

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

Friday, April 28, 1961

Senate called to order by the President.

Prayer by Rev. Kenneth Brookes of Augusta.

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

On motion by Mr. Noyes of Franklin, out of order and under suspension of the rules,

ORDERED, the House concurring, that when the Senate and the House adjourn, they adjourn to meet on Tuesday, May 2nd, at ten o'clock in the morning. (S. P. 534)

Which was read and passed.

Sent down for concurrence.

The PRESIDENT: We have in the Senate Chambers this morning two guests. The Chair would like to introduce Kathy Brooks, daughter of Senator Brooks of Cumberland, and the Chair will ask Senate Page, Miss Beauchaine to escort Kathy to her chair in order that she may act as Honorary Page for the day. On my left is Charles David Hillman and the Chair would ask Senate Page Mrs. Foster to escort him to a chair so that he may act as Honorary Page for the day. This takes a little time but these youngsters will never forget the opportunity that they have had. (Applause)

The Chair will now declare a recess to the sound of the gong.

After Recess

Senate called to order by the President.

Papers from the House

Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963 (S. P. 522) (L. D. 1546)

In Senate, April 18, passed to be engrossed.

Comes from the House, Passed to be engrossed as amended by House Amendment B in non-concurrence.

In the Senate:

Mr. DAVIS of Cumberland: Mr. President, I move that the Senate recede and concur.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, before I make a motion regarding this item I would like to briefly say that we are concerned here with a very great amount of money and a very important piece of legislation as far as this legislative session is concerned. I am very much concerned about certain areas of this document, primarily the Preamble and therefore, Mr. President, I move that this L. D. 1546 be tabled and especially assigned for Tuesday next.

Mr. DAVIS of Cumberland: Mr. President, I request a division on the tabling motion.

A division of the Senate was had. Seven having voted in the affirmative and twenty-two opposed, the motion to table did not prevail.

The PRESIDENT: The question now before the Senate is on the motion of Senator Davis of Cumberland to recede and concur.

The motion to recede and concur prevailed.

On motion by Mr. Davis of Cumberland, sent forthwith to the engrossing department.

The PRESIDENT: The Chair recognizes in the Senate Chambers a former Senator, a man whom we all hold in high regard and the Chair would like to have the Sergeant-at-Arms escort to the rostrum former Senator from Aroostook, Senator Briggs. (Applause)

I am sure that the Senate would like to hear a few words from you, Jim.

FORMER SENATOR EZRA BRIGGS of Aroostook: Mr. President and members of the Senate, this is another one of those engaging opportunities to say something profound to a group of people who are down here laboring under all these difficult questions, and I am sure not very anxious to hear from some Senator who has been retired under a forced draft. However, it is always a pleasant opportunity to say something, especially about the field of wild life—I don't know if it is the same wild life that all the Senators

are currently interested in or not. You are going to be faced during the regular progress of this session with a lot of momentous questions pertaining to our natural resources and our game and fish and it doesn't seem to matter a bit whether we all think that these questions could be better handled by some governmental agency, because in spite of our thinking in this regard, the events seem to proceed exactly as they have over the past two or three thousand years, or however long they have been in operation. The same thing seems to apply to other important matters—I know you will consider them important — in natural resources conservation with the wide use of our valuable Maine resources. We have as an example the very important question of water conservation. Very few of our state agencies are burdened with the complexity and the political shenanigans of legislative review, but the water questions are kept on that vein regardless of whether or not you all agree the public utilities commission operates pretty well without having this sort of function. I just don't know how you do make any progress in this Body, not having had enough experience to really determine that. I am sure you are all here just for that and I know that you are doing a good job. I appreciate what you are doing for us and I want again to take this fine opportunity to wish you well and tell you how nice it is to be back. Thank you especially for listening to my valuable remarks. (Applause)

The PRESIDENT: Not all of us agreed with Jim all the time we served together in the Senate, but every one of us knew he was a dedicated man. We miss you, Jim.

The Secretary will proceed.

Bill, "An Act Providing for Local Option to Transport School Children to Other Than Public Schools Without State Subsidy." (S. P. 377) (L. D. 1188).

In Senate, April 19, passed to be engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendments C and D in non-concurrence.

In the Senate:

Mr. GILBERT of Kennebec: Mr. President, members of the Senate and distinguished guests, I rise here to say a few words pertaining to this bill. Number one, I would like the members of the Senate to be informed that it said in the newspaper this morning that I am an angry Senator. That is not so. I don't believe I have ever been angry in my life.

Pertaining to this bill, you have certain feelings about certain things, principally concerning a bill of the type of L. D. 1188 which was carried out from the very start in January. This bill, I believe, was checked and double checked, approved by the party platform, approved by the attorneys and every line was checked according to the Constitution and the Courts. I must say that we cannot call this a party bill. Our opposition, our good friends the Democrats, had such a bill on their platform. Therefore, this is one of the rare occasions where both parties have agreed to one bill. In other words, all the members of both Houses, after having heard the first and second reading here in the Senate and the first, second and third readings in the House, have agreed to give the people of the State of Maine this bill. At certain points, amendments were attached to it. I certainly will want to go on record as the sponsor of this bill that we are giving something to the people of the State of Maine. We want to give them something, but then again, see if you can take it. It amounts to just about this. When such amendments as that one of yesterday, on a two-thirds basis comes about, I do not favor it. Having been in sports all of my life, regardless whether it was a player, coach or manager, I certainly felt that never at any time would we allow one man to be thrown against two. That is most unfair. It is vicious and it should not be. It is hard enough to get along on a fifty-fifty basis regardless of extras. In going along with this bill, I count on the wisdom of this Chamber and the fairness of the members of this Senate in regard to this so-called two-thirds amendment D attached to the bill yester-

day, to support me in my motion to indefinitely postpone this Amendment D. My reason for doing it is based strictly on honesty. Let's be fair with the people. We are going to give them something. Let's give them a chance to take it. Thank you, gentlemen.

The PRESIDENT: The question is on the motion of Senator Gilbert of Kennebec, that House Amendment D be indefinitely postponed.

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

A division of the Senate was had.

Twenty-three having voted in the affirmative and seven opposed, the motion to indefinitely postpone House Amendment D prevailed.

Thereupon, on motion by Mr. Gilbert of Kennebec, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment C was read and adopted.

Thereupon, on motion by Mr. Farris of Kennebec, the bill was tabled pending passage to be engrossed and was especially assigned for Tuesday next.

Bill, "An Act Relating to Acquisition and Compensation for Land Taken for Highway Purposes" (S. P. 291) (L. D. 902)

In Senate, April 12, passed to be engrossed as amended by Senate Amendment A.

Comes from the House, passed to be engrossed as amended by Senate Amendment A, and as amended by House Amendment A, in non-concurrence.

In the Senate, on motion by Mr. Erwin of York, the bill was laid upon the table pending consideration.

JOINT ORDER, Relative to Consolidated Bill S. P. 528 on Salaries of County and Municipal Officers.

In Senate, April 26, read and passed.

Comes from the House, read and passed, as amended by House Amendment "A" (Filing H-233) in non-concurrence.

In the Senate, on motion by Mr. Wyman of Washington, the Senate voted to recede and concur.

Bill, "An Act Regulating Lobster Traps on Trawls." (H. P. 900) (L. D. 1234)

Comes from the House, recalled from Legislative Files by Joint Order H. P. 1141, and recommitted to the Committee on Sea and Shore Fisheries in non-concurrence.

In the Senate, that Body voted to recommit the bill in concurrence.

Approved by Majority of the Committee on Reference of Bills

Bill, "An Act Increasing the Authorized Indebtedness of the Lincoln Water District and Clarifying its Power to Borrow." (H. P. 1139) (L. D. 1572)

Comes from the House, referred to the Committee on Public Utilities, and ordered printed.

In Senate, referred to the Committee on Public Utilities in concurrence.

Resolve, in Favor of Walter Lanouse of Limerick. (H. P. 1134) (L. D. 1565)

Comes from the House, referred to the Committee on Claims and ordered printed.

In Senate, referred to the Committee on Claims in concurrence.

House Committee Reports Change of Reference

The Committee on Judiciary on Bill, "An Act Relating to Preservation of Essential Records Against Destruction in Event of a Disaster." (H. P. 989) (L. D. 1376) reported that the same should be referred to the Committee on State Government.

Leave to Withdraw

The Committee on Taxation on Bill, "An Act Exempting Certain Fraternal Societies from Property Taxes." (H. P. 946) (L. D. 1294) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Resolve, in Favor of St. Andrews Hospital of Biddeford. (H. P. 467) (L. D. 667) reported that the same Ought not to pass.

The Committee on Taxation on Bill, "An Act Increasing Taxation

of Insurance Companies." (H. P. 1031) (L. D. 1432) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

(At this point, at the request of the President, Mr. Edgar of Hancock assumed the Chair)

Ought to Pass — As Amended

The Committee on Judiciary on Recommended Bill, "An Act Relating to Powers of Arrest by Inland Fish and Game Wardens." (H. P. 491) (L. D. 691) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-217)

The same Committee on Bill, "An Act Revising Certain Probation and Parole Laws." (H. P. 498) (L. D. 697) reported that the same Ought to pass, as amended by Committee Amendment "A"; (Filing H-218)

The same Committee on Bill, "An Act Amending the Juvenile Offender Law." (H. P. 499) (L. D. 698) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-219)

The Committee on Legal Affairs on Bill, "An Act to Amend the City of Bath." (H. P. 680) (L. D. 958) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-216)

The same Committee on Bill, "An Act to Grant a New Charter for the Town of Falmouth." (H. P. 690) (L. D. 968) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing L. D. 1561)

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

Ought to Pass — New Draft

The Committee on Judiciary on Bill, "An Act Relating to Search and Seizure of Vehicles Containing Liquor." (H. P. 816) (L. D. 1131) reported that the same Ought to pass in New Draft, under Same Title (H. P. 1135) (L. D. 1562)

The Committee on Legal Affairs on Bill, "An Act Creating a Civil

Service Commission for City of Biddeford." (H. P. 689) (L. D. 967) reported that the same Ought to pass in New Draft, under a New Title: "An Act to Provide for a Civil Service Commission for the Fire Department of the City of Biddeford." (H. P. 1133) (L. D. 1560)

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

Indefinitely Postponed

The same Committee on Bill, "An Act Relating to Unprotected Wells." (H. P. 256) (L. D. 370) reported that the same Ought to pass in New Draft under the Same Title (H. P. 1131) (L. D. 1558)

Comes from the House, report read and accepted and the Bill subsequently indefinitely postponed.

In the Senate, on motion by Mr. Boardman of Washington, the bill was tabled pending acceptance of the report.

REPORT "A" — Ought to Pass in New Draft

REPORT "B" — Ought Not to Pass

Five members of the Committee on Labor on Bill, "An Act Making Unlawful Picketing Violence Which Prevents Delivery of Necessary Supplies or Services." (H. P. 150) (L. D. 213) reported in Report "A" that the same Ought to pass in New Draft, under New Title: An Act Relating to Plant Protection. (H. P. 1114) (L. D. 1536)

(Signed)

Senators:

MAYO of Sagadahoc
EDMUNDS of Aroostook

Representatives:

HANCOCK of Nobleboro
HARDY of Hope
WINCHENPAW

of Friendship

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

(Signed)

Senator:

COUTURE of Androscoggin

Representatives:

BROWN of South Portland
JOBIN of Rumford

BOISSONNEAU
of Westbrook
THAANUM of Winthrop

Comes from the House, Report "A" — Ought to Pass in New Draft accepted, and the Bill passed to be engrossed, as amended by House Amendment "A" (Filing H-232)

In the Senate:

On motion by Mr. Mayo of Sagadahoc, the ought to pass Report A was accepted and the bill read once; House Amendment A was read and adopted in concurrence.

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

Mr. COUTURE of Androscoggin: Mr. President, I move that the bill be tabled pending adoption of Senate Amendment A.

Mr. MAYO of Sagadahoc: Mr. President, I ask for a division on the tabling motion.

A division of the Senate was had.

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

The PRESIDENT pro tem: The question now before the Senate is the motion of Senator Mayo that Senate Amendment A be adopted. Is this the pleasure of the Senate?

Mr. COUTURE of Androscoggin: Mr. President, the Senate has refused to permit this to be tabled so we can have a chance to read it. I think at least it should be read.

The Secretary read the entire amendment.

The PRESIDENT pro tem: The Chair will declare a short recess to give the Senator an opportunity to study the amendment.

After Recess

Senate called to order by the President.

Thereupon, Senate Amendment A to L. D. 1536 was adopted and the bill was tomorrow assigned for second reading.

The PRESIDENT: The Chair would like to thank Senator Edgar for taking the rostrum. (Applause)

MAJORITY — Ought to Pass as Amended by Committee Amend. "A"

MINORITY — Ought Not to Pass

The Majority of the Committee on Labor on Bill, "An Act Relating to Petition for Review of Incapacity Under Workmen's Compensation Act." (H. P. 506) (L. D. 705) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-189)

(Signed)

Senators:

MAYO of Sagadahoc
EDMUNDS of Aroostook

Representatives:

WINCHENPAW
of Friendship
HANCOCK of Nobleboro
BROWN of South Portland
BOISSONNEAU

of Westbrook
JOBIN of Rumford
HARDY of Hope
THAANUM of Winthrop

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

(Signed)

Senator:

COUTURE of Androscoggin

Comes from the House, Majority, Ought to pass as amended report accepted, and the Bill passed to be engrossed, as amended by Committee Amendment "A" (Filing H-189)

In the Senate, on motion by Mr. Mayo of Sagadahoc, the Majority Ought to Pass report was accepted in concurrence, the bill read once, Committee Amendment A read and adopted, and the bill tomorrow assigned for second reading.

MAJORITY — Ought to Pass

MINORITY — Ought Not to Pass

The Majority of the Committee on Legal Affairs on Bill, "An Act Providing for the Union of the Towns of Mars Hill and Blaine as one Municipality." (H. P. 412) (L. D. 587) reported that the same Ought to pass.

(Signed)

Senators:

LORD of Cumberland
NOYES of Franklin

Representatives:

BERMAN of Houlton
BERRY of Cape Elizabeth
STEWART of Presque Isle
BRIGGS of Portland

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

(Signed)

Senator:

FARRIS of Kennebec

Representatives:

SPROUL of Bristol
KNAPP of Yarmouth
KELLAM of Portland

Comes from the House, Majority Report, Ought to Pass accepted, and the Bill passed to be engrossed.

In the Senate:

Mr. FARRIS of Kennebec: Mr. President, this is not an issue of any great moment but I do think it should be explained to the Senate. This matter pertains to Aroostook County, or two towns in Aroostook County and I have no strong feeling one way or the other on the issue. The only person that appeared in favor of this measure was the sponsor who resides in Mars Hill and in opposition was the selectman of the town of Blaine. In one weekend they had picked up signatures of 192 persons. There are only 360 voters in the town of Blaine and these 192 persons who signed the petition are on the legal list of voters for that community. They felt that their town was so much opposed to this proposition that they did not wish to have it brought up to them and to stir up the entire community. That was the reason that four on the Committee on Legal Affairs signed the Ought not to pass report. At this time I would yield to any Senator from Aroostook County who may have any interest in this matter. I personally do not care what happens to the bill.

Mr. EDMUNDS of Aroostook: Mr. President, I am not overly familiar with this matter. However, I do believe that this bill provides that both Blaine and Mars Hill in referendum would have to agree to this union. Therefore in order to keep the measure alive I will move to accept the ought to pass report of the committee.

The motion prevailed, the Ought to pass Majority Report of the Committee was accepted, the bill read once and tomorrow assigned for second reading.

REPORT "A" — Ought to Pass REPORT "B" — Ought Not to Pass

Five members of the Committee on Towns and Counties on Bill, "An Act Providing for Additional Washington County Taxes for the Year Nineteen Hundred and Sixty-one." (H. P. 1108) (L. D. 1532) reported that the same Ought to pass.

(Signed)

Senator:

WYMAN of Washington

Representatives:

MacGREGOR of Eastport
BEANE of Moscow
DANES of South Portland
TWEEDIE of Mars Hill

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

(Signed)

Senators:

ERWIN of York
PIKE of Oxford

Representatives:

BAKER of Orrington
SHAW of Chelsea
JONES of Farmington

Comes from the House, Reports and Bill Recommitted to the Committee on Towns and Counties.

In the Senate, the reports and bill were recommitted to the Committee on Towns and Counties in concurrence.

Senate Committee Reports

Mrs. Lord from the Committee on Legal Affairs on Bill, "An Act Relating to Inspection and Exemptions in Boilers and Unfired Steam Pressure Vessels Law." (S. P. 91) (L. D. 187) reported that the same Ought not to pass.

The same Senator from the same Committee on Recommended Bill, "An Act Relating to Steam Engineers and Firemen." (S. P. 116) (L. D. 261) reported that the same Ought not to pass.

Which reports were read and accepted.

Sent down for concurrence.

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

The Majority of the Committee on Labor on Bill, "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (S. P. 378) (L. D. 1189) reported that the same Ought not to pass.

(Signed)
Senators:

MAYO of Sagadahoc
EDMUNDS of Aroostook

Representatives:

HANCOCK of Nobleboro
WINCHENPAW
of Friendship
THAANUM of Winthrop
BROWN of South Portland
JOBIN of Rumford
HARDY of Hope
BOISSONNEAU
of Westbrook

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

(Signed)
Senator:

COUTURE of Androscoggin

On motion by Mr. Mayo of Sagadahoc, the Majority Ought not to pass report was accepted.

Sent down for concurrence.

Second Readers

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

Resolve, in Favor of Maine Society of the Sons of the American Revolution. (H. P. 291) (L. D. 443)

Bill, "An Act Relating to Fees of Certain Sheriffs for Service of Criminal Process." (H. P. 427) (L. D. 602)

Bill, "An Act to Ratify and Confirm the Incorporation of the Lewiston and Auburn Society for the Prevention of Cruelty to Animals." (H. P. 607) (L. D. 824)

Bill, "An Act to Increase the Indebtedness of the Town of Poland School District." (H. P. 1086) (L. D. 1506)

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

House — As Amended

Bill, "An Act Relating to Compensation of Chief Deputy Sheriffs Performing Special Duties." (H. P. 168) (L. D. 231) amended by Committee Amendment "A" (Filing H-212)

Resolve, Authorizing Completion and Printing of a Digest of the Opinions of the Law Court. (H. P. 184) (L. D. 280) amended by Committee Amendment "A" (Filing H-210)

Bill, "An Act Relating to Participation by the State of Maine in the 1964-65 New York World's Fair." (H. P. 377) (L. D. 552) amended by Committee Amendment "A" (Filing H-211)

Bill, "An Act Classifying Certain Tidal Waters, Cumberland County." (H. P. 1014) (L. D. 1415) amended by Committee Amendment "A" (Filing H-115)

Bill, "An Act Relating to Licenses and Fees Therefor by Running Horse Racing Commission." (H. P. 827) (L. D. 1142) amended by Committee Amendment "A" (Filing H-213)

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

Senate

Bill, "An Act Relating to Disposition of Mentally Ill Juveniles Guilty of Juvenile Offenses." (S. P. 228) (L. D. 633)

Bill, "An Act to Increase the Indebtedness of the Fort Fairfield Utilities District." (S. P. 510) (L. D. 1533)

Resolve, Appropriating Money for the Establishment of a School of Practical Nursing in Portland or Vicinity. (S. P. 530) (L. D. 1564)

Bill, "An Act Relating to County Appropriations for Industrial Development." (S. P. 531) (L. D. 1570)

Bill, "An Act Establishing Fees to be Collected by Registers of Probate." (S. P. 533) (L. D. 1571)

Which Bills were read a second time and passed to be engrossed. Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Pollution Abatement." (S. P. 133) (L. D. 316) amended by Committee Amendment "A" (Filing S-139)

Bill, "An Act Relating to Appointment of Examiners of Insane Convicts." (S. P. 170) (L. D. 416) amended by Committee Amendment "A" (Filing S-135)

Bill, "An Act Providing Expanded Community Mental Health Services." (S. P. 191) (L. D. 524) amended by Committee Amendment "A" (Filing S-140)

Resolve, Providing Funds for a Referral Center at Farmington State Teachers' College for Assistance of Teachers." (S. P. 274) (L. D. 875) amended by Committee Amendment "A" (Filing S-138)

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

Sent down for concurrence.

Enactors

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

Bill, "An Act Relating to Number of Members of Superintending School Committees." (S. P. 431) (L. D. 1391)

Which Bill was passed to be enacted.

Resolve, Authorizing the State Military Defense Commission to Convey Certain Land in Hancock County. (S. P. 514) (L. D. 1534)

Which Resolve was finally passed.

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 591) (L. D. 812) House Reports from the Committee on Highways on Bill, "An Act to Authorize the Construction of a Causeway connecting Cousins Island with Littlejohns Island and a Bridge and Causeway Connecting Littlejohns Island with Chebeague Island"; Majority Report, Ought not to pass; Minority Report, Ought to pass; tabled on April 19 by Senator Lord of Cumberland pending motion by Senator Brown of Hancock to accept the Majority Ought not to pass report.

The PRESIDENT: The Chair recognizes Senator Brown of Hancock.

Mr. BROWN of Hancock: Mr. President, I feel as a member of the Highway Committee I should explain why I —

Mr. PORTEOUS of Cumberland: Mr. President, I rise to a point of order. This bill was tabled by Senator Lord.

The PRESIDENT: Will the Senator excuse the Chair?

Mrs. LORD of Cumberland: Mr. President, I would like to speak against the motion of the Senator from Hancock, Senator Brown.

First, I would like to say that this proposed bridge will be a toll bridge, and, secondly I would like to say that the firm of Fay, Spoford & Thorndike, which I think is recognized as one of the most reputable engineering firms in this part of the country, has said that this bridge will pay for itself. Third, I might say that the referendum provision necessarily sends this to a vote of the electorate, so that there is no danger from that. And, last, I would like to read a letter from the people of Chebeague Island:

"The Chebeague Island Bridge Bill has been presented twice to the State Legislature. Each time it passed the House with an overwhelming majority, and lost in the Senate, the first time by one vote and the second time by two votes."

The faith and spirit of our people was not defeated; assistance came from business men in Portland and many civic organizations throughout the State, who have been in favor of this bridge from the beginning.

When we acquired 30,000 signatures, we were faced with another discouraging decision,— "That due to the large vote for Governor in 1960 we needed 42,000 names." We were greatly discouraged but persevered and obtained over 55,000 names, which due to careless signing by three Town Clerks, reduced the amount to less than the required number.

The people on the islands in Casco Bay placed great hope in the fact that a bridge to Chebeague Island would herald the dawn of a new day, and trigger economic forces into action, the impact of which would be felt throughout the entire State. You can well imagine the great gloom and heartfelt disappointment which fell over this entire area when we learned that these minor errors had disqualified

enough signatures to defeat initiating the Referendum by approximately 2,200 names.

We trust that all members of the 100th Maine Legislature will be greatly influenced by what can honestly be described as "The Will of the People", and pass the Chebeague Island Bridge Bill so that it can be placed on Referendum, permitting the people of the entire State to express their approval or disapproval of this long needed project."

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: I would like to rise in support of Senator Lord, my colleague from Cumberland County, whose sincerity in promoting the Chebeague Island bridge is as much as that of my colleagues and all people from that area who recognize the importance of such a bridge to this area; not only to this area but to the entire southwestern part of the State.

One of the great desires of our people when they are spending their recreational time is to get out in their cars and drive along our highways, and while they are driving one of their other great desires is to go along by the salt water. Now between, roughly Old Orchard Beach and Freeport, there are only about three or four places that the public can get out and drive near the salt water. I feel that with the thousands of people who desire this form of recreation that they will certainly be afforded a greater area in which to exercise it if this bridge is built. This is a very large island and it is on the borderline of the greatest concentration of population in the State.

The only argument that I have seen advanced against this bridge that has any validity at all in my opinion is that the traffic would not be sufficient to pay for this bridge by the tolls. With 200,000 people living within driving distance of this bridge for a day of recreation, and with the assurance of the town officials that park facilities will be established out there, I think that this objection can be safely set aside and that we can be assured that, unlike some bridges in the state on which the experience with

tolls has not been good, that this bridge will satisfy the requirements and that the tolls will pay for the bridge and that it will be a great service to the people of this area and to tourists coming here from all over the country.

Mr. BROWN of Hancock: First, I would like to apologize to Senator Lord for taking over on her pending motion.

I feel as a member of the Highway Committee that I should explain why I signed the majority "Ought not to pass" report. My reasons are based on one fact: I personally felt that the bridge would never be self-supporting, due to the fact that the interest would be approximately \$125,000 a year and it is reasonable to expect this bridge would cost the people of the State of Maine \$180,000 a year for fifty years and the expense would be a recurring expense every year. With all the highways that we are desperately in need of, I do not feel we can afford to divert the money from our highways.

Mr. LOVELL of York: Mr. President, I rise in support of the good Senator from Cumberland County, Senator Lord, in regard to the building of this bridge. I think I am a little more of a speculative nature than Senator Brown is; I feel that our tourist business and our influx of summer visitors within the next year or two, three or four years will much more than pay for the needed money from tolls on this bridge. I certainly feel that it is a very progressive step for that particular area of the State which is doing probably more tourist business than any other area of the State, and the increase in gas tax to the Highway Department will be a great deal, and with the tolls, which I feel very confident — I admit it is a slight gamble — but I feel very confident that the tolls will more than pay for this bridge and that it will not cost the State any money at all.

Mr. BROOKS of Cumberland: Mr. President, I rise in support of my two colleagues.

I would like to emphasize again the fact that Fay, Spofford & Thorndike in their report state that this bridge would be a paying proposition.

I would, for a moment, talk to the bill itself. It simply requests that this Legislature allow the people of this State by referendum to decide whether or not this bridge should be built. I think it is only fair that we here in the Senate should acknowledge the fact that there were 55,000 names on petitions and that through error, honest error, many were disqualified.

Perhaps for some of you gentlemen it is hard to understand why in my area of the State there are not more areas for the public to go to on picnics and for bathing, but, as a matter of record, from Crescent Beach, which has just been opened by the State, to Harpswell, Maine there are no beaches for the public for a distance of approximately fifty miles.

As my good friend, Senator Porteous, has stated, within a radius of ten miles of this shore there are a hundred and forty or a hundred and fifty thousand people.

If this bill is passed and if a referendum is allowed and the people of the State decide they want this bridge, it would not only open up a very large island, namely Chebeague, but also two very important islands leading to Chebeague, namely Cousins Island and Littlejohn Island, so we would be opening up to recreational development three islands within the area. Thank you.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I rise in support of the motion of the Senator from Hancock, Senator Brown, that we accept the "Ought not to pass" report of the committee.

I feel very, very strongly on this that we are getting very much involved in something that will cost the State of Maine a great deal of money. I do not blame the people of Chebeague Island and Cumberland if they can get this causeway and bridge built at the expense of the rest of the people of Maine.

As you know, the population of Chebeague Island is only around 200 people, and I cannot conceive where this would be a paying proposition. I have often wondered why, if it is going to be such a revenue-producing piece of legislation, some

of the bonding houses would not go in on this without having the credit of the State pledged.

We have done this several times, particularly so far as the Beales Island Bridge is concerned. That was more or less of a private thing, and we have seen the population of that island decrease rather than increase over the years since the bridge was built.

As a member of the Highway Committee and also as a citizen of the State of Maine, I would hope that the Senate will go along with the motion of the Senator from Hancock, Senator Brown for the acceptance of the "Ought not to pass" report of the committee.

Mrs. LORD of Cumberland: Mr. President, I would just like to quote again from the Fay, Spofford & Thorndike report. It seems that there is quite a difference between this report and that of the State Highway Commission, and it is understood in this case that the difference would be about ten per cent usually when two firms make these estimates. The figures that Fay, Spofford & Thorndike use show that this bridge will pay itself off in fifty years, pay the bonded indebtedness in fifty years and pay the carrying expenses. They look for an increase and I think the State Highway Commission does not. I think everybody who knows the situation there realizes the potential of this island which is the largest island in the bay, about four miles and about twenty thousand acres. This would give a chance for building new cottages and for expansion. I am sure that if the Senate will go along with this bill they will find it will work out the way this firm has stated.

Mr. COLE of Waldo: Mr. President and members of the Senate: I too rise in support of the motion of my colleague from Hancock, Senator Brown, and also the Senator from Oxford, Senator Ferguson, in support of the committee's stand. I would like to say that this has been debated many times in the past, and, as the good Senator from Cumberland, Senator Lord, has said we had one vote by a slim margin.

In regard to some of the statements that have been made here, I would like to say that the engineering firm of Fay, Spofford & Thorndike is a reliable one, however, the people on the island who hired these consultants were able to pay only a limited sum for this survey, I believe it was \$2500, which, as most of you know, will not give you a complete and thorough survey. However, they did make a survey in proportion to what they had to work with.

First, I would like to say that their comparison in their survey was based entirely on the Bridge Committee report on Chebeague Island. Now the Highway Department questioned the figures that were given to the firm of Fay, Spofford & Thorndike and they made a survey themselves. They found that there were in 1956 308 residents, people on the island. The seasonal population was 660 compared to around 2000 that were in the estimates provided by the Bridge Committee on the island. So there is considerable discrepancy in the figures given to Fay, Spofford & Thorndike, and I am sincere in stating they did what they could with what they had to work with.

Now this firm of Fay, Spofford & Thorndike concluded that at the end of twenty-five years the number of trips on the proposed Chebeague Island bridge would increase from 44,800 the first year to 132,000 the twenty-fifth year. The corresponding figures from the Highway Commission report show 34,000 trips the first year and 69,000 the twenty-fifth year.

While population figures are significant they are not conclusive. However, Fay, Spofford & Thorndike did conclude that at the end of twenty-five years the population of Chebeague Island would have increased from 300 to 1400, or an increase of 360 per cent.

Now all we have to do is to go back, as the good Senator from Oxford, Senator Ferguson, has said, and see what has happened in these other areas where we have constructed bridges. Take, for instance, the Jonesport-Beales Island Bridge. We heard the same argument that this too had a lot of beaches, had

a lot of commercial area for digging clams and one thing and another, and that without doubt there would be factories built on the island if they had a bridge and without doubt these nice, sandy beaches would encourage out-of-state people to come in and buy seasonal property. As you know, the population has decreased even though we did build the bridge. This is also true of Deer Isle. Here is a bridge that is paying for itself, but the population has decreased from 2796 to 2537, so there again it shows that population increase is not a fact.

Now it has been said by the proponents that because this proposed bridge and causeway is near a larger population center that it will pay and amortize the bonds as they become due. I would like to make a little comparison as to the population expansion in that particular area. Now in the town of Falmouth we have experienced an increase in population of 107 per cent; in Cape Elizabeth we have experienced 73.5 per cent, Cumberland, 85.4 per cent, Freeport, 46.7 per cent, Yarmouth, 59 per cent.

Now according to Fay, Spofford & Thorndike we have got to have an increase of around 600 per cent. Now let us be reasonable. If the surrounding towns around our largest city in the State, Portland, have increased at the maximum 107 per cent how is a little island going to increase 600 per cent.

Another thing that we should consider quite thoroughly — and I realize I am taking up time and this bill has been properly lobbied — however I should bring to the attention of the Senate the fact that the rates proposed are \$1.25 each way, which would be \$2.50 a round trip. Now how many people, as the good Senator from Cumberland, Senator Porteous said who would like to go out riding near the seashore would pay \$2.50 to go over onto Chebeague Island, even though I admit it is a pretty island, when they could actually drive up Route 1, up through the most beautiful area on the salt water in the State of Maine — how many of them are going over on the island? And for those who want to go on a

picnic, we have spent considerable money on a beach near Portland and I believe we are to spend much more. We also have one of the finest State parks in the State of Maine at Sebago. If you want to see some good fresh water and some nice sandy beaches, that certainly is the place to go.

Getting back to what the good Senator from Cumberland, Senator Brooks, said, in regard to the referendum question, my only objection to that would be this—and I find it is true: Once we pass a bill giving it our approval and sending it in referendum to the people they invariably vote for it for this reason: They will say, "Well, the Legislature has considered this thoroughly, they have given it their approval." Now personally I do not want a referendum going out to the people of the State of Maine and say that I was one that was in approval of it. Certainly we should give the people the facts, and I hope you will consider the facts that I have given you.

There is one other thing I would like to bring up. You notice on L. D. 630 we have the Bangor-Brewer bridge which has been in operation for some time. It serves a population of over fifty thousand people. Now we are not talking about two hundred people; we are talking about fifty thousand people. You will notice that we are augmenting in that L. D. the sum of \$72,000 from the general highway fund to supplement payment of those bonds. Again, we will go back to the Jonesport-Beales Island Bridge where we are augmenting that particular structure to the tune of \$118,000 per biennium.

In my opinion, if this bridge is constructed, we will stand to spend substantially more than what we are now spending and we will be serving fewer people.

As the good Senator from Oxford, Senator Ferguson said, it was brought out now that the population is not now 300, it is 200. Further inquiry from the superintendent brought out they had 15 high school age and deduct them from the 200, and I ask you seriously: How many do you have left? Thank you.

Mr. LOVELL of York: Mr. President, just a few more words on this bridge.

I think that Senator Cole and the other good Senators have expressed their feelings in regard to the overall picture on the various bridges that we have had in the past. However, I think we are entering in Maine onto a new tourist program that is going to bring a great deal of extra revenue into particularly the six southwestern counties of the State. I will agree that down in Jonesport the tourist business, according to the survey, is quite small. In other words, in Cumberland County there are three times as many tourists in the summertime as there are in the Jonesport area. In the six southwestern counties they have fifty-one per cent of the population and fifty-five per cent of the income of the State. Cumberland County is the highest-valued county in the State and it also has the highest income per capita of any county in the State, and I feel without question that the attraction of this tourist spot is going to bring not only a great many tourists taking that trip for \$1.25, because they have the money in the area, but in addition to that it is going to bring a great deal of settlement to Chebeague Island. We have two towns in York County, Acton and Shapleigh, where the out-of-state people pay eighty per cent of the property taxes in those two towns. And I feel that this bridge will open up a good investment for out of state people which will increase the population in the summertime and as people retire — as you well know, eleven percent of our population is 65 years of age or over and they will retire on this wonderful island where the bridge is going to increase the population. I feel that this is a good investment and I think the Senate should go along with this referendum.

Mr. PORTEOUS of Cumberland: Mr. President, I am sorry to prolong this but I feel that a couple of words of rebuttal are necessary in answer to Senator Ferguson. To point up that his population figures are not valid comparisons actually because if you take the population of Falmouth, for in-

stance, that he quoted at a 107 percent increase since 1940 and approximately 60 percent since 1950, it is a great deal more difficult to go 600 percent on a base of three thousand or four thousand population than it is to go from a 600 percent increase on a base of two or three hundred population.

Twenty-five years ago, I lived in Wildwood in the town of Cumberland and it was a small summer area. I think there was one woman who lived there year round. That is just ten miles out of Portland. Today, with the exception of one or two small cottages, every house, thirty-five or forty of them, are occupied year round and many high class houses have been built there carrying a high valuation. That adds to the taxes of the town of Cumberland. Now I could cite other examples. One area was considered terribly remote thirty years ago but let's remember this. We are not talking about thirty years ago. It is 1961 today. Thirty years ago Princess Point had no population at all. They didn't have water out there and I know of one person at Princess Point in Yarmouth, which is fairly close to Chebeague and would be just about the same driving distance from Portland, and this person has a house out there that must be a fifty or sixty thousand dollar house and pays a good share of taxes.

Another point. That this Chebeague Island from the new Interstate 95 is due to be paved pretty soon, I hope, and is only about two miles. This makes it a driving distance from the Lewiston-Auburn area by way of the turnpike, getting off at Falmouth and coming over the Interstate of about 45 minutes driving time and it makes it just about an hour from here whichever way you go. I might remind Senator Cole that if you figure your driving at ten cents a mile, you are not going to go from the populous area to a beautiful region — and I believe that all Maine is beautiful — I don't make any comparisons as to the beauty of the state. He referred to Sebago as a beautiful state park and that it is. It is a beautiful lake but it is very crowded and anyone who doesn't think we need additional recreational

areas in the populous parts of this state should visit them. Actually go and visit. Don't visit on the 1st of November or on the 1st of April but go and visit on the 1st of July or August and see whether you think that people from the hot and steaming cities need extra recreational areas in the populous parts of the state.

I thank you for bearing with me on this and I hope you will vote in favor of the Chebeague Island Bridge.

Mr. NOYES of Franklin: Mr. President, I hate to rise and prolong this but there has been quite a bit of reference to what was discussed two years ago. First I would like to say that two years ago I voted for the Chebeague bridge and I am certainly going to vote for it today. Now, all of us who have been around here for the last five or ten years have heard a lot of measures and heard a lot of facts and figures that have been recited, all in the negative. I well recall just about ten years ago when we were talking about getting Route 27 improved to the Kingfield ski area and we argued that skiing was something for kids and fools and maybe someday fifty to a hundred years from now maybe a road would be necessary up there and also a bridge. The huge sum of ten thousand dollars was involved. This was not on a bond issue, however. I would like to tell you that today, this last winter, about a half million people traveled that road to Kingfield, that road that we were talking about ten years ago. Speaking only for the Sugarloaf Ski Area we read in the paper the other day that they are going to double their facilities so that they can accommodate 8000 skiers an hour.

It is time that we looked ahead in Maine. It is true that we have the Highway Survey two years ago and the Fay and somebody else's survey on how many people will be living on Chebeague Island. That is not the point. We have the coast of Maine which is one of the greatest bonanzas in the entire east as far as recreational development is concerned and if you don't put in a few bridges and take a little

chance — there is no chance really but look at other states and see what they have done. If they had the beautiful islands that we have in Casco Bay, they would have had bridges on all of them by this time.

So I urge you to look ahead a little bit and see if you can't possibly vote for this measure which twice has passed in the House, and it has only lost in the Senate twice by one or two votes. After all, getting back to the fifty thousand people who signed this petition, it is true that perhaps a few of them didn't know what they were signing and perhaps there were a few technicalities involved, but, as they would say in France, fifty thousand people can't be wrong.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I rise in support of the ought not to pass report of the committee and I assure you I shall be very brief because we have taken up plenty of time already. We have not only discussed bridges but have discussed parks, skiing activities and Sugarloaf and Rangeley and many other places. However, I have two points I would like to have you consider, and I am not a gambler.

First of all, we have an island—and may I say I got these figures yesterday from the State Tax Assessor — we have an island that has a valuation of about two and a half million. That is total real estate and personal. We are proposing to build a bridge to this island that until the bonds are retired at the end of fifty years will cost the state at the best survey that could be made, in the neighborhood of three million dollars in highway funds. These funds we can ill afford to put in such a budget.

Second I have had many letters over the years that we have been debating this bill of a bridge to Chebeague Island, from people who have residences during the summer on the island and they invariably say that they like to live on an island without a bridge. They prefer the quiet and seclusion and if there is a bridge built to the island they will be forced to change their

residence because they do like seclusion and quiet, and with that thought, I hope you will vote to support Senator Brown's motion Ought not to pass.

Mrs. LORD of Cumberland: Mr. President, I do not want to prolong this and will simply ask for a division.

Mr. CHASE of Lincoln: Mr. President and members of the Senate, being a Senator from the coastal region from the great county of Lincoln, I am in sympathy with these Senators from Cumberland. I believe that we in the State of Maine are too complacent about one of our greatest natural resources; one of our greatest opportunities that we have to develop our recreational advantages. We should go ahead and do all that we can to promote this one great natural resource that we do have, our recreational assets.

Mr. PIKE of Oxford: Mr. President and members of the Senate, just about everything has been said that can be said except one thing, and that is ferry service. I would like to ask through the Chair of anyone who cares to answer, who pays for ferry service to Chebeague at the present time.

The PRESIDENT: The Senator from Oxford poses a question to any member of the Senate who cares to answer.

Mr. PORTEOUS of Cumberland: Mr. President, I have been asked about the ferry service to Chebeague and it comes all the way out from Portland and the individuals on the island pay for it. There has been talk about state subsidy with Casco Bay Lines, but one of the difficulties with Casco Bay Lines is that they have to run a boat all the way down there. It is not economical because of the distance out to Chebeague. The distance and the volume of their business to a couple of other islands isn't too bad but the distance to Chebeague is very long.

Mr. COLE of Waldo: Mr. President, I would like to add to that if I may that Casco Bay Lines do have a franchise to the island and I am wondering what the good Senator from Cumberland would do

if he were Chairman of the Claims Committee and they came in and asked for damages?

Mr. PORTEOUS of Cumberland: Mr. President, I had just as soon answer that. If I had to be Chairman of Claims again I might not be back. (Laughter) That of course was in jest. I have enjoyed the work very much but I don't think that they would petition for loss of business because they are not being put out of business. As I said, and I think Senator Cole heard me properly, that the volume of their business is not down this long trip to Chebeague. It is to Peaks Island which is right close by. Some of it to Long Island. They would only lose a small part of their business and wouldn't have any justification for a claim such as in the case of the bay ferry down in this area which was completely put out of business by the ferry service. These are two completely separate situations and not comparable. This is more like the railroad which wants to get out of the passenger business because it is the part of the business they lose money on. I am sure that Casco Bay Lines would agree with me on that.

The PRESIDENT: The question before the Senate is on the motion of Senator Brown of Hancock to accept the Ought not to pass report.

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

Thereupon, on motion by Mrs. Lord of Cumberland, the Senate accepted the Minority ought to pass report, the bill was read once and tomorrow assigned for second reading.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 949) (L. D. 1297) House Reports from the Committee on Transportation on bill, "An Act Relating to Notification for Renewal of Operator's Licenses and Providing for a Two Year License"; Majority report, Ought to pass with Committee Amendment A; Minority Report, Ought not to pass; tabled on April 21 by Senator Stilphen of Knox pending acceptance of either report; and on

further motion by Mr. Porteous of Cumberland, the bill was retabled.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 578) (L. D. 798) House Reports from the Committee on Claims on "Resolve to Reimburse Guy Cyr of Hamlin for Property Damage by Highway Relocation"; Majority Report, Ought not to pass; Minority report, Ought to pass as amended by Committee Amendment A; tabled on April 21 by Senator Parker of Piscataquis pending motion by Senator Cyr of Aroostook for acceptance of the minority report; and Senator Parker yielded to Senator Cyr of Aroostook.

Mr. CYR of Aroostook: Mr. President and members of the Senate, I wish to thank Senator Parker for his courtesy. However, there is a new development in regard to this bill, which I think is quite important and if I may I would like to retable the measure and will take it off as soon as possible.

The motion to retable prevailed.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 497) (L. D. 1496) bill, "An Act Governing Hospitalization of the Mentally Ill; (New Draft of S. P. 283) (L. D. 884) tabled on April 25 by Senator Marden of Kennebec pending assignment for second reading.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate, as a result of conference with the Department of Mental Health and Corrections, and as a result of the opinion of the Justices of the Supreme Judicial Court which kindly suggested a couple of changes, I present Senate Amendment A and move its adoption.

Senate Amendment A was read and adopted and the bill was tomorrow assigned for second reading.

The President laid before the Senate the 5th tabled and today assigned item (H. P. 950) (L. D. 1298) House Report, Ought not to Pass from the Committee on Transportation on bill, "An Act Providing for a Two Year Motor Vehicle Operator's License"; tabled

on April 26 by Senator Porteous of Cumberland pending acceptance of the report.

Mr. PORTEOUS of Cumberland: Mr. President, this Item 5 and Item 2 on the previous page, are interrelated and it is my aim to consolidate the two and therefore it is possible to eliminate one of them and save on future printing. I move the acceptance of the ought not to pass report.

The motion prevailed.

The President laid before the Senate the 6th tabled and today assigned item (H. P. 1121) Joint Order Relative to Recalling L. D. 741, Motor Vehicle Excise Tax from the files; tabled on April 26 by Senator Wyman of Washington pending passage.

Mr. WYMAN: Mr. President and members of the Senate, this bill was heard before the Taxation Committee and reported out ought not to pass in the House, and the Senate accepted the report. I would doubt very much if I would change my mind on it. However, we have recalled a number of bills from the files, and this morning we had a bill on Page 2 on "An Act Regulating Lobster Traps on Trawls", that was recalled. Out of courtesy I would move that the Order receive passage.

The motion prevailed and the Order was passed in concurrence.

The President laid before the Senate the 7th tabled and today assigned item (H. P. 162) (L. D. 225) House Reports from the Committee on Towns and Counties on bill "An Act Relating to Compensation of Medical Examiners for View Without Autopsy"; Majority Report, Ought to pass; Minority Report, Ought not to pass; tabled on April 26 by Senator Wyman of Washington pending acceptance of either report; and that Senator yielded to Senator Davis of Cumberland.

On motion by Senator Davis of Cumberland, the Ought to pass report was accepted and the bill read once.

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

Senate Amendment A was read and adopted, and the bill was tomorrow assigned for second reading.

The President laid before the Senate the 8th tabled and today assigned item (H. P. 1096) (L. D. 1509) bill, "An Act Relating to Initial, Digital and Antique Motor Vehicle Registration Plates"; tabled on April 26 by Senator Marden of Kennebec pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

The President laid before the Senate the 9th tabled and today assigned item (H. P. 501) (L. D. 700) bill, "An Act Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled"; tabled on April 27 by Senator Marden of Kennebec pending passage to be engrossed.

Mr. MARDEN of Kennebec: Mr. President, I move that the Senate reconsider its action whereby it adopted Senate Amendment A.

Mrs. CHRISTIE of Aroostook: Mr. President, may I have the number of the amendment?

The PRESIDENT: The Amendment is S-134.

Mrs. CHRISTIE: Thank you, Mr. President.

Thereupon, the motion of Senator Marden to reconsider adoption of Senate Amendment A prevailed; and the same Senator presented Senate Amendment A to Senate Amendment A.

Which amendment was read and adopted.

Mr. MARDEN of Kennebec: Mr. President, I now move that this bill be passed to be engrossed as amended.

The PRESIDENT: Is it the pleasure of the Senate to adopt Senate Amendment "A"?

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: Typical of a layman who knows nothing about law, I did study the first amendment but have been caught flat-footed on the second amendment. I would like to pose a question through the Chair to the gentleman who is

presenting all of these amendments.

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo, poses a question through the Chair to the Senator from Kennebec, Senator Marden. He may answer if he wishes.

Mr. MAYO: Mr. President, the question is just what priority would other claims against the estate of this person who has the lien of the property — where would the claims under the present law fall into place?

Mr. MARDEN: Under the present law, Senator Mayo, the State Department of Health & Welfare has no lien; it has only a proof of claim which can be and is filed after the death of the beneficiary. This proof of claim has priority over general debts of the deceased but comes after debts of administration, funeral expenses, doctors' bills and so forth. This bill would propose that the Department of Health & Welfare file a lien in the registry of deeds, which would be the same as a mortgage or attachment against the property of the beneficiary, so that before its sale or mortgage or transfer the State would have to be reimbursed for moneys paid out in old age assistance to the beneficiary.

The entire theory behind the thing, in my opinion, is excellent for this reason: The Department of Health & Welfare in its wisdom, instead of insisting that a beneficiary be flat broke before they give them aid under the present law allows them to keep their homestead and does not require them to sell their homestead before giving them financial aid. Having adopted this philosophy, which I believe to be correct, it would seem only fair to the taxpayers of the State that the State be reimbursed insofar as possible by the beneficiary at such time as the property is sold or disposed of or bequeathed to their nephew under their will.

Amendment "A" was to remove from the bill the chief trouble created by this lien provision whereby a title examiner would never know —and when I speak of a title examiner I am speaking of someone who has been retained by all of

us to clear the title before we buy property or borrow money from the bank—it would be impossible for him to tell whether or not the title to this property was clear the way the bill was originally worded. Senate Amendment "A" was intended to do this. Through an error of my own I eliminated by Senate Amendment "A" three clauses which should not have been eliminated, and in my humble way I am trying to correct my own error, following the procedure suggested by the Secretary of the Senate, Mr. Winslow.

The PRESIDENT: Does that answer the question of the Senator from Sagadahoc, Senator Mayo?

Mr. MAYO of Sagadahoc: I think it does, Mr. President, but I would like to ask one more question of the Senator and possibly be more specific.

The PRESIDENT: The Senator may answer if he wishes.

Mr. MAYO: Mr. President, under the present law certain bills against the estate which include the last sickness and doctors' bills and funeral directors' bills now have priority, and my main question is: Will these specific type of bills still maintain their priority prior to the State lien.

Mr. MARDEN: Insofar as the probate records are concerned, yes, Senator, the priority of the death expenses, funeral expenses and administration expenses will still maintain priority.

Mr. MAYO: Thank you, Senator Marden.

Mrs. CHRISTIE of Aroostook: Mr. President, may I ask a question of Senator Marden?

The PRESIDENT: The Senator from Aroostook, Senator Christie, poses a question through the Chair of the Senator from Kennebec, Senator Marden, and that Senator may answer if he wishes.

Mrs. CHRISTIE: This is another dumb Senator, but I wondered if the words "or acquired by him afterwards" in the fourth line of the bill would still be deleted?

Mr. MARDEN: Mr. President, to answer the question of Senator Christie: Under the proposed amendment to the amendment the wording "or acquired by him afterwards" would still be deleted from

the bill, and in my opinion—and incidentally in the opinion of the Judiciary Committee—must be deleted in order to have a legally-effective bill.

Mrs. CHRISTIE: And another question: “and deeds recorded subsequently thereto,” does it delete that phrase too?

Mr. MARDEN: Senate Amendment “A” deleted those words too but they should not have been deleted, and my proposed amendment restores those words to the bill.

If I may, Mr. President, clarify my answer to Senator Mayo, because I understand there may be some doubt.

If all that was owned by the beneficiary was a homestead and if the bill became law and the Department of Health & Welfare recorded a lien against this property, then before that property could be sold, in order to convey a clear title the lien would have to be discharged, and that would be discharged by reimbursement to the State for the amount paid. If the estate is not discharged, then before the real estate could be sold for the payment of bills, this lien in that respect would be a preferred claim and would have to be paid before you could sell the real estate to get your money to pay the preferred estate expenses.

Mr. PARKER of Piscataquis: Mr. President, I would like to pose a question through the Chair to the good Senator who is giving us some information on this proposed amendment.

I am very much concerned with taxes and tax liens as we have a great many of these people in our small towns, and I would like to inquire of the Senator: In what order of priority would the tax lien become in reference to the lien that is proposed by the Health & Welfare Department. Will they be paid prior, or if there is any money left will they be paid afterwards?

The PRESIDENT: The Senator from Piscataquis, Senator Parker, poses a question through the Chair to the Senator from Kennebec, Senator Marden, and that Senator may answer if he wishes.

Mr. MARDEN: Mr. President, I am very glad that the Senator asked that question because therein lies

the difficulty of the Judiciary Committee in considering this bill. That issue in itself seemed to be sufficient to justify the “Ought not to pass” report. However, in Senate Amendment “A”, which will stay with the bill, I hope, there is a provision which says that the priority of municipal tax liens and material liens shall not be affected by the provisions of this bill.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I thought I understood what was going on here, but after the second remarks of the Senator from Kennebec, Senator Marden, I am a little worried about the position of certain bills here.

I would like to pose one more question, and that is hypothetical: If a person under this bill had a house that was valued at \$3000 or could be sold for \$3000, and the amount of time consumed in the paying of old age assistance used up that \$3000 and then the lien was exercised and there are other bills that come from this estate—in other words, I am referring again to taxes, funeral bills, last sickness and so forth — would that mean that these bills would not be paid?

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo, poses a question through the Chair, to the Senator from Kennebec, Senator Marden, and that Senator may answer if he wishes.

Mr. MARDEN of Kennebec: In my opinion, in your hypothetical question, these other bills would not be paid.

Mr. MAYO: Mr. President and members of the Senate: I hate to bring my own personal feelings into this bill because I have discussed these problems with the Health & Welfare Committee for several years, but I am afraid, if this is the situation regarding this bill, that not only myself but other members of the Senate who help to support our community hospitals with drives to take up the slack of the bills that are not being paid from these estates—the druggists in the towns will not get their bills paid, the doctors will not get their bills paid and I feel that I must ask for the indefinite postponement

of this bill and accompanying papers.

Mr. MARDEN of Kennebec. Mr. President, I honestly do not think that the situation is that hopeless. The good that will come from this is the answer.

I would move that this lie on the table pending a conference between the Senator from Sagadahoc and myself for purposes of an amendment and unassigned.

The motion prevailed and the bill was tabled pending the motion of the Senator from Sagadahoc, Senator Mayo, that the bill and accompanying papers be indefinitely postponed.

The President laid before the Senate the 10th tabled and today assigned item (S. P. 282) (L. D. 883) bill, "An Act to Revise Laws Relating to Department of Mental Health and Corrections"; tabled on April 27 by Senator Mayo of Sagadahoc pending assignment for second reading.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I wish to start off by asking the members of the Senate to open their books to Filing No. 136, which is the committee amendment attached to this bill.

This amendment was brought to my attention by a certain person and I read the amendment and after the reading of the amendment I was thoroughly amazed to think that we here in the Senate were about to pass a piece of legislation such as this out of these halls. A person who reads the underlined statement of this committee amendment I would think would also be completely amazed that we are going to give a sabbatical leave of one year to the heads of certain of our institutions, a sabbatical leave to be construed in many ways: It could be a trip to California or a trip to Florida. It does say that they must do some studying. A couple of books in the trunk of the car would cover that. I think that we are headed in a very precarious direction if we let this amendment pass.

I have talked with many people regarding this amendment. It has been suggested that eventually some

type of bill would be passed, and I would hope in this legislative session, under which any department head who wishes to have a sabbatical leave, that it would be taken before the Governor and Council in the absence of the Legislature.

This amendment is a trend which is a great waste of the taxpayers' money and of the time for which these men are hired. I do not object to a sabbatical leave of a month or possibly five or six weeks to attend a school or to attend a convention or something of that sort, but I certainly am upset by this amendment and I am going to move the indefinite postponement of Committee Amendment "A".

Mr. PORTEOUS of Cumberland: Mr. President, when the vote is taken I request that it be taken by a division.

In support of the amendment, I would submit I am not a spendthrift, and that this amendment which authorizes a sabbatical leave would not, as one objector has said—not today but in the past—cost the State \$50,000 in one year. These people would not be coming up for their leave all in the same year.

Now the superintendents of the Augusta State Hospital, the Bangor State Hospital and the Pineland Hospital receive somewhere in the neighborhood of, I believe, \$15,000 each. They are highly respected and capable men. They are in an area that is much the same as college professors. Many of us contribute to the college from which we graduated and many of us do not object to a portion of those funds being applied to the pay of a professor who, in each seven years, takes a sabbatical leave to go and replenish his store of knowledge and learn what has transpired in the field in which he is interested and to come back after his year's leave a revitalized piece of machinery as far as his mental knowledge and his study of that subject is concerned.

Now in the field of mental health, I can think of no other field that is changing more rapidly today, with research and study going along. Now we are on the end of

the road here in many respects, and certainly Augusta is too far in the State of Maine and Bangor and Pineland are too far removed from centers where the research and study is going on. Now if we are willing to spend millions of dollars to take care of these people in our hospitals, not only for the care but the upkeep of the hospital and the food and for attendants, then we ought to be doubly sure that the people who run these institutions are getting the first-class knowledge and the availability of research that only a year's sabbatical leave can give them. So I urge strongly the defeating of the motion to indefinitely postpone.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: The remarks by the Senator from Cumberland, Senator Porteous, are very well taken, but I hope that he has read the complete amendment which says "one year" and "with full pay," and it leaves discretion to the Commissioner. Now I beg of you Senators here to realize: Just where is this heading? What other requests will come from other department heads to have this same prerogative so that they may issue sabbatical

leaves to members of their departments?

I maintain that a month or five or six weeks or possibly even two months is reasonable, but I cannot see a full one-year sabbatical leave with \$15,000 of the State taxpayers' money paid for this sabbatical leave. I cannot understand how anyone would wish for a thing of this sort.

The PRESIDENT: The question is on the motion of Senator Mayo to indefinitely postpone, and a division has been requested.

A division of the Senate was had.

Nineteen having voted in the affirmative and six opposed, the motion to indefinitely postpone Committee Amendment A prevailed.

Mr. MAYO of Sagadahoc: Mr. President, my motion was to indefinitely postpone the bill, was it not?

The PRESIDENT: Your motion, Senator, was to indefinitely postpone Committee Amendment A.

Thereupon, the bill was tomorrow assigned for second reading.

On motion by Mr. Noyes of Franklin

Adjourned until Tuesday next at ten o'clock in the morning.