

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**

WHEREAS, it is important that the Legislature be informed as to the legality of the proposed Bill as it is the first time that the Legislature has been required to apportion Senators under Article IV, Part Second, of the Constitution of Maine, as amended by Chapter

87 of the Resolves of Maine, 1965; and

WHEREAS, The Senate has determined, for the purpose of this Order, that the last Federal Census (1960) shows the population of the respective cities, towns, plantations, townships, gores, wards and precincts, or other designated areas of this State to be as set forth under heading "1960 Actual" as more fully appears in the Report appended to Senate Paper 676, Legislative Document 1709, or any Appendices thereto, and

WHEREAS, the Senate has caused the provisions of Senate Paper 676, Legislative Document 1709, to be graphically illustrated upon a map of the State of Maine, which is attached hereto and incorporated herein and marked Exhibit A, for the assistance of the Justices of the Supreme Judicial Court, and

WHEREAS, it appears to the Members of the Senate of the 103rd Legislature that the constitutionality of the proposed Bill presents an important question of law and the occasion is a solemn one; now therefore be it

ORDERED, that in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give this Legislature their opinion on the following question:

Is the method of creating Senatorial Districts, set forth in Legislative Document 1709, constitutional?

Which was read.

The PRESIDENT: Is it now the pleasure of the Senate that this Order receive passage?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I should certainly like to hear a full and complete explanation of this order. I should like to hear also from the Chairman of the Committee the history of this legislation, such public hearings as might have been held on this bill, and how the decisions were arrived at, and various other matters concerning it.

I am speaking from acute disappointment in the conclusions of the

majority of this Committee to eliminate my county from representation in the Senate of this Legislature. I will fight this measure all the way. That is the only thing I can do when I find my own party turning on my county, which is the origin of the Republican Party, and eliminating it from the Senate. I would like to hear, before the order is passed, why it is necessary to put it to the Supreme Court at this time. And, if it is going to the Supreme Court, is the minority report also going up to the Supreme Court, or is this just a way of getting a preliminary, perhaps, approval of the constitutionality of the measure before it ever gets passed? And is it used as a devise, possibly, to assure its passage through this body?

I think this body is entitled to a full and complete explanation. I would like to know who devised this majority plan. I have understood from committee members that very little deliberation was given by the majority party in concocting this; that it truly came from smoke-filled rooms, or chambers, we might better say; that it was a devise worked out that violated county lines in many instances, many more than in the commission plan which was devised by a group of experts and professors. I would like to hear particularly about how the public participated in the division of these counties along the lines that they have established. Could you give us a full explanation, Mr. Chairman, of the Committee.

The PRESIDENT: The pending question is on the motion of the Senator from Kennebec, Senator Lund, that this order receive passage.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Members of the Senate: As the good Senator from Franklin has given a preview, there will be ample opportunity, I trust, to discuss the merits of this bill. However, it seemed advisable at this time, in view of the fact that we are carrying out a constitutional mandate, to at least eliminate one of the variables, to eliminate one of the

questions, to resolve in an authoritative way, if we can, the question of constitutionality. This is the one way that the Legislature has, in order to obtain advice as to the constitutionality of important pending legislation, and, in view of the late date at this point in the session, I would hope that this order would be passed in order to give us the opportunity of the Court's opinion as to the constitutionality of this reapportionment plan.

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: A question directed to the good Senator from Kennebec, Senator Lund: Would you object to this order being amended so that we could ask for the constitutionality of the minority plan?

The PRESIDENT: The Senator from Aroostook, Senator Harding, has addressed a question through the Chair to the Senator from Kennebec, Senator Lund, who may answer or not, as he so chooses.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Members of the Senate: In answer to that question, I would say "Yes, I would." However, I would not object if the supporters of the minority plan were to present their own order asking for a similar opinion on the minority plan.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the passage of the order will say yes; those opposed, no.

A viva voce vote being taken, the Order thereupon received passage.

Committee Reports

House

Ought Not to Pass

The Committee on Judiciary on Bill "An Act Regulating Secondary Mortgage Loans." (H. P. 92) (L. D. 187)

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 in New Draft

The Committee on Natural Resources on Bill "An Act Relating to a Comprehensive Water Resource Use Plan." (H. P. 373) (L. D. 520)

Reported that the same Ought to Pass in New Draft under New Title: (H. P. 1199) (L. D. 1706) "An Act Relating to a Comprehensive Water Resource and Related Land Use Plan."

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

Ought to Pass in New Draft Report Read and Accepted and the Bill Read Once. Under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

The Committee on Towns and Counties on Bill "An Act Increasing Salaries of County Officers of Franklin County." (H. P. 772) (L. D. 1119)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County." (H. P. 1197) (L. D. 1700)

Comes from the House, Report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed As Amended by House Amendments "B" (H-414) and "C" (H-420)

Which Report was Read and Accepted and the Bill read once. House Amendments "B" and "C" were Read and Adopted. Under suspension of the rules, the Bill was given its Second Reading and the Bill, as Amended, Passed to be Engrossed in concurrence.

Divided Report

Five members of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issues in the amount of \$3,000,000 to Provide funds for the Construction of Regional Technical and Vocational Centers Under the Provisions of Section 2356- B of Title 20, R. S. (H. P. 399) (L. D. 565) reported in Report "A" that the same Ought

to Pass As Amended by Committee Amendment "A" (H-411)

(Signed)

Senators:

BERRY of Cumberland

ALBAIR of Aroostook

DUQUETTE of York

Representatives:

HUMPHREY of Augusta

JALBERT of Lewiston

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

(Signed)

Representatives:

BRAGDON of Perham

HINDS of So. Portland

DUNN of Denmark

BIRT of E. Millinocket

SCRIBNER of Portland

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

Which Reports were read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I move the Senate accept the Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate accept Report "A", Ought to Pass as Amended.

The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: This is a brand new program that was enacted by the last session of the Legislature. I am not opposed to it. I think at this time perhaps some questions should be asked, in that we are getting into quite a project. I believe that the State of Maine must do a great deal in vocational education for our young people, as we are already doing on the post high school level in several areas, one of them being at the Southern Maine Vocational Technical Institute in South Portland, a facility which is owned and

operated by the State and which has made a splendid name for itself, and the graduates are being placed in excellent positions. Unfortunately, quite a few of them are so good that they are going out of the State, but those who are in the State are adding to and improving the economy of the State. They are being greatly in demand by industry. This program, however, is on the high school level and, from looking at the law that was passed by the last session of the Legislature, there is to be spent by the State 75 per cent of the cost of construction and equipping. I wonder what we are getting into on the cost of construction and equipping. Is this also going to include athletic fields and swimming pools as it does under the Sinclair Law? Just so that we will know what we are getting into here.

Apparently this differs from our present post high school vocational training in that these are not owned and operated by the State. They are going to be owned and operated by the municipalities. I think in some states, perhaps in Connecticut, that these vocational technical institutes which are on the high school level are owned and operated by the state. Then also the State is going to pay a substantial part of the cost of instruction. In Chapter 440, passed by the last session of the Legislature, Subsection 2 of Section 2356-B, cost of instruction two thirds of the cost of instruction in approved technical and vocational classes maintained on the secondary level through grade 12, and 90 per cent of the cost of instruction for approved part-time and evening classes for out-of-school use and adults.

I ask a question: perhaps these should be owned and operated by the State. Then how much supervision is there going to be?

Are they going to be teaching what they are designed to accomplish? And where are they going to be located? Are they going to be located to the best advantage of the State in strategic areas, or are some areas going to benefit and others not? I think this is such

a vast program that we should talk about it for perhaps a minute at this time. As I said, I am not opposed to it, but we should ask ourselves some questions.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I had felt that we were perhaps beyond the point where we questioned the value of vocational training at the secondary level. This was a matter of concern in the 102nd Legislature and 101st Legislature, and I have a feeling that if we prevailed upon the good Senator from York, Senator Farley, he could probably go back beyond this.

I can say that it is my feeling that within the State of Maine there is an emotional demand for this type of training, and with good reason. It has been my experience to visit a school of this type in Vermont. It was the most exciting experience in educational circles that I had this session to see these highly dedicated young people who were not college oriented or of college ability getting the benefit of this type of training at the secondary level.

I would have opposed this measure if it had been a grandiose, all-at-once jumping in over our head routine; but it isn't. I think it is a reasonable start. If you recall the Governor's message, where he suggested that we make a reasonable start and learn in the process, I think this is what we are doing now, and I think that the experience that we will gain from this limited number of schools that are authorized will stand us in very, very good stead as we look forward to further development in subsequent legislatures.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think in fairness to both sides, it should be pointed out that this was a divided report, and that the points and questions which were raised by my colleague from Cumberland County, Senator Good,

were, in my opinion, valid objections raised by those on the Committee who had doubts about the bill. I do want to give both sides to it.

I am sure that those who oppose the bill, and the good Senator from Cumberland, Senator Good, are not opposed to vocational training at the secondary level, and I think that should be made clear. However, the objections as to the administration of the plan, I think, was the basis of the objections of the opponents to the bill. There have been instances of facilities which may not be fully utilized. There may be an overestimate of the demand necessary for this. I signed the Ought to Pass Report, but I do think, in fairness, that these other points should be mentioned.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, I would move that this lie on the table until the next legislative day.

The PRESIDENT: The Senator from Cumberland, Senator Snow, moves that this item be tabled and specially assigned for the next legislative day, pending the motion of the Senator from Cumberland, Senator Berry, that the Senate accept the Ought to Pass as Amended Report of the Committee.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: I would suggest, Mr. President, that perhaps for the time being, at least, we might table this until later in this legislative day so that I could take something up with you that is quite urgent up in Franklin County.

The PRESIDENT: The pending motion is the motion of the Senator from Cumberland, Senator Snow, that this item be tabled and specially assigned for the next legislative day. As many as are in favor of the motion to table will say yes; those opposed, no.

A viva voce vote being taken, the motion prevailed and the Bill and accompanying Reports were tabled, specially assigned for Wednesday, June 14, pending the motion by Senator Berry of Cum-

berland that the Ought to Pass as Amended Report of the Committee be accepted.

Divided Report

The Majority of the Committee on State Government on Bill "An Act to Create a Department of Motor Vehicles." (H. P. 116) (L. D. 143)

Reported that the same Ought Not to Pass.

(Signed)

Senator:

WYMAN of Washington

Representatives:

WATTS of Machias

DENNETT of Kittery

CORNELL of Orono

RIDEOUT of Manchester

PHILBROOK

of So. Portland

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

(Signed)

Senators:

LUND of Kennebec

STERN of Penobscot

Representatives:

MARTIN of Eagle Lake

STARBIRD

of Kingman Township

Comes from the House, Majority — Ought Not to Pass report Read and Accepted.

Which Reports were read.

(On motion by Mr. Wyman of Washington, tabled until later in today's session.)

Divided Report

The Majority of the Committee on Towns and Counties on Bill "An Act Decreasing Annual Expenditure for Economic and Recreational Development in Oxford County." (H. P. 559) (L. D. 791)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-410)

(Signed)

Senators:

COUTURIER

of Androscoggin

MILLS of Franklin

SPROUL of Lincoln

Representatives:

ROBERTSON of Brewer

FARRINGTON of China
WIGHT of Presque Isle
MEISNER

of Dover-Foxcroft

SNOWE of Auburn

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under New Title: "An Act Repealing Economic and Recreational Development in Oxford County." (H. P. 1201) (L. D. 1708)

(signed)

Representatives:

NADEAU of Sanford

CROMMETT

of Millinocket

Comes from the House, Majority Report - Ought to Pass As Amended by Committee Amendment "A" Read and Accepted and the Bill Passed to be Engrossed As Amended.

Which Reports were read.

On motion by Mrs. Sproul of Lincoln, the Ought to Pass as Amended Report of the Committee was Accepted.

On motion by Mr. Norris of Oxford, tabled and specially assigned for Friday, June 16, pending First Reading.

Second Readers

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

Senate

Bill "An Act to Abolish Imprisonment for Debt and to Revise the Laws Relating to Disclosures of Debtors." (S. P. 680) (L. D. 1710)

Which was Read a Second Time.

On motion by Mr. Harding of Aroostook, tabled and specially assigned for Wednesday, June 14, pending Passage to be Engrossed.

Enactors

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

An Act Relating to Compensation for Certain Municipal Officers Who Appear in District Court. (H. P. 896) (L. D. 1309)

An Act to Permit Savings and Loan Associations and Savings Banks to Consolidate. (H. P. 1002) (L. D. 1464)

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

Constitutional Amendment

Resolve, Proposing an Amendment 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)

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

Bond Issue

An Act Providing a Bond Issue in the Amount of Fifty-nine Thousand Dollars for Constructing a Day School in Central Maine for the Mentally Retarded. (S. P. 466) (L. D. 1158)

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

Orders of the Day

The President laid before the Senate the first tabled and today assigned matter, (S. P. 514) (L. D. 1227) Senate Report—Ought Not to Pass from the Committee on Towns and Counties on Bill “An Act Relating to Penalty for Exceeding Appropriations for Economic and Recreational Development in Oxford County.”

Tabled—June 8, 1967 by Senator Johnson of Somerset.

Pending—Acceptance of Report.

On motion by Mr. Ferguson of Oxford, 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 second tabled and today assigned matter, (S. P. 456) (L. D. 1133) Bill “An Act Relating to Coverage Under Employment Security Law.”

Tabled—June 8, 1967 by Senator Johnson of Somerset.

Pending—Enactment.

On motion by Mr. Johnson of Somerset, r e t a b l e d unassigned, pending Enactment.

The President laid before the Senate the third tabled and today assigned matter, (S. P. 347) (L. D. 931) Bill “An Act Relating to Notice of Legislative Hearings.”

Tabled—June 8, 1967 by Senator Berry of Cumberland.

Pending—Enactment.

On motion by Mr. Berry of Cumberland, retabled until later in today's session.

The President laid before the Senate the fourth tabled and today assigned matter, (H. P. 1182) (L. D. 1684) Bill, “An Act Relating to Publication of Legal Notices.”

Tabled — June 9, 1967 by Senator Brewer of Sagadahoc.

Pending — Passage to be Engrossed.

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

Mr. BREWER of Sagadahoc: Mr. President and Members of the Senate: I must apologize for being out of the Senate Chambers the day that this bill was debated. This started out as a local issue. It seems to have grown statewide.

My first motion, Mr. President, would be to move that Amendment “C” to L.D. 1684 be indefinitely postponed. I would like to speak to that motion.

The PRESIDENT: The Senator from Sagadahoc, Senator Brewer, moves that the rules be suspended and that the Senate reconsider its action whereby it adopted Senate Amendment “C”. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, I would ask through the Chair for what purpose the Senator from Sagadahoc, Senator Brewer, wishes to reconsider?

The PRESIDENT: The Senator from Cumberland, Senator Snow, has addressed a question to the Senator from Sagadahoc: Mr. Brewer, who may answer or not, as he chooses.

Mr. BREWER of Sagadahoc: Mr. President, in answer to the good Senator from Cumberland, Senator Snow, I have prepared an amendment of my own, Senate Amendment “D”, which I would present

if this motion were passed. I would, however, at this time, like to speak to that motion.

The PRESIDENT: The Senator may proceed.

Mr. BREWER of Sagadahoc: Mr. President and Members of the Senate: The amendment that I propose is basically the same amendment that was passed in this body the other day, which would allow second-class publications to run legal notices in their papers that do not have a present base of business in the county, but in an adjoining county, which is just the same amendment that Senator Snow had, although this amendment would go further and it would allow third-class publications published in said counties, and meeting all other requirements of the postal regulations governing second-class publications, with the exception of the publication being free.

As I said this started out as a local issue between the Times Record, which has their present base of business in an adjoining county, and the Coastal Journal, which is a relatively new paper that has a place of business within Sagadahoc County.

I realize that the Press Association is opposed to this and they lobbied it hard by mail, but I have an obligation to the constituents in my locality, basically the Coastal Journal, who I feel have done an outstanding job in their new publication. I must commend the Times Record for consolidating. I have taken the paper for a number of years and I realize what an outstanding job they do.

The other day, in reading the proof sheets, the Journal was spoken of as being a "Shopper." I have placed on your desks this morning a copy of the latest Journal and if you will look it over, if you haven't already, it has a great amount of news. It also has correspondents from all the different towns and localities within the two counties of Lincoln and Sagadahoc. It also has quite a supplemental edition on graduation exercises in Bath.

Now, in Bath this is not sent out by mail. It is passed out to all the families in the community

by carrier. The only mailing service is to the outlying towns.

In talking with the owners of this paper, and the publisher, they feel that they would like to be in the position where the people that send out these legal notices for publication, they want to be in a position to accept them if those people feel that the circulation and the coverage that is extended through this Coastal Journal is adequate. I realize that it has been a violation of the law whereby they have been publishing legal notices as a third-class paper ever since the Times Record has moved their base of operation to Brunswick.

The amendment that I propose is a little different than the amendment the Committee proposed in spelling out the Coastal Journal. It takes it out of the class legislation field, while the Coastal Journal publishers feel that they just want to be in a position whereby they can take advantage of the legal notices if they feel it is necessary.

I would hope that the motion would prevail, and I would present my amendment.

The PRESIDENT: The pending question is on the motion of the Senator from Sagadahoc, Senator Brewer, that the rules be suspended and that we reconsider our action whereby we adopted Senate Amendment "C".

The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland. Mr. President and Members of the Senate: I rise in opposition to the motion to reconsider. I stated on the Senate floor the other day the reasons why I believed third-class publications should not receive legal notices. I have since learned that if Maine permits this it will be the only state in the Union which permits third-class publications to carry legal notices.

I would suggest to the owners of the Coastal Journal that they have a remedy, which is to become a newspaper, and abide by all the requirements which second-class publications must abide by. I am sympathetic with the Senator from Sagadahoc, Senator Brewer, who is presenting this amendment as a duty to his constituents. I have

sympathy for the Coastal Journal which, as you have all seen, is an exceptionally fine third-class publication. The fact remains that it is still a third-class publication, and that they could become a second-class publication by being ready to meet the requirements that are imposed upon all second-class publications.

Mr. President, I would ask that when the vote is taken it be taken by division.

The PRESIDENT: The pending question is the motion of the Senator from Sagadahoc, Senator Brewer, that we reconsider our action whereby we adopted Senate Amendment "C". As many as are in favor of reconsideration will stand and remain standing until counted. Those opposed?

A division was had, 16 Senators having voted in the affirmative, and 16 Senators having voted in the negative, 16 being less than two-thirds of the Senate, the motion to reconsider did not prevail.

Thereupon, the Bill was Passed to be Engrossed in concurrence.

The President laid before the Senate the fifth tabled and today assigned matter, (S. P. 628) (L. D. 1630) Bill "An Act to Appropriate Money to Plan and Apply for a Rural Youth Corps for Maine."

Tabled—June 9, 1967 by Senator MacLeod of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. MACLEOD of Penobscot: Mr. President, I would like to inquire of someone on the State Government Committee or the sponsor of this piece of legislation the same question I raised at the hearing, and which was not answered: Why is it necessary to set up an entirely new sub-department under the Division of Economic Opportunity just to fill out an application for these federal funds, when we do have a staff at the present time under the Executive Department, called the Division of Economic Opportunity? I would just like to inquire why it is necessary to hire

four more people to make out this application, which the Federal Government evidently has already said they are going to approve and send down this \$1,800,000?

The PRESIDENT: The Senator from Penobscot, Senator MacLeod, has posed a question to any member of the State Government Committee or to the sponsor of the bill, either one of whom may answer or not, as he so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would read briefly from the statement of facts on L. D. 1630. "This bill would make limited funds available to initiate a program for retraining and employment of rural youth in the State of Maine. The request would authorize employing a project director and an assistant director, two clerks, and provide money for travel," and so forth. This is not a request for funds merely to prepare a program and application. This is a request for funds to administer the program.

While I am on my feet I would take advantage of the occasion to very briefly state that for an extremely modest amount of cash, namely, \$21,600, and approximately \$180,000 of services in kind, which would not represent strictly a cash outlay, the State would be receiving about \$1,900,000 worth of federal money.

Now, the reason this program is not aimed at local administration is that it will depend for its administration on existing state agencies primarily. The University of Maine will be a key to this with their extension people, and other state agencies will be used a great deal. As I say, this will be services in kind which will represent state matching funds to obtain the federal funds.

The objective of the Rural Youth Corps is commendable. This will attempt to take our young people, who are not municipally or big city oriented, and give them a review of their abilities and attempt to set objectives for them in their lives. It may go a long way toward removing the drop-out problem, and it may prevent the arrival in

Maine of a serious youth dissatisfaction situation, which we see all too frequently outside the borders of the State.

There have been fears expressed that there might be political motivations or political aspects to this; I doubt this very much. I believe this program will be administered on a straight need basis. It is what we call a one-shot deal. It is only for the coming biennium. I think we must admit the need is here. This would appear to do a great deal to answer that need. I would urge your favorable consideration.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: I concur with the statements of the gentleman from Cumberland, Senator Berry, and I would hope that this bill would be passed to be engrossed.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I would like to speak very briefly in support of this bill. The members of the Committee did learn some interesting facts as the series of supporters appeared on behalf of the bill. In the first instance, it would interest you to know that the definition of "rural youth," which is proposed to be used, is a pretty liberal one, and they define "rural youth" as everyone in Maine living outside of Portland.

We did learn, however, a more sobering fact, namely: that two-thirds of Maine youth are engaged in no developmental activity at all. That is to say that two-thirds of our youth do not have the opportunity to take part in the Boy Scouts or the various other youth activities, such as 4-H Clubs, and so on, and these are the ones who are sought to be reached by this legislation.

In partial answer to a question that was asked earlier about the need for an additional office to develop this program, it seemed to me, at least, painfully clear that there was a need to develop the

program because even the supporters of the bill didn't seem to have their signals straight as to just what this was supposed to do. As questions were asked as to how these people would be employed, the supporters indicated that training would be obtained and jobs would be sought, and the jobs should be those which have upward mobility to capacity. And this, we learned, apparently is what we used to call a job with a future. This was interesting enough. A later supporter got up and pointed out that he felt, as I recall it, that several hundred youths in Maine could be employed at the present time as herdsmen working on farms. In response to a question as to whether this type of a job represented the upward mobility that was spoken of earlier, the supporter did not have a satisfactory explanation.

I do think it was apparent that we do have a need to work with our youths in Maine and, however we may feel uneasy about the lack of plans at the present time, I do think that this is a proper step for us to try to develop those plans and carry them out.

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

Mr. HOFFSES of Knox: Mr. President, I would like to ask through the Chair of the good Senator from Kennebec, Senator Lund, do I understand that two-thirds of the youth in the State do not have these opportunities which have been mentioned?

The PRESIDENT: The Senator from Knox, Senator Hoffses, has directed a question to the Senator from Kennebec, Senator Lund, who may answer or not, as he chooses.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President, this was a statement which was made at the hearing and which went uncontested.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: If my recollection serves me correctly, this statement was made by Mr. Bartlett, who is the current

head of the Office of Economic Opportunity here in Augusta.

For the record, I would just like to point out to the Senate that there is a wide diversity of programs at the present time helping both urban and rural youth. There is the Upward Bound Program where they hire college students to go out and seek out kids in the rural areas who have ability but aren't being motivated to go on to higher education. This is being carried out and has been for two years. We have the Manpower Redevelopment Training Program. We have the Job Corps. We have the Neighborhood Youth Corps under the current poverty program. We have the Maine Employment Security Commission, plus all these other agencies, public and private. Your County Extension Service is working with 17 county or community action committees scattered throughout our entire state. But the tragic thing is that, with 17 community action committees established, there have only been about six projects, other than Head Start, approved in the two years that the poverty program has been operative. But there are many agencies, public and private, now working through the poverty program and outside it for the help of rural youth.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: As a signer of the Ought to Pass Report on this Committee, I rise in support of the remarks made by the good Senator from Cumberland, Senator Berry, and the Senator from Kennebec, Senator Lund. I am in entire agreement with what they say, and I only want to reiterate that for \$21,000 there is \$1,800,000 which apparently we can obtain from the Federal Government. Now, that money will come here to Maine, and it will go to the butcher, the baker, the candlestick maker, all through our economy. We talk about trying to generate new money through the DED and new businesses. Here is a million - eight

that, if we don't grasp it, will go floating down the stream.

Now, I am in favor of economy just as much as anybody else. But this money has been appropriated, it is in Washington, and will merely go somewhere else if we don't take it, and I think we will make a great mistake if we don't pass this bill.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I am all for this type of a program, but this has been similar to some of the programs that they are having in some other states, and I am a little bit fearful of the abuses that might take place under this piece of legislation. I was wondering if we could write in, or amend, this document to have these people take civil service so we could have qualified people to administer this worthwhile program. I see here where it calls for a project director, an assistant director and two clerks. I was wondering where they would be picked from, from the personnel? Certainly, in order to keep this on a high level, I think this is what we should have, and let us not have what has been happening in Massachusetts, Rhode Island, and some of the other states.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I would point out to the distinguished Senator from Oxford, Senator Ferguson, that the qualifications are very high. As they have been utilized so far, you either have to be an ex-Democrat candidate for Congress or an ex-campaign aide.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, when the vote is taken I move it be taken by division.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the passage of the bill to be engrossed. As many as are in favor of the passage of

the bill to be engrossed will stand and remain standing until counted. Those opposed?

A division was had. 22 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion prevailed and the Bill Passed to be Engrossed.

The President laid before the Senate the sixth tabled and today assigned matter, (S. P. 635) (L. D. 1635) Bill "An Act Relating to the Water and Air Environmental Improvement Commission."

Tabled—June 9, 1967 by Senator Johnson of Somerset.

Pending—Enactment.

On motion by Mr. Johnson of Somerset, retabled and specially assigned for Thursday, June 15, pending Enactment.

The President laid before the Senate the seventh tabled and today assigned matter, (H. P. 511) (L. D. 724) Bill "An Act Relating to Complaints and Violations Under Motor Vehicle Sales Finance Act."

Tabled—June 9, 1967 by Senator MacLeod of Penobscot.

Pending—Motion by Senator MacLeod of Penobscot to Reconsider Enactment.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: Since this bill had its debate last week I have had many calls. I have a telegram here this morning. Plus personal contacts from people in the automobile business who feel that if this bill, as it was enacted by this Senate, is allowed to stand that they are going to be in serious hot water as far as removing the word "willful" from the bill.

I heard the distinguished Senator from Aroostook, Senator Harding, in his debate say that probably this isn't that important, that the routine violations would not be brought into court and so forth, but that isn't the way the law reads. If I remember correctly, many of the people who supported that same week a bill to allow

weight violations where it has to be proven that they be intentional before they can be prosecuted, the same argument would hold in this bill, that the violation should be willful before they are prosecuted - and I couldn't understand why many of the people who voted for the intentional phrasing on the weight violation for trucks spoke against and voted against putting the word "willful" back in this bill as it was originally written. That is why I hope the Senate would support me in my motion to reconsider enactment. Then I assume we would go back to the pre-engrossing stage and put that word "willful" back in, because it is going to create a hardship throughout the State.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in opposition to the motion which the Senator from Penobscot Senator MacLeod, has made. If he has got mail, I can understand why he may have gotten mail. After this bill was fully debated last time, and was voted upon by this body, one of the lobbyists sent out a letter to the Maine Dealer's Association in which he pointed out what he felt were some great perils under the bill.

I would mention to the good Senator from Penobscot that we are talking about two different things here. In regard to the weight bill, those were criminal violations. What we are talking about there is a civil matter. Now, in a civil matter if you have to show that the violation has been willful, it is practically impossible to do so. So, in effect, if you put this bill back with the "willful violation" in it, you have a right, which a borrower has, but you actually have no remedy because it would be unenforceable. So, I say to you that there is no reason why these so-called mistakes should be made.

As this lobbyist pointed out to me, he said, "You know, these dealers, it is real easy for them to make a \$100 mistake when their girl types this up." Well, this is

just the point of what we are trying to correct here, that these typists, so-called, an honest error of making a \$100 mistake, but there is no reason for it, Members of the Senate. This dealer has a chance to check that over and see that it is correct. It then goes to the financial institution and is checked over to be correct and, it seems to me, if they had made a mistake that your borrower, if he has to go to Court, he should have a redress. This is all it provides. Now, if they have made an honest mistake, and they bring it to the borrower's attention, of course the contract would be torn up and they would make out another contract, and so you would never get the matter into Court.

So I do rise in opposition to the motion, and when the vote is taken I would ask that it be taken by division.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Ross.

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: I have to go along with the Senator from Penobscot, Senator MacLeod, on reconsideration. I didn't pay any attention to this bill, but now I have been getting mail, phone calls and contacts too. That word "willful", the omission of it, is what is causing all of the trouble. In my mail they say that a stenographer, a salesman, or anybody can make an ordinary error and the dealer would be hauled into Court. Definitely, I am for reconsideration.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: We have had this around at least a couple of times now, and the last time reconsideration was defeated 19 to 12, as I recall it; the 19 being against the reconsideration. Then, as has been pointed out by the good Senator from Aroostook, Senator Harding, the lobbyist for the group sent out quite a misleading letter which the Senator has in his possession which I gave to him from one of my automobile dealers yesterday. The

letter singles out Senator Harding and myself for particular blame in this area. No politician wants to go out and court the ill will of the automobile dealers of this State. Certainly we have nothing to gain from getting this type of publicity which the lobbyist has given us and has singled us out for.

I would go into it in a little further detail than has been gone into in this way: I am a little more expert perhaps in the area of the small loan laws that are in effect in this State. In those - and it has been that way since 1917, for 50 years - when the small loan agency makes an error, or overcharges in any way, puts anything into the charges against the borrower that does not belong there, there is a very considerable penalty. We are talking now, as Senator Harding has pointed out, in the civil area. We are not talking about criminal laws of the State, we are not talking about misdemeanors. We are talking about what they stand to lose financially. If the small loan agency should do this, they lose the principal of the loan. They lose the whole hog, the principal of the loan and the interest. That very, very seldom has happened, because the borrower isn't generally represented and those matters don't come to Court, and the losses to the loan companies have been very slight, if at all, except when they have gotten into litigation.

In connection with the Motor Vehicle Finance Act, the violation, if there is the civil violation of an overcharge, then the loss is not the same as it is with the small loan. It is only for the finance charge. That is all he stands to lose.

Now, the last couple of evenings I have spent half an hour on the phone each with several, or four or five, different automobile dealers and have gone into this full explanation, and that if this word "willful" is left in there, it is absolutely meaningless; the borrower has no protection. No one could prove willfulness in that area, just as Senator Harding has pointed out. This legislation was originally motivated and instituted

by the new car dealers of the State, the car dealers of the State, and the word "willful" was in there for a purpose - and it is a delusion, a complete delusion, because it gives the borrower absolutely no protection. The risk which the car dealer has if this is eliminated is very slight because it would take a law suit for it to come up. If he sues for his balance due, and it is shown that he has overcharged, then all he would lose would be the finance charge.

Willfulness is comparable to intentional, deliberate, malicious almost - not quite - but a design, almost a criminal design, would have to exist for the borrower to have any remedy. So you can see that it would be a meaningless thing.

The statute allows the motor vehicle dealers a very high rate of interest. In return for that high rate of interest they have to respect the accuracy of what they are doing, not to the same extent that the small loan people have to, but only to the extent that they put in jeopardy their finance charges if they do not.

Now, the adversaries here are some 300 motor vehicle dealers of the State, the new car dealers. Let's recognize that the standards utilized by the 300 new car dealers are probably better than the 700 used car dealers of the State of Maine. I get this figure from the chief lobbyist for the new car dealers. There are about 700 used car dealers as against 300 new car dealers. This legislation affects them all. I think most of you know, from your experiences and your contacts with people throughout the State, that there are many, many times when the people do need greater protection than they presently have in the area of the used car sales. Generally speaking, they are a pretty fine group, of course, but somebody had to take the place after the horsetrader left the scene, and the automobile dealers have done pretty well in filling that gap. There are good ones and there are bad ones, just as there used to be good horsetraders and bad horsetraders. I submit that, for the policing of

their business and for the protection of the public, this word "willful" should not remain, and the motion to reconsider should fail.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Penobscot, Senator MacLeod, that the Senate reconsider its action whereby this bill was passed to be enacted. As many as are in favor of reconsideration will rise and remain standing until counted. Those opposed?

22 having voted for reconsideration, and 11 against, the action of the Senate in passing the bill to be enacted is reconsidered.

The Chair now recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President, I now move that the Senate reconsider its action whereby it passed this bill to be engrossed.

The PRESIDENT: The pending motion is the motion of the Senator from Penobscot, Senator MacLeod, that we reconsider our action whereby we passed this bill to be engrossed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, a parliamentary inquiry: I seem to have arrived at a different count. I thought it was 20 to 13.

The PRESIDENT: I think the Chair is in error. I have three tabulations here and I read the wrong one. The vote was 19 to 13. The Chair voted in the affirmative, making it 20 to 13.

Is it now the pleasure of the Senate to reconsider its action whereby it passed this bill to be engrossed?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, a parliamentary inquiry again: Doesn't it require a two-thirds vote to reconsider?

The PRESIDENT: It would have, except that this motion was timely made within the 24-hour period, and therefore required but a majority vote.

Mr. HARDING of Aroostook: A parliamentary inquiry again, Mr. President: On the vote to reconsider our action whereby the bill was passed to be engrossed, would that not require a two-thirds vote?

The PRESIDENT: This would require a two-thirds vote.

Mr. HARDING: Then I would ask for a division, Mr. President.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of reconsidering our action whereby the bill was passed to be engrossed will stand and remain standing until counted. Those opposed?

A division was had. 19 Senators having voted in the affirmative, and 13 Senators having voted in the negative, 19 being less than two-thirds of the Senators present, the motion to reconsider engrossment did not prevail.

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 eighth tabled and today assigned matter, (H. P. 671) (L. D. 943) Bill, "An Act Relating to Wearing Fluorescent Clothing When Hunting in Southwestern Zone for Two Years."

Tabled — June 12, 1967 by Senator Hoffses of Knox.

Pending — Enactment.

On motion by Mr. Johnson of Somerset, re tabled unassigned, pending Enactment.

The President laid before the Senate the ninth tabled and today assigned matter, (H. P. 345) (L. D. 493) Bill, "An Act Establishing Maximum Legal Interest Rate on Personal Loans in Excess of One Thousand Dollars."

Tabled — June 12, 1967 by Senator Katz of Kennebec.

Pending—Adoption of Committee Amendment "A" — Filing H-317.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for Wednesday, June 14, pending Adoption of Committee Amendment "A".

The President laid before the Senate the tenth tabled and today assigned matter, (H. P. 1167) (L. D. 1668) Bill, "An Act Regulating Firearms in Active Lumbering Operations in Unorganized Territory."

Tabled — June 12, 1967 by Senator Viles of Somerset.

Pending — Passage to be Engrossed.

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

Mr. VILES of Somerset: Mr. President, I would yield to the Senator from Kennebec, Senator Lund.

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

Mr. LUND of Kennebec: Mr. President, I would move indefinite postponement of L. D. 1668 and all its accompanying papers, and would speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Lund, moves that this item, No. 10, be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Members of the Senate: This is a very brief bill. It only occupies some five or six lines, and it is L.D. 1668. Before you vote on this motion I hope you will take a couple minutes and just look at the bill.

I have the greatest respect for the gentlemen on the Committee on Inland Fisheries and Game. But it seems to me that they were attempting to solve a problem in a legal fashion which could not practically be solved in a legal fashion. I gathered from the argument that had been made that there is a serious problem of some persons, some of them at least who are not residents of Maine, who are working in the unorganized territories and who are carrying in their vehicles or about their camps firearms and they are using them to harvest deer illegally and transport them out of the State or elsewhere, and that there is a problem of preserving these deer. But it seems to me that if this bill passes we are solving the headache by severing the head.

I am concerned a little bit about the right to bear arms, and it doesn't take a great deal of imagination, it seems to me, to conceive of some very unjust situations that could arise if this bill passes. It says, those of the Senate who haven't read the bill, it says, "During the closed season on deer the possession of any firearm within the limits of a lumber or pulp-cutting operation located in an unorganized township by any person actively employed in said operation shall be prima facie evidence of hunting deer in closed season. Now, prima facie evidence means that all the State would have to offer in a criminal case would be such evidence in order to establish a conviction if no other evidence were offered. This would mean that if a person were actively employed in an operation, and he took his .22 pistol and went out to go target shooting within his limits of the operation, or took his shotgun and went out to shoot a few partridge, and he was within the limits of the operation, or did almost any act within the area, whatever it is, that is described by the limits of a lumber or pulp-cutting operation, that he would be found to be prima facie in violation of hunting deer in closed season. This takes no consideration of the type of weapon that he had, whether it be a 410 shotgun or a .22 pistol, and it seems to me what is sought to be accomplished here just can't be practically accomplished by this legislation.

Beyond this, it seems to me, that prohibiting a person, who happens to be employed in a lumbering operation, from doing something that another person who is not employed there can do lawfully, if it isn't unconstitutional, it is certainly exceedingly unwise and unjust. I have the greatest sympathy for the problems of enforcing our fish and game laws, and I hope that some means can be devised to solve the problem of poaching in the unorganized territories, but I don't think this is the way to do it, and I hope you will vote for indefinite postponement of the bill.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: As you recall, I spoke in favor of this bill. Originally we tried to formulate some legislation that would control this situation which exists up in the northwestern part of the State of Maine in regards to aliens. But since that time I have examined the bill more thoroughly, and there is a question as to the constitutionality of the bill. I also find that it does not accomplish the objective that we desired. Therefore, I will recede from my position, and I would favor at this time the motion to indefinitely postpone.

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

Mr. LUND of Kennebec: Mr. President, I am just informed by the Chairman of the Legal Affairs Committee that this bill was earlier referred to the Legal Affairs Committee, where it was reported out Ought Not to Pass. It may have been in a different form, I am not sure, but in any event I felt the Senate should be aware of this.

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

Mr. VILES of Somerset: Mr. President and Members of the Senate: To be real honest, what bothers me a little bit about this bill is that many of our lumber operations in the unorganized towns require foresters who have to keep checking on boundary lines, and many of these people will carry a sidearm with them for various reasons; perhaps they might run across an old fox who has rabies and want to shoot it or, if it is in the partridge season, they don't get much of a chance to hunt. And in some of the unorganized towns that I am quite familiar with, as I grew up in a small plantation, some of the cutting operations are right in the back pasture. I recall as a young fellow that sometimes we didn't always adhere to the law, but we would take a shotgun with us down around the river to see if we couldn't find a duck or two.

This bill would obviously, even if you were hunting with a legal license, would put you in jeopardy of violating the deer hunting season. I certainly would concur with the good Senator from Kennebec and also the Senator from Aroostook.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As the Chairman of the Fish and Game Committee, I believe I should point out a few facts here. This bill was, as the good Senator from Kennebec has stated, first heard before the Legal Affairs Committee and they passed it out as Ought Not to Pass. I was perfectly willing to accept it, but the distinguished gentleman from Aroostook brought the matter to my attention, and it was on his action that this bill was referred to the Committee on Inland Fisheries and Game.

It is quite true that there are problems in the northwestern section of the State. The Committee did endeavor to write up some form of the bill which might be accepted. It is my understanding that across the State line in the Province the restrictions are very rigid in regards to foreigners possessing firearms or anything of that nature, and this bill which we wrote up, the wording of part of it has been taken from the regulations in the Province of Quebec. The members of the Fish and Game Committee felt that what was sauce for the goose should be sauce for the gander, and we were just simply imposing the same form of regulations which they would impose upon us if we were over on their side of the border.

As far as the prima facie evidence is concerned, I would point out that this Legislature just recently passed a regulation in regards to .22 calibre guns, and it is my understanding that it would be necessary to be in possession of a larger calibre gun in order for a law enforcement officer and a court to determine that it was prima facie evidence that you were hunting deer illegally. Having done

a little hunting myself, whenever I was out in the woods, if I was bird hunting or rabbit hunting, or something of that nature, I used a shell which is designed more specifically for that purpose. If I were deer hunting I used either the so-called buck shot or the slug, whichever I chose to use. So, if a person in a lumbering operation were to have a shotgun, and they had only bird shot in it, I do not believe that would be construed as prima facie evidence as hunting deer.

I will go along with the motion to indefinitely postpone. I do hope that the future legislatures may give some consideration to some form of legislation to curb this slaughter of our deer and moose herds. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: I don't think I am going to look to my left because possibly Senator Stern might say that I took a flop. As a signer of the unanimous Ought to Pass Report, I agree with the Chairman of the Committee. But when it started out it wasn't anywhere near the bill we had when we finished up. You have got to bear in mind that we were a Committee that had no advice from any attorney. Whether we needed it or not, I don't know, but at the same time we did end up someplace, so I was told, where you can get some law here in the State of Maine that is pretty straight.

If I remember correctly, I did mention to the Committee that one of the gentlemen who belongs to the third house who I think highly of, mentioned to me that his people who he was connected with were disturbed by the bill and he had received telephone calls from his people out of Bangor. I am positive I mentioned it at the hearing. I am not going to take your time. I am going to make the somersault and I am going along with the Chairman of the Committee.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion of the Senator from Kennebec, Senator Lund, that the bill be

indefinitely postponed will say yes; those opposed, no.

A viva voce vote being taken, the motion prevailed and the Bill was Indefinitely Postponed.

The President laid before the Senate the 11th tabled and today assigned matter. (S. P. 506) (L. D. 1260) Senate Report—from the Committee on Natural Resources on Bill, "An Act to Create the Wildlands Use Regulation Commission." Majority Report, Ought to Pass as Amended by Committee Amendment "A"—Filing S-251; Minority Report, Ought Not to Pass.

Tabled—June 12, 1967 by Senator Sewall of Penobscot.

Pending—Acceptance of Either Report.

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

Mr. SEWALL of Penobscot: Mr. President, I now move that the Senate accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Sewall, moves that the Senate accept the Majority Report, Ought to Pass as Amended.

The Chair recognizes the Senator from Somerset, Senator Viles.

Mr. VILES of Somerset: Mr. President, I would like to move that this bill and all its accompanying reports be indefinitely postponed.

The PRESIDENT: The Senator from Somerset, Senator Viles, moves that the bill and its accompanying papers be indefinitely postponed.

The CHAIR recognizes the Senator from Somerset, Senator Viles.

Mr. VILES: When the vote is taken, Mr. President, I would ask that it be by division.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President, I would pose a question through the Chair to Senator Viles if he has any particular reason why he would like to see this bill indefinitely postponed?

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

Mr. VILES of Somerset: Mr. President and Members of the Senate: I am sure the good Senator from Cumberland knows what some of my reasons are because we have discussed them privately and otherwise.

I would be less than honest with this body, Mr. President, if I did not tell this good Senate why I signed the Minority Ought Not to Pass Report. L.D. 1260 and its amendments are not brief, and I feel it would be less than fair to ask anyone to vote on a bill of such magnitude. This bill was heard in Committee on April 11, which is over two months ago. In my opinion, the bill was well attended by the large landowners and some individuals who would be greatly affected by it, but not one person who lives in a mainland plantation was present, to my knowledge. Now, this "mainland plantation" was included in the amendment which was placed on your desks, as I recall, last Friday. The bill was signed out of Committee last Thursday.

I am for the section of the amendment, I would inject, but I am not sure if the people who live in the numerous plantations had been aware that such an amendment would have been proposed and that they would be included in it, there would have been many more opponents to the bill. I would say that there are over 50 plantations, or approximately 50 plantations, which would be included in this bill. I think the book of facts put out by the State of Maine says there are over 56 plantations, but I am not yet sure how many of these plantations are not in the mainland. However, there are over 13,000 people who live in the mainland plantations and the unorganized territories. There would be many more thousands of people outside of this area who would be affected by this bill if it became law. These people I am speaking of now are people who live in the City of Augusta, Waterville, Portland and Lewiston, who have camp leases in the un-

organized towns. They would automatically fall into this category.

I would also remind this body that the great majority of people included in this bill and amendment have never had the opportunity to see the amendment as this bill was only signed out, as I mentioned. I was born and brought up in a plantation which is included in this bill and, while I admit that the town officials do not have all the rights and privileges that larger cities and towns have, they are proud of the manner in which they run their affairs, and I am sure that many large towns and cities would be proud also if they could see the management of these towns.

To me, in this country in which we live, and with our form of government, it would seem that these people should have the opportunity to be heard. This is one of the reasons that we conduct our hearings, public hearings. These people are not trees; they are citizens of the State of Maine. And the many, many who I talked with this previous weekend—and I will admit that I did contact a lot of them because I knew they would be interested one way or the other—but I never found one person in the unorganized towns, or plantations, who liked this bill at all. They say it is discriminatory, and if they want to draw a boundary, why don't they draw it around the whole State of Maine.

When we had the hearing, I will quote a few names that appeared in strong opposition: Mr. Stedman, who is Assistant Woodlands Manager for Scott Paper; Mr. Benjamin Pike, who represents the International Paper; Mr. Patrick Kerr, who is Manager of Woodlands for the Brown Paper Company; Mr. Bradford Wellman from Bangor, who many of you have served in the other body with; Mr. John Maines, Vice President of Great Northern Paper; Mr. Atwood, an agent for International Paper and the Brown Company; Mr. Currier of the St. Croix Paper Company; Mr. Whitney, an agent for the Oxford Paper Company; and, as my notes show, a representative from the other body.

But only one large landowner was in favor of this bill, Mr. David Huber, Vice President of the Huber Corporation.

If you have the bill, I would like you to turn to Page 3, under the powers and duties that this seven-man board would hold. "The Commission, based on principle of sound and comprehensive planning shall, upon the majority vote of its members, adopt and from time to time may amend a zoning ordinance, which shall be applicable in any sub-area or group of sub-areas within the zoned area. The zoning ordinance may regulate the following within the zoned area:" This particular paragraph to me grants seven men more power than any other group in the State of Maine. They not only could control over half of the State, which is over ten million acres, any time they chose to amend the zoning laws this group could do it, without the Legislature.

Under "A", the location and the use of the real estate for agriculture purposes. There are many agriculture purposes performed in the plantations and unorganized towns. Industrial, commercial — and I assume this means sporting camps — forestry, recreational, residential, and other purposes. They did amend out forestry to an extent. This is the part that the landowners particularly objected to. However, I would state that not one of these people have changed their position since the date of the hearing, so I have just been informed recently.

This would limit the type of construction in any one of these industrial purposes, not only in the height, the width, the minimum floor area, the bulk of all the structures, but I am assuming that, with the powers this seven-man commission could have, they could send an inspector in any time that they wished, and whatever they laid down for rules and regulations would become the law. They could regulate the lot size and size of the open space.

Unbuilt upon area to be retained on all real estate parcels: They could even dictate the set-backs of the structures along major

roads and along the shores of the bodies of water. They could dictate the use of boats and the size of the outboard motors on lakes or ponds of less than 640 acres.

To me, ladies and gentlemen, to phrase it very strongly, this has a bad effluvium.

If you will turn to Page 5, and under Item 9: "The Executive Director, with approval of the Commission, shall approve or disapprove each application. Failure of the Executive Director to issue a written notice of his decision directed to the applicant within 21 days from the date of filing of the application constitutes a disapproval or refusal of the permit." In other words, if you were to apply for a leased lot in some unorganized town around a lake, if the Executive Director so desired, he could pigeonhole the application, and in 21 days this is it. There could not be any appeal whatsoever under the bill. To me this is quite contrary to most of the statutes which we have in Maine, and I am not a lawyer.

I would also mention that somewhere along the line somebody would have to police this type of legislation. I see nothing in here for an appropriation whatsoever. If there were an appropriation, I think it would be physically impossible, unless they were bumping elbows up through the unorganized territory. Now, I hope you will remember that this is over half of the area of the State of Maine included in this bill. It is unfortunate that most of this area is in the Second District.

Ladies and Gentlemen, I would hope that when the vote is taken—and I know you will vote the merits of the bill—I hope you will vote with me for the indefinite postponement of L. D. 1260.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: I never realized what a bad bill this was until I started listening to Senator Viles. And I doubt if the majority of the Natural Resources Committee did either.

Actually this is a relatively simple bill. What it does, in essence, is make subject to zoning principles a 300-foot strip on either side of public highways and along the shores of lakes and ponds in the unorganized territories. It makes it subject to principles of zoning. Why do we do this? Why is a majority of the Committee favoring it? Why did I feel that it was worthwhile to submit this piece of legislation? Partly it was to cover two specific planks in the Republican Platform. Furthermore, it was on partly my own feeling that in the unorganized territories, which constitutes ten million acres in the State of Maine, only two-thirds of which, or about six to seven million acres are owned by large paper companies or large landowners, that the State of Maine should interest itself in the course of development that is coming to this huge area, and that it could do it by making subject to zoning principles this relatively miniscule section of this ten million acres, namely: just along the shores of lakes and ponds, except for the remote lakes and ponds, which are not covered.

Now, why do we do this? Towns, under our present law, have the right to zone themselves. Many of them have; some of them haven't. Let me start right off and say that if you do not believe in the concept of zoning as a sensible way to control the development of land, you might as well vote against the bill. There is no question about it. On the other hand, if you don't find zoning a horrendous, communistic, socialistic scheme, I think the bill is worth considering. In the wildlands and unorganized plantations of the State no one has any power or authority to institute zoning. Certainly in the unorganized territory there is no one there. They have no selectmen and, in most cases, no people. In the plantations they are organized to a rudimentary extent, in which they can assess taxes, but there again they don't have selectmen and they don't have any power to control the development of this land.

Now, it seems pretty obvious to me, and I think it did to most of

the members of the Committee, and I should think it would to you, the fact that here in the north-eastern part of this country the population is growing to beat the band. You must realize that within four hours drive from here live nearly forty million people, who each year have more and more spare time, who each year are earning more and more money, and who each year are looking for places to go. Now, where are they going to go? If they are interested in the outdoors they are going to be interested in coming to Maine. Our Summer influx of tourists, of course, is growing geometrically each year. The pressure that these people are going to put on the State of Maine is absolutely inescapable. We have seen what has happened to states like Massachusetts and Connecticut which, not too many years ago, had areas that were wild and unspoiled. Don't you think it would make some sense for the State of Maine for once to look ahead to what our problem is going to be and to try and do something about it?

Now, how bad and how unreasonable is this bill? I know that a number of paper companies are opposed to the bill. As a matter of fact, there are about ten or more lobbyists registered for paper companies, some of whom have been very assiduous in making plain the fact that these companies do object to the bill. But have you listened to any of them really objectively? Have they ever really pinpointed how this bill is going to hurt them as a paper company? I don't think there is anything in the bill which in any way can hurt a paper company in the State of Maine which is operating. I will point out to you the language on the second page of the amendment that was put in by the Committee, "That in any event land in the zoned area"—and again this is just a 300-foot strip—"used or held for forest products industry uses, if so stated by the owner thereof, shall at and during the option of the owner be zoned for such use. Nothing in this chapter, or in any ordinance adopted, shall in any way limit the right, method

or manner of cutting or removing timber, or the erection of buildings or other structures used primarily for forest products industry purposes in the zoned area." Now, it is difficult for me to see how that is going to hurt an operating paper company.

What this bill does is to say, in effect, "Look, paper company, if you want to quit operating as a paper company, and you want to go into the real estate development business, all we are asking is that you clear through a board." Which, if you will again look at the board, you will find that it is not slanted against the paper companies by any means. We are saying "Just go clear this through a board which the State is setting up because the State wants to protect the manner in which this otherwise ungoverned land can be developed. I think this is a very reasonable request for the State of Maine to make to these companies.

We try and help these companies. They add a great deal to the economy and stability of the State of Maine. We do do things for them. We have been through this spruce budworm bit to try and help them with their problems on their land, and I think it is a fairly reasonable and modest request to ask them to go along with a bill of this nature.

Senator Viles said that people with camp leases will be affected by this bill. That is nonsense. This bill is just like any other town zoning law. Many towns, of course, have these zoning laws. Much of the language is word for word from the section of the statutes which sets up town zoning laws. But in all cases there is, of course, a grandfather clause, as we call it, so that an existing building is not thrown out. The existing building or an existing use which is in effect at the time a law goes in effect may remain. This is common in all zoning laws that I know of certainly in all zoning laws in the State of Maine.

He also said that people have had no opportunity to be heard. The bill very clearly stated in the preamble that it did apply to unorganized territories and mainland plantations. The amendment which

the Committee has reported out also makes this plain. It was well known at the hearing. Furthermore, if the law does go into effect, people will have all kinds of notice. In fact, they are given two separate notices within a six-months period before any zoning can go into effect, with an opportunity to be heard.

He said there was no method of appealing. That is wrong also. There is a very clearly, I think, drafted appeal provision which is based on the normal kind of appeal provision which we have in urban zoning ordinances.

He says the Commission has too much power. It really doesn't have any more power than any zoning board in any town has. It can be overruled. The County Commissioners, plus one member of the Zoning Commission, plus another member appointed, is the appeals body to which people can go for redress under this bill.

I don't want to go on any longer about it. I certainly would be happy to answer any questions that you might have in your minds, but I do think that this is an opportunity for the State of Maine to do something which makes a great deal of sense for its future. I think it is important enough so that I might ask when the vote is taken it be taken by the yeas and nays.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I rise in support of the motion to indefinitely postpone. I can't see that any need has been shown for this drastic measure which seeks to zone over one-half of the State. The proponents at the public hearing sometime ago all spoke of the excellent job being done by the large landowners. The chief complaint seemed to be about space along the main highways in organized towns, and this measure would not apply to them.

On the other hand, L. D. 1663, an Act Relating to Realty Subdivisions and Dilapidated Buildings in Municipalities, now on the Senate Table unassigned, and pending enactment, is tailored to take

care of that chief complaint. If this measure is so good for the forest lands, why does it apply only to the ten million acres of forest land in the unorganized townships, and does not apply to the seven and one-half million acres of forest land in the organized townships?

This L. D. is so drastic and far-reaching it is like using an atom bomb to kill a rabbit. Mr. President and Members of the Senate: The inherent rights of the people to use and enjoy the beauties of the vast lumber tracts has never been denied the public. Let's keep this pleasant relationship. Let's not jeopardize our biggest industry with this uncalled for, unnecessary document. Thank you.

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: As a State Senator from Aroostook, I rise to support the motion for indefinite postponement of this measure. I have had some experience in zoning, and I was one of those who was on the Committee in Presque Isle to draw up the master plan and comprehensive zoning for the City of Presque Isle. This was done after some years of work, and I am one who is an advocate of zoning.

I am afraid, however, that there is a real concept of what good zoning is that is missing in this particular provision. You will recall that under municipal zoning of Maine we enabled the municipalities to do it themselves. Under this act, Senator Hildreth, I don't know how many unorganized territories there are in the County of Cumberland, but I know that there are a great many unorganized townships in the County of Aroostook, and it bothers me to have our people of Aroostook have to come down to Augusta and clear these things through this seven-man board. If this concept were set up so that the County Commissioners were authorized or able to do these things which you set forth in this, I would not have the objection which I have. But I feel that each county knows its own needs better than they do here

in Augusta. And I think it is quite a lot to ask someone with an old hunting camp out on the Reality Road, say, "Look, you are under a zoning deal." We come right down here to the City of Augusta, the Capitol of the State of Maine, and we don't even have zoning here. So, I am very much opposed to this. I agree that these seven men do have a lot of power. This body here agreed that the seven members of my Maine Power Commission had too much power, but I suggest to you that these seven people have more control over more land than did the members of the Maine Power Commission, which was rejected by this body. So, I do support the motion for the indefinite postponement of this bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Viles.

Mr. VILES of Somerset: Mr. President, if I understood the good Senator from Cumberland correctly, the mainland plantation was included in the bill. Well, if it was, I haven't seen it, and if it is then I apologize. But the amendment says "Definitions" under 681, and I fail to see where under Scope 4 that mainlands are included.

I would like to make it perfectly clear that if I said anything that would indicate that I think the landowners should be satisfied that they have been excluded, or if I have said anything in any way that would indicate that I could be dictated to by the landowners, this certainly is not true. I have a great respect for them. But it would make no difference to me whether you restricted a large landowner who, I think, is doing a terrific job in managing their own lands — they have made many, many miles of road accessible to all the people in the State of Maine, not only the tourists, but the fishermen, the hunters, and anyone who wants to use them, with very, very few restrictions, if any, and most of the restrictions they have placed on them are for their own personal safety.

But I do object strongly to the provision in the amendment that includes the mainland plantation,

and I still fail to see this, Senator Hildreth, under the definitions of 681.

I would perhaps go a little bit further in the definitions of a plantation than you did, from my experience and knowledge. These people, true, they don't have a right to zone. I don't think they ever requested this right to zone. But I think that if they want zoning then they should have a chance to request it by revising the statutes or making a formal request whereby each plantation that chose this could have it. I certainly agree that we should have home rule, and I am 100 per cent for it. This is a point that I feel very strongly about. We live in a country, and the best country in the world; we live in a state that is second to none; we live under a representative form of government, and not a kingdom, and I would call to your attention that whenever you salute the flag you pledge allegiance to the Republic for which it stands. To my mind, a Republic is a representative form of government where people, duly elected by the electorate, have the authority to rule and regulate. Under this one section of this bill this would exclude them.

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

Mr. MacLEOD of Penobscot: Mr. President, I would like to direct a question to the Senator from Cumberland, Senator Hildreth, about something that bothers me a little bit. In Subsection 9 of 685, an individual corporation that applies for a permit first can be turned down without any written notice. As long as 21 days elapses, the application can be considered turned down. And then the applicant has a right to take it to the Zoning Subdivision Control Board of Appeals. It strikes me as a little unusual that two out of the five members out of that Board of Appeals should be composed or controlled by the same commission that turns down the original permit. One is a member, and the other is appointed by the commission, so two out of five are members of this Appeals Board and they are also members of the

commission, or controlled by the commission. If they can turn down the permit without any answer just by letting 21 days go by, so that the first time — if I understand this correctly — that the applicant who is asking for a permit is faced with the objections of the commission is in the superior Court. It can go on to Superior Court before he has any answer whatsoever as to why he is turned down. I would like to ask if this isn't a little unusual in a normal appeals procedure, and particularly when the Appeals Board, 40 per cent of them, are controlled by the original commission which denied the permit.

The PRESIDENT: The Senator from Penobscot, Senator MacLeod, has posed a question to the Senator from Cumberland, Senator Hildreth, who may answer or not, as he chooses.

The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President, I would say in answer to the Senator from Penobscot, Senator MacLeod, that yes, this is a little unusual, but I don't know of a state that has the problem of unorganized territories in the same sense that the State of Maine does. So, we had to come up with some language that we thought made sense.

The 21-day provision: you apply for a building permit, and if you don't get an answer within 21 days it is deemed denied. This is standard. This is in our law already with respect to most zoning ordinances. This is absolutely common ordinary language. You do it this way instead of making the zoning commissioner — it allows the zoning board to answer by not answering, in other words, but this is common in most towns.

Now, as far as the make-up of the Board of Appeals in concerned, three of them are the county commissioners of the county in which the land lies. It seemed to us that this would be a sensible group to appeal to, because the county commissioners within the county would be more knowledgeable about the local problems that exist. True, a fourth member is ap-

pointed by the commission but, there again, he has to be a resident of the county within which the land lies. So that four out of five of the members of the Appeals Board are county people and, presumably, knowledgeable in county problems. Then appeal from there, of course, is to the Superior Court, if you are turned down by the Appeals Board.

While I am on my feet, Mr. President, and under the assumption that answering a question constitutes a time of talking, I would like to answer some of the points that have been made. The Senator from Aroostook, Senator Harding, said that there is a concept of good zoning that is missing here, that what we do in zoning is enable municipalities to zone themselves. Well, I agree with that, but you have got to remember that in 90 per cent of this land we are talking about there aren't any people to do it, and we don't have the governmental machinery, so there is no one who could zone it if they wanted to. Furthermore, there is a provision in the law which says that any zoned area which subsequently — and this would apply to the plantations we have been discussing — which subsequently becomes part of an organized municipal entity, and which formerly was zoned pursuant to this enabling legislation, shall continue to be regulated by the zoning ordinance until such time as the new municipal entity, of which the territory is a part shall amend the existing zoning ordinance. In other words, as soon as they do have the governmental machinery, they can then go ahead and adopt their own zoning law just like any other town.

Furthermore, the Senator from Aroostook, Senator Harding, said what a hardship it was to have to come all the way down here to these hearings in the institution of zoning. He missed the point that these hearings have to be held within the county in which the land lies.

I believe Senator Anderson said that the large landowners are doing an excellent job. I do believe that most of the landowners are doing an excellent job. But again I would

say that the paper companies and the large landowners only own approximately two-thirds of this ten million acres that we are talking about. The other third is not owned by these people. As a matter of fact, it is owned by hundreds, if not almost thousands, of other people, many of whom do not have the same kind of sense of responsibility for the growth of the State that some of these responsible paper companies and large landowners have. For instance, the Beaudry Lumber Company, or the Dotile Lumber Company in Canada, which own substantial pieces of land, Leguere and Freirs of Canada, Reynold Packett, Ami Roy, this list goes on and on of people who do own substantial parts of this territory that have no record of doing a good job.

The last point I would like to cover was the reference that Senator Anderson made to the bill which he said would take care of this problem, namely: the bill which is on the table formulating realty subdivisions. I believe it is still on our table. This bill does not apply to unorganized territory; it only applies to municipalities. This bill was poorly titled at one point, and we amended the bill to change the title. It said originally that it applied to unorganized territories. If you read it carefully, it does not in any way apply to unorganized territories, and there is no bill of this kind that does.

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

Mr. COUTURIER of Androscoggin: Mr. President, I am looking through this bill now, and I have to admit that I don't know too, too much about it. However, I would like to know at this time, and I ask this question through the Chair, if there currently is an appropriation to implement this bill and, if so, what the amount is? If not, if the answer is in the negative, what is the cost anticipated to implement the bill if it is passed?

The PRESIDENT: The Senator from Androscoggin, Senator Couturier, has posed a question through the Chair to anyone who may answer if he so chooses.

The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: At the hearing we figured, as I recall, the necessary appropriation would be approximately \$15,000 to \$20,000 a year to pay for this executive director. The bill, in a sense, is self policing in that subdivisions have to be recorded, or have to have certain approval before they can be recorded in the Registry of Deeds, and it in a sense polices itself, because the Register who can inspect very quickly a deed or a plan to be recorded can tell very quickly whether it does have the approval of the Wildlands Use Regulation Commission, or whether there is an affidavit stating that it is not within the zoned area and does not apply.

While I am on my feet, Mr. President, I will say that I got carried away, and I think I will withdraw my motion for the vote being taken by the yeas and nays.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: There are two points I would like to make, Mr. President and Members of the Senate: It is true, as appears in the bill, and as I understand it, the actual public hearing would be held in the county where the land is involved. However, anyone here who has ever worked to devise a zoning plan knows that there are hours and hours of preparation before you have the public hearing. You have to meet with the officials concerned, the people who own the property, and this is how you develop a good and workable zoning ordinance. This is the inconvenience and the expense which you would put these counties to, because they would all have to come down to Augusta to work these particular things out before the public hearing.

Secondly, I would suggest that there is an entity which is on the local level which could be used for these unorganized territories, and that is the county commissioners. If this bill were an enabling bill,

so the county commissioners could do these things, if the people of the county wanted to do it, I would have no objection. It is not that kind of a bill, and that is why I object to it.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: I would rise in support of Senator Hildreth. I believe that it is a great desire of the people in my area of the State, at least, that the natural character of Maine, as we know it, be preserved. I feel that Senator Hildreth's bill is an effort to achieve this objective. I would note that both he and I, during the campaign where we were elected, talked about this at great length. I would note that each of us led our tickets in the election.

I am sure we all remember the citizens from the Brunswick area and Sagadahoc County who, by their objections to a planned program of the Highway Commission, made a successful effort to preserve the natural character of the Harpswell area in Maine. Subsequent to this a group was formed, a planning group, with the objective of maintaining the natural character of the State of Maine. This group has a wide membership, and many influential people upon it.

Senator Harding, during his remarks, mentioned that the Capitol City of Augusta is not zoned. I don't feel that this is relevant. I feel that if we want to protect the unorganized territories and other sections of Maine, so that they are developed in accordance with the natural character of Maine, we should enact this legislation.

I have been impressed by the fact that Senator Sewall, whom I consider a leading expert in the State on land use and on zoning, has been collaborating with Senator Hildreth in preparing this document.

Finally, I would note that this is a start; that we meet again in two years, and if we find that this is working hardships that are unreasonable we will have an

opportunity to correct them. Thank you.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I think I would be derelict in my duties as a Senator if I did not speak briefly on this bill, which I regard as one of the most important pieces of legislation to come before this session. I know how discouraging it must be to the sponsor of the bill to do his utmost to attempt to meet the objections of interested parties, who are concerned about legislation, to incorporate improvements to meet those objections and then to find that after the bill has been changed that you still are met with the opposition of those same parties.

I am quite disappointed that the timberland owners who are objecting to this legislation continue to take a big-brother-knows-best attitude and to continue to say "Don't worry, we will work things out all right." Because, as was pointed out by the sponsor of the bill, many areas of the State, even assuming that big brother knows best, many areas of the State are not under the control of big brother.

I am not at all sensitive to the comments about the lack of zoning here in Augusta because the list of those who have attempted to pass zoning here is long and honorable. I would like to say, however, that you needn't go far out of the City of Augusta, when you look at the natural resources that we have, to see the abuse that exists right close to the Capitol.

We are talking in this bill about the necessity of zoning roadsides and the adjacent areas to waterways. Go out onto Cobbosseecontee Lake and you will see at one point a trailer supported on telephone poles sticking out over the Lake for all to see. If you were out there last year in the Fall you would have seen the water of the Lake looking like pea soup. These are the results of our misuse of our natural resources. And we are now paying the penalty for this misuse in the more populous areas of the State. If we do not take

constructive and moderate steps, as this bill is, to preserve the remainder of the State, we will soon have the same problem in the unorganized territories that we are now seeing in the more populous areas of the State.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: It was not my intention to speak either for or against this bill, but now that I have heard so much debate I think I would like to say a couple of words.

I notice the good Senator from Cumberland, Senator Snow, said the people in his area were very much in favor of this. I would like to remind him that most of the area we are talking about is not in Cumberland. As a matter of fact, I would like to pose a question to him: How many unorganized territories do you have in the County of Cumberland?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, in response to the question of the Senator from Aroostook, Senator Barnes, as far as we know, we have no unorganized territories in Cumberland County. We do have a few townships which have not zoned themselves. The citizens of the towns are beginning to wish, I understand, and the Town of Windham is one of them, that they had done so years ago. It took ten years for the Town of Falmouth to become zoned. During that period many buildings were erected in a fashion which the people of Falmouth now wish they had not been erected in. I feel personally that the time to begin on this, as Senator Lund has pointed out, is now before we find abuses which we need badly to correct.

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

Mr. BECKETT of Washington: Mr. President and Members of the Senate: I didn't intend to speak on this but, seeing that most everybody has talked, I don't want to be left out. My personal knowledge

is very little, but I have had many contacts with the paper companies located in Washington County who are doing an excellent job on their wildlands. They represent the greatest economy we have ever had down there, with the Georgia Pacific, in the last two or three years they have spent nearly \$75,000,000 in new buildings and new equipment. And there is another very large program taking place shortly.

The Senator from Cumberland, Senator Hildreth, said that the timberland owners only own two-thirds of this area, and they do all object, I think it has been acknowledged here. And if they own two-thirds, it seems to me that their wishes and their desires should be considered. He also stated, if I heard him correctly, that in all the opposition at the hearing the timberland people were against it but they didn't pinpoint their objections. I would like to read just a very brief paragraph from a letter from R. W. Currier, Woodlands Manager for St. Croix Pulpwood, a subsidiary of Georgia Pacific, he says: "Our reasons for taking this position are that, if passed, this bill could conceivably take a sizable acreage on which we are now growing timber. We and most timber companies are practicing multiple use on our timberlands. Our roads are open to the public and we set aside areas for campsite lease, as required, to meet the needs. We also, as needed, lease to the Maine Forest Service picnic areas on lake shores for public use. In effect, Mr. Senator, we are zoning for public use, and feel that our program will meet the needs of industry for raw materials and the public for recreation."

I also must agree with the Senator from Aroostook, Senator Harding, that I think the county commissioners is the body, because, having been a county commissioner for many years, we handled affairs in the many, many unorganized and deorganized territories of Washington County relative to highways, doing the roads, snow removal, cemeteries, and all the things that come up. I think this would be just one more addi-

tional duty that the board of county commissioners could handle.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Somerset, Senator Viles, that the bill and accompanying reports be indefinitely postponed. As many as are in favor of the indefinite postponement of the bill will rise and remain standing until counted.

A division was had. 18 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion prevailed and the Bill and Accompanying Reports were Indefinitely Postponed.

Sent down for concurrence.

The President laid before the Senate the 12th tabled and today assigned matter, (S. P. 226) (L. D. 551) Senate Reports—from the Committee on Senatorial Reapportionment on Resolve, to Establish Thirty-two Districts for the Election of Senators in the State of Maine. Majority Report, Ought to Pass in New Draft, New Title (S. P. 676) (L. D. 1709) Bill "An Act to Establish Thirty-three Districts for the Election of Senators in the State of Maine" and Report in Support Thereof, Minority Report, Ought to Pass.

Tabled—June 12, 1967 by Senator Johnson of Somerset.

Pending—Acceptance of Either Report.

On motion by Mr. Johnson of Somerset, retabled unassigned, pending Acceptance of Either Report.

The President laid before the Senate the 13th tabled and today assigned matter, (S. P. 460) (L. D. 1136) Senate Reports—from the Committee on Towns and Counties on Bill, "An Act Relating to County Audits and County Capital Reserve Accounts," Majority Report, Ought Not to Pass, Minority Report, Ought to Pass.

Tabled—June 12, 1967 by Senator Ferguson of Oxford.

Pending — Acceptance of Either Report.

On motion by Mr. Couturier of Androscoggin, retabled and spe-

cially assigned for Thursday, June 15, pending Acceptance of Either Report.

The President laid before the Senate the first matter tabled earlier in today's session by Senator Mills of Franklin, (H. P. 1185) (L. D. 1685) Bill, "An Act Relating to Additional Appeals Under Liquor Laws."

On motion by Mr. Mills of Franklin, retabled and specially assigned for Wednesday, June 14, pending consideration.

The President laid before the Senate the second matter tabled earlier in today's session by Senator Wyman of Washington, (H. P. 116) (L. D. 143) Bill, "An Act To Create a Department of Motor Vehicles."

On motion by Mr. Wyman of Washington, retabled and specially assigned for Wednesday, June 14, pending Acceptance of Either Report.

The President laid before the Senate the third matter tabled earlier in today's session by Senator Berry of Cumberland, (S. P. 347) (L. D. 931) Bill, "An Act Relating to Notice of Legislative Hearings."

Tabled June 8 by the same Senator, Pending Enactment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I rise with somewhat of an apologetic manner because I feel when you explain what you feel is an important matter fully to the members of this body, and a decision is made in a decisive manner, that the matter should end right there. However, I believe that L.D. 931 is extremely important in the administration of the State Legislature.

I would once again bring to your attention what I consider extremely functional objections of an administrative nature to this bill. I have the greatest of sympathy for our weekly newspapers that are struggling hard to survive. Unfortunately every year we see their ranks depleted. But our business

right here is running the State Legislature in an efficient and an effective manner. I consider that the provisions of L. D. 931 hold serious obstacles to this.

Now, very briefly, there is no law on the books now that says how much advance notices must be given of committee hearings. The custom is that the committee clerks get their notices of the following week's hearings to the printing department by noon on Thursday, and that department sends out the ads and they get to the newspapers on Friday, and they are published from then on, covering the following week. In addition to this, the Secretary to the President, on the preceding Tuesday before this week, receives the notices from the several committee clerks, and she prepares a mimeographed list of the hearings, and these are mailed out to the weekly newspapers. Now, our present very efficient Secretary to the President, at the beginning of this session, circulated the 45 weekly newspapers in the State, and 11 of them responded that they would like to receive such notification which, of course, is on a gratuitous basis. These 11 weekly newspapers then receive the notice of the legislative hearings on the Wednesday preceding the week of hearings which, incidentally, is two days prior to the formal newspapers who advertise receiving their notice.

This bill would make it mandatory that the selected newspapers would receive notice of the hearings seven days before the hearings. If we were to have a hearing on a Monday, which we do, this means that notice must be received by the interested papers a week before that Monday. Now, many of our weeklies come out on Wednesday. This means that those newspapers which come out on Wednesday must receive their notice obviously somewhere around Tuesday. Now this, if you will follow this rather devious thing, is almost two weeks in advance of the hearing that would be set up on Monday. I maintain that this is almost an impossibility.

You will recall, I am sure, those of you who are committee chairmen, where you have made an esti-

mate of the number of people that will be coming to a hearing and you request a certain hearing room, and lo and behold, you have got a bomb on your hands and you want a room that will hold two or three hundred, and you make a change. There is nothing more frustrating to the committee, the committee chairman, the clerk and, above all, to the people interested, than a change of assignment of rooms.

I think the idea is laudable, but I believe that this would prove to be a tremendously unworkable load on our committees. Therefore, Mr. President, I move the indefinite postponement of L. D. 931 and all its accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that this item, Senate Paper 347, L. D. 931, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: We have, as Senator Berry pointed out, discussed this measure previously, and we voted in favor of it. I hope that we will do so once again.

As I pointed out at that time, I felt it would be presumptuous of me to stand here and urge you to adopt this, because most of us are or have been committee chairmen, and we know whether it is difficult for us to schedule the hearing sufficiently far in advance so that seven days notice of hearings may be given. In this sense, I believe we must make our own judgment.

Senator Berry has pointed out to you that this measure was introduced at the request of the weekly newspapers of Maine. There are some forty of these. He referred to them as struggling papers, and remarked that their ranks have been dwindling. I have not observed any great dwindling of their ranks in recent years. In fact, many of the weekly papers of Maine have become stronger.

Senator Berry referred to the publication of the hearing notices as mandatory. I would call to your attention the fact that the bill contains a measure which says that

legislation enacted without hearing is not invalidated because no hearing was held.

Very briefly, the reasons why the weekly papers desire this is not so they may necessarily receive these legislative notices, paid legislative notices, as advertisements in their own publications, but so they may read them and be aware of them in the daily papers or in those papers of the State which do publish them, may alert their people who are interested in the legislation which we are considering, and discuss the issues so that they may be well informed when they come to Augusta to present their positions before us or, at least, so that they may read about the hearings, the stories may be developed, as the Senator from Franklin, Senator Mills, pointed out, for the information and benefit of these people so that they may let us know in advance of the hearings by letter, phone calls, or other means, how they feel about it.

Mr. President, I don't believe I should add at this time to the discussion which was held previously on this matter. I would request when the vote is taken it be taken by division, and I hope you will vote against the motion of the Senator from Cumberland, Senator Berry, to indefinitely postpone this document.

The PRESIDENT: The Senator from Cumberland, Senator Snow, has asked that the vote be taken by a division. Is the Senate ready for the question?

The pending question is on the motion of the Senator from Cumberland, Senator Berry, that the bill be indefinitely postponed. Those in favor of indefinite postponement will stand and remain standing until counted. Those opposed?

A division was had. 18 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion prevailed and the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Out of order, and under suspension of the rules, Mr. Lund of Kennebec presented the

following Order and moved its passage:

Whereas, an abundance of sea moss, algae, kelp and other marine growth exists along our coast, the harvesting and processing of which represents an industry of vast potential and wealth; and

Whereas, these untapped natural resources are many and varied and require long-range legislation to properly and adequately conserve and develop them for the benefit of all of the people; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee is directed to conduct a comprehensive study of our marine resources, including their regulation and control, and the subject matter of the Bill: "An Act Relating to Leases of Right to Take Marine Algae on Submerged Lands." Legislative Document No. 1559, introduced at the regular session of the 103rd Legislature, to determine whether the best interest of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee submit a report of its findings together with any necessary recommendations and implementing legislation to the 104th Legislature.
S. P. 684

Which was read.

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

Mr. LUND of Kennebec: Members of the Senate: At this session your State Government Committee heard Legislative Document 1559, which would have authorized the issuance of licenses to take sea moss. In the course of the hearing the State Government Committee learned a good deal about the taking of sea moss, those who are interested in buying it, and those who are interested in harvesting it.

We found that we have at the present time a law on the books relating to the taking of kelp, which appeared to be obsolete, and the Committee reported out in new draft, which removed the existing law with respect to kelp. The State Government Committee found that

the present licensing law relating to kelp, the authority is vested with the Governor and Council, and that there is a good deal to be said pro and con on the question of issuing licenses and the need for conservation measures in this area. It was the feeling of the State Government Committee that this was an area where the State ought to explore the possible avenues of revenue to the State and of development of marine resources. Therefore, the State Government Committee favored the passage of this study.

Thereupon, on motion by Mr. Johnson of Somerset, placed on the Special Legislative Research Table, pending consideration.

The President laid before the Senate the eighth tabled and unsigned matter, (H. P. 667) (L. D. 922) Bill, "An Act Relating to Appropriation to Maine Institution for the Blind." Tabled June 1 by Senator Johnson of Somerset, pending Enactment.

Mr. Johnson of Somerset moved the pending question, whereupon, on motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table, pending Enactment.

The President laid before the Senate the 13th tabled and unsigned matter, (H. P. 1162) (L. D. 16f3) Bill, "An Act Relating to Realty Subdivisions and Dilapidated Buildings in Municipalities." Tabled June 8 by Senator Johnson of Somerset, pending Enactment.

On motion by Mr. Viles of Somerset, retabled and specially assigned for Wednesday, June 14, pending Enactment.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table, (S. P. 520) (L. D. 1340) Bill, "An Act Creating a Capitol Planning Commission."

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

Mr. KATZ of Kennebec: Mr. President, I move the Senate reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the rules be suspended and that we reconsider our action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I would ask the Senator from Kennebec if he would explain his intentions in this connection.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question to the Senator from Kennebec, Senator Katz, who may answer or not, as he chooses.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I have before me Senate Amendment "A", under Filing 263. I presume it has been distributed this morning. The Act in question creates a Capitol Planning Commission. Since it was placed upon the Appropriations Table there has been substantial feeling at the local level that here is a magnificent opportunity for the Capital City to cooperate and participate in the planning for future development of the governmental center that we are continually speaking about in Augusta.

The first subsection and the following subsection very clearly indicates that if this Capitol Planning Commission is to be at its greatest possible effectiveness, that certainly the very people who run the community which is the Capital of the State should be involved. The Senate Amendment will add a phrase which says "and at least one member of the 5-member commission should be an Augusta resident, and preferably a member of the Augusta Planning Board."

Mr. President, in other states there has from time to time been controversy and irritation between the Capital City and the State which is a welcome guest in the midst. We haven't had this situation in Augusta. We haven't had the situation in Maine. This Amendment, I think, is a very fruitful amendment in assuring that as the Capital does develop it will be done with the full cooperation of the people of the

City of Augusta and the elected representative of Augusta.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I must oppose the pending question. The Commission, as set up by L. D. 1340, is concerning itself only with the Capitol area, and this Capitol area is that delineated by law immediately adjacent to the Capitol building. It does not concern itself with anything away from this area which we see around the Capitol area.

I believe that the statement of intent in Subsection 301, entitled "Cooperation with City Officials," will answer the concern that the Senator from Kennebec, Senator Katz voiced, and I shall read it: "The Commission shall inform the City of Augusta of the master plan and subsequent revisions thereof, and shall make every effort to cooperate with appropriate city officials to the end that the development efforts of the State and the City of Augusta may be integrated and proceed without friction."

I believe that on a small commission of this size, namely, five people, that to earmark one who will not be representing the statewide concern, who might limit the availability of qualified members to a small commission, would restrict the effectiveness of it. I think that the concerns which have been voiced are really taken care of, and I hope you would join with me in opposing the suspension of the rules.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: In supporting this order

I must comment on differing with my good friend from Cumberland, Senator Berry. Of course there is statewide concern about the Capitol area, and this was one reason that we had this in the Republican Platform. However, the concern statewide is magnified many times in terms of local concern. We have enjoyed good relationships between the City and the welcome guests here, however, one of the words we heard a great deal about this session is "coordination," and I think that this is a very logical step toward providing coordination so that the City will not simply learn what is being done after it has been accomplished, but can have some opportunity to express its preferences, to make its feelings known, and to coordinate its plans with those of the State. So, I would hope the order would pass.

The PRESIDENT: The pending question is on the motion of the Senator from Kennebec, Senator Katz, that the rules be suspended and that we reconsider our action whereby this bill was passed to be engrossed.

As many as are in favor of reconsideration will stand and remain standing until counted. Those opposed?

A division was had. 20 Senators having voted in the affirmative, and 12 Senators having voted in the negative, 20 being less than two-thirds of the number of Senators present and voting, the motion to reconsider did not prevail.

Thereupon, the Bill was placed on the Special Appropriations Table.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.