

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Wednesday, January 15, 1964

Senate called to order by the President.

Prayer by Rev. Royal Brown of Gardiner.

On motion by Mr. Brown of Hancock,

Journal of yesterday was read and approved.

The PRESIDENT: The Chair is happy to welcome in the Senate Chamber today several groups of young people, Maine's biggest investment and Maine's only hope. First, six Eagle Scouts who have received scouting's highest earned honor. The Chair would like to appoint them as honorary pages in the Senate for today's session. They are, Merrill Cousens of Troop 161 in Gardiner, Peter Webster of the same troop in Gardiner, Lawrence Piper, Troop 178 in Augusta, Frederick Gay of the same troop in Augusta, Barry Roderick of Troop 259 in Manchester and Ernest Allen of Troop 230 in Vassalboro.

We are happy and honored to have you young gentlemen here with us today. (Applause)

We also have in the Senate Chambers 50 freshmen from the Penobscot Valley High School, School Administrative District 31, Teachers, Chellis Smith, Myra Haskell, and one of Maine's most capable veteran bus drivers, Mrs. Ruth Anderson. They are the guests here today of our good Senator from Piscataquis, Senator Hichborn but at the same time I would introduce the Senators from Penobscot County, Senators Harrington, Philbrick, Whittaker and Atherton. We are happy indeed to have you students here. (Applause)

We have 49 students from Bridgton High School with their teachers Mrs. Parker and Mrs. Glatz. Bridgton High School is in Cumberland County of course, in the area of Pleasant Mountain ski area and I would like to welcome you folks here today. We hope you find your experience not only interesting but educational. The Senators who represent your county are

Senators Hinds, Porteous, Cram and, just arriving at his seat, is Senator Brooks. (Applause)

We also have with us six members of the 4-H Club of Camden — we are beginning to sound like Don MacNeil's Breakfast Club — six members of the 4-H Club of Camden are in the Chambers, accompanied by their leader, Mrs. Marjorie Hoffses who must be and is the wife of our good Senator Albert Hoffses from Knox County. We are happy indeed to have you here today. (Applause)

We have twenty-nine students in State and National Government from the Belgrade High School, accompanied by their Principal Vernal Finemore and their teacher, Mrs. Eldora Strickland. They are the guests of Representative Sahagian of Belgrade. We welcome you here too. You are from Kennebec County, "the" County, and I would introduce to you Senator Farris of Kennebec County and Senator Campbell of Kennebec County. We are glad to have you here. (Applause)

On your desks appear red flags which it is suggested you attach to the aerial of your automobile. They are sent, together with a letter, from Richard P. Choate who is Chairman of the Troop Committee of BSA Troop 147 in Hallowell, Maine. They give these to you with their compliments. Their troop theme for January is "Highway Safety" and these safety flags are to remind drivers to use extra driving caution during the hazardous winter months. The boys have made more than a thousand of these so far and are in the process of making more. They hope that the suggestion of Safety is infectious. We thank them, too.

Mr. Edmunds of Aroostook was granted unanimous consent to address the Senate.

Mr. EDMUNDS of Aroostook: Mr. President, I would merely like to correct the record. Kennebec is usually referred to as "a" county; Aroostook is "the" county. I would also go on to point out that we have not six, but seven Eagle Scouts in the front of the Chambers today. I believe our good

Senate President was an Eagle Scout at one time himself. (Applause)

Bill, "An Act Relating to Detention by Counties and Municipalities of Persons Arrested by Law Enforcement Officers" (S. P. 694) (L. D. 1672)

In Senate, January 10, passed to be engrossed.

Comes from the House indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Stitham of Somerset, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and the same Senator presented Senate Amendment A and moved its adoption.

The Secretary read the amendment.

Mr. STITHAM of Somerset: Mr. President and members of the Senate, the purpose of this amendment is to meet the objections that arose in the House yesterday. The last sentence of the bill which reads, "The keeper of any such municipal or county jail shall not be liable for any false arrest committed before any such arrested person is detained in such municipal or county jail nor in such case shall his detention subject the keeper to liability for false imprisonment." That sentence was added after the hearing before the committee and that is the reason for the disapproval of the House, as I have been given to understand, and I am told that should this be amended as I have requested here, that it will remove the principal objection in the House.

Thereupon, Senate Amendment A was adopted and the bill as amended was passed to be engrossed and ordered sent forthwith to the House.

Joint Order Relative to Cloture on Committee Reports (S. P. 696)

In the Senate, passed as amended by Senate Amendment A.

Comes from the House, Senate Amendment A indefinitely postponed in non-concurrence; House Amendment A adopted, and the order passed as amended in non-concurrence.

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

#### Joint Order

WHEREAS, the first Legislature of the State of Maine convened under the Constitution of the State on May 31, 1820 following the decision of Maine people to separate from the Commonwealth of Massachusetts and

WHEREAS, from the founding of the State, through the year 1811, the Legislature was elected and met annually and since then biennially, except for special sessions; and

WHEREAS, during this time, Legislators have come from the length and breadth of Maine, after election by their fellow citizens, to enact the laws and transact the business of the State; and

WHEREAS, their doings have been recorded in the respective journals of the Senate and House of Representatives as required under the Constitution, Article IV, Part Third, Section 5, which provides that "each house shall keep a journal"; and

WHEREAS, the original volumes of the journals remain in the custody of the Secretary of State; and

WHEREAS, starting with 1854, the journals have been regularly published and made available for the use of the Legislature and the public; and

WHEREAS, they provide an invaluable source of information on the legislative history of the State and should be published in order that the people may derive the maximum benefits therefrom through their availability for study and research; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee, is directed to study the feasibility of printing the original journals of the Senate and House of Representatives of the State for the period 1820 to 1854, and for this purpose, to determine the manner, form and style best suited to accomplish their publication; and to secure, through the State Printer, accurate estimates as to cost of printing these original volumes, together with such other information as it may deem necessary; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature. (H. P. 1165)

Comes from the House, read and passed.

In Senate, read and passed in concurrence.

**Orders  
Joint Order**

On motion by Mr. Campbell of Kennebec

ORDERED, the House concurring, that there be created an Interim Study Committee to consist of 2 Senators to be appointed by the President of the Senate and 3 Representatives appointed by the Speaker of the House, the Commissioner of Finance and Administration, one member to be designated by the Water Improvement Commission and one member to be designated by the Maine Municipal Association, to study and report to any special session of the 101st Legislature or the 102nd Legislature on the subject matter of contributions to be made by the State to the expense of municipal and quasi-municipal pollution abatement construction programs and the feasibility of providing funds with which to make such contributions by the issuance of bonds or by other means; and be it further

ORDERED, that the members of the Committee shall serve without compensation but shall be reimbursed for their expenses incurred in the performance of their duties under this order; and be it further

ORDERED, that there is allocated to the Committee from the Legislative Appropriation the sum of \$1,000 to carry out the purposes of this order. (S. P. 699)

Which was read and passed, and sent forthwith to the House for concurrence.

**House Committee Reports—House  
Leave to Withdraw**

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Appropriate Additional Monies for Caribou Sewerage Treatment Works." (H. P. 1131) (L. D. 1602) reported that the same should be granted Leave to Withdraw.

Comes from the House, report read and accepted.

In the Senate, on motion by Mr. Edmunds of Aroostook, the bill was tabled pending acceptance of the report and specially assigned for the next legislative day.

**Ought to Pass As Amended  
by Committee Amendment  
"A" (H-526)**

The same Committee on "Resolve Appropriating Funds for Community Mental Health Services." (H. P. 1134) (L. D. 1605) reported that the same Ought to pass as amended by Committee Amendment A (H-526)

Comes from the House, passed to be engrossed, as amended.

In Senate, report accepted in concurrence; Committee Amendment A read and adopted in concurrence, and the Bill, as amended, given its several readings under suspension of the rules, and passed to be engrossed, as amended, in concurrence.

**Committee Reports—Senate**

Mr. Farris from the Committee on Judiciary on Joint Resolution Ratifying the Proposed Amendment to the Constitution of the United States Relating to the Qualification of Electors. (S. P. 693) (L. D. 1671) reported that the Same Ought not to be adopted, as Covered by other Legislation.

Which report was read and accepted.

Sent forthwith to the House for concurrence.

**Majority — Ought to be Adopted  
Minority — Ought not to be  
Adopted**

The Majority of the Committee on Appropriations and Financial Affairs on Joint Resolution Memorializing Maine Congressional Delegation to Oppose New Stringent Requirements in Public Assistance Cases. (S. P. 690) (L. D. 1669) reported that the same Ought to be adopted.

(Signed)  
Senators:

EDMUNDS of Aroostook  
CAMPBELL of Kennebec  
PORTEOUS of Cumberland

## Representatives:

MINSKY of Bangor  
 PIERCE of Bucksport  
 HUMPHREY of Augusta

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

(Signed)

## Representatives:

JALBERT of Lewiston  
 EDWARDS of Raymond  
 SMITH of Falmouth  
 BRAGDON of Perham

Mr. HINDS of Cumberland; Mr. President, I would move acceptance of the Majority Report and request permission to speak to that motion.

The PRESIDENT: The Senator may proceed.

Mr. HINDS: Mr. President and members of the Senate, this Resolution is an honest attempt on my part to perhaps limit some of the federal regulations we seem to have coming to us from the federal government. This one pertains to the recent regulation of the Commissioner of the Department of Health and Welfare which would make it mandatory that the State of Maine set up a police force, or a gestapo, as it has been called, to check the work of the workers doing the work in regard to our ADC program. I would be very much in favor of something like this if this would be increased case work by our social workers to help our ADC people but this is not. This is strictly a clerical procedure whereby in the Department of Health and Welfare, Dr. Fisher will set up a new department under his control that will check the work of the people who are doing ADC work, simply clerical and paper work.

This Resolution if sent to our Congressional delegation, and I have been in touch with two members of our Congressional delegation on this, would help since New York state has passed a similar resolution, not worded this way perhaps but meaning the same thing, and several other states that are doing something similar, this would help and they would meet with Celebrezze and try to con-

vince him that perhaps our state, where we have so few eligible cases does not need to do this. The cost of this program would be to the state, for this next biennium, would be nil. There would be no cost because the federal government would pick up the tab for the rest of the biennium. However, when we come back here in the 102nd session of the legislature we would then pick up fifty per cent of the price tag on these workers. The estimated cost of the 33 people that Dr. Fisher felt he needed to do the job, or at least the federal government felt that he needed to do the job, was \$248,000. The Appropriations Committee has seen fit in its wisdom to try to do this job with less employees and they have cut this down to 20 which would be a total cost of somewhere in the vicinity of \$140,000. We are not sure the federal government will even accept this. They may insist on the full 33. This is something we don't know. But if we have to pick up the price tag in the next regular session, this is going to cost us in the vicinity of \$75,000 with just 20 permanent employees we will be putting on. We have enough other things facing us without getting involved in this type of program. I would hope that the Ought to be Adopted report of the committee would prevail.

Thereupon, the Ought to be adopted report of the committee was accepted and the Joint Resolution was adopted.

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

**Minority — Ought Not to Pass**

The Majority of the Committee on Public Utilities on Bill, "An Act Creating the Damariscotta Sewage District." (S. P. 649) (L. D. 1655) reported that the same Ought to pass as amended by Committee Amendment A (S-366)

(Signed)

Senators:

BOISVERT

of Androscoggin  
 PHILBRICK of Penobscot

HARRINGTON  
of Penobscot

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

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

(Signed)  
Representative:  
TAYLOR of South Portland

On motion by Mr. Philbrick of Penobscot, the Majority Ought to Pass report was accepted, the bill read once, Committee Amendment A read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed as amended.

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**Enactor**

The Committee on Engrossed Bills reported as truly and strictly engrossed the following Bill, "An Act Providing for Review of Laws of Forestry Department." (H. P. 53) (L. D. 76)

Which Bill, was passed to be enacted.

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**Additional Paper from the House  
Out of Order  
Committee Report — House  
Divided Report**

The Majority of the Committee on Constitutional Amendments and Legislative Reapportionment on "Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine." (H. P. 1160) (L. D. 1664) reported that the same Ought to pass in New Draft, under a new title: An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the

State of Maine. (H. P. 1167) (L. D. 1676)

(Signed)  
Senators:  
EDMUNDS of Aroostook  
PORTEOUS  
of Cumberland  
HOFFSES of Knox  
FARRIS of Kennebec

Representatives:  
DENNETT of Kittery  
SMITH of Strong  
SMITH of Bar Harbor  
BERMAN of Houlton  
VILES of Anson  
WATKINS of Windham  
PEASE of Wiscasset

The Minority of the same Committee on the same subject matter reported that the same Ought to pass, as amended by Committee Amendment A (L. D. 1677)

(Signed)  
Senators:  
JACQUES  
of Androscoggin

Representatives:  
COTTRELL of Portland  
CARTIER of Biddeford  
PLANTE of Old Orchard

Comes from the House, Majority Report accepted, and the Bill, in New Draft, passed to be engrossed as amended by House Amendment A; House Amendments E, F, B, and G having been indefinitely postponed.

Mr. PORTEOUS of Cumberland: Mr. President, I would move that the Majority Ought to pass report as amended by House Amendment A be adopted and I would like to speak briefly to this.

The PRESIDENT: The Senator may proceed.

Mr. PORTEOUS: Mr. President, in rising to speak of this on the floor, it culminates some five months of work on a bill to reapportion the House of Representatives of the State of Maine. Since the beginning of the meetings of our informal committee of seven here in Augusta, regularly since August, I have been very pleased and very encouraged by the cooperation and the hard work of that committee and people connected with that committee. I would like to place in the record,

the names of several who have done more than really the call of duty should have demanded: Miss Edith Hary, the State Law Librarian; Miss Betty Warner, who has been the clerk of the committee these several months; Professor Cornelius Murphy of the University of Maine in Portland Law School; the members of the informal committee as well as those fifteen members of the Committee on Constitutional Amendments and Legislative Reapportionment. We did have one new member who stepped right in and ably assisted us. Due to the resignation of one colleague, our colleague Senator Hoffses found his beginning days as a legislator very interesting I am sure because he stepped right into this and was a great deal of help even though he was new in these legislative halls.

The Legislative Research Department and the Secretary of State's office were extremely helpful and encouraging even though we placed on them the added burden of trying to find a way to district the cities should the House of Representatives and this Senate choose to do so. Some of us were convinced that it should be done, many of us were convinced that it would not pass due to opposition but at the same time it was carried through with a great deal of willingness by these people and these departments and their helpfulness was sincerely appreciated.

I would like also to extend my appreciation to the leadership of this body for its helpfulness and its wisdom in all our deliberations. I think that if we come out of this session with this bill as it is written, we will have accomplished that which the Governor called us to come to the capital city to do.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Porteous, that the Senate accept the Majority Ought to Pass in new draft report.

Which report was accepted and the resolve read once.

Mr. Reed of Sagadahoc presented the Senate Amendment A and moved its adoption.

Mr. EDMUNDS of Aroostook: Mr. President, I move the indefinite postponement of Senate Amendment A, and when the vote is taken, I would ask for a division.

A division of the Senate was had.

Twenty-six having voted in the affirmative and six opposed, Senate Amendment A was indefinitely postponed.

Thereupon, House Amendment A was read and adopted and under suspension of the rules, the bill was read a second time.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate, I wish to go on record as opposing some of the ways that the House was reapportioned and I would ask a little later on that this be tabled so I can present an amendment. First of all I would like to speak of the reapportionment of Androscoggin County. We have had several meetings. I was on the interim committee that was appointed at the beginning of the year and we have had several meetings and none of these members has appeared in front of the committee to oppose the reapportionment. We had prepared that Turner would be with Leeds, Greene, Wales and Webster. This would give Turner a chance of electing a representative. Now, with Turner being with Livermore and Livermore Falls, they'd never have a chance in a hundred years to elect a representative from Turner. This is not partisan. I hope it isn't, because Turner is Republican, and Livermore and Livermore Falls are Democrat. But the other towns Green, Leeds, Wales and Webster usually vote Republican and this would give a turn to the town of Turner.

Now the delegation held two meetings in the city of Lewiston. We had one Republican show up and the rest of the Republicans did not show up to oppose the reapportionment where Livermore Falls and Livermore would be left together without Turner. A letter was sent to the committee and all of a sudden the committee changed their minds and said, "Oh No, we are going to put Turner and Livermore Falls to-



gether." Mr. President, I don't think this is right and this is one of the reasons I stand here. I was not here this morning to look over the whole bill. I know I signed it "Ought Not to Pass" and I wish somebody would get up and table this until later in the day so I could have an amendment prepared and then you can turn it down if you wish to do so.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, the amendment to which the good Senator from Androscoggin, Senator Jacques refers is, I believe, H-534 on your desks and this was taken up in the other body this morning and substantially defeated, I believe the vote was something in the neighborhood of 120 to 20. The representatives themselves from Androscoggin county, who are a majority of Democrats, have had this chance and I think that in considering the Senate, we really have no business in that particular field because I think they have decided their own apportionment for that county.

The PRESIDENT: The question before the Senate is on the passage of the resolve to be engrossed as amended.

Mr. COUTURE of Androscoggin: Mr. President, I move that the resolve be tabled until later in the day.

Mr. EDMUNDS of Aroostook: Mr. President, I ask for a division.

A division of the Senate was had.

Five having voted in the affirmative and twenty-six opposed, the motion to table did not prevail.

Thereupon, the resolve was passed to be engrossed as amended in concurrence.

#### Non-concurrent Matter

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve Permitting Use of Appropriated Federal and State Funds at Maine Vocational Technical Institute." (S. P. 659) (L. D.

1651) reported that the same Ought to pass.

(Signed)

Senator:

CAMPBELL of Kennebec

Representatives:

JALBERT of Lewiston

SMITH of Falmouth

BRAGDON of Perham

MINSKY of Bangor

EDWARDS of Raymond

PIERCE of Bucksport

HUMPHREY of Augusta

The Minority of the same Committee on the same subject matter reported that the same Ought to pass as amended by Committee Amendment A (S-362)

(Signed)

Senators:

EDMUNDS of Aroostook

PORTEOUS of Cumberland

In Senate, January 14, Minority — Ought to pass as amended report accepted.

Comes from the House, Majority — Ought to pass report read and accepted in non-concurrence.

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

#### Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (S. P. 654) (L. D. 1646) Bill, "An Act to Appropriate Moneys to Increase Rates of Payment for Nursing Home Care for Public Assistance Recipients"; tabled on January 14, by Senator Farris of Kennebec pending acceptance of either report; and that Senator yielded to the Senator from Aroostook, Senator Edmunds.

On motion by Mr. Edmunds of Aroostook, the item was retabled and especially assigned for the next legislative day.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 692) Joint Order Relative to Study of Hydro Electric Projects by Public Utilities Commission; tabled on January 14 by Senator Johnson of Somerset pending passage; and that Senator yielded to the Sena-

tor from Somerset, Senator Stitham.

Mr. STITHAM of Somerset: Mr. President, I reluctantly now move that this order be indefinitely postponed and I would like to speak briefly on it.

The PRESIDENT: The Senator may proceed.

Mr. STITHAM: First, I want to make it plain that I am not opposed to the thought behind this order, which is to have a study made to evaluate the possibilities of the various hydro-electric development plans for the Upper St. John Valley.

When the order was first introduced and I asked for it to be tabled I was not certain as to just what it was all about and I wanted to do some checking, which I have.

Now my objections are several and I hope to make them plain. First, we are asking a regulatory body to make an evaluation. Now that is like asking the Supreme Court to give an opinion as to how they are going to decide a case that may come before them sometime later. It just isn't done. Now the Public Utilities Commission is a body asked to regulate rates for existing utilities. To ask them to evaluate something as nebulous as the possible development on the upper St. John and to commit themselves before there is an adequate study does not seem to me to be a proper thing to ask the Public Utilities Commission to do.

My second objection is that we have not made it plain to the Public Utilities Commission what we want them to do, and I think when we ask any commission to do something we should point out exactly what we want them to do, the area that we want them to cover and the extent of the coverage. Now as I understand it, and I may be wrong, there have been some 32 suggested developments on the upper St. John. This order, as I understand it, says "the presently considered developments." We have not spelled out which ones of the 32 are to be covered.

Thirdly, we are asking them to do something that they are not equipped to do and cannot do without the expenditure of a great deal of money. First, we are asking them to evaluate, assuming we do ask them to do it, and I come right back to the main issue which I think the proponent has in mind, of Cross Rock. If I remember correctly, during the long debate that we had on it last spring it was something that was going to take around half a million dollars to study and to get the engineering done before it would be ready to let out contracts, and it was not until that time that you were going to be able to tell how much it was going to cost.

Now how can we ask — assuming that the Public Utilities Commission was the proper body to consider this, which I say it is not — how are they going to evaluate something where the cost has not been determined and cannot be determined without a great deal of money being spent?

Third, the cost, if we do ask them to do this job, including the engineering that would be necessary, may run into six figures. I understand an amendment has been prepared and will be proffered, asking for \$5,000. Now \$5,000 won't go a great ways in any engineering research that is necessary to properly evaluate any development on the upper St. John.

The whole subject of the upper St. John has been gone over many, many times. There was a study back in 1953. The International St. John River Engineering Board spent an estimated \$500,000 in making a study up there. There is another study made by the Quoddy-St. John River Study connected with the International Joint Commission by the International Passamaquoddy Engineering Board. I understand the total cost of that study was \$3,600,000. Udall has spent, as I understand it, a considerable amount of money recently in studying this same proposition.

I merely reiterate that the Public Utilities Commission is not the proper body to conduct such a request for evaluation as has been requested and that it is impossible for them to do it. If we ask them to do it of course they will do the best they can but they have got to have much more money than is being proposed.

I again say it is wrong for us to ask them to recommend what is best for the State of Maine for something as nebulous as the information we have at the present time.

Mr. CYR of Aroostook: Mr. President and members of the Senate: This order was presented by me and I think possibly I should give you some information as to the background of this.

I have been trying for over a year now to get the PUC to pronounce themselves in regard to these various projects on the upper St. John. The reason why Quoddy is not included in this is that there is no choice at Quoddy, there is only one Quoddy project while on the upper St. John there are several projects and now it has boiled down to two, Dickey and the full development of Cross Rock.

Now the good Senator from Somerset in his first point mentioned that this is a regulatory body regulating rates and therefore it is improper to ask them to do it. I think possibly the best way to answer that is to go to the laws. I have here the manual of the Public Utilities Commission, Laws Defining Jurisdiction and Procedure of the Public Utilities Commission of Maine, September, 1962. I refer back to Chapter 44, Section 12 of the Revised Statutes, which I will read to you, and I think you will agree with me that this is not so.

"The Commission shall publish in its biennial report an account of its operations and include such data as it may deem advisable bearing on the water powers and water resources of the state and may report upon a comprehensive and practical plan for the improvement and creation of such

water storage basins and reservoirs as will tend to develop and conserve the water powers of the state. The commission may also report, so far as its investigations will permit, on the development of the water powers of the state with reference to the general plan proposed so that the legislature may have before it a comprehensive summary of the possibilities that lie in the development of water powers of the state as a natural resource and the necessary steps that should be taken by the state to further increase and conserve them so far as any proposed plan devised by the commission for the improvement and increase of water storage basins or reservoirs shall include the construction of a dam or dams upon or at the headwaters of any river or watercourse. The commission shall ascertain and report as nearly as may be the water storage capacity in cubic feet of the reservoir to be created, the recorded rainfall on the watershed above such proposed dam and the maximum, minimum and average flow of water per second in cubic feet during each month in the year in said river or watercourse. It shall, as nearly as practicable, estimate the increased power that would be developed by such proposed dams in the rivers or streams to be affected thereby." I think it is very clear that this is within their prerogative to do.

I started by saying that I tried to get the PUC to make some kind of evaluation. Now all this calls for is an evaluation of studies now existing, nothing more.

If you had a problem in your town relating to C. D. where would you go if you wanted a state agency to give you some help? You would go to Civil Defense, wouldn't you? In this case here we are asking the State of Maine to take a stand in regard to these projects. There are several choices. The choice that I represent, and we claim that the State of Maine would stand to gain at least \$11,000,000 annually on that choice. Are we right or are we wrong? Are we biased? Are our minds

closed, or are we right? This evaluation should at least spell out some of the answers.

The second point that was made, that the order does not spell out clearly the projects that should be studied. At present it is boiled down to two projects; the Dickey project which is connected with Quoddy on the federal level — I contend that the Dickey project is a New England project, and therefore unless the State of Maine makes some kind of evaluation and the State of Maine gets interested in the act we will probably find out that the interests of the State of Maine may be submerged to the interests of New England, thus the reason for this evaluation.

The third point that was made is that the PUC does not have the competent personnel. I was told differently; I was told that the PUC has competent personnel to do this. Also, before I wrote this order, I cleared it with the PUC, I checked with the Governor and the Governor has no objection. I checked with the leadership of both houses and they have no objection.

The other objection that was brought out was in regard to cost. When I first discussed this with the Public Utilities Commission they agreed to try it on their own and to go as far as they could and if they ran out of funds there might be the possibility of their coming down and asking the Governor and Council for a little financial help. I was advised by the Governor that it would be preferable to tack an appropriation onto it. I checked again with the commission and I was told that they thought that possibly \$5,000 could do the job. Consequently, if my order passes I have an amendment which I would present to appropriate \$5,000 from the legislative appropriation. The reason for that is I am told you cannot appropriate from the general fund or from the surplus but you may from the legislative appropriation. I am also told by people in the know that there is enough money in the legislative appropriation to cover this. This

should quash any rumors that have been flying around the corridors that this would cost between \$100,000 and \$500,000. It is not that type of study. We have a project that has been engineered and surveyed by the federal government, another one which has been engineered and surveyed by a private concern. We also have private organizations such as the Federal Reserve Bank of Boston, which is interested in the economics of the whole area which is presently making such an evaluation on their own for themselves. Now all of these can be tapped for this evaluation. This is all information they can have access to.

Now the State of Maine so far has not spent one nickel in regard to these hydro-electric projects. Now if we can develop a project that will bring to Maine a payroll for 1500 to 2000 employed persons for five years that will leave you an asset of \$225,000,000, with two million a year in revenues and four million in benefits. Don't you agree with me that \$5,000 would be cheap to have that kind of evaluation and don't you agree with me that it should be evaluated by a state agency which is supposed to be unbiased, open-minded and to have the welfare of the State of Maine at heart? That is exactly what we are asking; we are asking the state agency which has been charged by the legislature as the watchdog of the people in this field, all we are doing is asking this agency to make an evaluation of studies now existing. I hope when the vote is taken, Mr. President, that it is by a division.

The PRESIDENT: The Chair would inform the Senator from Aroostook, Senator Cyr, that if he has an amendment to present that a motion to amend has a higher priority than a motion to indefinitely postpone, and if you care to make the motion at this time it would be in order.

Senator Cyr then presented Senate Amendment A and moved its adoption.

The PRESIDENT: Is it the pleasure of the Senate that the Secretary read the amendment and that we consider the amendment under suspension of the rules since it has not been reproduced? It is so voted.

Senate Amendment A was read by the Secretary.

The PRESIDENT: The question now before the Senate is on the adoption of Senate Amendment A.

Senate Amendment A was adopted.

The PRESIDENT: The question now before the Senate is on the adoption of the Joint Order as amended.

Mr. STITHAM of Somerset: Mr. President, at this time I move that the order as amended be indefinitely postponed.

Mr. BOISVERT of Androscoggin: Mr. President and members of the Senate: I rise in support of the order and against the motion to indefinitely postpone this order.

So much has been said in the regular session concerning the development of the upper St. John and so many projects have been offered and reports made to the Public Utilities Commission that the end result has been confusing, so I do believe that this order should have passage for the simple reason that the next legislature should be better informed than this one was concerning the development of power in the the State of Maine. I think that the Public Utilities Commission is well-gearred to make a favorable report at the next legislature. After all, the State of Maine must come first, and I do believe that this order is very important for the future of the State.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Stitham, that the Joint Order as amended be indefinitely postponed. A division has been requested.

A division was had.

7 having voted in the affirmative and 21 in the negative, the motion to indefinitely postpone did not prevail.

Thereupon the Joint Order received passage and was ordered sent forthwith to the House for concurrence.

The President laid before the Senate the third tabled and specially assigned matter, (H. P. 1141) (L. D. 1612) House Report "Ought to pass" from the Committee on Election Laws on "Resolve Proposing an Amendment to the Constitution Clarifying Procedure for Delivering Election Returns to the Secretary of State by Municipalities, which was tabled on January 14th by Senator Edmunds of Arrostook pending acceptance of report.

On motion by Mr. Edmunds, the report of the committee was accepted and the resolve was given its first reading and under suspension of the rules its second reading and was passed to be engrossed and sent down for concurrence.

The President laid before the Senate the fourth tabled and specially assigned matter, (H. P. 1139) (L. D. 1610) Bill, "An Act Authorizing the Municipalities of Bridgton and Harrison to Form a School Administrative District," which was tabled on January 14th by Senator Ferguson of Oxford pending ruling on germaneness of Senate Amendment A. Mr. Ferguson then moved the pending question.

The PRESIDENT: The pending question is the ruling of the Chair as to whether or not Senate Amendment A is germane to the bill and the Chair will rule that it is not germane, and therefore the offering of Senate Amendment A is out of order.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

On motion by Mr. Campbell of Kennebec, the Senate voted to take from the table the second tabled and unassigned matter (S. P. 679) (L. D. 1622) Senate Report from the Committee on Judiciary on Bill, "An Act to Clarify Con-

demnation of Schoolhouse Lots," reporting that the same Ought to pass in New Draft, same title (S. P. 698) (L. D. 1673) which was tabled on January 14th by that Senator pending acceptance of report.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: This is a matter which really demands legislative attention but it is similar to many other propositions that demand our attention and that is due to the many complications that arise out of eminent domain proceedings, but it is undoubtedly a matter

which would better be left to the regular session for clarification of this particular law. For that reason I at this time move indefinite postponement of this bill and accompanying papers.

The motion prevailed and the bill and accompanying papers were indefinitely postponed.

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On motion by Mr. Edmunds of Aroostook,

Adjourned until 10:00 A.M. tomorrow.