

# 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, May 5, 1961

Senate called to order by the President.

Prayer by Rev. Edward Allen of Augusta.

On motion by Mr. Carpenter of Somerset,

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 9th at 10 o'clock in the morning. (S. P. 543)

Which was read and accepted.  
Sent down for concurrence.

**Papers from the House**

Bill, "An Act to Revise Laws Relating to Department of Mental Health and Corrections." (S. P. 282) (L. D. 883)

In Senate, May 2, passed to be engrossed.

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

In the Senate:

Mr. ERWIN of York: Mr. President, I have had a request from the Commissioner of the Department to offer an amendment to this, and I therefore move that it lie on the table unassigned and I will take it off the table the first of next week.

The motion prevailed and the bill was tabled pending consideration.

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

In Senate, April 28 passed to be engrossed.

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

Mr. LOVELL of York: On this bill, L. D. 1570, in briefly looking over the amendment put on this bill by another body in this building, they have limited Amend-

ment "A" to Washington County while this bill was to allow each county, if they so wished, to appropriate \$12,500 each year for industrial development work. Now that \$12,500 could well hire one man and pay his expenses to seek out new industry out of state to come into his own particular county. Somebody raised the objection in another body in this building and stated that it would give the Department of Economic Development one man in each county, which they thought would be spreading the department too thin. That is not so. This would give a man in each county if the county so desired and wanted industrial development; this would give the county a man who would go out and work for his own specific county. He would be a liaison man who would work with the Department of Economic Development and keep the Department of Economic Development informed on what his county was doing and what he was doing. The DED has stated that they did not have enough men to take care of their leads in areas outside of the State of Maine. This could well give a chance for more industry to come into our counties, not only in the southern part of the state but throughout the state.

So I would like to move to indefinitely postpone Committee Amendment "A" to this bill.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I agree with everything the good Senator from York says except for his motion to indefinitely postpone the amendment. The reason for that is that we had great trouble in getting this through the other branch of the legislature. All kinds of reasons were raised, and finally we had the members who were opposing the bill agree to go along with it if we confined it to Washington County. I do not have any objection for York County or any other county coming in, but I think we will lose the bill altogether if this amendment is indefinitely postponed.

The bill is very well safeguarded now in that there has to be a request from the County Commissioners to the Department of Eco-

conomic Development to assign a man to Washington County; it has to meet with the approval of the County Commissioners and with the approval of the Department of Economic Development; and of course the county delegation in the legislature must pass upon the appropriation in the county budget. I think it is a good bill, I think it would be good for all counties, but I would like very much to see the motion of Senator Lovell defeated because I do think that otherwise we will just lose the bill altogether.

Mr. LOVELL of York: Mr. President, I certainly do not want to hurt the wonderful County of Washington and I did not realize that this would be so doing when I asked for indefinite postponement of Amendment "A", so I will ask to withdraw my motion.

That Senator was granted permission to withdraw his motion.

On further motion by the same Senator, the bill was tabled pending consideration.

#### **House Committee Reports Ought Not to Pass**

The Committee on Appropriations and Financial Affairs on Resolve, to Purchase Copies of "History of City of Brewer, Maine." (H. P. 290) (L. D. 442) reported that the same Ought not to pass.

The same committee on Resolve, Appropriating Funds for Certain Construction at Augusta State Airport. (H. P. 292) (L. D. 444) reported that the same Ought not to pass.

The same committee on Resolve, Appropriating Funds for Regional Airport to Service Augusta, Waterville and Surrounding Areas. (H. P. 568) (L. D. 788) reported that the same Ought not to pass.

(On motion by Mr. Marden of Kennebec, tabled pending acceptance of the report.)

The same committee on Resolve, Appropriating Funds for Purchase of Copies of "A Picture History of Maine." (H. P. 650) (L. D. 928) reported that the same Ought not to pass.

The Committee on Public Utilities on Bill, "An Act Relating to Transportation to Islands in Casco Bay." (H. P. 59) (L. D. 100) re-

ported that the same Ought not to pass.

The Committee on State Government on Bill, "An Act Increasing Salary of Attorney General." (H. P. 904) (L. D. 1238) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

The Committee on Highways on Bill, "An Act Transferring Working Capital Fund of Highway Garage to General Highway Fund." (H. P. 977) (L. D. 1364) reported that the same Ought not to pass.

Comes from the House, Report and Bill indefinitely postponed.

In the Senate, report and bill indefinitely postponed in concurrence.

Subsequently, on motion by Mr. Stanley of Penobscot, indefinite postponement reconsidered and the bill tabled pending acceptance of the report.

The Committee on Taxation on Bill, "An Act Relating to Apportionment of Railroad Excise Taxes to the State, Cities and Towns." (H. P. 944) (L. D. 1292) reported that the same Ought not to pass.

Comes from the House, Report and Bill indefinitely postponed.

In the Senate, report and bill indefinitely postponed in concurrence.

#### **Ought to Pass**

The Committee on Appropriations and Financial Affairs on Resolve, Appropriating Moneys to Match Federal Funds Provided Under Title X of the National Defense Education Act. (H. P. 724) (L. D. 1012) reported that the same Ought to pass.

The Committee on Claims on Resolve, in Favor of Walter Lanoue of Limerick. (H. P. 1134) (L. D. 1565) reported that the same Ought to pass.

The Committee on Sea and Shore Fisheries on Bill, "An Act Regulating the Taking of Alewives in East Machias." (H. P. 1130) (L. D. 1557) reported that the same Ought to pass.

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

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season on Deer in Zone 2." (H. P. 594) (L. D. 815) reported that the same Ought to pass.

Comes from the House, passed to be engrossed, as amended by House Amendment "B" (Filing H-223)

In the Senate, on motion by Senator Carpenter of Somerset, tabled pending acceptance of the report.

**Ought to Pass — as Amended**

The Committee on Appropriations and Financial Affairs on Resolve, Appropriating Funds for Advisory Committee on Education. (H. P. 227) (L. D. 341) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-250)

The same committee on Resolve, in Favor of School Administrative District No. 14, Danforth-Weston, for School Construction Aid. (H. P. 573) (L. D. 793) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-246)

The Committee on Judiciary on recommitted Bill, "An Act Relating to Certain Property of Town of Union, Knox County, Acquired Under Will of Francis E. Thompson." (H. P. 886) (L. D. 1221) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-251)

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 Recording of Conditional Sales." (H. P. 253) (L. D. 367) reported that the same Ought to pass in New Draft, under the same title. (H. P. 1148) (L. D. 1580)

The same committee on Bill, "An Act Relating to Place for Recording Certain Chattel Mortgages." (H. P. 888) (L. D. 1222) reported that the same Ought to

pass in New Draft, under the same title. (H. P. 1149) (L. D. 1581)

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

**Majority — ONTP  
Minority — OTP, as amended by Committee Amendment "A"**

The Majority of the Committee on Appropriations and Financial Affairs on Resolve, Relating to Treatment of Lake Annabessacook to Eliminate Aquatic Growth. (H. P. 293) (L. D. 445) reported that the same Ought not to pass.

(Signed)

Senators: DAVIS of Cumberland  
STANLEY of Penobscot  
SAMPSON of Somerset

Representatives:

BRAGDON of Perham  
WELLMAN of Bangor  
SMITH of Falmouth

The Minority of the same Committee on the same subject matter reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-226)

(Signed)

Representatives:

PLANTE  
of Old Orchard Beach  
DAVIS of Calais  
DRAKE of Bath  
JALBERT of Lewiston

In House, Majority Report, Ought not to pass accepted.

In the Senate, on motion by Mr. Jacques of Androscoggin, tabled pending acceptance of either report.

**Majority — ONTP  
Minority — OTP**

The Majority of the Committee on Appropriations and Financial Affairs on Resolve, Providing Funds for Public Landing at Islesford, Hancock County. (H. P. 571) (L. D. 791) reported that the same Ought not to pass.

(Signed)

Senators: DAVIS of Cumberland  
STANLEY of Penobscot  
SAMPSON of Somerset

Representatives

BRAGDON of Perham  
DAVIS of Calais

JALBERT of Lewiston  
 DRAKE of Bath  
 SMITH of Falmouth

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

(Signed)

Representative:

WELLMAN of Bangor

In House, Reports and Bill indefinitely postponed.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: In trying to find out what primarily was the reason for the majority "Ought not to pass" report on this bill, as far as I can make out the basic argument was that there are so many small islands off the coast of Maine, all of whom need landings and many of whom undoubtedly could use State assistance in the providing of these landings that to grant this particular island in this particular town any State assistance would be opening the door to providing similar assistance in many other cases. But I feel that each individual case of this type should be examined in the light of the circumstances surrounding that individual case, and I think in this particular instance the surrounding circumstances do justify some more consideration than what the committee report would imply.

The Town of Islesford, which is located on Cranberry Isle off Hancock County and in Hancock County, has no landing facilities whatsoever other than a privately-owned landing which I am now told has reached such a state of deterioration that in the very near future it will be unfit for use by anybody.

Now the availability of a landing at Islesford is needed primarily and aside from the people of the island themselves by three agencies, whose need for a landing is very vital. One is the Maine Seacoast Mission, which operates a sizeable boat, maybe some of you have seen it or heard it referred to as God's Tugboat. The other is Acadia National Park which maintains a museum in the Town of Islesford, and if there is no landing to which to transport or land

visitors to the museum it renders the museum null and void. The third agency is the boat which delivers the mail to the island.

I am not familiar with all of the details of the work done by the Maine Seacoast Mission, but I know that they touch on this island frequently and render them medical aid, counsel and help of all different kinds. I am sure you ladies and gentlemen are as familiar with the work of the Maine Seacoast Mission as I am.

As far as the national park museum in Islesford is concerned, I have heard people say, "Well, if the federal government maintains a museum there let the federal government provide the funds for this landing." I would like to point out to the Senate that the approach to the pier and part of the pier itself as proposed would be on land belonging to the national park, and the Park Service has already agreed to lease this land on a long-term multiple-year lease at no cost. In other words, the park is providing the necessary land. Furthermore, on the property of the park itself there is available a large quantity of granite which the park has agreed to provide toward the construction of this landing. The need for a landing by the mail service of course is obvious.

Now you have often heard the phrase that the Lord helps those who help themselves, and I think in a case such as this we could well paraphrase that to say that the legislature, within reasonable limits, can help those who are making an honest maximum effort to help themselves. In this case the people of Islesford are doing just that. They have raised or will raise half the total cost of the construction of this landing, that total being \$30,000. The people of Islesford, who are few in number and far from wealthy, are making available \$15,000, or one-half the amount; and because they cannot possibly squeeze out the other \$15,000 and because the need for this landing is desperate, the only place to which they can turn for further help is this legislature, and they are asking for the tremendous sum of \$15,000.

In view of these facts, Mr. President and members of the Senate, I would urge that the bill be substituted for the report and I so move.

The PRESIDENT: The Chair will inform the Senator that it is a divided report.

Mr. EDGAR: I am sorry, Mr. President. I move that we accept the minority "Ought to pass" report.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate: As the Senator from Hancock, Senator Edgar, has told you, the objection of the majority of the committee to this legislation was due to the fact that we felt it would be setting a precedent, in other words we would be opening the door to other islands who might feel they needed a dock and would ask the State to pay for half of it. That would include not only islands on the coast but inland. As a matter of fact, if this were passed I would be equally justified in saying to you that the Town of Harrison would like to have a dock built on Long Lake and ask you to build it. So I hope in considering this before you vote on it you will realize that if you pass this you probably will be receiving numerous other requests to build docks for other cities and towns.

Mr. EDGAR of Hancock: Mr. President, I fully agree with what the Senator from Cumberland, Senator Davis, has said, but on the other hand if the Town of Harrison, for example, could establish a real need for a dock and could establish the fact that they were making a maximum effort to do everything they could to provide the dock themselves but, by virtue of circumstances, would fall short of meeting the financial need, I do not think that is bad, for the legislature to help them out, especially where the amount involved is peanuts compared to most of the figures that we talk about in this legislature. So what if we do set a precedent? If a community or an island can establish a need and can prove that they are doing everything within their power to help themselves, I do not see anything terribly wrong in our help-

ing them if the need has been established.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I think the door has already been opened because two years ago, if I remember correctly, we did raise money for a landing at Lincolnville. I do not know how long the door was open before that, but I am sure this is not setting any precedent and I would be glad to support the motion of Senator Edgar.

Mr. STILPHEN of Knox: Mr. President, I would like to support the Senator from Hancock, Senator Edgar.

I am well aware of the conditions and the situations on our many islands off the coast of Maine. I do not think it is a fair comparison to compare any inland town or city that is situated on a lake because they have other methods of travel. I am sure that the people of Harrison, if they want to go to Boston or New York or Portland or anywhere else, have a method of getting there other than having to go over a landing or on the water. The people of Cranberry Isle and Islesford and other islands off the Maine coast do not have any other method of travel, and the people who wish to go there in the summer for recreation and the tourist attractions at these particular places do not have any other method of travel. I think these categories are very much separated. I hope that the motion of the Senator from Hancock, Senator Edgar, prevails.

Mr. MARDEN of Kennebec: Mr. President, this bill is really none of my business and perhaps I should sit down, but \$15,000 is part of my business, and I assume that all of us may have L. D.'s with a price tag on them and if we are lucky enough to get them out of committee with the right report they go on the Appropriations Table.

When the "Sunbeam" comes to Boothbay Harbor — this is the Maine Seacoast Mission ship — it hits Ocean Point and it hits dozens of places along the Maine Coast. The fact that a missionary ship docks there does not seem reason

enough. I simply ask for a division.

Mr. EDGAR of Hancock: Mr. President, just briefly to comment upon the remarks of the Senator from Kennebec, Senator Marden: The fact that the Seacoast Mission boat does land at Islesford in itself is not reason enough, I will grant, but I will point out as I mentioned before, that if a public landing is not available through one means or another, the Seacoast Mission boat will not dock at Islesford.

A division of the Senate was had.

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

Thereupon the bill was given its first reading and tomorrow assigned for second reading.

**Majority — ONTP**  
**Minority — OTP, as amended by**  
**Committee Amendment "A"**

The Majority of the Committee on Appropriations and Financial Affairs on Resolve, Relating to Treatment of Lake Sabattus to Eliminate Aquatic Growth. (H. P. 647) (L. D. 925) reported that the same Ought not to pass.

(Signed)

Senators: DAVIS of Cumberland  
STANLEY of Penobscot  
SAMPSON of Somerset

Representatives:

BRAGDON of Perham  
WELLMAN of Bangor  
SMITH of Falmouth

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

(Signed)

Representatives:

PLANTE  
of Old Orchard Beach  
DAVIS of Calais  
DRAKE of Bath  
JALBERT of Lewiston

In House, Majority, Ought not to pass report accepted.

In the Senate, on motion by Mr. Jacques of Androscoggin, tabled pending acceptance of either report.

**Majority — ONTP**  
**Minority — OTP**

The Majority of the Committee on Legal Affairs on Bill, "An Act Removing Hurricane Island from Territorial Limits of Town of Vinalhaven." (H. P. 410) (L. D. 585) reported that the same Ought not to pass.

(Signed)

Senator: LORD of Cumberland  
Representatives:

BERMAN of Houlton  
BERRY of Cape Elizabeth  
SPROUL of Bristol  
KNAPP of Yarmouth  
STEWART of Presque Isle

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

(Signed)

Senators: FARRIS of Kennebec  
NOYES of Franklin

Representative

KELLAM of Portland

Comes from the House, Minority Report — Ought to pass — accepted, and the Bill passed to be engrossed.

In the Senate, on motion by Mr. Erwin of York, the Minority ought to pass report was accepted in concurrence, the Bill read once and tomorrow assigned for second reading.

**Majority — OTP in New Draft**  
**Minority — ONTP**

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Qualifications of Directors of Trust Companies." (H. P. 883) (L. D. 1218) reported that the same Ought to pass in New Draft under New Title: "An Act Relating to Qualifications of Directors of Trust Companies and Eligibility of Directors of Banks." (H. P. 1150) (L. D. 1582)

(Signed)

Senators: ERWIN of York  
MARDEN of Kennebec  
BOARDMAN  
of Washington

Representatives:

BEANE of Augusta  
SMITH of Bar Harbor



KNIGHT of Rockland  
MINSKY of Bangor

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

(Signed)

Representative: RUST of York

In the House, Reports and Bill indefinitely postponed.

In the Senate, on motion by Mr. Erwin of York, the reports and bill were indefinitely postponed in concurrence.

**Report "A" — ONTP**

**Report "B" — OTP as amended by Committee Amendment "A"**

**Report "C" — OTP as amended by Committee Amendment "B"**

Five members of the Committee on Claims on Resolve in Favor of Jim Adams, Inc. of Bangor. (H. P. 464) (L. D. 664) reported in Report "A" that the same Ought not to pass.

(Signed)

Senator: PARKER of Piscataquis  
Representatives:

BREWER of Bath  
HAGUE of Gorham  
ANDERSON

of Greenville  
HUGHES of St. Albans

Four members of the same committee on the same subject matter, reported in Report "B" that the same Ought to pass as amended by Committee Amendment "A" (Filing H-202)

(Signed)

Senators: PORTEOUS  
of Cumberland  
BREWSTER of York

Representatives:  
JOHNSON  
of Stockholm

GALLANT  
of Eagle Lake

One member of the same committee on the same subject matter, reported in Report "C" that the same Ought to pass as amended by Committee Amendment "B" (Filing H-203)

(Signed)

Representative:  
HUTCHINS of Kingfield

Comes from the House Reports and Bill indefinitely postponed.

In the Senate, on motion by Mr. Porteous of Cumberland, the bill was tabled pending acceptance of either report.

### Senate Committee Reports

Mr. Cole from the Committee on Highways on Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1962 and June 30, 1963." (S. P. 225) (L. D. 630) reported that the same Ought to pass in New Draft under same title (S. P. 542) (L. D. 1589)

Which report was read and accepted, the Bill read once in New Draft, and tomorrow assigned for second reading.

Mr. Lovell from the Committee on Industrial and Recreational Development on Bill, "An Act to Create the Development Fund." pursuant to Joint Order (S. P. 464), reported that the same Ought to pass.

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

Mr. Boardman from the Committee on Judiciary on Bill, "An Act Creating an Administration Code for State of Maine." (S. P. 396) (L. D. 1343) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing S-168)

Which report was read and accepted and the Bill read once. Committee Amendment "A" was read and adopted, and the Bill as amended, tomorrow assigned for second reading.

### Second Readers

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

#### House

Bill, "An Act Designating Monday for Observance of Memorial Day." (H. P. 1005) (L. D. 1406)

Which was read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Revising Laws Relating to Pollution Control." (H. P. 1125) (L. D. 1552)

Bill, "An Act Relating to the Control of Malfunctioning Disposal Systems." (H. P. 1142) (L. D. 1574)

Bill, "An Act Relating to Criminal Acts Due to Mental Disease." (H. P. 1144) (L. D. 1576)

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

#### House — as Amended

Bill, "An Act Relating to Actions for Injuries Causing Death." (H. P. 316) (L. D. 468) Amended by Senate Amendment "A" (Filing S-162)

Bill, "An Act to Grant a New Charter to the City of South Portland." (H. P. 605) (L. D. 864) Amended by Committee Amendment "A" (Filing H-178)

Bill, "An Act Relating to Fees of Clerks of Courts for Entry of Action and Motion." (H. P. 993) (L. D. 1380) Amended by Committee Amendment "A" (Filing H-187)

Bill, "An Act Relating to Annual Compensation for Superior Court Messenger of Cumberland County." (H. P. 1138) (L. D. 1568) Amended by House Amendment "A" (Filing H-245)

#### Senate

Resolve, Authorizing the State of Maine to Convey Certain Land in the City of Saco. (S. P. 523) (L. D. 1550)

Bill, "An Act Relating to Burden of Proof on Questions of Fact in Industrial Accident Commission Decisions." (S. P. 535) (L. D. 1583)

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

Sent down for concurrence.

#### Senate — as Amended

Bill, An Act Amending Certain Statutes to Conform to Rules of Civil Procedure." (S. P. 455) (L. D. 1465) as amended by Committee Amendment "A" (Filing S-158)

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

Sent down for concurrence.

#### Orders of the Day

The President laid before the Senate the first tabled and today assigned item (H. P. 1020) (L. D. 1421) House report, Ought to pass as amended by Committee Amendment A from the Committee on State Government on Bill, "An Act Relating to Appointment of Director of Indian Affairs"; tabled on April 26 by Senator Wyman of Washington pending passage to be engrossed; and that Senator yielded to the Senator from Franklin Senator Noyes.

Mr. NOYES of Franklin: Mr. President, there are some technical difficulties involved and for that reason I would move that the bill be recommitted to the Committee on State Government.

The motion to recommit prevailed.

Sent down for concurrence.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 255) (L. D. 369) Bill, "An Act Relating to Costs of Witness and Attorney Fees Under Workmen's Compensation Act"; tabled on April 26 by Senator Boardman of Washington pending assignment for second reading; and that Senator yielded to Senator Lovell of York.

Mr. Lovell of York presented Senate Amendment B and moved its passage.

At this point the Chair declared a short recess and the members of the Senate listened to the radio report of the space flight of Alan B. Shepard, the United States' first Astronaut.

#### After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair was hoping that General Heywood would stay in the Senate Chambers and we could have had a few remarks from him regarding this flight of our first astronaut.

The question now before the Senate is on the motion of Senator Lovell of York to adopt Committee Amendment B to L. D. 369.

The motion prevailed and the Amendment was adopted.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: As Chairman of the Labor Committee I feel it is necessary at this time, after we have given the Senators a chance to present their amendments, I feel now it is my duty as Chairman of the Labor Committee to move the indefinite postponement of this bill and its accompanying papers.

This last amendment that has been introduced does nothing for the bill. The bill at its beginning and at the hearing did not produce anything that would make the committee want to change the law as it is written at the present time. These amendments do not change it so that my mind or the minds of the members of my committee are changed. I therefore feel that it is necessary for me to make this motion. I move indefinite postponement of the bill and accompanying papers.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: As an attorney I concur with the remarks of the Senator from Sagadahoc, Senator Mayo. Let's face this bill head-on now and get it over with.

The intent of the bill is glorious; the wording of the bill is not. The amendment as proposed would, in my opinion, place a terrible burden upon the Industrial Accident Commission, which again, in my judgment, would be spending more time discussing attorneys' fees and costs than it would be spending on the merits of the case itself. I therefore support his motion.

Mr. ERWIN of York: Mr. President, I rise in support of the motion of the Senator from Sagadahoc, Senator Mayo.

This bill has been variously labeled; I think one of the things it was labeled somewhere else was "The Lawyers' Relief Act." I would simply say that I concur in what has been said by Senator Mayo and Senator Marden, and I wish to state that it is my belief that there are still attorneys in the State of Maine who will represent clients who do not have any money. I do not think, although the intent of the bill is good, that it accomplishes one thing which makes it worthwhile for us here and now to

change this particular part of the Workmens' Compensation Law, which I am informed has been in operation essentially the same since 1915. When the vote is taken I would ask for a division.

The PRESIDENT: The question is on the motion of the Senator from Sagadahoc, Senator Mayo, to indefinitely postpone.

A division of the Senate was had.

Twenty-four having voted in the affirmative and six opposed, the motion prevailed.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 579) (L. D. 799) House Reports from the Committee on Claims on Resolve, Reimbursing Bay Ferry Corporation for Loss of Business; Majority report, Ought to pass as amended by Committee Amendment A; Minority report, Ought not to pass; tabled on May 4 by Senator Parker of Piscataquis pending acceptance of either report.

Mr. PARKER of Piscataquis: Mr. President, I have been prepared to debate this bill this morning. I have my information here. I cannot plead a tabling motion except for one thing. I find that I do have an appointment that I was supposed to have kept two minutes ago, in other words, at eleven o'clock. I know that this bill is going to take considerable debate. We have a principle involved here that I hope if I am able to have my tabling motion accepted that the members of this branch of the legislature will give considerable thought to it between now and next Tuesday. I would now ask that this be retabled and especially assigned for the next legislative day.

The motion to table and so assign prevailed.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 223) (L. D. 628) Senate report, Ought not to pass, from the Committee on Appropriations and Financial Affairs on "Resolve Providing Funds for Thayer Hospital, Waterville, to Aid its Rehabilitation Program" tabled on May 4 by Senator Sampson of Somerset pending motion by Senator Ferguson of Oxford to substitute the bill for the report; and

on motion by Mr. Carpenter of Somerset, the bill was retabled.

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table Item 6-18, House Reports from the Committee on Appropriations and Financial Affairs: Majority Report, Ought not to pass; Minority report Ought to pass as amended by Committee Amendment A on Resolve Relating to Treatment of Lake Annabessacook to Eliminate Aquatic Growth (H. P. 293) (L. D. 445) tabled by that Senator earlier in today's session pending acceptance of either report; and on further motion by the same Senator, the Majority Ought not to pass report was accepted in concurrence.

On motion by Mr. Jacques of Androscoggin, the Senate voted to take from the table Item 6-20, House Reports from the Committee on Appropriations and Financial Affairs: Majority report, Ought not to pass; Minority report, Ought to pass on Resolve Relating to Treatment of Lake Sabattus to Eliminate Aquatic Growth (H. P. 647) (L. D. 925), tabled by that Senator earlier in today's session pending acceptance of either report; and on further motion by the same Senator, the Majority Ought not to pass report was accepted in concurrence.

On motion by Mr. Jacques of Androscoggin, out of order and under suspension of the rules

ORDERED, the House concurring that the legislative research committee be directed to study the feasibility of the elimination of aquatic growth from Lake Sabattus and Lake Annabessacook and be it further

ORDERED that the committee report the results of its study to the 101st legislature.

Which Order was read and passed.

On motion by Mr. Erwin of York, the Senate voted to take from the table Item 1-1, bill, "An Act to Revise Laws Relating to Department of Mental Health and Corrections" (S. P. 282) (L. D. 883) tabled by that Senator earlier in today's session pending consideration.

Mr. ERWIN of York: Mr. President, since tabling this, I have conferred with the Department of Mental Health and Corrections and what confused me was that I either don't understand the language on the calendar or perhaps I do not know parliamentary procedure but will the Secretary inform me as to the status of this bill?

The PRESIDENT: The bill was tabled pending consideration and there is no motion before the Senate. In the Senate on May 2, the bill was passed to be engrossed. It comes from the House passed to be engrossed as amended by House Amendment A.

Mr. ERWIN: Mr. President, am I correct that the non-concurring matter is that the House had added House Amendment A.

The PRESIDENT: That is correct.

Thereupon, on motion by Mr. Erwin of York, the Senate voted to recede and concur.

On motion by Mr. Edgar of Hancock, the Senate voted to take from the table the 64th tabled and unassigned item, (H. P. 358) (L. D. 510) House report, Ought to pass with Committee Amendment A from the Committee on Taxation on bill, "An Act Relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies"; tabled on May 4 by Senator Edgar of Hancock pending acceptance of the report; and that Senator moved the acceptance of the Ought to pass report.

Mr. MAYO of Sagadahoc: Mr. President, may I ask a question, as to the status of the bill. Did you just announce that the motion was to accept the Ought to pass report?

The PRESIDENT: The Senator is correct.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I have tried to look into the mechanics of this bill and I have come up with the solution that it is going to take a considerable amount of money out of the general fund.

Now we have passed the current services budget and we are going to work on the supplemental budget and we are going to need all the

money in the next two years that the State of Maine can find.

As I understand this bill, and if I am wrong I hope someone will correct me, the money that will be taken out of the general fund will be distributed among the many towns of the state. After a very quick check of a few of the towns it is my understanding that possibly my City of Bath would receive between two and three hundred dollars. Now if that is true I feel that the small amount of money that the towns will receive will in no way compensate for the loss to our general fund revenues. The money in the general fund revenues, as we all know, is used for statewide projects.

If this is the case, I am going to move that this bill be indefinitely postponed.

Mr. EDGAR of Hancock: Mr. President and members of the Senate, with regard to the misgivings in the mind of the Senator from S a g a d a h o c, Senator Mayo, he would be perfectly correct if it were the intention of the Taxation Committee to put this out in its original form. The drain on the general fund would be approximately two million dollars for the biennium if the bill were to go through in its original form. However, the Taxation Committee has put the bill out Ought to pass with a Committee Amendment which reduces the refund to the towns from one dollar per capita to five cents per capita. This would mean an additional drain on the general fund to the extent of eleven thousand dollars a year.

By way of background and explanation of the committee's feelings on the bill, as most of you probably know, the state now refunds to the towns a portion of the telephone company tax based on a formula which in turn is based on the amount of telephone stock owned by people within any given community. Now the difficulties of ascertaining with any degree of accuracy, how much telephone stock is owned by people in the city of Bath, we will say, are obvious. In fact, the difficulties are so obvious that this legislature recently removed intangibles from the property tax, due to those very same

difficulties. This situation obviously creates a tremendous inaccuracy and inequity and hardship on local assessors because it is so difficult to determine how much telephone stock is owned by people within a community and the Taxation Committee recognized this problem. They feel it is wrong. The sponsor of this bill recognized the problem to the extent that she proposed to change the method of refund to the communities by refunding to the communities on the basis of one dollar per person in the community.

The Taxation Committee again did not feel that this was completely equitable or justifiable, but the committee felt that it might be better, bad as it is, than the present method. But then we found that refunding moneys to the communities on the basis of one dollar per person would cost the general fund approximately two million dollars for the biennium.

At present and under the existing system the State now refunds to the various communities within the state the total amount of \$74,000 for the biennium under the present system. If the bill as reported out by the Taxation Committee along with the committee amendment should go through—and the Taxation Committee feels it should—the additional drain on the general fund would be the small amount of \$11,000 per year. In other words, the total refund to the towns under the Taxation Committee's suggestion would be \$96,000 for the biennium as against \$74,000 which the State is now refunding.

It is my intent in accepting the committee report to move acceptance of the committee amendment and then to indefinitely postpone House Amendment "A" to Committee Amendment "A", which would bring the situation in line with the recommendation of the Taxation Committee.

I might also state now as well as later that my move to indefinitely postpone House Amendment "A" to Committee Amendment "A" is being done not only because of my own feelings on it but at the voluntary suggestion of the sponsor of the bill who also was res-

possible for House Amendment "A" to Committee Amendment "A". The sponsor herself has come to realize that the general fund is in no condition to stand the sizeable drain her proposal would call for, but rather than lose the bill she came to me and asked me to move to indefinitely postpone her own amendment.

The PRESIDENT: The Chair will inform Senator Edgar that the Senator from Sagadahoc did not make a motion.

Mr. MAYO: Mr. President and members of the Senate: I did not make a motion at this particular time. I want to thank the Senator from Hancock, Senator Edgar, for his very fine explanation of what was going to happen to the House amendment which raised it to "twenty-five." That was one of my prime objections. I therefore thank the Senator and I am very much in favor of the bill.

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Edgar, to accept the Ought to pass report of the committee.

The Secretary read Committee Amendment A and House Amendment A to Committee Amendment A.

Thereupon, on motion by Mr. Edgar of Hancock, House Amendment A to Committee Amendment A was indefinitely postponed in non-concurrence.

On further motion by the same Senator, Committee Amendment A was adopted.

The Secretary read House Amendment A to the bill.

Mr. EDGAR of Hancock: Mr. President, just by way of brief explanation of House Amendment A which is quite acceptable as to the effective date at which the new system will go into effect, and I move its adoption.

The motion prevailed, House Amendment A to the bill was tomorrow assigned for second reading.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table the 33rd tabled and unassigned item (S. P. 342) (L. D. 1075) Senate Reports, from the Committee on Education on bill, "An Act to Permit the Town of Moscow to Withdraw from School Administrative District No. 13; Majority report, Ought to pass; tabled by that Senator on April 14 pending motion by Senator Bates of Penobscot to accept the Majority Ought not to pass report.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Bates, to accept the Majority Ought not to pass report.

The motion prevailed; and on motion by Mr. Cole of Waldo, the bill was ordered sent forthwith to the House.

On motion by Mr. Lovell of York, out of order and under suspension of the rules

ORDERED, the House concurring, that House Paper 354, Legislative Document 506, bill, "An Act Permitting Counties to Expend Money for Advisory Organizations, be recalled from the legislative files.

Which was read and passed.

On motion by Mr. Porteous of Cumberland, under suspension of the rules, the Senate voted to reconsider its action where Item 64, H. P. 358, L. D. 510, bill, "An Act Relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies" was tomorrow assigned for second reading; and on further motion by the same Senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Noyes of Franklin

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