

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, April 15, 1965

Senate called to order by the President.

Prayer by Rev. Clayton F. Childs of Farmingdale.

On motion by Mr. Duquette of York, the Journal of yesterday was read and approved.

The PRESIDENT: The Chair would like to recognize in the back of the Senate Chamber, the wife and son of one of our Senators, the Senator from Aroostook, Senator Manuel. Would Mrs. Glen Manuel and son Billy please rise and be recognized this morning? (Applause)

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

Bill, "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities." (H. P. 546) (L. D. 768)

In House, April 7, indefinitely postponed.

In Senate, April 13, passed to be engrossed in non-concurrence.

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

In the Senate, the Senate voted to join in the Committee of Conference and the President appointed as Senate conferees, Senator Stern of Penobscot, Senator, Maxwell of Franklin and Senator Willey of Hancock.

Bill, "An Act Authorizing the Appointment of the Commissioner of Agriculture by the Governor." (S. P. 219) (L. D. 678)

In Senate, March 17, passed to be engrossed.

Comes from the House, passed to be engrossed, As Amended by House Amendment 'A' (H-145) in non-concurrence.

In the Senate, on motion by Mr. Harding of Aroostook, the Senate voted to recede and concur.

Bill, "An Act Relating to Uniforms for Full-Time Deputy Sheriffs." (H. P. 260) (L. D. 330)

In Senate, April 2, Passed to Be Engrossed as Amended by Committee Amendment "A" (H-151) in concurrence.

Comes from the House, Indefinitely Postponed in non-concurrence.

In the Senate, on motion by Mr. Smith of Cumberland, tabled pending consideration.

House Paper

Bill, "An Act Relating to Renewal of Motor Vehicle Operators' Instruction Permits." (H. P. 1077) (L. D. 1460) Which was referred to the Committee on Legal Affairs in concurrence.

The following Bill was approved for appearance on the calendar by a majority of the Committee on Reference of Bills, pursuant to Joint Rule 19-C:

Mr. Hilton of Somerset presented Bill, "An Act Amending the Pittsfield School District." (S. P. 506) Which was received by unanimous consent and referred to the Committee on Legal Affairs.

Sent down for concurrence.

Reports of Committees**House****Leave to Withdraw**

The Committee on Judiciary on Bill, "An Act Relating to Payment of Certain Expenses in District Court Cases." (H. P. 496) (L. D. 649) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Education on Bill, "An Act Relating to School Construction Aid in Certain Administrative Units." (H. P. 1023) (L. D. 1386) reported that the same Ought Not to Pass.

The Committee on Judiciary on Resolve in Favor of Seth A. Whitcomb of Readfield for Injuries Sustained While State Employee. (H. P. 458) (L. D. 612) reported that the same Ought Not to Pass.

The same Committee on Bill, "An Act Relating to Posting Land

Against Hunting." (H. P. 493) (L. D. 646) reported that the same Ought Not to Pass.

The Committee on Liquor Control on Bill, "An Act Providing for Local Option for Sale of Spirituous Liquor in Restaurants." (H. P. 598) (L. D. 790) reported that the same Ought Not to Pass.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on Bill, "An Act Providing for a Council - Manager Form of Government for Town of Millinocket." (H. P. 145) (L. D. 168) reported that the same Ought to Pass.

The same Committee on Bill, "An Act Relating to Acquisition, Exemption and Losses Under Urban Renewal Law." (H. P. 643) (L. D. 868) reported that the same Ought to Pass.

Which reports were Read and Accepted and the Bills Read Once and tomorrow assigned for second reading.

The Committee on Liquor Control on Bill, "An Act Relating to Local Option Questions on Sale of Liquor." (H. P. 774) (L. D. 1017) reported that the same Ought to Pass.

Comes from the House Recommended to the Committee on Liquor Control.

In the Senate, that body voted to recommit the bill to the Committee on Liquor Control in concurrence.

Ought to Pass — As Amended

The Committee on Health and Institutional Services on Bill, "An Act Relating to Expiration Date of Licenses for Eating Places." (H. P. 950) (L. D. 1286) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-196)

The same Committee on Bill, "An Act Relating to Testing New-born Infants for Detection of Causes of Mental Retardation." (H. P. 995) (L. D. 1345) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-197)

The Committee on Legal Affairs on Bill, "An Act Relating to Composition and Election of Superintending School Committee of the City of Portland." (H. P. 360) (L. D. 463) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-199)

The same Committee on Bill, "An Act to Grant a New Charter for the Town of Yarmouth." (H. P. 519) (L. D. 672) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-198)

The Committee on State Government on Bill, "An Act Revising Certain Laws Relating to Prevention of Forest Fires." (H. P. 778) (L. D. 1174) reported that the same Ought to Pass, As Amended by Committee Amendment "A" (H-200)

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted, and the Bills, As Amended, tomorrow assigned for second reading.

Divided Reports

The Majority of the Committee on Highways on Bill, "An Act Relating to Weight Tolerances of Vehicles loaded with Farm Produce." (H. P. 58) (L. D. 70) reported that the same Ought to Pass.

(Signed)

Senators:

NORRIS of Oxford

CASEY of Washington

Representatives:

CARTER of Etna

STOUTAMYER

of Madison

LENT of Scarboro

DUDLEY of Enfield

WALTZ of Waldoboro

NADEAU of Biddeford

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

(Signed)

CAHILL of Somerset

Representative:

ROSS of Brownville

Comes from the House, the Majority — Ought to Pass Report

Accepted, and the Bill Passed to Be Engrossed, As Amended by House Amendment "A" (H-208)

In the Senate, on motion by Mr. Cahill of Somerset, tabled pending acceptance of either report and especially assigned for later in today's session.

The Majority of the Committee on Highways on Bill, "An Act Relating to Permits by Highway Commission for Trucks in Construction Areas." (H. P. 211) (L. D. 279) reported that the same Ought Not to Pass.

(Signed)

Senator:

NORRIS of Oxford

Representatives:

NADEAU of Biddeford
LENT of Scarborough
STOUTAMYER

of Madison

ROSS of Brownville
CARTER of Etna
WALTZ of Waldoboro

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

(Signed)

Sensors:

CASEY of Washington
CAHILL of Somerset

Representative:

DUDLEY of Enfield

Comes from the House, the Majority — Ought Not to Pass Report Accepted, and the motion to Reconsider lost.

In the Senate, on motion by Mr. Cahill of Somerset, tabled pending acceptance of either report.

The Majority of the Committee on Highways on Bill, "An Act Appropriating Funds for Construction of a Span on the Westport-Wiscasset Bridge." (H. P. 627) (L. D. 834) reported that the same Ought Not to Pass.

(Signed)

Sensor:

CAHILL of Somerset

Representatives:

DUDLEY of Enfield
LENT of Scarborough
STOUTAMYER

of Madison

NADEAU of Biddeford

ROSS of Brownville
CARTER of Etna

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

(Signed)

Sensors:

CASEY of Washington
NORRIS of Oxford

Representative:

WALTZ of Waldoboro

Comes from the House, the Majority — Ought Not to Pass Report Accepted.

In the Senate, on motion by Mr. Norris of Oxford, tabled pending acceptance of either report.

Senate

Leave to Withdraw

Mr. Duquette from the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Subsidy to Driver Education." (S. P. 393) (L. D. 1315) reported that the same should be granted Leave to Withdraw as Covered by Other Legislation.

Mr. Stern from the Committee on Judiciary on Bill, "An Act Relating to the Possession of Firearms and the Carrying and Registration of Firearms Capable of Being Concealed." (S. P. 431) (L. D. 1365) reported that the same should be granted Leave to Withdraw.

Mr. O'Leary from the Committee on Labor on Bill, "An Act Providing for Compulsory Retirement of Teachers at Age 65." (S. P. 404) (L. D. 1355) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

Mr. Harding from the Committee on Appropriations and Financial Affairs on Bill, "An Act Authorizing a Study of the Feasibility of Creating a Central State Printing Department." (S. P. 174) (L. D. 540) reported that the same Ought Not to Pass.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Stern from the Committee on Judiciary on Bill, "An Act Cre-

ating the Division of Northern Androskoggin and Franklin of the District Court." (S. P. 265) (L. D. 814) reported that the same Ought Not to Pass.

On motion by Mr. Maxwell of Franklin, tabled pending acceptance of the report and especially assigned for April 22.

Ought to Pass

Mr. Carter from the Committee on Health and Institutional Services on Bill, "An Act Relating to Authorize Acts of Dental Hygienists and Penalty for Exceeding such Authority." (S. P. 309) (L. D. 1022) reported that the same Ought to Pass.

Mr. Violette from the Committee on Judiciary on Bill, "An Act Providing for an Additional District Court Judge and Relating to Composition of Certain District Court Districts." (S. P. 65) (L. D. 126) reported that the same Ought to Pass.

The same Senator from the same Committee on Bill, "An Act Relating to Public Notice in Probate Proceedings and Return Dates." (S. P. 295) (L. D. 910) reported that the same Ought to Pass.

The same Senator from the same Committee on Bill, "An Act Relating to Public Notice in Probate Proceedings." (S. P. 294) (L. D. 909) reported that the same Ought to Pass.

Mr. Stern from the same Committee on Bill, "An Act Relating to Membership of Judicial Council." (S. P. 430) (L. D. 1364) reported that the same Ought to Pass.

Mr. Stern from the Committee on State Government on

"Resolve, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money." (S. P. 221) (L. D. 680) reported that the same Ought to Pass.

Which reports were Read and Accepted and the Bills and Resolve Read Once and tomorrow assigned for second reading.

Senate As Amended

Ought to Pass — As Amended

Mr. Harding from the Committee on Appropriations and Financial Affairs on

Bill, "An Act Entering the State of Maine into the New England State Police Compact." (S. P. 179) (L. D. 765) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-135)

Mr. McDonald from the Committee on Claims on

Resolve, in Favor of Carroll Linnell of Benton for Well Damage by Highway Construction. (S. P. 473) (L. D. 1425) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-134)

Mr. Glass from the Committee on Judiciary on

Bill, "An Act Relating to Jurisdiction of District Courts." (S. P. 352) (L. D. 1117) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-132)

Mr. Stern from the same Committee on

Bill, "An Act Relating to Compensation of Reporters in Probate Court." (S. P. 286) (L. D. 848) reported that the same Ought to Pass As Amended by Committee Amendment "A"; (S-133)

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted, and the Bills, As Amended, tomorrow assigned for second reading."

Ought to Pass in New Draft — same title

Mr. Shiro from the Committee on Legal Affairs on

Bill, "An Act to Clarify Condemnation of Schoolhouse Lots." (S. P. 97) (L. D. 264) reported that the same Ought to Pass in New Draft under the same title." (S. P. 505), (L. D. 1473)

Which report was Read and Accepted and the Bill Read Once in New Draft, and tomorrow assigned for second reading.

Second Reading

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

House

Bill, "An Act Relating to Unexpended Balance of Appropriation for Maine's Participation in the New York World's Fair." (H. P. 188) (L. D. 243)

Bill, "An Act Appropriating Funds to Aid in Dredging the Royal River and Basin." (H. P. 389) (L. D. 501)

Bill, "An Act Continuing Bureau of Public Improvements Study of Desirability of a Dam Across Taunton River." (H. P. 487) (L. D. 640)

Bill, "An Act Relating to Change of Name, Courses of Study at and Degrees by the State Teachers' Colleges." (H. P. 270) (L. D. 352)

Bill, "An Act Relating to Kindergarten Education." (H. P. 623) (L. D. 830)

Bill, "An Act Relating to Computation of Net Operating Costs in Allocating School Subsidies." (H. P. 731) (L. D. 69)

Bill, "An Act Revising Laws Relating to Fees for Inspections and Inspection Certificates Under Boiler and Unfired Steam Pressure Vessel Law." (H. P. 594) (L. D. 786)

Bill, "An Act Increasing the Indebtedness of the Veazie Sewer District." (H. P. 1040) (L. D. 1414)

Bill, "An Act Relating to Licensing of Auctioneers." (H. P. 603) (L. D. 795)

(Which was read a second time, and on motion by Mr. Smith of Cumberland was tabled pending passage to be engrossed and was especially assigned for the next legislative day.)

Bill, "An Act to Clarify the Civil Defense Powers of the Governor." (H. P. 655) (L. D. 883)

Bill, "An Act Relating to Services for Locating Deserting Parents and Other Persons Liable for Support of Dependents." (H. P. 779) (L. D. 1032)

Bill, "An Act Providing for the New England Welfare Compact." (H. P. 932) (L. D. 1269)

Bill, "An Act Entering the State of Maine into the New England Interstate Planning Compact." (H. P. 979) (L. D. 1317)

Bill, "An Act Relating to Delinquency in Payments to Winthrop Water District." (H. P. 1074) (L. D. 1450)

Bill, "An Act Relating to Microfilm of Records in Registries of Deeds." (H. P. 570) (L. D. 740)

Which were Read a Second Time and Passed to Be Engrossed in concurrence.

The PRESIDENT: The Chair would like to recognize in the back of the Senate Chambers a former Senator from Androscoggin County. Would Senator Paul Couture please rise and be recognized? (Applause)

House — As Amended

Bill, "An Act to Create the Bridgton Sewer District." (H. P. 531) (L. D. 705)

Bill, "An Act to Create the Maine Indian Housing Authority." (H. P. 933) (L. D. 1270)

Bill, "An Act Relating to Weight of Four Axle Commercial Vehicles." (H. P. 875) (L. D. 1291)

Which were Read a Second Time and Passed to Be Engrossed, As Amended, in concurrence.

Bill, "An Act to Revise the Real Estate Law." (H. P. 579) (L. D. 771)

Which was Read a Second Time and Passed to Be Engrossed As Amended by House Amendment "A" (H-176) as amended by Senate Amendment "A" (S-125) thereto, in non-concurrence.

Senate

Bill, "An Act Relating to Location of Voters' Marks on Ballots" (S. P. 397) (L. D. 1221)

Which was Read a Second Time and Passed to Be Engrossed.

Sent down for concurrence.

Bill, "An Act to Incorporate the Maine Dental Service Corporation." (S. P. 260) (L. D. 809)

Bill, "An Act to Authorize State Participation in Federally Aided Health Facilities Programs." (S. P. 364) (L. D. 1131)

Bill, "An Act Relating to Bounty on Foxes." (S. P. 243) (L. D. 753)

Which were Read a Second Time and Passed to Be Engrossed As Amended.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 120) (L. D. 144) House Report Ought Not to pass, from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys to Repair Runway of Rockland Airport; tabled on April 13 by Senator Hoffses of Knox pending acceptance of the report; and on motion by Mrs. Sproul of Lincoln, the resolve was retabled and especially assigned for later in today's session.

The President laid before the Senate the 2nd tabled and today assigned item (H. P. 16) (L. D. 16) Bill, "An Act Providing for Penobscot County Funds for Buildings for Education Programs for Retarded Children"; tabled on April 14 by Senator Snow of Cumberland pending motion by Senator O'Leary of Oxford to recede and concur; and that Senator withdrew his motion to recede and concur.

Mr. FALON of Penobscot: Mr. President, I move that the Senate recede and concur.

Mr. CASEY of Washington: Mr. President, may I speak on this bill?

The PRESIDENT: The Senator may.

Mr. CASEY of Washington: Mr. President, I think that the door was opened here by Oxford County two years ago when they allowed the county to use the funds. Now we have seen this year that Penobscot County has come in the open door to get funds, and in future years it has just opened the door for other counties to come in. It is not just one town but there are several towns; it is not just one community organization, there are going to be several; if one can have it the other organizations are going to come in for county funds. I am not opposed to this bill but I am opposed to where the money will

come from. I think this bill should go to the Appropriations Committee and the funds for this bill should come out of the state government. I would like to close the door to keep these organizations from coming in and getting county funds.

I have several clippings here from the newspapers on this, and I am sure the senators from Penobscot County have received several letters, as they have told me, from different towns opposing where the money is coming from. They are not opposed to the bill but they are opposed to where the money is coming from, and I hope this Senate body will consider this and oppose the motion to recede and concur.

Mr. BERNARD of Penobscot: Mr. President, I am not against help to retarded children and I am not against help to retarded men, and I have been accused of being one, but I am against this bill because it would add a tax burden to the property owner and I believe the property owner is overburdened with taxes already. When the vote is taken I ask for a division.

The PRESIDENT: The motion before the Senate is the motion to recede and concur. A division has been requested.

Mr. FALON of Penobscot: Mr. President, these gentlemen have stated they are not opposed to the bill but they are opposed to the method of appropriating money. If they are against the method of appropriating money then I say they are against the bill. I dare say this good body would not appropriate approximately \$50,000 of state funds for Penobscot County alone. I can recognize this fact and I am sure most senators will.

I have not received any mail opposing this bill except one letter from a small town in Penobscot County. However, I have received numerous letters to the effect that they would like to see this bill go through.

This bill provides approximately \$50,000 for Penobscot County for two homes for the mentally retarded, one in the Bangor area and one in the East Millinocket. These are two geographic areas

which will benefit the county, Bangor being in the southern part of the county and East Millinocket in the northern part. The school home in Bangor has already been purchased; there is no home in East Millinocket. At present the class in East Millinocket is in elementary school and I understand that at the end of this year they are going to have to move out of the school because there are not enough class rooms available for the ordinary students.

This is a non-recurring item by the way and it won't be on the agenda again that I know of. The homes will still remain county property and I see no reason why this bill should not be put through. As I say, this is a county matter and I hope that the good Senators will leave it up to the Penobscot County delegation. In caucus we approved of these funds by a fairly large margin. This is not a party measure by any means, it has support from both Democrats and Republicans alike, so I hope the members of the Senate will support me on my motion.

Mr. BERNARD of Penobscot: Mr. President, these schools will service a very small area of the county, and as Senator Casey said, there will be other towns who will want this same service, and it will be a recurring expense to the county.

Mr. JACQUES of Androscoggin: Mr. President, can I ask from any member of the committee who would know, if there are any federal funds available at this time for the construction of these buildings?

The PRESIDENT: The Senator from Androscoggin, Senator Jacques, poses a question through the Chair to any Senator, who may answer if he so chooses.

Mr. FALON of Penobscot: Mr. President, as I understand it, there are no federal funds for the construction of buildings, however there are federal funds relating to materials and teaching instruction for these pupils after the buildings are constructed. That is the word that I have had from the sponsor of this bill.

Mr. MENDELL of Cumberland: Mr. President, could I have a

record of the vote of this bill when it came out of committee?

The PRESIDENT: The report from the committee was an 8 to 2 report that the bill be referred to the Committee on Appropriations and Financial Affairs.

Mr. BROWN of Hancock: May I pose a question through the Chair to the Senator from Penobscot, Senator Faloon or Senator Bernard? Is the amount appropriated for this educational program in the county budget?

The PRESIDENT: The Senator from Hancock, Senator Brown, poses a question through the Chair to the Senator from Penobscot, Senator Faloon, or Senator Bernard, who may answer if they so choose.

Mr. FALON: Mr. President, in answer to the question of the Senator from Hancock, Senator Brown, the money has been appropriated in the county budget. We approved this at a county caucus two weeks ago.

The PRESIDENT: The motion before the Senate is the motion of Senator Faloon of Penobscot that the Senate recede and concur. A division has been requested.

A division of the Senate was had.

19 having voted in the affirmative and 8 opposed, the motion prevailed and the Senate voted to recede and concur.

The President laid before the Senate the 3rd tabled and today assigned item (S. P. 227) (L. D. 686) Senate Reports from the Committee on Welfare on Bill, "An Act Eliminating Residence Requirements in Public Assistance"; Majority Report, Ought to pass; Minority Report, Ought not to pass; tabled on April 14 by Senator Jutras of York pending motion by Senator Snow of Cumberland to accept the Majority Ought to pass report; and Senator Jutras of York yielded to Senator Snow of Cumberland; Senator Snow of Cumberland yielded to Senator Girard of Androscoggin.

Mr. GIRARD of Androscoggin: Mr. President and members of the Senate: After making further

inquiries I found that my fears were not well founded, so I would move that the majority "Ought to pass" report be accepted and I would like to yield to the Senator from Cumberland, Senator Smith.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Cumberland, Senator Snow, to accept the majority "Ought to pass" report of the committee.

Mr. SMITH of Cumberland: Mr. President, this bill has had a wonderful workout and I hope everyone has the same, but I assure you this will be back in the 103rd Legislature again by all of the treasurers of the counties in regard to getting a refund.

The PRESIDENT: The motion before the Senate is the motion to accept the "Ought to pass" report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the "Ought to pass" report of the committee was accepted and the bill was given its first reading and tomorrow assigned for second reading.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 506) (L. D. 659) House Reports from the Committee on Legal Affairs on Bill, "An Act Providing for Election of School Board of City of Old Town"; Majority report, Ought to pass with Committee Amendment A; Minority Report, Ought not to pass; tabled on April 14 by Senator Jacques of Androscoggin pending motion by Senator Shiro of Kennebec to accept the Majority Ought to pass report with Committee Amendment A; and on motion by Mr. Jacques of Androscoggin, the bill was retabled and especially assigned for one week from today.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 425) (L. D. 1360) Senate Reports from the Committee on Inland Fisheries and Game on bill, "An Act Regulating Fly Fishing in Certain Portion of Kennebec River"; Majority report, Ought not to pass;

Minority report, Ought to pass; tabled on April 14 by Senator Mendell of Cumberland pending motion by Senator Carter of Kennebec to accept the Minority Ought to pass report; and Senator Mendell moved the pending question.

Thereupon, the Minority Ought to pass report was accepted and the bill read once.

Mr. Cahill of Somerset presented Senate Amendment B and moved its adoption.

The Secretary read Senate Amendment B (S-131)

Thereupon, on motion by Mr. Carter of Kennebec, the bill was tabled pending motion by Mr. Cahill of Somerset to adopt Senate Amendment B.

The President laid before the Senate the 6th tabled and today assigned item (H. P. 107) (L. D. 115) Bill, "An Act Relating to the Transportation of Refrigerated Products"; tabled on April 14 by Senator Moore of Washington pending motion by Senator Cahill of Somerset to Indefinitely postpone the bill and report.

Mr. MOORE of Washington: Mr. President and fellow Senators: As a result of showing interest in this particular legislation, and perhaps as a result of stating my own personal confusion, I have found, as a result of looking further into this particular legislation and other legislation which exists before this present legislature, I have only found myself more confused in regard to the possibility of acquiring some facts and figures which I feel, if they could be presented, would adequately solve this trucking problem, which, of course, involves our Maine industry, and also the problem of cost of maintaining adequate highways in the State of Maine. During my course of research I have found a specific document originated by the United States Congress for the purpose of putting certain restrictions in regard to dimensions, weights, safety factors and what have you, on vehicles which utilize the so-called federally supported highways of this country. I find a similar document of this nature,

perhaps simply as a result of its cost, is not now available to citizens and to those who are interested in this problem in the State of Maine. Perhaps a document of this nature never will be available, principally because of the cost involved, I do not know. It is my personal opinion though that as a result of the decision on this particular legislation, through inquiries I have made of committee members who determined the proposed passage of this legislation, that we are acting only on a presumable basis. Commonsense-wise it should be realized that if you take a piece of string and hang onto the end of that string a ping-pong ball and start it swaying it will last for many years, but if on the end of the same string you tie a lead weight and start the string rotating it will last a much less length of time.

In this federal report it also states that weights traveling over highways will cause a certain amount of damage. Now you take a particular strip of highway and run a certain amount of weight over that highway over a period of time you are going to get a certain amount of damage. There are no specific reports or figures to show just what the damage will be, but over the same strip of highway if you have five or ten thousand pounds extra weight you are going to get more damage than you would in the first instance which I quoted. Therefore, on a comparative basis of the number of pounds of gross weight going over our highways compared to the cost of maintenance of that particular strip of highway, I feel that it is very necessary for this state, in one way or another, to compare the amount of dollars which we are spending in this state on highways, and the responsibility of paying this debt lies on the shoulders of us all, the thirty or forty per cent of the trucking industry and the other sixty per cent on the passenger vehicles which also use our highways. I feel that some kind of specific report or study should be made so that once and for all we would have a guideline as to amount of wear and tear or what

have you that our highways in the State of Maine, which consist of twenty odd thousand miles. I am not particularly interested in the Interstate because that is federally maintained for the most part. I am concerned merely with the twenty odd thousand miles of highway which I feel, even though we have spent millions and millions of dollars, is still inadequate, and if we are to continue increasing the weights and lengths and widths of these transportation vehicles, somewhere, somehow we citizens of this state will have to dig still deeper into our pockets, and some of the pockets of the citizens of this state have developed holes already. If this is to continue, somehow we have to pay for the extra cost of improving these highways to accommodate this continuous increase of gross weight.

I am not against industry, I am not against people trying to compete outside of the State of Maine with other states involved in the same commodity, but on a comparable basis on what we can haul compared to the cost of maintenance and construction I feel very seriously that somewhere along the line — and I hope as a result of the opposition in our voting here today that future legislatures will consider this very seriously as a result of having to accept responsibility for this program, and that those most interested will somehow have to appropriate a certain number of dollars, and if it was a large sum compared to what we are spending today on our highways I feel it would be adequate for the purpose of, in one way or another, coming up with a yardstick so that this particular problem can in the future be very carefully regulated. Thank you very much.

Mr. MENDELL of Cumberland: Mr. President, I now move the pending question and ask for a division of the Senate.

May I approach the rostrum?

The PRESIDENT: The Senator may and the Senate will be at ease.

(At ease)

Called to order by the President.

Mr. JUTRAS of York: Mr. President, may I have the committee report on this L. D.?

The PRESIDENT: The Chair would inform the Senator that the committee report was 8 to 2 in favor of passage.

Mr. JUTRAS: Mr. President and members of the Senate: If such a report has been rendered by the committee as a result of the hearing on this bill, and in view of the fact that Senator Moore is not against industry in the State of Maine, I believe we should take favorable action in this case.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Somerset, Senator Cahill, that the bill and its accompanying reports be indefinitely postponed. A division has been requested.

Mr. CAHILL of Somerset: Mr. President, perhaps to clear up some of the statements that were made about the Interstate system, I will say that the Interstate system is constructed 90 per cent federal and ten state, but once the Interstate system is constructed the entire maintenance of that system is the responsibility of the state and there is no federal money coming into it, so every mile of road that is finished on the Interstate system is a mile of road for which the State of Maine will have to pick up the maintenance.

Now getting back to construction, Interstate 95, which is the best constructed road in the state, has what is known as an eight inch bituminous concrete surface. The federal government says that all that road can haul is 32,000 pounds on a tandem axle. The state roads for the most part, and especially the state aid roads, are constructed with perhaps a two-inch what they call a place mix surface which amounts to about from an inch and a half to two inches of tar or asphalt surface on top of the gravel. About the only thing that it does is to keep the dust down and keep the road in place. It is a very poor substance for heavy weights

to be put on to last for any length of time.

As far as the refrigerator unit is concerned, we have a paper before us, I believe, that shows that the refrigerator unit adds another five thousand pounds estimated to weight of the vehicle. I made a specific call this morning to a firm in Portland that sells refrigerated units for information on weights for a unit with a forty-foot box, the best unit they put out that would haul frozen products. They informed me that the unit will weigh about 1600 pounds. Now that is quite a lot short of five thousand. They say also that depending on how well your box is insulated depends a great deal on how heavy a refrigerated unit you must have. I am sure they won't get another three thousand pounds in the insulation. I think everyone is quite aware of how much insulation weighs because they have used it to some degree around their homes at one time or another.

I still think this is a bad piece of legislation. We have already increased the weight of the vehicle about ten per cent in the general law. I feel that our highways are taking about all they can stand. Having had the unfortunate experience to some extent of serving on the Highway Committee this year with 151 members of the House and 34 over here in the Senate, including myself, I have had complaints from every one of them, including myself, on roads in their particular town, asking why they haven't been rebuilt. I think I stated here yesterday that we have four thousand miles of state and state-aid roads in the state, and if you build a hundred miles a year on that basis it will take forty years to build them all, and I think everyone will agree there isn't any state road or state-aid road that will stand for forty years here in the State of Maine without being rebuilt. I hope my motion prevails.

Mr. SHIRO of Kennebec: Mr. President, I would like to add my support that this motion to indefinitely postpone should not car-

ry. Transportation for our industries are its very lifeblood and our industries cannot compete, they cannot be sustained and they cannot persevere against the very strong competition without our providing them with the best we can in transportation facilities within the realm of safety and within the realm of commonsense. I would like to state further, as I stated yesterday that at the hearings that were held on this particular bill there were present many men from industry, there were present persons representing opposition, there were present members of the Department of Highway Safety, Mr. Weed — I do not know just exactly what department he was from but nevertheless he was present. There was no opposition whatsoever. If these weights were to be an extreme danger in some way to our highways I am sure it would have been pointed out at that time.

I think Senator Moore said that perhaps we are going on a presumption, but in the absence of any statistics or any evidence whatsoever that these added tolerances are going to create a danger or damage, I think we can go on the presumption that it is not going to do so, especially when persons are interested in opposition to this legislation.

Senator Cahill has stated that he has obtained certain information in regard to the weight of refrigeration equipment but apparently he has left out the fact that it is necessary on these refrigerator trucks to add insulation also. It is not simply the refrigeration unit itself but also it is the insulation for the truck which adds weight. It is my understanding that it is the insulation together with the refrigeration unit itself that adds approximately five thousand pounds.

I am certain that some day the trucking concerns are going to be in the situation that the railroad is now in regard to competing for transportation. But this is not a trucking bill, this is an industry bill. Trucks, as we have seen and as history and experience has pointed out, have not decreased in size, they have increased. Due

to technological advances, scientific improvements in engineering, trucks have increased and trucking today is making up a great portion of the transportation facilities in this State. We could hardly have industries in these small towns that do not have railroad facilities unless we had these trucking concerns and roads for them. I do not think that we need or desire gleaming highways and crumbling mills and factories in our small communities. It has been stated — I think Senator Cahill and Senator Moore stated that in their minds it is only commonsense that the more weight you have on a highway the more damage it will cause. But how much damage? So far there has not been one statistic to show how much damage there is going to be caused to the highways. We know trucks cause wear, that is commonsense, but how long will it take before these particular weights cause damage?

Will it take 20 years? Will it take 50 years? Who is to say? Now the need is urgent. We are here to make every effort that we can to make our industries competitive, to allow them to progress. This is one bill that will help and it will do it to a large segment of industry in our state.

What is the answer if you allow less weight on these trucks but it will be necessary to make two trips, to have two trucks rather than one. Which is going to cause more damage. One truck which is allowed more weight or will it require two trucks and two times the flow of traffic on these highways. What would be the answer to that? I think it is reasonable and common sense that we meet a need that we see, which has been presented to the legislature by these industries. I ask the members of this Senate to support those industries. Thank you.

Mr. BERNARD of Penobscot: Mr. President, has a division been requested?

The PRESIDENT: A division has been requested on the motion to indefinitely postpone.

Mr. SNOW of Cumberland: Mr. President, may I ask the Senator from Somerset, Senator Cahill sev-

eral questions through the Chair? Yesterday I believe he indicated that these new tolerances would place a load on the brakes of these trucks which they could not support. I wonder if he would care to state the source of his information. I also wonder if our Highway Department has taken a position on the extra weight which will be imposed by this bill and if he can tell us what it is. Finally, not being an expert in this I wonder if the load limits per axle which would be allowed under this law would exceed the 32,000 pound tandem axle weights which he mentioned previously.

The PRESIDENT: The Senator from Cumberland, Senator Snow, directs questions through the Chair to the Senator from Somerset, Senator Cahill who may answer if he chooses.

Mr. CAHILL of Somerset: Mr. President, to answer the 1st question. The information comes from Bendix Westinghouse for what it is worth. They make some of the best brakes in the nation. Their formula is one square inch of effective brake shoe every forty pounds of gross vehicle weight. They will make exceptions to that in some cases. In flat areas and a cruising speed of around 35 miles an hour, they will say you can go to fifty pounds for each square inch of brake; but at 60 miles an hour which I am sure most of them cruise at here in the State of Maine — in fact I clocked one coming down over Rines Hill the other day at 90 with a load of logs on — we do have a few hills in the State of Maine too. In areas of that they, their specifications are the specifications of the federal government when they go after equipment and it is also the specifications of the I.C.C.

To answer the second question the Highway Commission takes a hands off policy and has for four years as far as weight tolerances are concerned. The weight bills generally now go before the Committee on Transportation. Before this committee, the Highway Commission has appeared sometimes, either the Chairman or a representative from the Commission.

The committees in the past have ignored anything they may have said. The last time they went four years ago, they were roundly thumped by both the committee and the trucking industry. They were informed so I am told that their principal function was to build and maintain the highways and that the business of how much weight was carried on the highways was not in their realm of duty.

And I have forgotten the third question.

Mr. SNOW of Cumberland: Mr. President, my third question was if this legislation would place axle weights that exceed the 32,000 pound limit mentioned for Route 95.

Mr. CAHILL of Somerset: Mr. President the federal law right now allows 32,000 pounds on a tandem axle on 95; and 22,000 pounds on a single axle. The reason for the 22,000 pounds being that at the time 95 was started in the State of Maine, we had a 22,000 pound single axle law. They allowed that law to remain in what they called their grandfather clause and we are allowed 22,000 pounds on a single axle and 32,000 pounds on a tandem axle.

Now in forest products we had at that time another grandfather clause. Forest products were permitted 48,000 pounds or 38,000 pounds on a tandem axle for a gross weight of 48,000 plus their ten per cent tolerance and the federal government went along again on that particular vehicle under the grandfather clause.

The fifteen per cent that the forest products received here four years ago is not permitted on 95. Neither are the weights that are being asked for here today, the tolerance, nor the 36,000 tandem axles weight that we have passed in another bill going through that will increase that again on a different vehicle. That will not be allowed on the interstate system. Have I answered the Senator's question?

Mr. SHIRO of Kennebec: Mr. President, I would like to convey briefly some information relative to Senator Snow's questions. First of all according to the information

presented at the hearing on this particular bill, most of the other states on the eastern seaboard as far as federal aid highways are concerned allow 36,000 pounds. Maine at the present time is at a disadvantage in regard to weights in competition with other states. As Senator Cahill did correctly point out, the reason for that is that at the time they constructed the interstate highway here in the State of Maine, Maine had on its statutes a limitation of 32,000 pounds.

Now where would our industry be in regard to transportation, in relation to competition, if several legislatures ago as it was proposed, Senator Cahill states, restricting any further increase in weights. Where would it stand today? Did the last few legislatures make an error along with the Highway Committee and the Transportation Committee? I know from personal knowledge that the Highway Department of the State does not have available any statistics as to damage caused to the highway because of these trucks traveling over the highway. It is very difficult to determine just what does cause damage to a highway. It may be caused from other reasons. I think many of us have gone over secondary roads where trucks very seldom travel and yet you can see that the roads are in very poor condition.

What is it caused by? Certainly not by a truck.

Now in regard to safety or braking conditions on a truck, I would like to read to the Senate from a letter I received from Mack Trucks Inc. of Portland, Maine. This letter was addressed to Senator Burton G. Shiro of Augusta and is dated April 14.

It states this: "This is to inform you that any and all of the six wheel units which we sell certainly have more than adequate ability to handle more than an additional ten percent gross weight. Engine, chassis and braking capacity are rated by our factory to do more than is permissible under present Maine

law." This is signed 'Very truly yours, Mack Trucks, Inc., O. V. Blaisdell, Branch Manager.'

I have another letter from the Henley Kimball Company Truck Division in Portland, Maine and this letter is addressed to me and states: "This letter is relative to the question pertaining to the ability and safety of highway motor trucks and tractors as they may be affected by an increased factor of ten percent additional weight." They go into rather technical data here but I would like to read the last paragraph and it states, "Parking brakes are spring applied and air unloaded. This parking braking brake applies if air pressure drops below a safe operating level. The spring automatically applies the service brake and brings the vehicle to a safe, controlled stop. In short the ten percent tolerance will in no way affect the ability or safety to the operation of a White or Autocar truck." And this is signed Charles F. Zwicker, Autocar Sales Manager.

I move the pending question.

Mr. STERN of Penobscot: Mr. President I just want to make a brief comment. We have listened to this for several days. We have had expert and non-expert explanations as to what causes such tremendous damage to our highways. I want to give an expert opinion. I don't blame it on the trucks. I blame it on our winters and the frost heaves and I think we should enact a bill to eliminate winter. (Laughter)

Mr. MANUEL of Aroostook: Mr. President, I would like to point out to the Senate that I am a potato farmer and potato shipper and as such I ship a lot of produce to market. I like the looks of this bill. I don't ship refrigerated products but I like the looks of it from the standpoint of shipping fresh potatoes. I see a very obvious loophole in it. I think I will put a cake of ice in there or a little small refrigerating unit and then I will be able to increase my load by about five thousand pounds.

Mr. JUTRAS of York: Mr. President, I notice that the Sen-

ator from Somerset, Senator Cahill in answering the questions of the Senator from Cumberland, Senator Snow, failed in his objective to support the Senator from Washington, Senator Moore. So for that reason I would like to thank Senator Cahill.

Mr. O'LEARY of Oxford: Mr. President, I am not a lawyer, — I may even qualify as being a liar. (Laughter). However it is nice to know that these trucks have adequate brakes. My speedometer says that my car will do 120 but I'm not going to find out and I don't want to find out if those brakes are adequate or not but I would like to state that two years ago in the 101st legislature I opposed a bill in the House that would add dump trucks, tractor dump trucks transit mixed concrete trucks. This original law was just for those in the pulp industry because in the winter the roads were frozen with ice and snow and they would be overloaded. I'd like to be a ten percent lawbreaker myself and catch eleven trout instead of ten but we have limits. Let's stay with the limits. Let's not let them be ten percent lawbreakers.

The PRESIDENT: The motion before the Senate is the motion that the bill be indefinitely postponed and a division has been requested.

A division of the Senate was had. 7 having voted in the affirmative and 22 opposed, the motion failed of passage.

Thereupon, the bill was passed to be enacted.

The PRESIDENT: At this time the Chair would like to recognize in the Senate Chamber 46 students from Junior High School in Fryeburg. They are the 7th and 8th grades chaperoned this morning by Thomas Doughty, Brian Dolly, Mrs. John Target and Mrs. Carl Warren. We welcome you here this morning. You have just listened to a debate over the weights that should be put on our highways. You are from the town of Fryeburg which is in Oxford County and the Chair would like to introduce to you the Senators from

that County, Senator Norris and Senator O'Leary. (Applause)

The President laid before the Senate Item 6-14, House reports from the Committee on Highways: Majority Report, Ought to pass; Minority report, Ought Not to pass; on Bill, "An Act Relating to Weight Tolerances of Vehicles Loaded with Farm Produce (H. P. 58) (L. D. 70) tabled earlier in today's session by Mr. Cahill of Somerset pending acceptance of either report; and on motion by Mr. Cahill of Somerset, the Ought to pass report was accepted, the bill read once. House Amendment "A" read and adopted, and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate (Item 1—page 7) (H. P. 120) (L. D. 144) House Report, Ought Not to Pass, from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys to Repair Runway of Rockland Airport; tabled earlier in today's session by Senator Sproul of Lincoln pending acceptance of the report; and that Senator yielded to Senator Hoffses of Knox.

Thereupon, on motion by Mr. Hoffses of Knox, the bill was retabled and especially assigned for April 29.

Mr. SMITH of Cumberland: Mr. President, I would like to take from the table Item 7-9, Bill, "An Act Relating to Licensing of Auctioneers" (H. P. 603) (L. D. 795) which I tabled earlier today.

The PRESIDENT: The Secretary has informed the Chair that this bill was tabled and especially assigned for tomorrow, April 16.

Mr. SMITH: Thank you, Mr. President.

On motion by Mr. Boisvert of Androscoggin, the Senate voted to take from the table the 34th tabled and unassigned item (H. P. 777) (L. D. 1031) Bill, "An Act Creating a Department of Indian Affairs"; tabled by that Senator on April 14 pending enactment.

On motion by Mr. Harding of Aroostook, the Senate voted to re-

consider its former action whereby the bill was passed to be engrossed and that Senator presented Senate Amendment "A" and moved its adoption. Which amendment was adopted, and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Manuel of Aroostook, the Senate voted to take from the table the 23rd tabled and unassigned item (H. P. 602) (L. D. 823) House Report, Ought to pass as amended by Committee Amendment "A", from the Committee on State Government on Bill, "An Act Relating to Definition of Agricultural Societies to Qualify for Stipend"; tabled by that Senator on April 9 pending acceptance of the report.

Mr. HILTON of Somerset: Mr. President, I would like to speak on this bill very briefly.

The PRESIDENT: The motion before the Senate is the motion to accept the report of the committee, and the Senator may speak if he wishes.

Mr. HILTON of Somerset: Mr. President, I urge the Senate not to accept this report. This L. D. relates to small agricultural fairs. The present limit is \$300 that they have to pay out in premiums in order to qualify for state stipend. That is regardless of the premiums they pay for ox and horse pulling. My county has a small community that puts on a very big fair. It is estimated they had 14,000 people there in two days last fall. Other than ox and horse pulling, I doubt if they would qualify if that \$300 were raised. The bill calls for \$800 and the amendment would reduce that to \$500. Therefore I am in opposition to the bill and I would like things

to stay as they are. I move indefinite postponement if I am in order.

Mr. MANUEL of Aroostook: Mr. President, I would like to point out that I have no real thoughts one way or another on this bill, since I am on the Agriculture Committee and this bill didn't come before us, but it came to the floor and I merely tabled it in order to study the bill. I have no actual thoughts on it one way or another. I would like to hear some comments from somebody on the State Government Committee.

Mr. MAXWELL of Franklin: Mr. President, this bill came before the Committee on State Government. It had a long hearing as I remember it. The original bill called for \$800 and after talking with several people who represented small fairs, we amended it to read \$500 and I would point out that the bill says that they have three years to qualify for this. I remember that North New Portland was there with two or three members in opposition to it but as I remember, they were the only ones that might be hurt. We felt that in giving the three years to qualify they might do it. This would prevent Lions Clubs and Granges and other people of this sort from having a carnival and calling it a fair and accepting state money.

The PRESIDENT: The motion before the Senate is the motion of Senator Hilton of Somerset to indefinitely postpone the bill and accompanying papers.

The motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Harding of Aroostook,

Adjourned until tomorrow morning at 9:30 o'clock.