

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

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DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**SENATE**

Thursday, May 25, 1961

Senate called to order by the President.

Prayer by Mr. Ross Hinshaw of Augusta.

On motion by Mr. Ferguson of Oxford, Journal of yesterday was Read and Approved.

**Papers from the House  
Non-concurrent Matters**

Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes. (S. P. 515) (L. D. 1535)

In House, May 9, Failed of Final Passage.

In Senate, May 23, Passed to be Engrossed as Amended by Senate Amendment "A" in Non-concurrence.

Comes from the House, that body having Adhered.

In the Senate, on motion by Mr. Noyes, the Senate voted to insist on its former action and ask for a Committee of Conference; and the President appointed as Senate members of such Committee, Senators: Noyes of Franklin, Lovell of York and Marden of Kennebec.

Resolve, Authorizing State Highway Commission to Study Feasibility of a Bridge Across the Damariscotta River. (S. P. 285) (L. D. 886)

In Senate, May 23, Passed to be Engrossed.

In House, May 24, Ought not to pass Report Accepted in Non-concurrence.

In the Senate, on motion by Mr. Chase of Lincoln, the Senate voted to adhere.

**House Committee Reports**

**Committee of Conference** on the disagreeing action of the two branches of the Legislature on Resolve, Appropriating Funds for Regional Airport to Service Augusta, Waterville and Surrounding Areas. (H. P. 568) (L. D. 788) reported that the House Recede and Concur with the Senate in Re-committing the Resolve to the Committee on Appropriations and Financial Affairs.

Which report was Read and Accepted in concurrence, on motion by Mr. Davis of Cumberland.

**Ought Not to Pass**

The Committee on Appropriations and Financial Affairs on Resolve, to Provide for One Additional Staff Member to the Maine Port Authority to Evaluate Commercial Water Front Facilities Along the Coast of Maine. (H. P. 725) (L. D. 1013) reported that the same Ought not to pass.

Which report was read and accepted.

The same Committee on Resolve Providing Funds for School Lunch Subsidy. (H. P. 57) (L. D. 98) reported that the same Ought not to pass.

On motion by Mr. Edgar of Hancock, tabled pending acceptance of the report.

**Referred to 101st Legislature**

The Committee on State Government on Recommitted Bill, "An Act to Reimburse Town of Warren for Cost of Municipal Services Provided for the State." (H. P. 901) (L. D. 1235) reported that the same should be referred to the 101st Legislature.

Which report was Read and Accepted in concurrence.

**Ought to Pass—New Draft—Amended**

The Committee on Public Utilities on Bill, "An Act to Create the Fort Kent Sewerage District." (H. P. 528) (L. D. 726) reported that the same Ought to pass in Second New Draft, under New Title: An Act Creating the Fort Kent Utilities District. (H. P. 1155) (L. D. 1593)

Report was Read and Accepted, in concurrence, and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence, and the Bill, As Amended, tomorrow assigned for second reading.

On motion by Mr. Edmunds of Aroostook, tabled pending acceptance of the report.

### Senate Committee Reports

Mr. Cole from the Committee on Highways on Joint Resolution Memorializing Congress to Extend the Northern Terminus of the Proposed Interstate Highway from Houlton to some Point Located on the Northern Boundary of the State of Maine. (S. P. 557) report that the same should be adopted. Which report was read and adopted.

Sent down for concurrence.

Mr. Wyman from the Committee on Taxation and Mr. Lovell from the Committee on Industrial and Recreational Development, on Bill, "An Act Exempting Certain Machinery from Sales and Use Tax." (S. P. 14) (L. D. 14) reported that the same Ought to pass in New Draft. (S. P. 565) (L. D. 1618)

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

### Second Readers

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

#### House

Bill, "An Act to Authorize the Municipalities of Etna and Plymouth to Form a School Administrative District." (H. P. 1156) (L. D. 1597)

Bill, "An Act Relating to Care and Supervision of Planes of Department of Sea and Shore Fisheries." (H. P. 1159) (L. D. 1600)

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

#### House — As Amended

Resolve, Providing Funds for Dredging Songo River, Cumberland County. (H. P. 68) (L. D. 110)

Amended by Com. Amend. "A" (H-309)

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

Bill, "An Act Relating to Length of Motor Vehicle Trucks." (H. P. 435) (L. D. 610)

Which was read a second time and on motion by Edmunds of Aroostook, the bill was tabled pending passage to be engrossed.

Bill, "An Act Directing a Study of Property Tax Administration." (H. P. 499) (L. D. 649)

Resolve, in Favor of Jim Adams, Inc., of Bangor. (H. P. 464) (L. D. 664)

(On motion by Mr. Parker of Piscataquis, tabled until later in the day pending passage to be engrossed.)

Bill, "An Act Classifying Certain Tidewaters Bordering Thomaston." (H. P. 693) (L. D. 971)

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

Resolve, Appropriating Funds for Operating Expenses for University of Maine. (S. P. 248) (L. D. 765)

Mr. DAVIS of Cumberland: Mr. President, as I recall the amount requested in this resolve represents a difference between the total request of the University of Maine for the coming biennium and what the Governor allowed them in the current services budget and the supplemental budget. I would remind you that in the current services budget some seven and a half million dollars was set up for the university and a million and a quarter in the supplemental budget. The committee felt that was as far as we could go. I therefore move the indefinite postponement of this resolve.

The motion to indefinitely postpone prevailed.

Sent down for concurrence.

Resolve, Proposing an Amendment to the Constitution to Permit Municipalities to Purchase Land for Industrial Parks. (S. P. 564) (L. D. 1616)

Which was read a second time, and on motion by Mr. Farris of Kennebec was tabled until later in the day pending passage to be engrossed.

### ENACTORS

The Committee on Engrossed Bills reported as truly and strictly

**engrossed the following Bills and Resolves:**

Bill, "An Act Relating to Exit Facilities in Boarding and Nursing Homes." (H. P. 13) (L. D. 32)

Bill, "An Act Amending the Time Limitation on Statute Repealing the Two Inch Clam Law." (H. P. 47) (L. D. 88)

Bill, "An Act to Incorporate Baring, Washington County, into an Organized Plantation." (H. P. 280) (L. D. 394)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, "An Act Revising Statutes Regulating Branching and Consolidations by Banks." (H. P. 459) (L. D. 659)

(On motion by Mr. Davis of Cumberland, placed on the special Appropriations Table.)

Bill, "An Act Relating to Speed of Commercial Vehicles and School Buses." (H. P. 716) (L. D. 915)

Bill, "An Act Amending Charter of City of Saco." (H. P. 679) (L. D. 957)

Bill, "An Act Relating to Notice to Municipal Officers Prior to Filing of the State Valuation." (H. P. 905) (L. D. 1239)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, "An Act Relating to Tattooing." (H. P. 1067) (L. D. 1468)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, "An Act Providing for Repair and Maintenance of State-owned Dam on Dead River, Androscoggin County." (H. P. 1128) (L. D. 1555)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, "An Act Revising the Laws Relating to Auctioneers." (H. P. 1147) (L. D. 1579)

Bill, "An Act Classifying Surface Waters in Kennebec River Basin." (H. P. 1151) (L. D. 1585)

Bill, "An Act Relating to Second Injury Fund and Vocational Rehabilitation u n d e r Workmen's Compensation Act." (S. P. 37) (L. D. 79)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Bill, "An Act Increasing Salary of Secretary of State." (S. P. 384) (L. D. 1194)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table.)

Resolve, Closing South Brook, Piscataquis County, to All Fishing. (H. P. 241) (L. D. 355)

Which Resolve was finally passed.

(On motion by Mr. Davis of Cumberland, the following Resolves were placed upon the Special Appropriations Table pending final passage.)

Resolve, In Favor of Elude Cantara of Biddeford. (H. P. 43) (L. D. 84)

Resolve, in Favor of the Town of Minot. (H. P. 58) (L. D. 99)

Resolve, Increasing Pension of Merle Merrill of Montville. (H. P. 104) (L. D. 144)

Resolve, Authorizing Completion and Printing of a Digest of the Opinions of the Law Court. (H. P. 184) (L. D. 280)

Resolve, Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line. (H. P. 185) (L. D. 281)

Resolve, to Reimburse Edward M. Healy for Repairs to Androscoggin Lake Dam. (H. P. 232) (L. D. 346)

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

Resolve, to Reimburse the Town of Woodland for Aid Extended to Ronald Tirrell. (H. P. 294) (L. D. 446)

(On motion by Mr. Stanley of Penobscot, the following Resolves were placed on the Special Appropriations Table pending final passage.)

Resolve, to Reimburse the Town of New Sweden for Aid Extended Ronald Tirrell. (H. P. 295) (L. D. 447)

Resolve, Reimbursing Town of Weston for Aid Extended to Henry Lee. (H. P. 299) (L. D. 451)

Resolve, in Favor of Levite Pelletier of St. David. (H. P. 463) (L. D. 663)

Resolve, Increasing State Pen-

sion for Mrs. Katie Libby of Charleston. (H. P. 530) (L. D. 728)

Resolve, Reimbursing Town of Exeter for Aid Extended to Mrs. Virginia Smith. (H. P. 580) (L. D. 800)

Resolve, to Reimburse Town of Bristol for Aid Extended to Charles Maines. (H. P. 582) (L. D. 802)

Resolve, Increasing Pension of Martha Morey of Shirley Mills. (H. P. 626) (L. D. 843)

Resolve, to Increase Retirement Benefit for Chaplain T. Greene of Princeton. (H. P. 632) (L. D. 849)

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

Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (S. P. 100) (L. D. 245)

#### **Emergency**

Resolve, Appropriating Moneys for Spruce Budworm Control. (H. P. 183) (L. D. 279)

Which Resolve, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was finally passed.

On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending final passage.

#### **Emergency**

Bill, "An Act Authorizing Lucerne-in-Maine Village Corporation to Construct Dams and Fishway on Phillips Lake." (H. P. 1161) (L. D. 1601)

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

#### **Called up from Special Appropriations Calendar (In House)**

Bill, "An Act Making Mandatory the Reporting of Blindness to Health and Welfare Department." (H. P. 805) (L. D. 1119)

Passed to be engrossed in both branches.

Indefinitely Postponed in the House.

In the Senate, on motion by Mrs. Lord of Cumberland, the Senate

voted to recede and concur with the House.

Mr. DAVIS of Cumberland. Mr. President, if I am in order I would like to turn to Item 7-8 on Page 3, "Resolve, Appropriating Funds for Operating Expenses for the University of Maine" (S. P. 248) (L. D. 765)

There was a misunderstanding when I moved to indefinitely postpone this resolve this morning, and I would like to make a motion to reconsider our action whereby we indefinitely postponed this resolve.

The motion prevailed and reconsideration was voted.

Mr. DAVIS: Mr. President I now yield to the Senator from Penobscot, Senator Bates.

Mr. BATES of Penobscot: Mr. President, I appreciate the courtesy of the Senator from Cumberland, Senator Davis. I move that this item have its second reading and then I would like to be recognized on a tabling motion.

The resolve was then given its second reading, and, on motion by Mr. Bates of Penobscot, was tabled pending passage to be engrossed.

#### **Orders of the Day**

The President laid before the Senate the first tabled and especially assigned matter, (S. P. 311) (L. D. 899) Bill, "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium," which was tabled on May 23rd by the Senator from Aroostook, Senator Edmunds, pending assignment for second reading.

Mr. EDMUNDS of Aroostook: Mr. President, I present Senate Amendment "A" and move its adoption and I would like to speak very briefly to my motion.

Senate Amendment "A" was read by the Secretary.

Mr. EDMUNDS: Mr. President, as I think we all know, the Senate and the House have concurred in the fact that the new sanatorium wing will be built on the Community General Hospital in Fort Fairfield. Construction will start in August of this year and it will be ready for occupancy approximately September 1st of 1962. I believe that it would be inconsistent for

us not to pass this bill as amended by Senate Amendment "A" which fairly states that the transfer of the Northern Maine Sanatorium to Central Maine would be temporary in nature. I would like to state that the sponsor of the bill, the Senator from Somerset, Senator Carpenter, agrees with the purpose of the amendment.

Thereupon Senate Amendment "A" was adopted.

Mr. Edmunds then presented Senate Amendment "B" and moved its adoption.

Senate Amendment "B" was read by the Secretary.

Mr. EDMUNDS of Aroostook: Mr. President, I would like again to speak briefly in support of my motion and explain the necessity of the proposed Senate Amendment "B".

As you all recall, when the current services budget was reported out the appropriation to operate the Northern Maine Sanatorium was deleted and the appropriation to operate the Central Maine Sanatorium was increased in anticipation of the proposed transfer of patients from Northern Maine to Central Maine, and at that time, both in caucus and I believe on the floor of the Senate, I mentioned that should this building be built it might be necessary at some later date to either amend the supplemental budget or some other vehicle to provide for an appropriation to operate the sanatorium for the last nine months of the biennium.

Now the building will be completed, if everything goes according to the proposed schedule, approximately September 1, 1962. I would like to state here again that I have the sponsor's approval to amend the bill in this fashion.

This amendment would provide the funds to operate the wing as a tuberculosis sanatorium for the last nine months of the current biennium, and then of course the 101st Legislature would make their decision as to the future fate of this building, as to whether or not it would be operated as a sanatorium.

I fully expect that this bill, if it goes its merry way, so to speak, will wind up on the special ap-

propriations table and when we take our hatchets out on the last night of the session it will have to take its chances along with all of the many other measures, and I am happy that it should, but I hope that the Senate will go along with me in adopting this amendment.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I hate to take exceptions to my good friend from Aroostook, Senator Edmunds, but he knows how I felt two years ago when this hospital was built, and now this session has gone by so that the hospital is going to be built.

As I read these two amendments it begins to look to me that we may possibly have something here which does not exactly coincide with the thinking of a few people. The first amendment that we have passed adds the words "temporarily transfer" which means that we probably will move a few patients down to Central Maine Sanatorium for a few months and move them back again, which does not sound feasible to me. Now Senate Amendment "B" asks for \$64,000 in operating expenses for a tuberculosis hospital wing. Now if the tuberculosis hospital is going to be transferred to Central Maine in Waterville, I would like to know why we have got to appropriate money for a tuberculosis hospital up in Aroostook County. Also, Senate Amendment "B", so far as I can see, does not say where the appropriation is coming from, it just says "provide funds for operating expenses." I am going to move for the indefinite postponement of Senate Amendment "A" and Senate Amendment "B".

The PRESIDENT: Would the Senator from Sagadahoc, Senator Mayo, care to make single motion on that?

Mr. MAYO: Mr. President, I move for the indefinite postponement of Senate Amendment "B".

Mr. EDMUNDS of Aroostook: Mr. President, in answer to the Senator from Sagadahoc, Senator Mayo, true we have had our differences over legislation but we are still good friends on the golf course.

I would like to say that the appropriation would come from the general fund and it is so specified in the amendment under Section 2.

As to the justification for the money, those of us in Aroostook County feel and have felt right along that a sanatorium is necessary in order to service the area as far as T.B. needs are concerned. The transfer to Central Maine does make good sense in this particular instance because the present sanatorium in Northern Maine is a very expensive institution to operate. However, the new institution can be approximated for approximately the same amount of money as these patients can be taken care of at Central Maine.

I know that the Aroostook delegation feels very strongly as to the need for this facility in the area and, as I say, if this is accepted here it will eventually wind up on the special appropriations table where I am perfectly happy that we take our chances as to whether or not the money is available to enact this into law, and I certainly hope that the motion of the Senator from Sagadahoc, Senator Mayo, does not prevail.

Mr. CYR of Aroostook: Mr. President and members of the Senate: I think I will give my colleague and seatmate from Aroostook a little helping hand on this bill.

If we are to pass this bill just as it is and transfer Northern Maine Sanatorium to the Central Maine Sanatorium and yet we have upheld an appropriation to build a tuberculosis wing on the Community Hospital in Fort Fairfield, which has already passed, certainly it would seem as though we were contradictory.

All these two amendments call for are that one calls for making this a temporary accommodation, the Senate amendment just explained to you, and the other one calls for an appropriation to take care of the expenses when the new wing is in operation after September, 1962. I fail to see where this would be dangerous or should be indefinitely postponed.

Coming back to the wing at Fort Fairfield, it is the only community that I know of that has pledged it-

self to the State of Maine that if at any time in the future there should be no further need for having a tuberculosis wing in Fort Fairfield that the town of Fort Fairfield would buy for an agreed price the accommodation that would be built. It is the first time, to my knowledge anyway, that a community has pledged itself to do that. Certainly they are trying to do everything they can to fulfill the obligations which the people of the State of Maine have given them in the referendum two years ago. So I hope you will defeat the motion for indefinite postponement.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: My thinking is in regard to the patients at the Northern Maine Sanatorium. These patients belong in Aroostook County, they are Aroostook County people, and they are very much concerned about having to be removed to Central Maine Sanatorium. It is over two hundred miles and it is a long ways from their families. They might be a little more reconciled if they knew that this transfer is only temporary and that eventually they would be brought back to Fort Fairfield. I have been told that some of these patients just simply will not go to Central Maine Sanatorium. Now perhaps that is not a good attitude but it is the attitude that the patients have. I feel they should be cared for in a sanatorium and not left to go back to their homes and perhaps infect other people. We do not, I believe, have any law which compels them to stay in a sanatorium, so I feel that this provision for a temporary transfer to Central Maine Sanatorium might take care of the situation and they might be willing to go if they knew that later on they would be transferred back to Fort Fairfield. So I am very strongly in favor of these amendments as presented by the Senator from Aroostook, Senator Edmunds. I move for a division, Mr. President.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: It is very interesting to stand here this morning and listen to some of the arguments, because it



seems to me the words have been used before, two years ago, by a group of representatives from another county known as Androscoggin County when, two years ago, we decided to take away the Hebron Sanatorium and move it into the Central Maine Sanatorium at Fairfield.

Now the argument about the families having to travel, you have heard that one before. Some of the proponents of the bill here were in the House two years ago and heard the same argument.

As far as the remarks of the Senator from Aroostook, Senator Cyr, regarding the wonderful community spirit in offering to buy from the State of Maine a hospital which we as taxpayers have already paid for, I think that is a grand gesture. I only wish my little city of Bath could have had the same opportunity when they built their hospital. We donated our own pocket money for our hospital; we can't buy it back from anybody.

So far as transferring the patients to Central Maine, it is the only sensible thing to do. Tuberculosis in the State of Maine is on the decline and we thank the Lord that it is. We hope that eventually tuberculosis will be stamped out of the State of Maine as one of our prime illnesses.

There is no use kidding ourselves that it is cheaper to run one institution for all than it is two or three. The Hebron institution was closed down two years ago and there has been no great problem amongst the families of the few people who were transferred up to Fairfield.

I still think that my motion to indefinitely postpone Senate Amendment "B" is the only thing we can do if we vote according to our conscience.

Mr. STANLEY of Penobscot: Mr. President, in my mind there is some question as to the germaneness of the amendment. I would move that we table it until later on in the day.

The motion prevailed and the bill was tabled until later in today's session pending adoption of Senate Amendment "B".

The President laid before the Senate the second tabled matter, (H. P. 461) (L. D. 661) Bill, "An Act to Regulate Issuance of Trading Stamps," which was tabled on May 24th by the Senator from York, Senator Stilphen, pending motion to indefinitely postpone. (Motion by Senator Jacques of Androscoggin)

Mr. STILPHEN of Knox: Mr. President, I would move the pending question and when the vote is taken I ask for a division.

I would like to ask the consent of the Senate to be excused from voting when the vote is taken because of the fact that I have paired my vote with that of the Senator from Androscoggin, Senator Boisvert, who is unavoidably absent today. If present, Senator Boisvert, would vote against it.

The PRESIDENT: Is there any objection to the request of the Senator from Knox, Senator Stilphen? The request is granted.

A division has been requested by the Senator from Knox, Senator Stilphen. All those in favor of the motion of the Senator from Androscoggin, Senator Jacques, that the bill be indefinitely postponed will rise and stand in their places until counted.

A division was had.

Twenty having voted in the affirmative and eight in the negative, the motion prevailed.

The PRESIDENT: In regard to the third tabled matter, the Senator from Somerset, Senator Carpenter, is absent because of his duties so far as the New England Compact is concerned, and he has asked that this not be taken from the table until after lunch today when he will be back from Boston. Do I hear objection? The Chair hears no objection.

The President laid before the Senate the fourth tabled matter, (H. P. 603) (L. D. 862) House Reports from the Committee on Labor on Bill, "An Act to Amend the Employment Security Law," Minority Report "B", "Ought not to pass"; Minority Report "A", "Ought to pass with Committee Amendment 'B'; Majority Report "Ought to pass with Committee

Amendment 'A' which was tabled on May 24th by the Senator from Hancock, Senator Brown, pending acceptance of any report.

Mr. BROWN of Hancock: Mr. President, I move the pending question.

On motion by Mr. Wyman of Washington, the bill was tabled and specially assigned for tomorrow, pending acceptance of any report.

On motion by Mr. Farris of Kennebec, out of order and under suspension of the rules, the Senate voted to take from the table Item 7-9, Resolve, Proposing an Amendment to the Constitution to Permit Municipalities to Purchase Land for Industrial Parks. (S. P. 564) (L. D. 1616) which was tabled until later in today's session pending passage to be engrossed.

Mr. FARRIS: Mr. President, this matter has been discussed with the interested parties and to my knowledge there is no objection to the motion I am about to make, and that is that this resolve be indefinitely postponed.

The motion prevailed and the resolve was indefinitely postponed.

The President laid before the Senate the 5th tabled matter, (H. P. 1171) "Joint Order Relative to Telephone Calls after Adjournment of the Legislature" which was tabled by the Senator from Androscoggin, Senator Jacques, earlier in today's session, pending passage.

On motion by Mr. Jacques of Androscoggin, the order was indefinitely postponed.

Mr. NOYES of Franklin: Mr. President, the Senator from Androscoggin, Senator Jacques, moved to indefinitely postpone the order because a new one has been written. I would now present an order out of order and move its adoption.

#### Order out of Order

Ordered, the House concurring, that free telephone service be provided after final adjournment of the Legislature during the remainder of the biennium for each member of the Senate and House of

Representatives to the number of fifty calls of reasonable duration from the member's home to any state department, commission or agency within the limits of the State of Maine, and that each member of the Senate and the House be provided with a card to be certified by the Secretary of the Senate and Clerk of the House respectively, the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates.

Read and passed.

The PRESIDENT: The Senate will be in recess for three minutes.

(Recess)

The President laid before the Senate the 6th tabled item (H. P. 861) (L. D. 1175) House Reports from the Committee on Transportation on bill, "An Act Relating to Weight Tolerance for Motor Vehicles Carrying Firewood, Pulpwood Logs or Bolts"; Majority report, Ought to pass; Minority Report, Ought not to pass; tabled on May 24th by Senator Cole of Waldo pending acceptance of either report; and that Senator moved the acceptance of the Minority Ought not to pass report.

On motion by Mr. Porteous of Cumberland, the bill was laid upon the table until later in today's session pending motion by Senator Cole to accept the Minority Ought not to pass report.

The President laid before the Senate the 7th tabled item (H. P. 560) (L. D. 757) bill, "An Act Permitting Certain Commercial Vehicles to Exceed Weight Limits"; tabled on May 24 by Senator Cole of Waldo pending assignment for second reading; and that Senator moved the indefinite postponement of the bill.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: There has been a great deal of discussion on the floor of the Senate in regard to all of these bills, and frankly I am the first to admit that I don't understand the content and the effect of all of these bills. I would appreciate it if the Senator from Waldo, Senator Cole would summarize just what

this particular bill, for example, would accomplish if passed, and why it is opposed.

The PRESIDENT: The Senator from Kennebec, Senator Farris, poses a question to the Senator from Waldo, Senator Cole, and that Senator may answer if he wishes.

Mr. COLE of Waldo: Mr. President and members of the Senate: I too agree with the Senator from Kennebec, Senator Farris, when he says that he does not know what these bills, in effect, do. I too am in doubt. These bills have been amended to such an extent that I have been unable to get clearance from the Highway Department or from the Bureau of Public Roads in Washington as to whether or not they are in violation of the Federal Highway Act. My reason for making the motion was this: The Committee has taken the attitude that all these bills which may be in violation and which are impossible for the Commission or the Committee to otherwise approve, is that they go along to the research committee where the committee itself, with the recommendations from the Congress, which will be available some time late this year, that then the research committee could make a real study and come up with what we think would be a reasonable and fair bill or bills.

These bills have not been cleared, as I said before, with Washington, the Washington Bureau is bogged down and we can't get reports from them as to whether or not they are in violation, and I think to preserve our federal highway funds and keep them rolling into the State of Maine, that we should at least refer all these weight bills to the research committee for their study.

As you know, the Chairman has to sign a certificate the first day of July saying that no legislation has been passed which would be in violation of the Federal Highway Act of 1956. If we have passed some, and it is very very possible that all these bills may be in violation, then the only thing that we could do to preserve our Highway funds and continuation of our Highway program is to call a

special session of the legislature which in my opinion would be very expensive and possibly unwise at this time. I feel personally, and the majority of the committee feel that the truck weights at this time are fair. We feel that a delay until the next session would not be serious in any way and we feel that in order to be on the safe side, all these bills should be referred to the research committee.

Mr. NOYES of Franklin: Mr. President, I speak as the Senator from Franklin County and I speak for this bill, L. D. 757. This bill which was introduced in the House simply allows a fifteen percent weight tolerance on three axle vehicles which are now allowed to carry 48,000 pounds during the months of December, January and February only. This is primarily for those people who are engaged in hauling pulpwood and things of that sort, and of course it would also be beneficial to other people such as farmers and people of that sort.

Now I can see no conflict at all with the Federal Bureau of Roads Act. There is a hesitancy in here to sort of stall this bill and the other bills off, and we can put in a research order I suppose and refer it to the next legislature and that will probably stall it for another couple of years but in the meantime I submit to you that the people in my county and in the other counties of Maine have got to make a living and I submit to you I hope to go home Memorial Day weekend and if you had to go up through my county with all the manufacturers and all the pulpwood haulers and everything, practically blocking the way asking why this is held up, I think now is the time to push this through and I therefore oppose the motion of the Senator from Waldo, Senator Cole.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that this bill be indefinitely postponed.

Mr. FERGUSON of Oxford: Well, Mr. President, I rise in opposition to the motion of the Senator from Waldo, Senator Cole, inasmuch as I feel very strongly that this is a piece of legislation that

we badly need. L. D. 757 calls for fifteen percent weight tolerance and during the months of December, January and February. I think that the Senator from Waldo has pointed out it would be destructive to highways but let me point out one thing to you. When we build our highways with a gravel base and four inches of bituminous topping with concrete or asphalt, that is it; that is the foundation of the whole structure of the highways.

During these winter months you have anywhere from two to five feet of solid, frozen ground and certainly during these months I feel it would not be detrimental to our highways in the state.

House Amendment A provides for a seventy-five percent license fee and also provides that this bill would not be in violation of the Federal Act that is used on the interstate system we are all so interested in.

This relief is surely needed in the whole state for this type of trucking and if there is a thaw during those months, the Highway Commission has the power to close these roads. I hope that the motion of the Senator from Waldo, Senator Cole, does not prevail.

Mr. CYR of Aroostook: Mr. President and members of the Senate, I too, oppose indefinite postponement of this bill. The many truckers in my area have contacted me and would be in favor of this type of legislation. During the winter in many cases a truck may leave the depot where the truck is loaded with pulpwood and by the time it reaches the railroad siding it may have accumulated so much ice and snow deposit on the undercarriage, that it may exceed the weight limit. This would help out in that respect. Another factor involved in this is that the weight is based on the gross of weight of the truck and the load. Now the trend, or what this has accomplished is that it forces in many cases, a trucker to go into a smaller type of truck so he can put a heavier paying load on his truck, and by doing that he is doing it at the expense of safety to his truck. The smaller truck naturally, will not have the type of

brakes and will not have the other safety measures that you have in a heavier truck, but in many cases they have had to sacrifice that to go into a heavier paying load. In many cases they have had to do that to survive because the cost is so high. This legislation would help out in these problems and I would be opposed to indefinite postponement of this bill.

Mr. PIKE of Oxford: Mr. President and members of the Senate: You know sometimes my good seatmate Norm Ferguson and I don't always agree, but this is one of the times I am going to. Last week he and I didn't look at the nurses just the same but with all these telegrams I am getting here in regard to this trucking business in Oxford County, I just have to go along with it.

Mr. CHASE of Lincoln: Mr. President and members of the Senate: I rise to oppose the indefinite postponement of this bill. I feel that this is one of the best trucking bills that is in the legislature. This particular bill relates directly to our economy in the winter time. Pulp and lumber are one of our biggest enterprises and in the winter months when our economy is rather poor in the State of Maine, we need to move these products due to the spring months when the roads are broken up and the truckers are limited in moving this pulp and lumber, the question whether they can get it out in those three winter months before the roads break up in the spring. If they feel that they can't get the pulp and lumber moved in those three months, then of course they have to curtail their operations which means less jobs for our people.

I feel that with the heavy frost and freezing roads that we have in those three months, certainly there will be no harm to our roads from this extra fifteen percent tolerance and I feel that it would help our economy greatly if we could pass this bill.

Mr. COLE of Waldo: Mr. President, I agree that this bill would help the economy of the truckers but what about the highways of the State of Maine, which as you know belong to all of us. Are we going

to sacrifice our highways for the economy of a few truckers? I don't think there is anyone in this Senate who has spoken for and favored the truckers any more than I have; in fact, I was the one who sponsored the truck bill which increased the weight to the present maximum. I like to be considered a friend of the truckers. However, I do feel that we must preserve our highways in the State of Maine. We are not rebuilding highways as fast as they are deteriorating. Once you allow these excessive weights to be hauled over our highways regardless of whether they are frozen or not - and I would like to say now in regard to frozen roads in the months of December, January and February, many times we have thaws that remove the frost and the roads are subject to this severe punishment and I think you all will agree after following some of these trucks and see the tar flip right up and is destroyed that at least it is very expensive to repair and it costs about two thousand dollars a mile just for tarring alone.

I have a statement here on this particular bill from the truck expert in the department, Charles A. Whitten, and he says that the first part of this amendment is the same as the original bill, L. D. 757, for trucks hauling forest products, which violates the provisions of the federal laws. First, it grants a special spacing of axle which could increase the axle load. Second, the fifteen percent tolerance would increase the axle load, which violates the federal law. This is the opinion of the experts. This one is in violation.

I certainly hope that we will use good fair judgment in referring these bills eventually where they will get the proper treatment.

Mr. CHASE of Lincoln: Mr. President and members of the Senate: I have to differ with my brother, Senator Cole. This goes much further than affecting the economy of just the truckers. It affects the economy of the entire business. There are thousands of men employed in these lumber and pulp operations that are dependent

on whether these products are moved or not. And he speaks of the damage to the roads in the event of a thaw. Our Commissioner has authority to close these roads any time we have a thaw. I certainly hope that his move for indefinite postponement is killed.

Mr. FARRIS of Kennebec: Mr. President, I don't believe there is anyone in this Senate that has more respect for our friend, the Senator from Waldo, Senator Cole, than do I, and originally it was my understanding that the reason for the Order and for the handling of these bills as they have been going along, was to have a legislative research study. I also can appreciate the position in which the Senator from Waldo, Senator Cole, finds himself, being a member of the Transportation Committee and the Highway Committee. It places him in a very difficult position.

At least we know now we are getting down to the merits and the reasons as to why this bill possibly should not be enacted. I cannot help but recall in 1955 in this Senate, the 97th session when a similar bill had reached the enactment stage, and some of you may recall there was a so-called Gore bill pending in the Congress and even though the indications were that the Gore bill would not be favorably acted upon in the Congress but if the Gore bill were acted upon, our law would be in contravention to its provisions and the trucking association at that time themselves requested the sponsor of that bill to increase the weight tolerance to seek to have it removed and he went to the Governor's office and it was not signed and the bill was not passed.

The Gore bill subsequently failed and so we now in this 100th legislature find ourselves pretty much in the same position. However, the amendment to this particular bill does make specific provision that in the event that there should be any conflict between the regulations of the Bureau of Roads and this law, then the regulations shall prevail. Certainly the only reason now that can have any merit is the matter of weighing the alleged damage that permitting this tolerance can do to our highways.

We have been trying to make a record of progress in this session. We have given a lot of thought to new industry but right today we do have our pulp industry which is expanding at a greater rate than many other industries throughout the United States, and we have today lumber from the west coast being landed in this area at prices below our local lumber of a similar grade, so you can see that the foreign competition is really creating a tremendous problem for our local business.

I have had occasion to say we shouldn't speculate, we shouldn't gamble. But I don't feel that we are gambling nor that we are speculating. Certainly if we find that there is damage being done to our highways that is out of proportion to the good that is being done for our economy then we would have to take different legislative action, but for this particular bill and at this particular time I feel that we would be performing a tremendous disservice to the people of the State of Maine if we do not accept a report of ought to pass, and for that reason, I am opposed to the motion of the Senator from Waldo, Senator Cole to indefinitely postpone, and if a division has not been requested, I request one.

The PRESIDENT: The question is on the motion of the Senator from Waldo, Senator Cole, that the bill and accompanying papers be indefinitely postponed, and a division has been requested.

A division of the Senate was had.

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

Thereupon, the bill was tomorrow assigned for second reading.

On motion by Mr. Stanley of Penobscot, the Senate voted to take from the table bill, "An Act to Transfer Northern Maine Sanatorium to Central Maine Sanatorium" (S. P. 311) (L. D. 899); tabled by that Senator earlier in today's session, pending motion by Senator Mayo of Sagadahoc that Senate Amendment B be indefinitely postponed; Senator Stanley

yielded to Senator Edmunds of Aroostook.

Mr. EDMUNDS of Aroostook: Mr. President, I have often heard that one of the important capabilities of a political animal was to be devious. I don't necessarily subscribe to this theory and since there is a question as to the germaneness of Senate Amendment B which was under discussion at the time it was tabled, and since my good friend, the Majority Floor Leader thinks I slipped a sleeper in here, I would like to state that I will now go along with the motion of the Senator from Sagadahoc, Senator Mayo, that Senate Amendment B be indefinitely postponed, but I would also like to state that when the supplemental budget comes before us I will attempt at that time to amend the supplemental budget for the same purpose.

The PRESIDENT: The question is on the motion of the Senator from Sagadahoc, Senator Mayo, that Senate Amendment B be indefinitely postponed.

The motion to indefinitely postpone Senate Amendment B prevailed and the bill was tomorrow assigned for second reading.

The President laid before the Senate the 8th tabled item (H. P. 563) (L. D. 757) bill, "An Act Relating to Mandatory Fines on Axle Weights of Commercial Vehicles"; tabled on May 24 by the Senator from Waldo, Senator Cole pending assignment for second reading; that Senator moved the pending question and the bill was tomorrow assigned for second reading.

On motion by Mr. Porteous of Cumberland, the Senate voted to take from the table bill, "An Act Relating to Weight Tolerance for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts"; tabled by that Senator earlier in today's session pending motion by Senator Cole of Waldo that the Senate accept the Ought not to pass report of the committee; and Mr. Porteous of Cumberland yielded to the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I should have been ready to debate this. I had material here but cannot find it. I wonder if we could defer this until possibly after lunch if we have some other matters we could take up now.

The PRESIDENT: Will the Senator from Oxford, Senator Ferguson, approach the rostrum?

(Conference at rostrum)

Mr. FERGUSON of Oxford: Mr. President, I rise in opposition to the motion of the Senator from Waldo, Senator Cole, and I ask to withdraw my tabling motion.

The Senator from Oxford, Senator Ferguson was granted permission to withdraw his tabling motion.

Mr. FERGUSON of Oxford: Mr. President, I rise in opposition to the motion of Senator Cole of Waldo, and ask that the vote be taken by a division.

The PRESIDENT: The question is on the motion of the Senator from Waldo, Senator Cole, that the Senate accept the Ought not to pass report of the committee; a division has been requested.

A division of the Senate was had.

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

Thereupon, the Ought to pass report was accepted, the bill read once, Committee Amendment A read and adopted and the bill as amended tomorrow assigned for second reading.

The President laid before the Senate the 9th tabled item (S. P. 568) Joint Order, Legislative Research Committee, Motor Vehicle Weights, Heights and Widths; tabled on May 24 by the Senator from Waldo, Senator Cole; and that Senator moved the passage of the Order.

Mr. NOYES: Mr. President, I can see no need for the Order if these bills are going to move along and therefore I would request a division.

Mr. FARRIS of Kennebec: Mr. President, I would like to inquire through the Chair of the Senator from Oxford, Senator Cole, as to whether there are other matters which possibly also should be

studied in relation to this subject matter in addition to what has already been covered in the legislation which we have voted upon today?

The PRESIDENT: The Senator from Kennebec, Senator Farris poses a question to the Senator from Waldo, Senator Cole, and that Senator may answer if he wishes.

Mr. COLE of Waldo: Mr. President, in answer to the Senator from Kennebec, Senator Farris, I will say that the Order pertains only to vehicle weights, heights and widths and my only purpose in introducing the Order, is the fact that I think it is a sane, sound proposal. In doing so I have taken the responsibility away from the Highway Committee and also from the Highway Commission.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the Order receive passage; and a division has been requested by the Senator from Franklin, Senator Noyes.

A division of the Senate was had.

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

On motion by Mr. Edmunds of Aroostook, the Senate voted to take from the table bill, "An Act to Create the Fort Kent Sewerage District" (H. P. 528) (L. D. 726) (New Draft, New Title: An Act Creating the Fort Kent Utilities District. H. P. 1155, L. D. 1593) tabled by that Senator earlier in today's session pending acceptance of the Ought to pass report; and on further motion by the same Senator, the report was accepted, the bill read once, House Amendment A read and adopted and the bill tomorrow assigned for second reading.

On motion by Mr. Edmunds of Aroostook, the Senate voted to take from the table bill, "An Act Relating to Length of Motor Vehicle Trucks" (H. P. 435) (L. D. 649) tabled by that Senator earlier in today's session pending passage to be engrossed; and on further motion by the same Senator, the bill was retabled and especially assigned for tomorrow.

The President laid before the Senate the 10th tabled item (S. P. 102) (L. D. 247) Resolve Appropriating Moneys to Provide Promotion for Maine's Industrial Development"; tabled on May 24 by the Senator from Franklin, Senator Noyes, pending second reading; and that Senator yielded to the Senator from York, Senator Lovell.

Mr. LOVELL of York: Mr. President and members of the Senate: It seems as though I have to argue with Fate here every day. My health isn't too good. In fact this morning I even got a card with a picture of my tombstone on it. I would like to present Senate Amendment A and move its adoption.

Thereupon, Senate Amendment A was read and adopted and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate the 11th tabled item (H. P. 740) (L. D. 1027) bill, "An Act Increasing Renewal Fee of Certificate of Registration for Barbers and Operators of Hairdressing and Beauty Culture"; tabled on May 24 by Senator Lord of Cumberland pending enactment.

Mrs. LORD of Cumberland: Mr. President, this bill has had its third reading in the other Body this morning. I am not sure what will happen in here and I would like to table this because if the other bill does not pass, this one is not feasible.

Thereupon, the motion prevailed and the bill was retabled pending enactment.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table Resolve, in Favor of Jim Adams, Inc. of Bangor (H. P. 464) (L. D. 664) tabled by that Senator earlier in today's session pending passage to be engrossed.

Mr. PARKER of Piscataquis: Mr. President, I move that the Senate concur with the House in the indefinite postponement of this bill.

Mr. PORTEOUS of Cumberland: Mr. President, in regard to the motion that has just been made,

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

Mr. FARRIS of Kennebec: Mr. President, I have forgotten the exact status of this item and I would like to inquire through the Chair of any Senator who might be able to answer this question, when the other Body did indefinitely postpone this measure, did they have before them the amendment which, as I recall, provided for \$9,000?

Mr. PORTEOUS: Mr. President, in answer to the Senator from Kennebec, Senator Farris, the answer is, Yes. They had Senate Amendment A and a previous amendment which was Committee Amendment A; Committee Amendment A was the Minority Ought to pass Report A which cut the claim from \$40,000 down to \$9,500. There were two other reports. Five members of the committee reported Ought not to pass and one other minority report, Report B, reported Ought to pass and set the sum at \$3,000. The House did have these amendments.

Now, Senate Amendment A changed the wording of the L. D. to make it more legal in case the Highway Department should at some future time take issue with this they would have a better case, the proponents of the claim would have a better case. If I may go on, I will give a few more remarks on this L. D. and why the Claims Committee through many, many hours of deliberation, not only did we take this up as a bill and spent one entire afternoon with some sixty-five pieces of double spaced typewritten testimony which I have here and I would be glad to read it if you would like to be here through the end of the month on this one thing alone. Then we had four or five executive sessions on it specifically to get in all the facts, and the committee all of them, whether they had a predetermined position on it, whether they were for or against, the committee was very well behaved in its attitude toward this. They may have made up their minds a long time ago but we went through that testimony because we figured that the Highway Department had



spent a lot of money having this recorded and both sides of the question had spent many dollars in legal fees, and that we, as representatives of the General Court of the State, in trying to turn out a proper decision, should give it the longest, or the lengthiest consideration that we could with allowance for time.

But the real point to be made here, the main point is that in the past, the Supreme Court had ruled that a claim for loss of business could not be awarded, that no loss of business could be accepted unless authorization for such loss was provided in the original enabling act.

The Court also stated that if the legislature wishes on occasion, it could grant awards based upon acts of the State-supervised contractors and agents, employees or others, if the legislature believes under the particular circumstances there is moral obligation to do so.

Yesterday I was asked how much the claimant had been awarded in the past. He was awarded, as I stated at that time, \$18,000 and then \$32,000, a total of \$50,000, for the taking of land and for the damage to buildings on his property. I should correct myself—for the lessening of the value of the property that he had. The \$50,000 was based on the appraisal by the State appraisers whereas his own appraisers, two independent appraisers that he hired, gave a figure of a difference in valuation change of some \$75,000. This was before the work went on.

The acts that were most damaging and that we feel should be made up for as a moral obligation of the state were the breaking-up of the street in front of his place with the block-busting equipment that they used, requiring repairs of over five thousand dollars which were not included in that fifty thousand dollars. This of course did not appear until after these other claims were paid.

Mr. Adams had a chance to appeal to the court if his business had been seriously affected by this particular work that was going on, and he did not have the wherewithal to meet his mortgage payments. The business was started

in 1949 and it was only about a four or five year old business at the time—and meet his payrolls, so he was forced to use this money rather than go to court and spend more money in appealing his case within thirty days.

Now rather than read much more of this, I am going to be as brief as possible and I would like to read you from the counsel's opinion on the subject of Jim Adams, Inc.

"If there ever was an example where a moral obligation payment was justified and where the setting of certain standards of conduct of the largest department, its agents and supervised contractors, it is here."

It should also be remembered that any award made by this Legislature will remain on the appropriations table. In conclusion, as to this being a moral obligation, it would be subject to judicial review if the Highway Department insisted on such review.

I hope that the motion of the Senator from Piscataquis, Senator Parker, does not prevail.

Mr. STILPHEN of Knox: Mr. President, just so the record will be straight, I would like to inquire through the Chair from the Senator from Cumberland, Senator Porteous, if he would state the "counsel" he referred to; would he give us a classification, as to whether that is a man who represented Jim Adams or some other counsel?

The PRESIDENT: The Senator from Knox, Senator Stilphen, poses a question through the Chair to the Senator from Cumberland, Senator Porteous, and he may answer if he wishes.

Mr. PORTEOUS of Cumberland: Mr. President, in answer to the question by the Senator from Knox, Senator Stilphen, the man was Malcolm S. Stevenson, Attorney at Law, Bangor, Maine, Box 155, who is well-known to all of us.

Mr. STILPHEN of Knox: Mr. President, may I direct another question to the Senator from Cumberland, Senator Porteous?

The PRESIDENT: The Senator from Knox, Senator Stilphen, poses another question through the

Chair to the Senator from Cumberland, Senator Porteous, and he may answer if he wishes.

Mr. STILPHEN: My question, for the record, is: Who does Malcolm S. Stevenson represent?

Mr. PORTEOUS: Mr. President, in this case he represented Jim Adams, Inc. of Bangor.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I have no intention of prolonging this debate except I do think there are a few points that we must all become familiar with in order to base our opinion on how to vote.

First, let me say that this is not the first time that this resolve has been before the Legislature. In 1955, in 1957, in 1959, and now in 1961 we have had bills before the Claims Committee on this very same problem. Each time they have been turned down.

In order that we may have some knowledge of what has been paid to Jim Adams, Inc., let me say that the \$50,000 that he has received from the state in this case is for a piece of land 162 square feet, which, according to my arithmetic, means ten feet one way and sixteen feet in another, in fact about the size of the space between the clerk's desk and the front row on my left here in this Senate.

Now I think that most of us will agree that a piece of land ten feet by sixteen feet on which damages in the amount of \$50,000 is paid is ample payment for this resolve.

Also, let me say that any damage that was caused by so-called block-busting of the street, where it was claimed by Jim Adams, Inc. that it damage his buildings—\$9000 of the funds from the State Highway Department were used to repair these buildings. The claim was that standards that held up the building were weakened. Those were replaced, and, in fact \$9000 was expended to repair and put in first class shape the building which was probably, let me say in all fairness in better condition afterwards that it was before or when the building was constructed.

I am sure that if this corporation, Jim Adams, Inc., had taken the necessary steps within the

specified time that they had to have entered a claim against the contractor who should have been liable in this case and not the state, that would have been given consideration, and if he was entitled to more damages or any moral damages he would have received them at that time. I certainly hope the motion to indefinitely postpone prevails.

Mr. PORTEOUS of Cumberland: Mr. President, in rebuttal to the Senator from Cumberland, Senator Parker: yes, this claim has been before the legislature before. In 1955 and again in 1957 Jim Adams, Inc. filed a claim in this legislature for relief, on business loss and unnecessary acts. This took the form of a right to sue passed by the 98th Legislature, but in drafting the bill the phraseology stripping the State of its immunity from suit was left out of enactment. When suit was brought, the State Highway Department, instead of following the obvious legislative intent and agreeing to the addition of what words were left out, retained high-priced legal counsel and defeated the legislative intent by successfully demurring, resulting in further expense to Jim Adams, Inc. and thwarting his attempt to do what the 98th Legislature wished him to do.

I might also add that there is a change being made in the kind of appeals board and I think some of it stems from this particular claim. At the present time I think the appeal board is made up of the three Highway Commission members and three County Commissioners, so, as the Senator from Kennebec, Senator Gilbert, would say in the parlance of baseball, you have got two strikes against you before the fellow throws the ball.

Also, I would say that this five thousand dollars mentioned in addition to the nine thousand dollars they put in was after that was put in, repairing buildings that were cracked by the use of a block-buster in the street which was halted shortly beyond the property of Jim Adams. This was done because the people in the fire station saw the damage that had been done to Jim Adams property and

they didn't want to have the same things happen to the fire station.

This location is very near the Bangor House and I am quite sure you are familiar with it. The State Highway Commission put up signs so when you came around the corner by the Bangor House it said "No left turn" and "No crossing," and people coming down that street, I believe it is Union St., could not enter the Jim Adams property without going across the Bangor-Brewer bridge, paying a dime, turning around and coming back and paying another dime and then going into the Jim Adams property, so anybody the least bit unfamiliar with this traffic pattern would be, I would say, discouraged from trying to get to Jim Adams' place of business. The State Highway Commission admitted that these signs were their fault and the man in charge when he found out the mistake, did all in his power to correct that, but not soon enough to prevent quite a loss to Jim Adams.

If there are any other questions I will be glad to answer them.

Mr. PIKE of Oxford: Mr. President, I am getting awfully hungry and I would like to go to dinner.

I was a member of the 97th Legislature and this name, Jim Adams, sounds awfully familiar to me, and I think where he had \$9000 paid out on his building and where he has had \$50,000 in clean cash handed out to him for a little plot of land that you could put into a pretty small kitchen, I think he has had pay enough.

Mr. STANLEY of Penobscot: Mr. President, I did not attend the hearing on this particular bill but I do remember that Jim Adams was in here in 1955, 1957, 1959 and again this year.

I am well-acquainted with the situation of Jim Adams and the State Highway Commission. As the Senator from Cumberland, Senator Porteous, has said, if you are not aware of the traffic pattern it would be a little hard for you to understand why a piece of land as small as that could be so valuable.

Jim Adams' garage is on the corner of Union St. and, I believe it is Independence St. In the build-

ing of the bridge across the river to Brewer both of those streets were torn up and a street in back of Jim Adams was used and is being used now to go around his building. He was awarded \$50,000, as I remember, and \$9000 for repairing the building. I think the \$9000 for repairing the building was certainly justified because it had been damaged through no negligence of his own. The \$50,000 presumably was paid for a small tract of land, but the tract of land was very much needed by his particular business. I know that the man did suffer by having the bridge built there. The right of way into his garage was torn up for months and months. I hired two of the men that he had to let go because of business conditions and I know there were seven others that had to go. The gentleman did suffer greatly from it, and because of the fact that the Legislature did grant him permission to sue the state and then he was thwarted I think we should recompense him somewhat for that, so I would go along with the Senator from Cumberland, Senator Porteous.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: In deference to the hunger pains of my colleague, the Senator from Oxford, Senator Pike, I shall be very brief.

I think we must keep in mind not the amount of money that has been paid an individual on a claim of this nature but the damage that was suffered, and even though fifty thousand dollars is a lot of money and sounds like a lot of money to be paid in this instance, if it did not compensate for the damage we should do more.

Now certainly in this amendment which we have offered—and this will be in full, this will be the end of it—we reduce the claim to the sum of \$9500. I know for a fact that this is not beginning to compensate Mr. Adams, but at least this matter will be determined once and for all.

There is something which I wish to put upon the record because I think it is important. There has been reference to Jim Adams, Inc. and Jim Adams having been here

this session and that session. Now I know Jim Adams, I know him very well, and there is not a finer christian gentleman that walks the face of this earth than Jim Adams, and Jim Adams is the type of man that is so scrupulous and conscientious that even though he and I are very close personal friends, he has never at any time, when I was in the 97th Legislature in 1955 or in this 100th session now, ever discussed this matter with me while I have been a member of the Legislature. That is how scrupulous Jim Adams is. I simply want it spread upon the record that this is not just a claim that comes in constantly by a corporation that is trying to milk the State of Maine. I sincerely believe that we owe this obligation to Mr. Adams as a moral obligation due to the loss of his business. He not only lost his business but he lost his health because of the fact that he was put out of business at this location. If we can, in some small measure, compensate Jim Adams by paying him \$9500 and having in return a release in full of all claims, I honestly believe that we are not only doing a service to Mr. Adams but also to the people of the State of Maine. Therefore I am opposed to the motion to indefinitely postpone.

Mr. LOVELL of York: Mr. President and members of the Senate: It is very seldom that I agree with the good Senator from Penobscot, Senator Stanley, or with the good Senator from Kennebec, Senator Farris, but I also know Jim Adams and he is a very civic-minded man and I have great confidence in his intelligence and integrity. I feel that this claim is very deserving and I want to go on record as in favor of it.

Mr. STILPHEN of Knox: Mr. President, I did not think this was going to reach the point of testimony as to whether the man was good or not. I do not know Jim Adams and it would not make any difference if I did. There is a principle involved in this particular piece of legislation at this time, the same principle which has been involved in each session of the Legislature I have attended,

namely the 97th, the 98th and the 99th, and each and every time that this resolve has been before the Legislature there have always been different versions of what should take place.

If the Senator from Oxford, Senator Pike, is not too far gone with hunger, if you will just look at L. D. 664 which asks for \$40,400 from the unappropriated surplus of the general highway fund or the general fund—I don't care which fund it comes from. Now we see an amendment here, a House amendment which apparently nobody thought too much of, it being a little ridiculous maybe, to drop that from \$40,400 to \$3000. And now we come to the amendment in question, and that does not only change the figures but it cuts out everything after the title. We have got a new bill in front of us here. "Amend said Resolve by striking out everything after the title and inserting in place thereof the following: Jim Adams, Inc., Reimbursed. Resolved that there is appropriated as a moral obligation of the State of Maine from the unappropriated surplus"—they finally have made up their mind where they want to take it from—"the amount of \$9500"—I don't remember of ever seeing that figure before—"in full said Jim Adams to compensate for damage suffered by unnecessary, careless and harmful acts of state-supervised tractors and employees, state agents and employees, both during and after the construction of the Bangor-Brewer bridge."

Now if this particular piece of legislation is allowed to pass what is to prevent hundreds of other people who decide they had suffered damage by unnecessary, careless and harmful acts of state-supervised contractors from coming in this Legislature? This man like all other people had not only recourse to appeal to the Joint Board but he had his day in court, he had his right to go to court. Should we as a legislature, because of some judicial wisdom where they defaulted enable them to step over it and condemn the system of justice in the State? I think we should decide this matter on its merits as we decide all matters,

and if we decide it on its merits and find that there is damage here and pass it we are opening the flood-gates for other measures which can come from Kittery to Fort Kent and from Eastport to Oxford County. I hope that the motion to indefinitely postpone does prevail.

Mr. COUTURE of Androscoggin: Mr. President, I too have heard a lot about Mr. Adams, but he seems to be a new man today. I have heard about him in the other branch, I have heard about him here, and his name has changed around so much here I don't follow it, and I am wondering if there is more than one Mr. Adams. It is getting so complicated that I am forced to support the motion of Mr. Pike. I think the gentleman has been well taken care of. And I would like to ask a question of anybody who can answer it: Was this done by any contractor that was awarded the job by the State?

The PRESIDENT: The Senator from Androscoggin, Senator Couture, poses a question through the Chair to any Senator who may wish to answer.

Mr. PORTEOUS of Cumberland: Mr. President, I am not as hungry, I guess, as some of the other people here, but I think it is sort of a waste of time to get up and answer the question. Who else does work for the State of highway projects except a contractor?

Mr. PIKE of Oxford: Mr. President, I want to tell you that you can debate this just as long as you want to because they have been giving me some little sandwiches.

Mr. COUTURE of Androscoggin: Mr. President, I can't understand us taking a stand to reimburse money to any private concern where the damage has been caused by an outside contractor. That was my question.

Mr. PORTEOUS: Mr. President, my apologies to the Senator from Androscoggin, Senator Couture. I misunderstood his question.

Now this contractor was working on a state project and therefore this was work being done and supervised by the State. One of the specific charges was that this contractor—he didn't do the dam-

age to the building itself—it was the work that was going on nearby and over the weekend when a good deal of the business of this firm was done—on Saturdays and Sundays, which was permitted in those days, by the way.

This contractor seemed to take a dim view of anything that Mr. Adams said and he completely disregarded Mr. Adams or his employees when he asked them not to park their heavy equipment vehicles right around his place and half-way blocking the entrances so that people approaching would naturally be inclined to shy away from trying to enter, especially in a place where the road was already broken up and where there was abnormally heavy traffic. So this contractor did act very badly.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: Unless I heard wrong I certainly heard our good Senator from Cumberland, Senator Porteous, mention repair to the building, damaged cause to the building, that it came up to some \$19,000 repair to the building itself, the garage. Am I right?

The PRESIDENT: The Senator from Androscoggin, Senator Couture, poses a question through the Chair to the Senator from Cumberland, Senator Porteous, and he may answer if he wishes.

Mr. PORTEOUS of Cumberland: Mr. President, in answer to the Senator's question, the figure was \$9500—\$9000. The damage was indirect in that the block-busting was done on the street and the vibrations rocked the building to such an extent that the building cracked and therefore permanent damage was done. It was indirect; it wasn't as though a truck ran off the street and into the wall or the weight actually hit the building above the street level; it was indirect damage.

Mr. COUTURE of Androscoggin: If I am in order, Mr. President, may I ask another question of the Senator if he is not getting too tired. Did the state make sure that this contractor was bonded for any damage before he was issued his contract?

The PRESIDENT: The Senator from Androscoggin, Senator Cou-

ture, poses a question to the Senator from Cumberland, Senator Porteous, and he may answer if he wishes.

Mr. PORTEOUS of Cumberland: Mr. President, I do not think I would be in order to answer that question. I might refer it to somebody from the Highway Committee who knows more about the necessity for bonding a contractor.

Mr. COLE of Waldo: Mr. President, I was hoping I would not get into this debate.

In answer to the question, I will say that all contractors must be bonded.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that this resolve be indefinitely postponed. A division has been requested. All those in favor of the motion will rise and remain standing until counted.

A division was had.

Ten having voted in the affirmative and thirteen in the negative, the motion did not prevail.

The resolve was thereupon passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate the second tabled matter, (H. P. 385) (L. D. 560) House Report "Ought not to pass" from the Committee on Highways on Bill, "An Act Appropriating Moneys for Construction of a Road for Elliottsville Plantation," tabled on May 22nd by the Senator from Piscataquis, Senator Parker, pending acceptance of report.

Mr. PARKER of Piscataquis: Mr. President, because of the fact I expect to have additional information on this resolve I would move that it be retabled until Wednesday of next week.

The motion prevailed and the report was so tabled.

On motion by Mr. Noyes of Franklin.

Adjourned until 9:30 tomorrow morning.