

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third  
Legislature*

OF THE

STATE OF MAINE

1967

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Tuesday, March 21, 1967

Senate called to order by the President.

Prayer by Rev. Victor R. Musk of Augusta.

Reading of the Journal of yesterday.

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

Bill "An Act Enabling Municipalities to Create Historic Districts and to Provide for the Preservation of Historic Buildings and Places." (H. P. 856) (L. D. 1269)

In House, March 1, Referred to the Committee on State Government.

In Senate, March 16, Referred to the Committee on Industrial and Recreational Development in non-concurrence.

Comes from the House, that body having insisted.

On motion by Mr. Berry of Cumberland, the Senate voted to recede and concur with the House.

Bill "An Act Relating to Legal Size of Salmon Taken from Green Lake and Alligator Lake, Hancock County." (S. P. 108) (L. D. 179)

In Senate, February 23, Passed to be Engrossed As Amended by Committee Amendment "A" (S-6) Comes from the House passed to be Engrossed As Amended by House Amendment "A" (H-72) in non-concurrence.

On motion by Mr. Hoffses of Knox, tabled pending consideration and especially assigned for Wednesday, March 22nd.

Bill "An Act Relating to Closed Season on Rabbits in Washington County." (H. P. 62) (L. D. 87)

In House March 8, Passed to be Engrossed As Amended by Committee Amendment "A" (H-51).

In Senate March 14, Passed to be engrossed As Amended in concurrence.

Comes from the House, Passed to be Engrossed As Amended by House Amendment "A" (H-83) in non-concurrence.

On motion by Mr. Hoffses of Knox, tabled pending consideration.

**House Papers**

Bill "An Act Establishing the University Employees Arbitration Law." (H. P. 1009) (L. D. 1502)

Comes from the House referred to the Committee on Labor.

Which was referred to the Committee on Labor in concurrence.

Bill "An Act to Create the Caribou Parking District." (Emergency) (H. P. 1011) (L. D. 1503)

Comes from the House referred to the Committee on Legal Affairs.

Which was referred to the Committee on Legal Affairs in concurrence.

Resolve "Proposing an Amendment to the Constitution Insuring Payment of Industrial Loans to Fisheries and Agriculture." (H. P. 1035) (L. D. 1501)

Comes from the House referred to the Committee on State Government.

Which was referred to the Committee on State Government in concurrence.

Bill "An Act Relating to Excise Tax on Motor Vehicles." (H. P. 1037) (L. D. 1506)

Comes from the House referred to the Committee on Taxation.

Bill "An Act Providing Tax Exemption for Persons Aged Sixty-five." (H. P. 1038) (L. D. 1507)

Comes from the House referred to the Committee on Taxation.

Which were referred to the Committee on Taxation in concurrence.

**Orders**

Mr. Young of Hancock presented the following order and moved its passage:

ORDERED, the House concurring, that Bill, "An Act Relating to the Rate of Sardine Tax and Use of Moneys Received," (S. P. 445) (L. D. 1125) be recalled from the legislative files to the Senate. (S. P. 557).

The order was read by the Secretary, and passed unanimously. Sent down for concurrence.

Mr. Young of Hancock presented the following order and moved its passage:

ORDERED, the House concurring, that Bill, "An Act Relating to Refunding of Unexpended Portion of the Sardine Tax Fund." (S. P. 464) (L. D. 1156) be recalled from the legislative files to the Senate. (S. P. 578)

The order was read by the Secretary, and passed unanimously. Sent down for concurrence.

**Committee Reports**

**House**

**Ought Not to Pass**

The Committee on Agriculture on Bill "An Act Appropriating Money for Additional Marine Worm Inspection in the Department of Agriculture." (H. P. 655) (L. D. 910)

Reported that the same Ought not to Pass.

Comes from the House, report read and accepted.

On motion by Mrs. Sproul of Lincoln, tabled until Thursday, March 23rd pending acceptance of the report.

The Committee on Business Legislation on Bill "An Act to Incorporate the Down East Life Insurance Company." (H. P. 662) (L. D. 917)

Reported that the same Ought not to Pass.

Comes from the House, report read and accepted.

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

The Committee on Health and Institutional Services on Bill "An Act Repealing Law Relating to Prohibiting Transportation of Certain Poultry." (H. P. 486) (L. D. 699)

Reported that the same Ought not to Pass.

Comes from the House, report Read and accepted.

The Committee on Legal Affairs on Bill "An Act Prohibiting Aliens Employed in Lumber Operations to Possess Firearms." (H. P. 369) (L. D. 516)

Reported that the same Ought not to Pass.

Comes from the House, report read and accepted.

Which reports were read and accepted in concurrence.

(See reconsideration motion later.)

**Ought to Pass**

The Committee on Inland Fisheries and Game on Bill "An Act Prohibiting Hunting Deer with Certain Firearms." (H. P. 31) (L. D. 51)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill Passed to be Engrossed As Amended by House Amendment "A" (H-86)

On motion by Mr. Hoffses of Knox, tabled until Wednesday, March 22 pending acceptance of the report.

The Committee on Claims on Resolve In Favor of George Hearin of Knox, Waldo County.

Reported that the same Ought to Pass.

Comes from the House report read and Accepted and the Resolve Passed to be Engrossed.

The Committee on Legal Affairs on Bill "An Act Increasing Indebtedness of Town of Woodland School District." (Emergency) (H. P. 479) (L. D. 692)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill Passed to be Engrossed.

The Committee on Legal Affairs on Bill "An Act Clarifying Certain Borrowing Provisions of the Charter of the City of Augusta." (H. P. 695) (L. D. 976)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill passed to be Engrossed.

The Committee on Legal Affairs on Bill "An Act Relating to Contracts of Municipal Corporations with Non-profit Hospital or Medical Service Organizations. (H. P. 277) (L. D. 397)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill Passed to be Engrossed.

The Committee on Public Utilities on Bill "An Act Relating to Northern Utilities, Inc.," (H. P. 639) (L. D. 895)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill passed to be Engrossed.

The Committee on Public Utilities on Bill "An Act Relating to Compensation of Commissioners of the Waterville Sewerage District." (H. P. 419) (L. D. 584)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill Passed to be engrossed.

The Committee on Taxation on Bill "An Act to Repeal the Tax on Insured Pension Plans Qualified Under U. S. Internal Revenue Code." (H. P. 644) (L. D. 899)

Reported that the same Ought to Pass.

Comes from the House, Report Read and accepted and the Bill Passed to be Engrossed.

The Committee on Taxation on Bill "An Act Relating to Property Tax Exemption for Sewage Disposal Facilities." (H. P. 252) (L. D. 360)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill Passed to be Engrossed.

The Committee on Taxation on Bill "An Act Relating to Exemption from Sales Tax of Governmental Agencies." (H. P. 289) (L. D. 409)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill Passed to be engrossed.

The Committee on Taxation on Bill "An Act Relating to Poll Taxes Paid to Caswell Plantation." (H. P. 291) (L. D. 411)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill Passed to be Engrossed.

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

#### Ought to Pass in New Draft

The Committee on Judiciary on Bill "An Act Prohibiting Unrea-

sonable Noise in Operating Motor Vehicles." (H. P. 13) (L. D. 25)

Reported that the same Ought to Pass in New Draft, under Same Title (H. P. 1061) (L. D. 1387)

Comes from the House, report read and Accepted and the Bill in New Draft passed to be engrossed.

The Committee on Business Legislation on Bill "An Act Relating to Licensing of Insurance Companies." (H. P. 572) (L. D. 803)

Reported that the same Ought to Pass in New Draft, under Same Title (H. P. 1073) (L. D. 1488)

Comes from the House, report read and accepted and the Bill, in New Draft, Passed to be Engrossed.

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

#### Divided Report

The Majority of the Committee on Natural Resources on Recommended Bill "An Act Classifying Portion of Presumpscot River Basin." (H. P. 154) (L. D. 217)

Reported that the same Ought Not to Pass.

(signed)

Senators:

SEWALL of Penobscot  
FERGUSON of Oxford  
VILES of Somerset

Representatives:

PIKE of Lubec  
SAHAGIAN of Belgrade  
BROWN of Augusta  
DICKINSON of Mars Hill  
FULLER of York  
CURRAN of Bangor

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

(Signed)

Representative:

EUSTIS of Dixfield

Comes from the House, Majority Report - Ought not to Pass read and accepted.

On Motion by Mr. Ferguson of Oxford, tabled unassigned pending acceptance of either report.

**Senate**  
**Ought to Pass**

Mr. Couturier for the Committee on Election Laws on Bill "An Act Relating to Election of Town Officials." (S. P. 332) (L. D. 866)

Reported that the same Ought to Pass.

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

Mr. Mills for the Committee on Judiciary on Resolve, "To Continue Review of Maine Criminal Statutes." (S. P. 374) (L. D. 987)

Reported that the same Ought to Pass.

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

Mr. Reny for the Committee on Transportation on Bill "An Act Relating to Cooperative Agreements to Enforce Highway Transportation Laws." (S. P. 356) (L. D. 940)

Reported that the same Ought to Pass.

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

**Ought to Pass - As Amended**

Mr. Harding for the Committee on Judiciary on Bill "An Act Relating to Transfer of State Prison First Offenders Under Age of Thirty-six to Reformatory for Men." (S. P. 362) (L. D. 958)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-22)

Which report was read and accepted and the Bill read once. Committee Amendment "A" (Filing S-22) was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 362, L. D. 958), Bill, "An Act Relating to Transfer of State Prison First Offenders Under Age of Thirty-six to Reformatory for Men."

Amend said Bill by Striking out all of the first sentence of the 2nd paragraph (Same in L. D. 958) and inserting in place thereof the following:

'The warden may from time to time, as he sees fit, recommend to a Board of Transfer set up within the department, and comprising the commissioner, the Superintendent of the Reformatory for Men, the Superintendent of the Augusta State Hospital and the Chairman of the State Probation and Parole Board, warden, and the superintendent of the institutions involved, the transfer of certain any prison first offenders under age 36 from the State Prison to the Reformatory for Men when in his opinion such transfer is consistent with the best interest of the prisoner and the welfare of the public.'

Committee Amendment "A" was adopted, and the Bill, as amended, tomorrow assigned for second reading.

Mr. Mills for the Committee on Judiciary on Bill "An Act Authorizing the Taking of Bail in the District Court." (S. P. 375) (L. D. 988)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-23)

Which report was read and accepted, and the Bill read once. Committee Amendment "A" (Filing S-23) was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 375, L. D. 988, Bill, "An Act Authorizing the Taking of Bail in the District Court."

Amend said Bill by striking out all of the underlined paragraph (same in L. D. 988) and inserting in place thereof the following:

'In the District Court in any case where the judge has determined bail, the clerk of the District Court may, subject to approval by the court, prepare the bond and take the acknowledgment of the defendant and sureties, if any, on said bond.'

Committee Amendment "A" was adopted, and the Bill, as amended, tomorrow assigned for second reading.

On motion by Mr. Hoffses of Knox, the Senate voted to reconsider its action of today on Item

6-4, Bill, "An Act Prohibiting Aliens Employed in Lumber Operations to Possess Firearms," (H. P. 369) (L. D. 516) whereby it accepted the Ought not to Pass report of the committee; and on further motion by the same Senator the bill was tabled and specially assigned for March 22, pending consideration.

#### Second Readers

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

Bill "An Act Revising the Law Relating to School Buses." (H. P. 1068) (L. D. 1469)

Bill "An Act Relating to Exchange of Vehicles Between Dealers Under Sales Tax Law." (H. P. 1067) (L. D. 1468)

Bill "An Act Regulating the Daily Limit of Certain Fish Taken from Inland Waters of the State." (H. P. 317) (L. D. 451)

On motion by Mr. Hoffses of Knox, tabled pending passage to be engrossed.

Bill "An Act Relating to Muskrat Trapping Season in Franklin County." (H. P. 316) (L. D. 450)

Resolve "Regulating Ice Fishing in Certain Waters in Tomhegan, T. 1, R. 2, Somerset County." (H. P. 361) (L. D. 508)

Resolve "Closing to Fishing that Portion of the Thoroughfare, So-called, between Nesowadnehunk (Sourdnahunk) Lake and Outlet Dam, Piscataquis County." (H. P. 362) (L. D. 509)

Resolve "Establishing Bag Limit of trout on Little Nesowadnehunk (Sourdnahunk) Lake, Piscataquis County." (H. P. 503) (L. D. 716)

Resolve, Regulating Fishing, Wassookeag Lake, Penobscot County." (H. P. 504) (L. D. 717)

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

#### House - As Amended

Bill "An Act Prohibiting the Obtaining of Transportation on Ski Lift Without Payment." (H. P. 506) (L. D. 719)

Which was read a second time and passed to be Engrossed, As Amended, in concurrence.

#### Senate

Bill "An Act Relating to Admission of Patients to State Hospitals." (S. P. 156) (L. D. 327)

Bill "An Act relating to Tagging of Bedding and Upholstered Furniture." (S. P. 290) (L. D. 642)

Which were read a second time and passed to be Engrossed. Sent down for concurrence.

#### Senate - As Amended

Bill "An Act Authorizing Out-of-State Banks and Trust Companies to Act as Fiduciaries." (S. P. 105) (L. D. 176)

Resolve "Relating to Ice Fishing on Fourth Musanacook Lake T 11, R 11, Aroostook County." (S. P. 229) (L. D. 554)

Which were read a second time and passed to be Engrossed As Amended.

Sent down for concurrence.

#### Enactors

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

"An Act Relating to Savings Bank Dividends." (S. P. 104) (L. D. 175)

Bill "An Act Appropriating Funds to Aid in Dredging the Saco River." (S. P. 187) (L. D. 422)

On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.

"An Act Appropriating Moneys to Provide Uniforms for Employees of Maine State Ferry Service." (H. P. 86) (L. D. 116)

On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.

"An Act to Incorporate the Town of Medford." (H. P. 235) (L. D. 343)

On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.

"An Act Revising the Home Repair Financing Act." (H. P. 469) (L. D. 682)

On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.

"An Act Including Employees of the State Principals Association Under State Retirement System." (H. P. 542) (L. D. 774)

"An Act Relating to Penalty for Littering." (H. P. 579) (L. D. 811)

An Act Prohibiting Bullfights." (H. P. 581) (L. D. 813)

Which were passed to be enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Resolve, "Appropriating Moneys for Search of Lost Persons in the Woodlands of the State." S. P. 209) (L. D. 548)

On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.

### Emergency

"An Act Appropriating Funds to Promote Travel to the State of Maine in Connection with the 1967 World Exhibition in Canada." (S. P. 102) (L. D. 173)

This being an emergency measure and having received the affirmative vote of 33 members of the Senate, was passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

### Orders of the Day

The President laid before the Senate the first tabled and today especially assigned matter, (H. P. 22) (L. D. 42) House Reports, from the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys for Spruce Budworm Control," Majority Report, Ought to Pass as Amended by Committee Amendment "A" (Filing H-32); Minority Report, Ought not to Pass, which was tabled on March 16, 1967 by Senator Hoffses of Knox, pending acceptance of either report.

Mr. BERRY of Cumberland: Mr. President, I move acceptance of the Majority Ought to Pass Report and I would like to speak briefly to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate accept the Majority Ought to Pass as Amended report of the committee.

The Senator may proceed.

Mr. BERRY: Mr. President and members of the Senate: I believe

that most of us are familiar with the problem involved here, but it might be well to review it very briefly.

We have in northern Maine, in Aroostook County, an area of infested spruce trees; this is a very heavy infestation of the spruce bud-worm disease, which it is believed by the experts has been blown over from that portion of New Brunswick to the east, such as has occurred in the past. This is a serious situation; the area is large, there is a great deal of merchantable timber involved, and the State is charged with the responsibility of doing something about the situation. The only—and I believe this is the crux of the matter — the only known practical solution to this problem for kill is a spreading of DDT. It is lamentable that this is the situation, because DDT is a chemical which does not destroy itself as time goes by, as is the case with so many other of our insecticides and herbicides. DDT will wash into the brooks and into the rivers and down into the ocean. I may be overstating this a little bit, but these are definite possibilities. A spread of DDT over a hundred thousand acres may well cause death to certain of the wild life on the area involved, such as birds and insects; the DDT which goes into the stream may cause a fish kill. However, I say that the problem is somewhat of a difficult one, because the alternatives are staggering, I believe, and the testimony presented in this connection stated that the area would recover from the spraying by DDT, that the disease would be killed, that the wild life would come back.

If the spraying is not done, if the spruce budworm disease is not controlled, it is believed by the experts that we will see the spread of the disease, the defoliation of the trees, the creation of what might be called a desert in our forest area, a fire hazard certainly. It seems that the results of the spread of the spruce bud worm disease might have almost as dramatic an effect on the wild life of a permanent nature than



the temporary application of the DDT.

The objections which were raised by the opponents, I believe I have stated to you; I believe I have given you the factor involved that we are faced with; the alternative of the loss of the merchantable timber and the spread of the disease. There is, as was given in testimony, no known solution of the problem of this self-destruction of the DDT spray. The proposal was advanced that the State of Maine, because of its concern in this field, and because of the possibility of the recurrence of this disease, might well investigate the DDT problem, and it was suggested that a research program be instituted. In this connection, the Appropriations Committee is studying, and it is my belief will turn out favorably a special L. D. which will provide a sum of money to go to the University of Maine for research in this field. They appear to be an excellent agency that can accomplish this at a reasonable cost, it is an arm of research that is available to the legislature and to the people of the State, and while, of course, it is impossible to guarantee committee action in advance, it is my belief that this L. D. will shortly be before you.

I believe this states in essence the problems on both sides of the question. You will have before you some amendments this morning. It would be my belief that if we accept this Ought to Pass report and accept the amendment which I shall offer — and I would object strenuously to the other two amendments, and if there is debate at that time I shall state why — then I will ask the indulgence of the Senate to send this forthwith to the House.

Time is of the essence in this matter. The spraying is done by special planes which come from outside of New England, there are very few concerns nationwide which can do this, their schedule is tight, and we must work this in right away or it will have to be deferred for another year and then we are faced with a further spread of the disease.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Berry, that we accept the Ought to Pass as Amended report of the committee.

Mrs. SPROUL of Lincoln: Mr. President, I wish to oppose this measure. I have many letters on this, but I think probably this one is the best:

"I find the Forest Commissioner's plan to spray 100,000 acres of company forest with DDT most disturbing. You know and I know that it has been proved that insects build up an immunity to DDT, which necessitates repeated applications of stronger and stronger concentrations."

I have another letter from a gentleman who states that he is in the nursery business and he spends his own money to spray his own trees. He says, "Why should we spend the State's money to spray the paper companys' trees?"

I can remember very well that a few years ago this same type of bill came before the Senate, and it was the same emergency and DDT had to be used at that time. It looks as if we will be repeating this action every two or four years. I therefore am strongly opposed to this bill.

Mr. GOOD of Cumberland: Mr. President, I have had some experience with DDT in Sebago area. Incidentally, I am in favor of the passage of this bill. I hate to think what the results would be if the bill is not passed. We did have trouble with DDT in the Sebago area and it is a poison. There was some damage done to the fishing in Sebago Lake. However, we have sprayed in the area where I live for as much as twenty years, by plane every year and sometimes twice a year with heavy doses of DDT. I don't know how heavy they were, but they were substantial. It was for insect control and it did control the insects. Some of this DDT apparently did wash into Sebago Lake and sometimes the planes went out over the lake and there was some damage done to the fish, but we are no longer spraying with DDT in the Sebago area and the fish have made a

rapid recovery. There was a temporary damage done to the fishing but I can guarantee you that the fishing in Sebago Lake this year will be the greatest that it has been in many, many years. It did no damage to the forests. They have grown very well with the use of this DDT. Now, we do not have forests if we do not have water, and if we don't have water you won't have fish or wildlife. We use the forest. I go hunting in the vast areas of the forest maintained by private owners and I have the free use of them.

They are matching the funds, I understand, giving \$53,000 towards it dollar for dollar, one third by the State, one third by the federal government and one third from private industries. I do not think there is any other alternative at this time but what this bill should be enacted.

Mr. FARLEY of York: Mr. President, I am going to support the Senator from Cumberland County. The Commissioner of Agriculture was before a Committee I served on, and his testimony before us was that under the Constitution of the State of Maine he had the right to go in and clean up in the forest in the interest of the citizens of the State of Maine, and I think that is good enough for me when the head of that department makes that statement, and I am going to rely upon it and vote with the Senator from Cumberland County.

Mr. LUND of Kennebec: Mr. President and Members of the Senate, I would request a division so that those of us who are opposed to this Bill will have an opportunity to have their opposition made known.

The PRESIDENT: The pending question is on the motion by the Senator from Cumberland, Senator Berry, that we accept the Ought to Pass as amended report of the committee, and the Senator from Kennebec, Senator Lund, has moved that when the vote is taken it be taken by a division.

Mr. LUND: I intend no criticism of our Forest Commissioner, Austin Wilkins, in opposing this bill. I believe he has done a conscientious job of attempting to make

the issues known to the state and has made an unusual effort to do so. However, there are some factors that appear to me to be important in considering the passage of this and I would like to make them known to the Senate, if I may.

In the first instance, this issue has been discussed in terms of spraying or not spraying, and I submit to you that is not really what this bill is all about. This bill provides a government subsidy for a particular type of operation, and a government subsidy is something that we have generally reserved for activities that the state views to be especially desirable, and in my view, this activity is not particularly desirable. In fact, no permission from the legislature or anyone else is required, as far as I can tell, — our pesticide control laws are not particularly strong, and the land owners could go ahead and spray this land themselves if they wish. There is one difference, however, which I think you should be aware of, that by doing this through the State of Maine, immunity from liability for suit is conferred upon the spraying operation, and where a private owner might be liable for the damages resulting to some other land owner if he sprayed himself; of course, by passing this bill, governmental immunity is conferred upon the whole operation and there would be no liability.

The arguments made in support of this legislation that this, after all, is a far lesser dosage than is being used in some of the farm areas in the state, — and I think this is perhaps something for us to take into consideration, not as a factor that would add to the merits of this bill, but as a factor as to whether we presently have adequate pesticide control laws covering farm use, which, as far as I can tell, is exempt at the present time.

It has been stated that DDT is a persistent chemical. It does not deteriorate. Experiments by our State have shown that one part in five billion of water of DDT will kill 100 per cent of larva lobster within a twenty-four hour period. Now, in case one in five bil-

lion does not mean much to you, as it did to me, it amounts to about the same as if you made a chocolate drink with ounce of chocolate syrup and five thousand tank cars of milk. This small amount of chemical has caused this result. You will probably recall there was a lobster man who appeared at the hearing in opposition because of the problems posed by the use of this chemical.

The proponents point out that there will perhaps be a fish kill, but that the fish will come back. My concern is not for the trout fishing for a short period of time, where fish may suffer and come back, but my concern is over the permanent effect that the use of this chemical will have, because this chemical is not passed on from organisms, but it collects in them, it collects in fat and reproductive organs. This is particularly deadly when it comes to animals that feed on other creatures, for instance, in the case of fish-eating birds, a marked decline has been noted in the population of the eagles and ospreys because of the fact that they eat fish and the DDT is then passed on and concentrated in the birds of prey. Investigators have noted a number of sterile eggs in eagle nests and they find traces of DDT in these eggs.

A classic example of the results of the use of this chemical is in towns where shade trees are sprayed. The leaves fall to the ground and worms eat the leaves and collect the DDT. It is not a large enough dose to kill the worms, but when robins eat the worms, the robins are then killed. But if a person happens to not be a wildlife lover, he might say: "Why worry about the robins?" This is the point I think is important to the State of Maine. Our birdlife is important not only as an object of beauty, but this is our natural means for controlling insect life, and if we take steps which result in the destruction of birdlife, I think we are upsetting the balance of nature and increasing rather than solving our problems.

I should point out that these timberlands have been under management for a hundred years

or more, and I find it difficult to accept the argument put forth that this has got to be done, because, after all no spraying has been done in the State of Maine of forest lands by DDT prior to 1954, and we may well ask what tragedy befell the state before that time. In fact, there have been six sprayings: 1954, 1958, 1960, 1961, 1963 and 1964. Not counting the proposed bill before you, over a million acres have been sprayed in the State of Maine, and over a million dollars of federal, state and individual monies have been spent. It seems to me that in viewing these successive sprayings that we may well question the proponents that this is going to solve the problem. It seems to me that the problem is not being solved and is continuing.

Perhaps one aspect of this that troubles me is that, when people point to the eagles and the robins and these other problems, the proponents say, you cannot show that this is the result of DDT, it may be other things. Well, perhaps it may be, for the life of me, I cannot see why, when we are using a chemical that we know is dangerous, that has effects that we do not know of — for instance, DDT has been found in the bodies of penguins in Antarctica. Nobody is spraying down there, but nobody can explain how it has gotten into their bodies. In using a chemical that we know is dangerous, why should the burden of proving lie upon the people who oppose its use? We are not opposing the use of State's money for spraying privately-owned lands, but it seems to me the burden should lie upon the proponents to prove that this is not having a harmful effect upon the state, and I think the evidence is to the contrary.

Finally, I would like to point out that even the land owners themselves were not unanimous in supporting the passage of this bill. One of the persons who appeared before the committee, by written statement, represented ownership of 14 per cent of the acreage involved, and he opposed the spraying in this instance, and, of course, if this bill passes, we will

be spraying this man's land against his will.

The PRESIDENT: The pending question is on the motion to accept the Ought to Pass, as amended, report of the committee. Is the Senate ready for the question?

As many as are in favor of the motion to accept the Ought to Pass, as amended, report of the committee will rise and remain standing until counted; those opposed.

27 having voted in the affirmative and 6 in the negative, the Ought to Pass, as amended, report of the committee is accepted.

The bill was given its first reading. Committee Amendment "A" (H-32) was read by the Secretary.

Mr. Berry of Cumberland then presented Senate Amendment "A" (S-25) and moved its adoption. Senate Amendment "A" was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 22, L. D. 43, Bill, "An Act Appropriating Moneys for Spruce Budworm Control."

Amend said Bill by adding at the end, before the Emergency Clause, (Same in L. D. 43), the following sentence:

'No allocation or expenditure of funds under this Act shall be approved until there shall be filed with the Forest Commissioner and the Governor notification of approval of the D.D.T. spraying and the availability of proportionate costs by the Maine Forestry District and the U. S. Forest Service upon authorization of the Federal Committee on Pest Control.'

Senate Amendment "A" was adopted in non-concurrence.

Mr. Hoffses of Knox presented Senate Amendment "B" and moved its adoption. Senate Amendment "B" (S-26) was read by the Secretary as follows:

SENATE AMENDMENT "B" to H. P. 22, L. D. 43, Bill, "An Act Appropriating Moneys for Spruce Budworm Control."

Amend said Bill by adding at the end, before the emergency clause, the following paragraphs:

'There is appropriated from the Unappropriated Surplus of the General Fund an additional Sum of \$20,000 to be matched with an

equal sum by the landowners involved. This money shall be expended by the Commissioner of Inland Fisheries and Game or his agents for research into the effect on fish and wildlife by the use of DDT and such other chemicals as may be used on forest lands for control of insects. These moneys shall not lapse but shall remain in a continuing carrying account until the purposes of this Act have been accomplished.

No moneys may be withdrawn from the State Treasury for any work under this Act until such matching funds have been paid to the State Treasury by the landowners involved.'

Mr. BERRY of Cumberland: Mr. President, I move the indefinite postponement of Senate Amendment "B", and I would like to speak to my motion.

The PRESIDENT: The Senator may proceed.

Mr. BERRY: Mr. President and Members of the Senate: The Amendment as proposed, Senate Amendment "B" will provide \$20,000 from the general fund, which would be matched by other moneys, or \$40,000 for research. This is a bigger sum than has ever been proposed for research in this field. I believe that the \$10,000 figure which your appropriations committee considered will provide enough money to do the job. I think that such a large amount of money from the unappropriated surplus is unwarranted for this particular purpose, and I believe the committee has not yet gone far enough into the matter to determine the sources of funds on this legislative document.

I should point out that we have here federal, state and ownership funds. I think that the criticism which has been leveled at the basic measure, that we are helping out private ownership, fails to take into account that these lands, as was stated by the Senator from Cumberland, Senator Good, are available to the public for hunting and that the entire economy of the State of Maine as a vital interest in the productivity and welfare of our timberlands. I would hope that you would support my

motion to indefinitely postpone Senate Amendment "B".

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Berry, that we indefinitely postpone Senate Amendment "B". As many as are in favor of the indefinite postponement will say "Aye"; those opposed will say "no."

A viva voce vote being taken, the motion prevailed and Senate Amendment "B" was indefinitely postponed.

Mr. HOFFSES of Knox then presented Senate Amendment "C" and moved its adoption. Senate Amendment "C" (S-27) was read by the Secretary as follows:

SENATE AMENDMENT "C" to H. P. 22, L. D. 43, Bill, "An Act Appropriating Moneys for Spruce Budworm Control."

Amend said Bill in the 20th line (16th line of L. D. 43) by striking out the punctuation and words, "; and any" and inserting in place thereof the following: "but in no case shall the state's share exceed 50 per cent of the total cost. If federal funds become available, the state's share shall be reduced to a one-third sharing. Any"

Mr. BERRY of Cumberland: Mr. President, I move the indefinite postponement of Senate Amendment "C" and I would like to speak briefly to my motion.

The PRESIDENT: The Senator may proceed.

Mr. BERRY: Mr. President and Members of the Senate: Senate Amendment "C" is in opposition to Senate Amendment "A" which the Senate previously adopted. This program will not go forward now as it stands amended in this body unless the federal, state and private interests each contribute one third, nothing can be done until this has been accomplished. This has been pretty well worked out by agreement of all interests concerned, and quite frankly, I think that Senate Amendment "A" will accomplish what is intended by Senate Amendment "C". I, therefore, move the indefinite postponement of Senate Amendment "C".

The PRESIDENT: The pending question is on the motion to indefi-

nately postpone Senate Amendment "C". As many as are in favor of the motion will say "aye;" those contrary minded, "no".

A viva voce vote being taken Senate Amendment "C" was indefinitely postponed.

Out of Order and under suspension of the rules, the Bill was given its second reading, passed to be engrossed in non-concurrence, and on further motion by Mr. Berry of Cumberland, under suspension of the rules, sent forthwith for concurrence.

On motion by Mr. Ferguson of Oxford the Senate voted to take from the table the first tabled and unassigned matter (H. P. 57) (L. D. 82) Bill, "An Act Relating to Time for Voting on Local Option Questions Under Liquor Laws." Tabled February 9 by Senator Ferguson pending first reading.

Mr. FERGUSON: Mr. President, inasmuch as we have already enacted a bill, which has been signed by the Governor, accomplishing the same thing we are trying to get into law, I now move the indefinite postponement of (L. D. 82).

The PRESIDENT: The Senator from Oxford, Senator Ferguson, moves the indefinite postponement of H. P. 57, L. D. 82 Bill, "An Act Relating to Time for Voting on Local Option Questions Under Liquor Laws."

The motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

Mr. YOUNG of Hancock: Mr. President, I would like to ask if S. P. 638, L. D. 894, Bill, "An Act to Classify the Waters of First Pond (Billings Pond) in Blue Hill, Hancock County" is in the possession of the Senate?

The PRESIDENT: The Chair will reply in the affirmative, it having been held at the request of that Senator.

Mr. YOUNG: Mr. President, I now move that we reconsider our action whereby we accepted the Ought Not to Pass report of the committee and that this matter lie on the table.

THE PRESIDENT: The Senator from Hancock, Senator Young, moves that we reconsider our ac-

tion whereby we accepted the Ought Not to Pass report of the Committee, and the same Senator moves that the matter lie on the table.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I feel I should explain my stand on this L. D.

The PRESIDENT: The Chair will advise the Senator that the present motion is a tabling motion and that this is not debatable.

The pending question is on the motion of the Senator from Hancock, Senator Young, that the matter lie on the table pending the motion for reconsideration.

The motion prevailed and the bill was so tabled.

On motion by Mr. Couturier of Androscoggin, the Senate voted to take from the table the 21st tabled and unassigned matter (H. P. 231) (L. D. 321) Bill, "An Act Revising the Maine Housing Authorities Act." Tabled March 17 by Senator Couturier of Androscoggin pending enactment.

On further motion by the same Senator, the Bill was passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.