

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Special Sessions

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

October 28, 1957

January 13, 1958

May 6, 1958

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Wednesday, October 30, 1957

Senate called to order by the President.

Prayer by Rev. Alton E. Maxell of Augusta.

On motion by Mr. Butler of Franklin,

Journal of yesterday read and approved.

Joint Order

On motion by Mr. Carpenter of Somerset:

ORDERED, the House concurring, that under the authority and direction provided in Chapter 153 of the Resolves of 1957, the Legislative Research Committee be and hereby is specifically directed to include in the report provided for in the above resolve, the subject of maximum limits required as security and as proof of financial responsibility for bodily injury liability under the financial responsibility law and its relation to the Public Laws of 1957, Chapter 188. (S. P. 635)

Which was read and passed.

Sent down for concurrence.

The **PRESIDENT**: The Chair would note that the Senate might be interested in the Chair's summary of where we stand in our Special Session procedure.

Each one of the nineteen bills and resolves which were before this Special Session had yesterday afternoon public hearings, and the Chair commends the committees and the Chairmen thereof for having rendered their committee reports prior to six o'clock last evening. With one exception, the bills, presumably, as House Papers and Senate Papers, are ready for consideration of the engrossment motion. The one exception, the Chair has been informed, is the bill relating to the Penobscot Island Ferries. There were two ferry bills, one a ferry resolve appropriating money, about which there is apparently no question. The bill relating to the operation of the ferries, the Chair understands, will be tabled by its sponsor in the House, presumably to be taken up again at the adjourned

special session later this year or early in the next year, the reason being that the Authority needs none of the other legislation so long as it has its survey money, and it is hoped by the sponsor that a better bill can result from that tabling.

So far as the rest of the bills are concerned, the Chair would suggest that the rules be suspended and that the respective bills be passed to be engrossed, except that the Chair will recognize any member of the Senate who wishes to table any matter prior to engrossment if in his opinion the bill as presented requires amendments. The Chair hopes that no member will have any hesitancy in tabling either the Senate papers on your calendar or the House papers when they come over.

Senate Committee Reports

Mr. Woodcock from the Committee on Judiciary on Bill, "An Act Relating to Speed of Motor Vehicles." (S. P. 624) (L. D. 1625) reported that the same Ought to Pass.

Mr. Reed from the Committee on Legal Affairs on Bill, "An Act Relating to Castle Hill - Chapman - Mapleton Community School District." (S. P. 627) (L. D. 1630) reported that the same Ought to Pass.

Which reports were read and adopted and the bills read once. Under suspension of the rules, the bills were given a second reading and passed to be engrossed.

Sent down for concurrence.

Ought to Pass—as Amended

Mr. Sinclair from the Committee on Appropriations and Financial Affairs on "Resolve Authorizing Preliminary Surveys of Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island, and Operational Expenses of Advisory Committee." (S. P. 622) (L. D. 1617) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 620).

Mr. Dow from the Committee on Education on Bill, "An Act Providing for Payment of the 1957 Education Subsidies to Municipalities." (S. P. 628) (L. D. 1622) reported that the same Ought to Pass as

amended by Committee Amendment A (Filing No. 611).

Mr. Parker from the Committee on Highways on Bill, "An Act Relating to Area Directional Signs." (S. P. 634) (L. D. 1631) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 610).

Mr. Silsby from the Committee on Judiciary on Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 621) (L. D. 1615) reported that the same Ought to Pass as amended by Committee Amendment A.

(Report read and accepted, bill read once, Committee Amendment A read and adopted; on motion by Mr. Silsby of Hancock, bill and accompanying papers tabled pending assignment for second reading.)

Mr. Woodcock from the same Committee on Bill, "An Act Clarifying Probation Procedure Under Probation and Parole Law." (S. P. 623) (L. D. 1621) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 619).

The same Senator from the same Committee on Bill, "An Act Relating to Measuring Speed of Motor Vehicles by Radar." (S. P. 626) (L. D. 1623) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 618).

Mr. Davis from the Committee on Retirements and Pensions on Bill, "An Act Relating to Contribution and Eligibility of Survivor Benefits and Membership of Certain Teachers Under Maine State Retirement Law." (S. P. 625) (L. D. 1627) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 612).

Which reports were severally read and accepted and the bills and resolve read once. Committee Amendments A were read and adopted, and under suspension of the rules, the bills and resolve were read a second time and passed to be engrossed.

Sent down for concurrence.

Ought to Pass—as Amended

Mr. Rogerson from the Committee on State Government on Bill,

"An Act to Create the Maine Industrial Building Authority." (S. P. 620) (L. D. 1614) reported that the same Ought to Pass as amended by Committee Amendment A and as amended by Committee Amendment B (Filing No. 621 & No. 622).

Which report was read and accepted and the bill read once. Committee Amendments A and B were read and adopted.

Mr. Silsby of Hancock presented Senate Amendment A.: "Amend said bill in that part designated Section 15 of Section 1 of said bill by inserting after the underlined words 'one time' in the 10th line, the underlined word 'outstanding.'"

Mr. SILSBY of Hancock: Mr. President and members of the Senate, I want to tender my apologies to the Committee on State Government who heard this bill yesterday for not being in attendance and presenting the amendment that I have just offered. I want to plead guilty in confession and avoidance that I was tied up with the Judiciary Committee all the afternoon and most of the evening, and, try as I did, I just could not seem to get away and come over and inform the committee of my reasons for this particular amendment and others that I expect to offer at the proper time.

Therefore, if you will turn to L. D. 1614 on Page 7 and if you will read on the 7th line, it states that if bonds are to be issued the Governor and Council shall order the Treasurer of State to issue bonds in the amount requested but not exceeding in the aggregate twenty million dollars at any one time.

There is a question in my mind as to whether or not they might issue twenty million this week and twenty million again maybe a week or two weeks hence. I think that "twenty million" refers to the issue, and therefore I would like to add the word "outstanding," and I do not think there is any question that the bond issue, if the people approve the amendment, cannot exceed twenty million dollars at any one time outstanding. It is to remove the ambiguity that that twenty million refers to issue rather than the total amount outstanding, and that is why

I offer the amendment and I move its adoption.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the Senate adopt Senate Amendment A to L. D. 1614.

Which amendment was adopted.

Mr. SILSBY: Mr. President and members of the Senate: For the same reason that I have previously stated, I offer Senate Amendment B and move its adoption:

"Amend said bill in that part designated Section 4 of Section 1 of said bill by striking out the underlined words 'majority of members' in the 20th line and inserting in place thereof the underlined words 'all the members of the quorum'.

Mr. SILSBY: Mr. President and members of the Senate, if you will refer to the bill on Page 2, the second from the bottom sentence in Section 4, "Five members of the authority shall constitute a quorum and the affirmative vote of a majority of members present and voting, shall be necessary for any action taken by the authority."

Now my reason for this amendment is to the end that the Authority consists of nine members and under the language in the bill five members of the Authority shall constitute a quorum. That is in accordance with our general legislative and parliamentary procedure and I have no quarrel with that, but in regard to "the affirmative vote of a majority of members present and voting," it could happen a quorum of five members was present and yet three would be a vote which would bind the Authority, and I think that for the sake of the amount of money involved and for the persons who are interested in the bill that it should be at least a majority of the nine members and* that would be five. That is why I offer this amendment.

Thereupon, Senate Amendment B was adopted.

Mr. SILSBY: Mr. President and members of the Senate, I apologize for taking so much of your time but this is a very important matter. I want to say to you that the reason I am presenting these amendments separately is that I felt that each one was so important that if

all the amendments were in one package it would not give you the opportunity to attack the issue, so I have reduced it down to the lowest common denominator in order to give everyone an opportunity.

I present Senate Amendment C and move its adoption.

"Amend said bill in that part designated Sec. 11 of section 1 by striking out the underlined 'insured mortgages' in the 2nd line and inserting in place thereof the underlined words 'notes and mortgages securing notes'; and by inserting after the underlined word 'may' in the 3rd line the underlined words and punctuation 'attach, seize or may'".

Mr. SILSBY: Mr. Speaker and members of the Senate: This amendment refers to Section 11 on Page 6, and if you have read it or will read it you will note it refers to acquisition and disposal of property. It says, "The Authority may take assignments of insured mortgages and other forms of security and may take title by foreclosures or conveyance to any industrial project when an insured mortgage loan thereon is clearly in default," and so forth.

My purpose in this amendment is namely that the authority by the mortgage securing the note — and on the question of whether or not the authority might have authority to take the note which the mortgage secures, but I figure that the safest way is to spell it out. Again, I feel if the authority can take property by foreclosure or conveyance it is very possible some project might be in default, some project might have personal property or there might be some equity of the mortgagor, and I feel the authority should have the right under the section to sue, attach and seize, therefore securing the authority. That is the purpose of my offering Senate Amendment "C." I offer Senate Amendment "C" and move its adoption.

Which amendment was adopted.

The PRESIDENT: The Chair would ask the Senator from Hancock, Senator Silsby, if he understood the Senator to say that, eminent attorney that he is, the amendments which he has presented are purely constitutional?

Mr. SILSBY: I think they are, Mr. President.

Mr. President and members of the Senate; I now present the last amendment, Senate Amendment D.

Amend said Bill in that part designated "Sec. 4" of section 1 of said Bill by striking out all of the 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th and 16th lines and inserting in place thereof the following underlined lines:

'held to be the performance of essential governmental functions. The authority shall consist of 9 members who are citizens and residents of the State. Two of the members shall be appointed by the Governor, with the advice and consent of the Council, one each shall be appointed by the Maine Bankers' Association, Maine Savings Bank Association, and the Associated Industries of Maine, and 3 shall be appointed by the Chief Justice of the Supreme Judicial Court. The Commissioner of Economic Development shall be ex officio a member of the authority. The term of the regularly appointed members of the authority shall be 4 years, provided that in the initial appointment of members, those members appointed by the Governor, with the advice and consent of the Council, shall be appointed for a term of one year, those members appointed by the Maine Bankers' Association, Maine Savings Bank Association and the Associated Industries of Maine shall be appointed for a term of 2, 3 and 4 years respectively, and of those members appointed by the Chief Justice, one each shall be appointed for a term of 2, 3 and 4 years. A vacancy in the office of an appointive member, other than by expiration, shall be filled in like manner as an original appointment, but only for the remainder of the term of the retiring member. Appointive members may be removed by the appointing authority for cause. The authority shall elect one of its members as Chair.'

The PRESIDENT: The Chair would note that a motion would be in order that the bill and accompanying papers be laid upon the table pending the motion of the Senator from Hancock, Senator Silsby, that the Senate adopt Senate Amend-

ment D. If such a motion is presented and prevails, the Chair will see to it that each of these amendments is reproduced and placed on your desks.

Thereupon, on motion by Mr. Silsby of Hancock, the bill and accompanying papers were laid upon the table pending that Senator's motion that the Senate adopt Senate Amendment D.

The PRESIDENT The Chair would note that there are nine additional papers that have been received from the House which are in the process of being journalized by the Senate Staff and the Chair would guess that in ten minutes the journal would be complete.

Thereupon, on motion by Mr. Silsby of Hancock, the Senate voted to take from the table bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 621) (L. D. 1615) tabled by that Senator earlier in today's session pending assignment for second reading.

On further motion by the same Senator, the Senate voted to reconsider its action taken earlier today whereby it adopted Committee Amendment A and on further motion by the same Senator, Senate Amendment A to Committee Amendment A was read and adopted; Committee Amendment A as amended by Senate Amendment A was read and adopted and under suspension of the rules, the bill as so amended was read a second time and passed to be engrossed.

Sent forthwith to the House for concurrence.

Papers from the House Out of Order Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be and hereby is directed to study the question of whether or not daylight saving time in the state should be extended to cover the entire year.

The Committee shall report on its findings and such recommendations as it may wish to make at the next special session or at any recessed session of this special session. (H. P. 1124).

On motion by Mr. Low of Knox, the Joint Order was laid upon the table pending passage.

**House Reports
Ought to Pass**

The Committee on Appropriations and Financial Affairs on "Resolve Relating to Passamaquoddy Trust Funds for Housing." (H. P. 1112) (L. D. 1619) reported that the same Ought to Pass.

The same Committee on "Resolve Appropriating Moneys for Spruce Budworm Control." (H. P. 1113) (L. D. 1619) reported that the same Ought to Pass.

(On motion by Mr. Briggs of Aroostook, tabled pending consideration of the report.)

The Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Revocation and Suspension of Licenses under Sea and Shore Fisheries Law." (H. P. 1119) (L. D. 1628) reported that the same Ought to Pass.

Which reports were severally read and accepted in concurrence and the bill and resolves read once. Under suspension of the rules, the bill and resolves were given their second readings and passed to be engrossed in concurrence.

Ought to Pass—as Amended

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Armory Project for Battery D, 703rd Anti-Aircraft Battalion." (H. P. 1120) (L. D. 1629) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 616).

The Committee on Judiciary on Bill, "An Act Relating to Definition of School Buses." (H. P. 1117) (L. D. 1624) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 614).

The same Committee on Bill, "An Act Relating to Penalties of Maine Turnpike." (H. P. 1118) (L. D. 1626) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 613).

The same Committee on Bill, "An Act Relating to Municipal Zoning Boards of Appeal." (H. P. 1116) (L. D. 1632) reported that the same Ought to Pass as amended by Com-

mittee Amndment A (Filing No. 615).

The Committee on Taxation on Bill, "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control." (H. P. 1114) (L. D. 1620) reported that the same Ought to Pass as amended by Committee Amendment A (Filing No. 609).

Which reports were severally read and accepted in concurrence. Committee Amendments A were read and adopted in concurrence, and under suspension of the rules, the bills and resolve as so amended were given their second readings and passed to be engrossed, in concurrence.

**Papers from the House
Communication**

STATE OF MAINE
AERONAUTICS COMMISSION
State Airport
Augusta, Maine

October 29, 1957

To: The 98th Legislature in Special Session

The Maine Aeronautics Commission hereby submits its survey of the need for an area airport for the Augusta-Waterville and surrounding metropolitan area, pursuant to H. P. 1066, L. D. 1524 which resolved that the results of a study and survey be submitted to any special session of the 98th Legislature.

Respectfully yours,

(Signed) GRIDLEY W. TARBELL
Chairman
Maine Aeronautics Commission

(H. P. 1122)

Which was read and ordered placed on file, in concurrence.

Bill, "An Act Clarifying Probation Procedure Under Probation and Parole Law." (S. P. 623) (L. D. 1621).

In Senate, passed to be engrossed as amended by Committee Amendment A (Filing No. 619).

Comes from the House, passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (Filing No. 623)) in non-concurrence.

In the Senate, on motion by Mr. Silsby of Hancock, the Senate voted to recede and concur.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table Bill, "An Act to Create the Maine Industrial Building Authority" (S. P. 620) (L. D. 1614) tabled by that Senator pending that Senator's motion that the Senate adopt Senate Amendment D.

Mr. SILSBY: Mr. President and members of the Senate: I do not want to take up too much of your time in my desire to amend the so-called Industrial Building Authority bill, which is L. D. 1614. I have already presented three amendments. I now would like to address my remarks to Senate Amendment D which you have before you, but in order to properly convey to you my thoughts on the matter I must beg your indulgence for a few moments while I review the constitutional amendment which the legislature in its regular session last winter sent to the people.

I am not unmindful and I do not think any member of this legislature is unmindful that the amendment to Article 9 of our Constitution, Section 14, is novel, it is setting aside for one specific purpose our Constitution that has served us for many years, the provision that the State of Maine should not pledge its credit for private industry.

I make no criticism of the vote of the people. The legislature in its wisdom sent to the people the constitutional amendment and they made it possible by a two-thirds vote. I voted for it because I felt it was an issue upon which the people should have an opportunity to pass their judgment. To be sure, I was somewhat surprised that the result of the vote of this State was less than twenty per cent. It bothered me and it still does. Yet I am a firm believer that the right to vote is a sacred franchise and if the people stay away from the polls and do not go and vote on an issue then they, by their silence and staying home, have acquiesced. Therefore I believe that we have a large majority of the people of the State of Maine who have twenty per cent voted and the other eighty per cent acquiesced their approval

by staying at home, so who am I to oppose the bill? And I have no intention of doing so. I shall vote for the bill, but I do feel the people of the State of Maine have relied upon the members of the Senate, to whom they have delegated a great deal of authority, to properly protect them.

Now there have been many statements in our newspapers and over T.V. and radio that this is a non-partisan matter, and I will go along with that. If it is a non-partisan matter, and if the credit of the State is to be pledged to the tune of twenty million dollars outstanding, which amendments we have accepted—and prior to that twenty million, in my humble opinion, has been issued many times—if they have delegated it to us then we must and should protect them. If this is a non-partisan matter let's get politics out of it and let's not leave anyone to take the responsibility of making the appointments for handling this twenty-million-dollar project in private industry. I think it is only fair that we as a Senate and as a Legislature, including the other body, that we leave nobody on the hook, and I do not want to see anyone on the hook. That is my purpose in offering this amendment.

Now I realize, and I hope you will all go along with me and give me credit for this statement: that this is a special session and we have not had the time to discuss our ideas and opinions. I, for one, have had many thoughts, and after discussing them with you, my colleagues, you have given me a better working idea of what I want to do. My chief objection in this amendment was to bail out any one person, but perhaps this amendment, if adopted, should be amended. I will go along with it, and if it is adopted I will promise you that I will present an amendment to this amendment for your consideration, and instead of having the appointments made by the persons that I have referred to or the associations that the amendment states I would have it that they recommend, and I can assure you that I think the government of the State of Maine, and I know that it does, consist of three branches under which it has operated suc-

cessfully over a period of years: our executive, judicial and legislative. This being a new and novel matter and being a precedent which you have all talked about a great deal in years past since I have been a member of the legislature, I feel that if we are going to establish a precedent, and there is no question but what we are, then why not include a fair and reasonable cross-section of the State of Maine on this twenty-million-dollar project. And I think none could be fairer than giving the "front office" the right to appoint two and to make the Commissioner of Industry and Commerce a member—and that makes three "front office" appointments—and I will go along with an amendment that the Savings Bank Association and the Maine Bank Association, which I understand are two different associations, recommend, and I would also go along that the Associated Industries recommend another.

I say to you: Who could be fairer or who could have better knowledge of the abilities of citizens of this State to serve on an authority of this sort than three men recommended to you by the Chief Justice of this State? I practice law, and I know many times that perhaps the Justices would like to find for me, but the cold facts are such they must find against me. For that reason and for that reason alone, I am offering this Senate Amendment D, and I think that it is only fair that we have a good representation of the State of Maine and that no person in particular be held responsible for selecting the men and being submitted to the pressure which he is going to be submitted to, and I only present this amendment in the sense of being fair, to the end that pressure will not be exercised and that this bill will do what we want it to do, what we plan for it to do, and which I am sure, with God's help, it will do.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the Senate adopt Senate Amendment D.

Mr. LOW of Knox: Mr. President and members of the Senate: I am sorry I cannot go along with my good friend, the Senator from Han-

cock, Senator Silsby. He has done a great deal of work on this bill, and in almost all respects I agree with him. However, in the last few years of the years in which the Board of Education has been in existence, we have discovered that special interests have no place on a major board. We have found that it did not improve the operation of the board, and finally, last winter, we took away all the designations of special interests on the Board of Education.

It seems to me that this proposal is a step backwards to a situation which will be controlled by special interests who will have different ideas and different desires which may often clash. I happen to be one of those who believe that the Governor of Maine and succeeding governors, no matter what party they come from, will appoint the best men available in the State of Maine to this board, regardless of party affiliation. It is an important job. I know perfectly well in my own heart that the best men always will be appointed to it. For this reason, Mr. President, I move that Senate Amendment D be indefinitely postponed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Low, that Senate Amendment D be indefinitely postponed.

Mr. LESSARD of Androscoggin: Mr. President, I rise in favor of the motion of the Senator from Knox, Senator Low, and in opposition to the amendment as offered.

First of all, as the Senator from Knox, Senator Low, has stated, it is a representation of special interests. If we are going to go on that line why not include many others which have a right to be represented in such an important function as this. They have forgotten labor. Labor could very well have representation. They have forgotten representatives of Chambers of Commerce in different towns. I think we are going far afield if we enact it at this time. It may be, if this is adopted, that in the future all these appointments will be made. We must not overlook the fact that the people elected the Governor of Maine and imposed in him trust and confidence that he would do what constitute his duties. I have also said in these halls on

many occasions and have heard some of the very same members of this party state, in regard to the duties of the council, that the reason that the council should continue to exist is because of the fact they act as a check upon appointments of the Governor. Now I am hearing today that perhaps the council would not fulfill that purpose and perhaps we should have representatives from other groups. I am sure that does not follow along with the reasoning I have heard here. So, for those reasons, I wish to state that I am in favor of the motion of the Senator from Knox, Senator Low.

Mr. BUTLER of Franklin: Mr. President, I rise in opposition to the motion to indefinitely postpone proposed by the Senator from Knox, Senator Low. I feel that the government of this State belongs to the people of the State. For the last few sessions we have gotten away by degrees from letting the people participate in the affairs of their government. We have been streamlining the departments down here and we have listened to proposals at the last session under the PAS report to further streamline the government and to take away from the people an immediate interest in the government.

This is a new department, this is something not for any one person but for the benefit of the people, and if we are going to have a government the people must be interested in that government. Here is an opportunity where we can give to them that interest and not streamline it. We are criticised because we are archaic and cumbersome, but because we are cumbersome does not mean that we are not efficient, and it is not that we are not able to succeed, because we have. I feel that here we should keep to the people their government and let them participate in it, and this is an instance where it can be done.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I rise in support of the motion of the Senator from Knox, Senator Low. I do not believe that this Legislature should create a second council because we have already got one. In this case we will create a second council in addition to the

now-existing council. I do not believe in that and I do not think it is for the best interests of the State of Maine. I think that the Governor and the present council can choose the proper people for this new department of state, and therefore I want to support the motion of the Senator from Knox, Senator Low. When the vote is taken I ask for a division.

Mr. FARLEY of York: Mr. President and members of the Senate: I want to support the motion of the Senator from Knox, Senator Low, more so from the fact that at the last meeting held here there were possibly sixty or seventy gentlemen, businessmen of all kinds, bankers and others, and there was no objection to that part of the bill from any one of them. Just from that hearing I am going to support the motion of the Senator from Knox, Senator Low.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Low, that Senate Amendment D be indefinitely postponed, and the Senator from Androscoggin, Senator Lessard has requested a division.

A division of the Senate was had. Twenty-five having voted in the affirmative and five opposed, the motion prevailed and Senate Amendment D was indefinitely postponed.

Thereupon, the rules were suspended and the bill was given its second reading.

On motion by Mr. Low of Knox, the bill and accompanying papers were laid upon the table pending passage to be engrossed.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table "Resolve Appropriating Moneys for Spruce Budworm Control." (H. P. 1113) (L. D. 1619) tabled by that Senator earlier in today's session pending consideration of the ought to pass report.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, I feel very deeply the emergency and the urgent need for someone to rise here today and point out a few important—at least I consider them very important—features of this requested legislation. You perhaps have noticed even without

premeditation on the part of some of you that this legislation comes to you in two parts. One portion of it was referred to the Committee on Taxation, I believe which requested certain of the Forestry District taxpayers to increase their own tax slightly to pay a portion of the cost of this so-called budworm control program. That I believe was reported favorably by the Taxation Committee.

The other bill which was L. D. 1619 is a bill which was presented and referred to the Appropriations Committee and requested that a certain portion of money be taken from the general fund to match this fund that the forestry district persons would tax themselves and also a more or less similar amount which would be forthcoming from the federal government.

It is this second bill my further contemplation and thought causes me to reflect upon unfavorably. There are many reasons why I think that this measure could be very properly seriously questioned at this time. I only propose to touch upon them very briefly.

Perhaps foremost in my mind after overnight thinking on the matter is the fact the persons proposing this legislation and that the money will be taken from the general fund are primarily the largest and wealthiest wild land owners in this state. Whether or not they received these lands in the origin cheaply or not has nothing to do with this consideration at all. But the persons appearing at this hearing for example were the Oxford Paper Company, International Paper Company, Great Northern Paper Company, Scott Paper Company, Brown Company, Eastern Corporation, Penobscot Corporation, Dead River Company, Pingree Heirs and various others. Now in the very first instance, it is my strong contention if it is necessary to institute any such control as this, it is not necessary for money to be taken from the general fund of our state in order to help finance it.

I know you are going to listen to a lot of discussion here today based on the fact that this is the most valuable and economic asset to Maine and I certainly don't have any shade of a quarrel with that. We depend upon it for a large

amount of our economical benefits here; also the railroads and other segments of our economy very much feel the effects of this economy resulting particularly in late years from the exploitation of the coniferous woods pulp plants. I am not an antagonist towards these people however shocking a statement that may seem to sound. As a matter of fact I am an actual owner of some of these enterprises myself and probably many of you also are as well, but I do not feel that it is good investment for us to take money out of the general fund of the State to furnish this questionable protection for these people who very well are in a mighty good position to pay for it themselves. Now they are going to be the principal beneficiaries, the people who own these lands. The amount of land in question, which is the principally-infested area, comprises about three hundred thousand acres, I am told, in northern Maine. I am sorry it is not further south, because I might find myself able to, reluctantly perhaps, be permissive or more permissive than I feel inasmuch as it is so close to home. The total Forestry District wild land acreage, it might interest you to know, is approximately 10,400,000 total acres. A newspaper account in this morning's K.J. stated that the portion which was being considered which nature was dealing unkindly with by the infestation of this insect would destroy or could destroy a potential of fifteen million dollars worth of timber in northern Maine, as the newspaper article stated. Now if there is any reasonable semblance in that reference, and assuming the total woodland acreage to be 10,400,000 acres, if that is correct, the total elimination of these acres perhaps could reach such proportions as a worth of five hundred and twenty-five million dollars plus.

Now those of you who were here and gave consideration to tax problems, especially prior to the last session, may remember hearing Mr. Johnson, our tax authority, discussing the contributions that were made by the various agencies contributing to our tax, and the contribution made by these people, as I recall it, was about \$486,000 annually. I cannot see at all why it is not possible for them to go ahead and effect this

program themselves, because they will surely benefit from it primarily.

There is another important thing that is only fair for me to say to you, and that is I do not think this program will be effective. I know that the entomologist who spoke before the committee yesterday indicated that it would be, and I am sure that he is reflecting the combined judgment of the Forestry Department, for which I have nothing but respect. I am on very friendly terms, or was until yesterday, with the Commissioner of Forestry. It said in the paper that Commissioner Cobb also appeared and said he did not know of any damage to his department. I was afraid, after a little exchange between Commissioner Cobb and myself that I might be misunderstood by some members of the committee. I did say that they were adjoining, the two divisions on the sixth floor, they are immediate neighbors. I did not mean there was anything at all indecent going on because of that but simply that as good neighbors they might be more inclined to be cooperative than they would be if they were on different floors. I hope it was not misunderstood. I am sure Mr. Cobb won't misunderstand it, and those of you who have seen me here know full well that I have been very charitable toward the requests of the Inland department, also I have supported some of the things from the Forestry Department. This one I cannot support, and I think there are a lot of questions in the minds of members in both branches, therefore I beg to move to indefinitely postpone this bill.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate: I am not an entomologist, I am not a woodland owner, and I would differ with my good friend, the Senator from Aroostook, Senator Briggs, in that this proposal as introduced was introduced by the large woodland owners of the State of Maine.

The first I heard of this proposal was some few weeks ago when a number of individuals were invited into this chamber to hear our Commissioner of Forestry, who pointed out that a very serious condition existed in the northern part of the State, namely the attack on the

spruce and fir by the so-called spruce budworm. It was the Forest Commissioner of the State of Maine who pointed out that a very serious condition existed, and knowing our State Forest Commissioner, I would say that he is interested in the over-all picture of the forests in the State of Maine.

I think that the forests of the State of Maine is one of the greatest assets that we have and they should be protected. Back in 1917 I understand we had quite a serious problem in the State of Maine in regard to the spruce budworm and millions of acres of spruce and fir were destroyed. That is bound to carry over and affect the economic situation of the State of Maine if it occurs again.

Now from the best information that is available from the Commissioner and other interested parties, which does include the large landowner—and it also includes the small woodland owners—they recognize this serious condition exists, and I think there is an obligation on the part of the State to protect these forests. The economic condition of the State of Maine can be vitally affected if we allow this situation to continue and spread to a much larger area.

Now it is the best guess, from the information presented to the committee yesterday, that the spraying of this three hundred thousand acre tract could very well stop the spread of this disease. I do not know what the results would be, but I do feel that when you have a man such as the State Forestry Commissioner and the State Entomologist and the experience of many, many people who are in the business of knowing what the spruce budworm can do to our forests, and they say that spraying will help, I think it is worth the amount of money that is being asked from the general fund to carry on this particular project.

There are three hundred thousand acres involved at one dollar an acre for spraying. Twenty-five per cent of that three hundred thousand dollars is made available by the federal funds, fifty per cent of the remaining costs will come, as has been pointed out, from the Forestry District tax. I would remind you that many, many of these wild land

owners or owners of large tracts of land in the State of Maine do not have any property in this particular area where the spruce budworm is concentrated, and yet for the protection of their own forestry lands and the lands of the small woodlot owners in both the organized and unorganized townships and towns they are willing to share in their particular fifty per cent of the cost. They are asking that fifty per cent of the cost come from the general fund, which amounts to \$112,500. I think it would be a catastrophe if we had repeated what happened some years ago when we lost practically all of the spruce and fir in that area. I think it is a good investment to protect the economics of the State of Maine to the extent that we are not going to have this disease spread over the entire millions of acres that we depend on so much for our livelihood.

I hope the motion of the Senator from Aroostook, Senator Briggs, does not prevail.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: I am in accord with quite a good deal of what has just been related by the Senator from Somerset, Senator Sinclair. However, the last major infestation that caused a lot of trouble was at the beginning of this century, it ran a course of about seven or eight years, according to authority, and reduced the growth. If you care to examine any butts of logs that came from the infested region you can ascertain that, counting backwards until you get to the early 1900's, then you can see the rings very close together. They ate the new growth as they do principally, so that retarded the growth. It did not wipe out the spruce forest or anything like that. It is a recurring thing that runs its course in six or seven years, and it does do a lot of damage, no question about that. My only question is the fact that these folks are well able to pay for this themselves and there is no reason why we should take money from the State coffers to pay for this thing which they are very well able to pay for themselves. When the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Aroostook, Senator Briggs, that the bill be indefinitely postponed, and that Sentaor has asked for a division.

A division of the Senate was had.

1 having voted in the affirmative and 26 opposed, the motion did not prevail.

Thereupon, on motion by Mr. Sinclair of Somerset, the ought to pass report of the committee was accepted, and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

The PRESIDENT: The Chair would note that the Senate has passed to be engrossed all but one of the bills on the two calendars this morning. The Senate may be at ease.

At Ease

On motion by Mr. Low of Knox, the Senate voted to take from the table bill, "An Act to Create the Maine Industrial Building Authority" (S. P. 620) (L. D. 1614) tabled by that Senator earlier in today's session pending passage to be engrossed.

Thereupon, on motion by Mr. Lesard of Androscoggin, the Senate voted to reconsider its action taken earlier today whereby it adopted Committee Amendment B and the same Senator presented Senate Amendment A to Committee Amendment B.

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to S. P. 620, L. D. 1614, Bill, "An Act to Create the Maine Industrial Building Authority."

Amend said Committee Amendment "B" by striking out all of the last paragraph of said Amendment and inserting in place thereof the following underlined paragraph:

"No member of the authority shall participate in any decision on any contract of insurance if he has any interests, direct or indirect, in any firm, partnership, corporation or association which would be a mortgagee, whose loan to a local development corporation is insured by the authority, or if he has any interest, direct or indirect, in any firm, partnership, corporation or association which would rent, lease or otherwise occupy any premises constructed by

a local development corporation where said corporation's mortgage is guaranteed by the authority, or if he is a director or officer or otherwise associated with any local development corporation whose mortgage is guaranteed by the authority.'"

Senate Amendment A to Committee Amendment B was adopted; Committee Amendment B as amended by Senate Amendment A was adopted, and the bill as amended was passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: At this time the Chair would make the appointments to the special committee ordered to consider amendments to the Sinclair Bill, and in making the announcement, the Chair would like to express his very sincere appreciation to two members of the Senate. I first refer to the Senator from Lincoln, Senator Dow, who normally would have been on the committee as a member of the Committee on Education. I secondly refer to the Senator from Franklin, Senator Butler, who has indicated a willingness to bring to the group his knowledge of Constitutional Law and Law Court decisions related to the Constitution of Maine. The Senator from Lincoln, Senator Dow has my appreciation and the Senator from Franklin, Senator Butler has my appreciation.

The Chair names as Senate members of that committee, Senators Sinclair of Somerset, Low of Knox, and Butler of Franklin.

On motion by Mr. Low of Knox, out of order and under suspension of the rules,

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is directed to study the question of whether or not daylight saving time in the state should be extended to cover the entire year.

The Committee shall report on its findings and such recommendations as it may wish to make at the next regular session. (S. P. 636)

Which was read and passed.

Sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the

table H. P. 1124, Joint Order Relative to Daylight Saving Time, tabled by that Senator earlier in today's session pending passage; and on further motion by the same Senator, the Order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair would note that the Senate table is clean and suggests that a motion to recess might be in order.

On motion by Mr. Low of Knox Recessed until two o'clock this afternoon.

After Recess

The Senate was called to order by the President.

After Recess

Additional Papers from the House Out of Order

Received by unanimous consent

Bill, "An Act Relating to Definition of Club Under Liquor Laws." (H. P. 1123) (L. D. 1634)

There being objection expressed in the Senate, the bill was not received.

"Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees." (H. P. 1125) (L. D. 1635)

There being objection expressed in the Senate, the bill was not received.

The PRESIDENT: The Chair would note that unanimous consent having been refused in this branch on these two bills which were received by unanimous consent in the House, the position of the Senate at this moment is that the Senate has passed to be engrossed each and every bill now before this legislature and the Chair sees no work for the Senate at the moment.

On motion by Mr. Parker of Piscataquis

Recessed to the sound of the gong.

After Recess

The PRESIDENT: The Chair would note that there will be offered four of the normal orders presented in the final day of the session, the

final order being that of adjournment. It will be presented and the Chair expects it will be laid upon the table pending the action of the House in engrossing the bill.

**Joint Orders
Out of Order**

On motion by Mr. Charles of Cumberland,

ORDERED, the House concurring, that there be paid to the officers of the Senate and House of Representatives for salaries for this Special Session, the amounts included in lists certified to the State Controller by the Secretary of the Senate and Clerk of the House, respectively, subject to the approval of the Committee on Appropriations and Financial Affairs. (S. P. 637)

Which was read and passed.

Sent down for concurrence.

On motion by Mr. Curtis of Cumberland

ORDERED, the House concurring, that there be paid to the Clerks and Clerical Assistants of the Committees the amounts included in lists certified to the State Controller by the several Committee Chairmen, and bearing the approval of the Committee on Appropriations and Financial Affairs." (S. P. 638)

Which was read and passed.

Sent down for concurrence.

On motion by Mr. Butler of Franklin

ORDERED, the House concurring, that there be paid to the Chaplains of the Senate and House of Representatives for this Special Session, the sum of five dollars (\$5.00) per diem, in accordance with lists certified to the State Controller by the Secretary of the Senate and Clerk of the House, respectively. (S. P. 639)

Which was read and passed.

Sent down for concurrence.

On motion by Mr. Carpenter of Somerset

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, January 13, 1958, at four o'clock in the afternoon. (S. P. 640)

On motion by Mr. Low of Knox,

the order receive a passage.

On motion by Mr. Low of Knox, ORDERED, the House concurring, that there be recalled from the Engrossing Department to the Senate, Bill "An Act to Create the Maine Industrial Building Authority." (S. P. 620) (L. D. 1614)

(S. P. 641)

Mr. LOW of Knox: Mr. President, it has been discovered, Gentlemen of the Senate, that under the Constitution, it is impossible to pass as an emergency measure, any legislation which involves the purchase or rental of property. If we were to pass the factory building authority act as it is, as an emergency, it would be open to attack, in which case the Court would doubtless rule that it would not become effective for ninety days after the adjournment of the legislature which passed the act.

Inasmuch as we were called here to take care of this bill, it seems wise to take out of the bill those parts which relate to the purchase or rental of land, to make a separate bill out of those parts and pass it as a regular bill without any emergency clause. Then to take the Body of the bill, nearly all of it, and pass that as another bill as an emergency.

We believe we could make the necessary corrections, recall the bill in both houses, make the corrections in due legal form and get done by six o'clock so the bill can be engrossed tonight. We can then meet at whatever hour we wish in the morning, at nine or ten o'clock, and proceed to enact that one bill and whatever small bills are left that have not been enacted by six o'clock. This is the reason for this order. I move its passage.

The motion prevailed and the Order received a passage.

Sent forthwith to the House for concurrence.

The PRESIDENT: The Chair would note that the Attorney General's Department and the Revisor of Statutes have indicated to us that not later than five o'clock, we will have first, Senate Amendment C which will remove from the emer-

gency bill those items subject to the Constitutional question. They will also have at that time the new non-emergency bill which, if the Senate wishes, the new bill containing the exact same words taken from the old bill, a motion would be in order that the rules be suspended, that the bill be given its two several readings without reference to a committee and be passed to be engrossed.

The Chair would suggest that a motion might be in order that the Senate recess to the sound of the gong, with the thought that the gong should ring about five o'clock.

On motion by Mr. Low of Knox,
Recessed to the sound of the gong.

After Recess

The Senate was called to order by the President.

Mr. Low of Knox presented Bill, "An Act Relating to the Maine Industrial Building Authority." (S. P. 642)

Under suspension of the rules, given its first and second readings and passed to be engrossed without reference to a Committee.

Sent down for concurrence.

The President laid before the Senate, Bill, "An Act to Create the Maine Industrial Building Authority" (S. P. 620) (L. D. 1614), which had been recalled from the engrossing department to the Senate by Joint Order S. P. 641.

Under suspension of the rules, engrossment reconsidered, Senate Amendment E adopted, and the bill passed to be engrossed as amended by Committee Amendment A, Committee Amendment B as amended by Senate Amendment A thereto; and Senate Amendments A, B, C and E.

Sent down for concurrence.

On motion by Mr. Low of Knox,

Adjourned until tomorrow morning at ten o'clock.