

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

NOV. 27 - DEC. 2, 1961

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Thursday, November 30, 1961

Senate called to order by the President.

Prayer by Rev. Joseph Craig of Augusta.

On motion by Mr. Brewster of York, Journal of yesterday read and approved.

The PRESIDENT: The Chair notes in the Senate Chamber a group of sixteen students from the 8th grade of Riverside School in Vassalboro, accompanied by Teacher William Olsen and a parent, Mrs. Rabadeau. It is certainly a pleasure to have the group with us this morning. We hope you enjoy your visit. There are many interesting things to see in the State House. At this time I would like one of the three Senators from Kennebec to greet you. Any one of the three may speak, Senator Gilbert, Senator Farris and Senator Marden.

Mr. MARDEN of Kennebec: Good people from Vassalboro, I won't take much time to welcome you because I would not want to interrupt this fast moving, perpetual motion, well oiled and efficient machinery of government, but let it suffice that you are welcome here. We hope that you find something of interest, and someday may you sit in our seats. (Applause)

Papers from the House:

Non-Concurrent Matter

Bill, "An Act to Provide Aid to Maine Industries to Obtain Government Contracts". (S. P. 601) (L. D. 1641)

In Senate, Majority ought to pass report accepted and bill passed to be engrossed.

Comes from the House, Reports and bill indefinitely postponed in non-concurrence.

In the Senate:

Mr. LOVELL of York: Mr. President, it almost seems that the other body here is unprogressive. This is the only bill we have before this session that would mean added revenue in tax moneys to the State of Maine. I don't understand their attitude but I would

move that we insist on our former action.

The motion prevailed and the Senate voted to insist on its former action and ask for a Committee of Conference.

The President appointed as Senate members of such committee, Senators Lovell of York, Noyes of Franklin and Jacques of Andros-coggin.

Committee Reports — House Ought to Pass

The Committee on Agriculture on Bill, "An Act Granting Courts Power to Issue Injunctions to Enforce Milk Commission Law." (H. P. 1221) (L. D. 1674) reported that the same Ought to Pass.

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

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize the Employment of Additional Personnel at the Maine Vocational Technical Institute." (H. P. 1198) (L. D. 1651) reported that the same Ought to Pass.

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

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate, I offer an amendment to this bill and move its adoption, and I would like to speak to that motion.

The need for this appropriation is so great that in my opinion it should be classed as an emergency. Perhaps I should interrupt myself and say that the Filing number is S304. Many people in my county are interested in educational television but a far greater number are asking for the opening of this vocational school. If we do not get this money it means the difference between having a school prepared to meet the needs of students in this northeastern section, and putting most of a three million dollar property in mothballs for two years at least.

Youth in my area are already asking, "When is the school going to be ready for us? Shall we discourage them or defeat them entirely in their efforts to prepare for

useful life at some trade or skill? Aroostook is, I believe the third largest county in respect to population and the largest in area in the state and there is a great need for a trade school here where many cannot afford or have not the qualification for enrollment in a four year course in a liberal arts college. For six years we have been trying to get such a school in this area. Please don't let us down in this attempt to get it in operation. It is not only Aroostook which would be served, but Penobscot, Piscataquis and Washington would to a large extent benefit from this school. More than 50 students from this area were in Maine Vocational Technical Institute in South Portland last year. Tuesday at the hearing we were told that they had to turn away a large number of applicants last year from MVTI because they were not equipped to handle them.

This school in northeastern Maine if granted this \$250,000 could be ready in the fall of 1932 to take at least a large percentage of those now deprived of this training. I hope you will accept this amendment and thereby get this school on its way to satisfactory completion.

May I say in closing that a part of this school could be put into operation for a smaller amount and perhaps we will discuss that also.

The Secretary read the amendment.

Mr. NOYES of Franklin: Mr. President, I hesitate at any time to oppose a woman and I always hesitate to oppose our dear lady from Aroostook County, but as a member of the screening committee and as a member of the leadership, I have got to bring out at this time that this bill was brought before the committee and was turned down. Perhaps it should have been accepted but there were many bills, and the committee in its best judgment did not feel that the overall amount of money available at this time would allow us to let this bill in.

As a matter of policy, and if we are going to get out of here this week, which I hope we will, we cannot allow amendments to come in which have been defeated

because the subject matter was presented in another bill and I question, Mr. President, whether Mrs. Christie's amendment is germane and I would like to have a ruling from the Chair on that question of germaneness.

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

Thereupon, under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

The PRESIDENT: We have as guests in the Chambers today, 55 Students from the Williams High School in Oakland. This is the Problems of Democracy Class and they are accompanied by their teachers Mr. Atwood and Mr. Morin. Since Oakland is in Kennebec County, I would like to introduce the Senators from that County: Senator Gilbert, Senator Farris and Senator Marden. It certainly is a pleasure to have you with us. You heard the short speech that Senator Marden gave in welcome to another Kennebec County group and that includes you folks, also. It is nice to have you with us. (Applause)

Ought to Pass — As Amended

The Committee on State Government on Bill, "An Act to Provide for a Legislative Finance Officer." (H. P. 1215) (L. D. 1668) reported that the same Ought to Pass as amended by Committee Amendment "A" (Filing H-424)

Comes from the House, report read and accepted and the Bill passed to be engrossed, as amended.

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

Majority — Ought to Pass in New Draft (New Title)

Minority — Ought Not to Pass

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for the Construction of an Emer-

gency Operating Center for State Government." (H. P. 1226) (L. D. 1686) reported that the same Ought to Pass in New Draft (H. P. 1238) (L. D. 1703), under New Title, "An Act Providing for the Construction of an Emergency Operating Center for State Government in Farmington."

(Signed)

Senator:

DAVIS of Cumberland

Representatives:

BRAGDON of Perham

SMITH of Falmouth

WELLMAN of Bangor

DRAKE of Bath

JALBERT of Lewiston

PLANTE of Old Orchard

DAVIS of Calais

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

(Signed)

Sensors:

STANLEY of Penobscot

SAMPSON of Somerset

Comes from the House, Majority Ought to Pass in New Draft Report Accepted and the Bill Passed to be Engrossed in New Draft.

In the Senate, on motion by Mr. Davis of Cumberland, the Majority Ought to Pass Report was accepted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

Majority — Ought to Pass As Amended

Minority — Ought Not to Pass.

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to Aid Towns to Control Dutch Elm Disease." (H. P. 1229) (L. D. 1689) reported that the same Ought to Pass as amended by Committee Amendment "A" (Filing H-421)

(Signed)

Senator:

DAVIS of Cumberland

Representatives:

JALBERT of Lewiston

BRAGDON of Perham

SMITH of Falmouth

DRAKE of Bath

WELLMAN of Bangor

PLANTE of Old Orchard
DAVIS of Calais

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Sensors:

SAMPSON of Somerset

STANLEY of Penobscot

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

In the Senate, on motion by Mr. Davis of Cumberland, the Majority Ought to Pass report of the Committee was accepted in concurrence and the bill read once; Committee Amendment A was read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

Draft (Same Title)

Minority — Ought Not to Pass

The Majority of the Committee on Transportation on Bill, "An Act Relating to Gross Weight and Width of Trucks Hauling Construction Materials." (H. P. 1209) (L. D. 1662) reported that the same Ought to Pass in New Draft under the same title (H. P. 1237) (L. D. 1702)

(Signed)

Sensors:

STILPHEN of Knox

GILBERT of Kennebec

Representatives:

DUNN of Poland

FINLEY of Washington

LINNEKIN of Limington

WHITNEY of Winn

BUSSIERE of Lewiston

NADEAU of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

(Signed)

Senator:

COLE of Waldo

Representative:

BERRY of Portland

Comes from the House, Majority Ought to Pass in New Draft Accepted; House Amendment "A" Read and Adopted, and the Bill passed to be engrossed in New Draft, as amended.

Mr. STILPHEN of Knox: Mr. President, I move the acceptance of the Majority Ought to Pass Report in concurrence.

Mr. COLE of Waldo: Mr. President and members of the Senate, I would like to speak in support of the minority report and I have three reasons. First, I think this august body remembers that a few months ago we passed an order referring this type of legislation to the Research Committee for a study as to weights, widths and heights of trucks. The American Association of State Highway Officials, known as AASHO, is making their report to Congress sometime in December of this year. This has been a very expensive experiment. It has run for several years out in the mid west to determine just what the result of axle weights might be as to the detriment of our highways.

It would seem to me that if we were sincere and believed that the Research Committee should make this study, at least we would make the study and return the results to the next legislature before any increased weight is allowed on our highways such as this bill would permit.

Number two, I think it is very discriminatory. I am sure we all remember very well that the bulk milk tank operators and certainly the bulk feed operators have the same problem as these contractors. I think it is very unwise for this Legislature to take care of any one segment and leave the others out.

Number three, as you will note in the new draft, Section 4, which has been amended by House Amendment A it has the same old worn out limitation prohibiting this sort of vehicle from using the interstate highway which is built to specification to really handle this type of vehicle. It would seem absurd to me that we should allow these types of vehicles to operate on our highways that are not built to these specifications. Many of them as you know, are in the secondary system, and have very little base, and certainly this type of vehicle will destroy and be very costly to our highway system.

Now, last session, we did pass legislation allowing certain indus-

tries to haul greater weights throughout the three months of winter, during the period when we had frozen highways; that is, December, January and February. We set up a fee of \$25 per month for this. This particular bill allows the same type of vehicle to operate the year round regardless of whether highways are frozen or not for from \$40 to \$50 per year, there again costing the State of Maine money.

I really think that this legislation is made for the twentieth century, certainly not for the nineteenth century highways. So, Mr. President, I move indefinite postponement of this bill, and when the vote is taken, I request a division.

Mr. STILPHEN of Knox: Mr. President, this is sort of a repetition of the final days of the regular session when the Senator from Waldo was so ably defending the highways of Maine and at that time I was trying to defend and help industry.

To bring the Senate up to date on this particular measure, the Committee on Transportation held its public hearings on Tuesday of this week. It was well attended, with in the neighborhood of eighty people there. Representatives from the independent truckers and from the truck operators, the Maine State Police, the Secretary of State's office and a representative from the Maine Central Railroad. It seems very unusual that there was no representative there from the Maine State Highway Commission. All the measures which we passed during the regular session, all the public hearings we held, there were from one to five representatives of the State Highway Commission. They objected strenuously to the increase in weights and to bring you a little further up to date, there was only one opponent to this measure, and his opposition was somewhat qualified. He objected first to the part in the original bill which said "bituminous products". He implied that that could mean coal and we did not disagree with him. So if you will notice in the new draft, "bituminous products" has been changed to "bituminous construction material", because the prime object of this bill is to help the highway construction

group, the people who are constructing our highways. They have asked for relief and it was conceded at the hearing that they needed relief and this bill seemed to be the best approach to relief for them.

So with that amount of opposition, I felt justified in leaving as a signer of the Majority Ought to Pass report. As far as the order for a study of weights and widths and heights of trucks which is in the Research Committee, we all know, those who have been here throughout the years, that that has been one of the greatest methods of delay, and it was used all last winter on every truck measure and on many other measures.

As for being discriminatory, I think at any time any piece of legislation is put in here that mentions in itself any segment of any industry, it could be called discriminatory.

I cannot see why when we passed legislation last winter for the pulp men, for the paper industry and those different segments, why that was not discriminatory also.

As far as the reference to the saving clause, the amendment which was attached in the House, I am sure the good Senator from Waldo would use that in a different way if it weren't in this particular bill, since it is there for the purpose it is and it is there for the purpose of keeping this bill so we will not lose federal funds. The reference to using the federal, the interstate highway system with these added weights, certainly we could use them to more advantage and with less damage because they are built to better specifications in some instances but in the Highway Act, if we increase our weights or widths in any way, shape or manner, we become ineligible for highway money on the interstate system.

That is why it's there. There was quite a lot of discussion at the other end of the corridor on the bill itself without that amendment. The bill in new draft included a clause, which was in most circles agreeable, that it would not interfere with our federal money. But to safe guard that and to be more than sure, the amendment which is before you and which the other

branch has adopted, will I am sure, make it safe. So I hope that we here today will take into consideration, the segments of industry here in Maine which are constructing our highways, and the men who are trying to make an honest living by operating trucks. By giving them the opportunity to have larger, better, safer equipment to haul these heavy loads and to pass this bill for them. It will not only mean, in the words of the good Senator from Waldo that we will be saving the State of Maine money by not staving up our roads, it will save the State of Maine money by having trucks more properly utilized on these projects which could in the end result in less cost for construction.

I hope that the motion does not prevail that the Senator from Waldo has made.

The PRESIDENT: The question is on the motion of the Senator from Waldo, Senator Cole, that this report, bill, and accompanying papers be indefinitely postponed.

Mr. GILBERT of Kennebec: Mr. President and members of the Senate, I rise in support of the Ought to Pass Report of the committee for many reasons. Our good Senator from Knox, Senator Stilphen gave a good talk but he did not give you the full facts pertaining to these trucks and their weights and widths.

It is a known fact and established that the longer the trucks, the wider the tires, the more widths, gives better distribution and less weight at any one time on any one area. Therefore it does not damage the roads so much as the lighter truck with the smaller tires and the shorter wheel base. So actually, the heavy truck equipped for such work and doing this type of work, certainly is less damaging to our highways than the light truck. As of today, the man who operates a Mack truck or a White auto car or the heavy International cannot carry a pay load that the man can carry with a lighter truck such as Ford 600, 700, or the Chevrolet 300 and 400 series. So it is a bad situation for the construction people to be paying as high as eighteen, twenty and thirty thousand dollars for this heavy

truck and carrying approximately two yards less than the man who has the built-over ton and a half or two ton truck. So for the safety of the people, the safety of construction, the safety of our roads, I would choose the Mack truck or the heavy truck with the wider wheels and wider body that will not extend the overall width of the body from one side of the road to the other, they will be the same width — the wheels are naturally wider and cover a larger area and so I repeat that this is where the safety angle comes in, in better brakes, better facilities, heavier loads, where they can stop quicker than the lighter trucks.

Also it is known that in other states such as Vermont and New Hampshire, they are allowed to carry up to sixty thousand pounds. Massachusetts will let them go to sixty thousand. Vermont up to fifty-five. New Hampshire is based strictly on the size and the rating of the truck. So I must say that our highways here in the State of Maine will stand up under such loads as well as any of the highways they have in these states.

Therefore, I do hope that the motion of our good Senator from Waldo does not prevail.

Mr. CHASE of Lincoln: Mr. President and members of the Senate, being the Senator from Lincoln County, I would not feel right myself if I did not rise to oppose this bill and amendment. We have had quite a bit of experience in our county in the last couple of years. We have had some heavy construction going on in Route 1. The gravel supply in our particular county is on the west part of the county. Therefore they have to haul it quite a way to get to this construction project and they have been big contractors for the most part and they have used heavy trucks, and I could take you down now into our county, if any of you had time — I would like to have you go down there right now and see what is being done to our roads. In order to build a stretch of good road, they are staving up miles of good road in our towns and county that the towns have to provide and keep and maintain.

You know what the situation is in the State of Maine. It is different than it is in the State of New Hampshire and the other states. We have a clay base here in most parts of our state and we have a season here in the winter that affects our roads, and now our construction program on our roads is going on year round. You must know and you must have run across situations like this where the roads were a mess because these heavy trucks were pounding the smaller roads all up in getting the construction materials to the big project. And who fixes them? In some cases the contractors have fixed them, but they haven't fixed them up the way they were before they started on them.

I think also this is another move to squeeze out the little fellow. We still have in the State of Maine thousands of little trucks — we call them little trucks — that are hauling in four and five yards of gravel. These fellows get out of school or come back from the army and they go out and they get themselves a truck and they are trying to do something, trying to provide a little work in the hopes that it might get them going and in the hope that someday they might be a contractor. They might get into bigger business as we all try to do something bigger and better. But this would knock out all those little fellows that are struggling to get along. You know yourself that they are still getting practically the same pay today for a yard of gravel hauling, these little individual operators are getting about the same pay they were getting twenty years ago. Now the big fellow, the contractor comes along and says, "We want to increase the weights of the trucks so we can use a bigger truck with a wider tire, haul a bigger load." This will be the finish of those thousands of little trucks, and let me tell you that those thousands of little trucks in our state are just a part of the type of thing that built this country; little small businesses and enterprises throughout our nation are what built this nation. And it is the trend today to make everything bigger, to cut out and have fewer of these enterprises and it is not

healthy. You say this is just a little incident and doesn't amount to anything. Perhaps it doesn't. Perhaps it will only involve a thousand or two of these trucks scattered throughout our towns in the state but I still say that we should look after their interests because that is what made this country what it is today.

I still think of the hundreds of miles of our little town roads that are being crushed out and smashed up throughout the winter and the spring in order for these contractors to make a little more money to have a bigger truck. Therefore, I hope that the motion of the Senator from Waldo, Senator Cole, to indefinitely postpone, will prevail.

Mr. ERWIN of York: Mr. President, I rise to support the Senator from Waldo, Senator Cole, in his motion and I wish to second completely the remarks of the Senator from Lincoln, Senator Chase. Senator Chase, I think, might somewhere else be accused of nasty talk, because he is telling the truth and I don't really think that the people in this room want to fall in this trap of having pinned on them again the label that the party of big business has again boosted the big businessman and the wealthy contractor at the expense of the little fellow who is trying to make a living. Don't forget that a generation ago this little fellow who is trying to make a living with what may be a "gypsy" truck to the big fellow that has got the Mack and the other one, was a teamster and he had a team of horses and he hauled gravel by team wherever it was needed.

Now these things are important considerations in this particular bill and they are something we ought not to lose sight of in the oratory. There is something else you ought not to lose sight of in the oratory and that is just what Senator Cole reminded you of, and that is that at the last session of the legislature it was all presented to us, "These are only winter haulers that we are helping" and "We aren't really going to do any damage because the roads will be frozen." That section of the economy got in. Then another group got in because they had larger tires and wider

spread between the axles, and I must confess that that argument about the larger tire and a bigger truck and a wider load doing less damage is a little bit like saying to a fellow, "Well, if an elephant steps on your head, the weight is a little bit wider spread and your head is flattened out wider than if a horse steps on your head." You're dead anyway. Let's not be silly about this. This just points up the whole truth. Here is one more group coming in and if we are going to do this at every session of the legislature and if we are going to do it at the special session of the legislature anyway, why do we bother with this? Why don't we just repeal all of the load and weight restrictions as being of no use and effect and then write a limitation in that repeal which says, "Of course this doesn't apply to the federal system which is built according to modern standards and if the federal government has reason for keeping these people off their roads, we will abide with it so we can get the federal money". It's a lot of nonsense.

That is what you are saying. You are saying that roads engineered in the 19th century can carry these 21st century trucks but the federal government which built the interstate system or at least set the specifications for the interstate system isn't quite ready to go this far.

Now, I agree with Senator Chase. Our roads, our secondary roads are in terrible shape all over the State of Maine. They are the roads that force the State of Maine into the very strange position of spending forty percent of its entire budget on highways and fifteen percent on schools. If we keep this up, we are going to be spending most of our money on roads.

Let's be sensible. I hope the motion of Senator Cole prevails.

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

A division of the Senate was had.

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

Thereupon, on motion by Mr. Stilphen of Knox, the Majority Ought to Pass Report was accepted and the bill read once; House Amendment A was read and adopted in concurrence, and under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

Mr. COLE of Waldo: Mr. President and members of the Senate: I would like to ask for reconsideration in regard to Item 1-7, L. D. 1662, New Draft L. D. 1702, due to the fact that not all of the Senators voted.

The PRESIDENT: The Chair would inquire of the Senator from Waldo: Did you vote with the prevailing side?

Mr. COLE: I did not, Mr. President.

The PRESIDENT: The Chair cannot entertain your motion.

Mr. WYMAN of Washington: Mr. President, I wonder if Senator Cole did not vote on the prevailing side when the bill was passed. He did not vote on the prevailing side on the motion to indefinitely postpone but on the passage of the bill I wonder if he did not vote on the prevailing side.

The PRESIDENT: The Chair is taking Senator Cole's word for it.

Mr. STILPHEN of Knox: Mr. President, may I inquire if it is not a fact that all senators voted on the last action that we took on the passage of the bill?

The PRESIDENT: The Chair will have to assume that they did because it went under the hammer, so he voted on the prevailing side.

Mr. CARPENTER of Somerset: Mr. President, in view of the fact that the previous vote was not voted upon by all of the members of the Senate, wouldn't that make the final vote void?

Mr. STILPHEN of Knox: Mr. President, a point of parliamentary procedure. I would like to have a ruling from the parliamentarian if a vote can be invalidated if it is not questioned before it is declared.

The PRESIDENT: The Senate may be at ease.

(At ease)

Called to order by the President.

The PRESIDENT: The motion of the Senator from Waldo, Senator Cole, was perfectly in order. We went to my office and went back over the procedure of the last few moments. The bill was passed to be engrossed, therefore the Senator from Waldo, Senator Cole, is perfectly in order in asking for reconsideration. Will the Senator from Waldo repeat that motion?

Mr. COLE of Waldo: Mr. President, I move that we reconsider our action whereby Item 1-7, L. D. 1662, New Draft L. D. 1702, was passed to be engrossed.

Mr. STILPHEN of Knox: Mr. President, I would like to ask for a division and I hope that the motion does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the Senate reconsider its action whereby we passed to be engrossed (H. P. 1209) (L. D. 1662) New Draft (H. P. 1237) (L. D. 1702) Bill, "An Act Relating to Gross Weight and Width of Trucks Hauling Construction Materials." A division has been requested by the Senator from Knox, Senator Stilphen. All those in favor of the motion of the Senator from Waldo, Senator Cole will rise and stand in their places until counted.

A division was had.

Eighteen having voted in the affirmative and twelve in the negative, the motion to reconsider prevailed.

Mr. COLE: Mr. President, I now move that we take another vote on the motion for indefinite postponement.

The PRESIDENT: The question before the Senate at this time is on the motion of the Senator from Waldo, Senator Cole, that this bill and accompanying papers be indefinitely postponed, the other vote being invalid because one Senator did not vote.

Mr. COLE: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The Chair will repeat the question. The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that this bill and accompanying papers be indefinitely postponed. A division has been request-

ed. All those in favor of the motion of the Senator from Waldo, Senator Cole, will rise and stand in their places until counted.

A division was had.

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

On motion by Mr. Stilphen of Knox, the bill was passed to be engrossed as amended.

Report "A" — Ought to Pass
Report "B" — Ought Not to Pass.

Five members of the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Funds to Complete the Harbor Project in the Town of Wells." (H. P. 1211) (L. D. 1664) reported, in Report "A", that the same Ought to Pass.

(Signed)

Representatives:

PLANTE of Old Orchard
DAVIS of Calais
JALBERT of Lewiston
BRAGDON of Perham
SMITH of Falmouth

Five members of the same Committee on the same subject matter reported, in Report "B" that the same Ought Not to Pass.

(Signed)

Sensors:

DAVIS of Cumberland
SAMPSON of Somerset
STANLEY of Penobscot

Representatives:

DRAKE of Bath
WELLMAN of Bangor

Mr. LOVELL of York: Mr. President, I move that Report "A" "Ought to pass" be accepted by the Senate in concurrence with the House.

Mr. STANLEY of Penobscot: Mr. President and members of the Senate: My reason for voting against this particular bill was that we voted against it in the regular session of the legislature and we are now in an emergency session and I could not find any emergency here.

Apparently what has happened is that the federal government has put funds into digging out Wells Harbor and the town of Wells has appropriated money for that same purpose. They have dug it out so that boats can come in. They have no

road to get down to the harbor and anyone coming off of a boat has no way to get onto the mainland unless they walk or parachute. They would like to build marinas and jetties and so forth to complete this project. It seems to me that if the object of this thing was for marinas and jetties that they should have had those in the first place and that before trying to dredge their harbor they should have had a road down to their place where they were dredging. It did not seem to me that this was the place to come in and ask to have highways built down to their harbor. We thought that they should have gone to the State Highway Commission and that the jetties and marinas should have been done by private enterprise. That was my reason for voting against this bill.

Mr. ERWIN of York: Mr. President, I will buy the argument of the good Senator from York, Senator Stanley, if he will also apply it to another bill that is coming up later on in the session which died under similar circumstances. I think the word "emergency" is used for the purposes of those who wish to keep legislation out; I do not think that "emergency" has any validity at all except by the screening committee, and therefore at that point "emergency" has ceased to be useful.

This particular bill is a request for a grant in aid for a community which has put itself one hundred per cent, I think I am correct in saying almost its entire borrowing capacity, to upgrade the recreational area that it contains. The town of Wells is particularly fortunate in that it has quite a number of miles of excellent beaches, but it has no harbor and it is making a harbor, it is making a good one. It seems to me that they have shown all the faith they possess in spending all the money that they possess and that it would be a matter of eminent good sense for the Legislature of the State of Maine to aid them in their project.

This is not something that comes new-blown to you. As the good Senator from Penobscot said, this was in the last session. You might be interested to know that it was reported out "Ought to pass" by the

Appropriations Committee; it was passed to be enacted everywhere but here; it was right up to the enacting stage and it died in the last confused moments for reasons that do not need to be aired here. It was one of the things that with a lot of other good bills went down the drain.

Now we here from York County feel very strongly about this one because it is not only important to the economy of the county itself but it is important to the State of Maine in that it is a grant in aid to Maine's only really large-scale practical natural resource, and that is our recreational side. Of course we want industry and of course we want jobs, but almost the only raw materials that we have to work with in Maine are those materials which lend themselves to the recreational industry, and I think it would be very, very short sighted to deny this bill at this particular juncture or at any juncture for that matter. At this particular point we feel that this bill ought to be passed and at least go to the Appropriations table.

Mr. DAVIS of Cumberland: President and members of the Senate: I think perhaps I should explain why I signed the "Ought not to pass" report on this bill at this time. As has already been told to you by the Senator from York, during the regular session this bill came out of my committee with a unanimous "Ought to pass" report. I felt it was a good bill at that time and I still think it is a good bill. My only reason for signing the "Ought not to pass" report was that I did not feel that funds were available to take care of both this and the other top priority items that we had before us. Now if the Senate is prepared to reduce the other items accordingly, the appropriation on them, I have no objection to this bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Lovell that Report "A" "Ought to pass" of the committee be accepted.

Mr. SAMPSON of Somerset: Mr. President, I would like to ask for a division on the motion of the Senator from York.

Mr. LOVELL of York: Mr. President, just a very few words before this division is taken.

Certain members of the leadership have assured me that there are sufficient funds to take care of this project, in the meeting that was held at York County recently.

York County has asked for but little from the State. It has been my understanding that every single harbor that has been built from Kittery to Lubec has had a certain amount of State financing. Now this harbor is going to cost some \$700,000, over \$400,000 being paid by the federal government and \$215,000 paid by the town of Wells, and asking the State for only \$100,000, which, as has been said, was passed in this last session. I think it is certainly only a fair thing for the State to continue on as has done over the years in helping a community for a harbor as they do in road-maintaining or building new roads in that particular community. I certainly know that we have all fair-minded senators in this group here, and certainly, to be fair, you must vote for this bill. As Senator Stanley has said about building a road, that is only one part of it. It has taken the government ten years to survey this harbor, which is part of the \$700,000 and this \$100,000 simply goes to finish off the final project and make it worth while. It will probably accommodate 150 boats of the larger size and it will be a great deal of help to the economy of York County, and I hope that the motion of the Senator from Somerset, Senator Sampson, certainly does not prevail.

The PRESIDENT: The question before the Senate is the motion of the Senator from York, Senator Lovell, that the Senate accept Report "A", "Ought to pass" in concurrence. A division has been requested by the Senator from Somerset, Senator Sampson. All those in favor of the motion of the Senator from York, Senator Lovell, will please stand and remain standing until counted.

A division was had.

Twenty-one having voted in the affirmative and nine in the negative, the motion prevailed and Report "A", "Ought to pass" was

accepted, the bill was given its first reading and under suspension of the rules its second reading and was passed to be engrossed in concurrence.

Senate Committee Report

Mr. Edmunds from the Committee on Public Utilities on Bill, "An Act Creating a State Committee on Transportation Needs in Casco Bay." reported the same in a New Draft, under the same title (S. P. 628) (L. D. 1704) and that the same Ought to Pass.

Mr. PORTEOUS of Cumberland: Mr. President, I wish to oppose this measure and I move for its indefinite postponement.

The PRESIDENT: The motion at this time is for the indefinite postponement of Bill "An Act Creating a State Committee on Transportation Needs of Casco Bay." The motion was made by the Senator from Cumberland, Senator Porteous.

Mr. EDMUNDS of Aroostook: Mr. President, I am not the sponsor of this legislation. I believe that honor devolves upon our good Senator from Cumberland, Senator Brooks. I did sign the committee report because it was a Senate paper. As you will notice, the committee was unanimous in reporting this out "Ought to pass." There are a number of substantial changes in it, and that is the reason it was brought out in a new draft.

There is not any question that a very serious problem exists in Casco Bay. I do not think that we should try to hide from it. I think that this idea of a study committee to investigate it, to go over all of the angles connected with it, is an excellent one, and for that reason I hope that the motion to indefinitely postpone does not prevail.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: It may sound unusual that I should rise in opposition to this bill which my colleague from Cumberland County, Senator Brooks, has sponsored. In its original form it may not have been as bad as I think it is now, the power of subpoena having been added to this measure. The make-up of the committee has been changed to include four members of the House of Rep-

resentatives, three members of the Senate and four members chosen by the Governor from various citizens at large, and no more than two from any one county may be on there from the House and from the Senate.

As you may imagine, I have been very close to the situation in regard to Casco Bay transportation; I have had contacts with all of the various people interested: the island people, the Bay Lines, the Chairman of the Public Utilities Commission, the engineer, the Governor, the people building the docks, the Maine Port Authority, as well as the everyday ordinary citizen interested in improving the situation in regard to transportation to the bay islands.

At the end of December the wharves should be finished by construction by the Maine Port Authority. There will then be very little more excuse for poor service to the islands because there will be adequate wharves. I think that the Casco Bay Lines, over which most of the furor is raised, will be able to give adequate transportation. I think that without getting into a witch-hunt or to muddy the waters all through the winter and spring and into the summer and to have people appear before this committee subpoenaed by the Chairman of the committee, to come in and make accusations, raise their voices, call names and be bitter through the next six or eight months, I think it is much more wise for us to take a waiting position. We have had a very bad situation there for two years with transportation closed down due to the poor condition of the wharves and I would not like to see it go on for another eight or ten months. I think that we can regard this as something that the 101st Legislature can very easily take care of, because we will have by that time a year's experience with good docks and with a boat line that has never been able to give adequate service because of the condition of the wharves. I do not think it would be of any advantage for a committee of this sort to come in and muddy up our waters which are plenty muddy already. For that reason, I hope that my mo-

tion to indefinitely postpone will prevail.

Mr. EDMUNDS of Aroostook: Mr. President, obviously the good Senator from Cumberland has not read the bill. It makes no reference as to where the committee members shall come from. The way the bill is drawn there are three appointed by the President of the Senate, four appointed by the Speaker of the House, and four private citizens who act in an advisory capacity only. Of course we would all hope that this would not take place, but the way the bill is drafted the entire eleven people can come from the City of Portland or from Peaks Island for that matter.

So far as saying that we do not need this committee at this time; we have had this problem with us all through the last regular session of the 100th Legislature. I sat on the Public Utilities Committee and I listened to charges and countercharges and defamation of character until frankly I was sick of it. I feel that this committee does have a purpose, I think it is a practical approach to trying to find a solution to a very sticky problem and I certainly hope that the motion of the Senator from Cumberland, Senator Porteous, does not prevail.

Mr. BROOKS of Cumberland: Mr. President, I rise as the sponsor of this bill. This bill was not put in by me to instigate any such thing as a witch-hunt. The purpose of the bill has just been rather well put by the Senator from Aroostook, Senator Edmunds, but I would for a moment like to talk to it further.

There were before the screening committee approximately six bills, including this one, regarding problems in the Casco Bay area. I have myself been very closely associated with the problems of Casco Bay, with all the agencies of government and all the citizens committees that prevailed in and around the Portland area. There has been a great deal of confusion and there still is a great deal of confusion as to what the final solution of the problem should be.

The problem of the Casco Bay area is not a problem, in my opinion, of just Casco Bay or just Cumberland County. On the contrary,

when the Governor and his Council appropriated \$750,000 to make temporary repair to the wharves in this area it certainly became a statewide problem.

We are also concerned in the Casco Bay area with the economic development of the islands. Any of my colleagues who have been in Casco Bay I am sure can appreciate the many wonderful spots that are waiting for development. This committee is not a committee to study the Casco Bay Lines alone, it is a committee to study the transportation problem in Casco Bay, which extends from Freeport to South Portland.

The committee, I can assure you, if you see in your wisdom to pass this bill, and I hope you do, the committee will be a fact-finding committee and will report to the 101st Legislature recommendations, if there be any, to clarify and once and for all, I hope, settle this problem which still exists in Casco Bay, and that is the problem of transportation and the problem of economic development.

I would ask that when the vote is taken we have a division.

Mr. GILBERT of Kennebec: Mr. President and members of the Senate, as Chairman of this committee which turned in a unanimous "Ought to pass" report I can assure you that having been familiar with the situation in the Bay since last January, with the hundreds of people that have come in from the islands, also the people who represented the so-called ferry line, also the many people throughout the state who have taken such an interest in the Bay, as our good Senator from Cumberland, Senator Brooks said, I believe it is not any more a Casco Bay situation but it is a statewide problem now; and basing it on the pros and cons which we have heard at these hearings — and we have had several of them — we got out of the Bay last night at quarter past eleven, so you can see we have been working on it for a long time — and from all the pros and cons it seems they are very much in favor of this survey committee on both sides, so therefore I do hope that the motion of the Senator from

Cumberland, Senator Porteous, does not prevail.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I had not intended to get into this debate in any way until I continued to read Section 3, and as I read Section 3 I have to agree with the Senator from Cumberland, Senator Porteous. I feel that the committee is definitely necessary, I think Casco Bay has a problem, I think possibly this committee will be able to search into some of the problems and come up with a solution; but I am very reluctant to pass on a bill which gives any committee this authority. If my memory serves me properly, in the few times I have been in the Legislature I do not remember of any committee being set up and granted this type of authority. I think that the word that Senator Porteous used, "witch-hunt" and other such words are very appropriate, because I do not think that any member of this committee that shall be named should have the powers that are granted to our courts and to our esteemed judges and so forth, the power of subpoena. I will vote against this bill because of that Clause 3 being in there. If that Clause 3 were amended I would vote for it, but I will not vote this type of power to any legislative committee.

Mr. EDMUNDS of Aroostook: Mr. President, I think the Senator from Sagadahoc, Senator Mayo, makes a very good point, and I would say that the committee very reluctantly endorsed the idea of giving this committee subpoena powers. Very frankly, the only reason that the committee did do this was that from our association with the problem all through the last session, from our contacts with it all through the summer through the press, and from the hearings that were held here a good part of the day on Tuesday, we are in our own mind I think convinced that the type of individual that we are dealing with in this particular case necessitates that the committee have this power. I say very reluctantly did we include subpoena powers in this bill, but, very frankly, some of the individuals who are involved in this — I do not

want to name any names — have left the impression on our committee that they are not men of good faith. And that, Senator Mayo, is the reason.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Porteous, that this report and accompanying papers be indefinitely postponed. A division has been requested by the Senator from Cumberland, Senator Brooks. All those in favor of the motion of the Senator from Cumberland, Senator Porteous, will rise and remain standing until counted.

A division was had.

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

Thereupon it was voted to accept the "Ought to pass" report of the committee, the bill was given its first reading and, under suspension of the rules, its second reading, and was passed to be engrossed.

Second Readers

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

Bill, "An Act Relating to Salary of Register of Deeds of Franklin County." (H. P. 1225) (L. D. 1685)

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

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 615) (L. D. 1692) as amended by Committee Amendment "A".

Which was read a second time.

Mr. ERWIN of York: Mr. President, because this is the so-called omnibus bill, I crave the indulgence of the Senate and ask permission to table the bill from day to day.

Thereupon, the bill was laid upon the table pending passage to be engrossed and was especially assigned for the next legislative day.

Orders of the Day

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table Bill, "An Act Repealing Law Creating a Lien on

Real Property of Beneficiaries of Public Assistance," (H. P. 1210) (L. D. 1663) which was tabled by that Senator on November 29th pending adoption of Senate Amendment "A".

Mr. NOYES of Franklin: Mr. President, I now yield to the Senator from Kennebec, Senator Farris.

Mr. FARRIS of Kennebec: Mr. President, I move the pending question, which I believe was the adoption of Senate Amendment "A".

Mr. BROOKS of Cumberland: Mr. President, I would like to have that Senate Amendment "A" read.

Senate Amendment "A" was read by the Secretary.

Mr. BROOKS of Cumberland: Mr. President, upon the request of the Department of Health & Welfare I submitted a bill to the screening committee which they allowed to come into this session, calling for \$47,000 to support this amendment that we passed in the regular session. I assume that we passed this in the regular session upon the recommendation of the Department of Health & Welfare. The head of the Department of Health & Welfare, Dr. Fisher, I believe, as substantiated by the Chairman of the committee, appeared before them this week and requested that the amendment be repealed, that it was not necessary in order for him to operate effectively to have this amendment on the books. So I would move that Senate Amendment "A" be indefinitely postponed and when the vote is taken I request a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Brooks, that Senate Amendment "A" be indefinitely postponed, and that Senator has requested a division. All those in favor of the motion of the Senator from Cumberland, Senator Brooks, will rise and remain standing until counted.

A division was had.

Eighteen having voted in the affirmative and eleven in the negative, the motion prevailed and Senate Amendment "A" was indefinitely postponed.

Mr. BROOKS of Cumberland: Mr. President, I now move the pending question.

Mr. FARRIS of Kennebec: Mr. President, I took a little time yesterday in an attempt to explain what this law was. It was an act merely to place a lien upon the property of people who are receiving benefits. I can see no necessity at this early stage, before the law has had the opportunity of being put into effect, to repeal the law. I feel that law should stay upon the books. I feel that it is bad policy for the Legislature to repeal legislation merely because the department cannot tack riders upon it and pick up funds far in excess of what is needed for proper administration. For that reason, I would move that this bill be indefinitely postponed and when the vote is taken I request a division.

The PRESIDENT: The question before the Senate at this time is the motion of the Senator from Kennebec, Senator Farris, that this bill and accompanying papers be indefinitely postponed. A division has been requested.

Mr. BROOKS of Cumberland: Mr. President, I do not wish to prolong this debate, but if we do not repeal this law the Department of Health and Welfare will have no funds to administer the law, and, as I said before, Dr. Fisher has already indicated that repealing the law is more favorable to him than the passage of the bill that I presented. That is the only reason I am objecting to the motion of the Senator from Kennebec, Senator Farris.

Mr. CYR of Aroostook: Mr. President and members of the Senate: As Chairman of this committee maybe I can throw a little light on the conversation that is going on here. I did not want to get mixed into it at all, but it looks as though maybe I will have to explain to you why the committee came out with a unanimous "Ought to pass" repealing law and also came out with a "Leave to Withdraw" report on the bill that was presented by Senator Brooks to raise some funds to administer the law.

At this hearing we had all proponents, no opponents, and it seems as though information that we should have had to help us in making a decision didn't come forth at

the time. Much of that information came afterwards.

The bulk of the argument in favor of repealing was the hardship caused on the department to administer this lien. We were told that this would necessitate a lot of research and what have you. Not being lawyers, and not having any lawyer to steer us in our decision, we found out only afterwards that this lien on the part of the State of Maine could be a very easy procedure. All that the State of Maine would have to do is to place a lien on the property of the recipient of old age assistance and after his death the son or the children who would have the title to his property would have to clear this lien with the State of Maine, and therefore they would have to come here to the department and make an offer or come to a compromise with the department as to what they would be willing to compensate the State of Maine for taking care of the old age assistance recipient.

Last year, with the present law which we have, which is very loose, the State of Maine recovered \$160,000; the year before, the State of Maine recovered \$190,000. Now we asked the question; if this lien law was kept on the books what would be an estimate of possible revenues, and we were told from sixty to possibly a hundred thousand dollars more. We were told also at the hearing that it would cost about \$45,000 to administer this law. Since then we have found out that it would not cost that much money. If the State of Maine would stand to recover from sixty thousand to a hundred thousand dollars, I think that possibly it is a good investment. For that reason, even though I voted in favor of repealing this law here, I also voted for Senator Farris's motion a while ago.

Now if we do not act on this repealing law the lien law stays on the books with no appropriation but it is still on the books; it is still a deterrent against abuses. What happens in many cases is that the old age assistance recipient will turn the title of his property over to his children, and in many cases I am told that the papers

are not recorded, they are only recorded after death. As it is now, the State of Maine can only recover after death; they have no way of protecting their investment prior to death. The intention of this lien law was to protect the State of Maine against abuses in the case of an old person asking for assistance from his children but he has been refused, but after his death his children will share in the property he might have. In other words, the State of Maine is paying the bill and the children who have refused to accept their responsibility are then sharing the reward. This is the only intention of this lien law, to have an attachment on the part of the State of Maine recorded prior to his death, and after his death his children or the estate that would have title to the property would then have to come to the State of Maine to clear the title by either paying off the investment that the State of Maine had in the old age assistance recipient or coming to a compromise.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: It seems to me that this lien law is at least an attempt to help the State to become reimbursed for the expenses of taking care of people on their welfare rolls. Our welfare costs are mounting to a startling extent, and I feel that this lien law could be a deterrent in holding back an increase in our welfare costs, because the more lenient we become the more advantage is going to be taken of our State in this matter. I feel that we should be careful and that we should not encourage people to lean on the State. It is not that sort of living that has made our State great; it is independence and a desire to maintain ourselves. If that is impossible then the State will step in and help, but I do believe we should have the protection and not the people who refuse to take care of their own families.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate: I wonder if we leave this law on the books if we are not going to create a problem for our towns and cities. I think it is generally conceded that the recipients of old age assistance do now generally

pay their local taxes; but I am asking you to consider, if we are going to put a lien on record before the death of these recipients how many of them are going to continue to pay their local taxes. I hope this law will be repealed.

Mr. FARRIS of Kennebec: Mr. President, I merely wish to explain that my motion to indefinitely postpone this bill means that if we vote in favor of it we leave the lien law on the books. In reply to the Senator from Cumberland, Senator Davis, I would like to point out that this law does not have to be enforced with a lien in every instance where there is real estate. The Commissioner has discretion, so if his field workers find situations where there is real estate, or even an interest in real estate, the law can be used and a lien placed on the property and that places the burden upon the heirs of the recipient to come forward and make their peace with the state before they can legally transfer the real estate without any encumbrance. Again I urge that we indefinitely postpone this particular bill and let's give this lien law an opportunity to work, and if it is not going to work it can always be repealed at a later date.

Mr. PARKER of Piscataquis: Mr. President, I would like to pose a question to the Senator from Kennebec, Senator Farris: At the last regular session we went into this to quite an extent and at that time I was given to understand that any taxes that were owed on any piece of property that came under this lien law, that any taxes which were owed to the particular town in which they were located must be paid before the State could collect any lien. Am I correct?

The PRESIDENT: The Senator from Piscataquis poses a question to the Senator from Kennebec, Senator Farris who may answer if he wishes.

Mr. FARRIS of Kennebec: The Senator from Piscataquis is correct, that if real estate taxes are not paid, then by operation of law the title passes under another law, the municipal lien law, to the municipality and the municipality would take precedence over the State; but if the municipality in that situation

should sell the property then any excess over and above their taxes could be worked out and applied to reimburse the State for expenditures it had made on behalf of old age assistance.

Mr. DAVIS of Cumberland: Mr. President, I would like to ask a question through the Chair of the Senator from Kennebec, Senator Farris, because I am a little confused on this bill. If we fail to repeal it and also kill his amendment, what is the price tag going to be on it?

The PRESIDENT: The Senator from Cumberland, Senator Davis, poses a question through the Chair to the Senator from Kennebec, Senator Farris and he may answer if he wishes.

Mr. FARRIS: Mr. President, in reply to the Senator from Cumberland, Senator Davis, there would be no price tag upon it. We would merely leave the law on the books and let the department use it if it could or in situations where they felt like spending a dollar or two dollars to put a lien upon the property. The reason that I put the amendment in originally was so that the department would have six thousand dollars for the rest of the biennium for the purpose of paying the cost of the lien, and the amendment would also set the cost for the filing or recording of the lien at one dollar.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: I feel that I may be wasting everybody's time because it appears that many times when the Legislature indicates its intention to do something, whether it be good or bad, if a particular department or particular administrative officials disagree, then the Legislature comes out second-best. Now you know what I am talking about and this has happened more than once.

This is a good piece of legislation and there is no question about it. The Department of Health & Welfare said it was good and supported it. After many hours of work by you and by me it was passed. A few weeks or months went by and I read in the newspaper that one of our department heads accused the legislature of one more bungling error in failing to tag an

appropriation on this bill. Of course we accept the responsibility for that, but to a great degree — and I am speaking now of other bills too — we must by necessity rely upon information given to us by the department heads; and it is a matter of personal curiosity to me why this department sponsoring and pushing and encouraging this good piece of legislation did not suggest to us in the first place that they needed some money.

Now it is just as simple as this: We are now prepared in our semi-welfare state to agree that we must help out those in need. Nobody would argue that today. This entitlement is restricted to the people who are in need and who cannot afford the necessities of life. It is also agreed by most of us that if the only thing that mom and dad own is their homestead real estate that we should not force them to sell it before they are entitled to money for groceries but they should be able to keep it and live in it. With this too I agree. But I am not prepared to go as far as some of the philosophical do-gooders in our welfare state that if people can afford to pay for the help they are getting from the government that they should not pay it back. And all this bill does and all that it did was to provide a perfectly simple and proper legal means to pay back to the State of Maine money which it paid to these people.

From this point we get into an area which I will never understand. Obviously, it would take money to administer this bill—but how much? I have seen the explanation from the department as to why \$45,000, they feel, is necessary. I disagree with them. Those with whom I have discussed this matter disagree with them too. And yet am I in a position to stand here and say that I disagree with the experts in the Department of Health and Welfare in regard to the administration of their department? Obviously the matter is so complex that I would not get to first base in trying to argue specific details. But I know a little bit about property law and about liens, and I think I know what the intention was of the Legislature in passing this bill in the first place, and I agreed with it

then and I agree with it now. It is probably late for me to say so at this time, but the purpose of Senator Farris' amendment was to keep this good law alive and to appropriate a sum of money which in his opinion and in my opinion would be sufficient to administer this law, the opinions of the Department of Health & Welfare to the contrary notwithstanding. I do not know what we can do about it now, but if it is possible to do so in our complicated parliamentary way, I still think that Senator Farris' amendment should be adopted.

The PRESIDENT: The question before the Senate at this time is on the motion of the Senator from Kennebec, Senator Farris, that this bill and accompanying papers be indefinitely postponed. A division has been requested.

Mr. COUTURE of Androscoggin: Mr. President, at this time before this vote is taken I want to say that my mind is not clear on this law that you have now on the books. Now I was approached on a case on Bailey's Island where they had given them old age assistance. The property owned by these people was estimated to be worth close to seven thousand dollars; the children could not afford to pay towards the support of their parents; the seven thousand dollars, the amount of the estimated real estate that they owned, was paid to them for old age assistance. When the amount of the real estate was given by the state on their old age assistance pension they notified these aged people that they were no longer under the old age assistance pension in this state. Also they have notified the children by mail that since their parents received this total of seven thousand dollars, which is what their real estate was worth, that they are no longer under the old age assistance plan of the State of Maine and by law that they are obliged to support them. The first month after notice was served the aged people did not receive any checks from the state at all.

Now does that mean in enforcing this law that if they own their homes, possibly worth three or four thousand dollars, to spend the rest of their days in, that after they

are supplied with this old age assistance to the extent of four or five thousand dollars that when they get some eight or ten years older and they apply for their old age assistance that they will be deprived of their pension then? I am asking this question of any member of the committee. I have a record of this because I have worked on this, and the answer was just what they had done to those people.

Mr. FARRIS of Kennebec: Mr. President, if it is agreeable to the members of the Senate I would like to withdraw my motion and yield to the Senator from Aroostook, Senator Edmunds.

The PRESIDENT: The Senator from Kennebec, Senator Farris, requests permission to withdraw his motion. Is this the pleasure of the Senate?

Permission was granted to Mr. Farris to withdraw his motion.

Mr. EDMUNDS of Aroostook: Mr. President, I now move that we reconsider our former action whereby Senate Amendment "A" was indefinitely postponed. I believe that was the motion which prevailed, and I would notify the Chair that I voted on the prevailing side.

The motion to reconsider prevailed.

Mr. EDMUNDS: Mr. President, since the explanation we have had in the last few minutes here I am now personally convinced that Senate Amendment "A" is good legislation and I certainly would not like to see this law repealed, so I believe that my motion at this time would be that Senate Amendment "A" be adopted.

Senate Amendment "A" was adopted, and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended.

On motion by Mr. Noyes of Franklin, it was ordered that all papers ready to be engrossed, be sent to the engrossing department forthwith.

On motion by Mr. Noyes of Franklin,

Recessed until two o'clock this afternoon.

After Recess

The Senate was called to order by the President.

Additional Papers from the House, out of order.

The Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Construction of an Educational Television Network for the State of Maine and the Issuance of not Exceeding One Million Five Hundred Thousand Dollars of State of Maine Bonds for the Financing Thereof. (H. P. 1233) (L. D. 1698) reported that the same ought to pass as amended by Committee Amendment A.

On motion by Mr. Farris of Kennebec, tabled pending acceptance of the report.

The PRESIDENT: We have in the Senate Chambers, the Civics classes of the Brewer Junior High School in Brewer. The number of students present is 46 and they are accompanied by Teachers Mrs. Lawrence Peakes and Mr. Charles W. Heddericg and Chaperones Mrs. Edward Ames, Mrs. Charles Dubay and Mrs. Reginald Strout.

It is wonderful to have the group with us. We hope that you enjoy your stay here; we hope you have visited the museum and the House of Representatives. We hope that some day you will be sitting in these chairs and in the other Body, representing the town or county where you live.

I will introduce one Senator who represents Penobscot County in addition to myself, and that is Senator Stanley. Our third Penobscot County member, Senator Bates is unable to be here because of illness in the family. (Applause)

We also have a group from Brunswick, the Tri Hi Y Club from Brunswick High School. I will yield to the Senator from Cumberland, Senator Porteous who may introduce the group.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: I hope I will be more successful in doing this than I was in debating this morning.

The reason I did not write the names down was that you were introducing the people in the bal-

copy and I thought it might be possible we could introduce these at the same time.

Mrs. Gerard Lemar and Miss Frances Pierce, Advisors of Tri-Hi-Y, have brought these students. Will you please stand up, girls and ladies. (Applause)

I have a note here from the Senator from Sagadahoc, Senator Mayo, which says "Don't forget P.M. & B," because as well as being constituents I find that these are my customers too. It is very nice to welcome them when they have come all this way, and I think it is wonderful that these Advisors have brought these girls who belong to this fine club here to see us working in Augusta. Thank you. (Applause)

The PRESIDENT: The Chair would like to introduce to this group the Senators from Cumberland County: Senator Davis, Senator Brooks, Senator Porteous whom you just heard from, and Senator Lord. (Applause)

The Committee on Towns and Counties on Bill, "An Act Relating to the Economic Development of Washington County." (H. P. 1223) (L. D. 1676) reported that the same Ought to Pass As Amended by Committee Amendment "A" (Filing No. H-427)

Which report was Read and Accepted in concurrence and the Bill, As Amended, Read Once. Under suspension of the rules the Bill was given a second reading and Passed to be Engrossed, As Amended, in concurrence.

Joint Orders

Ordered, the Senate concurring, that it is the intent of the Legislature that the Commissioner of Economic Development assign a member of the Department of Economic Development to assist the industries of the State in procuring contracts for their products with the Federal Government by providing necessary information and assistance to advance such contractual relation. (H. P. 1240)

Which was Read and Passed in concurrence.

Ordered, the Senate concurring, that the Secretary of State is authorized and directed to issue to each legislative emergency interim successor, appointed under Revised Statutes, Chapter 10, Sections 8-A to 8-O, a Certificate of Emergency Legislative Succession, in such form as he may determine; and be it further

Ordered, that there be appropriated to the Secretary of State, from the Legislative Appropriation, the sum of \$200 to carry out the purposes of this order. (H. P. 1242)

Which was Read and Passed in concurrence.

Whereas, the Interstate-Defense Highway 95 from Augusta to Fairfield has been recently proclaimed "the most scenic highway in America" in a national highway contest; and

Whereas, this honor was awarded in recognition of the accomplishments of the Maine State Highway Commission and Mr. Robert C. Furber, the designer, in engineering a modern express highway which preserves the great natural beauty of the State for the enjoyment of the travelling public; and

Whereas, it is fitting that the Legislature extend both for itself and on behalf of the people of the State of Maine their recognition and appreciation of the accomplishments; now, therefore, be it

Ordered, the Senate concurring, that the Legislature of the State of Maine does hereby express the sincere and grateful appreciation of the State to the State Highway Commission, and to Mr. Robert C. Furber and the other dedicated personnel of the State Highway Department in achieving this national honor and distinction; and be it further

Ordered, that copies of this joint order be immediately transmitted by the Clerk of the House to the Maine State Highway Commission and to Mr. Robert C. Furber. (H. P. 1241)

Which was Read and Passed in concurrence.

**Non-concurrent matter
Out of order**

Bill, "An Act to Amend the Charter of York Beach Village Corporation." (H. P. 1224) (L. D. 1684)

In Senate, Passed to be Engrossed in concurrence.

Comes from the House, Engrossing Reconsidered, House Amendment "A" Adopted, and Passed to be Engrossed, As Amended by House Amendment "A" in non-concurrence.

In the Senate, that Body voted to recede and concur.

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

Mr. CYR: Mr. President and members of the Senate: Matters of an emergency nature have brought us here together, and I would like to bring to your attention here today a situation existing in my county which is also of an emergency nature.

Many of you Senators have asked in the corridors about the condition of the potato industry in Maine, and I would like to express to you this message. I would like to talk to you today about a helpless little fellow who is at the end of his rope and knows not which way to turn. Unless he gets relief soon from somebody somewhere he will soon be foreclosed off his farm, his life savings will have been exhausted, his grown-up children will have left him for greener pastures, and he will now find himself in the twilight of his life forced to turn to other occupations for his livelihood. I am referring to the Maine farmer in general and to the potato farmer in particular.

Great strides have been made in industrial development and in recreation, which is as it should be with the natural resources potential that we have in Maine, but we must not overlook and minimize agriculture, which is still the basic industry in Maine. This problem is the concern of every one of us and it is imperative that we find an answer to it.

Our College of Agriculture, the Extension Service, the Department

of Agriculture all have been useful in introducing modern technology on the farm, but we have to admit that we have failed the farmer as it concerns marketing. You cannot point the finger at only one group; every segment of the industry is equally guilty. We have allowed concentration of buying power to manipulate the price to the detriment of the grower. I use the word "manipulate" but I should have probably used the words "price-fixing," because referring to the Marketing Report, which is this Report No. 450 of the Agricultural Marketing Service of the United States Department of Agriculture, entitled "Marketing Margins for Fall Potatoes" which was taken on four various markets, namely New York, Chicago, Los Angeles and Atlanta—the one that concerns us, of course, is New York, and it also covers three areas, Maine, Long Island and Idaho. After I am through with my expose you will see that the farmers in these three various areas do not fare any better than the ones in Maine.

In this report there is an analysis of the prices of fall potatoes on the New York market, and from this you have every indication that the wholesale-retail margin is a man-made one. That is probably a strong word, but I will repeat it: there is every indication that it is a man-made one. It was even contrary to the law of supply and demand.

In years of surplus, such as the 58-59 crop, we find from this report that the wholesale-retail margin went up but only at the expense of the growers. The report shows that the average retail price for that year on the New York market was \$4.94. Out of this price of \$4.94 the retail margin took \$2.82 a hundredweight or almost three cents a pound, and the farmer received for his trouble of planting, harvesting, loading and spraying and all the other expenses involved, the large sum of 82 cents or less than one cent. Now if that is not an immoral situation I do not know what it is and if it is not a man-made margin I don't know what man-made is. And after a close analysis of this report,

of these figures, one cannot help but wonder if the answer to these disastrously low prices which the farmer has been receiving cannot be found by a close scrutiny of this marketing pattern. The truth of this statement is even more alarming when we realize that 75 per cent of the potatoes marketed are handled by chain stores. No wonder then that at the slightest rumor of a surplus that the grower is offered the ridiculous price that he is getting today, and with the complexity of the situation he cannot fight back. The answer, understandably is not simple and cannot be found in only one direction.

Overproduction is a real problem that must be faced. How can this be accomplished is now the subject of a great debate being engaged in by farmers' spokesmen across the nation. Personally, I would be in favor of the marketing quota proposal. I fail to see where this system would subordinate the potato farmer to the will of another, as it was expressed last week by a Farm Bureau man. We have to face facts. The industry has been trying to solve their overproduction problem on a voluntary basis since the early fifties and the situation is worsening. I probably would have subscribed to this philosophy of freedom and independence thirty or forty years ago when farming was a family adventure, but not today with our mechanized operation. When the production of one man is multiplied ten-fold it is imperative for everyone to limit himself and cooperate with his neighbors. In doing this he is giving up some of his independence, but I still think that it is better to have togetherness and prosperity than to starve in your own independence.

The potato farmer in Maine has made a great contribution to the industry in regard to quality packaging. Unfortunately, we have no control of our product after it leaves the boundary of the State of Maine. We hear of off-grade potatoes and small potatoes with the label of "Maine Potatoes" reaching the market, and yet under the regulations prescribed by

the federal marketing order which was accepted by Maine in 1955 it is illegal to ship any potatoes of less than two-inch minimum. Prior to this year it was a two and a quarter inch minimum, and with a tolerance of more than six per cent defects. I think that is worth repeating: the Maine potato growers have voluntarily accepted this marketing order and Maine is the only state in the east which is operating under this marketing order, and it is illegal, according to that order, to ship any potatoes of less than two-inch minimum with a tolerance of six per cent defects. So how can you go in the market and find potatoes of that size and some great big ones? We say, "Those are not Maine potatoes," and I will show you what happens.

Our marketing specialists bring back stories of dissatisfaction and complaints from the housewife. Maine has lost its magic name which used to be identified with quality, and this has been accomplished in spite of the fact that more and more quality potatoes are going on the market, because Maine potatoes are losing their identity on the market.

Let me pursue this thought. Many of our fifty-pound and one hundred-pound packages as well as bulk cars are shipped to repackaging plants. These plants will repackage in five, ten and fifteen pounds, consumer packs. Some of these packs will carry a Maine identification, others will carry a national brand, nothing else, and still others will have their own individual brand. So you can see how Maine potatoes are losing their identity. We also have reports that at this stage some of our Maine potatoes are being blended with local potatoes, and this most likely accounts for small potatoes appearing on the market under our name. I think it is time that we should expose those conditions.

According to Section 296 of our branding law, the only identifications required on a bag of potatoes are these: the name of the shipper, his address, the weight, the grade and the word "Potatoes,"

not even "Maine Potatoes" but just the word "Potatoes." In many cases the shipper is a firm from out-of-state and he has on his bags his brand, his home address, so there again Maine potatoes are losing their identity on the market.

A possible solution of this would be the adoption of the State of Maine grades with some minor revisions. We have the vehicle; all we need to do is to make it mandatory to ship all Maine potatoes in prepackaged consumer packages under the blue, white and red trademark. It would even be possible to include individual brands if they wanted to, and have this under the strict supervision and patrolling of the Maine Department of Agriculture. If they are shipped under the State of Maine trademark the State of Maine will have the authority and the responsibility as well as the right to supervise this trademark. It may seem like drastic action but these are trying times, and unless we retain absolute control of our product until it reaches the consumer we will never recapture our No. 1 position on the market. The success of this program is predicated on the absolute necessity of shipping only our best product. If we ship off-grade potatoes we will be defeating our purpose.

To conclude, I will say that the situation is very critical, and just to show you how critical it is I will cite you a few statistics of what is going on in Aroostook County.

75,000 acres or 18.2 per cent of the total cropland in Aroostook County has been retired in the soil bank program. This represents 993 complete farms and 220 part farms. Out of a total of 4253 farmers we have left 3043, and more will be going this spring if the price they are getting now continues.

What is to become of these families? What is to become of these farmers? In short, what is the future of the potato industry? As leaders and public officials, as we are, we cannot stand idly by and watch one of Maine's chief industries being wiped out. What

are we willing to do about it? Thank you.

The PRESIDENT: We have in the Senate Chamber a group of government students from Kents Hill School. It is certainly a pleasure to have so many students visit in the Senate Chamber with us, particularly those studying government. I also want to show my appreciation, and I am sure that I speak for the other Senators when I thank the teachers for their interest in bringing their students to visit us here in Augusta and seeing at first-hand the problems that we have in operating our state government. We hope that more will do it in the future. We are certainly pleased to have so many visit with us over the past six months. The teachers who are conducting this group from Kents Hill are Mr. Fish and Mr. Stanley. Will these teachers and the students please rise so that we can welcome them here? (Applause)

The students request that I give them a few minutes after the Senate session, and I certainly will be pleased to do that.

Mr. Lovell of York was granted unanimous consent to address the Senate.

Mr. LOVELL: Mr. President and members of the Senate: I will not ask for equal time with Senator Cyr, but I do certainly appreciate his great problem in Aroostook County.

We also have another problem here in Maine which the first part of January will come before the CAB in Washington, the Civil Aeronautics Board in Washington. The six New England Governors are very much disturbed, as well as the citizens of New England, over Northeast Airlines losing their runs to Florida, which could well cripple the service in New England and greatly cripple it in Maine. As Chairman of the Industrial and Recreational Committee of the 100th Legislature, I would like to enter a resolution that the Legislature go on record favoring that Northeast Airlines be allowed to maintain their flights to Florida so that we can keep up our flights also here in Maine and not cripple

this company. So at this time I would like to present this resolution and move its passage.

The Resolution was read by the Secretary as follows:

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Sixty-One

Joint Resolution for the Continuation of Northeast Airlines on a Permanent Basis from the Northeast Section of the United States to Florida

WHEREAS, in September 1956 the Civil Aeronautics Board unanimously determined that the public convenience and necessity required air service by three carriers between the northeastern part of the United States and Florida; and

WHEREAS, the Board selected Northeast Airlines to provide the additional service required by the public convenience and necessity and certificated Northeast for a five-year period to operate south of Boston and New York to Miami via Baltimore, Philadelphia, Washington, D.C., Jacksonville, Tampa and St. Petersburg-Clearwater and

WHEREAS, the trade and commerce of the State of Maine and the convenience and necessity of all the people of this great State require the best possible air transportation for future development and growth; and

WHEREAS, in the absence of rail transportation, the healthy economy of the State of Maine depends on the ability of Northeast Airlines to continue its service to cities of this State; and

WHEREAS, the certification of Northeast in 1956 as the third carrier on the Florida route has provided great benefits for the State of Maine resulting in improvement of the quality and quantity of service Northeast has provided this State; and

WHEREAS, the State of Maine and, in particular, the Senate and House of Representatives of this State has a vital interest in Northeast Airlines continuance of regularly scheduled air service to and from the cities of this State; and

WHEREAS, the State of Maine and many of its political subdivisions have already taken a firm position in support of the continuation of Northeast Airline's service to Florida and will present testimony on behalf of Northeast's renewal application at a Board hearing scheduled to begin on January 9, 1962;

NOW THEREFORE, BE IT RESOLVED, that in the opinion of the Senate and House of Representatives of the State of Maine, the public interest, convenience and necessity require the continuation of Northeast Airline's service on a permanently certificated basis from Boston and New York via intermediate points to Florida cities presently being served by Northeast so that there will be no reduction in either the quality and quantity of service from cities in Maine to Boston and other New England cities, New York, Philadelphia, Baltimore and Washington, D. C. to Florida cities;

BE IT FURTHER RESOLVED, that the Senate and House of Representatives of the State of Maine do everything within their power and use their best efforts to urge and convince the Civil Aeronautics Board that the public convenience and necessity requires the continuation of Northeast Airlines on a permanently certificated basis from the northeastern section of the United States to Florida.

BE IT FURTHER AUTHORIZED that the Resolution be authenticated by the Secretary of State and be it immediately sent to the Civil Aeronautics Board in Washington, D. C. (S. P. 629)

The Resolution was read and adopted.

Mr. Parker of Piscataquis was granted unanimous consent to address the Senate.

Mr. PARKER: Mr. President, I listened with a great deal of interest to the remarks made by the Senator from Aroostook, Senator Cyr, and as Chairman of the Agricultural Committee I would like to pose two questions through the Chair to the Senator: 1. What is being done by our Agricultural

Department of the State of Maine to help the problems that he has indicated? 2. What in his estimation can be done to be of some help to the potato industry of the State of Maine?

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

Mr. CYR of Aroostook: Mr. President and members of the Senate: The Department of Agriculture — in fact this message here came out of a conference that I had with the Commissioner prior to the deadline of November 1st. I was very much interested in bringing in legislation to this session here which might be of an emergency nature to see if we could not do anything to help for this particular crop. I met the Commissioner on Tuesday afternoon and on Wednesday noon he was having a conference of agricultural leaders at the University of Maine with Dean Libby and a few others and he brought my request to this meeting. He later on got in touch with me over the phone and they could not find anything they could really present that would be substantial for this session. However, he did mention that it would be a good idea to have such a message in order to bring some of these problems to the attention of the people of Maine. Many of the people of Maine do not realize the situation.

Now the marketing specialists have started out three weeks ago with packages of Superspuds, which are two and a half to three and a half inches, and they have contacted various buyers in the market to see if they could not get them interested in buying some of these Superspuds. Also, the Potato Council in Aroostook County have pledged their support to this program. However, the buyers would like to have a two and a half—three and a half inch potato, which is the best of your crop, and it takes practically two cars to be able to make one car, and they want that with very small

premium, with the consequence that the orders that were anticipated have not been as voluminous as we would like to have had them. Right now the best market is still the starch factory, and of course that is no long-time program.

Now I have made three or four different suggestions in this message— at least I thought I had: No. 1 was to have some kind of investigation to see why this great margin occurs in the wholesale-retail market, and particularly if seventy-five per cent of the potatoes are put on the market by the chains and many of the chains are buying direct, what is happening? I think right there would be a good point to start. Another one: I mentioned that I favored this marketing order proposal which they are debating now. Senator Edmunds would know a lot more about that than I do because he is on that committee. Another one: We already have on the books here in this Maine potato branding law, in the back here we have the State of Maine grades. Now to ship under these State of Maine grades you have to prepackage in consumer packages here in the State of Maine before they are shipped out. This has been on a voluntary basis. I made reference to the fact that this should be mandatory, which probably, if the industry wishes to accept it, would be legislation that would be presented at the next legislature, to make this mandatory, and therefore all of our Maine potatoes would go out of the State under State of Maine grades and would have the protection of the trademark. What is happening today is that we are losing the identity of our potato after it leaves the boundary of the State of Maine and this would be one way of recapturing that.

I also made reference in my message to the fact that if we want to do that we want to make sure that our quality carries all the way through. In other words, we want to start right at home; we want to clean house. We should clean house right from the farmer. We want to give the consumer the best quality that we have to offer

and to have consistency. Those are the ingredients on which to build. The whole industry is in a turmoil today. You have to start right from scratch.

Now before I sat down and wrote a few of the thoughts in this message here I consulted with many of the members of the industry, farmers, growers, shippers and what have you, and I found what I call a conspiracy of silence throughout the industry. Nobody wants to uncover the other fellow, nobody wants to step on the toes of the other fellow, and that has been one of the great stumbling blocks in this industry. I do not know whether that answers your question or not, Senator Parker.

The PRESIDENT: Does that answer the question of the Senator from Piscataquis, Senator Parker?

Mr. PARKER: I think it does.

Mr. EDMUNDS of Aroostook: Mr. President, I am just a little bit reluctant to get into this debate, but I do one way or another grow a substantial acreage and control a substantial acreage of potatoes, and I certainly have taken it on the chin, so all the remarks that Senator Cyr has made have my complete sympathy.

For the record, I would point this out, Senator Cyr: There is an investigation currently going on which is sponsored by the Federal Department of Agriculture in Washington, D. C., with respect to the ever-increasing spread between the prices received by the grower and the prices received in our retail market. I think this survey is wonderful. The only thing which leaves me a little bit cold so far as this is concerned, is that this is the third time that this very same type of survey has been conducted by our federal government within the past ten years, and if this one follows the pattern established in the past, they will, first, not be able to affix the blame for this, and secondly they will end up by whitewashing the various retailing establishments we have around the country.

Now you make a point which strikes very close to my heart when you mention that in a year such

as this one we should be shipping our State of Maine grades. We have on our books here in the State of Maine a grade promulgated by the Maine Department of Agriculture which is absolutely the finest grade of potatoes available anywhere in the United States—I can say that without any exception whatsoever—the two and a half-three and a half grade to which Senator Cyr makes reference. The tragedy to me, Senator Cyr, is this: We already have within our industry the means whereby this grade could be enforced in a year such as this one, and that is our Federal marketing order. I am very familiar with it. I was Chairman of the proponents when the marketing order was voted in in 1954 and I served three years as Chairman of the marketing committee which operated the order, and it very specifically states that they can regulate Maine potatoes in terms of your State of Maine grades. Unfortunately we ourselves, the good Senator from Madawaska and myself, have not seen fit to use this vehicle that we have in a year such as this to establish those grades and put Maine potatoes back on the market. Certainly it could do us no harm this year because the starch factory price is higher than the market price.

Now a third question was mentioned—I do not want to get into too much comment here—but what is being done to solve this problem on a national basis? Some thing is being done. It is like everything else on the federal level; it is going to grow very, very slowly, and it will meet all kinds of opposition because a number of the other producing areas do not necessarily agree with the approach that we think is the best one from the Maine point of view. As far as the State of Maine is concerned, I do think they would favor a national marketing quota program, which ultimately would be reduced to acreage quotas for the individual growers.

In my considered opinion, after spending a week in Washington recently, that there is not by any

stretch of the imagination support on the national level to adopt this type of legislation. However, we have made a minor breakthrough nationally. The Secretary of Agriculture is in the process of setting up a National Potato Committee. Maine will have representation on that committee. I do not know just who the representation will be at the minute. As a matter of fact I am hopeful that possibly I may be on it so far as the State of Maine is concerned. But the approach will probably not be marketing quotas, Senator Cyr, because there is not enough national support. The approach will probably be a national marketing order, which in my opinion will benefit the State of Maine tremendously.

With respect to the fact that quality is not being carried through, I think years ago that was true, but within the past two years the Perishable Agricultural Commodities Act, through a committee of which I have been a member, a national committee, have tightened up the quality standards on potatoes that are sold in stores throughout the United States. Practically speaking, today as compared to two years ago, they are receiving a third inspection in the marketing place. That has exposed a number of inequities, it has exposed a number of people who have cheated, but I think it has finally reached a point now where it has cleaned up some of the problems which you mentioned: the problem of misbranding, the problem of small potatoes, the problem of potatoes that are continually under grade.

Basically, the problem is this: We can probably market four hundred million bushels of potatoes in the United States nationally. Ten years ago we could only market three hundred and fifty million bushels. Unfortunately—and we all contributed—this year we grew four hundred and seventy-five million bushels. The problem that the industry faces at the moment—I can think of only one possible approach that could be attempted on a state basis, and I

am not sure it is at all practical—the problem at the moment is to dispose of the seventy-five million bushels which are in surplus. If that can be done then there is some hope for a price later in the season.

I did not want to get up and take any of Senator Cyr's time, because I admired his remarks and the way in which he made them, but I did want to just make these observations because I have been very, very close to this problem.

The PRESIDENT: I think the Senators all realize the problem and hope it can be alleviated.

On motion by Mr. Noyes of Franklin, it was voted that all papers acted on this afternoon be sent forthwith to the House or to the engrossing department.

On motion by Mr. Noyes of Franklin,

Recessed to 4:00 P.M.

After Recess

The Senate was called to order by the President.

Additional Papers from the House — out of order ENACTORS

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

Bill, "An Act to Exempt Fallout Shelters from Taxation." (H. P. 1196) (L. D. 1649)

Bill, "An Act Relating to State Retirement Benefits for Certain Teachers." (H. P. 1212) (L. D. 1665)

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

Bill, "An Act Relating to the Control of Sources of Ionizing Radiation." (H. P. 1228) (L. D. 1688)

Bill, "An Act Repealing Emergency Interim Judicial Succession." (H. P. 1232) (L. D. 1697)

Bill, "An Act Relating to Educational Foundation Program Allowance." (S. P. 600) (L. D. 1640)

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

Bill, "An Act Providing for Additional Funds for State Grants to Municipalities for Sewage Treatment Works." (S. P. 602) (L. D. 1642)

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

Bill, "An Act Increasing Power to Hold and Purchase Property by City of Waterville." (S. P. 607) (L. D. 1678)

Which Bills were passed to be enacted.

Resolve, to Correct Inconsistencies in the Apportionment of Representatives to the Legislature. (H. P. 1193) (L. D. 1646)

Resolve, Dividing the State of Maine into Councillor Districts. (S. P. 614) (L. D. 1691)

Which Resolves were finally passed.

EMERGENCY

Bill, "An Act Appropriating Moneys for Office of Director of Legislative Research." (H. P. 1194) (L. D. 1647)

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

Bill, "An Act to Extend the Sardine Canning Season." (H. P. 1195) (L. D. 1648)

Which Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be Enacted.

Bill, "An Act to Provide Funds for the Support of Cardiac and Related Services." (H. P. 1197) (L. D. 1650)

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

Bill, "An Act to Authorize the Municipalities of Carmel and Levant to Form a School Admin-

istrative District." (H. P. 1201) (L. D. 1654)

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

Bill, "An Act to Authorize the Municipalities of Patten, Sherman, Stacyville and Mt. Chase to Form a School Administrative District." (H. P. 1202) (L. D. 1655)

Which Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be Enacted.

Bill, "An Act to Authorize the Municipalities of Deer Isle and Stonington to Form a School Administrative District." (H. P. 1203) (L. D. 1656)

Which Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be Enacted.

Bill, "An Act Amending the Charter of the City of Brewer High School District." (H. P. 1204) (L. D. 1657)

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

Bill, "An Act Relating to Town of Bucksport School District." (H. P. 1205) (L. D. 1658)

Which Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be Enacted.

Bill, "An Act to Increase the Borrowing Capacity of East Boothbay Water District." (H. P. 1206) (L. D. 1659)

Which Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be Enacted.

Bill, "An Act to Repeal the Law Establishing Ferry Service Be-

tween Vinalhaven and North Haven." (H. P. 1208) (L. D. 1661)

Which Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be Enacted.

Bill, "An Act to Authorize the Towns of Oakland and Sidney to Form a School Administrative District." (H. P. 1213) (L. D. 1666)

Which Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be Enacted.

Bill, "An Act to Authorize the Towns of Greenville and Shirley to Form a School Administrative District." (H. P. 1217) (L. D. 1670)

Which Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be Enacted.

Bill, "An Act Relating to Capital Stock of Fort Kent Water Company." (H. P. 1218) (L. D. 1671)

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

Bill, "An Act Amending the Charter of the Calais School District." (H. P. 1222) (L. D. 1675)

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

Bill, "An Act to Provide Funds to Establish a School of Practical Nursing to be Located in Southern Maine." (S. P. 610) (L. D. 1681)

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

Bill, "An Act Increasing the Number of Justices of the Superior Court." (S. P. 616) (L. D. 1693)

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

Bill, "An Act to Amend the Charter of the City of Saco." (S. P. 620) (L. D. 1701)

Which Bill, being an emergency measure and having received the affirmative vote of 27 members of the Senate, was Passed to be Enacted.

Resolve, in favor of Martha Morey of Shirley Mills. (H. P. 1220) (L. D. 1673)

Which Resolve, being an emergency measure and having received the affirmative vote of 27 members of the Senate, was Finally Passed.

Resolve, to Reimburse Ernest Herrick of New Gloucester for Damages to House and Interior. (S. P. 613) (L. D. 1699)

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

On motion by Mr. Wyman of Washington, L. D. 1648, An Act to Extend the Sardine Canning Season was ordered sent forthwith to the Governor.

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table Joint Order Relative to Adding Joint Rule No. 19 D. (H. P. 1234) tabled on November 29 by Senator Stanley of Penobscot pending passage; and Senator Noyes of Franklin yielded to Senator Stanley of Penobscot.

Mr. Stanley of Penobscot presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted and the order as amended received a passage.

On motion by Mr. Noyes of Franklin, ordered sent forthwith to the House.

On motion by Mr. Noyes of Franklin Recessed until tonight at 7:30 o'clock.

After Recess

The Senate was called to order by the President.

Additional Papers from the House — out of order

Resolve, Providing for Emergency Renovation of Existing Fa-

cilities at the Maine State Prison. (S. P. 606) (L. D. 1677)

In Senate, Passed to be Engrossed.

Comes from the House—Failed of Final Passage.

In the Senate, on motion by Mr. Stilphen of Knox, the Senate voted to reconsider its action whereby the bill was passed to be engrossed; and that Senator presented Senate Amendment A and moved its adoption. Senate Amendment A was read and adopted and the bill as amended was passed to be engrossed.

Sent down for concurrence.

Communications

STATE OF MAINE
House of Representatives
Office of the Clerk
Honorable Chester T. Winslow
Secretary of the Senate
100th Legislature
State House
Augusta, Maine

Sir:

Today the House voted to IN-SIST and joined conference on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act to Provide Aid to Maine Industries to Obtain Government Contracts." (S. P. 601) (L. D. 1641)

and the Speaker appointed the following Conferees on the part of the House:

Messrs: TWEEDIE of Mars Hill
MADDOX of Vinalhaven
DUNN of Poland

Respectfully,

HARVEY R. PEASE,
Clerk of the House

HRP:PR

Which was Read and Order Placed on File.

The PRESIDENT: I have a telegram here that the Governor asked me to read. It is from Senator Bates. I might say first that I have talked with our Courier, Percy Crane who has talked with Mrs. Bates and was told that the youngest son of Dr. and Mrs. Bates is in the Massachusetts General Hospital. The telegram read:

"Bruce improved somewhat. Still no diagnosis. Appreciate your interest. Please tell Senate."

This was sent by Senator Bates from the hospital.

I am sure we are all pleased that Bruce is improving.

The PRESIDENT: The Chair notices in the Senate Chambers the pleasant and genial wife of Steven Shaw, our Governor's Administrative Assistant. Will Mrs. Shaw please stand so that the Senate may recognize her? (Applause)

STATE OF MAINE
House of Representatives
Augusta

November 30, 1961

Honorable Chester T. Winslow
Secretary of the Senate
100th Legislature
State House
Augusta, Maine

Sir:

The Speaker of the House has appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act Providing for Demolition of Morse Bridge in the City of Bangor." (H. P. 605) (L. D. 1645)

Messrs: PHILBRICK of Bangor
WILLIAMS of Hodgdon
Mrs. KILROY of Portland

Respectfully,

HARVEY R. PEASE
Clerk of the House

Which was Read and ordered Placed on File.

JOINT ORDERS

Ordered, the Senate concurring, that the Legislative Research Committee be directed to study the operation of the Personnel Department, including the administration of the Employees' Salary Pay Plan in order to ascertain if legislation is necessary to insure the proper administration of said plan. (H. P. 1239)

Which was Read and Passed in concurrence.

Whereas, the University of Maine football team, "The Black

Bears," was named the "Small College Team of the Year" in final small college balloting conducted by United Press International and was the only unbeaten small college football team in New England; now therefore, be it

Ordered, the Senate concurring, that the Legislature of the State of Maine extend congratulations to Coach Harold S. Westerman and his team for their achievement and wish them well in the future; and be it further

Ordered, that attested copies of this Joint Order be immediately transmitted by the Secretary of the Senate to Coach Westerman and to the Department of Athletics of the University of Maine. (H. P. 1243)

Which was Read and Passed in concurrence.

Committee Reports — House, out of order and under suspension of the rules.

Majority—Ought to Pass with Committee Amendment "A"

Minority — Ought Not to Pass

The Majority of the Committee on Towns and Counties on Bill, "An Act to Divide the Town of Enfield, Penobscot County into Two Municipalities." (H. P. 1207) (L. D. 1660) reported that the same Ought to Pass as amended by Committee Amendment "A" (Filing No. H-419)

(Signed)

Senators:

WYMAN of Washington
ERWIN of York
PIKE of Oxford

Representatives:

BAKER of Orrington
SHAW of Chelsea
TWEEDIE of Mars Hill
DAVIS of South Portland
JONES of Farmington
MACGREGOR of Eastport

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

(Signed)

Representative:

BEANE of Moscow

Mr. WYMAN of Washington: Mr. President and members of the Senate, I move acceptance of the Ma-

majority Ought to Pass Report of the Committee.

Mr. PARKER of Piscataquis: Mr. President, I ask for a division.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate, I am definitely opposed to this bill and I am opposed to it for the following reasons. I don't believe in the first instance that the screening committee on legislation should have ever permitted a bill to dissolve the town of Enfield at this particular session. I think it should come before the regular session so that all the individuals, all the Representatives and Senators would have ample time to think it over and look into the situation. For 126 years this town has not had any difficulties. I feel that there is a certain amount of feuding going on there that may be resolved if we give them ample time to straighten it out.

This afternoon I had an opportunity to visit with one of the legal departments here in the building and he tells me that if this bill is passed it may involve many legal entanglements that may take some time to get out of.

Again I will say that I do not think that at this quick moment, on three or four days here, that we should involve ourselves in a situation that may take them many years to get out of. I certainly hope the Senate will go along and I move the indefinite postponement of this bill.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate, I have known another division which worked out very well. It occurred while I was in the House of Representatives and I feel from what I have heard of the situation in Enfield and West Enfield, that the present situation is practically intolerable and I am in favor of seeing them separate.

Mr. STANLEY of Penobscot: Mr. President, as a representative of the Penobscot County in this august body we do not have Milbridge but we do have the town of West Enfield. I would hope that we would go along with the Majority Ought to Pass report of the committee. The town of Enfield and West Enfield are separated in many, many ways. This

will give the people in the town of Enfield an opportunity to vote, the same as we gave the people in Harpswell and West Harpswell the opportunity to vote, in the regular session of the legislature. They can express themselves as did the State of Maine when they wanted to separate themselves from Massachusetts which they did and I think we are all happy for it.

I would hope that this Senate would be good enough to give these people in Enfield the opportunity to vote as to whether they want to be a part of one district or another. Let them vote on it and what they say will be the law. I would hope that we will go along with that tonight as they have done in the House.

Mr. CARPENTER of Somerset: Mr. President, I would like to pose a question to the Senator from Penobscot, Senator Stanley through the Chair.

The PRESIDENT: The Senator from Somerset, Senator Carpenter, poses a question through the Chair, to the Senator from Penobscot, Senator Stanley, and that Senator may answer if he wishes.

Mr. CARPENTER: Mr. President, what proportion of the town under this particular bill is permitted to vote on this subject?

Mr. STANLEY: Mr. President, the proportion of the town has already been outlined and I am sure that the gentleman, if he is at all acquainted with the situation knows how many people there are in that section; if not, it is available in many sections of this House. If he has checked with the legal authorities in this House—and I speak of this House which belongs to the State of Maine—if he has checked and they find that if this bill goes through there will be so many legal ramifications that we never can get out of it, I would fire the legal advisors at this time because it seems to me that the people who are supposed to give legal advice to the legislators who come down here should be interested in the contents of the bill, and not how it is prepared.

Mr. WYMAN of Washington: Mr. President and members of the Senate, I would like to point

out that your committee on Towns and Counties listened to this bill and listened to the proponents and the opponents for approximately two and a half hours, and on the evidence presented they feel that the bill should pass. Also, I would like to point out as to the legal aspects, it is always possible to raise a legal question, but we do have the Chairman of the Judiciary Committee on Towns and Counties and signed the Ought to Pass report and we discussed the legal aspects and he considers it to be legal and, without question Constitutional.

Mr. ERWIN of York: Mr. President, the Chairman of the Judiciary Committee has been put on the spot at least four times in the last twenty-four hours and he doesn't like it a bit. If I might state this: I voted with the majority of the Committee on Towns and Counties and when I did, I did it with as much distress as I voted in just exactly the opposite fashion on the Town of Harpswell bill at the regular session. I don't like either bill. I don't like this one. I didn't like the other one. And I think it is too bad when we have to be faced with these decisions when towns have upsetting considerations that they bring to us. But there doesn't seem to be any other way to settle them.

Now, having stated that I voted the way that I did and I didn't like it, I have to say this: The Chairman of the Committee on Towns and Counties is correct that I stated and that it is my judgment that because all towns in the State of Maine by definition and by uncontradicted law, are creatures of the legislature, the considerations that are found in this particular bill are legal. I don't think there is a constitutional question involved; I don't think there is a question of legality involved. I think there is only a question of fairness. The Senator from Somerset Senator Carpenter, asked a question which I don't think has been answered. The question was, "What proportion of the town of Enfield will be permitted to vote? The answer to that is that only

those people in the eastern section of Enfield will be permitted to vote and if a 65% majority of the people on the eastern side of this arbitrary division line in the bill before you—if a 65% majority of the people in the eastern side of Enfield vote in the affirmative, the town will be divided into Enfield and West Enfield. The interesting part of this is that there are roughly 1100 people in the town of Enfield and about 450 of them live on the eastern side and about 650 of them live on the western side. So that in order to give Senator Carpenter the answer directly and unequivocally I am forced to report that the bill allows 450 of 1100 people to vote and if 65% of the 450 vote in the affirmative, the town will be split.

I offer this only as information and I can only say that as an ordinary and compassionate human being, I wish the whole thing were somewhere else.

Mr. CARPENTER: Mr. President, this is one of those unfortunate things that occur sometimes in our quick sessions. We come here for a few days and we're forced to have this material stuffed down our necks in those few days, without knowing too much about it. I admit I don't know too much about it. But I do know this that I have got guts enough to stand up here and say that I am not going to vote to dissolve a town that has been incorporated for 126 years, without knowing more about it than I do right now.

Mr. CHASE of Lincoln: Mr. President, I am in direct sympathy with the remarks made by Senator Carpenter, with all due respect to the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter, that this report and accompanying papers be indefinitely postponed; a division has been requested.

A division of the Senate was had.

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

Thereupon, the ought to pass report was accepted, the bill read

once, Committee Amendment A and House Amendment A read and adopted and under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Ordered sent forthwith to the engrossing department.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table, bill, An Act Providing for Construction of an Education Television Network (L. D. 1698); and on further motion by the same Senator, the ought to pass report was accepted and the bill read once.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, you have before you Senate Amendment A which is Filing No. S-19. This is merely an amendment to clarify certain portions of the bill as written. For example, we are striking out the word "advisory" to the committee and making it an educational television committee because actually its function is more than advisory, it will, representing citizens of the State of Maine, exercise certain control over the maintenance and operation of any network facility. The original bill would terminate this committee at the expiration of five years so that language has been changed in order that this may be a continuous committee and also providing staggered terms of appointment. In that way all terms would not be expiring at the same time and you would always have someone on the committee with experience.

The next amendment is an amendment that actually emanated in the committee, or the House. The citizens on this committee will be merely citizens of the State of Maine rather than being limited to the phraseology representing the educational and cultural interests and also provisions for filling vacancies. The next change was that it will require a quorum of the majority of the committee; in other words, four persons of that committee would have to meet in order to constitute a quorum. Under the bill as drafted, a majority of the members of the committee present would consti-

tute a quorum. In other words, if there were only three there, two would be able to conduct the business of the committee.

Programming has no material change. There was just a change of putting everything in one sentence instead of having two sentences. The next change as proposed in this amendment is that the Governor and Council be authorized to accept any gifts or grants in aid rather than having the committee accept it and be mandated to turn it over to the University of Maine. This could have an advantage in the acceptance of grants in aid in particular, being made direct to the State of Maine rather than having it go to a specialized committee or to the University.

The next change is merely adding the words that the University of Maine will have the authority to acquire real estate. There is no such authority in the bill in its original draft, and inasmuch as the transmitters are to be constructed, they will have to acquire

real estate for that purpose and the next amendment is merely adding the word "federal" along with municipal, county, state, etc. so that this could not be used for political purposes of any nature involving federal matters.

Other than that there are no other basic changes, other than the language and the penalty provision.

Mr. President, at this time I present Senate Amendment A and move its adoption.

Senate Amendment A was read and adopted; and on further motion by the same Senator, Committee Amendment A was indefinitely postponed.

Thereupon, under suspension of the rules, the bill as amended was read a second time and passed to be engrossed.

On motion by Mr. Noyes of Franklin, ordered sent forthwith to the House.

On motion by Mr. Noyes of Franklin, adjourned until tomorrow morning at ten o'clock.