

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Special Session*

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

1966

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, January 26, 1966

Senate called to order by the President.

Prayer by the Rev. Fred More of Augusta.

On motion by Mr. Casey of Washington, the Journal of yesterday was Read and Approved.

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

Divided Report on Bill, "An Act Appropriating Funds to Construct Bridge Across Molunkus Stream, Macwahoc Plantation, Aroostook County." (H. P. 1248) (L. D. 1743)

Majority — Ought Not to Pass

Minority — Ought to Pass

In House, January 21, Minority Ought to Pass Report Accepted and the Bill Passed to be Engrossed.

In Senate, January 25, Majority Ought not to Pass Report Read and Accepted in non-concurrence.

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

On motion by Mr. Moore of Washington, the Senate voted to insist and join in the Committee of Conference.

The President appointed the following members as conferees:

Senator Cahill of Somerset.

Senator Norris of Oxford

Senator Casey of Washington

Resolve Authorizing Transfer of State Land to City of Augusta for Fire Station. (S. P. 679) (L. D. 1717)

In Senate, January 20, Passed to be Engrossed As Amended by Committee Amendment "A" (S-358)

Comes from the House Passed to be Engrossed As Amended by Committee Amendment "A" and House Amendment "A" (H-473) in non-concurrence.

In the Senate: Voted to recede and concur.

Bill, "An Act Relating to a Compact for Education." (S. P. 666) (L. D. 1699)

In Senate, January 24, Passed to be Engrossed.

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

In the Senate:

On motion by Mr. Snow of Cumberland tabled until later in today's session pending consideration.

Bill, "An Act Authorizing the Municipalities of Bremen, Bristol, Damariscotta, Jefferson, New-castle, Nobleboro and South Bristol to Form a School Administrative District." (S. P. 665) (L. D. 1698)

In Senate, January 24, Passed to be Engrossed.

Comes from the House Passed to be Engrossed As Amended by House Amendment "A" (H-463)

In the Senate: Voted to recede and concur.

**Orders****Joint Order**

WHEREAS, Maine is internationally famous for its recreational facilities and possibilities, and

WHEREAS, our State and local government agencies are promoting the recreational industry on a wide scale, and

WHEREAS, we have seven million Canadian neighbors who do not have ready access to these resources and who likewise have no efficient link between two of their great provinces, and

WHEREAS, there lies therein the potential for a tremendous and favorable impact on all phases of Maine economy, it is hereby

ORDERED, that a study be made of the feasibility of an adequate modern trans-Maine highway linking the Eastern Townships, Sherbrooke areas of Quebec and New Brunswick utilizing to the fullest practical extent Route No. 6, the first and only trans-Maine Highway so designated on the State Highway map, and be it further

ORDERED, the Senate concurring, that a committee of seven be appointed, including one Engineer from the State Highway Commission; three Senators to be

appointed by the President of the Senate; and three Representatives to be appointed by the Speaker of the House, and that the sum of \$1,000 be appropriated from the Highway Fund to carry out the purposes of this Order. (H. P. 1290)

Comes from the House Read and Passed.

Mr. CAHILL of Somerset: Mr. President and members of the Senate: I do not have anything in particular against the order. If you remember rightly though, back sometime in the last year, I think it was, at the request of the Governor the Maine officials and the Provincials, both Quebec and New Brunswick, are already studying the feasibility of an east-west highway in several different locations and taking in several areas. They already have had two or three meetings on this thing and they have another meeting coming up in February, I believe, to try to determine, if they do have such a road, where it will be built and who it will accommodate the most and the best, so I cannot see what good this study is going to be anyway.

Mr. JUTRAS of York: Mr. President, the purpose of this order, I believe, is adequately clear. There are three potential routes considered, one cutting through the Allagash region, one through the center here and one coming down through Skowhegan. Now the engineers would like to see this potential route established in the center of Maine, not coming down from New Brunswick towards Skowhegan and not cutting through the Allagash, which is to be a preserved area, this middle area here, as indicated on Route 6 would be just the most desirable and the most feasible route, and, for that reason, the engineers from New Brunswick are meeting in Howland, Maine tomorrow with our people who are interested in this project, and for the reason that there is a great potential in using Route 6, they do not want to build a four-lane superhighway across Maine, they want to use our Maine highway to see if it is possible to use it, to at least test the feasibility of developing

commerce and industry between the Maritime Provinces and the Province of Quebec through Maine, coming through this area in the central part. They are not interested in coming way down south through Skowhegan or cannot go up north, and that is the reason for this order.

Mr. CAHILL of Somerset: Mr. President and Members of the Senate: The statements, I believe, that were just made verify what I have just said that this route is being considered by the study group that is already set up by the Governor, and the group that the Governor has set up is not interested in just one particular area, let alone to look at several areas, I believe there are four that they are taking into consideration to see which is going to be the most suitable and the best.

The PRESIDENT: The motion before the Senate is the adoption of this Order.

Mr. MOORE of Washington: Mr. President and Members of the Senate: I have been involved with this situation in one way or another for the past year and, of course, the coastal area is one of the possible areas being considered for this Maine trans - highway. Route 9 is also under consideration and, of course, Route 6, and I feel that the Highway Commission in affiliation with the Canadian officials are very adequate as far as the decision on this particular highway is concerned in regard to its location. I understand that there is legislation in the United States Congress pertaining to this trans-Maine Highway, and I feel that this would simply be a duplication of effort.

Therefore, I would ask for the indefinite postponement of this Order.

The PRESIDENT: The Senator from Washington, Senator Moore, moves that this Order be indefinitely postponed.

Mr. JUTRAS of York: Mr. President and members of the Senate: Here we are attempting to indefinitely postpone an Order calling for a \$1,000 appropriation to develop the State of Maine and to help the State of Maine in its industrial and recreational pro-

grams. Many years ago when the Alcan Highway was being built President Roosevelt, as I recall, was given permission by the Canadian Government to use the Canadian facilities and Canadian land in the furtherance of this Alcan Highway, and this, if nothing else, is but a courtesy measure to at least to our neighbors to the north and to ourselves to help us industrially grow a little bit with this Order. This Order is very meaningful to the people who are spending time and money out of their own pockets right now to meet with these Canadian engineers. I know that they are paying for a dinner at Howland put on by the Home Economics Department tomorrow. These people are not asking for unreasonable sums of money to explore a possibility to help our own State. For that reason, I am definitely against the indefinite postponement of this Joint Order at this time, and I ask for a division.

Mr. BERNARD of Penobscot: Mr. President, this order gives the legislature a direct contact with what is going on, and it could keep the legislature informed as to what is going on. The money isn't very much, and I am sure it would be worth while just for the information that would be made available to the legislature through this committee.

Mr. CAHILL of Somerset: Mr. President, the statement made by the Senator from Penobscot is correct, of course. However, it will keep them informed only on what is taking place at one particular spot. I have no particular objection to the study, but if it is going to go through then I believe it should be amended to include all of the areas that the committee set up by the Governor has taken into consideration; I do not think it should be confined to one particular route.

Mr. CASEY of Washington: Mr. President, would it be in order to table this until later on in today's session?

The PRESIDENT: A tabling motion is in order.

Mr. CASEY: I move to table it until later on in today's session.

The motion prevailed and the order was tabled until later in today's session pending the motion of the Senator from Washington, Senator Moore, that the order be indefinitely postponed.

The PRESIDENT: At this time the Chair would like to recognize in the Senate balcony a group of students from Skowhegan High School from the Senior Government Class. They are chaperoned by Mr. Bisson and Mrs. Bransford. You are witnessing this morning a debate on a Joint Order. We welcome you here today and hope that you will enjoy and benefit from your stay. I would like to introduce to you the Senators from your County of Somerset: Senator Cahill and Senator Hilton. (Applause)

The PRESIDENT: The Chair would also like to recognize in the back of the Senate Chamber the Administrative Assistant to the Congressman from the Second District, Congressman Hathaway, Mr. Clarence Clark. (Applause)

### Order Out of Order

On motion by Mr. Harding of Aroostook, out of order and under suspension of the Rules,

ORDERED, the House concurring, that all Acts and Resolves be reported out of Committee—with the exception of the State Employees Pay Raise Bill — not later than 4 p.m. Wednesday, January 26, 1966. (S. P. 1966)

Read and Passed.

Sent down for concurrence forthwith.

### Committee Reports House

#### Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees." (H. P. 1278) (L. D. 1776) reported that the same Ought not to Pass.

Mr. O'LEARY of Oxford: Mr. President, in regard to this L. D. 1776, I will shortly ask that someone table this bill, and I am quite

confident that there will be somebody who will do it.

I am mindful of the fact that we have just passed an order requesting that all bills except the final bill on the State Employees pay raise be reported out of committee. Until such time as I can see just what the final bill is going to be, where the raises are going to be, how they are going to be distributed and such, I cannot vote for any one measure until I know what the whole package is.

In this morning's paper I read something that I was not aware of, which deals with the State employees having their retirement pension money paid by the State. This will give the men in the top brackets a bigger slice of the pie than the little man. If this is correct, then I am going to have to say I am very much disappointed, and I will never vote for such a proposal. If someone will table this bill I will be very glad.

On motion by Mr. Harding of Aroostook, the bill was tabled until later in today's session pending acceptance of the committee report.

The Committee on State Government on Bill, "An Act Amending the Duties of the Clerk of the Land Damage Board." (H. P. 1219) (L. D. 1687) reported that the same Ought not to pass.

Comes from the House Read and Accepted.

In the Senate: Read and accepted in concurrence.

#### **Ought to Pass**

The Committee on Transportation on Bill, "An Act Relating to Reciprocity and Definition of Automobile Under Motor Vehicle Laws." (H. P. 1260) (L. D. 1755) reported that the same Ought to pass.

The Committee on Industrial and Recreational Development on Resolve, Relating to Unexpended Balance of Appropriation of State Park on Lower Range Pond, Poland, Androscoggin County. (H. P. 1178) (L. D. 1646) reported that the same Ought to pass.

Come from the House reports Accepted and the Bill and Resolve Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, and the Bill and Resolve Read Once. Under suspension of the rules, they were given a second reading and Passed to be Engrossed in concurrence.

#### **Ought to Pass—As Amended**

The Committee on Highways on Bill, "An Act Appropriating Funds for Additional Radar Sets for the State Police." (H. P. 1271) (L. D. 1766) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-449)

On motion by Mr. Stern of Penobscot, tabled until later in today's session pending acceptance of the committee report.

The Committee on State Government on Bill, "An Act to Create the Maine Recreation Authority." (H. P. 1209) (L. D. 1677) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-460)

The same Committee on Bill, "An Act to Establish the Position of Federal-State Coordinator." (H. P. 1270) (L. D. 1765) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-459)

Come from the House Passed to be Engrossed As Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence, and the Bills read once. Committee Amendments "A" were read and adopted in concurrence, the Bills given a second reading, and passed to be Engrossed As Amended in concurrence.

The same Committee on Bill, "An Act Relating to Employment of State Criminal Inspectors in the Office of Attorney General." (H. P. 1267) (L. D. 1762) reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-453)

Come from the House Passed to be Engrossed As Amended by Committee Amendment "A" (H-453) and by House Amendment "A" (H-461)

Which report was Read and Accepted in concurrence and the

Bill read once. Committee Amendment "A" and House Amendment "A" were read and adopted in concurrence, and the Bill, As Amended, was given a second reading and Passed to be Engrossed, As Amended, in concurrence.

#### **Ought to Pass in New Draft**

The Committee on State Government on Bill, "An Act Relating to Insurance on Public Buildings." (H. P. 1236) (L. D. 1731) reported that the same Ought to Pass in New Draft under a new title: An Act Establishing the Maine Insurance Advisory Board and Reserve Fund for Uninsured Losses. (H. P. 1288) (L. D. 1793)

Comes from the House Report Read and Accepted and the Bill Passed to be Engrossed As Amended by House Amendment "B" (H-477)

Which report was Read and Accepted in concurrence and the Bill in New Draft read once. House Amendment "B" was read and adopted in concurrence, and the Bill, As Amended, given its second reading under suspension of the rules, and Passed to be Engrossed as amended in concurrence.

#### **Senate**

##### **Ought Not to Pass**

Mr. Stern from the Committee on State Government on Reslove Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate. (S. P. 607) (L. D. 1632) reports that the same Ought not to Pass—covered by other legislation.

Which report was Read and Accepted.

On motion by Mr. Harding of Aroostook, tabled until the next legislative day pending consideration.

##### **Ought to Pass**

Mr. Shiro from the Committee on Legal Affairs on Bill, "An Act to Amend the Charter of the City of Ellsworth as to Nominations

and Elections." (S. P. 613) (L. D. 1614) reported that the same Ought to Pass.

Which report was read and accepted.

Mr. Brown of Hancock presented Senate Amendment "A" and moved its adoption. Senate Amendment "A" was read and adopted, and the bill was given its second reading and passed to be engrossed as amended. Sent to the House forthwith for concurrence.

##### **Ought to Pass - As Amended**

Mr. Duquette from the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Capital Construction and Equipment at the Augusta State Hospital, Maine State Prison and Stevens Training Center and Reallocating Funds Appropriated to the Governor Baxter State School for the Deaf." (S. P. 617) (L. D. 1615) reports that the same Ought to Pass As Amended by Committee Amendment "A" (S-385)

Mr. Harding from the same Committee on Bill, "An Act to Authorize Bond Issue in Amount of One Million Five Hundred Thousand Dollars to Develop the Maximum Wilderness Character of the Allagash Waterway." (S. P. 696) (L. D. 1780) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-393)

The same Senator from the same Committee on Bill, "An Act Providing Funds to Complete the Harbor Project in the Town of Wells." (S. P. 620) (L. D. 1617) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-391)

Which reports were Read and accepted and the Bills read once. Committee Amendments "A" were read and adopted, and under suspension of the rules the Bills, As Amended, were given a Second reading and Passed to be Engrossed, As Amended. Sent down forthwith for concurrence.

**Divided Reports****Majority—Ought to Pass As Amended****Minority—Ought Not to Pass**

The Majority of the Committee on Appropriations and Financial Affairs on Resolve Providing for a Maine Key Number Digest. (S. P. 623) (L. D. 1605) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-383)

(Signed)

Senators:

DUQUETTE of York  
BROWN of Hancock  
HARDING of Aroostook

Representatives:

JALBERT of Lewiston  
BRAGDON of Perham  
BIRT of East Millinocket  
HEALY of Portland  
BISHOP of Presque Isle

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

(Signed)

Representatives:

FAUCHER of Solon  
DUNN of Denmark

On motion by Mr. Harding of Aroostook, the Majority "Ought to pass" report of the committee was accepted and the Resolve was given its first reading. Committee Amendment "A" was read and adopted, and under suspension of the rules was given its second reading and passed to be engrossed as amended. Sent down forthwith for concurrence.

**Majority—Ought to Pass as Amended****Minority—Ought Not to Pass**

The Majority of the same Committee on Bill, "An Act Appropriating Funds for Operation of the Treasury Department." (S. P. 692) (L. D. 1778) reports that the same Ought to Pass As Amended by Committee Amendment "A" (S-394)

(Signed)

Senators:

DUQUETTE of York  
HARDING of Aroostook  
BROWN of Hancock

Representatives:

HEALY of Portland  
JALBERT of Lewiston  
BISHOP of Presque Isle  
BIRT of East Millinocket  
FAUCHER of Solon

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

(Signed)

Representatives:

DUNN of Denmark  
BRAGDON of Perham

On motion by Mr. Duquette of York, the Majority "Ought to Pass" report of the committee was accepted and the bill was given its first reading. Committee Amendment "A" was read and adopted, and under suspension of the rules the bill was given its second reading and Passed to be Engrossed as amended. Sent down forthwith for concurrence.

**Majority—Ought to Pass As Amended****Minority—Ought Not to Pass**

The Majority of the same Committee on Bill, "An Act Relating to Operation of Homemaker Service by Department of Health and Welfare." (S. P. 674) (L. D. 1712) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-384)

(Signed)

Senators:

HARDING of Aroostook  
DUQUETTE of York  
BROWN of Hancock

Representatives:

JALBERT of Lewiston  
FAUCHER of Solon  
HEALY of Portland  
BISHOP of Presque Isle

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

(Signed)

Representatives:

BIRT of East Millinocket  
DUNN of Denmark  
BRAGDON of Perham

On motion by Mr. Harding of Aroostook, the Majority "Ought to Pass" report of the committee was accepted and the bill was given its first reading. Committee



Amendment "A" was read and adopted. Under suspension of the rules the bill was given its second reading and Passed to be Engrossed as amended. Sent down forthwith for concurrence.

**Report "A" Ought to pass as Amended**  
**Report "B" — Ought Not to Pass**

Five members of the Committee on Judiciary on Resolve Authorizing Seaward Construction Company, Inc. to Interplead the State of Maine as a party Defendant in a Pending Action by J. R. Cianchette & Sons, Inc., against Seaward Construction Company, Inc., and to authorize Seaward Construction Co., Inc. to bring Civil Action Against the State of Maine. (S. P. 694) (L. D. 1779) report in Report "A" that the same Ought to pass As Amended by Committee Amendment "A" (S-390)

(Signed)

Senator: STERN of Penobscot  
Representatives:

BRENNAN of Portland  
GILLAN

of South Portland  
RICHARDSON

of Cumberland  
BERMAN of Houlton

Five members of the same Committee on the same subject matter report in Report "B" that the same Ought not to pass.

(signed)

Senators: VIOLETTE

of Aroostook  
GLASS of Waldo

Representatives:

BISHOP of Presque Isle  
DAVIS of Calais  
DANTON

of Old Orchard Beach

Mr. VIOLETTE of Aroostook: Mr. President, I move acceptance of Report "B", the "Ought not to pass" Report, and I would like to make a few remarks in regard to the reasons for my signing this report.

I think all of the members of the Senate know that under our existing laws the State of Maine is immune from suit by citizens with regard to the wrong-doings

of the State itself or any of its agents or employees. During the past session of the legislature, I think our Judiciary Committee adopted quite a liberal view with regard to allowing persons who had been injured as a result of State action to bring suit against the State. You are also aware that legislation has been introduced in the legislature and given approval to make a study of the State's immunity in regard to amenability or suit for its wrong-doings, and I highly supported that legislation as I took a very liberal view of allowing parties to sue the State where there was strong evidence of wrong-doing on the State's part.

In regard to this bill which is now the subject under consideration, I find it extremely hard to justify allowing the State to be sued on this matter. In trying to look at it from as impartial and fair point of view as possible, unless you take the position that in all instances if a person wants to complain against the State he can sue, I cannot see where the State is a wrong-doer in regard to the actions of a contractor who secured a contract from the State Highway Commission to build a certain road and then hired a sub-contractor. I think the evidence fairly discloses that the sub-contractor improperly carried out the job and violated the terms of the contract, and at the request of the State Highway Commission he was taken off the job and the primary contractor went in and finished the job. I think this is all within the proper terms of a contract, and I think if the primary contractor has any complaint he ought to seek his redress against the wrong-doer himself, and that is his sub-contractor. I in no way feel that the State of Maine is a wrong-doer in regard to this matter, and that is the reason why I signed the "Ought not to pass" report and I hope that Report "B" prevails.

The PRESIDENT: The motion before the Senate is on the motion of the Senator from Aroostook, Senator Violette, that

we accept Report "B" "Ought not to pass."

The motion prevailed and Report "B" "Ought not to pass" was accepted.

The PRESIDENT: The Chair would like to recognize in the Senate balcony a group of students from the Norridgewock 8th grade Maine History Class. They are chaperoned by Mrs. Clara Fitz and Mr. Benjamin Hall. We welcome you here this morning and hope that you enjoy and benefit from your stay here. I would like to introduce to you the Senators from your County of Somerset: Senator Cahill and Senator Hilton. (Applause)

#### **Majority—Ought to Pass**

##### **in New Draft**

#### **Minority—Ought Not to Pass**

The Majority of the Natural Resources Committee on Bill, "An Act Creating the Allagash Wilderness Waterway." (S. P. 689) (L. D. 1772) reports that the same Ought to pass in a New Draft (S. P. 714) (L. D. 1796)

(Signed)

Senators:

DUNN of Kennebec  
MOORE of Washington  
CAHILL of Somerset

Representatives:

HARVEY of Windham  
O'GARA of Westbrook  
PALMER of Phillips  
HAWKES of Standish  
EUSTIS of Dixfield

The Minority of the same Committee on the same subject matter reports that the same Ought Not to pass.

(Signed)

Representatives:

SAHAGIAN of Belgrade  
JEWELL of Monticello

On motion by Mr. Dunn of Kennebec, the Senate voted to accept the Majority "Ought to pass" report of the Committee. The New Draft was given its first reading, and, under suspension of the rules, its second reading and passed to be engrossed. Sent down forthwith for concurrence.

#### **Majority—Ought to Pass**

#### **Minority—Ought Not to Pass**

The Majority of the Committee on Retirements and Pensions on Bill, "An Act Relating to Retirement of Members of Police Department of the City of Bangor." (S. P. 651) (L. D. 1625) report that the same Ought to pass.

(Signed)

Senators:

CHISHOLM

of Cumberland  
BOISVERT

of Androscoggin

Representatives:

CARSWELL of Portland  
GAUDREAU of Lewiston  
BUCK of Southport  
DROUIN of Auburn  
GLAZIER of Bangor

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

(signed)

Senator:

SPROUL of Lincoln

Representatives:

LANG of Belfast  
HUNTER of Clinton

On motion by Mrs. Chisholm of Cumberland, the Senate voted to accept the Majority "Ought to pass" report of the committee, and the bill was given its first reading and, under suspension of the rules, its second reading and passed to be engrossed. Sent down for concurrence forthwith.

The PRESIDENT: The Chair at this time would like to recognize in the back of the Senate Chamber 39 pupils from the Government Class of Milo High School. They are from the town of Milo. We welcome you here this morning and hope that you will enjoy and benefit from your stay here. I would like to introduce to you the Senator from your County, which is the County of Piscataquis, Senator McDonald. (Applause)

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

The President laid before the Senate the first tabled and today assigned matter, (H. P. 1235) (L. D. 1730) House Report — Ought to Pass as Amended by Committee Amendment "A" — Filing H-

446 from the Committee on Public Utilities on Bill, "An Act Relating to Refund of Gasoline Tax to Companies Furnishing Common Carrier Passenger Service."

Tabled—January 25, 1966 by Senator Smith of Cumberland.

Pending—Acceptance of Report.

The report of the committee was accepted and the bill was given its first reading. Committee Amendment "A" was read and adopted.

Mr. Smith of Cumberland presented Senate Amendment "A" to Committee Amendment "A" and moved its adoption. Senate Amendment "A" to Committee Amendment "A" was read, and, on motion by Senator Cahill of Somerset, the bill was tabled until later in today's session pending adoption of Senate Amendment "A" to Committee Amendment "A".

The President laid before the Senate the second tabled and today assigned matter.

(H. P. 1276) (L. D. 1783) House Report Ought to Pass as Amended by Committee Amendment "A" — Filing H-447 from the Committee on Public Utilities on Bill, "An Act Creating the Unity Utilities District."

Tabled—January 25, 1966 by Senator Boisvert of Androscoggin.

Pending—Acceptance of Report.

On motion by Mr. Boisvert of Androscoggin, the report of the Committee was accepted, and the bill was given its first reading. Committee Amendment "A" was read and adopted. Mr. Boisvert then presented Senate Amendment "A" and moved its adoption. Senate Amendment "A" was read and adopted. On motion by Mr. Boisvert, the Senate voted to reconsider its action whereby Committee Amendment "A" was adopted, and on further motion by the same Senator Committee Amendment "A" was indefinitely postponed. The bill as amended was given its second reading and passed to be engrossed as amended in non-concurrence. Sent down for concurrence.

The President laid before the Senate the third tabled and today assigned matter.

(S. P. 681) (L. D. 1719) Bill, "An Act Clarifying Certain Laws Under the Workmen's Compensation Act."

Tabled — January 25, 1966 by Senator Harding of Aroostook.

Pending—Second Reading.

On motion of Mr. Harding of Aroostook, the Bill was tabled until later in today's session pending the second reading.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I now request unanimous consent to briefly address the Senate?

The PRESIDENT: The Senator from Aroostook Senator Harding requests unanimous consent to briefly address the Senate. Does the Chair hear objection? The Chair hears none, the Senator may proceed.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: Despite what you may read in the newspaper, it is still our hope that we may adjourn at the end of this week. In order to accomplish that, of course, it is absolutely essential that all the committees have their reports out so that this body and the other body may act upon them. You will note that by the Order which was passed this morning that all committee reports ought to be out by this afternoon.

One other thing I would mention: If we are to be able to accomplish this objective of adjourning at the end of this week and thereby saving the taxpayers' money, which all of us are interested in doing, attendance is most urgent. From now on it is most urgent that every member be here both for the morning session and the afternoon session. I am not criticizing in any way the attendance today, because I think it has been remarkable, and I commend you for it. I merely call to your attention, however, that we are going to be passing on emergency measures, and two-thirds votes of the elected members are necessary, and therefore your attendance is most urgent from this point on.

On motion by Mr. Harding of Aroostook, Adjourned until three o'clock this afternoon.

3:00 P.M.

Called to order by the President.

The PRESIDENT: Does the Chair hear objection to taking up additional papers from the House? The Chair hears no objection, and the Secretary will now read the papers.

#### **Additional Papers from the House ENACTORS**

Bill, "An Act Relating to the Staff of Vocational Rehabilitation." (S. P. 628) (L. D. 1608)

Bill, "An Act to Reconstitute School Administrative District No. 38." (S. P. 642) (L. D. 1599)

Bill, "An Act for Shrinkage Allowance on Motor Fuel for Service Stations." (H. P. 1218) (L. D. 1686)

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

Bill, "An Act Appropriating Additional Funds for Alcoholism Services." (H. P. 1220) (L. D. 1688)

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

Bill, "An Act to Provide Special Administrative Positions in the Department of Health and Welfare." (H. P. 1233) (L. D. 1728)

Bill, "An Act to Correct an Error and Inconsistency in the Maine Housing Authorities Act." (H. P. 1238) (L. D. 1733)

Bill, "An Act Clarifying Merger and Guaranty Capital Voting Rights in Domestic Mutual Companies." (H. P. 1242) (L. D. 1737)

Bill, "An Act Providing for Cost of Living Plan for Retired Employees of Cumberland County or Beneficiaries of Same." (H. P. 1245) (L. D. 1740)

Bill, "An Act Exempting Municipalities from Financial Responsibility for Medical Care in Aid to Dependent Children." (H. P. 1250) (L. D. 1745)

Bill, "An Act to Authorize the Department of Health and Wel-

fare to Collect Fees for Services." (H. P. 1251) (L. D. 1746)

Bill, "An Act to Authorize the Commissioner of Mental Health and Corrections to Purchase Real Estate for Assistant Superintendent's Residence at Boys Training Center and Appropriating Funds for the Improvement Thereof." (S. P. 616) (L. D. 1629)

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

Bill, "An Act to Appropriate Moneys for the Expenditures of State Government." (S. P. 618) (L. D. 1613)

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

Bill, "An Act Establishing Legislative Finance Office as Secretariat for Committee on Appropriations and Financial Affairs." (H. P. 1257) (L. D. 1752)

Which bills were passed to be enacted.

#### **Emergency Measures**

Bill, "An Act Appropriating Moneys for the Continuing Activities of the Committee on Aging." (S. P. 610) (L. D. 1624)

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

Bill, "An Act relating to the Powers of Trust Companies." (S. P. 615) (L. D. 1606)

Which received the affirmative vote of 31 members.

Bill, "An Act Appropriating Funds for the Establishment of a Speech and Hearing Referral and Training Center at Farmington State College." (S. P. 629) (L. D. 1639)

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

Bill, "An Act Relating to the State Valuation Used in Educational Subsidy Computation for the Town of Dedham." (S. P. 634) (L. D. 1623)

Which received the affirmative vote of 31 members.

Bill, "An Act Relating to the Effective Date for the Tenth Jus-

tice of the Superior Court." (S. P. 656) (L. D. 1602)

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

Bill, "An Act Approving Funds for Increased Staff at the Bangor State Hospital." (S. P. 676) (L. D. 1714)

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

Bill, "An Act to Incorporate the Seal Cove Water District." (H. P. 1177) (L. D. 1645)

Which received the affirmative vote of 31 members.

Bill, "An Act Appropriating Funds for Additional State Police Officers." (H. P. 1264) (L. D. 1759)

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

Which bills were passed to be enacted.

### **Constitutional Amendment**

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate. (S. P. 624) (L. D. 1630)

Mr. STERN of Penobscot: Mr. President, this may be the last opportunity I will have to address this most distinguished body, and I do not like to miss the opportunity. I may never be here again, but I would like to take this opportunity to make a few remarks in connection with this bill.

I heard some rumblings as I came into this body this afternoon and I was somewhat disturbed, and before that increased in intensity I thought I had better address you. Many of you will note that we unanimously, on the bill which my good friend Senator Bernard introduced and on which he has done so much work, we passed it out unanimously "Ought not to pass." Perhaps many of you cannot understand why we did this, but at the outset I want to say that I believe and many of the members of our committee believe that the bill reported out by

Senator Bernard and his committee is a much better bill, it is a much fairer bill, and one that I know many of you would like to have enacted at this special session; but we have seen the handwriting on the wall and we feel we cannot garner sufficient votes to pass that bill. My friends, this is one of the reasons that we have gone along with the Republican bill.

This 102nd Legislature will certainly want to be known as one that believed in the enactment of positive legislation; we certainly do not want to be labeled as obstructionists. I know many of you, my good friends, the Democrats, have wondered whether we have lost our minds. I say to you that we have given this considerable thought and we feel it is only a question of time when we must face up to the decision of our Supreme Court and that although we do not like this bill as well as we do Senator Bernard's, we feel and I hope and I expect that my fellow Democrats will go along with this bill and enact it, because if we don't the Supreme Court will, and we hope that we will be remembered as a party that certainly believed in the enactment of positive legislation. We do not want to obstruct, we want to do what we think is right, just and proper. I hope if we enact this bill, and I certainly hope that we do, that I will have the opportunity of seeing many of your familiar faces that I have seen through the regular session and at the special session, and I hope that this reapportionment will not affect you in any manner, but if it does I certainly do hope it will not affect the ratio of the Democrats to the Republicans. So I do hope that you will support it.

Mr. BERNARD of Penobscot: Mr. President, I would like to thank the Senator from Penobscot for his wonderful compliments. As Chairman of the interim committee studying reapportionment, I believe it is my duty this morning to make a short statement.

Although this is not the plan that was submitted by the interim

committee at the special session, I can with good conscience support this plan for Senate apportionment. I wish to congratulate the leadership of both parties for rising above petty politics by supporting this apportionment plan. Thank you.

Mr. JUTRAS of York: Mr. President, I would like to voice the feelings of the people who would be hurt by this in this way. I had come in this morning prepared to fight this and fight leadership all the way, because I did not think that leadership was performing other than in a manner of "followship" in this matter.

We come from a traditionally Democratic county, and we are bound to be hurt as a result of this potential gerrymandering by districts and within the counties, but, as I realize, the sentiments expressed by Senator Stern are true. It has been said that the Democratic majority of the 102nd Legislature would be remembered for its spirit of cooperation with the minority party to effect constructive and positive legislation. We have an opportunity today to demonstrate our spirit of cooperation in joining the senators of the minority party in voting, just as they will vote, for the Senate reapportionment bill submitted by Senator Hoffses. It is not easy, but we rise above that and we will, however reluctantly, because we feel that we do have to support this measure.

Mr. O'LEARY of Oxford: Mr. President, I was fortunate enough to be named to the committee on Senate reapportionment, although I cannot understand why, because of my vote here a year ago when I was definitely opposed to it. However, today I have to stand up here and defend a piece of legislation that I do not have much faith in.

We held two public hearings, one in Bangor and one in Portland. At our last session of the legislature we heard here on the Senate floor the sponsor of this piece of legislation which I believe we will enact today, get up and quote figures as to being within the range of 45 per cent

that was handed down by the Supreme Court of the United States, and there was a proponent of Senate reapportionment who got up and spouted off these same figures, I believe his name was Professor Mawhinney of the University of Maine. We also had a member of the opposition party, who is a leader in the other branch, get up and say that he wanted to maintain county lines regardless of whether the senator was a Holy Roller or not. Now I do not believe that the Senator is a Holy Roller, but each and every one to their own faith. However, that is not my point here. My only point is that the people of the State of Maine are aware of the fact that we need Senate reapportionment and they do want to maintain county lines.

In this Republican bill we are not going to maintain county lines; we are going to district, which is not consistent with the policy of apportionment of the House of Representatives. They talk about districts. We do not district our cities or towns according to population. This may be the final break in county government. This bill that is sponsored by the Republican Party is a complete reversal of what they have maintained as a population basis in our State Constitution.

In our Democratic bill we would give each and every county their own representation, which, to me, is what the majority of the people in the State of Maine would favor. However, I would favor senatorial districts within a county, although it would not necessarily mean that my good colleague here and I would necessarily be opposing each other in the primaries, either, but being a little bit larger in mind as to what the people of the State of Maine want, I will have to support this Republican bill. I am sure that if we defeated this Republican proposal and if we defeated this Democratic proposal and they both went to a referendum the people of the State of Maine would want to maintain our county lines. However, if we do not do it we will be cowards and it will be left up to the

judges of the State of Maine, and I do not believe we want that. We have certain responsibilities, we are being blackmailed by law; it is the dictate of the Supreme Court of the United States that we have one man, one vote. Therefore I am mindful that I as a citizen and as a responsible legislator and as a man that is supposed to represent the people of my entire county and the State of Maine, that I have certain responsibilities and that is to fulfill the terms of the law, and therefore I am for reapportionment. If we cannot pass our Democratic proposal then we had best, as a responsible party, not just being dictated to by the minority, pass this piece of legislation that is proposed by the minority party.

I am confident that the voters here in the State of Maine have witnessed in these past two years the progressive attitude of the Democratic Party. This would contradict the article in the Bangor Daily News which said that the State of Maine was going to hell. But I am mindful of the fact, and I have confidence in the intelligence of the voters of the State of Maine, that two years from now—and this is my prediction—that we will at least elect another twenty Democratic senators and we will be around to cut up the pie. I support this amendment to the Constitution.

Mr. HARDING of Aroostook: Mr. President and members of the Senate: As you know, I was a member of the interim committee under the able leadership of Senator Bernard that made the study and held hearings on the Senate reapportionment. We are also aware of the fact that the bill which this committee reported out and recommended to pass is not the one that you are here voting on. I have come to realize, however, as all of you have come to realize, that there comes a time in our life, in the support of the responsibility which we have, that we must do what we can do and necessarily what we would

like if everything were in our favor.

I would also point out to my good friends in the Senate that this bill, when it is passed, as I believe it will be passed, will not affect you when you run for re-election, and I hope all of you will, because for the next election you will all run as you have run before. This only affects the Senators who will be elected the next time after this coming election.

I feel also that it is fair at this time to salute our colleague, the Senator from Knox, Senator Hoffses, who had the courage to sponsor a piece of legislation which is not within the tradition of his party, and which I feel, if I recall his debate last time, is not in keeping with the way he would like things best to be. But I say to you, the issue here is not whether or not we are going to be reapportioned, because we are going to be reapportioned; the issue here is whether or not we will assume the responsibility or whether we will let others assume our responsibility for us.

I would also say that in this legislature I take exception to calling a bill either a Republican bill or a Democratic bill, because, for the first time in the history of this State in a period of fifty years it has been possible for the minority party, jointly with the majority party, if they wish, to co-sponsor legislation. We have enacted legislation upon its merits and not on the basis of who may have been the sponsor. This is to your everlasting credit.

I would also say that in the years to come the 102nd Legislature will stand the tallest among all legislatures of this century; and the hallmark of the 102nd Legislature, both in the regular session and in the special session, will be the courage that you have displayed to face the issues and to do something about them, no matter how difficult and controversial they have been, you have faced up to them and you have tried to do something about them.

If I recall, the advice that was given by some who have been in

politics for a long time, they said, "For the Lord's sake don't bring reapportionment into a special session, because it will cause dissension within your ranks and you will have problems". But you see that was not a proper objection, because this needed to be done. The Chief Executive of the State failed to put it in his call, but that does not give us the excuse for failing our responsibility, because if we do not reapportion ourselves then somebody else will do it. It has been seldom, at the regular session or the special session, that I have asked for your support on a specific measure. I do ask for your support on this on both sides of the aisle, because it is so important to the people of this State to avoid costly litigation and to have us do the thing which we ought to do and that which we have the responsibility to do, and that is to reapportion ourselves. And so I believe that the 102nd Legislature will measure up in this instance to the courage which it had displayed throughout its length and will do what it ought to do and will enact this legislation.

Mr. LETOURNEAU of York: Mr. President, I have been sitting here, and I have been overwhelmed with platitudes about men of strong determination and courage, so I am now going to ask the Senators to show their courage, and I will now make the motion that when this vote is taken it be taken by the yeas and nays.

The PRESIDENT: A request for the vote to be taken by the yeas and nays has been made. For the Chair to entertain the yeas and nays it must have the expressed consent of one-fifth of the membership present. All those in favor of the vote being taken by the yeas and nays will please rise and remain standing until counted.

A division was had.

The PRESIDENT: Obviously more than one-fifth of the members present having arisen the Chair will order the roll call vote.

This, being a constitutional amendment, requires for its passage the affirmative vote of two-thirds of the membership present. All those in favor of the final

passage of this Resolve will answer yea and all those opposed will answer nay. The Secretary will call the roll.

### Roll Call

YEAS: BERNARD, Boisvert, Brown, Carter, Casey, Chisholm, Dunn, Duquette, Faloon, Glass, Harding, Hoffses, Jutras, Manuel, Maxwell, MacDonald, Moore, Norris, O'Leary, Smith, Snow, Southard, Stern, Violette, Willey, Reed.

NAYS: Cahill, Girard, Hilton, Jacques, Letourneau, Sproul.

ABSENT: Mendell, Shiro.

The PRESIDENT: Twenty-six Senators having voted in the affirmative and six in the negative, two being absent, and twenty-six being more than two-thirds of the Senators present, this Resolve is finally passed. It will be signed by the President and presented by the Secretary to the Governor for his consideration.

On motion by Senator Manuel of Aroostook, the Senate voted to reconsider its action whereby the Resolve was finally passed.

On motion by Mr. Harding of Aroostook, the motion was tabled until Friday next pending final passage.

### Emergency Measure

Bill, "An Act Relating to Interstate Conferences and Compacts with the Maine Milk Commission." (S. P. 672) (L. D. 1710)

Which received the affirmative vote of 31 members, and was passed to be enacted.

The President laid before the Senate the first tabled and assigned item.

(S. P. 666) (L. D. 1699) Bill, "An Act Relating to a Compact for Education."

Tabled—January 26, 1966, by Senator Snow of Cumberland.

Pending—consideration.

Mr. SNOW of Cumberland: Mr. President, I move that the Senate insist on its action on this measure and I would like to speak briefly on my motion.

The PRESIDENT: The Senator may.



Mr. SNOW: Mr. President and members of the Senate: I believe that I should summarize briefly for you the meaning of the National Compact for Education so that you will know why I have asked that the Senate insist on its former action whereby it passed this measure.

There are three main advantages which the State of Maine and the nation will gain from this compact. In the first place, place under one roof and under it will bring together in one place under one roof and under one system statistics and information concerning the policies of all our sister states and territories with respect to public education. This is not done anywhere today. The Federal Government does it, it is done in bits and pieces by various organizations in specialized fields, but in no place is the whole body of educational philosophy and educational action in the public field brought together. This will be a great service, I believe, to all of us in the legislative arena when we are asked to act on legislation concerning the State of Maine.

The second point, which I feel is important, is that at the present time the Federal Government is taking a greatly increased role in the support of public education, a much greater role than it has ever taken before. Nevertheless, the roll which the federal government is taking and the role which it may take in the foreseeable future is considerably smaller than the roll which the State plays and the roles which our towns and cities play in terms of financial support. Therefore, it is very important to us, I feel, that the State be represented by such a body, a body of such power that it is able, perhaps, to guide the course of this federal legislation.

The third point which I believe to be important in establishing a National Compact for Education is that it will bring together the executive branch of government, the legislative branch of government and educators, free to discuss in a method and in an

area far from the local prejudices of their own area the policies which should guide public education in the future. I feel it is very healthy to bring these three areas of interest together. I do not think that in the past legislators have been in a position to sit down with educators and lay people interested in education from other states and from other areas of our country. My own experience, as Chairman of the Maine delegation to the National Compact discussion in Kansas City was very beneficial. I felt that meeting with chairmen of education committees in other states was most helpful. I happen to be a member of the New England Board of Higher Education which, in a sense, is a small compact for education within the New England States. I have seen the advantages of belonging to this body and the knowledge which it gives me and permits me to bring back to this body to help in its deliberations.

Finally, I would like to note that the conference was sponsored by the National Governors' Conference, of which our Governor is the Chairman. The majority of the national governors are Democratic, and our Governor, as we know, is a Republican. I do not feel in any sense that this legislation is politically motivated. I hope that you will support my motion that the Senate insist.

Mr. JUTRAS of York: Mr. President and ladies and gentlemen of the Senate: Just a word to remind you what these compacts do for the State of Maine, I would like recall the New England Compact in connection with the federal project of the Lincoln-Dickey dam last fall. If that is indicative of what a compact does for Maine, why dilute Maine still further with a national compact. I doubt very much if we have a lot to gain in joining a compact of this nature. I am not out to fight education. It is simply a question you should weigh very seriously before you vote for further additional national compacts

when even a New England compact can not support Maine.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: As Chairman of the Interstate Cooperation Commission I will say that we attended the conference in Chicago a month or so ago, and there were some important discussions going on. We had the State of Michigan to start with, they appeared before our committee to discuss compact education, and they told us why New England was so interested in joining the compact on Education. Well, first of all, Connecticut was the leading one to want the compact, and Michigan showed why they were. Michigan at the present time has 43 of their students going to Connecticut Universities and colleges while Michigan takes in 384 of their students from Connecticut, so this is one of the reasons that Michigan did not want to join the compact, and there were other states, New York, I believe was another one, and they did not take a stand at that time. But I believe, Mr. President and members of the Senate, that this could be very costly to us, by joining this Compact it could make it costly to us, and I do not believe that the State of Maine is in the position right now to do that. I am not going to make any motion. I am going to let the members decide what they want to do, but I believe this is not the time for us to get into it because we could become very much involved on this Education Compact. We have joined other compacts. I believe that last year Maine was one out of eleven — I think we adopted nine of them and in New England we went into motor vehicle and many other compacts, but I do not believe on this education compact that we should.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Cumberland, Senator Snow, that we insist. Is this the pleasure of the Senate.

The motion prevailed.

The President laid before the Senate the second tabled and assigned item, (H. P. 1290) House Joint Order—Relative to Commit-

tee Studying Trans-Maine Highway.

Tabled—January 26, 1966, by Senator Casey of Washington.

Pending — Motion by Senator Moore of Washington to Indefinitely Postpone Joint Order No. 1290.

Mr. BERNARD of Penobscot: Mr. President, when the vote is taken I would like to ask for a division.

The PRESIDENT: A division has been requested.

Mr. MOORE of Washington: Mr. President and members of the Senate, as was stated this morning, I have been involved in discussions pertaining to this situation for many months now. I feel that progress has been made in this respect as far as my constituents in Washington County are concerned, and I have no doubt that the Highway Commission is also up to date on all progress. We have had many town meetings within our confines and interested citizens throughout the county of Washington have met with the Highway Commission to discuss this situation which involves the possibility of the construction of an east-west corridor highway. This order now under discussion refers to a trans-Maine highway, which, to me could be interpreted as a study of the feasibility of constructing and locating the well-advertised, I believe, east - west corridor highway.

In case some of the Senators are not aware of the exact location of Route 6, I would state that it is located in the extreme north portion of Washington County. Possibly ten per cent of the total population of thirty-two thousand plus in the county are located within this area. When we think of the benefits of such a highway, I do not feel that we should consider wholly such a minute minority. Ninety per cent of the population of Washington County is located on the coastal route, and I feel that this group should deserve the most serious consideration.

I would speak now for the many people that I have discussed this situation with who feel that they would prefer presently not to have

the legislative body interfere in any way as far as the study of the possible location of such a highway is concerned. I would like to state as a matter of record that if the coastal population of Washington County is not given preference as far as the minimum accessibility to such a highway is concerned, if it is constructed, I feel that an extreme injustice will have been created. As a legislator, I feel that this conception of an east-west corridor highway would solve many of our industrial and economic problems not only in my county but in Maine as a whole. I would not object, in this respect, to have the legislative body endorse this idea by memorializing Congress to act favorably upon such proposed legislation if and when it is acted upon in the United States Congress. Beyond this point, I feel that my constituents would be more than willing to take their chances with the Highway Commission, and therefore avoid what I feel to be a duplication of effort. I firmly believe that the selection of such a committee as is being considered would only serve to severely affect the discussions and progress which have already been made concerning this matter.

I therefore ask the members of the Senate to seriously consider and vote for the indefinite postponement of this order. Thank you.

Mr. CASEY of Washington: Mr. President and members of the Senate: I rise here not aware of the fact that this order was going to state specifically favoritism to one specific route more than another in Washington County.

As Senator Moore has stated, this area covers about ten per cent of our constituents. If I were to vote in favor of this order I am sure it would mean that I would be favoring ten per cent and leaving out ninety per cent of my constituents, which I do not intend to do.

If this order was a study of feasibility of a corridor route and not favoring any specific route, I would gladly support it and I would be glad to serve on the committee. Taking, for instance, Route 6,

which crosses the northern part of our county, which I believe is roughly forty-two miles in Washington County, and considering another route which has been favorably looked into, which would be Route 9, which has about fifty-one miles in Washington County, there is a very small difference, so I could not hardly speak for one over the other along with my constituents from the coastal area who also are looking for recognition. I think that we are duplicating studies here on top of studies which are being done, proposals—there is a bill in Congress for a trans-Canada highway, and if this bill should come out favorably then it would be up to the people in the county themselves to appear at hearings and give their opinions on which route they should take or that they feel the Highway Committee should take in order to serve the constituents, industry, our natural resources and sports in our area. I think it is only justified that the people should have a voice, and, in representing these people, I would feel that unless we take out specifically the favoritism shown here, that I could not support this order at this time.

Mr. FALOOD of Penobscot: Mr. President, it seems to me that the main objection here is the duplication of effort. I contacted the State Highway Department and its Chairman during the recess and asked if there had been any preliminary studies on Route 6, and his answer was negative. I also asked him if there had been studies on any other routes, including Routes 9 and 1. His answer again was negative. He told me that his department has done nothing more than mere traffic surveys in relation to a proposed trans-Maine highway.

Tomorrow night in Howland, Maine, my home town, there is a meeting of a group of delegates from the Province of New Brunswick and also from Quebec. These people are very much interested in a corridor road utilizing but not restricted to Route 6. We feel that this meeting would be more successful if

we could have news brought back to this group that this order did pass. I feel that the amount of money is not the main objection here, it is Route 6 that the Senator from Washington County is objecting to. It is true it does run in the northern part of Washington County, but I think you should also bear in mind it runs down through the metropolitan area of Penobscot County and then across to Piscataquis and over into Somerset and into Quebec. I think that this order should receive passage, and if the Senators from Washington would like to have a study on Route 9 I have no objection to that study. I think this is justified and I would ask the Senate to support the order.

The PRESIDENT: The motion before the Senate is the motion that this order be indefinitely postponed. A division has been requested. All those in favor of the motion that the order be indefinitely postponed will please rise and remain standing until counted; those opposed.

A division was had.

12 having voted in the affirmative and 18 in the negative, the motion to indefinitely postpone did not prevail. Thereupon the order received passage.

The President laid before the Senate the third tabled and assigned item.

(H. P. 1278 (L. D. 1776) House Report—Ought not to pass from the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees."

Tabled—January 26, 1966, by Senator Harding of Aroostook.

Pending—Acceptance of Report.

On motion by Mr. Harding of Aroostook, the bill was tabled until the next legislative day, pending acceptance of the committee report.

The President laid before the Senate the fourth tabled and assigned item.

(H. P. 1271) (L. D. 1766) House Report — Ought to Pass, as Amended by Committee Amendment "A" Filing H-449, from the Committee on Highways on Bill, "An Act Appropriating Funds for Additional Radar Sets for the State Police."

Tabled—January 26, 1966, by Senator Stern of Penobscot.

Pending—Acceptance of Report.

The report of the committee was accepted and the bill was given its first reading. Committee Amendment "A" was read and adopted.

Mr. STERN of Penobscot: Mr. President. I present Senate Amendment "A" and move its adoption.

Senate Amendment "A" was read by the Secretary.

Mr. STERN: Mr. President, I would like to make a few remarks on this bill, L. D. 1766 as well as the amendment which I have just proposed. It seems to me that we are running into a bit of inconsistency in this particular bill, because I feel that either we should kill the bill and not provide this fund to purchase these radar sets, because we have a law that is on the books that says in effect that you must have a warning sign if there is a radar on the highway within a limit of not more than a mile or whatever it is — not less than a quarter of a mile. I feel that the State is going to a great deal of unnecessary expense to buy these radar sets if they are going to give a public warning that these radar sets are there. To me, it would mean a great deal of expense and accomplish no purpose, because we all know when we are riding along the highway and see these warning signs that we are approaching a radar and we subconsciously slow up, and once we get by the radar we speed up again. At least I am speaking for myself and I am not accusing any fellow members of this body of acting likewise.

If this bill is aimed at being a deterrent, my good friend Senator Jutras a few moments

ago came up with an excellent suggestion. He came to me and he said, "Look, if they want to deter the public from speeding why don't they paint these State Police cars so we will know who they are and where they are. This would deter the public from speeding." But they want to illegally entrap us — and this is what this amendment is for — it should be either one way or the other. If they want to catch the speeders why put up the warning sign. That amendment is to eliminate the necessity of putting up these warning signs. Either you want to catch these people that are speeding and bring them into court the courts won't be big enough to hold them all, but if you want to deter these traffic fatalities on the highways you have got to do one thing or the other, catch them and don't warn them. I cannot see buying these radar sets and warning the public that you are approaching a radar. Now I am not specifically for or against this. I don't care what the Senate does, but to me it poses a problem and it is not right or fair. We should do one thing or the other. I thought I would just present this amendment so I would have an opportunity to express the inconsistency and apparently the trouble we would get into if we passed this bill without the amendments. Either kill it or adopt the amendments. I think there are others who feel as I do or I would not have proposed this amendment.

Mr. O'LEARY of Oxford: Mr. President, to me this whole bill, and especially when you put on this amendment, borders on entrapment. I could speak more on entrapment if you wish, and I could speak to you about the ways that the Maine Liquor Commission operate. However, our State Police can be just as guilty of the crime of entrapment as this other body that I have just spoken of. Now posting these signs saying that they are within a radar controlled area is also a test of whether the driver is alert or not, and I could speak

to you about an incident concerning the observance of these signs which occurred to me just a short while ago and the driver who happened to be behind me. Now what are these radar controlled stations going to do? They are going to control the speed on our main arteries. That is just about it. Where do most of our accidents occur? They are not on main arteries, they are on our secondary roads where speeding is known to be a hazard, and these are not the places that are patrolled by these men that we are going to give these sets to. As our good Senator from Penobscot, Senator Stern has said—and I am not a member of the bar as he is — I will move for the indefinite postponement of this bill and all its accompanying papers, and I request a division.

Mr. JUTRAS of York: Mr. President and ladies and gentlemen of the Senate: I have had another thought in connection with this since Senator O'Leary brought this matter up. It is true that the traffic patrol is made primarily on the main arteries, and all you need is one radar set for the entire state and put it over the Kittery bridge and say, "You may be arrested for a potential radar violation." You can have one set, and don't say where it is; that covers the law and that is all you need, just one set.

Mr. CAHILL of Somerset: Mr. President, I do not believe that this bill and all accompanying papers should be indefinitely postponed. We certainly, I believe, have had enough traffic accidents and deaths on our highways in the past year to indicate that something needs to be done in this state to slow us down a little, and that includes me. I am perhaps in the same category as Senator Stern. It is true that you set up a radar check, you set up a sign. To me, it appears like opening a bank vault, advertising there is a couple of million bucks in there and there is no one guarding it. You go down the road and you see the signs and you slow up. You go by the sign and you

know it has to be not less than a quarter of a mile or not more than a mile and a half; you drive by the sign a couple of miles and then your foot begins to get heavy.

I agree with the Senator from Penobscot that if we are going to try to catch anybody or try to put the brakes on speeding the only way you are going to make an effective accomplishment is to have the radar sets and do away with the signs. However, I would hate to see the entire bill killed if there is too much objection to the amendment itself, although I had a similar amendment that I had planned to present. I would certainly hope that the motion to indefinitely postpone the bill and all accompanying papers would not prevail.

Mr. BERNARD of Penobscot: Mr. President, I have a question in my mind. I would like to know for one thing, and this kind of confuses me; I have studied electronics but I guess probably I missed some lessons. I do not know how this radar thing works. In the first place, I would like to ask: Do they have to have a state policeman at hand to catch the person who goes through this radar trap, or whether it is something that just records the speed of the motorist and that is all, whether it is just a thing that you put up with a sign to slow down the motorist? If he knows enough about electronics he wouldn't even bother to slow down, because who is going to determine who the motorist was that broke the speed going through the radar. Another question I have: If this is a mechanical thing without the services of a state policeman, I would like to know if this is permissible in our court proceedings?

The PRESIDENT: The Senator from Penobscot, Senator Bernard, directs a question through the Chair to any Senator, who may answer if he so chooses.

Mr. O'LEARY of Oxford: Mr. President, I would like to relate to the good Senator from Penobscot, Senator Bernard, a little experience I had as a passenger in

a motor vehicle down in the State of Delaware. We had attended a convention in Washington and we were on our way home when we had a malfunction in the operation of our motor vehicle; the gasoline pump wouldn't pump fuel into the motor fast enough to keep us going. Now we were in a fifty-five or sixty mile speed limit zone, and I believe there were signs up saying this was radar checked. We could not keep up with the speed limit because the car just was not getting enough gasoline to keep up with it. However, there was a big Cadillac that went by us, and they were going at a fairly good clip I will admit. When we came up to the top of the next hill our motor was pretty near dead from not getting the gasoline, but we were pulled in and arrested for doing 93 miles an hour. Now which vehicle did they have? They had the Cadillac pulled up but they had us too, and it was a case of posting bond or going to jail, pay the fine or stay there.

I have no confidence in anything electrical whatsoever. They have had their experiences up in New York State, New Hampshire and the eastern coast, they have had experiences down in Texas in the southern belt. With anything electrical anything can go wrong, and you take it to court and the court has to rule on what it says in the law, so we have to depend upon any little chance of error, and you are going to be guilty before there are any other considerations given to it. I am opposed to it.

Mr. STERN of Penobscot: Mr. President, I would like to answer the second question proposed by Senator Bernard, which might be helpful to the rest of the members in deciding what to do with this bill. This law would still be in effect: "The results of such measurement shall be accepted as prima facie evidence of the speed of such motor vehicle in any court in criminal proceedings where the speed of the motor vehicle is in question." In other words, that is it: the police officer comes in and says that the radar indicated you were going seventy miles an hour, and that is enough to con-

vict you *prima facie*. You must show by an expert that something was improper or malfunctioning in the radar set, but you are guilty of speeding if it registers over the speed limit, and this is a matter of *prima facie* evidence. Let this help you decide what you want to do with the bill.

Mr. CAHILL of Somerset: Mr. President, I had hoped we could get over this without going over all of the statements that were made before the committee by the State Police and others and also the Governor's Safety Committee. These radar sets have to be checked. I believe they have to be sent in to the manufacturer once a month or something like that, to be sure that they are functioning properly, so it is not something you buy today and use it a couple of years and it may or may not be working the way it ought to and you are still fining people. These radar sets have to be checked periodically.

There was another part to his question which doesn't come to me at the moment but perhaps it will. The arrested person may, if he wishes, demand that this radar set be checked before he is sentenced. I believe the State Police made that statement at the hearing. I would ask some of the other committee members here if they remember such a statement. It is not an outright conviction of a man by a mechanical contraption. As for a radar set being operated by just one man, perhaps in some areas this does happen, although I have experienced the inconvenience of traveling through radar checks and I have found not less than three State Police officers, one working the set and one on either approach to the set in a State Police car. I believe that this is a necessity if you wish to apprehend anyone. If you only had one man and just a machine set in there clocking it off, who would be there to catch the man and to arrest him for his speed violation. I think there are at least three. I have run into these sets where they had as many as five State Police at the radar checks.

I would ask any of the other members of the committee if they remember any remarks that the State Police made, that a person, if he is caught, can make the State Police prove that this machine was functioning properly at the time he was arrested.

Mr. O'LEARY of Oxford: Mr. President, I have a television set at home, and this machine is one of the electrical marvels of our age; my grandfather and his father would never have believed that anything such as this was possible. However, this set isn't perfect; I have a tube that goes every once in a while and the picture goes this way and that way. I think the rest of you have had that experience.

My point is this: I go to court, and I might just as well forget about having a lawyer and witnesses, because this machine says I am guilty: I get all the adverse publicity in the world for the next month or two months until such machine is checked. Are they going to pay me damages if it is found that the machine is not correct. There is nothing mechanically perfect. If there is, we have no reason to be here.

Mr. JUTRAS of York: Mr. President, from listening to these remarks where it takes from three to five people to supervise one radar set, it seems to me an awful expense to go to, and then have to have the sets checked periodically, once a month and again upon demand of each convicted person. These sets would never be in the State, they would be out for a check all the time. Therefore, I believe, in the best interests of the people of the State of Maine that we should indefinitely postpone this bill.

The PRESIDENT: All those in favor of the indefinite postponement of this bill will please rise and remain standing until counted; those opposed.

A division was had.

15 having voted in the affirmative and 16 in the negative, the motion to indefinitely postpone did not prevail.

Senate Amendment "A" was adopted, and the bill was given its

second reading and passed to be engrossed in non-concurrence. Sent down for concurrence.

The President laid before the Senate the fifth tabled and assigned item (H. P. 1235) (L. D. 1730) Bill, "An Act Relating to Refund of Gasoline Tax to Companies Furnishing Common Carrier Passenger Service."

Tabled — January 26, 1966, by Senator Cahill of Somerset.

Pending — Adoption of Senate Amendment "A" to Committee Amendment "A" Filing S-395.

Mr. BOISVERT: Mr. President, I am sorry to rise in opposition to the good Senator from Cumberland, Senator Smith, but I would like at this time to offer a motion to indefinitely postpone Senate Amendment "A" to Committee Amendment "A".

Mr. SMITH: Mr. President, I wish to vote on the motion of Senator Boisvert of Androscoggin.

The PRESIDENT: Does the Senator request a division?

Mr. SMITH: That is correct.

The PRESIDENT: All those in favor of the motion to indefinitely postpone Senate Amendment "A" to Committee Amendment "A" will please rise and remain standing until counted; those opposed.

A division was had.

11 having voted in the affirmative and 15 in the negative, the motion to indefinitely postpone did not prevail. Senate Amendment "A" to Committee Amendment "A" was adopted and Committee Amendment "A" as amended by Senate Amendment "A" was adopted, the bill was given its second reading and passed to be engrossed as amended in non-concurrence. Sent down for concurrence.

The President laid before the Senate the sixth tabled and assigned item (S. P. 681) (L. D. 1719) Bill, "An Act Clarifying Certain Laws Under the Workmen's Compensation Act."

Tabled — January 26, 1966, by Senator Harding of Aroostook.

Pending — Second Reading.

On motion by Mr. Harding of Aroostook, the bill was retabled until the next legislative day pending assignment for second reading.

### **Senate Committee Reports Ought to Pass — As Amended**

Mr. Cahill from the Committee on Highways on Bill, "An Act Amending the Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1966 and June 30, 1967." (S. P. 687) (L. D. 1770) reports that the same Ought to pass as Amended by Committee Amendment "A" (S-398)

Which report was read and accepted. Committee Amendment "A" was read and adopted. Under suspension of the rules Bill read the second time. Passed to be engrossed as amended and sent down forthwith for concurrence.

### **Leave to Withdraw**

Mr. Violette from the Committee on Judiciary on Bill, "An Act Relating to Automobile Graveyards and Junkyards." (S. P. 631) (L. D. 1640) reports that the same should be granted Leave to withdraw. — Covered by other legislation.

Which report was read and accepted.

### **Ought to Pass**

The same Senator from the same Committee on Bill, "An Act Relating to Acquisition of Land and Materials for Highway Purposes." (S. P. 660) (L. D. 1693) reports that the same Ought to pass.

On motion of Mr. Violette of Aroostook, tabled until the next legislative day pending acceptance of Committee Report.

Mr. HARDING of Aroostook: Mr. President, may I inquire if L. D. 1762, H. P. 1267, Bill, "An Act Relating to Employment of State Criminal Inspectors in the Office of the Attorney General" is in the possession of the Senate?

The PRESIDENT: The Chair will inform the Senator that it is, having been requested by the Senator.



On motion by Mr. Harding of Aroostook, the Senate voted to reconsider its action whereby the bill was passed to be engrossed, and also to reconsider its action whereby Committee Amendment "A" was adopted.

On motion by the same Senator Committee Amendment "A" was

indefinitely postponed and the bill was passed to be engrossed in non-concurrence. Sent down for concurrence.

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On motion by Mr. Harding of Aroostook,

Adjourned until 9:30 tomorrow morning.