. President, ladies and gentlemen of the Senate, I rise in opposition to the motion of the Senator from Penobscot, Senator Whittaker. I was privileged to serve on this special committee to study the railroad problem in the State of Maine. I am very much interested I am sure you will agree with transportation and with the development of Maine as quickly and as effectively as possible. We all know that there are volumes of testimony that have been given regarding railroad passenger service in the State of Maine and we all know the feeling of the Maine Supreme Judicial Court. Let's go further. Throughout the several states of the nation, railroad passenger service today is not a profitable undertaking. There is being tried now a pilot type of transpor-

tation in the Boston area where the Commonwealth is subsidizing the Boston and Maine. That is for commuter service in a large metropolitan area with short mileage and today it has not proven to be profitable. I am not indifferent to the sentiments of those who like railroads, there is a nostalgia attached to the railroad industry but I think, ladies and gentlemen that we must face the facts of life, and the facts today are that the railroad passenger service in the United States in most areas, particularly in Maine certainly is not a profitable undertaking.

I, too, have talked with many people, particularly since being put on this committee, and asked them about railroad passenger service and they all thought it was lovely but not one of them would ride the railroads. They wouldn't because about ninety-five percent of our people today travel by car. The recreational business in the State of Maine is being developed through our highways. The concept of recreation today is family traveling, camping, motels and hotels. The railroad freight service in Maine is good. That does assist industry. I can't see where it would be a step forward for the State at this time to subsidize a program which even the railroad has only estimated as far as expense is concerned, and that was based on the lack of revenue which they appreciated back in 1959 and 1960 and before.

Now we also are quite aware of the fact that we are struggling today with many important bills, many important problems and we are confronted with the problem of money and the majority of the committee feels that \$1,750,000 approximately of state subsidy to reinstate passenger service with no guarantee whatsoever that anyone is going to use the passenger service to the extent that there would be any return in the amount of subsidy, we feel that there are many more urgent problems that are going to require limited resources and for that reason and for the reasons I stated earlier, I signed the majority report and that is why I have risen in opposition to the motion of the Senator from Penobscot, Sen-

ator Whittaker, and I would request a division when the vote is taken.

Mr. JOHNSON of Somerset: Mr. President, I would like to ask a question through the Chair if I may of the Senator from Penobscot, Senator Whittaker on Item 5, of the Minority Report. It says, "The amount of capital cost is \$1,949,000." That is to provide the trains I believe. Would he perhaps tell me or anyone over what period of time this equipment would be useable before it would have to be replaced and additional capital dollars would be needed?

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, I cannot answer the latter part of the question; I do not know. We could find out from railroad officials I suppose, what is the lifetime of passenger train equipment today. This figure is to cover the purchase of three Budd car units, self propelled units, and also included in the figure is the expense necessary for changing the signal system on the lines in order to effect this particular type of service.

I do take this opportunity, however, to point out that the capital expense is not a recurring expense every biennium. When it would be recurring is beyond my knowledge. However, the proposal is that this be done for a two year period. If then the idea had to be abandoned, I am sure the equipment would be saleable because it is being used in other parts of the country.

Mr. LOVELL of York: Mr. President, I feel that I would like to go on record in favor of the good Senator from Penobscot's report. I had a bill for a transportation study for some \$25,000 which many people throughout the state felt was necessary. This bill was killed and the order is on the appropriations table but I just noticed recently in the papers that the Department of Economic Development was granted \$48,540 for transportation study. This is a federal grant under urban planning assistance program to aid the metropolitan area of Portland in development plans for transportation as part of its program of comprehensive planning. So if they can vote \$48,500 for a transportation study just for Portland, I think

that that is really pretty progressive.

I might also say that I have noted that although we have some 350,000 pleasure cars in Maine, the students in colleges for example, are out on the road hitch-hiking and trying to get back home or trying to get back to college and this is naturally a hazard on the highway and can well increase our highway deaths.

There are many people as the Senator said that are definitely opposed to riding in automobiles due to the accident rate. I have also noted that we have over 50,000 boys and girls that come into Maine for our summer camps throughout the state. In my area there are a great many summer camps, and without rail service it has hurt and impeded these camps and their growth. I think that we could well analyze this program. I don't know that this is the proper program or the amount of funds necessary but I think that the railroads pay taxes to the community, the highways of course are paid with the gas tax but I think we should give very careful consideration to this program that Senator Whittaker has mentioned and I certainly would go on record to accept his program.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate, the first thing I did this morning was to read this through and I made up my mind to go on record as favoring this matter. I feel in my heart now that it is a step forward in creating quite a lot of employment, also transportation for the people in our state. Of course that means a larger crew on the railroads who have been laid off when they did away with this transportation in Maine. Also quite a few people were laid off in the storehouse in Waterville when they did away with this transportation. I do believe it is a step forward in creating work for the people. Also creating adequate transportation at least from Portland to Bangor and I believe this is a step forward.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, just briefly one or two comments. In the last year in which railroads were running between Portland and Bangor, figures indi-

cate that there were over 300,000 passengers carried by Maine railroads. I am sure there is a market. I am sure also that there is a market for fast service. For various reasons the railroads were not able to provide dependable and fast service in the late 1950's because of the necessity of planning so-called dead-end traffic which slowed up their schedules. With Budd car equipment there would be no such problem, since Budd cars are equipped to handle primarily passengers.

Now to explain the procedure that could be followed. First of all may I say that this is a possibility. I felt that the minority report ought to be presented to you so that you would know what is possible. It is up to you to determine whether it is worth the investment required. If this report, the minority report, is accepted, I presume it will go to the other body, and if it is accepted there, I would assume that a committee would be authorized in accordance with the minority report, to suggest legislation to the 101st Legislature, which could then be considered on its merits for possible adoption. Whether or not in this event I would be able to get a resolve through the committee on new bills is a question, but this is the procedure involved if this report were adopted.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate, about three or four years ago I had the experience of being the only one to testify in front of the PUC in Lewiston. We had a public hearing on discontinuing the railroads. We had advertising in the papers for about a week but I was the only one there to testify. The railroad had about twelve lawyers there and naturally they were a little rough on me telling what the milk trains were going through and how many cans they were bringing in. At that time I was all confused. The Chairman of PUC at that time was Judge Delehanty, and he helped me along but nobody else seemed to be interested in losing the railroad in our city. I am going to support this committee report. I feel that a lot of these people are not able to come in to testify whether they need a railroad

or not. I think Lewiston needs railroads just as much as anyone else. We have industries, maybe not so much for recreation because we don't have the ocean but we do have around ten lakes. Senator Brooks said a while ago he was opposed to the report. Well, I can see that. He wants to keep all the people in Portland but I certainly will support this report.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate, this is a subject that I have felt very strongly about for some time. I feel that I have always been a user of the railroad passenger service as long as it was available and still am a user of the freight service. As far as the freight service goes, I am happy to say that the Maine Central during the past year or two has been more than willing to cooperate with us.

I recognize among the letters read by Senator Whittaker, the name of R. L. Ireland and I cannot tell you in words what this family means to the economy of the town of Bristol. Pemaquid Harbor which is a branch of Bristol is supported almost entirely by this one family, and when they used to come on the train they brought cooks, maids, really quite a staff. It is their custom now to employ two, maybe three men from Bristol to man their yacht and every year the men go on a cruise and I know because I keep track of their whereabouts, I know where they are about voting time, so I know about where they are.

Besides this I have had contact with Mr. Ireland by letter and he has said more than once that he could not continue to come to Maine if the passenger service was discontinued. Well, I have been watching this and so far they are still coming. Besides those that I have mentioned, they employ local women. There are some women that are employed in the cottages as cooks. That is enough about this family probably, but I have gone by several mornings and I have seen people waiting outside the buses, outside the drug stores. There are old people, there are people tugging great heavy suitcases, there are people out there in

the rain and out there in the heat. I do not think we are providing adequate transportation to our summer visitors. I protested doing away with railroad passenger service at the hearing in Rockland. I talked with Public Utilities several times. I am very happy to support the motion of Senator Whittaker.

Mr. REED of SAGADAHOC: Mr. President and members of the Senate it seems popular here to be supporting the railroads and I think probably they are justified. However, I used to try to teach history and I would be continually asked what good history was and my answer would be that you really can't tell where you are going until you know where you have been. But there is something else that is important and that is the trend, and how times have changed, and I personally feel that it would be wrong at this time for the State of Maine to embark on this type of thing. I think we should spend our money where it is going to give us the greatest return.

Now we talk about the past in regard to what used to be, in our summer areas, but is this true any more and would it be true if the trains were put back? I would like to see them put back if the railroads themselves could do it but as far as the state seeking two million dollars and getting hooked up in the train service, I think it is wrong. First of all, it is just between two primary cities, Portland and Bangor as I take it, although it will stop several places in between. Now right off the bat next year you are going to have a double barrel highway that you can get on in Portland and go directly to Bangor. Now this is what this train is going to have to compete against. Now twenty years ago, you couldn't take a rented car like you can today and drive it to Bangor and leave it in Bangor on the national hookup of rental services that we have today.

As I say, I am not an expert on transportation. I don't pretend to be and I just feel that I will support the Majority Report here and oppose the motion of the Senator from Penobscot, Senator Whittaker and I just thought I would express some

of my reasons. I feel that we are hanging on to the past and although we all would like to have this passenger service, I feel that it would be wrong for the state to go into it in this way.

Mr. WHITTAKER of Penobscot: Mr. President, may I simply comment that I, too, am a professor of history and I know that history sometimes repeats itself.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Whittaker that we accept the Minority Ought to be accepted report.

A division of the Senate was had.

Fifteen having voted in the affirmative and fourteen opposed, the motion prevailed and the Minority Ought to be accepted report was accepted.

Both reports were ordered sent forthwith to the House.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Limiting the Amount of Salary of Certain State Officers." (H. P. 830) (L. D. 1217) ask leave to report that they are unable to agree.

Which report was read and accepted in concurrence.

#### **Committee Reports — Senate Conference Committee Reports**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities." (H. P. 97) (L. D. 141) reported that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing for the Study of a State Building Code and Anti-Shack Statute." (S. P. 202) (L. D. 512) reported that the Senate recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A", and refer the Bill to the 102nd Legislature, and that the House recede from its action whereby the Bill was indefinitely post-

poned, and refer the Bill to the 102nd Legislature in concurrence.

Which reports were read and accepted, the Senate voted to recede from its action whereby the bill was passed to be engrossed, referred the bill to the 102nd Legislature and ordered the bill sent forthwith to the House.

#### **Ought to Pass — As Amended**

Mr. Porteous from the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve, Proposing an Amendment to the Constitution to Revise Article VI Relating to the Judicial Power. (S. P. 529) (L. D. 1450) reported that the same Ought to pass as amended by Committee Amendment "A" (S-292)

Which report was read and accepted and under suspension of the rules, the resolve was read twice and passed to be engrossed.

Ordered sent forthwith to the House.

Mr. Boardman from the Committee on Judiciary on Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 33) (L. D. 124) reported that the same Ought to pass as amended by Committee Amendment "A" (L. D. 1588)

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

Mr. FARRIS of Kennebec: Mr. President, I might say that this is the so-called omnibus bill and I move that it lie on the table.

The motion prevailed and the bill was tabled pending adoption of Committee Amendment A.

#### **Second Readers**

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

#### **Senate**

Bill, "An Act to Create the Maine Power Authority." (S. P. 301) (L. D. 874)

Which was read a second time and Mr. Philbrick of Penobscot presented Senate Amendment B and moved its adoption.

The Secretary read the amendment.

Mr. PHILBRICK: Mr. President, by way of explanation of the proposed amendment, I have one page of notes here and these notes have been reproduced and are on the member's desks, but I know it is not always convenient or we do not have time to read those, so if you will bear with me I will read these explanations to you. It won't take very long.

In Section 3, Maine Power Authority, changes recommended here are concerned with the make-up of the members of the Authority. The original document provided for five members, one of whom would be the Governor of the State. It is thought now that the Authority should still be made up of five members but that it would be more practical to have all five members appointed by the Governor with the consent of the Council. It is further suggested that two of such members should be residents of the first congressional district and three members should be residents of the second congressional district. This seems logical insofar as the project would be located in the second district.

Now under Section 4, Paragraph B much discussion has been directed towards a possible second stage provided for in the original bill, whereas it was never the intention that the so-called second stage would be considered at this time, and whereas said second stage would produce a quantity of power beyond what could be economically consumed at this time.

This amendment deletes from such section any reference to the second stage. This deletion would not represent any hardship if ten or twenty years hence such additional power is needed, thus this change amounts to a restatement of the project, limiting it to maximum development of the upper St. John by a project such as the so-called Cross Rock project. In very simple language, what this does is to prohibit the diverting of water into the St. Lawrence Riverway, which is a matter of concern to some people about the legislative halls.

Under Section 5, Paragraph "I", this amendment here is suggested

only to give further assurance to the power companies that there is absolutely no desire to infringe upon their present rights in any manner, and this in essence protects the water rights of the Bangor Hydro specifically, and at the request of Mr. Haskell we incorporated this amendment to protect his utility.

Under Section 8, Revenue Bonds, the change suggested here does not change the intent or the purpose in any manner; it merely spells out more directly that the authority must make the determination on the basis of power contracts and other benefits to be derived therefrom, that the revenues therefrom should be sufficient to construct and operate the project before the bonds are issued.

Section 10. Changes here are designed to further the multiple-purpose approach to the development of the area, and thus suggest that a portion of the revenues from the project should be made available to the three separate departments which would naturally have an interest in its development, that is Parks, Forestry and Inland Fisheries and Game, with the largest portion of the revenues being devoted to the general fund. It further suggests an increase in the dollar benefits to the State during the period in which the bonds are being retired.

Section 18. The recommendation merely spells out in more detail than the original document how and when the project becomes relieved from any responsibility as to the bondholders and becomes solely the property of the State of Maine. These changes suggested here further provide specific instructions that the operation of this project shall be primarily for the benefit of the power consumers of the State of Maine.

That in main explains the amendment.

The PRESIDENT: The Senator from Penobscot, Senator Philbrick, presents Senate Amendment "B" and moves its adoption.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate.

In his remarks yesterday relative to the Cross Rock project bill, my

good friend the Senator from Penobscot, Senator Philbrick criticized me for not giving to the Senate my reasons for asking that the bill be indefinitely postponed.

Inasmuch as I am again going to make the same motion, I thought perhaps I'd better try and redeem myself by stating the reasons why I did not give my reasons when I made the motion two days ago.

In the first place my previous experience in the Senate has taught me that rarely ever is a vote changed by oratory.

Secondly, I realize that for me to attempt to match the oratorical efforts of the Senator from Penobscot, Senator Philbrick, would be a waste of time for I just could not measure up.

Thirdly, and this is probably my real reason for not making any remarks at the time I made my previous motion, because every member of this Senate has had the same opportunity that I have had to study the pros and cons of the Cross Rock project. The proponents of the measure have distributed material to all members of the Legislature. The members have been invited to attend meetings held by the proponents for the purpose of providing information and while the opponents have not held similar meetings they have provided every member of the Legislature with all possible information relative to the project from their viewpoint.

I do not pose as an authority on the subject of hydro-electric development but I do feel that I am capable of deciding whether or not, in my opinion, a piece of legislation is good or bad for the State of Maine.

In this respect I am no different from any of the other Senators who voted for indefinite postponement and the fact that they too did not see fit to state their reasons is no indication that they did not give the matter serious consideration.

At this time I move the indefinite postponement of the bill and all accompanying papers of L. D. 874.

The PRESIDENT: The Chair would regretfully inform the Senator that the motion to amend has

priority over the motion to indefinitely postpone, so the question before the Senate is the motion of the Senator from Penobscot, Senator Philbrick, that we adopt Senate Amendment "B".

The motion prevailed and Senate Amendment "B" was adopted.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, now moves the indefinite postponement of the bill and accompanying papers.

Mr. FERGUSON: Mr. President, when the vote is taken I request a division.

Mr. PHILBRICK of Penobscot: Mr. President, I more or less said all that I needed to say yesterday and a week ago, but I do just have a few more remarks that I would like to insert in the record before you vote. They are to this effect:

Undoubtedly two of the most obviously ridiculous statements made by the opposition are as follows: First, this program is not designed for the benefit of the State of Maine but only in order that the engineers and bankers can make a killing.

Second, a certain engineering firm of some repute has determined that this program is not feasible.

These statements are most obviously erroneous and irresponsible. Let us examine them both briefly.

This is not a project which can be developed in the darkness, secretly or out of view of the scrutiny of the public eye. Any project, be it state, federal or privately developed on the St. John River must of necessity have the approval of the International Joint Commission. Why? Because this river forms an international boundary and any project, large or small, which affects the flow of that river ever so slightly must have International Joint Commission approval. This means that any project must be determined to be economically feasible and must be based upon sound engineering principles and practices. Does it sound reasonable then that any project such as this can be promoted solely to provide profit to engineers and bankers? Of course not. And this is only just the first step. So this project, just as any hydro development, state, federal or

private, must be licensed by the Federal Power Commission. The Federal Power Commission will also scrutinize the engineering and the economic feasibility of the project. I ask you then: How can any project such as this be promoted on any basis other than on its benefit to the State of Maine? It is an impossibility.

Let us look now at the second statement: "The Central Maine Power Company or a group of power companies employed the Charles T. Main Company to make some 'comments' on Cross Rock for them." I believe by now it is pretty well understood what the local power company's attitude is toward this project. Low cost power is nice but it is a secondary consideration to their protected market and to their guaranteed profits.

The Charles T. Main Company frankly admits that the only information it had to work with was that information supplied by Central Maine Power. This being so, and knowing what the attitude of Central Maine Power is, I question seriously the premise upon which Charles T. Main based its comments. I am particularly leery of the Charles T. Main Company when I learned of their participation before the International Joint Commission back in 1959 and 1960. After a series of studies on the Quoddy and Rankin Rapids projects, and after several public hearings, the International Joint Commission came to certain conclusions. The same Charles T. Main Company filed objections to these conclusions. This engineering company was then and is now retained by and representing the Central Maine Power Company. The International group of engineers examined the objections presented to them by Charles T. Main Company and included in their report, a copy of which I have here, that the findings of these engineers were clearly erroneous, having been based on false assumptions and on the presentation of false facts. Needless to say, the International Joint Commission did not change from its original position, yet we are asked by Central Maine Power Company again to be guided by the same group of en-

gineers who frankly admit that their findings are based on assumptions supplied to them by a third party who, for selfish reasons, are opposed to this project. Personally, I do not want to hear any more about the Charles T. Main comments on the proposed Cross Rock project.

Mr. President, I hope the motion of the Senator from Oxford does not prevail and that this bill is expedited.

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

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I do take exception to the remarks by the good Senator from Penobscot, Senator Philbrick.

The Charles T. Main Company is one of the oldest and one of the most reputable engineering firms in the country, not only in Boston but in the whole country. The company I work for employs them all the time and has paid them thousands and thousands of dollars every year as consulting engineers.

The Senator stated that "The Central Maine Power Company paid for these comments and have refused to sit down and review these comments with Eastern International. Here again I think the Senator is misinformed. All the members of the Electric Council of New England, who hired Charles T. Main Company, paid for their services in reviewing the Cross Rock Project—not just Central Maine. I would like to read to you who these people are, the New England Council: There is the New England Electric System, Western Massachusetts Electric Company, Boston Edison Company, Hartford Electric Company, the Narragansett Power and Light Company, the Connecticut Light and Power Company and the North-South Shore Electric Co. These are the people who have decided that they did not want any part of the Cross Rock project. Now where are we going to sell our peaking power if Cross Rock is developed?"



I am pretty much concerned about getting the good name of the State of Maine tied in with any such project as this, to sell bonds and stocks. It is doubtful if this project will ever be a paying project, and I certainly for one, as a Senator of the State of Maine, would not want to be tied in with promoting any part of Cross Rock. I think that the publicity it would provide would not be good for us. I therefore hope that my motion to indefinitely postpone will prevail.

Mr. CYR of Aroostook: Mr. President and members of the Senate: I gave my reasons for supporting this project here two days ago, and I did not intend to talk again on it. However, the Charles T. Main report has come before us and I feel that possibly I should read to you from this report here, which is a report made by the National Professional Engineering Board, about which Senator Philbrick has made a few remarks. The remarks come from this report here. I am not in a position to evaluate the merits of this company. It certainly would be very rash on my part to make any kind of statement in regard to this company and their reputation. However, this is what transpired and this is the report which was made by this International Professional Board. It says:

"The IJC held a public hearing at Calais, Maine on April 22, 1960. Since that time its members have been studying the two reports, and the U.S. Section of the IJC requested an analysis from the U.S. Section of the Engineering Board of two presentations by opponents at the hearing. One was prepared by C. T. Main, Engineers, of Boston for the Electric Council of New England (an association of 45 private electric utility companies in the New England area, including the Central Maine Power Company), and the other by the Association of Maine State Engineers. Both of these adverse reports were carefully analyzed by the International Professional Electric Board and found erroneous, both in assumptions made and facts presented, to such an extent that the Board found no grounds whatever for changing its original report to the IJC."

Now this was in regard to the Quoddy-Rankin project. I am just wondering if the same firm has not made a mistake in regard to this project. The whole thing boils down to this: We have two sets of figures, one by the Eastern Corporation, which are the principals in this Cross Rock project, and the other one presented by Charles T. Main Co. for the utilities. Now if the report of the figures by the Eastern States Corporation are correct then we can assume that the 9 mill rate that they are talking about will be correct. If the report of Charles T. Main is correct, then it will be impossible for the Cross Rock people to build this project because their power rates will not be competitive and they will not have any market for it. So it boils down to this: If we pass this Authority and send it out to the FPC for evaluation and they can finish the engineering and send it out to a contractor so that the contractor can come out with a firm bid, then we will know for sure whether power can be produced at this site and be competitive or not. If it is not going to be competitive it will just fall on its face and that is going to be the end of it. If it is competitive, I think it would be a big asset to the State of Maine.

Mr. PHILBRICK of Penobscot: Mr. President, it might be further pointed out that this Charles T. Main report is not an engineering report, it is something entitled Comments on Proposed Power Project, and it was compiled by a man whose name did not appear on the rather long letterhead and we have learned that he is not a registered engineer in the State of Maine. However, that does not mean that he is not an able man, I only mention that for your information.

The thing that is hard to understand is this tremendous opposition being put up by the utility companies. We have seen their legislative representatives here in the corridor for quite some time now. If indeed the figures that the Cross Rock people claim are accurate are not accurate, and if indeed the figures that the utility companies of Maine present as a result of the Charles T. Main report are accu-

rate, then what do they have to fear? Why are they lobbying this bill? All they have to do is sit back, chuckle to themselves and watch this project become enacted and then see it fall of its own weight, because quite obviously if you are going to sell power at the rate of 9 mills per kilowatt hour in the Boston area on a project which costs \$225,000,000, it is so obviously impossible for them to do the same thing at a price of between three hundred and fifty to four hundred million as claimed by this report entitled "Comments." It is just beyond my comprehension how the utility companies could even be wasting their time if what they say is so. I for one do not think they are as sure of their figures as they claim to be.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I beg your indulgence for me to quote a few figures here.

The question invites a comparison of the firms involved, and the question hinges around the Charles T. Main Company. Charles T. Main Company is one of the oldest and best engineering firms in this country, especially skilled in water power projects, and because of their high reputation they have been retained to design and supervise construction of some of the largest hydro projects in the nation: The St. Lawrence Project, 2,000,000 kilowatts, Niagara Falls Project, 2,400,000 kilowatts. Utility projects: Consolidated Edison Co. pump storage project, 2,000,000 kilowatts, Labrador project, 3,000,000. I do not believe that a company with the background of the Charles T. Main Company would be very far wrong in their thinking.

I am particularly interested from a municipal officer's point of view to the tax effect on municipalities. Of course you know that this power company would be a tax-free corporation or Authority where Bangor Hydro alone pays \$424,774 on their generating plants in the State of Maine and something like two million dollars on their utility lines. Central Maine Power Company pays something like four million dollars to the municipalities of the State of

Maine and a total tax in 1962 of over eleven million dollars.

I think these are some of the things you ought to give serious consideration to. Certainly if we were going to make the tax concession to the power companies we have in operation in the State of Maine we would likely get from a fifteen to twenty per cent reduction in our rates. I just want to point those things out because I think they are important.

Mr. PHILBRICK of Penobscot: Mr. President, the Perini Corporation, one of the largest construction firms in the world, made a preliminary bid on this project and they came within three per cent of the figures that are shown by the Cross Rock proponents. It does not make the slightest difference in the world what Charles T. Main, John Henry Jones or Thomas Jefferson say; if the contractor will bid within three per cent of the figures submitted here he is responsible if it costs any more or less, and it makes no difference what anybody else says. Why not put it to the test? What are we afraid of? The Federal Power Commission has to decide whether or not this is feasible and the International Joint Commission has to decide whether it is feasible. It is not up to us to take something entitled "Comments" which has been paid for by those who obviously are opponents to the bill. Whom are we to believe? Let's put it before the Federal Power Commission and get the facts. All I ask is simple justice.

Mr. PIKE of Oxford: Mr. President and fellow Senators, I like to hear the good Senator from Penobscot, Senator Philbrick talk, as well as the Senator from Aroostook, Senator Cyr, but the last two times I have noticed that Senator Philbrick did not mention the Central Maine Power Company. He called it "the utilities." The first time he did mention Central Maine Power Company, and it troubles me a lot to have the Central Maine Power Company criticized. We know that their rate is a little high perhaps sometimes. I pay them in the summer time around \$100 a month. Of course that is not a lot but

it is something. But I think it is the service that counts.

Now we have a transformer that has a lightning arrester right where some of our guests are pretty apt to back into it a couple of times during the season, and when they back into it this lightning arrester fuses drop out and we are without electricity, it is quite apt to be at some time at night and everything is out when that happens. We don't have lights, we can't wash dishes, we can't cook and can't do anything and it is a pretty serious situation. The Central Maine Power Company in Bridgton, whether it is after hours or not, just as soon as we call them — it is ten or eleven miles — but they will be there in a very few minutes and will look after these fuses and everything is all right again. I think that the service is worth almost anything on anything that you buy.

Mr. PHILBRICK of Penobscot: Mr. President, it is very interesting to hear Senator Pike on the one hand say that the rates of the Central Maine Power Company are rather high. I certainly must agree with the gentleman on that point. The State of Maine has the third highest rates in the nation. I might mention that a few years ago the State of Vermont was the highest in the nation, and now they are the fourteenth from being the highest because they are purchasing power from the New York Power Authority.

Mr. CYR of Aroostook: Mr. President, I would just like to clarify some of the statements of the Senator from Oxford, Senator Pike.

This project would not be in conflict whatsoever with the present utilities. This would merely be a project on the wholesale level. Now the utilities in the state can, if they want to, buy peaking power from them, or if they don't want to, for all this peaking power there is plenty of market out-of-state. So this would only be a project developing natural resources which we have available today, which would bring a return of approximately two million dollars in taxes to the treasury of the State of Maine plus the fact that it would create a lot

of employment during the five-year construction, it would create a tourist attraction of the greatest magnitude, it would be a flood control which would be very important to the people who are living on the St. John River, but it will not be in conflict whatsoever with any of the utilities. This Authority, or any of the projects that would be created under it, would not be empowered with the right of selling any of their power directly to customers. They would have to sell it to a utility or sell it outside of the State of Maine.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Ferguson, that the bill and accompanying papers be indefinitely postponed. A division has been requested. All those in favor of the motion will rise and stand in their places until counted.

A division was had.

Twenty having voted in the affirmative and ten in the negative, the motion prevailed.

The PRESIDENT: The Chair in behalf of the Senate is happy to welcome in the Senate today a group of 28 students from the sixth and seventh grades of Solon Central School. They are accompanied by their teachers, Mrs. McCollor and Mrs. Tewksbury.

From time to time in our haste in trying to finish our deliberations we enjoy saying hello to the young people of this State. I detect a look on your faces of anticipation for the vacation weeks ahead. If you look on our faces carefully you may see some slight glimpse of that same feeling. We wish you a happy vacation and sometime we hope to enjoy it too. It is nice to have you here.

#### Enactors

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

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

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

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

Bill, An Act Relating to Election Districts in City of Portland and Urban Renewal in Portland and Bangor and Clarifying Borrowing Capacity of City of Biddeford. (H. P. 541) (L. D. 758)

Bill, An Act Relating to the Definition of Aid to Dependent Children. (H. P. 958) (L. D. 1392)

Bill, An Act to Provide for the Reorganization of School Administrative District No. 3. (H. P. 1101) (L. D. 1579)

Bill, An Act Revising Laws Relating to Pineland Hospital and Training Center. (S. P. 418) (L. D. 1161)

Which Bills were Passed to be Enacted.

#### Emergency

Bill, An Act Appropriating Funds for Sewage Treatment Plant and Purchase of Equipment at Gorham State Teachers College. (H. P. 410) (L. D. 563)

Which Bill, being an emergency measure, and having received the affirmative vote of two-thirds of the members of the Senate, was Passed to be Enacted.

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

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

Comes from the House, Indefinitely Postponed on passage to be enacted.

In the Senate on motion by Mr. Brooks of Cumberland, the bill was tabled and especially assigned for later in today's session.

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

Comes from the House, Indefinitely Postponed on passage to be enacted.

In the Senate:

Mr. PORTEOUS of Cumberland:  
Mr. President and members of the

Senate, I have an amendment Filing 296 which I wish to offer. Please bear in mind in looking at this amendment that it still has the title of the original bill. Actually the previous amendment, Senate Amendment B, changed the title to read as it does on the calendar which shows it as amended, "An Act Relating to Investigation of Motor Vehicle Accidents by Highway Safety Committee."

The principle opposition in the other body when this was defeated and went under the hammer actually by lack of knowledge by anybody in that body to support the bill, the principle argument in support of indefinite postponement was that this might preclude the evidence being gathered by law enforcement agencies such as the state police. So now the first sentence of the bill reads, "In addition to the accident investigation made by police and other enforcement agencies, the committee may for statistical and information purposes, investigate the motor vehicle accidents in order to determine the cause or reason and with the approval of the advisory committee may select appropriate persons, agencies or organizations to assist in the investigation."

So the only change in that is that it mentions that in the first line and then further down there is a slight change to agree with the other language in the statutes which this is added to, namely to specify that it is with the approval of the advisory committee.

I hope this will be adopted and that this will satisfy those in the other body who have objected and it will be a great help in determining the causes of motor vehicle accidents.

The PRESIDENT: The Chair will inform the Senate with reference to the printed calendar, Items 8-8 and 8-9 should not be considered as enactors. Engrossment has been reconsidered, they both have been read twice and both are in order for amendment at the present time.

The Secretary read Senate Amendment A to Senate Amendment B.

Thereupon, under suspension of the rules, the Senate voted to re-

consider its former action whereby it adopted Senate Amendment B, Senate Amendment A to Senate Amendment B was adopted, Senate Amendment B as amended was adopted and the bill as amended was passed to be engrossed and under suspension of the rules was ordered sent forthwith to the House.

#### Orders of the Day

Mr. WYMAN of Washington: Mr. President, I present an order and move its passage and would like to explain it briefly. This order is a joint order to recall L. D. 488 from the legislative files. This particular bill refers to sardines and right now the sardine canning industry is in rather dire straits. Today they have something like 600,000 cases on hand, at the beginning of a new season as compared with sales of approximately a million, four hundred thousand cases for the entire calendar year of 1962. The industry insofar as I can tell, and I am quite sure of this fact, is 100 per cent in favor of an amendment, or a law, which can be accomplished by amendment which we hope may be of some value and give some relief and for this reason I move that this order have passage.

ORDERED, the House concurring, that Bill, An Act Repealing Regulations concerning Herring for Canning Purposes (S. P. 189) (L. D. 488) be recalled from the Legislative Files to the Senate (S. P. 627)

Which order was read and passed and ordered sent forthwith to the House.

The PRESIDENT: The Chair will appoint as Senate conferees with regard to Item 1-2 on today's calendar, the Senator from Cumberland, Senator Brooks; the Senator from Penobscot, Senator Whittaker and the Senator from Piscataquis, Senator Hichborn.

The Chair also would like to call to the attention of the Senate that during this session we have celebrated the 39th birthday of Senator Brooks, Senator Wyman, Senator Letourneau and Senator Edmunds. There is one more person

in this chamber who today is celebrating a 39th birthday. Happy Birthday to Regis Strout. (Applause)

The President laid before the Senate Item 1 on Page 6, Bill, "An Act Relating to Operating Business on Sunday and Certain Holidays." (H. P. 930) (L. D. 1364)

Mr. ATHERTON of Penobscot: Mr. President and members of the Senate, an amendment to correct the inconsistency which was brought to light yesterday has been prepared and reproduced under Filing S-294. I present Senate Amendment A and move its adoption.

Which amendment was read and adopted.

Thereupon, the bill as amended was passed to be engrossed.

The President laid before the Senate Item 2 on Page 6, An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965 tabled by Senator Edmunds on June 12 pending assignment for second reading; and that Senator moved the pending question.

Thereupon, the rules were suspended, the bill given its second reading and passed to be engrossed.

Under suspension of the rules, the bill was sent forthwith to the engrossing department.

On motion by Mr. Edmunds of Aroostook

Recessed until 1:45 this afternoon.

#### (After Recess)

Senate called to order by the President.

#### Additional Paper from the House

Bill, An Act Increasing Sales Tax (H. P. 313) (L. D. 406).

In House, June 6, Passed to be Engrossed.

In Senate, June 11, Passed to be Engrossed in concurrence.

Comes from the House, having Failed of Enactment. (Reconsidered and again failed of enactment)

The PRESIDENT: This bill having had its three several readings in the House and having had its

three several readings in the Senate and having been passed to be engrossed and having been reported by the Committee on Engrossed bills as truly and strictly engrossed, having failed of enactment in the House, is it now the pleasure of the Senate that this bill be passed to be enacted? It being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the Senate. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted.

A division was had.

The PRESIDENT: The Secretary will count the Chair as in favor of enactment.

24 Senators having voted in the affirmative and 6 in the negative, and 24 being more than two-thirds of the entire elected membership of the Senate, the bill has been passed to be enacted and will be signed by the President.

Mr. EDMUNDS of Aroostook: Mr. President, the motions which I am about to make are concerned with parliamentary procedure. I would like to now move that we reconsider our action whereby this bill was passed to be enacted.

The PRESIDENT: The Senator from Aroostook, Senator Edmunds, moves reconsideration of our action whereby this bill was passed to be enacted.

Mr. EDMUNDS: Mr. President, I now move that this matter lie on the table and be specially assigned for Tuesday, June 18th pending my motion to reconsider our action whereby this bill was passed to be enacted.

The PRESIDENT: The Senator from Aroostook, Senator Edmunds, moves that his motion lie on the table and be specially assigned for Tuesday, June 18th.

The motion prevailed.

The PRESIDENT: The Chair is happy to recognize in the Senate Chamber a former Senator from Sagadahoc County, Frank Bailey of Woolwich. We are glad to have you here today, sir. (Applause)

The PRESIDENT: With reference to L. D. 1364, An Act Relating to

Operating Business on Sundays and Certain Holidays, is it the pleasure of the Senate that the rules be suspended and this matter be sent forthwith to the House.

The bill was ordered sent forthwith to the House.

The President laid before the Senate Item 1-3, Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure" (S. P. 596) (L. D. 1563) which was tabled by Senator Farris of Kennebec earlier in today's session.

Mr. FARRIS: Mr. President, this measure needs to have an amendment reproduced and it is impossible to get it reproduced this afternoon, therefore I move that it lie on the table until tomorrow morning.

The motion prevailed and the bill was retabled and specially assigned for the next legislative day.

The President laid before the Senate Item 8-8 on today's calendar, Resolve, Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry. (S. P. 95) (L. D. 232) which was tabled earlier in the day by the Senator from Cumberland Senator Brooks.

On motion by Mr. Brooks, the item was retabled and specially assigned for the next legislative day.

The President laid before the Senate the third tabled and specially assigned matter (S. P. 574) (L. D. 1519) Bill, "An Act Relating to a Permit for Processing of Imported Lobster Meat Under Bond," which was tabled on June 12th by Senator Wyman of Washington, pending assignment for second reading.

Mr. WYMAN of Washington: Mr. President and members of the Senate: Before I talk on this bill I want to thank you all for the courtesy you have extended to me in tabling and retabling this bill. I suspect it may be the most tabled and retabled bill in the history of this Senate. Of course my motives have been clear, I have been hoping to get the bill passed because I believe it is a good bill.

This bill is a simple bill, but probably the most misunderstood of

any legislation introduced in the present legislature. A similar measure, but without the strong enforcement provision which the present measure provides, was introduced in the 1949 session. If you will refer to your legislative record for that year you will find that it was passed without any debate or discussion on the floor of either branch. This law remained in effect until 1957 when some other changes were being made in the Sea & Shore Fisheries laws and this was repealed again without any debate and under the gavel all the way through.

However, as soon as it was introduced at this time, alarming words and expressions were used in talking about it — words such as illegal lobster meat, short lobster meat, opening the door, discriminatory, special legislation, class legislation, and other words and phrases which would tend to alarm those interested.

Briefly, to go into recent history, there were a few years ago a number of processors using lobster meat for frozen newburgs and stews. However, gradually due to competition from out-of-state processors who have been buying the run of the sea Canadian meat at a price of from 60 cents to \$1.00 a pound less, our local processors of these products have been obliged to leave the field, the most recent one being the Burnham & Morrill Company which could no longer compete with those out-of-state processors such as Howard Johnson, Stouffer of Cleveland, and others who were using imported lobster meat until now there is only one processor left. This particular processor is employing some 60 workers.

Now he tells us — and I feel very certain he is telling the truth — if he cannot get relief by this law, he will be obliged to move his processing plant to another state or to Nova Scotia and in Nova Scotia the government will help pay the cost of a plant.

Actually a great deal of the lobster meat in question is moving to points in Massachusetts and other states where it is being processed. All we ask is to allow this to be

brought into Maine under such bond as the commissioner of Sea and Shore Fisheries shall determine to be proper and under such license and regulations as the Commissioner of Sea & Shore Fisheries shall prescribe, same to be processed into frozen newburgs, stews, and such, and then move out of state, all to be done under the foregoing restrictions. It is our understanding that this would present no added enforcement problems, and actually would provide a stronger law than the present.

A fear has been expressed that this would reduce the price of lobster meat here in Maine. Actually that would seem most unlikely since the one company remaining purchased only some 8,000 pounds of Maine lobster meat last year due to higher prices and at times of scarcity, but instead purchased Canadian meat which, however, cost him from 60 cents to \$1.00 a pound more than the ungraded meat due to the fact that it was necessary to have it graded for size to meet Maine standards.

Now, it is true there are involved here only some 60 jobs, but with all the money we spend for DED and all the effort we are making and all the talk we are making about bringing industry to Maine, do we wish to drive out this one industry and to throw out of work another 60 people. Also, there is an excellent prospect that if this law could be passed there would be other processors with other job opportunities resulting.

Once again, this is a simple matter and is a law which was on the books for eight years without any unusual problems, and which if enacted again with the additional safeguards can do only good. This particular processor is buying close to a million pounds of legal Maine lobsters which he is freezing in the shell as baked stuffed lobster. If he leaves Maine, as he must unless we give him relief, then this market will be lost. For that reason, it would seem that the removal of this concern from Maine would tend to depress prices, whereas the retention of this company in Maine would tend to firm prices and provide additional employment.

However, there seem to be obstacles which will make it impossible to pass this bill and there is a problem in the other body and in the front office, and, realizing that I must be practical I therefore move that the bill be indefinitely postponed.

Mr. PORTEOUS of Cumberland: Mr. President, may I ask for about a two minute recess.

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(Recess)

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Called to order by the President.  
The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington,

Senator Wyman, that this matter be indefinitely postponed.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: Very briefly and for all the reasons stated by the good Senator from Washington, Senator Wyman I would ask for a division.

A division was had.

Fifteen having voted in the affirmative and fourteen in the negative, the motion prevailed and the bill was indefinitely postponed.

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On motion by Mr. Edmunds of Aroostook,

Adjourned until 9:30 a.m. tomorrow.