

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, April 12, 1961

Senate called to order by the President.

Prayer by Mr. Maurice Knowles of Bar Harbor.

On motion by Mr. Parker of Piscataquis, Journal of yesterday read and approved.

The PRESIDENT: Maurice, we in the Senate want to thank you for filling in for us in times of emergency.

Mr. KNOWLES: I am very happy to do it, Mr. President.

The PRESIDENT: At this time the Chair would like to invite the Senator from Sagadahoc, Senator Mayo to approach the rostrum and act as presiding officer pro tem.

**Papers from the House  
Non-Concurrent**

Joint Order Relative to Indian Representative Compensation, Balance due. (S. P. 508)

Comes from the House read and passed, as amended by House Amendment "A" in non-concurrence. (Filing H-172)

In Senate, House Amendment "A" read and adopted in concurrence, and the Order, as amended, passed in concurrence.

Bill, "An Act Relating to Uniforms for Deputy Sheriffs.

In House, March 24, indefinitely postponed.

In Senate, April 7, passed to be engrossed in non-concurrence.

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

In the Senate, on motion by Mr. Wyman of Washington, the Senate voted to join in the Committee of Conference, and the President pro tem appointed Senators Wyman of Washington, Cole of Waldo, Stillphen of Knox.

Reports of Committee on Taxation on Bill, "An Act Exempting the Grange from Property Taxes." (S. P. 446) (L. D. 1312)

Majority Report — Ought to Pass  
Minority Report — Ought Not to Pass.

In Senate, April 5, Majority Report, Ought to pass accepted.

Comes from the House, Minority Report, Ought not to pass accepted in non-concurrence.

(In the Senate, on motion by Mr. Wyman of Washington, tabled pending consideration.)

**Received by Unanimous Consent**

Bill, "An Act Providing for Additional Washington County Taxes for the Year Nineteen Hundred and Sixty-one." (H. P. 1108) (L. D. 1532)

Comes from the House approved by a majority of the Committee on Reference of Bills, and referred to the Committee on Towns and Counties.

In Senate, referred to the Committee on Towns and Counties in concurrence.

**House Committee Reports  
Ought Not to Pass**

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season for Fishing During Month of October." (H. P. 192) (L. D. 287) reported that the same Ought not to pass.

Which report was read and accepted, in concurrence.

**Ought to Pass**

The Committee on Appropriations and Financial Affairs on Resolve, Appropriating Moneys for Spruce Budworm Control. (H. P. 183) (L. D. 279) reported that the same Ought to pass.

The same Committee on Resolve, Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line. (H. P. 185) (L. D. 281) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Disposition of Income from Out of State Children at Governor Baxter State School for the Deaf." (H. P. 450) (L. D. 650) reported that the same Ought to pass.

The Committee on Legal Affairs on Bill, "An Act Providing for Civil Service for the Old Orchard Beach Police Department." (H. P. 614) (L. D. 831) reported that the same Ought to pass.

(On motion by Mr. Erwin of York, tabled pending acceptance of the

report, and especially assigned for Thursday, April 20)

The same Committee on Bill, "An Act to Grant a New Charter to the Town of Old Orchard Beach." (H. P. 604) (L. D. 863) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Superintending School Committee of Town of Mechanic Falls." (H. P. 513) (L. D. 711) reported that the same Ought to pass.

The Committee on Towns and Counties on Bill, "An Act Relating to Rental for Brewer Municipal Court." (H. P. 211) (L. D. 306) reported that the same Ought to pass.

Which Reports were read and accepted in concurrence, the Bills read once and tomorrow assigned for second reading.

#### Ought to Pass — As Amended

The Committee on Business Legislation on Bill, "An Act Revising Statutes Regulating Branching and Consolidations by Banks." (H. P. 459) (L. D. 659) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-34)

In House, April 11, Committee Amendment "A" indefinitely postponed, House Amendment "A" (Filing H-170) read and adopted, and the Bill as so amended passed to be engrossed.

In the Senate, on motion by Mr. Brown of Hancock, the ought to pass report was accepted, the bill read once, Committee Amendment A indefinitely postponed in concurrence, House Amendment A read and adopted in concurrence, and the bill tomorrow assigned for second reading.

The Committee on Education on Bill, "An Act Relating to Tuition for Pupils Attending Secondary School Outside of Residence." (H. P. 860) (L. D. 1114) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-149)

In House, April 11, passed to be engrossed, as amended by Committee Amendment "A", as amended by House Amendment "A" thereto. (Filing H-174)

In the Senate, the report was accepted, the bill read once, Committee Amendment A read, House Amendment A read, House Amendment A (to Committee Amendment A) adopted, Committee Amendment A as amended by House Amendment A adopted and the bill tomorrow assigned for second reading.

The same Committee on Bill, "An Act Changing Fort Kent Normal School to Fort Kent Teachers' College." (H. P. 586) (L. D. 807) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-163)

The Committee on Legal Affairs on Bill, "An Act Relating to Nursing Home in Town of Mars Hill." (H. P. 411) (L. D. 586) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-169)

The Committee on Towns and Counties on Bill, "An Act to Incorporate Baring, Washington County, into an Organized Plantation." (H. P. 280) (L. D. 394) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-166)

Which reports were severally read and accepted and the Bills read once. The Amendments were read and adopted in concurrence, and the Bills, as amended, tomorrow assigned for second reading.

#### Ought to Pass — New Draft

The Committee on Health and Institutional Services on Bill, "An Act Relating to Practicing Dental Hygiene by Students in Schools." (H. P. 1095) (L. D. 1508) reported that the same Ought to pass in new draft, under the same title (H. P. 1110) (L. D. 1525)

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

Mrs. LORD of Cumberland: Mr. President, I move that the rules be suspended and the bill be given its second reading. This building is being built through a grant to the college and the students cannot practice dental hygiene until this bill is passed. So I would like to move second reading at this time.

The motion prevailed, the rules were suspended, the bill read a second time and passed to be engrossed.

The Committee on Highways on Resolve, Authorizing State Highway Commission to Study Desirability of a Bridge Across the Androscoggin River. (H. P. 71) (L. D. 113) reported that the same Ought to pass in New Draft, under New Title: Resolve Authorizing State Highway Commission to Study Need and Cost of a Bridge Across the Androscoggin River. (H. P. 111) (L. D. 1526)

The Committee on Legal Affairs on Bill, "An Act Relating to Power of Universalist Church of Maine to Hold Property." (H. P. 764) (L. D. 1050) reported that the same Ought to pass in New Draft under New Title: "An Act Relating to Power of The Universalist Church of Maine to Hold Property." (H. P. 1113) (L. D. 1531)

The Committee on Public Utilities on Bill, "An Act Creating the Richmond Utilities District." (H. P. 833) (L. D. 1148) reported that the same Ought to pass in New Draft, under same title (H. P. 1107) (L. D. 1523)

The Committee on Towns and Counties on Bill, "An Act Relating to Expending Aroostook County Funds for Maine Potato Blossom Festival." (H. P. 278) (L. D. 392) reported that the same Ought to pass in New Draft, under the same Title (H. P. 1109) (L. D. 1524)

The Committee on Towns and Counties on Bill, "An Act Relating to Payments to Androscoggin County Law Library." (H. P. 313) (L. D. 465) reported that the same Ought to pass in New Draft, under New Title: "An Act Relating to Payments to County Law Libraries." (H. P. 1112) (L. D. 1527)

Which reports were read and accepted in concurrence, the Bills read once in New Draft and tomorrow assigned for Second Reading.

**Senate Committee Reports  
Ought Not to Pass**

Mr. Sampson from the Committee on Education on Bill, "An Act Relating to School Sessions on Saturdays and Sundays." (S. P. 319) (L. D. 994) reported that the same Ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Lovell from the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes. (S. P. 305) (L. D. 893) reported that the same Ought to pass, in New Draft under the same title. (S. P. 515)

The same Senator from the same Committee on Resolve, Authorizing the State Military Defense Commission to Convey Certain Land in Hancock County. (S. P. 361) (L. D. 1094) reported that the same Ought to pass in New Draft, same title. (S. P. 514)

(On motion by Mr. Brown of Hancock, tabled pending acceptance of the report and especially assigned for Tuesday next.)

Which reports were read and accepted and the Resolves read once in New Draft, and tomorrow assigned for second reading.

**REPORT A — Ought to Pass, As Amended by Com. Amend. "A"**

**REPORT B — Ought Not to Pass**

Five members of the Committee on State Government on Bill, "An Act Relating to Transfer of Certain Land by State to City of Portland." (S. P. 182) (L. D. 428) reported in Report "A" that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-110)

(Signed)

Senators: NOYES of Franklin  
LOVELL of York

Representatives:

DOSTIE of Lewiston  
HAUGHN of Bridgton  
NOEL of Waterville

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought not to pass.

(Signed)

Senator: CHRISTIE of Aroostook

Representatives:

DENNETT of Kittery  
KIMBALL  
of Mount Desert  
WHITMAN of Woodstock  
BEARCE of Bucksport

On motion by Mr. Noyes of Franklin, the bill and reports were laid upon the table pending acceptance of either report, and especially assigned for April 20.

**MAJORITY REPORT — Ought Not to Pass****MINORITY REPORT — Ought to Pass**

The Majority of the Committee on Health and Institutional Services on Bill, "An Act Relating to Exit Facilities in Nursing Homes," (S. P. 429) (L. D. 1306) reported that the same Ought not to pass.

(Signed)

Senators: CARPENTER

of Somerset  
LORD of Cumberland

Representatives:

KNAPP of Yarmouth  
KENNEDY of Milbridge  
GILL of South Portland  
SWETT of Howland  
DAVIS of South Portland

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

(Signed)

Senator: MARDEN of Kennebec

Representatives:

HARTSHORN of Buxton  
HENDRICKS of Portland

(On motion by Mr. Edgar of Hancock, the bill and reports were tabled pending acceptance of either report.)

**MAJORITY — Ought to Pass****MINORITY — Ought Not to Pass**

The Majority of the Committee on Health and Institutional Services on Bill, "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium." (S. P. 311) (L. D. 899) reported that the same Ought to pass.

(Signed)

Senators: LORD of Cumberland

CARPENTER

of Somerset

Representatives:

KNAPP of Yarmouth  
SWETT of Howland  
GILL of South Portland  
HARTSHORN of Buxton  
KENNEDY of Milbridge

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

(Signed)

Senator: MARDEN of Kennebec

Representative:

HENDRICKS of Portland

Mrs. LORD of Cumberland: Mr. President, I move acceptance of the Majority Ought to Pass report.

On motion by Mr. Marden of Kennebec, the bill was tabled pending motion by Mrs. Lord.

At this point President Hillman resumed the Chair, Mr. Mayo of Sagadahoc retiring amid the applause of the Senate.

The PRESIDENT: The Chair would like to take this opportunity to thank Senator Mayo of Sagadahoc for his fine job.

We have in the Senate Chambers a young man who was supposed to open the Senate this morning with a prayer. Inadvertently we failed to notify him of the change in hour from 10 A.M. to 9:30. He came all the way from Portland to be with us. It was embarrassing to me and I want to apologize to this young man. I would like to take this opportunity to introduce to the Senate, Reverend George Vinetos of Portland. I hope he will come back with us again. The Chair will ask the Sergeant-at-Arms to escort Reverend Vinetos to the rostrum. We would like to have him say a few words.

REV. GEORGE VINETOS: Mr. President, although I couldn't participate actively in the proceedings this morning, I observed a few moments of them and enjoyed them immensely and am looking forward to coming back with you in the near future. (Applause)

The PRESIDENT: Thank you.

**Second Readers**

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

**House**

Bill, "An Act Providing for Registration of Sanitarians." (H. P. 975) (L. D. 1342)

Which was read a second time and on motion by Mr. Wyman of Washington, was tabled pending passage to be engrossed.

**As Amended**

Resolve, Regulating Ice Fishing on First Musquacook Lake and Second Musquacook Lake, Aroostook

County. (H. P. 486) (L. D. 686) amended by Com. Amend. "A" (Filing H-51)

Resolve, Regulating Ice Fishing on Umsaskis Lake and Long Lake, Aroostook County. (H. P. 488) (L. D. 688) amended by Com. Amend. "A" (Filing H-52)

Bill, "An Act Relating to Power of Municipal Court to Order Sentences Served Concurrently or Consecutively." (H. P. 813) (L. D. 1128)

(On motion by Mr. Marden of Kennebec, Committee Amendment A indefinitely postponed.)

Which were severally read a second time and passed to be engrossed, as amended, in non-concurrence.

Resolve, Regulating Ice Fishing on Portage Lake, Aroostook County. (H. P. 489) (L. D. 689) amended by Com. Amend. "A" (Filing H-44)

Which was read a second time and passed to be engrossed, as amended, in concurrence.

**Senate**

Resolve, Proposing an Amendment to the Constitution Exempting Certain Industrial Property from Taxation. (S. P. 512) (L. D. 1529)

On motion by Mr. Wyman of Washington, the resolve was laid upon the table pending passage to be engrossed, and was especially assigned for tomorrow.

Mr. Wyman was granted unanimous consent to address the Senate.

Mr. WYMAN of Washington: Mr. President, as I understand it, it is not permissible to debate a tabling motion and so I asked for unanimous consent. I asked to have this bill tabled for one day because I wonder if there would be any merit in including permission for assessors in this bill to exempt property which is rebuilt following a fire. As probably most of you know we had a very serious fire in our town yesterday and I have no idea whether the people will rebuild or not. They are competitors of ours but at the same time, the town would feel the loss deeply. I would like to see the plant rebuilt, and if a period of exemption from taxes would help, I

certainly would be in favor of it. I would be very glad to have somebody talk with me about this to see whether it is advisable to include such a provision in this bill. I certainly have no objection to the bill.

The PRESIDENT: I think the Senator's remarks well timed.

Bill, "An Act Providing for School Bus Shelters for School Children." (S. P. 513) (L. D. 1530)

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

Sent down for concurrence.

**Enactors**

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

**Enactors**

Bill, "An Act Authorizing State of Maine to Convey Knox Arboretum, Knox County." (H. P. 779) (L. D. 1061)

Bill, "An Act Prohibiting Stocking Certain Waters with Fish." (H. P. 877) (L. D. 1212)

Bill, "An Act Relating to Confidential Records in Insurance Department." (H. P. 942) (L. D. 1290)

Bill, "An Act Regulating Catching Lobsters While Swimming or Diving." (H. P. 1074) (L. D. 1481)

Bill, "An Act Relating to Registration of Motorized Invalid Chairs." (H. P. 1097) (L. D. 1510)

Bill, "An Act Relating to the Public Debt Amortization Fund in the City of Waterville." (S. P. 174) (L. D. 420)

Bill, "An Act Concerning Qualifications of Municipal Court Judges and Associate Judges." (S. P. 252) (L. D. 769)

Resolve, Regulating Fishing in Maranacook Lake, Kennebec County. (H. P. 490) (L. D. 690)

On motion by Mr. Marden, the resolve was laid upon the table pending final passage and was especially assigned for Wednesday next.

**Orders of the Day**

The President laid before the Senate, the 1st tabled and today assigned item (H. P. 462) (L. D. 662) House Reports from the Committee on Claims on "Resolve in

Favor of James E. Woods of Calais"; Majority Report, Ought to pass as amended by Committee Amendment A; Minority Report Ought to pass as amended by Committee Amendment B; tabled on April 4 by Senator Cole of Waldo pending motion by Senator Porteous to accept the Majority Ought to Pass Report.

Mr. COLE of Waldo: Mr. President, I yield to Senator Parker of Piscataquis.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: Before I attempt to express my views on this particular resolve I would like very much to have the Clerk explain what Committee Amendments A and B do and how they read.

The Secretary read the amendments.

Mr. PARKER of Piscataquis: Mr. President, I will confine my remarks to Committee Amendment B because that was the report which I signed. First, let me say that this property in the town of Calais was located on the eastern side of U.S. Route 1. It had a frontage of 200 feet, a one car garage and a one and a half story house about twenty by twenty four feet, consisting of three rooms on the first floor and one on the second floor. The heat was furnished by a one pipe furnace, wood fired and heated only the first floor. The reason I am describing this house is so you will get the idea that this was not a valuable piece of property. In fact, as property is considered today, it was a nice small dwelling. This road we are speaking of that was constructed by this property raised the grade and, first let me say that this property at the time that the road was constructed, before the new road was constructed was one and three tenths feet lower than the old highway. The new grade of the new highway, the center line grade was raised above the centerline of the old highway about five and a half feet. That was the extreme. On the northern property line only about three feet.

Now, perhaps you will wonder why I object to paying the amount under Amendment A of the committee, which was to pay them

\$2500 in addition to the \$500 that they had already received and why I thought \$1000 which is what Amendment B calls for, along with the \$500 they had already received was in my judgment sufficient remuneration for any damage they might have caused by the raising of this road. Let me say that first of all, before the construction of this road, or during it, the person from the highway department whose job it is to pay damages for construction caused by raising or lowering of grades, met with Mr. Wood, and Mr. Wood agreed that \$500 would compensate him for any damage to his property. He signed a release to that effect but at the completion of the project, from all the records that I was able to look at from the Highway Department and as a result of appraisers valuation, I will quote this: "Following the completion of the project, the value of the damages to the property was reviewed and a change was made and a revised appraisal dated November 10, 1960 as follows:" Now this was after the road was completed. "The fair market value of the property before any taking by the state was \$7,500. The value of the land taken and damages to remainder due to road construction, grade change and so forth—" I am getting ahead of my story. The fair market value of the property after taking of about seven tenths of an acre, which was all the land that was taken from this property, plus the raising of the grade, the value after the road was constructed was \$6,500. For that reason the value of the land taken, and the damage due would be a thousand dollars. That was what I based my thinking on when I signed Amendment B.

I leave it to the members of this Senate where he had already received \$500 making a total of \$1500 damage, if I am in order, Mr. President, I would move that the Minority Report, Ought to Pass as amended by Committee Amendment B be accepted.

Mr. PORTEOUS of Cumberland: Mr. President, in support of my motion on passage of L. D. 662 as amended by Committee Amendment A, I wish to make it plain



to the Senate that although it is not shown here, this was the Majority Ought to pass report of nine members of our committee who approved of Committee Amendment A.

The original claim was for \$6000 and we cut it down to \$2500 considering too that the man had already been awarded \$500. The taking of seven tenths of an acre of land in front of this house, and the raising of the grade put quite a bank right directly in front of his house, leaving very little front yard where there was an ample yard, and it has a very precipitate grade going from the highway down to his garage, which in icy weather most of the winter is almost inaccessible. We took this claim up and talked it over on the committee, very serious minded Representatives and Senators, mindful of their responsibility of the people as well as their responsibility to safeguard the funds of the state, and without taking any more of your time at the present, I would ask that you favorably accept the Majority Ought to pass report as amended by Committee Amendment A.

The PRESIDENT: The Chair would like to inform the Senator from Piscataquis, Senator Parker, that this motion was made by the Senator from Cumberland, Senator Porteous, on April 4.

Mr. BOARDMAN of Washington: Mr. President and members of the Senate: As you know, I live in Calais. I have been down past this property, have looked it over and have discussed it with several people. One thing I would like to point out is that the amount of land taken on this particular piece is not the big factor. The big factor is the grade as far as the land is concerned in front of the house. I had occasion a week ago last Sunday to go down by the house, stop and look the situation over and it is a very bad situation, there is no question about it.

In the recital with regard to the Statement of Facts, it indicates that the lot is eleven feet below the grade level. That figure may not be one hundred per cent correct but it is at least nine and a half or ten feet if measured from

the mean level to another level. Now the crux of this is that you can look out the upstairs window and can see out level with the cars. Other than that you are down below the road. It is true that with regard to this house, the level was about a foot or more below the level of the road at that time. This has increased it to a considerable degree. I feel myself that the committee in Report A of \$2500 in addition to the \$500 is much closer to being realistic than the \$1000. And even the \$2500 doesn't come anywhere near the amount that I feel the man should be entitled to. With regard to the release, I think some of you people may have had contact with that. As an attorney I have had contact with it many times. A man comes in contact with the person who owns the house and the land. He explains what is planned, what is to be done. He makes an offer and right off quick the owner signs it. In this particular instance it is my understanding that the statements that were made indicated to the individual there would be an increase in the grade but nowhere near the increase that happened with regard to this property. Now whether there was a change after construction started or whether that was the original plan I don't know. I would not say. But the information given to me indicates that there was a difference in the amount of grade indicated, and what actually occurred.

As far as this man's house is concerned, it is true, it is a small house, but it is a nice house. A good one. Nothing wrong with the house. It isn't a shack. It is a fairly good house. As far as this person is concerned I feel that Committee Report A is nearer correct, and therefore I would support A and be against Amendment B.

Mr. COLE of Waldo: Mr. President and members of the Senate: I rise to support my seatmate Senator Parker of Piscataquis. I base my opinion pretty much along the same line that he has used. This is, as has already been stated, a small home 20 by 24. If you apply the same percentage of evalua-

tion that the city of Calais is using, it would be on a ratio of 4.4 percentagewise, or the total value would be \$4200. That is the town value.

I will admit that the original agreement was too small even though the appraiser approached the owner and as I understand from the records, he was told that the grades were to be raised from five to eight feet. At the suggestion of the appraiser of what the fair settlement would be, Mr. Wood stated \$400. The investigator said he thought it was too small and offered him \$500 and Mr. Wood signed. Without doubt he didn't realize what the five to eight feet raise in elevation should be. I agree it has depreciated the value of the home even though improvements have been made. Drainage has been taken care of that formerly was from an old inadequate culvert. The driveway has been improved and in comparison with the total retail or actual value which has been settled at \$7500 I think the minority report of \$1000 plus the \$500 that has already been paid was a fair and adequate payment. My only objection to the \$2500 in Amendment A which brings the total up to \$3000 is that it is quite an excessive figure compared to the town valuation of \$4200. The property in my mind has not depreciated in value that much and so I hope that the motion of Senator Porteous of Cumberland does not prevail. I request a division when the vote is taken.

Mr. MAYO of Sagadahoc: Mr. President, I rise in support of the motion of Senator Porteous, of Cumberland and I would like briefly to explain why. I think the time is reached in our Senate and in the legislature where we have got to begin to show the Highway Department that this legislature is not going to continually back them up on the damage they are causing on a lot of property around the State of Maine.

Now repeatedly in this legislature we get claims based upon highway construction damage, and invariably the legislature will go along and either turn down the claims completely or reduce them to a place where they might as

well not be passed. I think the sooner the legislature stops backing up the Highway Department, the sooner the Highway Department is going to realize that they have got to be careful in their construction and in their claims and I really feel that possibly this is an incident where we should show the Highway Department that the legislature is not going to continually back them up on the damage that they are creating.

Mr. COLE of Waldo: Mr. President, in reply to the Senator from Sagadahoc, Senator Mayo, I stand firm in backing up the Highway Department. They have been fair and they admit that the original appraisal in this particular instance was small, and I think they have been fair in stating that they still feel that \$1500 is a fair amount, as I do.

My only purpose in standing here and trying to debate these small claims and there are smaller ones coming along that I will debate, is the fact that I am trying to bring to you the fact that originally I had set up approximately a hundred thousand dollars in L. D.'s out of our Highway surplus. Now I find that through the liberal actions of this Body — and I want to bring out to you that they are liberal and I am willing to go along with them if that is the opinion of the Senate, which it seems to be — but I do want to say that as of this moment our L.D.'s total over two hundred thousand. All I want to do is to bring this back to the attention to the Senate. If you want to spend money it is O.K. with me.

Mr. BOARDMAN of Washington: Mr. President and members of the Senate: With reference to this \$200,000 of L.D.'s, that is a matter there is no question about, but as far as this particular case is concerned I think it should be based on actual facts. It is possible that the passage of this particular act might establish a bad precedent so far as the Legislature is concerned, and that I will not talk about. However, the thing in my mind is this: the value of the property, the loss to the individual is the thing that is important.

Mr. President, I have a couple of photographs and I would like to ask if it is within our rules and if it is reasonable and proper to have those photographs looked over by the Senators?

The PRESIDENT: You can hold the photographs before you and point out facts.

Mr. BOARDMAN: Mr. President, I was wondering if they could be passed around. I believe one shows the situation before and the other shows the situation after. This is not like the newspaper before and after deal.

The PRESIDENT: Is there any objection by the Senators to passing around these pictures so that the Senators may view them. The Chair hears no objection.

Mr. BOARDMAN: It is probably a little different procedure than has usually been followed and that is why I inquired about it, Mr. President.

Now this particular case is similar to many other cases. As an attorney I have not had the opportunity to handle too many cases regarding land damage, but in the one or two I have had we have run into some problems in regard to valuation: What was the value before and what was the value afterwards?

Now I believe that the good Senator, Senator Cole, mentioned the fact of the valuation of the property being \$4200 so far as the assessors of the City of Calais were concerned and that figure is approximately 4.4 of true valuation. I believe that is correct. I have always used the figure of 40 per cent. However, be that as it may, it would indicate that the fair market value of the property was in the vicinity of \$10,000 prior to this road construction. Now if I am incorrect on that I know I will be checked on it. \$4200 by two and a half roughly comes out with a figure of \$10,000. The value by appraisal afterwards is stated in the Statement of Facts in the bill at \$4000, which would indicate a difference of \$6000. Allowing for the fact that there may be a difference with regard to the appraisal values I do not consider that the amount of \$3000, in other words \$500 plus the \$2500 is unreasonable

when you consider that it is approximately one-half of what he has asked for in this bill.

The PRESIDENT: The question before the Senate is on the motion of Senator Porteous of Cumberland to accept the Majority Ought to pass as amended by Committee Amendment A report.

A division of the Senate was had.

Twenty-five having voted in the affirmative and four opposed, the motion prevailed, the report was accepted, the bill read once, Committee Amendment A read and adopted and the bill tomorrow assigned for second reading.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 404) (L. D. 1386) Bill, "An Act Revising the Savings and Loan Laws", tabled on April 5 by Senator Brown of Hancock pending enactment; and on further motion by the same Senator the bill was passed to be enacted.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 1034) (L. D. 1435) House Report Ought Not to pass, from the Committee on Taxation on Bill, "An Act Limiting Use of Transient Rental Revenues to Recreational Advertising," tabled on April 7 by Senator Lovell of York pending acceptance of the report.

Mr. LOVELL of York: Mr. President, I request permission to speak briefly on this legislative document before I present Senate Amendment "A".

The PRESIDENT: The Senator may proceed.

Mr. LOVELL: Mr. President and members of the Senate: When the transient tax went in some two years ago it certainly, as all taxes do, caused a great deal of comment. I can remember the good Senator from Hancock, Senator Edgar saying that after that last session he questioned whether he would ever be elected again because of the comments that the tax made when it went into effect. However, the hotel owners and motel owners have forgotten that because Senator Edgar is with us.

The hotel and motel owners have contacted me and said they felt that one cent of this three-cent tax should be used in publicity and advertising the State of Maine for the tourist business, so this amendment that I have asked for is to take one cent of this three cents of the transient tax and use it in the publicity and promotion of Maine.

To refresh your memory, I might simply say that our tourist business has far too little money spent on it in proportion to its importance to the State of Maine, being our second largest source of income. It has been recently estimated by the University of Maine at \$150,000,000 and some have estimated it a great deal higher, but even at that conservative estimate—and as you well know, money turns over anywhere from five to seven times after it comes to the State of Maine from the tourists—so consequently the records show that last year that for every dollar spent for promotion in the State of Maine the State got back sixteen dollars in direct taxes. Now that does not include the pari-mutuel tax from horse racing that the summer people spend a good deal of money on or the fish and game tax, but that is simply the direct taxes such as liquor tax, sales tax, cigar tax and the transient tax and cigarette tax. Consequently in our State for every dollar spent the tourists brought in \$145 in new money to the State of Maine. It is estimated they spent twenty per cent of their money on rooms.

Now I have read a great many editorials in newspapers that the State of Maine is spending far too little on their tourist business in getting new tourists into Maine. For example, in New York City they have a five per cent transient tax which is used for publicity and promotion and taking care of the tourists as they come into New York City. San Francisco is also doing this and many other states are earmarking certain funds for tourist promotion. Just briefly, in the State of North Carolina, which is a fairly close competitor of ours, their receipts were 29.4 per cent of their total revenue collections

collected from the tourists last year, and for every dollar they spent they got back \$288 in new business. Now the State of Florida—we probably couldn't match them—but for every dollar they spent they got back in direct taxes from the tourists \$92 whereas Maine got back \$16.

Certainly to me this would seem to be good business. I think the most hard-headed business man or lady in the Senate would think that if definitely for every dollar spent you could get back \$16 in direct taxes in the State treasury that that is certainly good business. So I would move that the bill be substituted for the report of the committee on this L. D. 1435 and that Senate Amendment "A" be adopted.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: I rise in favor of the motion of the Senator from York, Senator Lovell. As president of a bureau that is vitally concerned with the growth of tourist business in the State I recognize the advantage that this would give to the tourist industry. The Maine Publicity Bureau is very much concerned over the lack of dollars available to advertise the tourist industry here in this State. As Vice-President of a retail establishment doing business in the City of Portland, I recognize the extreme importance to the economy of the State of these tourist dollars.

I would like to state that in our business in Portland the months of July and August are the two largest months for business outside of the month of December. Now in comparing the figures of our company with the figures of similar stores throughout the country—and we have these figures for ten other stores located in places as close to the Canadian border as Buffalo, N. Y. and Rochester, N. Y.—our business in July and August does a far greater proportion of its total year's business in those two months. Not only is it during those two months but it is through the fall and winter that we recognize the dollars coming in through the purchases of people who run tourist camps and who have had summer jobs which have

injected dollars into our economy.

The taking of one cent of the three-cent tax on transient rentals would certainly make it much more palatable for those people who have to collect those taxes at the desk in their office from the tourists. It is an unpleasant task in many cases to try to collect that tax. It would make it much more palatable for them and it would be a very small amount out of the State treasury and the State Tax Assessor has said that it would present no great problem. I sincerely urge the passage of the motion made by the Senator from York, Senator Lovell.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I rise in opposition to the motion of the good Senator from York, Senator Lovell.

The Taxation Committee reported this bill out, if I remember correctly, unanimously "Ought not to pass."

Now I do not think that any of us object to more money for advertising our recreational opportunities. I think that the good Senator from York, Senator Lovell, will recall that he and I visited Governor Reed prior to the making of the budget and urged him to put more money into recreational enterprises. I believe in it just as much as he does. The only thing I object to is the way of doing it, because I think if we start in earmarking funds for this purpose and that purpose we will soon have our budget thoroughly tied up and out of whack. Any appropriation for money for advertising Maine I am for, but I am not in favor of doing it by earmarking funds, and therefore I oppose this particular bill.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: As a member of the Taxation Committee who along with Senator Porteous signed the "Ought not to pass" report I must regretfully arise in opposition to the motion of the Senator from York, Senator Lovell. My reasons for opposing his motion can best be illustrated, if I may, by addressing two questions through the Chair to the Senator from Penobscot, Senator Stanley.

My first question would be this: Do I assume correctly that the current services budget as it stands right now is predicated in part on the total revenue derived from the transient rental tax?

The PRESIDENT: The Senator from Hancock, Senator Edgar, addresses a question through the Chair to the Senator from Penobscot, Senator Stanley, who may answer if he wishes.

Mr. STANLEY of Penobscot: Yes, that is correct.

Mr. EDGAR: My second question is a corollary of the first. I gather that I assume correctly then that if any of the transient rental revenues were used for the purpose proposed by Senator Lovell the current services budget would then be out of balance to that amount and that money would have to be found elsewhere?

Mr. STANLEY: Again I would answer yes.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stanley.

Mr. STANLEY: Mr. President, I too would oppose the motion of the Senator from York, Senator Lovell on the same reasoning that the Senator from York, Senator Wyman, opposed it.

Of course people look at me and say, "You are for economy; you do not want to spend any money." I do not mind spending money; I like to spend money and I would like to spend more if I had more of it to spend. I like to spend money but I would not ever want to see a set-up in one of our accounts where we do not know how much money is in it and we say to some person: "You can spend this for recreational advertising or you can spend it for Aid to Dependent Children or for any other particular reason." To dedicate funds, to me, is a bad principle. It does not let the people who provide these funds know what you are doing with the funds. So, for that reason, I would oppose the motion of the Senator from York, Senator Lovell.

Mr. LOVELL of York: Mr. President, it is probably very hard for me to debate with such a fine debater as Senator Edgar and such a keen thinker as Senator Stan-

ley, but nevertheless, I think that last year the amount of money from the transient tax was \$500,000. Now this would mean \$150,000 a year approximately going for publicity and promotion of the State of Maine which, on current figures, would show that over two million dollars would come back in direct taxes. Now certainly Senator Stanley would like to have that money to spend for things he may like in Penobscot County.

I feel that the actual good will and the public relations that will be gotten from the hotel owners will be well worth passing this bill. Certainly I realize that this bill will be placed on the appropriations table after it is passed, and certainly when it comes near the end of the session this will all be taken into consideration by the Senate and there will be so much money allocated, whether it be this bill or a bill from the Appropriations Committee or Senator Noyes' bill for publicity promotion for the State of Maine tourist business, those will all be boiled down; but I feel that at this time it would be definitely good public relations for this bill to be passed by the Senate. Later on, when we get it on the Appropriations Table, cut it if you so wish; but when you cut something that is going to bring money back into the State sixteen times over it is still a pretty good investment. Not only that, but for each dollar spent, according to the average in Maine, which is law, it will bring back \$145 in new business. Certainly I would hesitate to see anybody vote against good business like this at this time.

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

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I think it might be interesting to note that two years ago I appeared before the Taxation Committee in opposition to the transient rental tax, and during my presentation to the committee—at that time of course we had hoped we would have no taxes of any kind—I made the suggestion that if by any chance the Legislature should pass this tax—I made the same suggestion at that time: that

a certain amount of it be dedicated for the advertisement of the tourist industry. Later on in the hearing during the rebuttal period the President of the Hotel Association at that time made the statement that if Representative Mayo would tend to his own business the Hotel Association would be better off. So therefore I am against the motion as made today.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: I hate to prolong this, but since my two colleagues on the Taxation Committee have arisen in opposition I must say that I did vote "Ought not to pass" on this and I agree with Senator Stanley that providing any more dedicated funds would be a step in the wrong direction. The reason I signed the "Ought not to pass" report was that I could not see turning over the total amount of the transient rental tax to this, but I thought I understood the Senator from York, Senator Lovell, to say that it would be one cent or one-third, which would amount to approximately \$160,000 rather than the total \$500,000.

I would like to address through the Chair a question to Senator Stanley and ask him what that figure is in the budget that is allocated to advertising recreation here in the State of Maine.

The PRESIDENT: Through the Chair, the Senator from Cumberland, Senator Porteous, directs a question to the Senator from Penobscot, Senator Stanley, and that Senator may answer if he wishes.

Mr. STANLEY of Penobscot: Mr. President, did the Senator from Cumberland, Senator Porteous, ask me how much money is allocated for recreational advertising in the current services budget?

The PRESIDENT: Will Senator Porteous repeat his question?

Mr. PORTEOUS: That is correct. Mr. STANLEY: Mr. President, if my memory serves me correctly, roughly \$140,000 for recreational advertising.

If I might continue, I would say that if we feel that we should spend money for any particular purpose then we should decide what we should spend for that purpose and set that up in the budget. Let's

not set up one-third of a particular item, because when the tax on transient rentals was instigated the State was going to receive some \$2,500,000 revenue, and as the Senator from York, Senator Lovell, has mentioned, we get roughly \$600,000 revenue from it, which is about a quarter of what we expected. So if we take one per cent of the three per cent transient rental tax it could be one per cent of \$600,000 or it could be one per cent of \$2,500,000 or some figure above that. I would be in favor of setting up moneys for publicizing the great facilities that we have in the State of Maine but I would not want to set them up in an indefinite figure.

Mr. LOVELL of York: Mr. President, I shall arise for the last time on this matter. The amendment states that one cent of the prevailing tax be used, so that would be one cent of a three-cent tax which is now the transient tax. If it should go to four per cent or three and a half per cent it would still be one cent of the tax.

I would like to call the attention of the Senate to the statement of the Department of Commerce that the six states in the United States that do the most tourist business do one-third of the manufacturing, showing that by getting tourists into a state if the tourist likes the state he can well build his plant here, so if you vote against a measure such as this you are voting against getting new industry into Maine and increasing the business not only of the hotel owner but of the farmer who supplies the eggs and the barber, all services right on down through to take care of these summer people. You are voting against more taxes going into the treasury of the State of Maine. Certainly I would not want to do that; I would not want to vote against a measure like that. Thank you.

The PRESIDENT: The question is on the motion of Senator Lovell of York to substitute the bill for the report, and a division has been requested.

A division of the Senate was had.

Ten having voted in the affirmative and eighteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Lovell of York, the Ought not to pass report was accepted.

The President laid before the Senate, the 5th tabled and today assigned item (S. P. 42) (L. D. 102) Bill, "An Act Authorizing Municipal Construction of Industrial Buildings," tabled on April 7 by Senator Farris of Kennebec pending passage to be engrossed; and that Senator yielded to Senator Noyes of Franklin.

On motion by Mr. Noyes of Franklin, the bill was retabled and especially assigned for April 20.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 362) (L. D. 1095) Resolve, Proposing an Amendment to the Constitution Authorizing the Construction of Industrial Buildings," tabled on April 7 by Senator Edgar of Hancock pending passage to be engrossed.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: If the Senate will recall, on Friday of last week I rose not in opposition to this bill but questioning the accuracy of the wording of the referendum question that was to go to the voters. I stated on Friday, and it gives me even more pleasure today in view of what has just happened, that I am in hearty approval of Senator Lovell's bill; I think it is a good bill and I shall vote for it, but pursuant to the objection which I raised on Friday I now offer Senate Amendment "A" and move its adoption.

The Secretary read Senate Amendment A which was adopted, and the bill as amended was passed to be engrossed.

The President laid before the Senate the 6th tabled and today assigned item (H. P. 921) (L. D. 1269) Bill, "An Act Defining Contract of Life Insurance," tabled on April 7 by Senator Edmunds of Aroostook pending enactment; and on motion by Mrs. Christie of Aroostook the bill was retabled, and especially assigned for tomorrow.

The President laid before the Senate the 7th tabled and today

assigned item (S. P. 200) (L. D. 533) Bill, "An Act Relating to Hospitalization of Persons Suffering from Excessive Use of Alcohol," tabled on April 7 by Senator Chase of Lincoln pending enactment; and on further motion by the same Senator the bill was passed to be enacted.

The President laid before the Senate the 8th tabled and today assigned item (S. P. 353) (L. D. 1086) Bill, "An Act to Clarify the Liquor Laws," tabled on April 11 by Senator Stilphen of Knox, pending adoption of Senate Amendment B; and on further motion by the same Senator, Senate Amendment B was adopted and the bill tomorrow assigned for second reading.

The President laid before the Senate the 9th tabled and today assigned item (H. P. 869) (L. D. 1204) House Report, Ought to pass in new draft and under new title of "An Act Establishing Educational Requirements for Insurance Agents and Brokers"; (H. P. 1080) (L. D. 1488) from the Committee on Business Legislation on Bill, "An Act Establishing Educational Requirements for Insurance Agents, Brokers and Adjusters," tabled by Senator Parker of Piscataquis on April 11 pending motion by Senator Ferguson of Oxford to accept the report.

Mr. PARKER of Piscataquis: Mr. President, at the time I tabled this yesterday and assigned it for today, I had little knowledge of how much time it would take to become somewhat more familiar with the bill. I find at this time that I have not been able to accomplish my purpose and I would ask that the bill be retabled for one week from today at which time I think perhaps I can have either an amendment or move that it ought to pass.

The motion prevailed and the bill was retabled and especially assigned for Wednesday next.

The President laid before the Senate the 10th tabled and today assigned item (H. P. 9) (L. D. 28) House Report, Ought not to pass from the Committee on Tax-

ation on Bill, "An Act Relating to Taxation of Goats," tabled on April 11 by Senator Carpenter of Somerset pending consideration; and on motion by Mr. Sampson of Somerset, the bill was retabled.

On motion by Mr. Brown of Hancock, the Senate voted to take from the table the 58th tabled and unassigned item, (H. P. 916) (L. D. 1250) Bill, "An Act Relating to Warning Lights on Motor Vehicles," tabled on March 31 by Senator Brown of Hancock pending passage to be engrossed, and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Edgar of Hancock, the Senate voted to take from the table the 70th tabled and unassigned item (S. P. 134) (L. D. 317) Senate Report, Ought not to pass, from the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing State Aid to Municipalities that Purchase Voting Machines," tabled on April 7 by Senator Edgar of Hancock pending acceptance of the report; and that Senator yielded to the Senator from Kennebec, Senator Gilbert.

Mr. GILBERT of Kennebec: Mr. President, if I am correct it seems from the paper that several days ago when this matter was tabled that I expressed myself in such a way that after having had the consent of the members of this committee that this bill be tabled it was tabled. However, this is not a bill appropriating money, it is one pertaining to constitutional laws, therefore I hope that this bill will be recommitted and I so move.

The motion prevailed and the bill was referred to the Committee on Industrial and Recreational Development.

On motion by Mr. Erwin of York, the Senate voted to take from the table the 50th tabled and unassigned item (S. P. 291) (L. D. 902) Bill, "An Act Relating to Acquisition and Compensation for Land Taken for Highway Purposes," tabled on March 29 by Senator Erwin of York pending passage to be engrossed.



Mr. ERWIN of York: Mr. President, before I make my motion I would like to address a few remarks to the problem involved here.

The bill was sent out of the Judiciary Committee as amended by Committee Amendment "A" and since that time Mr. Nelson of the Highway Department, who drafted this bill, which is incidentally an excellent bill, found one or two minor errors in the language which they wished to correct with regard to costs and compensations to public utilities in land damage cases. Therefore, Mr. President, I move that we reconsider our action whereby we adopted Committee Amendment "A".

Thereupon, under suspension of the rules, the Senate voted to reconsider its action whereby it adopted Committee Amendment A; and on further motion by the same Senator, Committee Amendment A was indefinitely postponed.

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

Senate Amendment A was read and adopted and the bill was passed to be engrossed.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 55th tabled and unassigned item (H. P. 826) (L. D. 1141) Bill, "An Act Relating to Holding of Property by Nonprofit Corporations Operating Educational Television or Radio Stations," tabled on March 31 by Senator Farris of Kennebec pending assignment for second reading.

Mr. FARRIS of Kennebec: Mr. President, I wish to present an amendment to this legislative document but before I present it I think an explanation is in order and that it might save a little time if I explain it now.

There was no question in the committee but what this is a very meritorious piece of legislation. Briefly, the three private colleges in the State of Maine, Colby, Bowdoin and Bates, were farsighted enough to acquire Channel 10, which will be an educational channel. I want to explain further that this educational television channel is in no way correlated to the ed-

ucational television appropriation measure which is now pending before this legislature. At the present time these three colleges plan to go ahead and will develop their own stations and will be able to service about fifteen per cent of the population of this State on matters pertaining to education through means of television; and then of course if we do enact legislation whereby we have the facility at the University of Maine this will be a channel which will be used in conjunction with that between eastern and western Maine so that we do get statewide coverage.

When this bill was presented before the committee the sponsors neglected to take into consideration the fact that this is a non-profit corporation and that installing this facility in these three colleges there would be some sales tax to be paid. Now plans are going ahead very rapidly; the money is raised, or a sufficient amount of money has been pledged so that this station can be in operation this coming fall.

Now our colleges in the State are tax-exempt, so one provision of this amendment would be to provide a tax exemption. When I say "tax exempt" I mean tax exempt for purchases of items under the sales tax. As I say, there is about \$300,000 by these three colleges to be spent and one portion of the amendment is to make it possible for them to proceed with the money which they have, obtain the facilities and buy the equipment and be tax-exempt as are the colleges and other non-profit institutions.

The second portion of the amendment will be self-explanatory; it is merely an emergency clause, and it is now being proposed due to the fact that the money has been raised or a sufficient amount has been raised so that they may proceed and have this television station in operation this coming fall.

I present Senate Amendment "A" and move its adoption.

The Amendment was read, and on motion by Mr. Farris of Kennebec, the bill was laid upon the table pending adoption of Senate Amendment A, and the amendment was ordered reproduced.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table the 2nd tabled and unassigned item (H. P. 69) (L. D. 111) Resolve in Favor of R. E. Hopkins of Hampden, tabled on February 7 by Senator Cole of Waldo pending passage to be engrossed.

Mr. COLE of Waldo: Mr. President and members of the Senate: This is without doubt a good morning to take this bill from the table because it is very evident what may happen from the results of another bill we discussed this morning.

This particular one asks for \$1000 damage. The original claim on this resolve was for \$1000 and the committee amendment provides for the State to pay \$500. You will note that the State has already paid \$225 in full and complete settlement, which would include damages by reason of change in grade and other damages. Now on October 2, 1958 the sum of \$225 was paid and he executed a document which included releases for land, slope and easements. I will quote from the deed: "The State of Maine, its successors and assigns, from any claims and rights of action, past present and future, both in law and in equity of any nature whatsoever, arising from or in consequence of said taking, and from any construction in or over the premises so taken in carrying out the construction of the project in the taken area, including any change in grade and or widening of the highway and or drainage or extension of slopes of said highway on land of grantor outside the limits of the highway location."

That is recorded in the Registry of Deeds, Penobscot County, October 9, 1958, Volume 1645, Page 389.

The statement was made at the hearing by the representative who introduced the resolve that because Mr. Hopkins was eighty years of age and partially paralyzed he did not realize that he was signing a full and complete release for the \$225. Also, the driveway did have a dip in it, and it may be that the committee decided to take the \$500 payment to correct the driveway, although there would be no legitimate claim against the State

of Maine for additional funds for this purpose.

Incidentally, Mr. Hopkins has now since passed away. This is another one of those resolves where I question whether it is wise for the Senate to continue to pay additional amounts once a complete release has been signed. Therefore, Mr. President, I move indefinite postponement of the resolve.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: I believe this was reported out unanimously "Ought to pass" as amended by the committee amendment for \$500, cutting it in half from the \$1000. We realized at the time of the hearing that this gentleman had since passed away, and I believe it is true that his housekeeper inherited the real estate in question. We felt that the claim for \$1000 was too much but that \$500 would adequately fix up the driveway because of the extreme grade left by the highway.

I think that the revision of the law for settling of damage claims by the Highway Department will take care of this type of thing. We are going to be faced with it in the next several weeks on a couple of other claims that came before the Claims Committee. As in the case of Mr. Woods of Calais, prior to construction it is all well and good to settle claims, but it is something like committing yourself to have a hundred-dollar suit made and after it is all made you find that is too big and so the tailor makes alterations or you do not buy the suit. Often after the job is done the damage is more than was indicated in advance would be done, so the damage to the property actually can be rectified, in the opinion of the committee and the opinion of Mr. Bradford who was there, by this \$500, which is just half of the original request. It is a very dangerous place. One accident where a car had to take a run out of this extreme slope and come up into the highway in rapid motion could be hit by a car coming along the main road traveling at even the regular speed — one bad accident like that would certainly not be worth turning down the \$500 grant

in this case where the entire committee felt it was justified.

When the vote is taken I move for a division.

The PRESIDENT: The question is on the motion of Senator Cole of Waldo that the resolve be indefinitely postponed.

A division of the Senate was had. Fourteen voted in the affirmative and fourteen opposed.

The PRESIDENT: The Chair will vote in opposition to the motion of Senator Cole.

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

Thereupon, on motion by Mr. Porteous of Cumberland the resolve was passed to be engrossed, in concurrence.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table the 46th tabled and unassigned item (H. P. 315) (L. D. 467) House Report, Ought to pass in new draft, same title: (H. P. 1089) (L. D. 1500) from the Committee on Judiciary on Bill, "An Act Relating to Examination of Alleged Insane Criminals before Municipal Courts," tabled on March 29 by Senator Bates of Penobscot pending acceptance of the report; and on further motion by the same Senator the Ought to pass in new draft report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 27th tabled and unassigned item (H. P. 36) (L. D. 70) House Report, Ought to pass in new draft and Under New Title of "An Act Relating to Disposition of Certain Fees of Registers of Deeds and Registers of Probate" (H. P. 1063) (L. D. 1461) from the Committee on Towns and Counties on Bill, "An Act Relating to Disposition of County Fees and Charges," tabled on March 22 by Senator Wyman of Washington pending acceptance of the report; and on further motion by the same Senator, the bill was recommitted to the Committee on Towns and Counties.

The PRESIDENT: The Chair would like to state that in the gallery we have had twenty-nine students from the 7th and 8th grades of the Northport school, accompanied by Sewall Weeks, Principal. It is unfortunate that I could not introduce these young folks because of the fact we were debating a subject. I would like to have the Senator from Waldo, Senator Cole, mail a copy of the record to these two grades in the school. Thank you, Senator Cole.

On motion of Mr. Noyes of Franklin,

Adjourned until 9:30 A.M. tomorrow.