

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

1959
and
SPECIAL SESSION
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Wednesday, May 27, 1959

Senate called to order by the President.

Prayer by Rev. George Perry of Hallowell.

On motion by Mr. Lessard of Androscoggin, Journal of yesterday read and approved.

Papers from the House

Bill, "An Act to Appropriate Mon-
neys for the Expenditures of State
Government and for Other Purposes
for the Fiscal Years Ending June
30, 1960 and June 30, 1961." (S. P.
461) (L. D. 1313)

In Senate, May 14, passed to be
engrossed as amended by Senate
Amendment A (Filing No. 385)

Comes from the House, passed to
be engrossed as amended by Sen-
ate Amendment A as amended by
House Amendment A (Filing No.
388) thereto, in non-concurrence.

In the Senate:

Mr. ROGERSON of Aroostook:
Mr. President, I move that the Sen-
ate recede and concur.

Thereupon, on motion by Mr. Les-
sard of Androscoggin, the bill and
reports were laid upon the table
pending motion by Mr. Rogerson of
Aroostook to recede and concur.

**House Committee Reports
Ought to Pass — N.D.**

The Committee on Judiciary on
Bill, "An Act to Revise the Maine
Housing Authorities Act." (H. P.
68) (L. D. 106) reported same in
New Draft (H. P. 967) (L. D. 1373)
under New Title: "An Act Amend-
ing the Maine Housing Authorities
Act." and that it Ought to pass.

In House, report accepted and
bill in New Draft passed to be en-
grossed as amended by House
Amendment B (Filing No. 414)

In the Senate, the ought to pass
report was accepted, the bill read
once, House Amendment B read
and adopted and under suspension
of the rules, the bill read a second
time and passed to be engrossed in
concurrence.

Ought to Pass — as amended

The Committee on Appropriations
and Financial Affairs on recommen-
ded "Resolve Providing Matching

Funds for Federal National Defense
Education Allotments." (H. P. 580)
(L. D. 827) reported that the same
Ought to pass as amended by Com-
mittee Amendment B (Filing No.
411)

Which report was read and ac-
cepted in concurrence, and the re-
solve read once. Committee Amend-
ment B was read and adopted in
concurrence, and under suspension
of the rules, the resolve as amended
was given a second reading and
passed to be engrossed in concur-
rence.

**Majority — OTP as amended
Minority — ONTP**

The Majority of the Committee on
Appropriations and Financial Af-
fairs on "Resolve Providing Funds
for a Referral Center at Farming-
ton State Teachers' College for As-
sistance to Teachers." (H. P. 711)
(L. D. 1016) reported that the same
Ought to pass as amended by Com-
mittee Amendment A (Filing No.
412)

(Signed)

Senators:

ROGERSON of Aroostook
PIERCE of Hancock
DUQUETTE of York

Representatives:

EDWARDS of Raymond
SMITH of Falmouth
DAVIS of Calais

The Minority of the same Com-
mittee on the same subject matter,
reported that the resolve Ought not
to pass.

(Signed)

Representatives:

BROWN of Ellsworth
BRAGDON of Perham
STANLEY of Bangor
JACQUES of Lewiston

In House, Majority Report accept-
ed and resolve passed to be en-
grossed as amended by Committee
Amendment A.

In the Senate, on motion by Mr.
Rogerson of Aroostook, the Ought
to pass report was accepted, the
bill read once, Committee Amend-
ment A read and adopted and un-
der suspension of the rules, the bill
read a second time and passed to
be engrossed in concurrence.

**Senate Committee Reports
Ought Not to Pass**

Mr. Pierce from the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for Construction of a Women's Dormitory at the University of Maine in Orono." (S. P. 68) (L. D. 118) reported that the same Ought not to pass — Covered by Other Legislation.

Mr. Rogerson from the same Committee on Bill, "An Act Providing for the Construction of an Electrical Engineering Building at the University of Maine in Orono." (S. P. 150) (L. D. 371) reported that the same Ought not to pass.

The same Senator from the same Committee on Bill, "An Act to Authorize General Fund Bond Issue in Amount of Ten Million Dollars to Provide Major Repairs, Construction and Equipment." (S. P. 200) (L. D. 539) reported that the same Ought not to pass — Covered by Other Legislation.

(On motion by Mr. Boucher of Androscoggin, tabled pending acceptance of the report.)

Mr. Duquette from the same Committee on Bill, "An Act Providing for the Construction of a College of Education Building at the University of Maine in Orono." (S. P. 224) (L. D. 610) reported that the same Ought not to pass — Covered by Other Legislation.

Mr. Pierce from the same Committee on "Resolve Appropriating Moneys for a Library at Washington State Teachers College." (S. P. 289) (L. D. 813) reported that the same Ought not to pass.

(On motion by Mr. Wyman of Washington, tabled pending acceptance of the report.)

Mr. Duquette from the same Committee on "Resolve in Favor of a Lunchroom in the Administration Building at Washington State Teachers' College." (S. P. 290) (L. D. 814) reported that the same Ought not to pass.

(On motion by Mr. Wyman of Washington, tabled pending acceptance of the report.)

Mr. Rogerson from the same Committee on "Resolve Providing for a Vocational Technical Institute in Eastern Maine." (S. P. 315) (L. D. 877) reported that the same Ought not to pass.

(On motion by Mr. Parker of Piscataquis, tabled pending acceptance of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass — as Amended

Mr. Duquette from the same Committee on Bill, "An Act to Provide Expanded Community Mental Health Services." (S. P. 322) (L. D. 898) reported that the same Ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once. Committee Amendment A was read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed.

Mr. Bates from the Committee on Labor on recommitted Bill, "An Act Relating to Workmen's Compensation Insurance." (S. P. 37) (L. D. 35) reported that same be referred to the 100th Legislature, and that the subject matter be referred to an interim committee for study, and recommendations be reported to the 100th Legislature.

Mr. ROSS from the same Committee on recommitted Bill, "An Act Relating to Second Injury Fund and Vocational Rehabilitation Under Workmen's Compensation Act." (S. P. 393) (L. D. 1137) reported that the same be referred to the 100th Legislature, and that the subject matter be referred to an interim Committee for study, and recommendations be reported to the 100th Legislature.

Which reports were read and accepted.

Sent down for concurrence.

Enactors

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

Bill, "An Act to Revise the General Laws Relating to Sea and Shore Fisheries." (H. P. 174) (L. D. 255)

Bill, "An Act to Revise Private and Special Laws and Resolves Relating to Sea and Shore Fisheries." (H. P. 175) (L. D. 256)

Which were passed to be enacted.

Bill, "An Act Establishing a Minimum Wage." (S. P. 472) (L. D. 1337)

Mr. ROGERSON of Aroostook: Mr. President, I move that this bill be laid upon the Special Appropriations Table.

Mr. HILLMAN of Penobscot: Mr. President, I would like to ask a question through the Chair of any member of the Appropriations Committee. What is this act going to cost the State of Maine?

The PRESIDENT: The Senator from Penobscot, Senator Hillman asks a question and any member who wishes may answer.

Mr. ROGERSON of Aroostook: Mr. President, the figure which the department has given to the Appropriations Committee is \$6700 a year.

Thereupon, the bill was placed upon the Special Appropriations Table.

Emergency

Bill, "An Act Amending the Gasoline Tax Act with Respect to Aviation Fuel." (S. P. 448) (L. D. 1301)

Which bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate and one opposed was passed to be enacted.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate, the reason I voted against L. D. 1301 and will vote against the next one L. D. 1382, is because of the Emergency clause which in my opinion, is simply abuse of the Constitution.

Emergency

Bill, "An Act to Extend the Rights, Powers and Privileges of the Passamaquoddy District Authority." (S. P. 498) (L. D. 1382)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and one opposed, was passed to be enacted.

Orders of the Day

The President laid before the Senate the first tabled and today assigned item being bill, "An Act to Authorize the Construction of a Causeway Connecting Cousins Is-

land with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island." (H. P. 145) (L. D. 201) tabled on May 21 by the Senator from Cumberland, Senator Charles pending enactment.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I believe that we have reached the critical moment in making our decision as to whether or not we shall have a bridge from the mainland to Chebeague Island.

First of all, I want to express my sincere appreciation to the members of the Senate, all of you who gave to us who are supporting this bridge to Chebeague Island, the right of reconsideration in order that we might try to gather our facts and figures together and give another look-over, or a "look-see" so to speak, as a slang expression. You gave us that privilege, and I am sure that not only the people of Chebeague but the people of the State of Maine who like development of our state are very appreciative of that privilege.

The only thing I can say at this time relative to this bridge is to present this to you in a matter of summary of activities and to point out to you that this has received full consideration by your Committee on Highways. It has received a majority "Ought to pass" report; it has received a two-thirds majority in the House, and it nearly received a two-thirds passage in the Senate last Thursday, lacking two votes.

This has been the work of six years of hard study. In the past two years there has been a survey, a professional survey, done by Fay, Spofford and Thorndike, a very reliable professional engineering firm that has given us the figures to substantiate that the bridge will pay for itself in a period of fifty years. Facts and figures have also predicted that this might possibly be paid for in thirty-five years, however, they are certain, from scientific findings, that the bridge would pay for itself in fifty years. We have pointed out in our arguments that the bridge would be of substantial benefit to our lobster industry, it would substantially increase the residential develop-

ment in that area, and our own State Park Department has a vital interest in the island because on that island there is one of the very few salt-water beaches available for public enjoyment. We have letters and documents which have come in since last week. I would like very much to read a portion of a letter from a resident of the island, Dr. Herman C. Petterson. He says:

"The decision for a bridge to Chebeague Island was made only after intense detailed study by authoritative specialists in the fields of engineering, economy, finance and government. They were unanimous in their agreement that this project was feasible and economically sound. With this bridge will come advantages that will attract summer as well as permanent residents and tourists. We are all aware that Casco Bay has been neglected and yet it offers the most desirable attractions for tourists and residents. If this state is to have its share of the national 'boom' that is predicted for the next decade, we must be prepared to compete for the tourist trade, which has shown a preference for the southwestern part of our state, particularly the coastal area and islands in this locality.

"The people of Chebeague have not clamored for special consideration but have soberly and sincerely presented a project based entirely on factual data, prepared by experienced and competent specialists who have unqualifiedly endorsed this bill."

To substantiate that statement, I would like to read a communication that has been delivered to our own Senator from Knox, Senator Stillphen, Chairman of the Committee on Highways. It has been written by John Ayer of Fay, Spofford & Thorndike. It says:

"We have been requested by Mr. Beehler to write you concerning our 1956 Traffic and Revenue Report on the Proposed Toll Bridge to Chebeague Island.

"We are still of the opinion that, as stated in our report, if the Chebeague Bridge is built traffic and income will be sufficient to cover operating costs, interest at 2-3/4 per

cent and bond amortization within a period of 50 years."

I have a telegram from Roger Grant, Chairman of the Greater Portland Regional Planning Committee, giving us his complete endorsement of the proposal and he urges that all cooperation be given in making it a reality.

In checking further since last Thursday upon the economic effect on the State's financial condition, we have checked with the Attorney General's office and we have checked with the Governor's office, and we have complete assurance that it has clearance and that it has their approval and that it will not in any way damage the financial standing of our State.

Members of the Senate: I am going to conclude my remarks by a very last appeal, but before doing so, I would be remiss in my duty if I did not also mention that I have other letters that oppose the bridge. One of them, of course, comes from the Portland Yacht Club, who are very much concerned over the fact that they may not be able to moor their boats in the bay area behind Chebeague because of the bridge. I have checked with the authorities on this matter and they tell me that there is a passage of fifty feet at high tide under the bridge without any difficulty, and possibly another seven feet in addition to that at low tide. There might also be considered the fact that the additional causeway and bridge would act as a breakwater and would give the mooring area a little bit more stability and calmness, which is especially essential in mooring boats.

So I will conclude my remarks with my final appeal to you to urge you to give us this two-thirds majority which we need.

This two-thirds majority would mean this: That you are not authorizing the building of the bridge as a monetary measure, you are authorizing this measure for it to go before the people of the State of Maine to be voted for in a public referendum.

I move that this bill now receive passage.

Mr. COLE of Waldo: Mr. President and members of the Senate: I rise in opposition to the enact-

ment of this measure for more than one reason. The report that we have heard so much about from the firm of Fay, Spofford & Thorndike, I respect the firm and I think it is an outstanding engineering firm, but I would like to bring to the attention of the members of the Senate some facts that have not been brought to light.

Now in the report as issued in November, 1956, on Page 1, there is incorporated the statement in regard to the Chebeague Bridge Project — as we all know, the engineering firm of Fay, Spofford & Thorndike incorporated in their report the figures in regard to the traffic and population, both resident and seasonal, as presented to them by the Chebeague Island Bridge Project. Now on Page 1, if you have the report it will verify these figures. It says that estimates are that there are 300 year-round residents and 2000 summer residents. Now on Page 4 it again uses the same figures, 300 year-round and 2000 summer residents. Now on Page 7 of that report this is signed by the Bridge Committee Chairman. In the report again they use the same figures as presented to us by the Island Bridge Committee in their report: 300 year-round and 2000 summer residents, which is incorporated in their report, there again verifying the fact that the engineering firm took the population and the traffic count from the Chebeague Island Bridge Committee.

Now in that report the bonds are figured at 2¾ per cent. There again, I think that that figure is unrealistic, and I believe that both reports, the one by Fay, Spofford & Thorndike and the one by the Highway Commission are both invalid because of the fact it is impossible at this date to borrow money at 2¾ per cent. I checked this morning with our Treasurer. He has just come back from New York, endeavoring, I believe, and he has sold the remaining bonds that were issued two years ago under the twenty-four million dollar highway bond issue. These were sold at the rate of between 3.10 and 3.15 per cent, and that was a fifteen-year bond. Now on a fifty-year bond he tells me that the rate to-

day would be between 3.40 and 3.50, which I think is realistic in today's market.

I was quite interested in the copy of the letter to the Chairman of the Highway Committee by Mr. Ayer from the engineering firm of Fay, Spofford & Thorndike. I sort of anticipated something like this, so yesterday afternoon while the Senate was waiting for me I was telephoning to this same engineering firm of Fay, Spofford & Thorndike, and I this morning received a telegram from them.

Mr. President, I would request that the Secretary read the telegram.

The PRESIDENT: The Secretary will read the telegram.

The telegram was read by the Secretary as follows:

“Senator William Cole,
State House,
Augusta, Maine.

In answer to your inquiry re Chebeague Island report, the 1956 Chebeague population figures in report were furnished us by Chebeague Island Bridge Committee. If those figures are correct and if financing can be made at 2¾ per cent, the conclusions re financial performance stated in report are believed valid. (Signed) Fay, Spofford & Thorndike”

Mr. COLE: Thank you, Mr. Secretary.

There again it proves my point that “if” the bonds could be sold for 2¾ and “if” the traffic and count of the year-round residents and summer residents is correct—there again we find that there are too many “ifs” on a project of this size.

I would like again to say that the Highway Commission did make a thorough survey, house to house, hotels, rooming houses and everything, and they made a complete check of traffic and population, both summer and resident, and their count was 308 permanent residents and their count on summer residents was 660, making a total of 968 population in comparison to the 2000 summer and 300 year - round residents in the report of the engineering firm.

Once again, I say that this is a three million dollar project and we

have three hundred people to pay the bills. Now I ask you: Is it realistic? I thank you.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I think we are all intelligent enough to understand that there are always adjustments, no matter what kind of financial arrangement is made. If you are building or going into business, there are always certain financial adjustments made. Nine times out of ten you find there are some changes in our original plans that may require additional funds. However, a good businessman or a person well-qualified to attend to these details can work out these problems.

Another thing that I would like to mention is that there is a very good reason why there are 300 residents on Chebeague. Probably the reason is that they do not have a bridge to give access to the island, everything is now by water, and naturally the population is limited. If you want to drive a car on the island it will probably cost you between five and six dollars to make the crossing from the mainland, I am not sure exactly what the rate is, but it is a very good reason why people do not want to go to Chebeague, because of the cost of transportation. If the peninsula area of the City of Portland was cut off by water and only accessible by boat, I doubt if we would have any more than two or three thousand residents. And I compare that with Peaks Island: Peaks Island is cut off by water and the number of residents is limited. If the transportation is not suitable enough and reasonable enough you will not have population.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate: Probably what few words I might say here this morning will not change any minds in this organization. However, I do want to express myself on this project. I know it is a big project. However, I believe that we have a few things we can agree on, all of us, and that is that this bridge certainly will be a great benefit to Chebeague Island. Secondly, it will be a great benefit to Cumberland County, and I think what is good for Cumber-

land County is good for the State of Maine.

We are in the process of passing on a piece of legislation here and there seems to be more or less controversy over the fact of whether this bridge can pay for itself or not. We do a great many things in our lives that perhaps do not particularly look as though they were going to pay for themselves. However, for the benefit of the whole we have seen fit a great many times to go out and do things that at the present time may not be agreeable to all. Now I do not think that anyone here believes that this bridge will be a howling success financially, and I do not think any of us are claiming that, but I do think there are certain things that are for the good of the community, the county and the State as a whole. We have been sympathetic with our people all up and down the coast in years past and we have built a great many of these bridges, and I do not think that anyone is particularly sorry that these projects were built, but they are certainly a benefit somewhere along the line.

Now it has been stated here that this is not the final say: we are just giving the people of the State of Maine the right to vote and say whether they think that these people, these humble people of Chebeague Island, should have this service. Thank you.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I rise in opposition to the motion of the Senator from Cumberland, Senator Charles, and I do so because I believe that the State of Maine at this time certainly can ill-afford to issue bonds in the amount of three million dollars to build a bridge that in my estimation and the estimation of many of those that are familiar with it will never pay for itself.

You all know what has happened to the Jonesport - Beal's Island Bridge, you know that after seven months of operation they found it necessary to come back to the legislature and ask us to cut the tolls fifty per cent. This only goes to show us what will happen if this bridge is built. The Beal's Island bridge at the end of thirty years,

to the best accounting that it is possible to arrive at at this time, will be in debt to the general highway fund for almost \$600,000, and that was based on the best available figures as of this date. We have off the coast of Maine many islands. Where are we going to stop in building bridges to them? Certainly if this bridge is built the next session of the legislature will not be without one or more resolves to construct a bridge to these islands. I believe that we are only fooling ourselves if we vote to construct this bridge and expect it to ever pay in tolls for its construction. If I were a resident of Chebeague Island, in all honesty I must say that I would like to have a bridge built to it. On the other hand, we do have residents that live on islands that live there because they like to live on an island not connected with the mainland, and I dare say that there are some that do reside at the present time on Chebeague Island that are glad that they do live on an island not connected with the mainland. I believe that there are summer residents that live on Chebeague Island that live there because they like to live on an island where the traffic is not such that it is impossible to get back and forth to the mainland.

Let me call to your attention one other point: Chebeague Island at this time has a ferry service, and do not think for a minute that if this bridge is built that the ferry service which is operating under a franchise is not going to indicate that they are entitled to some adjustment by the State of Maine because of the loss of business, and they probably will be put out of business.

It is a fact that it is impossible to legislate a claim until the actual damage is done, but I predict that at the next session of this legislature, if this bridge is built, you will find a substantial claim being filed by the Casco Bay Lines for damage caused by the construction of this bridge.

Mr. President, I would like to inquire: Would it be possible for me to make a motion to indefinitely postpone?

The PRESIDENT: The motion would be in order.

Mr. PARKER: Mr. President, I move that this bill be indefinitely postponed.

The PRESIDENT: The pending question is on the motion of the Senator from Piscataquis, Senator Parker, that L. D. 201 be indefinitely postponed.

Mr. WEEKS of Cumberland: Mr. President—

Mr. PARKER: Mr. President, I would like to withdraw my motion for indefinite postponement.

The PRESIDENT: Is there objection to the Senator's request? The Chair hears none and the request is granted. The pending question is on the motion of the Senator from Cumberland, Senator Charles, that the bill be passed to be enacted.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I have very little to add to the discussion regarding the Chebeague Island bridge which has been covered very ably by everyone, both today and in past days, however I cannot resist making some comments regarding some of the remarks by the Senator from Waldo, Senator Cole, and the Senator from Somerset, Senator Parker, in the course of their opposition to the bill.

I do not suppose that any public project or any private project was ever projected or put on the planning board or construction started which did not involve many variable factors which could not be resolved with scientific accuracy. I do not suppose that anybody who ever built anything knew the whole story when he started. I do not suppose that any project ever proceeded peacefully on its way, whether it was the Panama Canal or the St. Lawrence Seaway, that at some time or other did not have some problems regarding its efficiency of operation, its economy, or cost of construction or what not. This is a little measure involving three and a half million dollars. When I say "little" I do not mean that three and a half million dollars is little, but you can argue around it if you want to or you can meet the issue.

Now the issue is whether this project is good for the health and

welfare of the people of the State of Maine, not for a few residents of Chebeague Island. It is not a question of whether it is good for any ferry service; it is a question of whether anyone is going to be benefited by the project. Certainly I am not going to vote to put three and a half million dollars into any project unless I think it is for their benefit.

Now everybody has emphasized the unfavorable factors. Obviously, that is good tactics: you are attacking the bill on these grounds, so let's throw it out and see whether it is favorable. This opens up quite a wide area. The fact that many people are going to be able to use this area is going to be exploited to the common benefit or it isn't. I think that it is.

I am not going into anything further. You have seen the facts and figures and the reports of the engineers of the State Highway Department from those who propose this measure. I am not going to go into them any further, but I am not fooling myself when I vote for this bill. I have studied it enough so that I think there is considerable merit in it. As everybody knows, because of the bond issue feature in it it must go to referendum.

So far as the argument of when are we going to stop building bridges is concerned, you will stop building bridges when it is for the health and welfare of the people of the State of Maine to stop. The fact that there are islands all over the coastline does not mean that because we build one we are going to build one anywhere else. That is for the wisdom and sound judgment of future legislatures to decide. Whether, as a result of building this bridge, there is going to be any claim against the State of Maine because of injury to the Casco Bay Lines is something else to be considered on its own merits at some future time. I dare say that we are not, by passing this act, building a bridge interfering illegally with any vested interests in that line. As to the fact that somebody down on the island may not want the bridge: if they do not want the bridge they have not been very

vociferous in their objections to it, and that is what I think we go on most of the time when we want to decide on whether or not we are going to build something in the common interests of everybody.

It has been represented here, so far as this bridge measure is concerned, that it is not going to bring much traffic onto the island. The point of whether or not it is going to pay for the bonds is not going to be solved by looking at a few figures today of those who are residents year-round and those who are there seasonally; it is going to be projected into the future, on how much traffic may be directed to the island. I think that a lot of people feel that there is going to be a tremendous traffic increase to the island because of this bridge facility. This is a progressive move; it is in our heavily-populated area, and I certainly think it should at least receive your studied consideration.

Mr. THURSTON of Oxford: Mr. President and members of the Senate: During this debate I have been doing a little figuring, and, unless my pencil slipped, the difference in the interest charge between the rates of 2.75 and 3.4 would be \$19,500 annually, and the Fay, Spofford and Thorndike report this morning emphasizes that it would pay for itself at the rate of 2.75. To my mind, that indicates the fact that there is not a realistic interest involved in that argument.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: When this bill was before this body recently I voted against it. At that time I voted against it because I had received information that if this should become law that perhaps the credit of the State of Maine would be impaired. However, since that time the same sources of information have informed me that that is not true, in other words, that the credit would not be impaired.

Now two years ago as a member of this body I voted for the Penobscot Bay Ferries, and I voted for them for two reasons: First, because it was pointed out to me that there was a necessity for the State of Maine to develop its coastal islands, it was pointed out to

me that for too long had we disregarded these islands, for too long had we had these islands within our boundaries which were good economic resources, islands which, if developed, could bring people to our state, not only as summer residents but as year-round residents. Secondly, it was pointed out to me at that time that these same people who reside on these islands, if they lived on the mainland there would be no question but what we would have to build roads to their towns and villages. These people are taxpayers like the rest of us, and for too long have they been neglected. Now with this information which I received, that it would not impair the credit of the State, I have decided to accept the advice which was so ably given to us by the Senator from Washington, Senator Wyman, recently, when he said that wise men change their minds. So I have taken that advice, and I would like to say at this time that I am going to support the motion of the Senator from Cumberland, Senator Charles.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I rise in support of the motion of the Senator from Cumberland, Senator Charles. I firmly believe that what is good for Cumberland County is good for the State of Maine. I see no reason why we should discriminate against this area and not let the people have their say in referendum as to whether or not they want the bridge. I think that what the Senator from Androscoggin, Senator Lessard, has said bears out my thinking in regard to the ferry service that we voted to give to the people of the island towns, and I think that we should not vote to discriminate against this area that certainly will be a great asset to the State of Maine.

Mr. FARLEY of York: Mr. President and members of the Senate: I assure the Senator from Penobscot, Senator Hillman, that there is no discrimination on my part at any time.

With reference to my fine minority party leader, I too recall the instance of two years ago. It is true that he voted both ways and I voted one way, voted against

this bill before us now. It would seem in all honesty that this resolves only on opinions. I would think myself that what is in the minds of a good many senators here this morning is this: Are we standing here in the interests of the taxpayers of the State of Maine or are we standing here to vote to give everything away? After studying it and going through it, I do not believe that it will be a paying proposition. We appropriated ten thousand dollars two years ago and I voted for that when I was asked to vote against it; in order to give them an opportunity for a survey, I voted for it. I still think that the report from the Highway Department is an intelligent report to vote upon.

Mrs. LORD of Cumberland: Mr. President and members of the Senate: I can add nothing to this debate. I simply want to say that I think that this bridge to Chebeague Island should be built.

In regard to the remarks of the Senator from Piscataquis, Senator Parker, he said on the one hand that there will be very little traffic on the bridge, and on the other hand he said it would put the Casco Bay lines out of business and they could come back to the legislature and ask us to pay money to them. I do not think that those two facts go together, and I am very much in favor of the motion.

Mr. COLE of Waldo: Mr. President and members of the Senate: I hesitate to rise because I think this has been thoroughly debated and I do not think that anyone will change their mind, regardless of what we may say, but I would like to take a little bit of issue with the Senator from Androscoggin, Senator Lessard. The State of Maine and the states of New Hampshire and Vermont and the northern tier of New England States have the finest bond-rating of any of the states in the Union. Why they have it I do not know, but I would believe that it is the sound financial management that has brought this about. If we are to continue to issue bonds, not only for education purposes but for construction, you might say brick and mortar construction, and for highways—and, as you know, we have another

bond issue that will be on the ballot this fall, to take care of highway construction for the next four years — if we are to continue to issue bonds at the rate we are issuing them now, will we continue to have the same rating that we have at this time?

For example, the State of Massachusetts a few years ago had a triple-A rating, which is not good in the bond market, and it certainly is at the lower level of the double A rating with fringe interest rates that are higher than any state in the Union with the exception of New Hampshire and Vermont. Are we going to continue to have this rate of interest? I would question it.

The good Senator from York, Senator Farley, has said that he believes that the Highway Commission made a thorough, honest and sincere study. I will agree with him. I think it was honest and fair, and, had the results been more favorable, I think they too would have gone along with the construction of this bridge.

Now the figures that they brought up in their report show that over a period of fifty years the state subsidy out of the highway fund will be \$2,327,000. Now are we going to deplete our highway fund to this extent on something that is not sound and are we going along on sympathy? I think it is time to stand on something that is sound and constructive and watch out for the taxpayers' dollars and see that they are spent wisely. Thank you.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: I realize fully that it is a very fine thing for those people down there on those islands to have these bridges and causeways which they so earnestly ask for, but Maine has got to stop somewhere in issuing bonds, particularly those long-term ones such as this calls for. If we pass this bill, you can rest assured that the people from the other islands off the coast will be in here asking that they get bridges or causeways, and they, getting together, could put up a very good argument. Now what are we going to do about it if they do come in? Can we make fish of one and fowl

of another and get ourselves into a position where we will have such a bonded indebtedness that we will be unable to sell any bonds where they are absolutely necessary?

One thing that strikes me as a reason why this island will be unable to pay for the bridge is this: They have a population of 308 on that island of permanent residents. How many cars there are on that island I don't know: at the most there cannot be over fifty or sixty. Let us assume they made two trips a day for the whole year, how much money would they take in? You must realize that the summer visitors are only there for three months, and then you are back to this dribble on what you take in, and I doubt if they could pay in enough outside of the summers to pay the difference in the interest of what they claimed they were going to get it for and what we know they will have to pay. That is my reason for voting against this bill.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate: I have a great deal of respect for the Senator from Piscataquis, Senator Parker, but he has made some statements here this morning relative to the Beal's Island bridge on which he said they cut the tolls. However, this body has seen fit to go along with a measure to cut the tolls on the bridge, and if this body feels that that is bad business and it is going to affect our bond issues and finances, I cannot see how this body can rightly vote that way if they really feel that way, I cannot see a project the size of Beal's Island bridge, and yet they come in and ask for a cut in the tolls, and apparently this body felt that it was good business.

Also, the good Senator from Piscataquis, Senator Parker mentions the claims that might be coming in from the Casco Bay Lines and other people who may be affected by this bridge. So far I have not seen too much sympathy on claims in this body up to this time, so I do not think we have got too much to worry about in that respect.

Now we have these two different reports: we have a report from the Highway Department and we

have a report from the finance people, and I feel that somewhere along the line someone is wrong and that you have got to get a happy medium. I do not think it is fair to say that one outfit knows more about the finances of this thing than another, because on all of these things, as the good Senator to my left, Senator Weeks, has stated, never have we ever built or planned anything that came out just the way we planned it. Thank you.

Mr. CHARLES of Cumberland: Mr. President, if the motion is necessary I move that when the vote is taken it be by a division.

The PRESIDENT: The Chair will state that the motion will not be necessary.

Mr. PARKER of Piscataquis: Mr. President, I rise to explain a point that was brought before us by the Senator from Cumberland, Senator Coffin, regarding the tolls on Beal's Island bridge. He indicated that this legislature had passed a bill that would reduce the tolls. He is correct as far as the bill is concerned, but I would have him look up the amendment that we passed, which would indicate that if at the end of a certain period of time the tolls under the proposed fifty per cent clause are not as large as they were receiving previously, that the tolls would return to the original level. In doing that, those of us that supported it I believe were trying to make it safe for the State of Maine as far as Beal's Island bridge was concerned so that they would not be at least a half a million dollars in the red at the end of the time that the proposed bond issue was to terminate.

There have been many statements made here this morning regarding the need for this bridge. I would say that I have received probably fifty letters and many telegrams, both supporting and opposing this bill. I will terminate my remarks by saying that if we are going to build bridges on sympathy I think we should do it with our eyes wide open. If we are going to construct bridges let us build them where they will have some small chance to pay for themselves.

Mr. HUNT of Kennebec: Mr. President and member of the Sen-

ate, this is one of the most difficult questions I personally have had to face at this term of the legislature. I have good friends on both sides of this proposition and both sides have very strong arguments which they have presented here.

As in any case of this kind however, one has to make up one's mind and come to a decision and I have tried to do just that. If I felt that the 300 permanent residents who are there now would be the permanent count of people on that island I certainly would have to vote against it, but I have been previously and I am now in favor of anything that will help the State of Maine, and I feel that the undeveloped shore property of the state, both sea shore and lake shore is one of the greatest assets that we have.

I too received a great number of letters from people in the Portland area and the Chebeague Island area and of course they might be prejudiced. But here is a letter from a citizen of Massachusetts which I think does convey my thought on this matter. It is from Francis M Putnam, the President of the Potter Drug and Chemical Corporation of Malden, Massachusetts. It reads:

"Dear Senator Hunt:

All of the boosters of the State of Maine, and especially those around Casco Bay, visualize the possibility of putting Chebeague Island in competition with Cape Cod and Nantucket. The addition of a bridge plus the Maine Turnpike would make Chebeague nearer in driving time than many popular resorts south of Boston and would influence more and more people to go to Chebeague and build on the miles of attractive shore property available."

Another letter which conveys somewhat the same idea was written by William M. Cross of Portland and it is similar. A paragraph from that reads:

"My dear Senator Hunt our local retail board has just completed a series of ads in Canadian newspapers extolling the virtues of our Maine forests and seashores. Unfortunately however, when these tourists are sold, and arrive, unless they are fortunate enough to have friends who own cottages, there is no place

they can go to enjoy the seashore in this area."

I think that brings up another point that perhaps hasn't been covered here. We have been talking about the tolls from the bridge and whether or not that would pay on the basis of the present population. My only reason, or one of the chief reasons, for supporting this bill is that I feel that the island, if the bridge is built, should tremendously increase in the number of both permanent residents and summer residents.

What does this mean to the State of Maine outside of the matter of tolls? Every cottage and every home that is built there will mean new taxes for the State of Maine and so we have also to consider the benefit from these additional taxes on shore property and permanent residents who will be paying taxes.

I feel that with the great increase in the turnpike, there will be more and more people coming in to Maine looking for cottage sites and perhaps permanent sites and the available shore property which we have is very fast dwindling. It therefore seems to me that this is a potential point in the state financial set up which might result in great benefit over a period of years and so I feel that we should not think of Chebeague Island on the basis of its present population or its present development but what can be and what can result financially to the benefit of the State.

Mr. FARLEY of York: Mr. President, I also have received a lot of mail from Massachusetts. In the last ten or fifteen years a lot of people have come into the State of Maine and one of the first things they want is new schools and this and that, and then after living in the community four or five years it is left to the natives to take care of the high tax rate. I think that this is the situation that is surrounding us here in the State of Maine.

Mr. COLE of Waldo: Mr. President and members of the Senate, I again would like to take a little bit of issue with the good Senator from Kennebec, Senator Hunt. I

happen to have a small business and I meet a lot of our summer visitors. I feel with national economy the way it is that they are watching their pennies. I know those that I have contacted are and to prove that fact I might say that we have more and more people using our recreational facilities like our state parks - and I happen to have one in my town - and the camping facilities are full most of the time. In fact, at times they have to turn people away. Why? Because our families through economy, or some other financial reason find it almost impossible to take their families on a regular vacation up in the beautiful state of Maine. So what do they do? They take their families and camping supplies and come to our state parks and camps, and I don't know of any better or more enjoyable place for anyone to spend a two weeks vacation.

Once again, they say that the island is going to be enriched by many visitors. With a fee of \$2.50 for a round trip how many can afford to take too many visits? That is not the whole question.

Upon landing on Little John Island, a vehicle is still four and a half miles from the center of Yarmouth; eight and two tenths miles from Cumberland Center; eight miles to Falmouth Foreside and fourteen miles from the junction of Washington and Congress Street in Portland. Now you would have to figure at least seven cents a mile and there would be 28 miles to town, or \$1.96. That would be total cost beside the toll which would bring it up to \$4.46 for a round trip. Now how many people can afford too many frequent visits to the island?

The PRESIDENT: The question before the Senate is on the passage to be enacted of L. D. 201. This being a Bond Authorization act, it requires the affirmative vote of two-thirds of those present for passage.

Mr. LEWIS of Somerset: Mr. President, I would like to be excused from voting. I have a communication for the Senator from Franklin, Senator Noyes, saying he would like to pair his vote with mine, and that if he were here and

voting he would vote Yes on L. D. 201. I would vote No.

The Senator from Somerset, Senator Lewis was excused from voting.

A division of the Senate was had. Sixteen having voted in the affirmative and twelve opposed, and sixteen being less than two-thirds, the bill failed of passage.

On motion by Mr. Woodcock of Penobscot

Recessed for one half hour.

After Recess

The Senate was called to order.

The President laid before the Senate the second tabled and today assigned item, being House Reports from the Committee on Education: Majority Report, Ought to pass as amended by Committee Amendment B; Minority Report, Ought to pass as amended by Committee Amendment A; on bill, "An Act to Authorize the Construction of Housing for the University of Maine and the issuance of not Exceeding \$24,000,000 Bonds of the State of Maine for the Financing Thereof. (H. P. 108) (L. D. 181) tabled on May 26 by the Senator from Lincoln, Senator Dow, pending acceptance of either report.

Mr. DOW of Lincoln: Mr. President and members of the Senate because this measure is linked with other financial measures concerning the University of Maine and because they should be given consideration together, I now reluctantly move that this bill lie on the table unassigned.

The motion prevailed and the bill and reports were tabled pending acceptance of either report.

The President laid before the Senate the third tabled and today assigned item being House Report from the Committee on Judiciary: Ought to pass; on bill, "An Act Relating to Parking in Municipalities." (H. P. 860) (L. D. 1223) tabled on May 26 by the Senator from Cumberland, Senator Weeks, pending acceptance of the report.

Thereupon, on motion by Mr. Weeks of Cumberland, the ought to pass report was accepted and the

bill was read a second time and passed to be engrossed.

Subsequently, on motion by Mr. Weeks of Cumberland, 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 Senate Amendment A.

Which a m e n d m e n t was then adopted.

Mr. PARKER of Piscataquis: Mr. President, I first thought I would make no objection to the passage of this bill after having given the matter thorough attention yesterday. However, I do believe that I should explain to the members of the Senate the reversal, so to speak, of the Attorney General in his decision. I have that decision here regarding his reversal and I would like to have the Secretary read it if he would.

The Secretary read the following communication from the Department of the Attorney General.

Honorable Clarence Parker
Senate Chambers
State House
Augusta, Maine

Dear Senator Parker:

"In reference to my letter to you of May 1st regarding L. D. No. 1223, applying the tests relating to prima facie presumptions, it was my opinion that the proposed statute would be unconstitutional. My opinion was based on the factual determination that there was no rational connection between the unlawful parking and the presumption that the registered owner was the party responsible, and further that such legislation would shift the burden of proof to the respondent.

"A further study of the law indicates that a majority of the courts of this country have held that there is a conclusion drawn in those cases dealing with municipal parking. These decisions are based upon the difficulty of the violation and the public inconvenience to be averted. The cases considered do not attempt to use this same logic in justifying an inference of a crime of a more serious nature, even that of speeding.

"Therefore, I feel compelled to explain to you, that by using the same reasoning as the courts did in arriving at a factual determination, my opinion is at a variance with these court decisions.

Very truly yours,

(Signed)

Frank E. Hancock
Attorney General"

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I still feel that this is a bad bill. I feel it is a vicious bill. I feel that this is something which, if passed, is going to take away a little bit of our independence here in the State of Maine.

As far as legal technicalities go, I dare say that we have members of the bar here who could talk the rest of the day and probably all of tomorrow on technicalities. However, I do believe that we as automobile operators, and truck operators here in the State of Maine want to be fully aware if this bill goes into effect, just what it means to us. It means that we, as owners, will be responsible for parking violations connected with our car, regardless of who is driving it. Mr. President, before I sit down I shall, and do, move the indefinite postponement of the bill and the amendments; and when the vote is taken I ask for a division.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, it seems that some laymen are adopting the old legal maxim that if you haven't the law on your side, you talk about something else. It happens that we have a problem in parking and it happens that municipalities are handicapped in enforcing parking regulations. Parking isn't disassociated with traffic. It is part of the traffic pattern. This has to do with business in given industrial and commercial areas.

The opinion just rendered by the Attorney General now is consistent with that expressed in thirty other jurisdictions which have been upheld in the Law Courts. The only case we know of in the State of Maine deals with the Portland situation where the case went into the lower court and received a very learned and studied analysis from

Judge Wernick and he wrote a ten page opinion. From that opinion, no appeal was ever taken, so we haven't any decision from the law court. At least we haven't anybody willing to take the case to the law court.

The Attorney General apparently believes that there is enough authority from other jurisdictions indicating a rational connection between unlawful parking and the presumption of the registered owner.

I'll have to disagree with Senator Parker on the statement that we all are going to be liable for the tag no matter who is driving the car. The statutes merely say that in the first instance, prima facie, you are going to be called upon to pay a tag. If you want to take the trouble to go to the police station and say that I had your car and was driving it that day then you are going to establish your innocence and in the course of it you are going to identify the one who was responsible for it. Prima facie means that you are going to be called upon to explain who was, if you weren't, driving the car.

This applies to many cities and towns in the State of Maine and it is going to enable them to more effectively control their traffic problems, including parking of course.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that L. D. 1228 as amended be indefinitely postponed; and a division has been requested.

A division of the Senate was had.

Eleven having voted in the affirmative and seventeen opposed, the motion did not prevail. Thereupon, the rules were suspended and the bill as amended was passed to be engrossed.

The PRESIDENT: At this time the Chair is pleased to welcome to the Senate Chamber a visiting group of students. We have with us today sixteen students from Grade 8 of the Bristol Consolidated School in Bristol, Maine, accompanied by Mrs. Poole their teacher, and Mrs. Merle Norton who is of course very well known by everyone here at the statehouse. On behalf of the entire Body of the Maine Senate, I am

very pleased to welcome you folks here this morning. We trust that you will find your visit educational and profitable. A hearty and cordial welcome to you. (Applause)

The President laid before the Senate, the 4th tabled and today assigned item being Senate Report from the Committee on State Government: Report A, ought to pass as amended by Committee Amendment A; Report B, ought not to pass; on "Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council." (S. P. 356) (L. D. 1011) tabled on May 26 by the Senator from York, Senator Farley pending motion by Mr. Hillman of Penobscot to accept Report A; and Senator Farley of York yielded to Senator Hillman of Penobscot.

Mr. HILLMAN of Penobscot: Mr. President I ask permission to withdraw my motion which is pending and I yield to the Senator from Somerset, Senator Carpenter, who is the sponsor of this bill.

The Senator from Penobscot, Senator Hillman, was granted permission to withdraw his motion to accept Report A.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate, this little gem happens to be my bill and it was put in with the idea that I firmly believe in my own mind that the election of the Council the way it is at the present is outmoded. I believe we have two parties here in Maine and the minority party certainly should have an opportunity to elect one of their own members to serve on the Council. I feel very strongly that during the interim of legislatures that they can serve a very useful purpose. We elect our legislators by popular vote and I do not see any reason why we should not elect our Council. Therefore I move, Mr. President and members of the Senate, that this bill be substituted for the reports of the committee.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, when this bill was heard before the committee in executive session they unanimously disapproved of the election of councillors by popular vote. We did come forth

with an amendment which I read yesterday but which I do not need to read again today. I have it here and if this measure receives favorable passage, I certainly would propose Senate Amendment A.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, no doubt you probably want to know what we feel on this question of the election of the councillors. When the good Senator from Somerset started out, I thought maybe he had been one of the wise ones and changed his mind. I thought he was going to say that the Council was outmoded. Instead of that he said that the way they are elected is outmoded. I was a little apprehensive there for a minute or two.

However, I do wish to state that so far as I am concerned I have felt right along and you have heard me say it that I feel that the Council is outmoded and that the Council should be done away with so I cannot possibly go along with a principle to elect them or choose them, no matter how it might be done. That is the way I feel and I am against the motion of the Senator from Somerset, Senator Carpenter.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I am sorry I cannot agree with my colleague from Androscoggin County on this motion, possibly because I have played politics longer than he has and I have learned that you have got to compromise in order to stay in politics. If you can't get a whole loaf, then take a half loaf.

I too believe that the Council should be done away with but if we cannot do away with it, at least let's give a chance to the minority party to be represented on the Council and I will go along with the motion of the Senator from Somerset, Senator Carpenter that we elect the Council and that we elect the Council by popular vote, not by the members of the House or the members of the Senate, but by popular vote, by the public.

If this goes through, for your information I will attempt to become a councillor from my own district. I have been a Senator so long that I think being a councillor might be

a little different situation for me and therefore, although I do not like the set up of the Council and I voted to do away with it, I will vote to elect in order to join Massachusetts and New Hampshire, which are the only two other states that have a Council that I know of.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter, that the bill be substituted for both committee reports.

Mr. CARPENTER: Mr. President I request a division.

A division of the Senate was had.

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

Thereupon, on motion by Mr. Hillman of Penobscot, the bill and reports were indefinitely postponed.

The PRESIDENT: At this time, it is the pleasure of the Chair to welcome to the Senate Chamber this morning several student groups. From the Coburn School at Pittston we have thirty pupils with their teacher, Mrs. George Lamson. From East Pittston there are thirty-three pupils with their teacher Mrs. George Crocker; and from the Emerson School at Richmond, we have the 8th grade class in the charge of Richard Joy.

It is certainly a pleasure to welcome all you young folks here this morning. We trust that you will have an enjoyable and profitable day here in the State Capitol and on behalf of the Senate, I extend to you all a most hearty and cordial welcome. (Applause)

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 26th tabled item being bill, "An Act Relating to Salaries of County Officials and Clerk Hire." (S. P. 491) (L. D. 1369) tabled by that Senator on May 14 pending assignment for second reading.

Mr. WYMAN of Washington: Mr. President, I wish to present Senate Amendment A and move its adoption and then I would like to table this. There are a lot of figures in it and I think some of the members may want to check it.

Thereupon, on motion by Mr. Wyman of Washington, reading of Sen-

ate Amendment A was dispensed with, and the bill was laid upon the table pending motion by Mr. Wyman to adopt Senate Amendment A.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table the 27th tabled item, being bill, "An Act Relating to Investment of Certain Charitable Trust Funds." (S. P. 462) (L. D. 1315) tabled by that Senator on May 15 pending consideration.

Mr. BRIGGS of Aroostook: Mr. President, may I inquire as to the present status of this bill?

The Secretary read the endorsements on the bill.

The PRESIDENT: The proper motion would now be to pass the bill to be engrossed.

Mr. BRIGGS: I so move, Mr. President.

Therefore, the motion to pass to be engrossed prevailed; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 30th tabled item being Communication from the Clerk of the House, and accompanying bill, "An Act to Continue the Citizens Committee on Survey of State Government." (S. P. 321) (L. D. 897) tabled by that Senator on May 20 pending filing; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its action whereby the bill was passed to be enacted and to further reconsider its action whereby the bill was passed to be engrossed.

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

The Secretary read Senate Amendment A.

Thereupon, the amendment was adopted and the bill as amended was passed to be engrossed in non-concurrence, and the Communication was placed on file.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 29th tabled item, being bill, "An Act Relating to Licensing and Safety Operation of

Boats." (S. P. 494) (L. D. 1374) tabled by that Senator on May 19 pending passage to be engrossed.

Mr. CARPENTER of Somerset: Mr. President, I have Senate Amendment A which I am going to offer in just a few moments but first I will briefly state the contents of the amendment. Under Section 8 of the bill we have added Section 3. "No person shall operate a motor boat or vessel in a circular course around another motorboat or vessel any occupant of which is engaged in fishing or any person who is engaged in swimming, water skiing, surfboarding or similar activity;"

Section 4: "No person shall operate a motor boat or vessel so as to approach or pass within 200 feet of the shoreline of any lake or channel thereof at a place or point where such lake or channel is 500 feet or more in width, except at a minimum speed and for the purpose of trolling or for the purpose of approaching or leaving a dock, pier or wharf or the shore of such lake or channel."

I might say that I have taken this up with the Chairman of Judiciary and he is quite agreeable to it and I therefore present Senate Amendment A and move its adoption.

Senate Amendment A was read and adopted.

Senate Amendment B was read and adopted.

On motion by Mr. Carpenter of Somerset, the bill as amended by Senate Amendments A and B was passed to be engrossed.

On motion by Mr. Woodcock of Penobscot

Recessed until this afternoon at two o'clock.

After Recess

The Senate was called to order by the President.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 13th tabled item, being bill, "An Act Relating to Standards of Quality in Egg Grading Law." (H. P. 527) (L. D. 762) tabled by that Senator on April 23 pending passage to be engrossed.

Mr. CARPENTER of Somerset: Mr. President and members of the

Senate, I am opposed to this particular bill and after a few brief remarks I will move that it be indefinitely postponed.

It occurs to me after spending four or five sessions in the legislature, that after we convene, we attempt to try out a new scheme of merchandising our products. That is very disturbing to our producers and retailers.

Now if this bill passes, it will require all firms to inspect and grade eggs, which will be costly to them; and, incidentally, of course, will cost the customers more money. As far as I know, all the eggs that are sold in markets are of a fairly fresh nature; and if they are not, certainly the public knows it and either may go back and make a complaint against this store, or discontinue their trade there. I am very fearful that this would be a severe handicap to our small egg producers in the country, who try to eke out an income from a henery business. I don't know why we have to enact legislation that is going to complicate our entire merchandising set-up.

I feel that it is the large interests who have instituted a bill of this type and are interested in only one thing, and that is compelling the small producer to go out of business, and also perhaps produce a higher market for their eggs.

We are at all times attempting to get away from government and state control over our farm products, and this particular act just places one more control on our farmers, small egg producers and small retailers. I believe it is about time we do a little realistic thinking in legislating and not attempt to adopt any more control laws. If we decide and want to adopt an egg control law, why not adopt other controls on other products the farmers produce themselves? It is becoming so complicated now that small businesses almost require the employment of a full time employee just to take care of the necessary tax transactions and other reports that it is necessary to make to the state or government.

I feel it is about time that we stop some of these things because

every control put on, costs to the public a few cents extra on the products. If this egg grading law goes into effect it will cost the public more cents per dollar on a dozen of eggs than it is at the moment.

Therefore, I move the indefinite postponement of this bill.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, first I will say that I am definitely opposed to the motion made by the Senator from Somerset, Senator Carpenter. This bill was heard before the Agricultural Committee and had a large hearing and there was not a person who testified in opposition to this measure. It was promoted by the poultry industry in the State of Maine and I have dozens and dozens of letters here from all the cooperatives and poultry associations. I think probably most of the other Senators have received letters too, and telegrams.

The only thing this bill does is to strike out from the present law, the words, "Ungraded eggs". That term "ungraded eggs" has been a detriment to the industry for years. We have plenty of competition in the State of Maine from southern eggs and western eggs. They bring in these eggs and they can mark them "ungraded" in competition with the eggs produced here in the State of Maine.

When an industry itself wants a measure like this to try to improve their conditions, I don't believe that we in the legislature should oppose it. There are only one or two people in the State of Maine that I know of who have opposed this measure. One is a large chain store. Apparently they buy their eggs outside the state. That, I don't actually know but I have an idea they do. With the support we have for this bill, and the fact that it will help an industry vital to the economy of the State of Maine, I feel that the motion made by the Senator from Somerset, S e n a t o r Carpenter is certainly unwarranted. I hope you will vote with the vote of the committee, ought to pass.

Mr. DOW of Lincoln: Mr. President, first I would like to say that for six years I was President of the Maine Poultry Association, and for twelve years I was a director

of that association and I still have close contact with all of the poultrymen in the State of Maine, and I might say that all of the poultrymen to my knowledge, except one, want this law put into effect.

Now, the Senator from Somerset, Senator Carpenter, — if I understood him correctly, in competition with the bulldozer outside, or whatever it is that is making the noise — he said that every farmer would be forced to grade his eggs. If he said that, I want to say that is not right. There is nothing in this bill that says that any farmer has got to grade his eggs. It says that ungraded eggs shall not be sold. That means that the farmer can sell his eggs to the retailer, to the wholesaler and they have to be graded before they are sold to the consumer. But no farmer has got to grade his eggs, so he is not being penalized in any way. The potato industry found it was in the doldrums because of poor potatoes, a poor grade that was being put on the market. Idaho discovered it. We have come to a point where we have had to have strict grades on our potatoes in order to compete with those from other parts of the country. For that reason we want to do away with this ungraded egg which allows the western egg, probably two weeks old, to come into the State of Maine. It is probably two weeks old by the time it gets to the customer. During this time, the egg may not become rotten, but it does shrink inside, the moisture evaporates out of it making it a Grade B or C egg and eggs coming in under this law if it is passed, would mean that western eggs coming into the State of Maine would have to be fresh. The way it is now they can be sent in, they were fresh when they left the west but when they arrive here they are not fresh and they can be labeled "ungraded" and sold and they can be in any number of stages of deterioration.

It has already been stated that the poultrymen in the state want this, the Grange approves and supports it, the Farm Bureau approves and supports it and with the exception of one market one chain of markets and one producer who is selling his eggs to that chain of

markets, the whole poultry industry here in the State of Maine wants this grading law put into effect. Therefore, Mr. President, I oppose vigorously the motion to indefinitely postpone.

Mr. HILLMAN of Penobscot: I would like to read just one letter from the Independent Egg Producers' Association. It says: "Dear Mr. Hillman:

"Members of the Independent Egg Producers Association of Maine have expressed themselves by vote as unanimously in favor of the passage of L. D. 762, the bill to eliminate ungraded eggs.

"During the past few years Maine egg producers have spent a great deal of money in improving their egg grading and holding rooms. We now believe that we are sending to market some of the finest eggs produced in the United States.

"We believe that passage of the bill would stop the practice of selling cull eggs in Maine retail markets. These eggs are culled out in the process of candling because of inferior quality. Thus we are actually in competition with our own eggs on an unequal basis. These under-grade eggs at present can be marked "ungraded".

"We believe that the fact that Maine residents and perhaps even more important our summer visitor can buy this type of egg in Maine stores is a "black eye" to Maine's egg industry.

Very truly yours

(Signed:) Carl B. Erickson,
President
Henry D. Teague,
Secretary"

Mr. CHARLES of Cumberland: Mr. President and members of the Senate if I were to discuss a question on an insurance bill this afternoon, I would certainly collect my thoughts very carefully before I made any statements and I would certainly go along with the Senator from Somerset, Senator Carpenter who may discuss an insurance bill much more intelligently than I. However, I would like to turn the tables a little bit this afternoon to say that I know a little bit of something about the food business and especially as far as eggs are concerned. I have followed this market for several years and through that

experience I have obtained information which I think is going to be of value to you and I will pass it on to you.

Mention was made earlier by the Senator from Somerset, Senator Carpenter, that we do not want controls, we do not want gimmicks to clutter up our laws. I want to say right here and now that a gimmick was clipped on to us a few years ago and that gimmick was to put in ungraded eggs as a saleable item permissible to overrule the laws we already had set up by the Department of Agriculture to help give them what they want so that they would know what they are getting, that is, Grade A or Grade B or whatever it may be. The Department of Agriculture thought that they needed a grading law that would protect the consumer. By slipping this gimmick in and calling it ungraded, it completely superseded everything that has been done for the good of the consumer. We're selling them an egg about which they know nothing at all.

In ungraded eggs you will find B, C, A and cracks. Everything is in them. And yet when they see a big ad in a newspaper where it says, "Eggs, Large, .39 a dozen" and another competitor near by who is proud of his eggs and says, "We have Large, Fresh, Grade A eggs for .42 a dozen" then who is going to be at a disadvantage? Customers and consumers usually look at a newspaper advertisement for the price. They see .39 a dozen and that is what they are going to buy. As an example of what I am trying to say, here is an ad I took out of a paper this week and it says, "Eggs. Large. Save fifteen cents a dozen. Thirty-nine cents." However, if you look very close, you will find that it says "ungraded". You can't see it from where you are sitting but it is there. Over here on another page is another supermarket which is proud to advertise its eggs by putting a big ad in there and specifying the grade. "We have Grade A eggs. Medium. Three dozen for a dollar." This man is proud of his eggs and he wants his customers to know what they are going to get for their money.

If we continue to allow this term "ungraded" to remain on our books

then competition is going to be keen and all the grocers and retailers are going to say that the customers are only interested in price so we are going to buy only ungraded eggs and that is what we want. Now what is going to happen to our Grade A eggs? What is the farmer going to do with his fowl? Are we going to allow them to kill off his chickens and have him sell fowl for which there is no market today? We have enough trouble selling our broilers and getting a price for them. And if we are going to kill off our fowl and laying hens then we are going to reduce our economic situation.

By eliminating the term "ungraded" we will be promoting the sale of better eggs and the consumer will get what he wants. If a grocer wants to advertise Grade B eggs at a low price all he needs to say is Grade B, just as easily as he can say Grade A or Grade C. I see nothing wrong in eliminating this term. I only see this thing as a benefit to the consuming public. Let them know what they are getting for their money and not go by price alone. I certainly oppose the motion for indefinite postponement.

Mr. WYMAN of Washington: Mr. President and members of the Senate I have not had anybody contact me in favor of this bill. I have had several contact me in opposition to it. I am glad to hear the proponents of the bill admit that it isn't something that the consumer wants, it is something to raise the price of eggs and keep southern and western eggs out of the state. If the bill passes, it will simply mean that the person who wants to buy ungraded eggs at a little cheaper price cannot do it unless it happens to be an institution because the law says that producers selling eggs of their own direct to consumers, cafes, hotels or institutions are exempt from the provisions of this act, so apparently if there is a difference in the quality of eggs, the proponents are not interested in what the restaurants and institutions get.

I don't think the people of Maine, the consumers and those who purchase eggs would continue to buy poor eggs if the store continued to sell poor eggs. There may be a

poor egg now and then among ungraded eggs, but the chances are that eggs are marked, they are so advertised although the advertisement may be small, but I think that the consumer if he or she finds poor eggs will soon find out and take his or her trade elsewhere.

All I can see in this is a demand to stop the sale of a little lower priced eggs by those who want to purchase them. I have not heard of any consumer who objects to this law. It is merely to help the poultry industry to keep out of the state eggs from other places and I think this bill ought to be left as it is.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, what a pleasure it is to rise here in defense of the intent to improve the grade of this agricultural commodity. For years we have had a great struggle in trying to improve the grades on our potatoes and I think we have been remarkably successful in doing so. Some of the potatoes like those that were presented to you were beginning to sprout wings. When this warm season arrives, they just can't resist the tremendous vitality that they have inside to sprout things of that nature. Now when eggs start sprouting wings, they are only suitable for casting at long-winded orators, political campaign talk and things of that nature. It is also a great pleasure for me to be able to support the Senator from Cumberland, Senator Charles in opposition to the indefinite postponement.

Mr. DOW of Lincoln: Mr. President, I would just like to say that in response to the statement from my good friend from Washington, Senator Wyman, that the consumers aren't clamoring for this. I believe they are. I know many times my wife has broken an egg in the frypan and the yolk was all runny and ran all over the frypan and she'd start to complain about the storekeeper who had sold her those eggs. I don't think it was his fault. I asked her "What did you buy for eggs" and she said, "I bought ungraded eggs." So she is dissatisfied. If she bought a Grade A egg or a Grade B or even a Grade C, she probably would have got a better egg than she did. But they are com-

plaining and it is hurting the sale of eggs in our local market and I think our local consumers would benefit. They would be the ones who would benefit the most from this.

I would like to say there is a clause in the act that says final determination of the egg shall be done by candling, and I am quite sure that is where the Senator from Somerset, got the idea that all eggs would have to be candled by the farmer. That has been interpreted and the intent of it is that if there is any question about the quality of eggs that a grocer is selling and the State Inspector is called in to determine that quality, he shall determine it by candling. An egg is candled by holding it over a strong light. By that means you can tell how much of an air cell it contains and the greater the air cell the older the egg, and the smaller the air cell the fresher the egg. So that part that says that final determination shall be done by candling is meant for the state inspector in those cases where complaint might be made against someone peddling rotten eggs.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, I would like to read an excerpt from one of the letters I received from the Egg Producing Association.

"This suggested change is not a hastily conceived action but is the result of several years of study on the part of quality-minded producers as well as distributors and has been favored by the Maine Poultry Improvement Association and the Farm Bureau Association for several years."

"It would indeed be unfortunate if the selfish interests of a few individuals should prevent the passing of this amendment which is clearly designed to protect the consuming public, particularly when it is endorsed by such a large group of farmers and agricultural interests."

I just want to remind you again that this was heard before the Agricultural Committee and was unanimously endorsed by all the members. Therefore I ask that the vote be taken by division.

The PRESIDENT: The pending question is on the motion of the Senator from Somerset, Senator Carpenter, that the bill be indefinitely postponed; a division has been requested.

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

Thereupon, on motion by Mr. Hillman of Penobscot, the bill was passed to be engrossed in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House Reports from the Committee on Liquor Control: Majority report, ought not to pass; Minority report, ought to pass; on bill, "An Act Relating to Hours of Selling Liquor." (H. P. 120) (L. D. 175) tabled by that Senator on March 26 pending motion by Senator Willey of Hancock to accept the minority report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, if it is now in order I move the indefinite postponement of this bill. In support of that motion I will be very brief and say this is an old chestnut that has been attempted at every session of the legislature since the change of hours. On liquor, we have gone with God-given hours and have kept them. I am very much surprised at the action of some of the members who always are against anything that is new and a change to their way of doing things. I understand a few members of the Senate do want to change things now on this question of selling liquor. I want to point out to you for the economy of the state, for the good will of the transients and our visitors who are accustomed to very late hours in the summer time, it would be detrimental to the state to change the hours.

Now, I know that all the restaurants and such places along the seacoast do want those late hours, who want to keep standard time for the selling of liquor. A great part of their trade is in the late hours of the evening or early hours of morning and any change in that would definitely hurt the industry and the economy of the state.

Mr. CARPENTER of Somerset: Mr. President, at first I thought the Senator from Androscoggin, Senator Boucher was speaking for the bill. He is opposed to the bill and I heartily concur. I think this program has been set up for many years and it has worked out very well. Our summer tourists coming in here demand this sort of thing. It evidently presents no enforcement problem as far as liquor inspection is concerned and I heartily concur and will go along with Senator Boucher.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I rise in opposition to the motion of the Senator from Androscoggin, Senator Boucher and in presenting my thoughts, I would ask the members to consider for a minute this question, not from a liquor committee standpoint but from an industrial standpoint. I can see no reason why we should consider one industry having to abide by eastern standard time and others having to abide by our so called fast time. This bill simply says that instead of these places of business closing at one o'clock in the morning, they will close at twelve o'clock.

I can see no reason to take one industry and let them operate under one standard of time, and another industry operate under a different standard of time.

I also have been contacted recently and also some time ago. Recently I have had several operators of so-called malt beverage parlors etc., telling me that they not only are in favor of closing at twelve, if they all close at twelve. In fact, two of them told me that they wished they were obliged to close at eleven.

I don't believe that if we give this serious consideration we are going to indefinitely postpone this bill. Certainly I hope not, because I think that this bill is worthwhile. It only asks for this industry to conduct its business as other industries are forced to conduct theirs and that is on the prevailing time. I shall oppose the motion.

Mr. BOUCHER of Androscoggin: Mr. President those restaurant owners who have requested the Senator from Piscataquis, Senator Parker to have the law tell them to close at

eleven o'clock instead of twelve don't have to close at twelve. Nothing is stopping them from closing at eleven. Nothing is stopping them from quitting the business and going into another business. If they don't like the hours that they serve the public then they can close at any time they want to. There is no law to say they can't close at noon if they want to.

I say that for the best interests of the state, for the economy of the state, the hours that we have now should be kept. We are asking for nothing new. We are asking for no extensions. We just want to keep things as they are. I don't think this question should be brought up at every session to be defeated. I hope the Senate will go along with me for indefinite postponement.

Mr. HILLMAN of Penobscot: Mr. President, I rise in opposition to the motion. A few years back we passed a law creating daylight saving time. Apparently the matter of the liquor licensees was overlooked. I can't see why one phase of our economy should have special interest. I think if other places of business close on daylight saving time then certainly the liquor industry should, and I hope the motion does not prevail.

Mr. BOUCHER of Androscoggin: Mr. President, I would like to answer the Senator from Penobscot, Senator Hillman. He is talking about privileged business. I want to remind him the milk industry is a very much special business and is taken care of in a special way. I don't think we are creating anything here. We have it and I think we should leave things alone.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the bill be indefinitely postponed in non-concurrence.

Mr. BOUCHER of Androscoggin: Mr. President I ask for a division.

A division of the Senate was had.

Eighteen having voted in the affirmative and ten opposed, the motion prevailed and the bill was indefinitely postponed in non-concurrence.

Mr. Woodcock of Penobscot was granted unanimous consent to address the Senate.

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate, I know by the clock that in Washington, D. C. at this moment, a great American is being buried. I would like to ask that the Maine Senate stand for a moment of silence in memory of the late Secretary of State, John Foster Dulles.

The PRESIDENT: The Chair thanks the Senator from Penobscot, Senator Woodcock for making these brief remarks, and in memory of a great American it is certainly most appropriate that the Senate stand a moment in silence.

Thereupon, the Senate members arose and observed a moment of silence in memory of John Foster Dulles.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table the 3rd tabled item, being Senate Reports from the Committee on State Government: Majority Report, ought not to pass; Minority Report, ought to pass; on bill, "An Act Relating to Appointment of the Commissioner of Agriculture by the Governor with Consent of the Senate." (S. P. 83) (L. D. 155) tabled by that Senator on March 18 pending motion by Senator Hillman of Penobscot to accept the majority report.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I rise in opposition to the motion made by the Senator from Penobscot, Senator Hillman, to accept the majority report. About two years ago, just about this time I think, I rose here in this very same room, very same desk, and debated the very same issue. Two years ago legislation was introduced which was the same as the bill now before you. I might say at this time that anything I say in regard to this bill will be carried on to the next one which I will be taking off the table very shortly, which bill purports to do the same thing only in a different office.

As you know the public administration survey report recommended that the office of Commissioner of Agriculture, the appointment of that office be given to the executive of our state along with other recom-

mendations and not only did the public administration survey recommend this but other surveys which have been made in the past by state government, the very same recommendation has been made.

As you know, the reason behind this recommendation is to strengthen our executive; in other words, to give the executive more responsibility; the executive, our Governor who is elected by the people, to place the onus upon him to appoint heads of state departments for which he will be responsible. If he fails to do a good job, then the people in return will show their disfavor when it comes election time.

It also is to hold the executive responsible for the administration of his office. The Commissioner of Agriculture and all department heads are a part of the executive, a branch of government and if we're going to place responsibility upon the head of that department which is the Governor, then at least we should give him the power to appoint that head of department.

Now I served on the committee for State Government and I was there at the hearing and I know there were many opponents who presented themselves before the committee to this bill. Some of them were former Commissioners of Agriculture, others were members of political parties, not of mine, and the argument seemed to be mostly, "Keep this job out of politics. Keep the Commissioner of Agriculture out of politics."

I don't know how political you can get. When I came over here in January, I have to wait until the Republican caucus is held the night before to find out who the Commissioner of Agriculture is going to be. Now if that isn't political I ask you what is? I came over here elected by the people. I don't have a chance to say who the Commissioner of Agriculture is going to be because it is strictly a political appointment by those in the majority in the legislature. The people in the State of Maine vote to elect a Governor, now for four years, and they have absolutely nothing to say in regard to who is going to be their heads of departments. They have absolutely nothing to say except by their vote for a Representative or a

Senator, and if he happens to be of the majority, he must depend on the Senator or Representative to elect the Commissioner.

Now, using the words of the good Senator from Sagadahoc, Senator Ross, "those guys from Illinois" maybe they don't know what they are doing, I don't know, but I would think that here are two people who have made a study of state government, and they have come down here and surveyed our state government and recommended that this change be made. The Citizens Committee has studied the P.A.S. report and other reports and upon their own initiative came up with the same recommendation, not once but twice. However, I suppose that is a very poor argument before this body too because as I saw what happened to the Citizens Committee in the other branch, perhaps it is not a very good recommendation that anyone should be recommended by the Citizens Committee but I will take this opportunity to thank the majority leader of the Senate from the great city of Bangor, for introducing and trying to put some oxygen back into the body this morning with that amendment.

I do know that the Citizens Committee, the sub-committee and the Committee as a whole gave a great deal of consideration to this and a great deal of study, and did recommend it. And as I said before, the same remarks I am making in regard to the Commissioner of Agriculture, will apply to the next bill which is the Secretary of State.

Now this is my opinion of progress. This is streamlining of our government, a streamlining of our executive. I think it also provides for more responsibility of our governor and I think this is bringing government closer to the people for them to say whether or not they approve or disapprove of their departmental heads. I ask that when the vote is taken, it be taken by a division.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, a few minutes ago I was delighted to hear the Senator from Androscoggin, Senator Boucher, say he was opposed to changes at the present time. The other day I heard one of my very good Democratic

friends say that in his community he was opposed to increasing the term of mayor and he gave the following reasons: He said if the term is increased for mayor he will have much more opportunity to make too many appointments, so he, like I, does not favor too centralized control of government and if he follows through that idea today in the Senate, it will not be strictly on party lines when we vote on this bill and I am delighted to see that.

I also favor logical progressive changes in government, but I think this proposed change is retrogressive. I think that it is a step backwards. We have competent leadership now and to put this leadership in the class of political patronage I think is silly. There have been many comparisons made with the national government whereby the President appoints his department heads. I think that comparison is rather ludicrous because in Washington, in either party be it Republican or Democrat, as far as those top jobs go, you certainly can get the most competent men in the country to aspire to those jobs, sometimes for little or no pay.

Now how lucky we are in the State of Maine to have such outstanding men as we have in many of our departments. The better ones are truly dedicated men and they spend many years in these jobs for the ultimate benefit of the state. Should we tamper with these key positions because of political whims? I think not. The Governor is elected now in November, or he will be the next time. How in the world is he going to have time to go over his finances, to prepare an inaugural message, to prepare a budget message and still make competent appointments? I have no doubt people will tell me that he has already made his mind up as to who will fill those jobs and I have no doubt he will have too, because as he is campaigning he will probably have made political promises and quite often, perhaps not always but often, he won't promise the job to the most qualified man but to the best political worker and the man who gets him the most number of votes.

Now it has been said that we should strengthen the powers of the executive. I don't agree with that and I certainly don't think as Senator Lessard has said, that if in his four years he has not done a good job, we can then by a vote of the public, kick him out and get a new governor. In my mind that certainly would be shortchanging the taxpayers of the State of Maine and especially since we have a four year term for governor at the present time. I concur with the motion of the Senator from Penobscot, Senator Hillman.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, the very same arguments were presented to the committee only here it was a little smoother, a little more eloquent. Keep it out of politics. As we are doing it now there is no politics mixed into it. We just consider a man and we don't care what party he belongs to, we all get together at a political caucus the night before and we pick out this man. I am not talking about the Commissioner of Agriculture, but I do know that there is one position, and I think that is the position of Attorney General, where the caucussing starts way back in September sometime, and I don't know but it starts in June. It takes a pretty good political campaign to grab the votes and get elected as Attorney General when the time comes to vote. I don't know about the Commissioner of Agriculture or the Secretary of State.

But the good Senator from Sagadahoc, Senator Ross, has assumed that the minute the Governor gets this power in his hands he is going to throw them all out of office and bring others in. Now that is not true. We have had a Democratic Governor for quite some time in the State of Maine and we probably will have one for quite some time in the future, and we know the past performance of our good Democratic Governor, the Senator from Washington, Senator Muskie. Many of our department heads have been reappointed by the Governor, and no doubt many would be reappointed who are now elected by the legislature. I think it is unfair to leave that thought with the members

here that the Governor, as soon as he is elected is going to throw everyone out of office. It is the same old argument all over again: Keep it out of politics.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I think that the Senator from Androscoggin, Senator Lessard, will probably agree with me that our present Commissioner of Agriculture and those that we have had in the past have been fine men and men who have been well-qualified for the job. I know that on our State Government Committee there happened to be a former Commissioner of Agriculture. At one convention they had in the New England States, or over the eastern seaboard with other Commissioners of Agriculture from other states, there was one state where the Commissioner of Agriculture who was appointed by the Governor happened to be a druggist. He didn't know a thing about agriculture and he admitted it.

Now that could happen in the State of Maine. As the Senator from Androscoggin, Senator Lessard, has said, it probably wouldn't happen but it could happen, therefore I think we had better leave well enough alone.

Mr. LESSARD of Androscoggin: Mr. President, I do want to agree with the Senator from Penobscot, Senator Hillman, in regard to the fine caliber of men that we have had in the past and which we now have in this office. Not for one moment do I want anyone to think that I am attacking any particular man or criticizing him, because they have all been very fine men. That is not the issue before us. That is also another argument which was brought up when this bill was presented. We have got good men, surely we have got good men, and we are going to continue to have good men. It is the principle involved. No one is questioning the ability or efficiency or integrity of the Commissioner of Agriculture.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: I cannot quite understand why the Republicans continuously object to all of these types of bills, because sometime they might have a

Republican Governor — no doubt it will be in the dim and distant future — but they might have one, and when that time comes they would like to have someone who would work along with the Governor. But if they don't want it, then the more they object to it the less chance they are going to have to have a Republican Governor in the future. I expect to live as long as my cousin who has just died and who was 103, and I don't expect to see that happen if they keep this up — another Republican Governor.

My good friend, the Senator from Sagadahoc, Senator Ross, said that the Governor, if elected in November, would not have time to do all the things necessary. Now I assure you that if he is a Democratic Governor he would have the ability to do it, and maybe a Republican Governor could do it, but he would have to work a little harder than the ordinary person.

Mr. BRIGGS of Arroostook: Mr. President and members of the Senate: I have been one that at times have supported some of the liberal schemes of the minority party, and I feel compelled and privileged, because of that, to be able to rise today to make a little bit of a comparison.

It makes one like myself wonder indeed: were the shoe on the other foot and were the minority party the majority party, which they seem to think from their recent discussions that they some day will be, would there be this energetic clamor at this time for doing away with the majority Democratic council and for taking away any of the other privileges which they are now seeking? I cannot help but arrive at that conclusion each time in the course of these discussions, that the discourse would not be quite as loud or quite as lengthy from the minority were they not indeed the minority but the majority party right now.

Mr. LESSARD of Androscoggin: Mr. President, I would like to go on record right here and now that as long as I am a member of the Senate and as long as I continue to be, that no matter what the majority party is I will continue to introduce this type of legislation and

will continue to oppose the existence of the Governor's Council. I am going on record as saying that I am going to continue to do so as long as I am a member of the Democratic Party.

Mr. HILLMAN of Penobscot: Mr. President, in reply to the Senator from Androscoggin, Senator Lessard, I will say that I hope if he does that each session he doesn't present seventeen constitutional amendments for us to try to digest in one session. I think if he is going to do that he had better make it three or four, so we won't have quite as much debate and quite as much to contend with. Seventeen is quite a large number.

Mr. HUNT of Kennebec: Mr. President, on the basis that I might be judged to be partisan, I refrain from giving any opinion of my own on this matter, but I simply want to put into the record an editorial from the Portland Sunday Telegram of February 15, 1959, which I am sure that everyone will agree that if it is not non-partisan at least it is not veering towards our side. It is entitled "More Power to the Governor", and I would like to read one or two passages. The editor states:

"One of these days we hope the Legislature of Maine will see the wisdom of giving the Governor the power to appoint the commissioner of agriculture, the secretary of state and the attorney general.

"At an Augusta hearing the other day the same old objections were raised to the proposal, and we would predict that they will lead to the same old results. The objections, such as they are, are that it would be unwise to give the Governor more power and that election by the Legislature keeps these jobs out of politics. These objections have carried the day in the past and are likely to again.

"The Legislature has elected some fine men to some of these offices in the past, but this is not the point. The point is that more consistently high quality could be maintained over the years if the Governor's office were put on the spot to find the best talent.

"When a Legislature makes a bad selection it is impossible to hold it

accountable for its actions. There is no one person to point the finger of blame at. In other words, the Legislature cannot be pressured by public opinion, as a Governor can, into making superior selections. A built-in weakness of the present system is that the Legislature cannot help giving undue consideration to former legislators, especially when it picks an attorney general. The Legislature cannot recruit talent, but waits until lawyers who have served in the House or Senate come around asking for the job.

"As for the danger of granting the Governor too much power, this argument holds no water at all. We now trust him to appoint high court judges, the chief justice, highway and institutional commissioners, etc. Certainly he is equally competent to pick the three officials mentioned above.

"The Legislature is not serving the best interests of good state government by clinging to its power to elect the attorney general the secretary of state and the commissioner of agriculture."

The PRESIDENT: The pending question is on the motion of the Senator from Penobscot, Senator Hillman to accept the Majority ought not to pass report of the committee on L. D. 155.

A division of the Senate was had.

Fifteen having voted in the affirmative and fourteen opposed, the motion prevailed.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table the 4th tabled item, being, Senate Reports from the Committee on State Government: Majority Report, ought not to pass; Minority Report, ought to pass; on "Resolve, Proposing an Amendment to the Constitution for Appointment of Secretary of State by the Governor with Consent of the Senate." (S. P. 84) (L. D. 156) tabled by that Senator on March 18 pending motion by Senator Hillman of Penobscot to accept the Majority Report.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: As I stated before, about the same points I made in the previous debate could be applied to this particular piece of legislation,

the only difference being, of course, that it is the Secretary of State rather than the Commissioner of Agriculture.

Now before I have to get up and admit that our Secretary of State is one of the finest gentlemen I have ever known as efficient a gentleman as you could find—these things I want to go on record. I have known our Secretary of State for some twenty-five or thirty years and have been closely associated with him in my practice of the law, and there exists among the officials of Maine no more efficient man than we have in Harold Goss. I love the man; I always have and always will. Again I say, that is not a matter which is involved here: the matter is again that of executive responsibility, bringing the Governor closer to the people. That is the same argument I made before, that he should be appointed by the Governor rather than be elected by the Legislature.

I ask that when the vote is taken it be taken by a division.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate: Like the Senator from Androscoggin, Senator Lessard, certainly my remarks that applied to the last bill apply to this one also.

At the hearing on the last bill, when he was debating that, he said that we should take these appointments out of politics, and he said that we were using erroneous arguments, because if any things were political plums they were political plums.

Now of course I will admit that when the legislature elects them as they do now it is putting it in the hands of politics, but I never said "take it out of the hands of politics." I said "do away with political patronage."

I have no further debate on this question, because my remarks on the last bill apply to this one. It has been said that our great country is the cradle of liberty. That must be so, because many politicians are asleep in it. Now I maintain that it cannot be the Republicans, as Senator MacDonald thinks, because we have to be constantly awake to counter with facts the sentimental oratory of the Democrats which is used to gain press

fame and to tell those who are less informed than some others are of the things that we are trying to do up here.

Mr. MacDONALD of Oxford: Mr. President, I will say that the Senator from Sagadahoc should get an alarm clock so that he can wake up at the proper time. (Laughter)

Mr. FARLEY of York: Mr. President and members of the Senate: While reading here, I was listening to the debate back and forth, and it seems to me that no one wants to have any changes in the State of Maine. I just wonder where the Republican Party of the State of Maine is going to fit into this new program from national headquarters in trying to get back into political life. As you know, they are now starting a political campaign and trying to do something. I think that is one of the things they are trying to do here: get Maine back into the fold of the Republican Party.

Mr. PIERCE of Hancock: Mr. President, I was one of the members of the Citizens Survey Committee two years ago and this last term. The statement was made in the debate on the previous question that the Governor would be too busy at the start of his term of office with his budget and his message to properly appoint these suggested officials. I have before me the report of the Citizens Committee refuting that point. The recommendation of the committee was: "The appointments should be for a duration of four years, but the appointments should be staggered during the term of each Governor so that there would not be a complete change of top-level administrative posts throughout the state coincident with the arrival of each new chief executive." I merely want to inject that into the record, in view of some of the previous statements by senators.

The PRESIDENT: The pending question is on the motion of Senator Hillman of Penobscot, to accept the Majority ought not to pass report; and a division has been requested.

A division of the Senate was had.

Sixteen having voted in the affirmative and fourteen opposed, the motion prevailed.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table the 12th tabled item, being House Reports from the Committee on State Government: Majority report, ought not to pass; Minority report, ought to pass; on "Resolve, Proposing an Amendment to the Constitution to Eliminate the Office of Treasurer of State." (H. P. 883) (L. D. 1257) tabled by that Senator on April 22 pending motion by Senator Hillman of Penobscot to Indefinitely postpone.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: Here is a little different one: this is doing away with the office completely. We do not ask to have this one appointed by the Governor, we are asking to do away with it.

Here again we have a very fine State Treasurer, here again we have a very, very fine and friendly and capable man who occupies this position. I do not want to be forced to debate on that issue, because I will disagree with anyone who says that he isn't. Everybody knows and loves Frank Carpenter, and I count him among my best friends, of course.

However, I would like to refer back to the debate the other day on the executive council, which was very ably carried on by the Senator from Aroostook, Senator Rogerson. I think that some of the reasoning that he advanced in his debate would apply to this very same bill before us today. I think Senator Rogerson said — I cannot quote him verbatim — but I think that what he said was along the line that this change which is being proposed by this bill is a change which the legislature itself has brought about by the creation of a department, by assigning to it all of the duties that were formerly carried out by the State Treasurer's department. These duties have been assigned to other departments, and, as a result, the State Treasurer is now really something in name only. I think just recently the Governor's Council took away one of his duties when they proposed to change the depository for certain state bonds, so that now practically all of the duties of the State Treasurer are

carried on by other departments of government, and this has been effected by this legislature — not specifically this one but other legislatures that have preceded it.

I am sure that if our good friend Frank Carpenter, for some reason or other announced that he was retiring or leaving his job there would be no question in the mind of this legislature that the office of State Treasurer should be done away with. I think every single survey that we have had in the past, our own state government survey, outside surveys and recommendations from people who should know and do know, have indicated that the office of State Treasurer should be done away with.

Here is a chance to practice economy, not too much, but nevertheless it is economy, because surely the duties of the State Treasurer can be carried on very well in our finance department, our controller's department, without carrying on this state office and perhaps the office force that he has. Again, as I say, I do not like to put anyone out of a job, and I surely would not want to put Frank Carpenter out of a job, but there is a principle involved. As I said before, we have effected this change ourselves because we have year after year, session after session, taken away the duties of that office. So I say that this bill ought to pass, and I am, of course against the motion to indefinitely postpone. When the vote is taken I request a division.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate: Now they not only do not want to take a chance of electing Republicans, they want to eliminate the Republicans.

Treasurers certainly do have duties, whether it is the Treasurer of State or the treasurer of a corporation. I will admit that in certain corporations the same man may serve in dual capacities, and I will admit that that might be possible, but there again I am not in favor, in our State government, of too centralized controls. But when you say that the treasurer has no duties whatsoever, if you will hearken back to the debate this morning on the bridge issue and the discussion of bonds, it was brought to the at-

tention of this Senate that our treasurer has just been down to New York City where he has been negotiating for the sale of highway bonds. Now that is just one of the things he has to do, of course, but if all of the bond issues which are suggested by some people to come before this legislature are ever approved, I will guarantee our treasurer is going to be flitting back and forth from Augusta to New York every week.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I am not going to read this this four-page speech; I will just read part of it, briefly.

We all know our system of government — which has given the United States the highest living standards in the world — is based upon checks and balances. I will defer reading the rest and go onto the next page.

Since the organization of the State of Maine one of the chief functions of the Treasury Department has been the receipt and custody of all money of the state. The cash receipts ten years ago, in the fiscal year ended June 30, 1948, amounted to \$84,502.83. Since that time the receipts have steadily increased until, the last fiscal year, which ended June 30, 1958, they amounted to \$193,332,455.46. During the same year the checks mailed from the Treasury Department amounted to \$190,556,276.56.

Then as to the bond issues, which the Senator from Sagadahoc, Senator Ross, has mentioned, the treasurer handles all those. In addition to those he has control of State deposits in banks; assessment and collection of the Forestry District tax, distribution of the bank stock tax, telephone tax and railroad tax to towns, distribution of money received from activity in the National Forest areas, distribution of payroll checks to departments and institutions, transfer of unemployment benefit funds from the local bank to the trust fund in Washington, D.C., assessment of the State tax. The treasurer serves on a number of boards, such as the Maine State Retirement System and Investment Committee of the system, Lands reserved for public uses, and is the investment officer, also the Econ-

omic Advisory Committee of which he is the secretary.

Mr. LESSARD of Androscoggin: Mr. President, if I remember correctly, when we had this bill before the committee the evidence presented there was that most of these items, not this Economic Advisor, whatever that is, or Investment Counsellor, but in regard to checks, I remember the evidence came in there that it did not go through the treasurer's office. He did have his signature on the machines but the checks actually went through some other department. Perhaps he did distribute the checks, I don't know about that, but if I remember the evidence presented before the committee there was very little for him to do. As I understand it, one of the representatives who appeared before the committee had made quite a study of it, and it was very surprising to me when I did hear all of this evidence as to how little he did do. There are other committees who have studied this thing, professionals as well as the Citizens Committee, they must have found some facts because they too have recommended that the office of treasurer be eliminated.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: Since the Senator from Androscoggin, Senator Lessard, brought the matter up, the man who presented this proposal to the committee was the Representative from Madawaska, Mr. Rowe. He said so many nice things about the treasurer and how hard-working the treasurer was that I didn't know whether he was a proponent, but he had many nice things to say about the treasurer. I only bring that out for this reason: he was the only proponent of this bill and there were many opponents.

The PRESIDENT: The pending question is on the motion of the Senator from Penobscot, Senator Hillman, that L. D. 1257 and both reports be indefinitely postponed in concurrence; a division has been requested.

A division of the Senate was had.

Nineteen having voted in the affirmative and eleven opposed, the motion prevailed.

Mr. DOW of Lincoln: Mr. President, I would like to inquire if H. P. 801 is in possession of the Senate?

The PRESIDENT: The Chair would state that it is, having been held at the request of the Senator from Lincoln, Senator Dow.

Mr. DOW of Lincoln: Mr. President, may I ask the President to read the title of that bill?

The President read the title of the bill as follows:

"Joint Resolution Relative to Creation of a Favorable Business Climate in Maine".

Mr. DOW of Lincoln: Mr. President and members of the Senate: Yesterday I think some of us were a little confused, at least I was, when this resolution calling for a favorable business climate was brought up following another bill that had to do with memorializing the Congress of the United States. This is not a memorializing resolution, and, in giving it afterthought and consideration, I am afraid that we might have acted without thoroughly realizing that by turning down this resolution we might be damaging ourselves and the efforts of DED. It may be true that this resolution may not be very consequential, but to turn it down I feel might hurt us. Imagine what the reaction might be of industrial interests outside the state if they read in a paper an item or learned that the State of Maine is not in favor of creating a favorable business climate for outside industry to come to Maine. This, in my mind, is what we did yesterday. Therefore, Mr. President, I move that we reconsider our action of yesterday whereby we indefinitely postponed this resolve, and I will say that I was one who voted in the majority.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: I am sorry that some of us apparently misunderstood what we were doing yesterday when we put to sleep that dreamy little resolution, called whatever it was. I put it away in the "circular file" and now I even haven't got it to refer to. It was something about improving on the climate.

Now ever since I have been coming down here to the legislature there have been people requesting

that I come down here and see if I couldn't do something about the climate; and now I have come down and I worked diligently all during these three terms and this one which is pretty near over, and I have done something about the climate just as everyone has asked me to do: I have helped to make the glorious day and the wonderful opportunity for us to dispense with these foolish memorials and resolutions and for us to get back to our homes and our families and our businesses and our fishing. I suggest now that we do not reconsider this said same resolve which we indefinitely postponed yesterday, even though its principal sponsor and my very dear friend from the other branch, that "third House," Harold Schnurle, has really given this some legwork. I think the best thing that we could possibly do at this time would be to insist upon our former action whereby we indefinitely postponed it, and I hope that the motion for reconsideration will be unsuccessful. When the vote is taken I ask for a division.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: Yesterday I did not mean to make light of this issue when it was brought up, but you will agree with me that it was tabled back on March 6th, so it really did have cobwebs on it. I couldn't see how any person in the Senate chamber could vote against a resolution like this relative to creating a favorable business climate in Maine. No one suggested to me when I brought this before the Senate that I had any personal grievance. I did it purely because I thought it was a good measure and a good gesture for us to show to any person who might be coming into the State of Maine looking for a business location. I think this resolution came from the Maine State Chamber of Commerce; I think they were the ones that drew it up. I therefore hope that this Senate will take favorable action on this measure. I think it would be well for us to do that in the light of the fact that if we do not do it the newspapers would probably have articles in them stating that the Maine State Senate was opposed to creating a favorable business climate. This

passed favorably in the House and I hope that it does in the Senate.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: If any light was made of this resolution yesterday by me, I make no apology today.

There are a lot of things that pass favorably in certain areas of the process of legislation which are not necessarily successful here, where better heads prevail, and where those better heads know perfectly well that you cannot put any restriction, by request or resolve, on labor, that they are going to fall in line and examine everything they do in the light of making a more favorable climate: I don't care whether it is for business or fishing, or what you are going to make the climate for.

This resolution, its sponsor and principal backer was my very dear friend whom I mentioned at the time I was standing previously. He has since been referred to as someone whom I might have some personal prejudice against, which might conceivably have some truth — I hate to deny it. On the other hand, any differences that I have with the sponsors or the creators or the persons who wrote this dreamy resolution really do not have anything to do with my desire to put it away. My desire in trying to do that was simply that I do not at all concur with memorials to Congress or to other groups coming from this body which do not have a serious and valid purpose, and I think this is one of those similar things. I think it is way, way too broad in the way it is written. I do not think that you people here in the State Senate want to compel all of the department heads to do such as this says: to examine every one of their discretionary acts in the light of whether or not it is going to help create a favorable business climate, or any kind of a climate. Therefore I have continued what I have said, with too many remarks perhaps already, and I hope that we will just let it lie. It is down there wherever it is; mine is in my "circular file," and the official copy I presume is in the hands of the Secretary and it is resting comfortably there, and notwithstanding the extra activity which was caused

by whatever reason by a few of my colleagues in the Senate, I hope that this resolution will be permitted to stay where it is.

Mr. DOW of Lincoln: Mr. President and members of the Senate: I do not think that this is anything to make fun of. I feel sincere in this. Maybe this will not do anything great if we pass it, but I sincerely feel that if we do not go along with it that it is going to communicate to industry outside the State that we do not care whether we have a favorable climate here for them or not, and that would hurt all of us. That is why I think that we should change it.

The PRESIDENT: The pending question is on the motion of the Senator from Lincoln, Senator Dow, that the Senate reconsider its action of yesterday whereby the Joint Resolution was indefinitely postponed.

A division of the Senate was had.

Eighteen having voted in the affirmative and nine opposed, the motion prevailed.

Thereupon, on motion by the same Senator the Joint Resolution received a passage in concurrence.

The PRESIDENT: The Chair will declare a ten-minute recess.

Recess

Called to order by the President.

Mr. Bates of Penobscot presented the following order out of order and moved its adoption:

Order out of Order

ORDERED, the House concurring, that the subject-matter of the following bill, S. P. 37, L. D. 35, "An Act Relating to Workmen's Compensation Insurance," and the subject-matter of the following bill, S. P. 393, L. D. 1137, "An Act Relating to Second Injury Fund and Vocational Rehabilitation Fund under Workmen's Compensation Act," be referred to an interim committee to study the subject matter and report to the 100th Legislature.

Said committee to consist of five members to be appointed by the President of the Senate and the Speaker of the House as follows: Two members from the Industrial

Accident Commission, one member from Industry, one member from Labor and one member from Insurance, and that the sum of \$1000 be allocated from the legislative expense appropriation for the expenses of said committee.

The order was read and passed. Sent down for concurrence.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table Item 1-1, bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1960 and June 30, 1961 (S. P. 461) (L. D. 1313) tabled by that Senator earlier in today's session.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I rise in opposition to the motion of the Senator from Aroostook, Senator Rogerson, and I speak to the part of the bill which is the amendment doing away with or closing the Western Maine Sanatorium.

Ordinarily when we place a person to rest for his or her last time it is the custom for someone to deliver an eulogy or write an obituary, and I think in this instance it would be fitting and proper to do so.

When this bill goes under the hammer today, we will be closing one of the old institutions of the State of Maine, the Western Maine Sanatorium, located at Hebron, Maine. By closing this sanatorium we may very well be closing up the beautiful little town of Hebron in the hills of Oxford County, because we will at least be cutting off its life-blood. We will be removing from the town some fifty or sixty families of employees who have made their homes around that vicinity, men and women who have been employed in the sanatorium for many years; and we will take the buildings and place them in mothballs to be left perhaps to deterioration. We will also be uprooting some fifty or sixty patients who will be forced either to return to their homes or be removed to Fairfield, Maine. Many of these patients have been there for many years, many of these patients have come to know Hebron Sanatorium

as their home, and many of them will resent the fact that they will be moved to another sanatorium and who had rather return to their homes and live there. When we close the Hebron Sanatorium here today we will be forcing many of the relatives and friends, close ones of the sick, to travel many more miles in order that they may be with them at the times when they are allowed to see them. In fact, we are really laying to rest a fine institution and we are perhaps causing a great economic catastrophe in this little town of Hebron.

I do not understand why we as reasonable men cannot agree that this sanatorium should be closed in an orderly manner. I do not see what harm could come if we allow this sanatorium to continue on for a short period of time in order that perhaps these patients might become acclimated to the fact that they are to be moved and allow some of the eighty-seven employees there to find employment in some other part of our state, or perhaps to allow some other state department to look over the facilities there that could be used perhaps in some state function to retain the lifeblood of this little community. I do not think we would be too amiss nor do I think that we would be condemned too much if perhaps it would cost a little money.

After all, we are dealing with human suffering, we are dealing with sick people, and I think when it comes to measuring sickness against dollars and cents that perhaps the poor unfortunate persons will balance the scale in their favor rather than in the favor of some paltry few dollars. I would propose to you that you give some consideration to an orderly closing, to some survey whereby the facilities could be used. I am told that there is some \$150,000 of trust funds, money that has been left in trust for the Hebron Sanatorium, in the hands of the State of Maine. I do not know what is going to happen to these trust funds; I haven't had the opportunity to read the trust documents and I do not know whether or not they will revert back to the donor, or whether these funds can be used for one of the

other institutions under the cy pres doctrine. It is purely a legal question, and you would have to look over your trust documents to determine whether the state could continue to have the use of these trust funds.

I am also told that some of the buildings were given in trust. Whether they will revert back to the original donors, I do not know. I have asked the Attorney General to make a research for me, but at the present time I have not that report. However, over and above that, I think you ought to reach deep down in your hearts here today and consider this situation, and not only consider those people who are going to be moved but consider those people who are employed, consider the little town there, and determine for yourselves whether or not it should be done for the sake of economy.

I wonder, too, where we are going to spend the amount of money which it has been told me we are going to save. No doubt it will be appropriated for something, I don't know what for, but I wonder if that appropriation will justify this complete closing-up of this fine institution? I would feel awfully bad, and I know you would too, if, after the session was over we found we had made a saving of some \$400,000 and it was spent for something not quite worthwhile, or at least those that derived the benefit would not deserve it as much as those poor people in this little town of Hebron.

I appreciate that this matter has been debated, and I also appreciate that fact that this matter has been discussed in caucuses, and I appreciate perhaps what your conclusions have been, but I earnestly ask you to again examine your conscience to see whether or not you could at this time attempt to proceed in an orderly fashion for the closing of this sanatorium, and see if perhaps it could be postponed for just a short time so that these people up there could possibly rehabilitate themselves.

With these remarks, I will now make the motion to indefinitely postpone Senate Amendment A as amended by House Amendment A

in non-concurrence and when the vote is taken I ask for a division.

The PRESIDENT: The pending question is on the motion of the Senator from Androscoggin, Senator Lessard, that Senate Amendment A be indefinitely postponed. The Chair would state for clarification that we have not yet adopted House Amendment A to Senate Amendment A.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate: I think I stated the feelings of the committee and my own feelings quite clearly the last time this matter was discussed, and so I would say at this time only that I oppose the motion of the Senator from Androscoggin, Senator Lessard.

Mrs. LORD of Cumberland: Mr. President, if it is in order, I would like to move that we recede and concur with the House.

The PRESIDENT: The pending motion would still be the motion to indefinitely postpone.

Mrs. LORD: Mr. President and members of the Senate: I think we should consider the welfare of these people in the sanatorium. I have a letter here from the Cumberland County Tuberculosis and Health Association. It says:

“Western Maine Sanatorium located at Greenwood Mountain near Hebron was built in early 1900. Practically no new construction or capital improvements have occurred since then. The institution, constructed of wood, is not approved by the American Hospital Association and does not meet the fire standards used for similar public or private institutions. Western Maine Sanatorium is antiquated, isolated and inadequate for the modern hospital care which tuberculosis now requires. Because of these conditions, many patients are unwilling to accept treatment or leave against medical advice, creating a serious public health problem in their communities.”

I would like also to add that in 1956 there was a survey made by professionals in conjunction with a Study Committee appointed by Governor Cross to study this problem, and the recommendation in this report was: “Long term use of the Western Maine Sanatorium would require an extensive replacement

and building program. Such expenditure in an isolated area, without public transportation and limited fire protection is not recommended. Only those capital expenditures necessary to patient care and protection should be made. This includes improving fire hazards to conform with recommendations of the State inspectors.”

I believe that nothing has been done to improve that sanatorium and I think it is dangerous to the people there. I think that the saving of money, which is a considerable amount, is the last thing we should consider: I think the welfare of the patients is the paramount issue.

Mr. LESSARD of Androscoggin: Mr. President, I am very happy to hear the good Senator from Cumberland, Senator Lord, say that it is not the amount of money to be saved. At least that takes away one of the objections which I make. However, I wonder where these arguments, such as that of the Cumberland County Tuberculosis and Health Association, were when these buildings were allowed to go down into this condition in which they claim they are? Where were those associations? Where were these groups who were so interested in tuberculosis in past years when these buildings were allowed to deteriorate and go down? Perhaps it was planned. Sometimes I wonder whether the fact that no repairs were made and the buildings were allowed to go down, whether it was perhaps intended at that time to close it out and centralize the thing? If that was so, why wasn't it announced at that time so the patients and the people there would know about it, and give them a chance and not to suddenly shock them out and say: we are closing everything up here, go and shift for yourselves. You have heard from testimony before the committee and in the debate here how many of these people will not go to Fairfield but will return to their homes, because they want to be close to their homes. I am surprised that the good Senator from Cumberland, Senator Lord, has not been contacted by many of the relatives of these people, perhaps in her county. I do know someone in the little town of Scarborough, which is in her county, who

just recently contacted me and discussed this point, because one of their loved ones was at Hebron Sanatorium, and they told me what a terrible thing it would be for them to have to go up to Fairfield to call on their loved ones up there.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: I have nothing to say regarding the financial savings or loss involved in the closing of Hebron Sanatorium, but I will say this to my fellow Senators: Have they read the heartbreaking letters, and can they feel what those letters express? There are letters from patients at the sanatorium, letters from the children of patients at that sanatorium, pleading, begging that the place not be closed. I assure you they wouldn't close it. I think it is a terrible thing.

We live up in that country; we have had hundreds of thousands who went to that sanatorium and came back well and healthy. Those buildings have been of wood since they were built and they have served a marvelous purpose. Don't let us do it! Don't let us do it!

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I certainly do not want to see Hebron Sanatorium disappear without having one word. All that has been said so far for Hebron Sanatorium I will go along with. All I want to add is this: The Senator from Cumberland, Senator Lord, has just called Hebron Sanatorium obsolete. I know of at least two private sanatoriums in New York State, in the Catskill Mountains — it must be changed a great deal because I have always understood that a person who has tuberculosis should be in open spaces, high elevations, and that certainly wont be true in the cities of Portland, Lewiston or Waterville.

I know both sanatoriums fairly well, having had contacts with both of them. I had a very close friend who was five years in the Hebron Sanatorium, and other persons I know well from the Lewiston and Auburn area who were at the Hebron Sanatorium and came home well-cured. Many of them would not have gone to Fairfield for the simple reason that they would be away

from their loved ones. I am willing to wager a small sum of money that the present patients, at least fifty per cent of them, will go home and will not go to the Fairfield Sanatorium, and they will be a menace to the other residents of that neighborhood.

As far as saving — that seems to be the big item — economy — I dare to predict that you will find in the next budget two years hence, in the next legislature, just as much money appropriated for sanatoriums as there is today in this present budget. I do not believe that there is going to be one cent of saving. It costs just as much money to treat a patient in Fairfield or Presque Isle as it does at Hebron. The place is a beautiful place on a very high elevation; the scenery is beautiful, the air is pure, and I know of no other place in Maine or anywhere else that has a better location than Hebron Sanatorium.

So economy is the false reason that is given for closing Hebron Sanatorium. It is my understanding of patients in hospitals or sanatoria that the cost per head is practically the same anywhere in the state, except in cases of different classes of treatment. Like all good hospitals, they have lower rates for those who cannot afford to pay for a private nurse, but on the same basis, on the service rendered to the patient, whether it is at Hebron or Fairfield, I think your costs would be the same. When we are talking about economizing we are just trying to fool somebody into voting the way we want them to vote.

Hebron has been called a fire-trap; Hebron was called a fire-trap this afternoon by one of our senators. I have said, and I repeat, that to my knowledge there never was a serious fire at Hebron in the sixty years it has been in existence. They have good fire equipment there, as good as they have in any small town or village in the State. I will grant that they have not got a fire department the size of Portland or Bangor or Lewiston or Waterville, but they have just as good equipment as any other small village or town in the State of Maine. The condition of the buildings is not such that they cannot be repaired.

Currently we are willing to spend \$100,000 for a new building at Presque Isle. I haven't figured this, but I will venture to say that if you spent \$100,000 to repair and modernize those buildings at Hebron you would have good buildings. Upon my last visit to Hebron those buildings were in substantially good condition. There is need of a small amount of repair like there is to other buildings in this state or anywhere in the world. Hebron, we will readily admit, has not been cared for properly, but it is not beyond repair; it is not a firetrap and it is not run down so that it cannot be modernized and its face lifted. Therefore I will go along with my colleague, the Senator from Androscoggin, Senator Lessard on

the indefinite postponement of this amendment.

The PRESIDENT: The pending question is on the motion of Senator Lessard of Androscoggin, that Senate Amendment A as amended by House Amendment A be indefinitely postponed; a division has been requested.

A division of the Senate was had.

Nine having voted in the affirmative and twenty-one opposed, the motion did not prevail.

Thereupon, on motion by Mr. Rogerson of Aroostook, the Senate voted to recede and concur.

On motion by Mr. Lewis of Somerset,

Adjourned until tomorrow morning at nine-thirty o'clock.