

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Tuesday, May 16, 1967

Senate called to order by the President.

Prayer by the Reverend Father Richard V. Rokos of Augusta.

Journal of yesterday read and approved.

**Papers From The House
Non-concurrent matter**

Bill "An Act Revising Laws Relating to Exemptions and Inspections Under Boiler and Unfired Steam Pressure Vessels Law." (H. P. 852) (L. D. 1266)

In House, May 10, Majority Ought Not to Pass report Read and Accepted.

In Senate, May 12, Passed to be Engrossed, As Amended by Committee Amendment "A" (H-278)

Comes from the House, that body having Insisted.

On motion by Mr. Good of Cumberland, the Senate voted to adhere to its former action.

Orders

Mr. Johnson of Somerset presented the following Order and moved its passage:

ORDERED, the House concurring, that a convention of both branches be held in the Hall of the House on Thursday, May 18, 1967, at 11 o'clock A.M. to invite His Excellency, Governor Kenneth M. Curtis, to attend the convention and address such communication to the convention as he may be pleased to make. (S. P. 651)

Which was Read and Passed.

Sent down for concurrence.

Committee Reports**House****Ought Not to Pass**

The Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for Payment for Unused Sick Leave of State Employees." (H. P. 299) (L. D. 434)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Industrial and Recreational Development on Resolve, Proposing Study of Feasibility of Making the Kennebec Arsenal an Historic Site. (H. P. 835) (L. D. 1243)

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 Towns and Counties on Bill "An Act Relating to Expending Aroostook County Funds for Maine Potato Blossom Festival." (H. P. 169) (L. D. 232)

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 Towns and Counties on Bill "An Act Relating to Non-lapsing Funds for Land in Town of Wells for Park Purposes." (H. P. 771) (L. D. 1118)

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.

The Committee on Legal Affairs on Bill "An Act Providing for a New Charter for the City of Waterville." (H. P. 945) (L. D. 1385)

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".

Which report was Read and Accepted in concurrence, and the Bill read once, House Amendment "A" was Read and Adopted, and the Bill, As Amended, tomorrow assigned for Second Reading.

Ought to Pass—As Amended

The Committee on Claims on Resolve to Reimburse Mrs. Hazel Costigan, of Milford, for Well Damage. (H. P. 475) (L. D. 688)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-294)

Comes from the House, report Read and Accepted and the Resolve Passed to be Engrossed, As Amended by Committee Amendment "A".

The Committee on Education on Bill "An Act Relating to Financial Matters of the Mount Desert Island Regional School District." (H. P. 1128) (L. D. 1605)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-295)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A" and House Amendment "A" (H-304)

The Committee on Towns and Counties on Bill "An Act Increasing Fees for Sheriffs and Deputies." (H. P. 1047) (L. D. 1519)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-296)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A".

The Committee on Towns and Counties on Bill "An Act Increasing the Number of Medical Examiners for the County of Oxford." (H. P. 1006) (L. D. 1473)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-297)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A"

The Committee on Towns and Counties on Bill "An Act Relating to Municipal Appropriation of Money for Volunteer Fire Departments." (H. P. 254) (L. D. 362)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-298)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A"

Which reports were Read and Accepted in concurrence, and the Bills and Resolve read once. Committee Amendments "A" and House Amendment "A" were Read

and Adopted in concurrence, and the Bills and Resolve, as Amended, tomorrow assigned for second reading.

Ought to Pass in New Draft

The Committee on Education on Bill "An Act Providing State Scholarships for Higher Education." (H. P. 463) (L. D. 676)

Reported that the same Ought to Pass in New Draft under the same title: (H. P. 1155) (L. D. 1652)

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

The Committee on Retirements and Pensions on Bill "An Act Improving Payment of Benefits Under the Maine State Retirement System Law." (H. P. 376) (L. D. 523)

Reported that the same Ought to Pass in New Draft under the same title: (H. P. 1156) (L. D. 1653)

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 and the Bills, in New Draft. Read once and tomorrow assigned for second reading.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on recommended

Bill "An Act Increasing Borrowing Power of Maine Maritime Academy." (Emergency) (H. P. 128) (L. D. 192)

Reported that the same Ought to Pass

(signed)

Senators:

DUQUETTE of York

Representatives:

JALBERT of Lewiston

BRAGDON of Perham

HUMPHREY of Augusta

BIRT of E. Millinocket

HINDS of So. Portland

SCRIBNER of Portland

The Minority of the same Committee on the same subject

matter, reported that the same Ought Not to Pass.

(Signed)

Senators:

ALBAIR of Aroostook
BERRY of Cumberland

Representative:

DUNN of Denmark

Comes from the House, Majority Ought to Pass report read and Accepted and the Bill Passed to be engrossed.

In Senate: Majority Ought to Pass Report of the Committee Read and Accepted in concurrence and the Bill read once. Tomorrow assigned for second reading.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill "An Act Authorizing the Issuance of Bonds in the Amount of One Million Two Hundred Thousand Dollars for a Regional Airport to Service Central Maine." (H. P. 779) (L. D. 1141)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

BERRY of Cumberland
ALBAIR of Aroostook

Representatives:

BRAGDON of Perham
BIRT of E. Millinocket
DUNN of Denmark
HUMPHREY of Augusta
HINDS of S. Portland

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

(Signed)

Senator:

DUQUETTE of York

Representatives:

JALBERT of Lewiston
SCRIBNER of Portland

Comes from the House, Majority - Ought Not to Pass Report Read and Accepted.

In Senate: Majority Ought Not to Pass Report of the Committee Read and Accepted in concurrence.

Divided Report

The Majority of the Committee on Claims on Resolve Reimbursing the Town of Brunswick for

Property Tax Exemption on Property of State of Maine. (H. P. 26) (L. D. 47)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

ROSS of Piscataquis
NORRIS of Oxford
BREWER of Sagadahoc

Representatives:

LINCOLN of Bethel
QUIMBY of Cambridge
HARVEY of Woolwich
IMMONEN of West Paris
TOWNSEND of Baileyville
MINKOWSKY of Lewiston

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

(Signed)

Representative:

FRASER of Mexico

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

In Senate: Majority Ought Not to Pass Report of the Committee Read and Accepted in concurrence.

Divided Report

The Majority of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Changing the Legislature to a One Body System. (H. P. 1034) (L. D. 1500)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington
LUND of Kennebec

Representatives:

DENNETT of Kittery
WATTS of Machias
RIDEOUT of Manchester
CORNELL of Orono
MARTIN of Eagle Lake
PHILBROOK

Of South Portland

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

(Signed)

Senator:

STERN of Penobscot

Representative:

STARBIRD of Kingman
Township

Comes from the House, report and Resolve Indefinitely Postponed.

On motion by Mr. Wyman of Washington, the Senate voted to Accept the Majority Ought Not to Pass Report of the Committee in concurrence.

Divided Report

The Majority of the Committee on Inland Fisheries and Game on Bill "An Act Relating to Wearing Fluorescent Clothing When Hunting in Southwestern Zone for Two Years." (H. P. 671) (L. D. 943)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-300)

(Signed)

Senator:

FARLEY of York

Representatives:

CHAMPAGNE of Fairfield
GAUDREAU of Lewiston
LEWIN of Augusta
HAYNES of Camden
THOMPSON of Belfast
COOKSON of Glenburn

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

(Signed)

Senators:

ANDERSON of Hancock
HOFFSES of Knox

Representative:

RACKLIFF of Easton

Comes from the House, Majority — Ought to Pass As Amended report Read and Accepted, and the Bill Passed to be Engrossed As Amended by Committee Amendment "A" (H-300) and by House Amendment "B" (H-305).

Mr. Farley of York moved that the Senate Accept the Majority Ought to Pass, As Amended, Report of the Committee.

(On motion by Mr. Johnson of Somerset, tabled and specially assigned for Thursday, May 25, pending the motion of the Senator from York, Senator Farley, that the Senate Accept the Majority Ought to Pass, As Amended Report of the Committee.)

Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Reciprocity in Registration of Pharmacists." (H. P. 153) (L. D. 271)

Reported that the same Ought to Pass in New Draft under New Title of: Resolve, Permitting Thomas D. Smith of Ellsworth to Take Examination for the Practice of Pharmacy. (H. P. 1157) (L. D. 1654)

(Signed)

Senators:

GOOD of Cumberland
STERN of Penobscot

Representatives:

BAKER of Orrington
SHAW of Chelsea
CUSHING of Bucksport
RICHARDSON

of Stonington

CONLEY of Portland
BELIVEAU of Rumford

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

(Signed)

Senator:

SPROUL of Lincoln

Representative:

WHEELER of Portland

Comes from the House, Majority — Ought to Pass in New Draft report Read and Accepted and the Resolve in New Draft Passed to be Engrossed.

On motion by Mr. Anderson of Hancock, the Senate voted to Accept the Ought to Pass in New Draft Report of the Committee in concurrence. The Resolve in New Draft read once and tomorrow assigned for second reading.

Divided Report

Five members of the Committee on Towns and Counties on Bill "An Act Relating to Enactment of Municipal Zoning." (H. P. 853) (L. D. 1386)

Reported in Report "A" that the same Ought to Pass.

(Signed)

Senator:

COUTURIER

of Androscoggin

Representatives:

NADEAU of Sanford

ROBERTSON of Brewer
MEISNER

of Dover-Foxcroft
CROMMETT of Millinocket

Five members of the same
Committee on the same subject
matter, reported in Report "B"
that the same Ought not to pass.
(Signed)

Senators:

SPROUL of Lincoln
MILLS of Franklin

Representatives:

FARRINGTON of China
WIGHT of Presque Isle
SNOWE of Auburn

Comes from the House, report
"A" Ought to Pass Read and
Accepted, and the Bill Passed to
be Engrossed.

(On motion by Mr. Couturier
of Androscoggin, tabled and
specially assigned for Friday, May
19, pending Acceptance of Either
Report.)

Senate

Ought to Pass in New Draft

Mr. Albair for the Committee
on Appropriations and Financial
Affairs on Bill, "An Act Appropriating
Funds to Operate the
Board of Pesticides Control." (S.
P. 465) (L. D. 1157)

Reported that the same Ought
to Pass in New Draft under the
same Title. (S. P. 650) (L. D.
1658)

Which report was Read and
Accepted and the Bill in New Draft
read once and tomorrow assigned
for Second Reading.

Second Readers

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

House

Bill "An Act Appropriating Funds
for Airport at Bar Harbor." (H.
P. 50) (L. D. 75)

Bill "An Act Relating to Suspensions
Ordered by the Hearing
Commissioner." (H. P. 269) (L.
D. 390)

Bill "An Act Relating to Funds
of Deceased Patients and Inmates."
(H. P. 1154) (L. D. 1650)

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

House — As Amended

Resolve to Reimburse Elmer
Hannigan of Portland for Property
Damage by Highway Construction.
(H. P. 734) (L. D. 1057)

Bill "An Act Providing for Action
in Aid to Dependent Children Cases
Involving Fraud." (H. P. 672) (L.
D. 944)

Bill "An Act Relating to Appointment
Duties and Tenure of
Permanent Chief of Fire Department
of City of Westbrook." (H.
P. 677) (L. D. 949)

Bill "An Act Creating a New
Charter for the Town of Fairfield."
(H. P. 848) (L. D. 1262)

Bill "An Act Amending the Port-
land Renewal Authority Law." (H.
P. 907) (L. D. 1317)

Bill "An Act Relating to Board
of Commissioners of Police for the
Town of Sanford." (H. P. 1117)
(L. D. 1590)

Bill "An Act Amending Charter
of the City of Hallowell." (H. P.
906) (L. D. 1356)

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

Senate

Bill "An Act Relating to Application
of State Aid for School
Construction." (S. P. 13) (L. D.
29)

Bill "An Act Relating to Coverage
Under Employment Security
Law." (S. P. 456) (L. D. 1133)

(On motion by Mr. Good of
Cumberland, tabled and specially
assigned for Wednesday, May 17,
pending Passage to be Engrossed.)

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

Sent down for concurrence.

Senate — As Amended

Resolve Proposing an Amend-
ment to the Constitution Pledging
Credit of the State and Providing
for the Issuance of Bonds Not
Exceeding One Million Dollars for
Loans for Maine Students in Higher
Education. (S. P. 618) (L. D. 1616)

Which was 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 Prohibiting Hauling Lobster Pots on Sundays. (H. P. 240) (L. D. 348)

An Act Relating to Length of Leases by State for State Facilities. (H. P. 379) (L. D. 526)

An Act Revising the Law Relating to Dealers in Securities. (S. P. 389) (L. D. 1069)

(On motion by Mr. Berry of Cumberland, Placed on the Special Appropriations Table.)

An Act Relating to Police Officers of Indian Tribes. (H. P. 750) (L. D. 1092)

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

An Act Increasing the Membership of the Board of Trustees of Richmond Utilities District. (H. P. 1054) (L. D. 1524)

An Act Authorizing the Leasing of Air Rights by Municipalities. (H. P. 1113) (L. D. 1582)

An Act Reclassifying Certain Inland Waters of the State. (S. P. 626) (L. D. 1626)

An Act Relating to the Education of Indian Children Living on Reservations. (H. P. 1145) (L. D. 1636)

(On motion by Mr. Berry of Cumberland, Placed on the Special Appropriations Table.)

An Act Relating to Clerks of Indian Tribes and Excise Taxes Paid by Residents of the Various Indian Reservations. (H. P. 1146) (L. D. 1637)

(On motion by Mr. Berry of Cumberland, Placed on the Special Appropriations Table.)

An Act to Establish the Maine Law Enforcement Training Council. (H. P. 1148) (L. D. 1639)

(On motion by Mr. Berry of Cumberland, Placed on the Special Appropriations Table.)

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 to Reimburse James Robinson of Palmyra for Property and Well Damage by Highway

Construction. (H. P. 94) (L. D. 122)

(On motion by Mr. Ferguson of Oxford, Placed on the Special Highway Appropriations Table.)

Resolve to Reimburse Raymond Goodwin of Kittery for Well Damage Resulting from Highway Construction. (H. P. 441) (L. D. 616)

(On motion by Mr. Ferguson of Oxford, Placed on the Special Highway Appropriations Table.)

Emergency

An Act to Grant a New Charter to the City of Auburn. (H. P. 609) (L. D. 859)

Which, being an emergency measure, and, having received the affirmative vote of 32 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.

Emergency

An Act Relating to Meetings of Board of Veterinary Examiners. (H. P. 1071) (L. D. 1536)

Which, being an emergency measure, and, having received the affirmative vote of 29 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.

Emergency

An Act Permitting the Use of the Reformatory for Women for the Confinement of Federal Prisoners, (H. P. 1109) (L. D. 1578)

Which, being an emergency measure and, having received the affirmative vote of 29 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.

Emergency

An Act Establishing Procedures for State Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine. (H. P. 1116) (L. D. 1586)

(On motion by Mr. Berry of Cumberland, Placed on the Special Appropriations Table.)

The Chair declared a three minute recess pending the sound of the gavel.

Called to Order by the President.

Orders of the Day

The President laid before the Senate the first tabled and today assigned matter (S. P. 366) (L. D. 967) Senate Reports from the Committee on Public Utilities on Bill, "An Act Creating the Maine Power Commission." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass in New Draft Under Same Title (S. P. 625) (L. D. 1625) Tabled May 4 by Senator Harding of Aroostook, Pending Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, I move the acceptance of the Minority Ought to Pass in New Draft Report of the Committee, and I would like to speak to my motion.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate now accept the Minority Ought to Pass in New Draft Report of the Committee.

The same Senator may proceed.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: The Maine Power Commission Bill presents two great issues to this Legislature. The first is: who is to benefit from the vast potential that Nuclear Energy presents for the generation of power? Will we let a private monopoly make great profits from this or will we make this great resource which has developed with vast expenditures of money from the taxpayers of these United States available to all the people?

Now, the significance of this, I think, was pointed out recently in the Portland Press Herald by nationally syndicated columnist Charles Bartlett. He says, "FOR EXAMPLE, cheap power is the

key to the hopes of desalinating sea water at costs low enough to make it practical for agricultural purposes. Inexhaustible supplies of nuclear electricity may be converted into various requirements for human existence, including hydrogen, which can be used to manufacture fertilizer and reduce coal into liquid or gaseous fuels.

"In an over-crowded world, the septic tank may have to be replaced by electrical purification devices which make each home a self-contained unit using the same water over and over again. Research has actually begun on this concept.

"Everything points to the fantastic growth in the future use of electricity. TVA, now serving a highly electrified region with its capacity of 18 million kilowatts, contemplates the need for 50 million kilowatts before the end of the century."

The second great issue is whether Maine will accept a plan which has proven valid in every other region where it has been adopted. It has resulted in lower cost of electricity to the East of us in New Brunswick, to the North of us in Quebec, and to the West of us all the way from New York State to the Pacific Coast.

Let me briefly outline the bill. There has been so much misinformation circulated about this that I am not surprised if there is a great deal of confusion. This is a complicated subject and I must apologize, and I feel that Senator Hoffses, the sponsor of a similar measure, feels the same as I, that we could not have had more time, more resources to properly explain this, not only to the Legislature, but to the people of Maine; I am sure they would stand a greater chance of acceptance. It has seemed sometimes that we have been working almost alone while our opposition has had the benefit of experienced, talented lobbyists who have been working for the defeat of this measure practically from the beginning of the session.

If this bill were enacted the Maine Power Commission would have to come forward with a plan

for a nuclear generating plant, which plan would have to approved by the legislature. If the legislature did not approve the plan, there would be no generating plant under this agency of any kind. That would be the end of the ball game. The same is true with the eminent domain feature of this bill which you have heard thrown around — how this agency was going to be a little empire in itself; that is not so. Under the eminent domain of this bill, no land could be taken until the legislature had approved the plans.

Once the legislature had approved the nuclear generating plant, bonds would be issued to build it. That would mean that some two hundred million dollars' worth of money from out of state would be brought in to employ Maine people to work on this great project. If the private utilities were to build this, they too would have to sell bonds. The only difference being that the bonds which the private utilities would sell would cost approximately one-third more in interest because a state agency's bonds are tax exempt and the purchasers do not have to pay income tax on the interest they earn. I want to emphasize this other point very strongly: the credit of the state would, in no way be involved.

These bonds would be similar to the Maine turnpike authority bonds sold, which have resulted in this highway being available for this State and for its economic growth.

The bonds would be paid off from the revenue earned in the same manner as the Maine Turnpike bonds are paid off.

This same power commission would result in a saving to the people of Maine of some fifteen million dollars per year or thirty million dollars per biennium which is slightly more than a penny increase in the Sales Tax which you have heard discussed.

In addition to that, the municipalities and School Administrative Districts throughout our state would receive 7.5 per cent of the gross earnings from this agency in lieu of taxes. This would mean approximately

\$6,600,000 additional money would be going to the municipalities and School Administrative Districts throughout this state which is money that they are not now receiving. It is approximately one-third of the amount of money called for in (L. D. 636) which you also have been hearing about.

You have heard that such a plan would injure the municipalities because it would cut into their tax base. This is completely false; no municipality would lose a dime of tax money from any private utility from the taxes that are now being paid to our municipalities by the private utilities.

This agency would not compete with the private utilities because under the bill it could not sell to retail customers nor could it sell to industrial users. It would save the rate payers of Maine money because the private utilities having to pay less for their electricity would be able to, of course, sell it for less to the consumers.

The private utilities will say that this concept would hurt them and yet the evidence of a combination of public power and private power such as we here suggest in all other major regions of the country has served to help the private utilities because they have been able to sell more power by reason of their lessened cost. Not a scintilla of evidence has been presented of a single private utility that has ever been hurt by having the advantage of low cost power. In fact nine companies bordering on the TVA region since the advent of public power in that area have raised their common stock earnings almost twelvefold.

In New York state area the Niagara Mohawk Power Company and other private utilities fought the public power concept much the same as the private utilities in Maine are now doing. If you read the papers then, you would have read all of these same old arguments, which you are now hearing, which our opponents are putting forth. The history of these private utilities over a 15-year period has shown that the Niagara Mohawk Company, since the advent of public power has a 50 per

cent gain in its dividends. The New York State Electric and Gas Corporation has had a 100 per cent gain in its dividends, and the Rochester Gas and Electric Company has had a 50 per cent gain.

This same history can be duplicated throughout the Pacific Northwest where their electrical costs are from one-third to one-half less of what ours are here in Maine. We have practically the highest electrical rates in the nation as you know.

But the same people who are opposing us here in this Legislature are the same people who oppose the Dickey-Lincoln Project. They continue to oppose the Dickey-Lincoln Project despite the fact that it has been approved by the Corps of Army Engineers, the Department of the Interior, and the Bureau of Budget. It has been authorized by the Congress of the United States, endorsed by the President of the United States, and unanimously endorsed on two separate occasions by two Legislatures and two Governors of different political parties.

The colossal arrogance of our opponents is no better exemplified than by their latest plan which they call, I believe, Ebasco, which despite all of these facts which I have mentioned, do not include Dickey-Lincoln as a source of electrical power here in Maine. These plans, I might mention, were those that were presented as recently as the public hearing before the Public Utilities Committee.

There are many in this Legislature who applaud the efforts which we have given to talking of the cause of public power because of the great benefits which have already accrued to Maine people.

You hear from the private utilities now of possible rate reductions. In fact a recent press release suggested that after the Legislature adjourns, there may well be other rate reductions. I ask you, what does that have to do with it?

Why would they make that suggestion to us that there may be other rate reductions after we adjourn?

But if in merely talking about public power we have gained great benefits, for our people. I suggest to you that immeasurably greater benefits would be provided if we should prevail against the great odds we are here battling today in this Senate.

The history of the Maine Legislature should not discourage us. Small groups of individuals and even single individuals who have had the courage to speak and to work for worthwhile causes have seen their will prevail against overwhelming odds. I recall one such single individual from my own county. He is a member of the Republican Party and he is Senator James Briggs. Senator Briggs was an able conservationist who saw the need for clean water years ahead of most of the citizens of this state and indeed of the nation.

While serving in this Legislature he won very few, if any, battles in his time. But because he had the courage to fight for his cause and because he was so persistent and eloquent, the crusade which he started gained momentum even after he left the State Senate. The subsequent Legislatures, including this Legislature, enacted the programs which he so courageously advanced almost single-handedly. We can only hope that the seeds which the proponents of this bill will be planting will bear the fruit as did those of Senator Briggs in relation to his cause.

You will hear it said that the state should not compete with the private power companies and I will agree that this is so. This bill in no way provides such competition. But I would suggest to you that the private power companies greatest competitors are their own high electrical costs. Their costs are so high that one-third of all the electricity generated in the state of Maine is generated by private industry themselves because they can generate it cheaper than can the private utilities.

I have heard from my own County of Aroostook from industries as to the effect of these high power costs. One new industry has put in its own self-generating unit to fight these high costs. We lost a processing plant recently in the

Southern part of the county and some of the industrial promoters who were concerned with that have assured me that one of the reasons for losing that industry was the high electrical cost. This is certainly borne out by another potato processing plant which has a competitor of comparable size in the far west. This A r o o s t o o k processing plant pays approximately a quarter of a million dollars a year more in electrical costs than does its competitor in the Pacific Northwest, which area enjoys the benefits of public power.

Two years ago I had the privilege of touring Oregon in the Pacific Northwest and the site of the Bonneville Dam. I asked one of the directors of this public agency if they had had the same fight out there as we are having here to get public power. All of the arguments which you are hearing from the opponents of this measure were used there — that is, the private power companies can do it cheaper — this is unnecessary competition — there is no need for this extra power — it will destroy the tax base — and so on. You've heard them all again and again.

All of those arguments have been decimated. In fact, this director mentioned to me that when the Grand Coulee Dam was built, it was ridiculed as a boondoggle because it would produce more energy than was at that time being used west of the Mississippi River.

The Grand Coulee Dam's entire capacity is now being utilized and recently the Congress appropriated a half billion dollars to increase its capacity. In addition to that, some eleven other dams have been constructed on the Columbia River Basin and another dam is now being planned.

It is said that the Maine Yankee Atomic Plant will provide the power needs of Maine in the near future. Although this is a 700,000 kilowatt plant, only 350,000 kilowatts will be available to Maine people. The rest of the capacity can be and will be demanded by the stockholders who reside outside of the State of Maine which stockholders are, of course, private

utilities. This I suggest to you is a piddling alternative because one aluminum company could use all of the power which would be available to Maine from the Maine Yankee Plant. In the next ten years to supply Maine's power needs, according to a conservative estimate of the R. W. Beck and Associates, our capacity must be doubled, and in the next twenty years it will be tripled.

If we were to have the industrial expansion which we are now looking for, this capacity would be increased by an immensely greater percentage. The Pacific Northwest and in the T.V.A. Area — in fact in any area where public power has come about once blocks of generating capacity are created, they have never gone unused.

We are not guessing about whether or not this concept would be workable. We had a feasibility study done on this by the R. W. Beck and Associates which is if I may use a phrase, is "A Sterling on Silver" Engineering Firm. They have done feasibility studies on some two billion dollars' worth of public power projects. Bonds have been sold on these projects, power is now on the lines and the bonds are being paid off. Events have shown their projections to be amazingly accurate. In other words they came before other Legislatures with this report like I have here before me of R. W. Beck and Associates. Those Legislatures accepted their recommendations and now there is power on the line.

Some Legislature will certainly pass the Maine Power Commission Bill or a similar bill. It has been checked with the most knowledgeable people in the field of public power in this nation.

The other day when a labor bill came up, members of this Senate rallied to the support of that measure. There were so many mikes going up, it was hard to that measure. There were so many mikes going up, it was hard to find a chance to get in a word. This was not so ten years ago.

The Legislators have learned what the people want in this field.

In the Pacific Northwest when a public power project comes up

for debate, Legislators jump up for the mikes to speak as proponents much the same as was done here the other day because this concept has proven itself to be so valid. It is no longer subject to dispute and no responsible group of citizens and certainly no responsible legislator will talk against it.

I hope that this is the legislature that has the courage to adopt this concept. This is not because of the small part that I have played in it, but because I feel that I have not been able to do the job which I would have liked to, to properly measure up the worthiness of this great cause. But if this bill passes, a Republican Legislature can forever claim the credit for this great advance in Maine's economic future. They will receive that credit. But if this bill fails, it will fail because it has been defeated by the Republicans in this legislature.

I read from the section of the Republican platform on State Government, the second paragraph. It says: "We favor and encourage development by either private or public corporations which will result in lower rates for electricity for Maine Citizens and industry without increasing the burden of taxation upon our people."

This concept, as I have stated, has proven itself to the East of us, to the North of us and to the West of us and the best experts in the field say that it will work just as well here as it has all over the rest of the nation. Not only will this concept not increase the burden of taxes upon our people, as the Republican Platform said they did not wish to happen, but it will return approximately \$6,600,000 per biennium during its first 15-year period to our municipalities and school administrative districts. In addition to that, as I mentioned, over a million and a half dollars per biennium will be paid into the general fund of the State of Maine. And finally, and best of all, the ratepayers of Maine will receive fifteen million dollars per year in addition to these amounts.

This is another good plank in the Republican Platform which I

can heartily endorse and support, and I would suggest it is much easier to write a platform sometime than it is to get up and fight for it, but this particular plank, and there are many other planks in the Republican Platform which I support wholeheartedly.

I urge this Senate, the members of both political parties to support this Republican Plank.

We owe this to the people of Maine and above all to the youth of Maine whom we wish to be able to stay in our State to enjoy its great beauty and to contribute to its future which can be as great as we here choose to make it.

For these reasons, I plead for your support and, Mr. President, when the vote is taken, I ask that it be taken by the Yeas and the Nays.

The President: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, Ladies and Gentlemen of the Senate:

In support of the public power concept, I would like to point out to you a few facts and to clear the record of a few misunderstandings and misconceptions which I believe may have been implanted in your minds and in the minds of the people of the State of Maine.

Public power is a fact of life in every section of the United States except the Northeast, namely New England. It is not the evil monster that it has been so graphically portrayed by its accused, gobbling up the private utilities and causing financial ruin to their stockholders and as a Goliath to the taxpayer of the Country. Nowhere in the country has a private utility been forced into bankruptcy and ruin or has it been acquired unwillingly with ultimate financial loss to its owners or its stockholders through the creation of such public power.

One very important misconception which has been going the rounds since these two public power bills were introduced is the conclusion that a Maine Power Authority or Commission is in competition to the existing utili-

ties. This is not exactly true. The purpose of it is to be in conjunction and in cooperation with the present utilities. We, in this State I believe, are going to be in need of a tremendous amount of electric energy in the immediate future. As a man in the construction business, I observe almost daily where the public is in quest of more electrical energy for their everyday needs and conveniences. They are most interested in electricity for home heating, particularly in new homes, if the Electricity could be purchased at a price which is in line with the rest of the country. These are things that I know because I have had personal occasions to substantiate my remarks on the home heating requests.

Another misconception is that they, the private utilities, will lose all of their big users and thus force a higher rate fee upon the individual user. This is not true because the Public Utilities Commission sets the rates and not the companies. They determine what is a fair rate to the user and a reasonable return to the stockholder of the company.

The power companies have charged that the initiation of a public power concept and facilities construction would mean a loss in tax revenue to the municipalities because of its tax-free status. This is not true because the taxes paid now by the private utilities on their property will continue the same. They will not dismantle any of their facilities or remove any of their lines. How else are they going to continue to serve you and I the consumer but over these same existing facilities now in use.

The purpose of a Public Power Authority and manufacturing facilities is to manufacture that electric energy the cheapest way possible and deliver it to its customers, namely: the existing companies to sell to us, the public.

Let me briefly explain how this is done. An authority or commission may borrow 100 per cent of its needed funds for construction, whereas the private utilities are limited to approximately 60 per cent, and the rest must come from their reserve or sale of stock to

the public at a much higher interest rate than the bonds of the authority. The saving on the purchase of capital for construction and distribution by an authority or commission is approximately 2 per cent when all aspects are weighed; that is, the cost to purchase the whole 100 per cent by the authority as compared to the 60 per cent — 40 per cent purchase of the private companies.

The other important fact is the tax shelter which the public power concept can most honorably and legally benefit from. A state agency is tax exempt where the private companies must pay federal income tax on their profit from manufacturing the electricity. This federal tax is included in the cost of doing business and must be passed on to the consumer to pay, together with the actual cost of the manufacture, distribution and depreciation of all equipment and also a guaranteed dividend to return to the stockholder.

Let us return to the matter of local taxes for a minute. The construction of a nuclear generating plant at Wiscasset by the private utilities will benefit that town tremendously because the installation would be within the boundaries of the town. The towns where the extra high voltage lines will run to the New Hampshire line to export one-half of the energy to be generated at Wiscasset will benefit to some extent. What about the rest of the towns and cities in the State?

The manufacture of the electricity by a state agency, as I have mentioned before, will not be required to pay federal tax and can therefore return over its revenue in excess of operating costs to the State and this bill provides that this revenue be distributed proportionately to all of the municipalities in the State for school subsidy, thereby benefiting everybody and not just those towns which are fortunate enough to have the installation within its borders.

First, the power companies are not a private free enterprise as we understand free enterprise, they are a complete monopoly in power

supply, they have no competition. They operate under a franchise or other protective umbrella. No one else can compete. This is the way they must operate to best serve the public. But, it carries with it the responsibility to plan for and serve the best interests of the people of Maine.

Second, this proposed bill would infringe upon that monopoly in that it would provide a "yardstick" with which to measure the unreasonably high costs of electricity which the people of the State of Maine are forced to pay.

The private power companies have implied that they will go out of business. This they cannot do. They must serve the public with electricity; with their franchise goes that responsibility. Only the Utilities Commission can grant them such drastic moves and this the Commission will never do.

The private power companies claim that they can supply all of the power industrial needs of the state. The truth of the matter is that industry presently owns and operates approximately one-third of the total generating capacity within the State of Maine. Nowhere in the country is this proportion so high. Industrial executives have testified that industry wants and needs more and lower cost power. Industry has been forced to generate a large share of its own power simply because they could not buy an assured supply from the power companies at a reasonable cost.

The power companies claim that the Dickey-Lincoln School project is unnecessary. Why? Studies by the United States Department of the Interior clearly demonstrate that the Dickey-Lincoln school project will produce low cost power for Maine and for New England. Our own senators support this study.

The Atomic Energy Commission estimates that a publicly financed nuclear plant can generate power for 2.6 to 3 mills, such a publicly operated installation coupled with the Dickey-Lincoln school would provide a source of base load energy to complement the peaking capacity and reservoir storage at Dickey-Lincoln. Both projects would benefit immeasurably, and

the resultant cost of power would be substantially lower than from any alternative combination yet proposed any place in Maine or New England.

To answer the question which doubtless has come to your mind: why would I, a Republican of long standing, self-employed, a stout defender of free enterprise and one who likes to classify himself as an individualist, be a promoter of this type of Legislation? You might conclude that it is because the proposed site for this nuclear plant is in Owl's Head in Knox County. I will honestly admit that this is one reason. Naturally, I am interested in my own county, the same as each of you are likewise interested in your own county first. But I would support it in any county from New Hampshire to New Brunswick because I believe it would be attractive to new industry.

A plank in the Republican platform of 1966 endorsed any concept either public or private power which would benefit in lower power rates to the Maine consumer. I believe a joint public-private combination of electric energy would be the answer to both the Republican and Democrat platform planks.

I have discussed the power matter with Mr. Frederick Allen, former Chairman of the Public Utilities Commission, and he informed me that he had stated publicly on more than one occasion, and offered to name those occasions, that there is room in Maine for both public and private power.

After considerable studying of this power concept and noting the tremendous economic growth in areas where the two have gotten together and are producing low cost power, the expansion of the private utilities business and its stock growth and return to its stockholder certainly are evidence enough to convince me of the merits of the two working together for the good of everyone concerned. The most convincing proof of this matter is the New York Power Authority and the Niagara Mohawk Company, a private utility who buys a very large block of

the power produced by the New York Power Authority.

In conclusion, let me say, the question is not whether this Legislation will or will not help the present public utilities, as much as whether or not it will help the citizens of Maine. This is one point that must be kept constantly in mind — the welfare of the people of Maine. I might further conclude by saying that if I had the vaguest idea that public power would be injurious to the private power companies, its stockholders, its rate payers, or the general public of Maine, I would be the first to admit my mistake and back away from the whole business.

However, I do believe that Maine is ready to forge ahead to new business and economic heights. I believe that one of our very able former senators, the Honorable Mr. Marden, stated on the floor of this very Senate when he stepped down from the Rostrum and delivered his stirring speech on "Maine, the Sleeping Giant. Maine is awakening, let all of us stand ready to help our great state to its proper place in the nation."

Whether this Legislation does or does not pass, I pledge myself to work for a common ground where public and private power can meet, resolve its differences and all of us can mutually benefit from such a cooperation to provide the people of Maine with the lowest power rates possible. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Brewer.

Mr. BREWER of Sagadahoc: Mr. President, Ladies and Gentlemen of the Senate: At the beginning I would say that it is difficult to follow two eloquent speakers, the two good Senators who spoke prior to me. I would say, however, in relation to Senator Harding's remarks about lobbyists, that I wouldn't want him to imply that public power bills have not been lobbied. We have had many of them here lobbying us over the weeks and they are in the halls today breathing down our necks, and I would question very much whether some of these men are registered on the floor below.

Like all of you, I have a keen interest in the public power bill now before the Senate. As a member of the Public Utilities Committee I am, perhaps, more involved than most of you. And as a member of that Committee I feel it appropriate to express my reasons for opposing passage of this bill.

If I were to catalogue all of my thoughts I would have to stand here longer than I would care to and talk longer than most of you would like. I will try to set forth a few major reasons for my opposition.

I do not believe that the electric business is a proper business of the State of Maine to get into. We have enough concerns and enough problems without putting the state into the business world. I believe we have been served well by our utility companies that have grown up with the experience and know-how required.

We know that Maine is going to need more electricity in the years to come - a lot more - and the private companies in this world of supply-and-demand are doing something about it. The Northeast already has more atomic energy plants than any other part of the country and plans for a Maine plant were started before this bill was even conceived. With private plans so well advanced and most of the equipment already on order, Maine will have atom-produced electricity through private sources many years before the state can come up with it. We also know that the plant proposed by Maine Yankee will be integrated with all the other New England plants assuring us all the power we need whenever we need it.

And for all the talk about great savings, I have never heard a reliable prediction of what power rates would be if the State started producing electricity - in fact I have never heard two predictions that were consistent.

The people who want to build the local plant have already built several. They have the engineers, the plans, the know-how and the experience. How is the state going to find all this talent, and must

we now pay for the duplication of this? What will the bonding, the legal, the engineering consultation fees alone cost the people of Maine? And all of it will be duplication.

The proponents say they only intend to transmit to distributors and not compete with our private companies, but why have they amended the bill which allowed only a system of extra high voltage transmission lines to just a system of transmission lines.?

The proponents say they do not want to transmit to private homes, but why have they amended the bill to strike the specific prohibition against distribution at retail to consumers. And if the state does decide to keep out of the retail consumer field, what's going to happen to consumer rates after the state power plant takes away from the private companies all the federal, state, municipal, and cooperative customers. The state will be forcing up the cost of power to the household consumer.

The proponents say they have only the interest of the people in mind, but why does the bill make very clear that the state power rates will not be subject to review by the P.U.C. or any other state board or agency? Why can't the people have something to say about their rates?

We heard about Cross-Rock and all the other schemes in the past. Now we are told all this has been forgotten and forsaken for atomic energy. If this is all so, then, why does this bill give the authority the right to construct hydro-electric plants? And couple this right with the eminent domain powers and we are right back to Cross-Rock or any other such scheme.

Although they have now offered amendments to soften the broad grant of eminent domain powers, the original bill is a good indication of what they really have in mind. And, it is all too possible for this authority to make commitments that will leave future legislatures little real choice but to ratify their plans and exercise their right of eminent domain.

The proponents promise us not only cheaper power but great tax

benefits. Certainly the taxes they pay would hardly compensate us for taxes we could lose. The bill talks of paying 10 per cent of the gross revenues, but gross is defined as what is left after paying all expenses and costs, which is the strangest definition of gross I've ever heard. And when was the last time you ever heard of a government agency making a profit? If it should, how is it going to be distributed? The bill doesn't really say, and probably doesn't really have to.

This bill provides for more studies of the power needs of Maine. How many times do we have to study this and how much more money do we have to spend?

And the Authority is given the right to issue bonds whenever it wants and to issue refunding bonds as freely. This is more power than even the Legislature has. These bonds would be in the hundreds of millions of dollars. Now the state's credit isn't pledged, but what do you think would happen if any bonds were defaulted?

For all the vast powers this bill gives the Authority — and I could go on and cite a dozen more examples of more power than the Legislature — the Authority has no reins attached. Listen to the language of the bill: "None of the powers granted to the Authority under this chapter shall be subject to the supervision or regulation or require the approval or consent of any commission, board, bureau, official or agency of the State."

This is the most fantastic grant of power I have ever seen. As if this weren't broad enough, just to make sure they haven't missed anything, in the last sentence of the bill they declared that all the general or special laws of Maine are inapplicable if they are inconsistent with the powers granted to the Authority — this is a virtual veto power over every act of the Legislature.

I think there is good reason why virtually every paper in the state — in Portland, in Lewiston, in Augusta, in Bath, in Waterville — have all said this bill is not in the best interest of the citizens of Maine.

I cannot in good conscience put the State of Maine in the power business, but I could never in good conscience vote to establish an authority with the vast and uncontrollable powers over the people of the state as proposed here. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate:

In the debate on these two bills, it should be pointed out what we should be considering here today. We should not be considering the merits of public power as an abstract concept. We should not be discussing whether Maine rates for electricity are high. We should not be discussing whether we would favor cheaper electricity. We should on the contrary, discuss whether these bills in original form as Senator Hoffses' bill or in new draft as sponsored by Senator Harding, present an attractive alternative to the State of Maine.

As to the first point, the term "public power" suggests many things to many people. And as I have listened to the debate here today, I got the impression that perhaps we were discussing Dickey-Lincoln. A federally financed project, like T.V.A. or Bonneville is within the concept of public power. That is not what we are talking about here today. From some of the comments I have received in the mail, I am not sure this is completely understood. This bill is not Uncle Sam coming in to foot the bill or finance the cost at next to nothing interest rates.

Whether you believe Maine electricity rates are the highest, it seems to depend largely on whose figures you wish to use. As to whether we would favor cheaper electricity, everyone would like to see this done in a proper fashion. I say proper fashion, because in return for agreeing to serve everyone in an area the utility company is guaranteed a reasonable rate of return on its prudent investment.

It would be theoretically possible to reduce power costs in Maine

by enacting a law reducing the rate of return. Such a law would be struck down as being unconstitutional. So the direct approach would not work, in the long run.

There are two obstacles to lowering the cost of power in Maine: the geography of the State and the sparse population. Only a few years ago, the bulk of Maine electric energy was generated by hydroelectric plants. As the demand for power in Maine has increased, hydroelectric plants have played a smaller role in power generation with oil-fired steam generating plants now supplying the bulk of power. Thus, the steam generating plants are used to supply the base load or round-the-clock steady demand while the hydroelectric plants are being used to supply peaking power, the power needed to meet the increased demand in the evening when many people are cooking and washing. With our increased reliance upon steam-generating plants, the cost of fuel needed to heat the boilers becomes a more important factor. Thus, steam-generating costs in this country are lowest in the coal-mining states where the coal can be strip mined from the hillsides and carried a very short distance to the site of the steam-generating plant. Here in Maine, Central Maine Power Company has the lowest fuel cost rates because the oil needed can be loaded directly from tankers into the storage tanks for the generators located at the coast. Fuel costs are correspondingly higher for Bangor-Hydro and still higher for Maine Public Service, which has to transport its fuel oil a considerable distance inland.

As to geography, we all know that Maine is a sparsely populated state. The more dense the population, the more economical it is to distribute power to the individual consumer. There are vast areas in Maine where you go by many light poles before you come to the next farmhouse. This sparse population means that the transmission costs, the cost of getting the power from the generator to the customer, be-

comes higher. It has seemed to me that any discussion of power costs in Maine, comparing the costs to state elsewhere, is meaningless without consideration being given to the problems of geography and sparse population. Nearly one-half the total investment of Maine utilities is in the distribution plant, that is, poles, wires and transformers.

The proponents of these bills have asserted that the reason we have high power costs in Maine is because we have a system based largely upon service by investor owned utilities. There is a rough analogy I would like to share with you that I think disproves this point. Our power lines in Maine are a lot like our roads. Most every place where you see a road, you see power lines as well. Maine has the highest per capita road building and maintenance costs of any state in the nation. I submit to you that this likewise is the result of the geography and sparse population of the State. Our road system however is publicly built and publicly owned and financed in large part through tax-free bonds just as the bills before you would propose. Our road costs and our power costs are up because we have too few people spread over too much territory.

Probably our power costs would be still higher were it not for the conscientious job being done by our Public Utilities Commission. Critics of the role of regulatory commissions have stated that the Maine Commission has carried out its duties much more faithfully than have the commissions in other states. I might add, we have had a series of reductions in the past years, and it is anticipated we are going to continue to have rate reductions.

In an effort to buttress their arguments for these bills, the proponents tried to show our industrial progress is held back by high power rates. In my opinion, they failed in this effort. With a few exceptions, industry did not appear in support of these bills. The proponents tried to show that an unusually large number of industries were self-generating, that is, supplied part of their own needs. This

seems hardly surprising in view of the nature of our industries here in Maine. They are largely paper and textiles, which are located on our rivers near a cheap water power source. In many cases, the mill had power before the surrounding areas did.

The majority of the Committee on Public Utilities were satisfied that power was such a small percentage of overall product price that it was not a significant factor in influencing industrial development in Maine.

The only exception to this lack of interest on the part of industry was an unnamed aluminum company. At an executive session, a representative of an engineering firm appeared to favor feasibility of a location in Ellsworth. However, the costs of the power delivered to Ellsworth under these proposals would be substantially higher than the cost of power which the aluminum company had apparently specified.

It ought to be required that a person who urges change from existing procedure demonstrate the justification for the changes they seek. In my opinion, the proponents have failed completely to do this.

Even assuming a need for a change, the proponents have failed to demonstrate the soundness of these two bills. There would be no Public Utility Commission regulation of this authority or commission. In a regulated field, an unregulated agency with these broad powers just doesn't make sense to me. We would create a headless horseman responsible only to the Legislature. As a member of the Public Utilities Committee, I could indicate to you that I don't believe the Legislature is a handy place to settle disputes in the field of electric power.

Without regulation, the authority of commission could disrupt the orderly development of our power system by taking over customers. Sensitive to criticism on this feature, the redraft of Senator Harding's bill limited this somewhat, but could still sell power to some wholesale customers. This would, of course, shift the cost of supporting existing utilities plants upon

their remaining customers. with the result of higher rates to them.

Our trip to the Yankee Atomic Plant at Rowe Mass., was rewarding. There are several impressions I would like to share with you. First, this is not a do-it-yourself operation. It is technical and tricky. Skilled people are scarce, due to rapid development in this field. While there are many safeguards, nothing is completely fool-proof. For instance, at the Hallam plant in Nebraska, which operated on a different system, the moderator rods in the reactor got too hot and ruptured. They had to shut down and it is still shut down. The investment is lying idle.

Some nuclear plants today are out of production almost half the time. Even the Rowe plant which we visited is shut down about a month every year for refueling. We may well ask: Who will be supplying the base load power in Maine while the Owls Head plant is shut down?

Finally, the proponents are asking the legislature to approve something that has never been done anywhere else. If you will look at the list of existing publicly owned nuclear plants, which I caused to be distributed today and which is before you, you will note they are mostly small reactors, operated by the Atomic Energy Commission, utilized by previously existing public utilities. They buy the steam from the A.E.C. and they use it for generating. In no other state has a legislature created a public agency to operate a nuclear reactor of the size proposed here.

And I would point out that in spite of the arguments that something similar has been done to the north, to the west and to the south of us, it hasn't been done in relation to a nuclear reactor.

I hope that the Senate will join me in defeating these proposals as economically and governmentally unsound.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I will be very brief in

my rebuttal. The good Senator from Sagadahoc, Senator Brewer, is usually very sound in his observations, and it is not easy for me to disagree with him on this. But he makes this statement — he said: "We have been served well by these utilities." How well have we been served by these utilities? I would point out to you the best authority on power rates in the nation, the Federal Power Commission, and Maine ranks highest in 1966 in the 250 kilowatt, highest in the nation in 1965, it ranked 48th in the 500 kilowatt category in both '66 and '65. They ranked 47th in the 750 kilowatt in those two years, and 47th in the 1,000 kilowatt category.

In New England, the state which has the lowest rates in New England is the one which is served by some public power, and that is by Vermont.

They do promise us that if we will be good, and be patient and so on, and go along, in another 20 years we are going to get a reduction. But this is true nationwide, and we are still going to be in the same relative position in 1985, in relation to the rest of the nation, as we are right now.

Another thing which has been mentioned here is that these rates are not subject to review. There is no reason why they should be subject to review. You have a state agency here, people who are appointed by the Governor and confirmed by the Council, the same as your Public Utilities Commission is appointed and confirmed. Their only job is to make sure that the rates are sufficient to pay off the bonds and expenses, including the taxes which we mentioned. So that just balances out. Senator Brewer says "What if there is a profit?" If they are setting the rates high enough so there is a profit, they would have to reduce them. And this is not unusual. In fact, this is the usual procedure in a case like this; the savings are passed along to the people.

Now, I was surprised that the good Senator from Sagadahoc, Senator Brewer, waved this red flag about all the powers that this

agency would have. Good Lord, I mean, when the plan is devised, we have to come back and have the Legislature approve it before we go into business. I mean, how much more safety could you have?

In regard to Senator Lund, he mentioned that Dickey-Lincoln is not involved here today. To the good Senator from K e n n e b e c , Senator Lund, I again am surprised that you make that statement. The Dickey-Lincoln project is very much involved here today, because this project which we are talking about would be coordinated with the Dickey-Lincoln project. It would make the Dickey project a better project and, in turn, the Dickey project would complement this one. The reason for that is that the Dickey project would be producing largely peaking power, which is power used two hours of the day. This project would be producing base power. Base power is used 24 hours a day. One would complement the other.

Now, this old argument we have heard from the private utilities for so long that geography is against us, and we are sparsely populated, and all this stuff, when we look to the east of us, in New Brunswick, where they are more sparsely populated than we are, they do have the public power concept, and they do have lower rates. The same is true in Quebec. So geography is not, I suggest to you, the sole excuse which can be used.

I am also surprised that the good Senator from K e n n e b e c , Senator Lund, would bring up this trip to the Yankee Atomic Plant in Rowe, Massachusetts. I can only say this: I wish this good Committee in its wisdom had taken a trip to where they really produce low-cost power, for instance, to Oak Ridge, Tennessee, or out in the great northwest to Oregon, or perhaps, Senator Lund, you could have visited the atomic plant at Hannaford in the State of Washington, which is a public agency, and which is a nuclear generating plant.

Now, all of this knowhow which supposedly the private utilities have a monopoly on, let us never forget this, that the United States

Government developed a t o m i c energy, and all the knowhow which has been passed along has been passed by the United States Government. We have the same teachers available that the private utilities would have for teachers, and so I see that there is no problem there.

I suggest to you that a good case has been made for public power here. The simple fact is that an organization which has been right in the past, they have devised two billion dollars worth of projects, public power projects, including atomic projects, the bonds have been sold, two billion dollars worth, and they are being paid off. I would hope that the Senate would support this measure which is a platform plank in both the Republican and the Democratic Party Platforms. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and members of the Senate: When I came here this session I was believing I would only get up to argue legal bills, but, after hearing some of the arguments pro and con in connection with public power, I feel constrained to say something. I would like to talk and think out loud for just a moment.

I don't intend to repeat the arguments pro and con, which many of you have heard in Committee session, and also on the floor of the Senate, but there have been statements made to the effect that the public cares nothing about public power, there has been no demand, we haven't heard anything about it. I would like to bring to your attention, if I may, that perhaps the only area in the State of Maine where the issue of private power and public power came to the attention of the people was in the County of Penobscot, a pretty large county. I would like to remind you ladies and gentlemen that when we had a Senatorial contest we had running for candidates, and you see them here, my good friends, Senator Curtis, Senator Sewall, Senator MacLeod and myself. But also running for

Senator was one of the outstanding citizens of the State of Maine, a brilliant man, a man dedicated to many charities, a man who has had bestowed upon him the highest honors that the State could give him, a past Governor, a President of the Senate, a man who has devoted himself to many charitable organizations, and President of many of the charitable organizations, a man who is a trustee of the University of Maine, one of the outstanding, one of the most brilliant, one of the most able men we have in the State of Maine, and I deem him to be my friend. But when the election results came in, what happened? It was not because the public felt that this man was not the most able, the most brilliant man, who is dedicated to many charitable organizations, but you will notice that when the election returns were in we had fellows - and what I say is not in derogation of their ability or their wisdom or their intelligence - but I would say that we had Senator Curtis, Senator Sewall, Senator MacLeod and myself, who became victorious. Why? Because the public, at least in Penobscot County where there was an issue, felt that this man, no matter how brilliant he was, that he was connected, as President, of a hydro-electric company, and this was a mandate, at least it was to me, and I can arrive at no other conclusion, that the only place in the State of Maine where this issue came up before the people was in the County of Penobscot, and I can only conclude that the people were against private power, and for public power.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: It is my understanding, and also based on some reading that I had done during the last campaign, that the Penobscot County Senatorial Race was more of an issue in Aroostook County than it was in our own County of Penobscot, because we really didn't have much brought up — at least I didn't have it brought up to me during my campaign

on public versus private power. I also would like to add that my good colleague, the Senator from Penobscot, Senator Stern, must realize that the man he is referring to, who lost, and who that Senator beat out, it was perhaps because of the unusual ability of his opposition, and not perhaps because of the public versus private power issue.

The Senator from Aroostook, in his original statement, said in this bill there were two great issues. I may have to paraphrase a little. One was: who benefits from the generation of nuclear power? Secondly, will Maine accept plans that have been proven of benefit elsewhere in the generation of public power? Ladies and Gentlemen of the Senate: These are not the two great issues. There is only one basic issue before us here today, and that is: Should the State of Maine intrude into the private sector of business in the generation of power?

It has been my conviction ever since I first found out how this government was founded, and the way it operates, that government should not intrude into the private sector unless the private sector has proven unwilling or unable to handle a need. Certainly it has not been proven here this morning that the private sector of the economy - and I am referring now to the generation of power—that they have not fulfilled the need and that they are not willing to do it in the future.

If a case can be made for the State of Maine to go into the power business, then the same case can be made for the State of Maine to go into owning a telephone company. There is only one railroad that runs from Bangor to Aroostook County, and the same case can be made that the B & A should be owned and operated by some state agency, and pass on the tax saving, so-called, to the consumer. There is only one railroad running from Bangor south, the Maine Central, and the same case could be made because it is a monopoly, but it is privately owned. And when you start going in that direction, where do you stop? We talked about the nuclear

reactors that are publicly owned in this country. Every nuclear reactor that is being built in Russia is publicly owned too, with no taxes.

This country became great on the private enterprise system, and it will remain great if we stick to the private enterprise system.

I almost had a lump come into my throat, and came close to tears when the Senator from Aroostook talked about the few poor people who were struggling to get this public power thing before the Legislature and get it enacted. The 102nd Legislature dipped into the public till for \$75,000. last session to hire R. W. Beck Associates to come up with a favorable report for public power, of which probably they have got a dozen, and they could sit down and write one up in 15 or 20 minutes, and they were paid about \$30,000. for it. The State of Maine's money was used to pay Ed Schlick \$6,081. as Secretary of this Power Study Committee, an expert on power. The week before this 103rd Legislature convened Senator Violette, whose term was going off the next week, as we were going into session, on the 27th of December signed a contract with a Wall Street law firm to pay a Mr. Dawson \$250. a day for work in his office, and \$500. a day for work outside his office, plus expenses, to work for the Committee and its Chairman as a consultant in drafting legislation to be proposed to the 103rd Legislature. The Beck Associates have just been paid some \$30,000. There is a bill right in the front of the report, a draft of legislation. Why was it necessary for a chairman, whose job was expiring in one week, to sign a contract binding the State of Maine to pay \$250. a day to Mr. Dawson in his office, and \$500. a day, plus expenses, outside his office, to help draft legislation? I don't think that these few people who have been working alone to get this legislation passed haven't been helped, with public tax money, with Payson Company and Goodbody and Company and all the rest. Let's not kid ourselves about what is at stake here.

Let's not kid ourselves, that if we go into this and pass this bill, then we might as well take the railroads and the telephone companies and the rest. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and fellow Members of the Senate: The only thing that I can't contradict or deny is the statement by my good friend, Senator MacLeod, of my unusual abilities. This I can't contradict. But I feel that I must get up because he talks about free enterprise. I didn't want to go into this. I could talk probably for hours on this, but it won't make much difference in what we say here. If I might paraphrase, I think that the State of Maine will little note what we say here, but they will never forget what we do here. And I am talking about the next election.

I want to say, regarding free enterprise, that free enterprise, Ladies and Gentlemen, I just want to say to you that you are talking about free enterprise — this is a matter of record, and I have it with the local hydro-electric company — one month I got a bill that was four times my ordinary monthly bill. I couldn't understand it because I had been away a week or two. I went down to the hydro-electric company and I complained nicely — I was a gentleman, I tried to be. And they said "Mr. Stern, we will look into it." They came to my house and they sent up an investigator, and they said "Well, we are sorry, but this is what your meter says. We can't do anything about it, and you will pay it or else." I assume the "or else" meant that my lights would be shut off. I screamed and I hollered and I squawked, all to no avail. Here I am, an attorney, and I didn't know what I could do about it. I didn't even know what I could do about it. What could I do, complain to the Public Utilities? Even if I won it, the hydro-electric company would not be hurt, because there is nothing retroactive. They might be cautioned in the

future, but they couldn't lose. They never lose. This is not a free enterprise system. I am stuck with what that meter says. This is not a free enterprise; this is a monopoly.

You talk about Elmer Violette, and you talk about people who are nominated to the Public Utilities Commission. My understanding is, and the way I feel, and I know nothing about this subject, is that we should have someone on the Public Utilities Commission who will protect the people. That is what the members of the Public Utilities Commission should do. Private power is able to take care of itself. They have the legal talent, they have the accountants, and I am telling you that the ordinary person does not have a chance. He is apathetic because he doesn't know any better. What can he do about an overcharge? Who is he going to turn to? He has to accept the inevitable. And when you talk to me about free enterprise, phooey.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Mrs. Sproul.

Mrs. SPROUL of Lincoln: Mr. President and Members of the Senate: I shall vote against these two bills and I would briefly like to state why. I was a stenographer in the employ of the Department of Health and Welfare a good many years ago working in the Town of Wiscasset, The Town of Wiscasset in the winter at that time was certainly very quiet and there was not much going on. A fellow stenographer and myself suddenly noticed considerable activity in the Town of Wiscasset and several nice-looking young men, and some others, and they all came to Town, and we immediately wondered why. They were connected with the Central Maine Power Plant which was being set up in Wiscasset at Birch Point. The Central Maine's money, which has been pouring into the Town of Wiscasset, has enabled it to build a fairly good sized high school, and there is an airport. As I come to the Legislature each morning I look at the power plant on Birch Point, and also frequently a good

many mornings I see tankers there, and there is a sign of activity.

About a year ago, before the platforms were being written which have been referred to here, I had head via the grapevine that a good many parcels of land were being looked at in the Town of Wiscasset, that there were options to purchase, and shortly afterwards there was a trailer outside the courthouse in Wiscasset, and all the plans were there for us to look at. I knew that my knowledge of power plants was certainly not very broad, but I did go into the trailer and look at the plans and looked the whole thing over.

I have had one letter for public power. I have had many in support of private power. I can do nothing else, gentlemen. I see what Central Maine has done and, believe me, I have no connection with Central Maine, I own no stock, and I have had no campaign contributions. I speak merely because of what I see the Central Maine has done is something real and something tangible. These two bills speak of something in the future. Again I say, gentlemen, these are the reasons why I shall vote against these bills.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I feel compelled to answer very briefly the remarks of the Senator from Penobscot, Senator MacLeod. To imply that this firm of R. W. Beck and Associates, who have done feasibility studies of some two billion dollars worth of these projects, and their projections have been accurate, remarkably accurate, to imply that they could write up a report like this in 15 minutes, this is the kind of a report, with engineering gathered information, that I feel answers for itself. There was an appropriation of \$75,000., but the Committee did not find it necessary to spend that amount of money, but we did want to hire the kind of people whose opinions are accepted in the industry. R. W. Beck and Associates are

accepted. They are a sterling-on-silver outfit.

Now, when you write a law like this, if this Legislature passes it, we are going to have to have the confidence of the bonding companies. Bond counsel does not come cheaply. I wish perhaps that I had been a bond counsel. I like the fees which they have. But the fees which they charged were certainly not out of line with other bond counsel, and the Act which the Senator mentioned that was in the front of the report, this is the Act which this bond counsel worked on and which they helped us to revise. I feel that our expenditures were necessary because we wanted to get to you the information, and good information, upon which you could make a decision.

As far as the lobbyists which have been available to us to work here, we haven't had lobbyists who have had the time, the energy and the pay to be here to work on this. We just haven't been able to do that. Now, there are some people who have been hired by industry to come down here occasionally that are interested in this bill, but this is all there has been. So, I do feel that I have been working, and Senator Hoffses, I know, feels the same way, very much alone on this. But it is a cause which we feel very strongly about, it is a cause which the people of Maine are looking to us for, and I hope that you will support us, because wherever this has been enacted it has worked for the benefit of the people and it has lowered the electrical costs.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Aroostook, Senator Harding, that the Senate accept the Minority Ought to Pass in new Draft Report of the Committee. The same Senator has requested that the vote be taken by the "Yeas" and "Nays."

In order for the vote to be taken by the "Yeas" and "Nays" it must be the expressed desire of not less than one-fifth of the Senators present. Those Senators who favor the vote being taken by the "Yeas" and "Nays" will now stand

and remain standing in their places until counted. Obviously enough Senators having arisen, the vote will be taken by the "Yeas" and "Nays."

The pending question again is on the motion of the Senator from Aroostook, Senator Harding, that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee. Those in favor of accepting that Report will vote "Yes." Those opposed to accepting the Report will vote "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Barnes, Boisvert, Couturier, D u q u e t t e , Girard, Harding, Hoffses, Mills, Norris, Reny, Snow, Stern, Wyman, Young.

NAYS: Senators A n d e r s o n , Beckett, Berry, Brewer, Curtis, Farley, Ferguson, Good, Greeley, Hildreth, Johnson, Katz, Lund, MacLeod, Ross, Sewall, Sproul Viles, and President Campbell.

A roll call was had. 15 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to accept the Majority Ought Not to Pass Report of the Committee.

Sent down for concurrence.

The President laid before the today assigned matter, (S. P. 455) (L. D. 1168) Senate Report — Ought Not to Pass from the Committee on Public Utilities on Bill, "An Act Creating the Maine Power Authority." Tabled May 4 by Senator Hoffses of Knox, Pending Acceptance of the Report.

Mr. Hoffses of Knox moved the pending question. Thereupon, the Senate voted to accept the Ought Not to Pass Report of the Committee.

Sent down for concurrence.

The President laid before the Senate the third tabled and today assigned matter, (S. P. 60) (L. D. 73) Resolve, Proposing an Amendment to the Constitution Pledging Credit of State and Providing for the Issuance of Bonds not exceeding at any

One Time Issued and Outstanding, Twenty-five Million Dollars for Loans to Private Colleges for Construction and Expansion of Facilities Tabled May 9 by Senator MacLeod of Penobscot, Pending Consideration.

(In Senate — March 30, 1967 Passed to be Engrossed as Amended by Committee Amendment "A" Filing S-44)

(In Senate — March 30, 1967 Indefinitely Postponed in Non-concurrence.)

On motion by Mr. MacLeod of Penobscot, the Senate voted to insist on their former action and asked for a Committee of Conference. The President appointed the following conferees to the Conference Committee: Senators MacLeod, Wyman and Snow.

Sent down for concurrence.

The President laid before the Senate the fourth tabled and today assigned matter, (S. P. 567) (L. D. 1437) Bill, "An Act Relating to Line Budgets for All Counties." Tabled May 9 by Senator Johnson of Somerset, Pending Enactment.

Mr. Johnson of Somerset moved the pending question. Thereupon, 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.

The President laid before the Senate the fifth tabled and today assigned matter, (H. P. 551) (L. D. 783) House Report — Ought to Pass in New Draft under same Title (H. P. 1127) (L. D. 1600) from the Committee on State Government on Bill, "An Act Relating to Approval of Plans and Competitive Bids Under Bureau of Public Improvements Law." Tabled May 10 by Senator Berry of Cumberland, Pending Acceptance of the Report.

On motion by Mr. Berry of Cumberland, the Bill and accompanying papers were recommitted to the Committee on State Government in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the sixth tabled and today assigned matter, (H. P. 814) (L.

D. 1190) House Reports — from the Committee on Towns and Counties on Bill, "An Act Relating to Expenses of Chief Administrative Officer of County Commissioners of Aroostook County." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass. Tabled May 15 by Senator Mills of Franklin, Pending the Motion by Senator Sproul of Lincoln to Accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I signed the Ought to Pass Report in connection with this matter. I am not from Aroostook County obviously. However, I realized in doing it that there were special circumstances involved in regard to one of their officials in Aroostook County, and this bill would keep him in the employ of the County; that it needed special action of this kind in order to preserve for Aroostook County this very valuable official. The gist of the Act is — it is just a few lines — "That the Chief Administrative Officer of the Board of County Commissioners of Aroostook County shall receive all necessary expenses to the performance of his official duties." Then following is the pertinent part — "including his expenses of travel between the county seat and his home." I am sure our colleagues from Aroostook are very conversant with this and know the special circumstances involved much better than I do. However, I do understand he lives a very long piece away from the county seat and, by passing this Act, I think it would legalize something that perhaps has been going on, and we need this Act in order to carry it on.

I don't have any personal feelings on it, of course, but I do think it is a fair thing to do for our good colleagues from Aroostook if they in turn feel it is necessary to the preservation of their good government there in Aroostook. So, I would oppose the motion of our lovely Chairman, Senator Sproul.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would mention that this County Commissioner in question lives in the Town of Caribou and he has to commute each day to the Town of Houlton, which is over 50 miles away. We have no County Commissioner at this time from the southern area of our County.

Now, this is not a partisan thing in any way. I am speaking only as a State Senator from Aroostook, and this man who would be benefited is not a member of my political party. But I think he does a tremendous job, and we would like to keep him. The Aroostook County delegation has unanimously supported the appropriation, which will come out of our County funds to pay for this. So, I feel I am stating the wishes of the people from Aroostook County that they would like to have this done. It only affects our own County, and it only affects our own taxes, which we are willing to pay in order to keep this man on the job. So, I would ask for a division on it, Mr. President, and I would hope that you would support the County of Aroostook on this, especially where it is not going to cost you anything.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Mrs. Sproul.

Mrs. SPROUL of Lincoln: Mr. President and Members of the Senate: I would merely like to explain my position on this. It was my feeling, as it was some of the others on the Committee, that this would open up the door for all the other counties to want the Chairmen of the County Commissioners to have his travel expenses paid to and from the County seat. It is all very well to say that it is an Aroostook matter, and I agree that it is, but everything in Towns and Counties seems to be tied in with all the other counties, and we could see what would probably happen; that every other county's commissioners, at least their chairmen, would want his travel expenses paid. There

was another bill similar to this, which came from another county, which we did turn down on the same grounds. I, likewise, have no great personal interest in it, but that was my reason for signing the report as I did.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Beckett.

Mr. BECKETT of Washington: Mr. President and Members of the Senate: I presented a bill similar to this for the travel for the full-time County Commissioner Chairman of Washington County, and also of the other man who lives outside of the shiretown. In Washington County all the Commissioners get the same salary, but they wind up with a different net because one lives in Machias and he can walk to the courthouse, and of the other two, one lives in Perry and one lives in Calais. I put this bill in for mileage to and from their homes to the office, and this bill was turned down by the Committee. This also was not going to cost you anything; it was all arranged in the budget which was presented. If one county is going to be benefited by this bill, I think we might as well open it up to all counties. I support Senator Sproul's Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President and Members of the Senate: I have been serving on the Committee on Towns and Counties, and I share Senator Sproul's concern about this bill. I voted to report this bill Ought Not to Pass for the simple reason that I feel that if we do pass one of these bills we are setting a precedent which in no time at all will be statewide, and that in 99 out of 100 cases it is not as meritorious as the bill we have from the people in Aroostook County. I certainly don't want to see situations such as these develop where we would be paying transportation and other expenses for County Commissioners to go from their hometown to the county seat every day or every week, for instance.

I am also told by a member of the other body that if another bill, which we do have under consideration, passes, that most of these situations will be eliminated. I would say that I certainly don't intend to interfere in the internal affairs of Aroostook County, but I did want to explain my stand on this matter, and I will vote with Senator Sproul.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Lincoln, Senator Sproul, that we accept the Majority Ought Not to Pass Report of the Committee.

As many as are in favor of accepting the Ought Not to Pass Report will stand in their places and remain standing until counted. Those opposed will remain standing until counted.

A division was had. 24 Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion prevailed to accept the Majority Ought Not to Pass Report of the Committee in concurrence.

The President laid before the Senate the seventh tabled and today assigned matter, (H. P. 59) (L. D. 84) Bill "An Act Relating to Transportation of Disabled, Collision Damaged, Wrecked or Repossessed Highway Motor Vehicles." Tabled May 15 by Senator Ferguson of Oxford, Pending Enactment.

On motion by Mr. Ferguson of Oxford, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was passed to be engrossed.

The same Senator then presented Senate Amendment "B" and moved its adoption.

Senate Amendment "B", Filing No. S-137, was read by the Secretary as follows:

SENATE AMENDMENT "B" to H. P. 59, L. D. 84, Bill "An Act Relating to Transportation of Disabled, Collision Damaged, Wrecked or Repossessed Highway Motor Vehicles."

Amend said Bill by striking out all of the last underlined paragraph and inserting in place thereof the following:

'K. While engaged exclusively in the transportation of disabled, collision damaged, wrecked or repossessed highway motor vehicles within 35 miles by highway from the carrier's regular place of business.'

The PRESIDENT: The Chair now recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I hate to be coming back with this bill. I guess this is the second time it has been up to the enactment stage but, in order to satisfy the Public Utilities Commission, they did want a few changes in the language of the bill, so they suggested that we amend it so it would be satisfactory for their enforcement purposes.

Thereupon, the Senate voted to adopt Senate Amendment "B" and, under suspension of the Rules, the Bill as Amended was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the eighth tabled and today assigned matter, (H. P. 901) (L. D. 1314) House Report — Ought Not to Pass from the Committee on Legal Affairs on Bill "An Act to Provide for a Lien for Hospital Services on Recoveries from Third Persons." Tabled May 15 by Senator Stern of Penobscot, pending the motion of that Senator that the Senate Accept the Ought Not to Pass Report of the Committee.

On motion by Mr. Stern of Penobscot, retabled and specially assigned for Wednesday, May 17.

The President laid before the Senate the ninth tabled and today assigned matter (H. P. 974) (L. D. 1416) House Report — Ought to Pass in New Draft under same title (H. P. 1152) (L. D. 1644) from the Committee on Education on Bill "An Act Relating to Privately Owned Business, Trade and Technical Schools." Tabled May 15 by Senator Katz of Kennebec, Pending Acceptance of the Ought to Pass in New Draft Report of the Committee.

Mr. Katz of Kennebec moved the pending question. Thereupon, the Senate voted to accept the Ought to Pass in New Draft Report of the Committee. The Bill was read once and tomorrow assigned for second reading.

The President laid before the Senate the tenth tabled and today assigned matter, (H. P. 406) (L. D. 572) Bill "An Act Relating to Right of Entry and Inspection of Nursing Homes." Tabled May 15 by Senator Mills of Franklin, pending adoption of Committee Amendment "A", Filing H-266.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I have had reproduced, but not distributed, so therefore not in order to be taken up at this time, as I understand it, a proposed Senate Amendment which, I think, will take care of the objections of the other body. I will say just briefly what it is so we won't have to discuss it tomorrow.

There was some objection to the part about written permission for the inspection of these nursing homes, and the Judiciary Committee informally has discussed it, and we certainly have no objection to taking that "written permission" part out. We do understand that the other provisions involved, with the Committee Amendment, are acceptable. So, I have drafted a proposed amendment which will leave the other provisions in and take out that "written permission" which was objectionable, and I will be ready to offer it tomorrow. And I would move that we indefinitely postpone Senate Amendment "A".

The PRESIDENT: The Senator from Franklin Senator Mills, now moves that we indefinitely postpone Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

On further motion by the same Senator, retabled and specially assigned for Wednesday, May 17, pending Consideration.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the 24th tabled and unassigned matter, (S. P. 401) (L. D. 1032) Bill "An Act Relating to Approval of Secondary Schools." Tabled April 21 by Senator Berry of Cumberland, pending the Motion by the same Senator to Indefinitely Postpone Bill and Reports.

The same Senator was granted unanimous consent to withdraw the Motion to Indefinitely Postpone the Bill and Reports.

On further motion by the same Senator, the Senate voted to Indefinitely Postpone Senate Amendment "B".

Mr. Katz of Kennebec presented Senate Amendment "C" and moved its adoption.

Senate Amendment "C", Filing No. S-135, was read by the Secretary as follows:

SENATE AMENDMENT "C" to S. P. 401, L. D. 1032, Bill "An Act Relating to Approval of Secondary Schools." Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

Sec. 1. R. S., T. §1281, sub-§10, additional. Section 1281 of Title 20 of the Revised Statutes, as amended by section 3 of chapter 51 of the public laws of 1965, is further amended by adding a new subsection 10, to read as follows:

10. Size. Any public school enrolling fewer than 100 pupils may be approved by the State Board of Education on an emergency basis only after the school committee or board of directors have presented in detail reasons for such emergency approval.

Sec. 2. R. S., T. 20, §1281, amended. Section 1281 of Title 20 of the Revised Statutes, as amended by section 3 of chapter 51 of the public laws of 1965, is further amended by adding at the end, a new paragraph, as follows:

Notwithstanding any other provision of this Title, the Commissioner of Education shall give basic approval under this section for attendance purposes to any nonpublic secondary school which is accredited by the New Eng-

land Association of Colleges and Secondary Schools.

Sec. 3. R. S., T. 20, §1751, amended. The first sentence of section 1751 of Title 20 of the Revised Statutes, as repealed and replaced by section 2 of chapter 79 of the public laws of 1967, is amended to read as follows:

Certificates shall be issued by the commissioner, under rules and regulations prescribed by the board, to teachers and other professional personnel for service in any public elementary or secondary school in the State or in any such nonpublic school as accepts public funds for tuition.

Sec. 4. Effective date. Section 3 of this Act shall become effective 91 days after the adjournment of the Legislature.

Senate Amendment "C" was adopted and, under suspension of the rules, the Bill was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Viles of Somerset, the Senate voted to take from the table the 34th tabled and unassigned matter, (S. P. 502) (L. D. 1217) Senate Report — Ought Not to Pass from the Committee on Inland Fisheries and Game on Bill, "An Act Increasing Fish and Game License Fees for Forestry District Fund." Tabled May 5 by Senator Viles of Somerset, pending Acceptance of the Ought Not to Pass Report of the Committee.

On motion by the same Senator, the Senate voted to substitute the Bill for the Ought Not to Pass Report of the Committee, and the Bill was read once.

The same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-129, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 502, L. D. 1217, Bill, "An Act Increasing Fish and Game License Fees for Forestry District Fund."

Amend said Bill by Striking out all of the Title and inserting in place thereof the following Title: 'An Act Relating to Con-

struction of Public Camp Sites by the Forest Commissioner.'

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'R. S., T. 12, §1203, amended. The last paragraph of section 1203 of Title 12 of the Revised Statutes as enacted by section 35 of chapter 226 of the public laws of 1965, is amended by adding at the end a new sentence as follows: **'He may construct and maintain public camp sites and may, in his discretion, charge a use fee at one or more of the more heavily patronized sites.'**

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Viles.

Mr. VILES of Somerset; Mr. President and Members of the Senate: What this amendment would do would be to change the title of the Bill from "An Act Increasing Fish and Game License Fees for Forestry District Fund" to "An Act Relating to Construction of Public Camp Sites by the Forest Commissioner." And it also says "He may construct and maintain public camp sites and may, in his discretion, charge a use fee at one or more of the more heavily patronized sites."

I would say, if this is adopted, the proposed plan is to have a pilot program for four or five sites. This amendment would also remove the 25 cent fee from the fish and game licenses, and it would permit the Forest District to charge the fee, if it desired, to anyone who might want to use the sites, which seems to be a more fair and equitable way of assessing the cost.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

Senate Amendment "A" was adopted and, under suspension of the rules, the Bill was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ross of Piscataquis.

Adjourned until ten o'clock tomorrow morning.