

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

Thursday, January 28, 1960

Senate called to order by the President.

Prayer by Capt. A. E. Milley of the Salvation Army, Augusta.

On motion by Mr. Ross of Sagadahoc, Journal of yesterday read and approved.

On motion by Mr. Woodcock of Penobscot, the Senate voted to send forthwith to the House and to the engrossing department, all bills acted upon by the Senate in today's session.

House Committee Reports

Ought to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Additional Funds for Certain Construction at Portland Municipal Airport." (H. P. 1018) (L. D. 1426) reported that the same Ought to Pass

The Committee on Education on Bill, "An Act to Reconstitute School Administrative District No. 2." (H. P. 1011) (L. D. 1420) reported that the same Ought to Pass

(On motion by Mr. Cole of Waldo, the bill was laid upon the table pending acceptance of the report and was especially assigned for later in today's session.)

The same Committee on Bill, "An Act to Reconstitute School Administrative District No. 3." (H. P. 1020) (L. D. 1421) reported that the same Ought to Pass

(On motion by Mr. Cole of Waldo, the bill was laid upon the table pending acceptance of the report and was especially assigned for later in today's session.)

The Committee on Judiciary on Bill, "An Act Relating to Juvenile Offenders in Certain Motor Vehicle Violations." (H. P. 1016) (L. D. 1445) reported that the same Ought to Pass

Which reports were severally read and accepted in concurrence, and under suspension of the rules were given their two several readings and passed to be engrossed in concurrence.

Sent forthwith to the engrossing department.

Ought to Pass — N. D.

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys to Maine Port Authority for Dock Facilities at Long Island Plantation." (H. P. 1013) (L. D. 1424) reported same in New Draft (H. P. 1027) (L. D. 1448) Under New Title: "An Act Appropriating Moneys to Maine Port Authority for a Survey at Long Island Plantation." and that it Ought to Pass

Which report was read and accepted in concurrence, and under suspension of the rules, the bill in New Draft was given its two several readings and passed to be engrossed in concurrence.

Sent forthwith to the engrossing department.

Ought to Pass — as amended

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Maine Port Authority for Ferry Service." (H. P. 1014) (L. D. 1425) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 520)

Which report was read and accepted in concurrence and the bill read once. Committee Amendment A was read and adopted in concurrence, and under suspension of the rules, the bill as amended was given its second reading and passed to be engrossed in concurrence.

Sent forthwith to the engrossing department.

Majority — OTP as amended

Minority — OTP

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for Supplemental Payments of the 1959 Education Subsidies to Certain Administrative Units." (H. P. 988) (L. D. 1397) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 528)

(Signed)

Senators:

ROGERSON of Aroostook
DUQUETTE of York

Representatives:

JACQUES of Lewiston
EDWARDS of Raymond
SMITH of Falmouth

DAVIS of Calais
BRAGDON of Perham

The Minority of the same Committee on the same subject matter, reported that the bill Ought to Pass (Signed)

Senator

PIERCE of Hancock

Representatives:

STANLEY of Bangor
BROWN of Ellsworth

In House, Majority Report accepted and bill passed to be engrossed as amended.

In the Senate:

Mr. PIERCE of Hancock: Mr. President, in explanation of my signature on this report may I say that this is one of the bills brought to the Governor and the leaders of both parties, and through their screening, rejected for introduction in this session. Rather than establish a precedent permitting all bills to come under the same category I signed against the bill. Personally I have no objection to the bill and I now yield to my Chairman, the Senator from Aroostook, Senator Rogerson.

On motion by Mr. Rogerson of Aroostook, the Majority Report "Ought to pass as amended" was accepted in concurrence, the bill read once, Committee Amendment A read and adopted, the rules suspended, the bill given its second reading and passed to be engrossed in concurrence.

Sent forthwith to the engrossing department.

The PRESIDENT: The Chairman notes in the Senate Chamber a group of senior members of Skowhegan High School accompanied by Mr. Willard. It is certainly a pleasure to have you young folks in the Senate Chambers. We hope your trip will be educational and hope that some day you will be sitting in the chairs of the Senate. It is nice to have you here.

Mr. CARPENTER of Somerset: Mr. President, perhaps you could not read my handwriting, but the instructor accompanying this group is Mr. Millard Gordon.

The PRESIDENT: The Chairman thanks the Senator for the correction and again welcomes to the Senate Chambers Mr. Millard Gor-

don and the Skowhegan High School seniors.

Paper from the House
Out of Order
House Committee Report

Majority — ONTP

Minority — OTP

The Majority of the Committee on Legal Affairs on Bill, "An Act to Permit the Town of Perham to Withdraw from School Administrative District No. 2." (H. P. 997) (L. D. 1406) reported that the same Ought not to Pass

(Signed)

Senators:

MARTIN of Kennebec
CHARLES of Cumberland

Representatives:

GOOD of Sebago
HUTCHINSON of Carthage
BROWN of Cape Elizabeth
LINNELL
of South Portland
COTE of Lewiston

The Minority of the same Committee on the same subject matter, reported that the bill Ought to Pass

(Signed)

Representatives:

KELLAM of Portland
TRUMBULL of Fryeburg

Mr. MARTIN of Kennebec: Mr. President, I expect that my motion will be tabled, but the motion is that the Senate accept the Majority report of the committee in concurrence.

Mr. COLE of Waldo: Mr. President, due to the fact that there are other such bills pertaining to withdrawal, I move that this be tabled until later in today's session.

The motion to table prevailed and the bill and reports were laid upon the table pending motion by the Senator from Kennebec, Senator Martin, that the Senate accept the Majority report of the committee.

Especially assigned for later in today's session.

Senate Committee Report

Ought to Pass

Mr. Martin from the Committee on Public Utilities on Bill, "An Act to Authorize the Maintenance and Operation of a Dam at the Outlet

of Sebec Lake." (S. P. 534) (L. D. 1441) reported that the same Ought to Pass

Which report was read and accepted, the bill read once and tomorrow assigned for second reading.

Second Readers

The Committee on Bills in the Second Reading reported the following bill and resolves:

House

Bill, "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control." (H. P. 1002) (L. D. 1411)

"Resolve in Favor of the Town of Danforth for School Construction Aid." (H. P. 990) (L. D. 1399)

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

"Resolve Appropriating Moneys for Spruce Budworm Control" (H. P. 989) (L. D. 1398)

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: It won't take me very long to remain consistent on this subject by saying that I do not favor the indiscriminate spraying of our forests with hydrocarbon poisons such as DDT. I think that following extensive federal government investigations when I hope that a great deal more information will be forthcoming on the possible harmful effects of operations of this type, that we will be a good deal more cautious about this type of spraying.

There are two particular things which disturb me in this regard. One is the very likely cumulative damaging effect of spraying the forests with DDT, and also related to that the fact that I doubt very much that the budworm population has very much decreased in duration because of it, and, second, the fact that I feel that if it is at all necessary to spray these private forests or private lands that the owners and beneficiaries of the revenue from them, the primary beneficiaries, who are, of course the owners of these forests, should pay for that spraying themselves

and not call upon the general fund revenues of our State.

I feel very strongly about this and I feel that possibly in time when further studies are completed that the lack of wisdom and the hasty operations such as this probably will not be continued.

I move that this bill, H. P. 989, L. D. 1398, Resolve Appropriating Moneys for Spruce Budworm Control, be indefinitely postponed.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate: I am not prepared to debate the merits of this issue at this time, however, as the Chairman of the committee which unanimously endorsed this measure I must say that in the light of the facts which were presented to our committee it appeared that this was the proper thing to do at this time. I should also cite, I think, the fact that at the hearing no opposition was voiced to this measure.

I oppose the motion of the Senator from Aroostook, Senator Briggs.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: In all fairness to the Appropriations Committee it seems to me that we as members should ask the Chairman of that committee to explain as much as possible, with what knowledge he has of the subject, so that we all might be better informed of the effects of this spraying as brought out by the other Senator from Aroostook, Senator Briggs, and if there is any danger to our fish and wild life, and then I think we would at least be in a position to know how to vote on it.

Mr. ROGERSON of Aroostook: Mr. President, it may be that I will have to defer to the other Senator from Aroostook, Senator Briggs, in order to get an adequate explanation of the damages.

We recognized the fact that DDT, applied as it is, one pound to the acre, does result in some damage to insect and fish life, but appearing at the committee hearing was a representative, I believe of the Fish and Game Commission, who indicated approval of this measure, and I suppose that in doing so he was implying at least that the damage was not so serious as to war-

rant condemnation of this procedure.

Now I do have before me a part of the presentation which was made and it says that "the proper application of one pound of DDT per acre is not injurious to man or farm animals. Mammals and birds will not be harmed by a single spray treatment of DDT, and although small numbers of fish in streams and shallow pools may be killed by such spray, no damaging reduction in fish population may be feared."

There is a point relative to this subject expressed by the Agricultural Research Service of the United States Department of Agriculture with the Public Health Service of the United States Department of Public Health and the United States Fish and Wild Life Service of the Department of Interior. I quote:

"Reductions in insects as food supply for fish are only temporary and will soon become restored in the treated area. The Maine Department of Inland Fisheries and Game have not completed their study of the 1958 spray area project but have made known the following statement in a preliminary summary:

"We conclude at this time that the DDT spraying has reduced the population of trout and other fishes in the DDT-treated area, but no serious effect on the over-all long-term population is apparent."

Now I am aware that that statement does not cover all of the dangers which the Senator from Aroostook, Senator Briggs, sees. I am sure that there still will be explored the degree of damage which may be caused by the cumulative effects of DDT, but, as I say, this study has not been completed, and, in the light of the facts which were given to our committee, we could do nothing else except approve this bill as we have done.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: It shall be my sincere intention not to belabor this subject too long. I would like to conclude it just as rapidly as I can and I will make every effort to do so.

I do not think, as the Senator from Aroostook, Senator Rogerson, has pointed out, that we should confine all of our concern in this question to the matter of strictly fish, because, as you know, there are some people who do not yet recognize the tremendous importance and value of sport fishing upon our economy, neither do they recognize the future value of this. However, as a method of describing briefly some of the potential damages, I would like to cite a publication on the Effects of Spruce Budworm Control on Salmon and Other Fishes in New Brunswick, by one of their fishery scientists, M. Keenleyside. He states, and I quote:

"The DDT has been mixed with a special solvent oil and sprayed from airplanes at a concentration of one-half pound of insecticide per acre. Some areas have been re-sprayed at intervals of one, two or three years. In spite of these extensive and costly control measures the budworm population has continued to expand. Fisheries workers have been especially concerned because many species of fish are known to be extremely sensitive to DDT. The drastic effects of the spray are clear. Not one fry was found that year, although about 1200 fry were taken at the same stations the year before. Small and large parr were also reduced in 1954, but to a lesser extent than the fry."

Taking a few sections from the uncompleted study done by the fishery scientists of our own Department of Fish and Game, in the summary, I would like to quote a few of the portions referred to:

"Blocking nets were operated in thirteen streams on thirty-six pre-sprayed days and showed an observed mortality pre-spray of seventeen fish, mostly small minnows, and no trout were found dead. Blocking nets were operated in thirteen streams for a total of 170 net days after spraying. The total observed mortality was 8884 fish, 216 of which happened to be brook trout."

It goes on to tell that in Gardner Brook, one which I am familiar with, one of the larger mortalities were observed; young of the year trout made up thirty per cent of

all dead trout collected from the blocking nets.

"There is good evidence that populations of young of the year trout were reduced in sample sections by DDT spraying. The average number of young trout per 500 feet in statewide study streams is 359, but only 29 trout were present in similar study sections after DDT spraying."

I would like to point out that this is a reduction from the state average of 359 to 29.

"In 1958 two control sections outside the sprayed area in Aroostook County had over 200 young trout per 500 feet of stream. Further observations will be made on the fate of the 1958 year class of trout in sprayed areas."

I think, without going on with these statistics any further, that ample evidence may be deduced from them which is indicative of the considerable effect which spraying the forests with DDT or any other poisonous hydrocarbon has upon them, which is a rather drastic effect on fish populations and probably on wildlife populations throughout the entire biotic pyramid. As I said at the outset, it was not my desire to belabor this question too far — and I recognize that we have a lot of very important questions before us — so therefore I will conclude my remarks merely by saying that to be consistent, and I am very sincere in this effort, I have felt that this was not a good practice, and I feel that it will be proven so over the years.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate: I shall be very brief.

You have just heard how our sport fishing affects the economy of our State and I certainly agree with that; but our forests have a great effect on the over-all economy of the State of Maine and to prevent their destruction is of both public and private concern. This proposal encompasses aid not only from the State but from the Federal Government and from the landowners themselves, so this is not just state money that they propose to use in the spruce budworm control project.

Mr. BRIGGS of Aroostook: Mr. President, I concur with everything that has been said by the Senator from Sagadahoc, Senator Ross. All we are asked to dole out of the State coffers is around thirty to fifty thousand dollars or something of that nature for this spraying, and no one is more interested, more dedicated to preserving forests and their abusive cutting practices than is "Jim" Briggs. If I thought that this was going to be the salvation of our Maine forests I should not be standing here opposing it for one moment. Thank you.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Briggs, that L. D. 1598 be indefinitely postponed. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being doubted, a division was had.

Four having voted in the affirmative and twenty-two in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the resolve was read a second time and passed to be engrossed in concurrence.

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

Mr. ROGERSON: Mr. President and members of the Senate, at this time in the enacting stage of bills having an appropriation, it is customary that they be laid upon the table pending passage. Just so that members of the Senate won't believe I have designs on any of these bills, I wanted to make that explanation as to why I am placing them on the table.

Enactors

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

Bill, "An Act to Authorize the Municipalities of North Yarmouth and Pownal to Form a School Administrative District and Contract with the Town of Cumberland for High School Education; and to Authorize the Municipalities of Chelsea, Windsor and Whitefield to form a School Administrative District." (H. P. 991) (L. D. 1400)

(On motion my Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table.)

Bill, "An Act Permitting Town of Hartland to Build and Maintain Dams and Sluice Ways on Sebastcook River." (H. P. 999) (L. D. 1408)

Bill, "An Act to Increase Indebtedness of Bath Parking District." (H. P. 1000) (L. D. 1409)

Bill, "An Act to Reconstitute School Administrative District No. 1." (H. P. 1001) (L. D. 1410)

Bill, "An Act to Reconstitute School Administrative District No. 13." (H. P. 1003) (L. D. 1412)

Bill, "An Act to Reconstitute School Administrative District No. 12." (H. P. 1004) (L. D. 1413)

Bill, "An Act to Reconstitute School Administrative District No. 11." (H. P. 1005) (L. D. 1414)

Bill, "An Act to Reconstitute School Administrative District No. 4." (H. P. 1006) (L. D. 1415)

Bill, "An Act to Reconstitute School Administrative District No. 10." (H. P. 1007) (L. D. 1416)

Bill, "An Act to Reconstitute School Administrative District No. 6." (H. P. 1008) (L. D. 1417)

Bill, "An Act to Reconstitute School Administrative District No. 7." (H. P. 1009) (L. D. 1418)

Bill, "An Act to Reconstitute School Administrative District No. 8." (H. P. 1010) (L. D. 1419)

Bill, "An Act to Authorize School Administrative District No. 5 to Take a Schoolhouse Lot by Condemnation in the City of Rockland." (H. P. 1019) (L. D. 1427)

Bill, "An Act to Reconstitute School Administrative District No. 9." (S. P. 523) (L. D. 1430)

Bill, "An Act to Reconstitute School Administrative District No. 5." (S. P. 524) (L. D. 1431)

Which bills were severally passed to be enacted.

Emergency

Bill, "An Act to Authorize the Municipalities of Gray and New Gloucester to Form a School Administrative District." (H. P. 992) (L. D. 1401)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table.)

Emergency

Bill, "An Act to Authorize the Municipalities of Dixmont, Hampden and Newburgh to Form a School Administrative District." (H. P. 993) (L. D. 1402)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table.)

Emergency

Bill, "An Act to Authorize the Municipalities of Cornish, Limerick, Newfield and Parsonsfield to Form a School Administrative District; and to Authorize the Municipalities of Enfield, Greenbush, Howland, LaGrange, Maxfield, Passadumkeag and Seboeis Plantation to Form a School Administrative District." (H. P. 994) (L. D. 1403)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table.)

Emergency

Bill, "An Act to Authorize the Municipalities of Danforth and Weston to Form a School Administrative District." (H. P. 995) (L. D. 1404)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table.)

Emergency

Bill, "An Act Increasing Indebtedness of New Gloucester School District." (H. P. 998) (L. D. 1407)

Which bill, being an emergency measure, and having had the affirmative vote of 29 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act to Increase the Indebtedness of the Town of Hermon School District." (H. P. 1021) (L. D. 1422)

Which bill, being an emergency measure, and having had the affirmative vote of 29 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Relating to Identification Numbers and Disposition of Fines Under Boating Law." (S. P. 525) (L. D. 1432)

Which bill, being an emergency measure, and having had the affirmative vote of 29 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act to Ratify and Make Valid the Incorporation of the Wiscasset School District." (S. P. 532) (L. D. 1439)

Which bill, being an emergency measure, and having had the affirmative vote of 29 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Increasing the Indebtedness of the Town of Palmyra School District." (S. P. 533) (L. D. 1440)

Which bill, being an emergency measure, and having had the affirmative vote of 29 members of the Senate, was passed to be enacted.

The PRESIDENT: The Chair understands that we have in the Senate Chamber, the Parliamentary Club of the University of Maine, Portland. We want to welcome you here in the Senate Chambers. We hope that your visit will be educational, that you will come back again later and perhaps some day be sitting here as a member of the State Senate.

House Committee Report

Ought to Pass — as amended

The Committee on Appropriations and Financial Affairs on "Resolve Providing Matching Funds for Federal National Defense Education Act Allotments." (H. P. 1012) (L. D. 1423) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No 527)

Which report was read and accepted in concurrence 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 in concurrence.

Orders of the Day

Mr. MARTIN of Kennebec: Mr. President, I would inquire if L. D.

1022, L. D. 1447 is in the possession of the Senate?

The PRESIDENT: The Chair will state that it is.

Mr. MARTIN: Mr. President, I would move reconsideration of our action of yesterday, and in support of that motion I would like to say just a few words. This motion I make is of my own free will and accord. I make it for the interest and protection of all parties involved. I would like to say to the Senate that if the motion carries and the same bill should come back before us, I would still vote against it. However, in order to protect all people in the State of Maine, I would move that the Senate reconsider its action of yesterday.

The PRESIDENT: Does the Chair understand that Senator Martin voted with the prevailing side?

Mr. MARTIN: I did, Mr. President.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Martin, that the Senate reconsider its action of yesterday, on bill, "An Act Relating to Municipal Police Power to Transport School Children to Other than Public Schools." (H. P. 1022) (L. D. 1447) Is the Senate ready for the question?

Mr. ROSS of Sagadahoc: Mr. President, when the vote is taken I ask that it be taken by division.

A division of the Senate was had.

Sixteen having voted in the affirmative and sixteen opposed, the motion to reconsider did not prevail.

Mr. BOUCHER of Androscoggin: Mr. President, I only noticed 15 Senators standing. May I ask if the President voted?

The PRESIDENT: I did.

Mr. BOUCHER: Thank you, Mr. President.

The President laid before the Senate, the first tabled and especially assigned item, being Senate Reports from the Committee on Appropriations and Financial Affairs: Majority Report, Ought to pass; Minority Report, Ought not to pass; on bill, "An Act Appropriating Moneys to Maine Port Authority for Maine State Pier Op-

rations.' (S. P. 521) (L. D. 1428) tabled on January 27th by Senator Briggs of Aroostook pending motion by Senator Charles of Cumberland for acceptance of the Majority Report.

Mr. BRIGGS of Aroostook: Mr. President, I move the acceptance of the Majority ought to pass report of the committee.

The PRESIDENT: The Chair would state that there is already a motion before the Senate, made by the Senator from Cumberland, Senator Charles, that the Majority Report be accepted.

Thereupon, the motion prevailed, the Majority Report "Ought to Pass" was accepted and the bill read once. The Secretary read Committee Amendment A.

Mr. ROGERSON of Aroostook: Mr. President, I move the indefinite postponement of Committee Amendment A.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate: This measure is one which was debated to some extent yesterday following the motion made by the Senator from Hancock, Senator Pierce. At that time the Senator from Hancock, Senator Pierce, called to your attention and to mine an item which was referred to as a ten thousand dollar item, and also referred to as a nine hundred dollar a month item. Yesterday another question was raised as to whether or not it was constitutional to pay such an obligation as this one where the State had no legal obligation. As a result of all these questions, a meeting was held this morning with representatives of the Maine Port Authority, the Senator from Hancock, Senator Pierce, myself, the budget officer and other interested parties and I now have a new amendment to be offered.

By way of explanation, let me say that this measure originally called for \$17,650.55 in the first year of the biennium and called for \$35,000 plus in the second year of the biennium. The statement of facts, which is not a part of this bill indicated that \$20,000 of this requested amount be applied to the payment of notes, referred to here as bonds, which were maturing in the next year and a half. The com-

mittee found that the \$20,000 of bonds or notes were not all falling due within the next year, so the amount was reduced by \$10,000. This was the original committee amendment. The item which the Senator from Hancock, Senator Pierce, has referred to has now been explored a little further and it is found that in making its presentation the Maine Port Authority did make some reference in a memorandum to a \$900 per month basis. This item we found on further investigation represents \$15,300 accumulation of seventeen months' revenue. The auditors had told them that they must show this in one of two ways: either as a reduction of operating expenses or an addition to revenue. In the presentation which the Appropriations Committee received this was not shown in either way; it was shown in a memorandum attached to the end of the presentation, in which it was stated that an amount of \$900 per month had not been shown. The full significance of this escaped all of us except Senator Pierce, and of course I should like to commend him on his alertness in calling our attention to this item.

Now, therefore, because there is \$15,300 more available, we can reduce the request which was made by the Maine Port Authority, and this amendment which I now offer accomplishes that purpose and leaves us with a request of some twenty thousand dollars against an original request of about fifty-two thousand dollars.

Mr. President, I failed to mention in my presentation that the question arose yesterday as to whether or not any part of this money would be used to pay bonds or notes falling due. Under the present plan the bill originally and still continues to ask for this money for operating expenses. The notes which fall due will be paid from revenues which the Maine Port Authority now has, and the money which is being here appropriated is to make up the deficit which is created by the payment of bonds from revenue.

The PRESIDENT: The question before the Senate is on the indefinite postponement of Committee Amendment A.

The motion prevailed and Committee Amendment A was indefinitely postponed. The same Senator then presented Senate Amendment which was read and adopted; and under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs: "Ought not to pass" on bill, "An Act to Authorize the Withdrawal of the Town of Liberty from School Administrative District No. 3" (S. P. 531) (L. D. 1438) tabled by that Senator on January 27 pending acceptance of the report.

Mr. COLE of Waldo: Mr. President and members of the Senate, first I would like to move that we substitute the bill for the report, and I would like to explain my reasons, if I may.

First I would like to thank the Committee on Legal Affairs who were so patient and even though they did not put out a report favorable to me to say the least, I do want to thank them for giving both sides what I consider a good fair hearing. I also would like to state in presenting my arguments for the defense of withdrawal of the town of Liberty that this also pertains pretty much to similar bills that will be following, so, to conserve time this will be pretty much the presentation of all three bills.

Mr. President, I rise to support the bill which authorizes withdrawal of the town of Liberty from School Administrative District No. 3. While the members of the Senate are quite aware of the problems which exist in Waldo County, I believe I should summarize the arguments for withdrawal.

Almost everything which I shall say with regard to the town of Liberty also applies to the town of Brooks. These are problems to which this legislature must face up and upon which this legislature must act if a serious situation in our schools is to be avoided.

Going back to the beginning, this town was oversold on the advantages to be gained in an adminis-

trative district. Perhaps if the enthusiastic supporters of consolidation had not urged it as they did in the summer of 1958, all this might have been avoided. I am sure that the mistakes are as much due to the leaders within the town as to the promoters on the state level. I acknowledge my own mistakes in having urged my fellow townsmen in Liberty to vote to join the proposed administrative district. Nothing will be gained by taking time today for a long review of events that have happened since this vote was taken in Waldo County.

The reason for withdrawal can nevertheless be briefly summarized. The financial demands made upon the town of Liberty was the precipitating factor but it no longer remains the only reason for withdrawal. Neither is it the principal argument today for resolving this situation by authorizing the withdrawal of Liberty. When Liberty voted to join the district, Liberty people knew that school costs might be higher and they were prepared to pay more for the education of their children. They were not, however, prepared for the way school costs would sky rocket in the very first year of the district and that means without cost of any building program and without any substantial change in the program already in effect before we joined the district. When a capital outlay program is undertaken it will become more than Liberty taxpayers can really afford.

Leaving the financial aspects of this problem, the most persuasive argument for withdrawal is the geographic one. I would like to show at this time a map of the district and to those who are not familiar with it I would like to show you that Liberty is way down on the lower corner of the present district. Certainly it should not be part of it. Whenever you see this map of eleven towns you will immediately see that Liberty sticks out like a sore thumb. At the time the districts were being formed no one could tell the people exactly where the proposed new school would be located. Now the citizens of Liberty find that their scholars must be transported long distances to reach

the site of the proposed new building. In my own neighborhood parents face the prospect of sending their children at least 22 miles one way each day to the site of the proposed high school. If a second trip were made to attend some school activity or some athletic event, it would mean that these youngsters would travel almost 100 miles in one single day.

In my town most of the people still support the principle of consolidation but they are certain that Liberty is now in the wrong district. Many of them look forward to studying the possibilities of a district involving a lesser number of towns which almost surround Liberty and which are now engaged in a study pointing to the organization of a school administrative district. Meanwhile, Liberty has the assurance that its high school students can, if necessary, attend Erskine Academy.

A part from the reason of finances and apart from the reasons of geographic location there are additional reasons why I think this bill should have the support of the Senate.

In the first place, the legislature should keep faith with the people. When the Sinclair Act was adopted it expressly stated that there would be an opportunity for a town to withdraw upon such terms as the legislature might invoke. For us now to take this position that no town can get out notwithstanding the overwhelming vote for withdrawal, wouldn't it be a breach of faith with those citizens who voted to join the district believing that their town could later withdraw if circumstances warranted it?

Next, I suggest that so long as these school administrative districts are to be financed through local property taxes, no one is better informed as to how much a particular town can afford to raise in this fashion than at the local town meeting. Unless there comes a day when the state provides all the funds for these districts it would be poor policy for the legislature or any agency in the statehouse to dictate what a town must do. Next, I believe we should keep faith in one fact that we have been told many times by experts in ed-

ucation, that good schools need the support of the citizens in the community. We shall certainly have something less than active interest and enthusiastic support in Liberty if the legislature insists that Liberty remain against its will in the administrative district No. 3 and if Liberty taxpayers are required to support schools in which they are not really interested and in locations removed from Liberty.

I also believe this Senate should support this bill because I believe in home rule, a principle of government cherished by us since Colonial days. It is just as true in school matters as in other areas of government that the people should have an effective voice. Those who today oppose the bill are adopting the position that someone at the State House can tell these towns what is good for them and should tell these towns what to do.

Turning to the other side of the issue, the argument most frequently heard in refusing to allow the withdrawal of Liberty is that it might have a bad effect on the financial institutions which someday will be asked to underwrite a bond issue. I suggest that the withdrawal of Liberty can be accomplished without any breach of faith with the money lenders. It is very important to keep in mind that this district has sold no bonds, has contracted for no buildings. Indeed, School Administrative District No 3 has yet to agree upon a proposed site for a new building and submit a proposed bond issue to the voters. To permit Liberty to withdraw at this time is almost the same thing as to set off a town out of the territory of another, something which this legislature has done over and over again in the history of our state. It would certainly be a different problem today if this district had already borrowed money, pledging property located in Liberty as part of the security for such a loan. Fortunately such is not the case.

Finally, it is only fair to let this legislature know what I am told will happen if no solution to the problem in Liberty and Brooks is found this week. Already there are two cases pending in the Superior Court and I would like to state

that one is the State vs Elwell and another Elwell vs Elwell. There is another case in the Superior Court brought by people in the town of Perham. The lawyers tell me that it will be well over one year before litigation can be concluded. It may be much longer than that unless the legislature solves the problem so that the court cases can be dismissed, and it is unlikely that any district in Maine will be able to float a bond issue during the months immediately ahead. Still looking further into the future if SAD No. 3 should prevail in all the issues raised in these Court cases and if the school district should then propose a bond issue, the towns in the district which are already on record as favoring a reduction in the size of the eleven town district, represent 40 per cent of its voting strength and if you add to that 40 per cent the opponents of SAD No. 3 who can be found in at least ten of the eleven towns and when you also add those who may favor the district but are opposed to the particular site proposed, you are handing this district an almost impossible assignment if you are looking for progress in education.

In summary, the reasons why these towns request authority to withdraw are distance and discord; the financial aspects of the problem have been a contributing factor, but are not the major causes of either town. After a town has voted overwhelmingly to withdraw, I submit to this legislature, they should authorize withdrawal on the matter of keeping faith with the voters who thought that this legislature meant what it said when it put the withdrawal provision into the law. We should also do this because we believe in local government. This is not a problem which can be solved by educators alone proceeding on the basis of educational theories. We must face up to the realities of local government. We should authorize the withdrawal of these towns.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate, first I would like to thank the Senator from Waldo, Senator Cole for his complimentary remarks in relation to Legal Affairs Commit-

tee. I would like to tell the members of the Senate, we certainly did wrestle with this problem on more than one occasion. We had two separate hearings and several executive sessions. We realize it is a problem not only for this Senate but also a problem for the good citizens of Liberty and the State of Maine.

I suppose the bill was referred to Legal Affairs because the people who referred it to us felt that there was a legal question involved, and I am sure that the lawyers here in the Senate realize that there is a legal question involved.

Very briefly, when towns vote upon a school administrative district a list of all of the indebtedness of the proposed district is in the warrant of each town, so each town knows what the indebtedness of the district is to be and what their share of the indebtedness is to be also. A vote is then taken by the towns in the district and eventually, as in the case of Liberty and Brooks which we are talking about today, a district is formed.

I would also like to state at this point that my remarks on this bill are the same as on the other bills involved and I do not think they need to be repeated.

So when you have a district formed you have in effect a contract between each of the towns to do certain things, and you have a contract with other people, such as bondholders and school administration authorities.

The question that actually came before the Legal Affairs Committee was: Can a town withdraw once they have voted into a district. Even the willingness of a town to pay its indebtedness does not, in the mind of the committee solve the situation because, as you know, when some part of a thing is taken away certain rights certainly are impaired and certain contracts certainly are breached.

Now reference has been made to the withdrawal section but only part of it. It is true that the legislature may in its discretion allow a town to withdraw, but the act goes on to say: "No such withdrawal shall be permitted while such school administrative district shall have outstanding indebtedness

or shall be obligated to the Maine School Building Authority pursuant to any contract, lease or agreement. Now I do not think that the good Senator from Waldo, Senator Cole, seriously argues that School Administration District No. 3 has no outstanding capital indebtedness, and we feel that "indebtedness" as used in the act refers to capital indebtedness, and this is true of the other bills before us, there is indebtedness. So we come down to the point that while there is indebtedness, while there are outstanding contracts, can you let one town withdraw from a school district? The committee was unanimous in its opinion that you could not.

I have said publicly that the withdrawal section as now written is not workable, it is difficult to understand and I think that the Department of Education in the next legislature owes to the people of the State of Maine the duty to rewrite this section so that it is workable or to take it out, so that in the future we will not be faced with people saying they misunderstood; but until that time comes—and I am sure that you realize the limited time we had before us—that without extra advice, counsel and further study we were not able to rewrite the section and the section as written by the last legislature, the 97th Legislature, will have to stand, and therefore, in our opinion, a town can not withdraw in spite of what the section says. I therefore wish to oppose the motion of the Senator from Waldo, Senator Cole.

Mr. DOW of Lincoln: Mr. President and members of the Senate: I would just like to comment briefly on some of the things that have been said and then make a very few additional remarks.

In commenting on the geographical location that has been mentioned here as not practical, I would say that this problem was studied by the people in Liberty at the local level and it was still voted to join the district. Now it cannot be said, as the Senator from Kennebec, Senator Martin has just stated, that we have no withdrawal clause because we have, and that is when no indebtedness

exists. It does exist, and therefore the provisions of the law have not been complied with. And, as for the cases in the courts, I believe we will have to let the courts decide those; we cannot decide those cases for them.

I have heard very little that is new in this case since the Legislature refused last spring to allow the withdrawal of towns. Last spring this question came before the Committee on Education, of which I was Chairman. Anything I can say now would seem to be just a repetition of days and days of debate we had last spring in the general session. Perhaps my easiest answer to all that is coming up today would be to refer you to the record and perhaps read several paragraphs or pages, which would do just about as much as I can do now, because I have not too much to add since that took place. The only thing that I feel now is that the case against withdrawal has been strengthened because now two committees of the Legislature have refused withdrawal, both the Committee on Legal Affairs and the Committee on Education, on the ground that it would be discriminatory to the whole statewide education structure as far as we in Education are concerned and from the legal aspects so far as the other committee is concerned.

Right now we have many districts, they are compatible, they are agreeable, they are waiting with no money available. This is not just talk; they cannot get money from bonding companies and financial institutions. We can produce superintendents who have been dealing directly in the past six or seven months with these bonding institutions and they are not getting anywhere as long as this problem of withdrawal exists here in the legislature. If we feel that the withdrawal clause is too harsh, I think we should make a concerted study and change that clause in our basic Sinclair Act. Incidentally, seventeen states do have a consolidation program and these seventeen states have no withdrawal clause whatsoever. To allow towns to withdraw at this time under the present law would just

further hamstringing our whole educational program statewide.

If the Sinclair law can be changed to satisfy towns where personalities have been clashing and jealousies have developed over majority decisions and be changed to satisfy money-lending institutions at the same time, I believe that to be the sensible course to follow, but until such study is made and such changes invoked, we must continue to operate under the law as we now have it. To allow the whole educational structure of our State to be disrupted and stalled because of two or three local dissensions would be a grave mistake for us to make and would bring further hardship on the majority of our children who are striving to get a decent and progressive education.

I do not know that it will make anyone feel any better at all, but this afternoon I plan to present an order to make a concentrated study on the withdrawal clause of the Sinclair Act in the hope that before the regular session starts that committee making this study will come up with a solution that is going to be more acceptable to the towns and at the same time satisfy the financial institutions. So I hope that until such time that we do not further stall and hamstring and hamper the progress of our whole statewide educational system because of one or two withdrawals.

Mr. COLE of Waldo: Mr. President, I assure you I will be very brief because this subject has been discussed, I think, quite thoroughly.

In reply to the Senator from Lincoln, Senator Dow, that the town of Liberty knew when they voted themselves into the district what the problem was going to be, I certainly will take issue with that. We did not know where the location of the new proposed high school was going to be, in fact nobody knows today exactly where it is going to be.

Now in regard to his statement on withdrawal, that it may be too harsh, we appeared before this Committee on Education some months ago. Has anything been attempted? Has any move been made other than to keep the towns tied to the district? Has anyone made

any move to soften the clause? If the withdrawal clause in Section 11-P of the Sinclair law was in effect saying to the people that you could get out of the district provided you met the standard, and that is a two-thirds vote of the town, it seems to me that the time has long passed when something should be done. Do the members of this Senate believe that if they continue to hold these towns that have voted to withdraw in the districts, do they really believe that education will progress from now on? As I said in my original introduction, there is no question that litigation will continue for at least a year. Now why don't we do something about it instead of stalling and stalling and stalling.

You heard at the committee meeting one of the mothers say that they put their child on the bus at seven o'clock in the morning and it is four o'clock in the afternoon when he gets off. I checked to see the actual mileage that the busses travel in this particular instance, and this was verified by the Superintendent of Schools. I might add that was the original one, we have two more now. But, in reply to this question, he said that 55.8 miles was the actual mileage. Now can you blame mothers from rising up and trying to persuade the legislature to release them from these, we might say vicious circumstances? To me, if we believed in the withdrawal clause in the beginning certainly we should keep faith with the people.

Now another angle in our particular instance. We had a great benefactor in the town of Liberty who has done much for us, and that is Donald S. Walker. He set up a trust in 1925 and provided that a portion of the income was to be paid each year to the selectmen of the town of Liberty for the use of the Liberty high school which was dedicated to this same Mr. Walker. Now since Liberty voted to join SAD 3, and without knowing too much of what the trust said and due to the pressure that was so great in getting these towns to join the district, no payment of this trust fund has been made to any party because of the

uncertainty as to whom it could be paid. Now I understand very reliably that there may be a possibility that the trust set up by the great benefactor may be lost entirely.

Now I think really and sincerely that this is no place to explore some of the other provisions which I would be glad to talk with anyone about if they should want to inquire, as to the reasons of the trust, the reasons of the many things that this great man has done and the reasons why the citizens of Liberty would like to keep faith with this great man.

Now in reply to the Senator from Kennebec, Senator Martin, he has raised the argument that SAD 3 had debt and that for that reason my town should not be allowed to withdraw. I would like to point out that the lawyers tell us and the highest court in Maine ruled several years ago that one legislature can not tie the hands of the next legislature. That means that there is nothing in the law as passed by the 98th legislature that can prevent us from authorizing the withdrawal of these towns. It is nothing more than a declaration of legislative policy. I believe it is consistent with the policy of the 98th Legislature to let a town out when the district has undertaken a building program. I remind you that there still may be a district to pay all the bills of SAD 3, and, under the terms of this bill, the withdrawal town is required to do its part in the indebtedness.

So once again, members of the Senate, put yourselves in the position of some of these mothers and those parents. Are you not going to give it any consideration whatever, after two attempts have been made now to rectify what may be a too harsh clause in the Sinclair Act? It seems to me, as the good Senator from Kennebec, Senator Martin, has said, and also in the Press, that this should be remedied. So why wait, why tie up school construction and education in the State for at least another year when now is the time? The legislature has been called for this purpose. Why do we want to delay?

Mr. HUNT of Kennebec: Mr. President, I feel I must rise in opposition to the motion of the Senator from Waldo, Senator Cole, for the reason that I think this goes far beyond the interests of the citizens either of Liberty or Brooks or Perham, and, as a matter of fact, involves the very life and existence of the Sinclair law itself.

At the time that the 97th Legislature passed the Sinclair bill it was hailed by practically everyone as the greatest step forward in education in the State for a long time, and I still feel that it was and is another step forward in education.

Now the simple matter of fact is that the Sinclair bill is based upon the law of contracts, and all of the attorneys here in the chamber I think will agree that the law of contracts is very much involved. It allows any group of towns to join together and form a contractual relationship. The towns at the time they vote to become a district agree to accept proportional parts of the indebtedness and expense of the district. This is a contract which they make with each other, and while the good Senator has been telling you about wanting to get out, the withdrawal of one town naturally breaches the contract and allows all the other towns in the district immediate release, and that certainly would be the result of allowing any town in any district to get out. It would breach the contract which was made and would allow all of the towns to withdraw, because those towns, when they voted to enter the district, each voted to accept a certain proportional part of the indebtedness of the district and to assume a certain proportional part, and when one town is released that changes the proportion, and so those towns would, I am sure, be authorized, all of them to withdraw. And that is why the bonding houses and why the banks are refusing to loan money until this matter is straightened out, because if they can not be sure that this district is going to be in existence or how many of the towns are going to stay with it it is natural that they haven't the security which they need for

their loans. And so it seems to me that once you establish the precedent of allowing one town to withdraw from a contract which they have made you have nullified the contract itself and then all of the other towns are free to withdraw and you have nothing on which any bank or bonding house would dare to loan money.

Now in regard to the other towns in the district, nobody has spoken for them. What is going to be the situation of the other ten towns in the district if we allow one to withdraw? As I say, they will be out in the cold, after all this time in which they have worked to organize the district. I believe that the district will be nullified, they will have to start in from the beginning and go through the whole process again with ten towns. Therefore it seems to me that the interests of the people in the towns in those districts should be considered. And what of the school district they have set up and become a part of? What of the delay that will be caused while they are trying to form a new district? Certainly I do not think even the good Senator from Waldo would say that it was fair to keep the other towns in a contractual situation they did not vote for once you have allowed one town to get out. That will mean that the other towns will have to set about setting up a new relation for themselves and the value of the entire act would therefore seem to be nullified. No town was pushed into these school districts; every one of them went in after a great many meetings.

And with regard to the withdrawal clause, as pointed out by the Senator from Kennebec and the Senator from Lincoln, each town had to vote to accept the indebtedness of the other towns who were joining into the district, and in this district there was quite a sizeable amount that was owed by the various towns, and when Liberty voted to join them they voted to accept their proportional part not of new indebtedness but the indebtedness the towns then had. This has not been paid off, and so they have not qualified under the provisions of the withdrawal clause which

says they might withdraw when all of the indebtedness of the district has been paid. I challenge the good Senator from Waldo to show that the indebtedness of this district which the various towns voted to accept at the time they joined has all been paid. If it had not been paid they haven't even met with the clause in the act set up for withdrawal, which was that all the indebtedness in the district should be paid. So I do not think they have any point to raise there. Certainly when it comes to weighing whether it is better to have the Sinclair Act in full force and effect or to allow the withdrawal of one town I believe we all believe that the Sinclair Act should be protected.

Mr. DOW of Lincoln: Mr. President, in rebuttal to the remark that the town of Liberty did not know what it was getting into, it may be that the people in the town of Liberty did not know just how far their children would have to be transported at the time they voted themselves into this district but they certainly must have known because they made a study themselves and they knew the conditions of it and what was required, and they must have known that the majority might decide that the school should be outside of the town of Liberty.

Now in regard to this legacy I have heard mentioned, or the endowment given by a man by the name of Walker, I have a copy of that and the amount of the legacy is \$4771.69 and the amount that the town receives from this is less than \$200 per year; and when my good friend, the Senator from Waldo, Senator Cole, says that this might be lost forever I would like to say that in the copy of the will it states that in the event of lapse because of non-existence of beneficiaries and so forth this will revert to the University of Maine.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate: I do not wish to prolong the debate but I would like to answer a couple of things.

The good Senator from Waldo, Senator Cole states, and it certainly is true and I will agree with

him, that the legislature can do about anything it wants to, and we all know that sometimes it does; but I think by and large the legislatures of Maine in the past, and I am sure they will do the same in the future, have kept faith with the people of the State, and I think they will, in this instance, keep faith with the people remaining in the district.

One word about the trust. As I understand it, the money goes to the Liberty high school. There is the doctrine of cy pres that states that if the beneficiary is no longer existing in fact and there is a beneficiary of the same nature that the court may say that the trust should continue to go to the community school district, because certainly it contains the high school of Liberty.

The Senator from Lincoln, Senator Dow, did not read one part of the trust that interests me. It goes on to say that in case it fails all together the income is to go to the Selectmen of the Town of Liberty, Maine, for the purpose of purchase of registered breeding stock for the use of the community, or, to the University of Maine.

Mr. COLE of Waldo: Mr. President and members of the Senate: I realize that we have now debated this much too long and I am sure, I could offer some good rebuttal, but, in trying to expedite this problem, I now move that when the vote is taken it be taken by a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the bill be substituted for the ought not to pass report.

A division of the Senate was had.

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

Thereupon, on motion by Mr. Martin of Kennebec, the Ought Not to pass report was accepted.

The PRESIDENT: The Chair understands that there is in the gallery a group of seniors from Winterport High School. It certainly pleases us to find so many young people are interested in visiting our State legislature. We hope that your stay here today is educational and

that some day you will run for office and occupy one of these chairs and help govern this great State of ours.

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.

Paper from the House Out of Order Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee which was authorized and directed to make arrangements for the celebration of the 100th Anniversary of the Maine Legislature by H. P. 987, passed at the regular session of the 99th Legislature, be authorized to expend from the legislative appropriation an additional \$400 for such purpose. (H. P. 1029)

Mr. CHARLES of Cumberland: Mr. President and members of the Senate, I would like to comment very briefly that the purpose of this Order being introduced in the legislature was to increase the present allowance of \$100 that we have now in the Research Committee relative to the celebration of the 100th Legislature next year. The Appropriation has been increased to \$500 for the purpose of making a good approach to the problem and doing a fairly good job in commemorating this 100th Legislature. Therefore it would be my recommendation that the Senate go along with it because of the fact that with the extra funds we can anticipate a tremendous amount of publicity for the State and I have been informed today by the Department of DED that they are definitely interested in it and there is an anticipation of national publicity through television, radio, and publication stories in Life and Look magazines. With all these advantages coming to us it would appear an insignificant amount for us to consider this and let it go through.

Thereupon, the Order received a passage in concurrence.

**Papers from the House
Enactors**

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

Bill, "An Act Regulating Certain Rockets." (H. P. 1015) (L. D. 1444)
Comes from the House, Failed of Passage to be Enacted.

In the Senate, failed of passage to be enacted.

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

"Resolve Providing for Decrease in Retirement Benefit for Helen D. Perry of Rockland." (S. P. 535) (L. D. 1442)

Which Resolve was Finally Passed.

Emergency

Bill, "An Act Authorizing Town of Franklin to Receive Legacy for Water System." (S. P. 526) (L. D. 1433)

Which bill, being an emergency measure, and having received the affirmative vote of 31 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Relating to Appeals from Decisions of the Joint Board in Highway Condemnation Proceedings." (S. P. 527) (L. D. 1434)

Which bill, being an emergency measure, and having received the affirmative vote of 31 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Relating to Revenues and Eminent Domain of Lewiston Parking District." (S. P. 529) (L. D. 1436)

Which bill, being an emergency measure, and having received the affirmative vote of 31 members of the Senate, was passed to be enacted.

The PRESIDENT: Pursuant to the motion made by the Senator from Cumberland, Senator Weeks this morning, we will take up under suspension of the rules the following Senate Paper. Earlier in today's session the ought to pass re-

port of the committee was accepted in the Senate and the bill read once.

Thereupon, bill, "An Act to Authorize the Maintenance and Operation of a Dam at the Outlet of Sebec Lake." (S. P. 534) (L. D. 1441) was given its second reading under suspension of the rules, and passed to be engrossed.

Sent down for concurrence.

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

Mr. BRIGGS: Mr. President and members of the Senate: I have looked forward at this time to calling to your attention to a subject in general terms which I feel will probably be one of the most important questions of this coming year and perhaps the coming several years. I am referring to the great Allagash controversy.

Most of you know that in the northwestern section of our State lies a great and relatively unspoiled wilderness. You may not know that this is one and the only one of wilderness areas of this type remaining anywhere in the United States today.

This land is made up of three counties principally, Aroostook, Piscataquis and Somerset. Most of the land in the area is owned by the large wild land owners who are the paper companies and other principal parties. It goes without saying, of course, that this land was acquired very reasonably and a very long time ago.

The Allagash country is mainly known across the United States for its fame as a canoe trip. Since the days of Thoreau one hundred years ago in this adolescent country of ours it has been so famed.

What is happening now is that modern lumbering techniques are utilizing forest products in this area at an ever more rapid rate. Persons who have said that lumbering has been going on for a hundred years and therefore can go on the same as it has in the past are not quite giving the whole story. Because of the mechanization and the rapid operation in the pulpwood cutting technique today's operation compared with that of the last hundred years is not the same

in any degree. Although the private roads in the area are generally made available to the sportsmen and other persons who are interested in the natural history of the area, this network of roads is being extended at a very rapid rate for the purpose of utilizing the forest crop there.

My object in discussing this, I think it is important to point out, is not to lay claim to the importance of making any particular decision with regard to this important region but rather to impress upon my friends here the very great urgency for not making any hasty decisions of any type with regard to this area.

There are three separate current proposals which are more or less imminent in different degrees. The first proposal is a very large dam called Rankin Rapids which will flood a hundred thousand acres of this beautiful company for the purpose of making hydro-electric power and tying in with the Passamaquoddy power scheme which all of you are generally familiar with. Some persons, in discussing the lake, which is actually a mill pond in this dam, would like you to believe that this would yet be another Sebago or Mooshead or something of that type. Now I am sure you will realize it will not be that at all, because drawn down, as it will have to be for hydro-electric storage purposes, each one foot of drawdown on the dam will lay bare one hundred feet of stumps on the borders of this mill pond. The natural areas that form our lakes have their natural boundaries and shore lines and so forth.

The second plan is that interests in eastern Aroostook County, certain interests, I should say, desire to bore a road through this wilderness and cross it generally from Ashland to Daquaam, Quebec. They maintain that commerce will be benefitted due to having this approximately seventy-five mile road, and naturally the towns which will be the termini or feel they will be the termini of this road feel they will benefit from increased traffic and retail activities. Some of the towns who won't be terminus points are not quite as sure of the benefits.

The third great subject regarding the area results from the interest in the Federal government in examining all of the possible sites that are practical to utilize and set them aside in custodianship for the people as great national parks to add to our national park system which all of you are familiar with.

There has been an extensive survey made of this region by the National Park Division of the Department of the Interior and there will be a report forthcoming within a very short time setting out their ideas of what a park should consist of and whether or not they believe this area would be suitable for a national park and why.

Now in thinking of a park, I have no knowledge whether or not this will ever reach reality, but I do know that, so far as I have heard, no state in our nation which has a national park of substantial size which has been in effect for very long is raising very much of a clamor to get rid of it.

Of course many of these parks were realized out of public lands which were not privately held by paper companies, mining interests or anything else. In the case here, these lands are owned from the heavens to the center of the earth by private landowners and by the large paper companies.

The exhaustive report that was done a few years ago by the New York-New England Interagency Committee made extensive reference to the Allagash region and said that portions of it should be set aside for the people's enjoyment for all time. This report is available in twenty-three volumes in your State Library should you care to refer to it.

It is quite obvious, I think, from what I have said here and what you may have heard previously, that this Allagash region is indeed a rather hot spot and the chances are it may become even hotter. The conflict of interests which arises out of the possibilities of building a road or a dam and a national park being there should be self-evident to all of you folks. Naturally the people who most desire that dam do not desire a national

park to get in there ahead of them because this would make the construction of the dam rather difficult.

It is said that there are practical alternatives to the Rankin Rapids plan which would serve the needs of the Passamaquoddy project as well without destroying this magnificent wilderness area.

It should be apparent to you also that persons who seek to build a road through the area are not very anxious that the area will be realized as a national park for all of the people of the state and nation to enjoy, because once this is realized probably the roads will be placed where the Department of Interior feels they will serve the greatest need for the greatest number of people.

Now it is fortunate in a way, I think, that a National Resources Council has been formed here in Maine comprising all non-profit groups who are interested in resources conservation, and they are going about the task of trying to furnish information to each other and to other persons who are interested. They are doing this through a series of bulletins, and I happen to have a small supply of the current bulletin, Bulletin No. 1 done by this Natural Resources Council, which is entitled "The Quoddy Controversy" and I take a great deal of pleasure in circulating these bulletins among the members of the Senate, and I hope that they will find that there is a little bit of information here which they may not have had previously. My only request is that before you make any hasty decision you will try to consider all of the facts available and then go ahead and make whatever decision seems to you to be the one of best judgment. Thank you very much.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs, Ought not to pass, on bill, "An Act to Authorize the Withdrawal of the Town of Brooks from School Administrative District No. 3" (S. P. 530) (L. D. 1437) tabled by that Senator on January 27 pending acceptance of the report; and on fur-

ther motion by the same Senator, the ought not to pass report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table House Report from the Committee on Education: Ought to pass on bill, "An Act to Reconstitute School Administrative District No. 2" (L. D. 1420), tabled by that Senator earlier in today's session pending acceptance of the report; and on further motion by the same Senator, the report was accepted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table House Report from the Committee on Education: "Ought to pass" on bill, "An Act to Reconstitute School Administrative District No. 3." (H. P. 1020) (L. D. 1421) tabled by that Senator earlier in today's session pending acceptance of the report.

Mr. COLE of Waldo: Mr. President, I am not entirely clear as to the purpose of this act. May I inquire through the Chair of the Chairman of the Committee or any member of the Committee if the purpose of the pending bill is to validate a district already operative rather than to create some new district?

The PRESIDENT: The Senator from Waldo, Senator Cole, addresses his question to the Chairman and the Senator from Lincoln, Senator Dow, may answer if he chooses.

The Chair will declare a short recess so the two Senators may get together on it.

(Recess)

Called to order by the President.

The PRESIDENT: The Chair notes in the Senate Chamber the presence of a former Senator who sat in this chamber quite some time ago, and the Chair would request the Sergeant-at-Arms to escort Senator Roger Dube to the rostrum. (Applause, members rising)

The PRESIDENT: The Chair is informed that another former Senator is in the Senate Chamber, Senator Malcolm Noyes of Hancock, and the Chair will request the Sergeant-at-Arms to escort the Senator to the rostrum. (Applause, members rising)

Mr. COLE: Mr. President, I do not think my question was very clear, and I think that now we have had a conference we understand each other. My purpose was to ask the question through the Chair of the Senator from Lincoln, Senator Dow, whether or not the purpose of the pending bill is to validate a district already operative rather than to create some new district.

Mr. DOW of Lincoln: Mr. President, in my opinion we are validating the original district, we are reconstituting the district that existed. We cannot constitute a new district without going through all the procedure of forming the district all over again and having the town vote all over again, therefore we are reconstituting the same district that has been existing up to this time. That is about the only way I can answer the question.

On motion by Mr. Cole of Waldo, the ought to pass report was accepted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 528) (L. D. 1435) tabled by that Senator on January 26 pending acceptance of the report; and on further motion by the same Senator, the report was accepted and the bill read once; on further motion by the same Senator, Committee Amendment A was read and adopted.

Mrs. Lord of Cumberland presented Senate Amendment A and moved its adoption.

The Secretary read Committee Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Which amendment was adopted and under suspension of the rules

the bill was given its second reading.

Mr. ROSS of Sagadahoc: Mr. President, I wonder if this Senate realizes what action they have just taken. They have now opened up the minimum wage question again and have added another exemption. Perhaps there should be more.

The Chair declared a short recess.

After Recess

Mr. ROSS of Sagadahoc: Mr. President, I move that the Senate reconsider its action just taken whereby it adopted Senate Amendment A to L. D. 1435.

The motion to reconsider prevailed.

Mr. ROSS: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator may state his point of order.

Mr. ROSS: Mr. President, my question is whether or not this amendment is germane to the bill.

The PRESIDENT: The Chair will rule that the amendment is not germane.

Mrs. LORD of Cumberland: Mr. President, I would like to appeal from the ruling of the Chair. I think it is germane. It is just a correction.

The PRESIDENT: The question before the Senate is: Shall the decision of the Chair stand, in the judgment of the Senate.

A division of the Senate was had. Twenty-four having voted in the affirmative and eight opposed, the ruling of the Chair was upheld.

Thereupon, the rules were suspended and the bill as amended by Committee Amendment A was passed to be engrossed.

Mr. WOODCOCK of Penobscot: Mr. President, I move that the Senate resolve itself into a Committee of the whole.

This was done.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table Joint Order Relative to Amending Joint Rules to add Rule 19A (H. P. 1024) (tabled by that Senator on January 26 pending passage; and on further motion by the same Senator, the

Joint Order received a passage in concurrence.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table Joint Order Relative to Amending Joint Rules to add 19B (H. P. 1025) tabled by that Senator on January 27 pending passage; and on further motion by the same Senator, the Order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table Joint Order Relative to Amending Joint Rules to add Rule 10C (H. P. 1026) tabled by that Senator on January 27 pending passage; and that Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Which Amendment was adopted and the Order as amended was passed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Bates of Penobscot, the Senate voted to take

from the table Senate Order Relative to Amending Senate Rule No. 27 (Senate Filing No. 1) tabled by that Senator on January 22 pending passage; and on further motion by the same Senator, the Order received a passage.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table Senate Order Relative to Amending Senate Rules by adding new Rule No. 11A (Senate Filing No. 2) tabled by that Senator on January 22 pending passage; and on further motion by the same Senator, the Order received a passage.

On motion by Mr. Dow of Lincoln, the Senate voted to take from the table Final Report from the Committee on Education, tabled by that Senator on January 27 pending acceptance; and on further motion by the same Senator, the report was accepted.

On motion by Mr. Woodcock of Penobscot

Adjourned until tomorrow morning at ten o'clock.