

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Tuesday, May 12, 1959

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Roger Blinn of Gardiner.

The journal of yesterday was read and approved.

### Papers from the Senate Senate Reports of Committees Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Appointment for Legal Service by Nonresident Hunting Licensee" (S. P. 333) (L. D. 909)

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

### Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act Revising the Probation and Parole Laws" (S. P. 334) (L. D. 910) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

In the House, the Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 334, L. D. 910, Bill, "An Act Revising the Probation and Parole Laws."

Amend said Bill by adding at the end the following sections:

"Sec. 14, R. S., c. 27-A, Sec. 17-B, additional. Chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended by adding a new section 17-B, to read as follows:

'Sec. 17-B. Abetting violation of probation or parole. Any person over the age of 17 who willfully obstructs, intimidates or otherwise abets a probationer or parolee under the supervision and control of the State Probation and Parole Board and thereby contributes or causes said probationer or parolee to violate the terms and conditions

of his probation or parole, after having been warned in writing by the State Probation and Parole Board to cease and desist in said relationship or association with the probationer or parolee, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

This section shall also apply in those instances where the probationer or parolee is under the supervision and control of the State Probation and Parole Board at the request of other states under terms of the Uniform Act for Out-of-State Parole Supervision.'

"Sec. 15, R. S., c. 135, Sec. 21, amended. The first sentence of section 21 of chapter 135 of the Revised Statutes is amended to read as follows:

'Whoever assaults, intimidates or in any manner willfully obstructs, intimidates or hinders any sheriff, deputy sheriff, constable, inland fish and game warden, coastal warden, insurance commissioner or his authorized representative, liquor inspector or, police officer or state probation-parole officer while in the lawful discharge of his official duties, whether with or without process, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months.'

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

### Ought Not to Pass Bill Substituted for Report and Amended in Senate Tabled Until Later in Today's Session

Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act relating to Reapportionment of School Directors of School Administrative Districts" (S. P. 345) (L. D. 972)

Came from the Senate with the Bill substituted for the Report and passed to be engrossed as amended by Senate Amendment "A".

In the House: Report was read.

(On motion of Mr. Ervin of Houlton, tabled pending acceptance

of Report and specially assigned for later in today's session.)

#### Non-Concurrent Matter

Bill "An Act to Create a Parking Commission for City of Lewiston" (H. P. 843) (L. D. 1206) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 17.

Came from the Senate with Committee Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Jalbert of Lewiston, the House voted to adhere.

#### Orders

Mr. Carville of Eustis presented the following Order and moved its passage:

WHEREAS, the members of the House have learned that today is the birthday of Mr. Wheaton of Princeton,

BE IT ORDERED, that the members extend to Mr. Wheaton their congratulations and best wishes for today and the entire year.

The Order received unanimous passage. (Applause)

On motion of Mr. Graves of Mt. Desert, it was

ORDERED, that Mr. Hutchinson of Carthage be excused from attendance for the duration of his illness.

#### Passed to Be Engrossed

Bill "An Act relating to Juvenile Offenders" (S. P. 485) (L. D. 1357)

Bill "An Act Empowering the Supreme Judicial Court to Promulgate Rules" (S. P. 487) (L. D. 1359)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

#### Amended Bills

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational and Industrial Park Purposes (S. P. 178) (L. D. 422)

Was reported by the Committee

on Bills in the Third Reading, read the second time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act to Create a Committee to Study the Relocation of the State School for Boys" (S. P. 484) (L. D. 1358)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

#### Passed to Be Enacted Emergency Measure

An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1960 and June 30, 1961 (H. P. 946) (L. D. 1341)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 124 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Stanley.

Mr. STANLEY: Mr. Speaker, I would merely like to say that after our discussion of this bill the other day it was reported in the press that I had said there would be \$7,000,000 left in the highway fund at the end of this biennium; the gentleman from Auburn, Mr. Turner, said it would only be \$3,500,000. For the record only, both figures will be left, the \$3,500,000 in unappropriated surplus and the \$7,000,000 will also be left, so there is \$10,000,000 or \$11,000,000 which will be left in the highway fund.

#### Passed to Be Enacted

An Act to Regulate the Practice of Nursing (S. P. 475) (L. D. 1339)

An Act Creating Municipal Urban Renewal Authorities (H. P. 555) (L. D. 811)

An Act to Permit the Eastern Maine Electric Cooperative to Ex-

ercise Eminent Domain (H. P. 818) (L. D. 1156)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Providing for a State Tuberculosis Annex to Community General Hospital in Fort Fairfield (H. P. 890) (L. D. 1259)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Caron.

Mr. CARON: Mr. Speaker, I have been requested to come before the House, in regard to item five, by several people who are investigating and who have discovered new evidence; and they have requested me to ask the House to table this bill until one week from today.

The SPEAKER: With respect to item five, the gentleman from Biddeford, Mr. Caron, moves that the bill be tabled and specially assigned for one week from today pending passage for enactment.

The gentleman may debate the time of assignment only.

Mr. EDMUNDS of Fort Fairfield: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested. Will those who favor the tabling motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty having voted in the affirmative and seventy-nine having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, on item five once again, the senior chairman of the Health and Welfare Committee has informed me this morning that possibly by Thursday a full report will be made back concerning the entire tuberculosis hospitals throughout the entire state. Until such time as that is done I would hope that the House would consider to table this bill once again so all of us may get a full report on the meanings to qualify

ourselves to justify the need, or not the need, anything or changes to be made.

So with that understanding and message to the House, I would ask and request that this be tabled and specially assigned for Friday to give us a chance for that report to come in.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that again with respect to item five, the Bill be tabled pending passage for enactment and specially assigned for Friday of this week.

The Chair recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker, as a member of the Public Health Committee—

The SPEAKER: The gentleman may not debate a tabling motion.

The Chair recognizes the gentleman from Fort Fairfield, Mr. Edmunds.

Mr. EDMUNDS: Mr. Speaker, I again request a division.

The SPEAKER: A division has been requested. Will those who favor the tabling motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-two having voted in the affirmative and sixty-nine having voted in the negative, the tabling motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act relating to Petition for Review of Incapacity under Workmen's Compensation Act (H. P. 955) (L. D. 1355)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Cox.

Mr. COX: Mr. Speaker, in regards to item six, at the request of the gentleman who sponsored the bill, the gentleman from Auburn, Mr. Berman, I move this bill be tabled pending enactment and specially assigned for tomorrow, May 13.

The SPEAKER: With respect to item number six, the gentleman from Dexter, Mr. Cox, moves that

the bill be tabled and specially assigned for tomorrow pending passage for enactment. Will those who favor the tabling motion please say aye; those opposed, no.

A viva voce vote being taken, the motion to table did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Finally Passed

Resolve Permitting Ice Fishing in Certain Ponds in Androscoggin and Kennebec Counties (H. P. 550) (L. D. 785)

Resolve Refunding Motor Vehicles Fees to Certain Canadian Residents (H. P. 741) (L. D. 1060)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

#### Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act relating to Excise Taxes on Boats," House Paper 410, Legislative Document 594, tabled on May 5 by the gentleman from Orono, Mr. Treworgy, pending acceptance of the Report.

Thereupon, the "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, House Report "Ought to pass" in New Draft, House Paper 958, Legislative Document 1360, of the Committee on Education on Bill "An Act to Clarify Procedure for Reorganization of School Administrative Units," House Paper 894, Legislative Document 1263, tabled on May 7 by the gentlewoman from Rumford, Miss Cormier, pending acceptance; and the Chair recognizes that gentlewoman.

Miss CORMIER: Mr. Speaker and Members of the House: The first section of this bill changes the Sinclair Bill slightly by saying that any amount of money allocated for the building of schools will only be

paid after the buildings have been built. Consequently that makes available about nine hundred and sixty some odd thousand dollars. The rest of the bill allocates that money in various ways.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

The chairman of the Committee on Education has asked that it be committed to the Appropriations Committee; and therefore I would now move that this bill be committed to the Committee on Appropriations and Financial Affairs.

The SPEAKER: With respect to Bill "An Act to Clarify Procedure for Reorganization of School Administrative Units," the gentlewoman from Rumford, Miss Cormier, moves that the Bill and all accompanying papers be committed to the Committee on Appropriations and Financial Affairs. Is this the pleasure of the House?

Thereupon, the Bill was committed to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, An Act to Tax Equipment Brought Into the State After April First, House Paper 675, Legislative Document 967, tabled on May 7 by the gentleman from Sherman, Mr. Storm, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. STORM: Mr. Speaker, Members of the House: I tabled this bill a few days ago, saying that I believed that it was a bad bill. Since that time I have looked into it a little bit more and discussed it with quite a few people who are experts in the tax field, and I am more convinced than ever that it is worse than I thought it was. It will place the assessors in any community in a very difficult position if they attempted to enforce this act. It would change the entire concept of taxation procedure in the state. In every instance taxes are based on the first day of April, with the exception of stock-in-trade which is assessed on an average

for the year case. The work is done as of the first of April.

In all of the communities, smaller communities especially, the tax assessors are not full time men. They work a few days early in the month of April and pick up their inventory and then put in a few more days a week as it may be necessary to get their valuation book into shape, and then they turn the thing over to the tax collector and he puts out the tax bills. This would require the tax assessors to be more or less in session throughout the year from the second day of April through the thirty-first day of December to issue supplemental taxes which after they were assessed probably would not be collectible.

The out-of-state contractors who bring in equipment after the first day of April would only need to show a receipt that they had paid some tax somewhere in the state which was assessed on the first day of April to make them immune from any later taxation on any additional equipment.

If I were a contractor in the State of New Hampshire or Massachusetts or wherever and anticipated having a contract in the State of Maine some time during the summer, I should be very careful to, on the first day of April, bring in a wheelbarrow or some other piece of construction equipment into Maine and make very sure that that was taxed on the first day of April and get a receipt for it, and then I could bring in a million dollars worth of equipment after that and it couldn't be touched. It would only affect the first year that the equipment was brought in here anyway because any that is left over here is automatically taxed under the present law. I believe that this bill is unnecessary, unworkable, and I now move for the indefinite postponement of it.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Cousins.

Mr. COUSINS: Mr. Speaker, I would like to explain the position of the committee in reporting this bill out unanimously "Ought to pass." First, I might add that the bill was not opposed at the committee hearing. There were a number in

my committee book here, there were a number of people who appeared in favor of the bill, and not one appeared against it. The idea of the bill, as was explained to us, was to fill a loophole that now exists in our tax law.

While the tax assessing year, as my good friend, the gentleman from Sherman, Mr. Storm, says, starts in April 1, the construction year within the state does not. Generally speaking, the construction work in the state starts after April 1 and ends before the first of the year. That means that any construction equipment brought in from out-of-state or any construction equipment purchased for, generally speaking, projects within the state would escape taxation.

This bill is designed specifically to bring them under the taxation of the towns and it applies to in-state as well as out-of-state people. There was a question originally brought up two or three weeks ago as to the constitutionality of this measure, but I understand that that has been pretty well resolved to everybody's satisfaction and I personally have talked to the Attorney General and he has not indicated that his opinion is that it is unconstitutional. There is no question that it would whack the out-of-state construction people bringing in millions of dollars worth of equipment into the state and they are now, I might add, completely exempt from personal property taxation.

Also I point out to you that there is a bill in the State of New Hampshire, or an act, a law in the State of New Hampshire and the State of Vermont which is almost identical to this law. Any Maine construction firm going into New Hampshire or Vermont would pay taxes under the laws they have similar to this proposed act. In the State of Massachusetts, you have an entirely different situation. You don't have any specific law which prohibits out-of-state contractors working in Massachusetts but you have administrative action which very, very effectively makes for nothing but Massachusetts contractors getting Massachusetts business in Massachusetts, the same result.

This bill would not stop out-of-state contractors from coming into

the state, all it would do is require them to pay the same tax as the in-state contractors. It is a fair bill. It plugs the loophole in the law that now exists, and in answer to the suggestion of the gentleman from Sherman, Mr. Storm, that the assessors having to work—no question it would make more work for assessors although it would not be burdensome work. It would be perfectly reasonable to expect the assessors to find out what construction equipment there was within their own assessing area, and I hope the motion to indefinitely postpone does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Sherman, Mr. Storm, that Bill "An Act to Tax Equipment Brought Into the State After April First", House Paper 675, Legislative Document 967, be indefinitely postponed.

The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I would request a division.

The SPEAKER: A division has been requested. Will all those who favor the indefinite postponement of this Bill please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifteen having voted in the affirmative and one hundred six in the negative, the motion to indefinitely postpone did not prevail.

On motion of the gentlewoman from Falmouth, Mrs. Smith, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

The SPEAKER: The question before the House now is the enactment of item number three.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair now lays before the House the fourth tabled and today assigned matter, Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail," Senate Paper 264, Legislative Document 677,

tabled on May 7 by the gentleman from South Portland, Mr. Earles, pending adoption of House Amendment "A"; and the Chair recognizes that gentleman.

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: This is a matter that has been tabled and retabled for the convenience of those who are in opposition to some features of this bill. As I understand that the pending situation of the bill is the motion to adopt House Amendment "A", which amendment as I further understand would strike out the eminent domain feature which the county commissioners feel necessary as an instrumentality in the course of constructing a needed county jail, I would now move the indefinite postponement of House Amendment "A" which is filing number 154.

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Earles, that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I hope that this motion does not prevail and that we adopt House Amendment "A". I wish to speak. The original plans of the County Commissioners were to build this jail in South Windham, near the Men's Reformatory on land which the State owns. The gymnasium, heating plant, bakery and kitchen were to be jointly used. There would have been a saving of \$800,000; \$800,000 would have been saved. The inmates would have had a better chance for rehabilitation through farming in good, clean fresh air.

Suddenly, this plan was dropped, and the commissioners decided to build this jail in the heart of the City of Portland. Now, this is a county jail. The location that they chose, we were told by them, was an area consisting of a block and a half of good solid commercial brick buildings, presently occupied by several businesses. If this were done, the City would lose many thousands of dollars in taxes, which would have to be replaced by a



higher tax on remaining properties.

I am about to read a letter that was mailed to all the Cumberland County legislators from Cook, Everett & Pennell, established in 1852, wholesale druggists in Portland, Maine:

"A couple of weeks ago I read in a paper that Cumberland County was thinking of building a new jail. I have been out of town for about a week, but since my return, have been disturbed by a number of rumors which have come to me that consideration was being given to condemning Cook, Everett & Pennell's property on the corner of Middle and Pearl Streets for this purpose. I have even heard rumors that we are supposed to be in favor of this. This is not true. The result of condemning this property would be a probable loss to the City of Portland of approximately \$26,000 in taxes and about sixty people would be put out of work, because I know of no property that we could lease, nor do we have the finances or probably the inclination to invest something approaching one-half million dollars less condemnation proceeds in a new building. If the question comes up, I will appreciate it if you will make it clear that we are entirely opposed to having our property condemned. If a new jail is to be built in the immediate vicinity of the Court House, I would recommend the Vine, Deer, Chatham Area which is near at hand and which would not reduce the tax revenue anywhere near as much and would not run the risk of decreasing employment in this area.

Signed Robert Morrison  
General Manager"

The alternate location, if this one is not chosen, is approximately two square blocks of good homes, in which families have lived for many years, and in which they wish to go on living for the rest of their lives. The homes are in good condition. They are not slum property and the city derives a tax revenue from them which is quite substantial.

I do not believe it right to put people out of their homes or out of business in order to build a new jail for felons and drunkards right

in the heart of the city when empty land is available for this same use.

To replace their homes, these people would have to pay from two to three times as much money as they will receive. Most of the people living in these homes are elderly. They worked all their lives to pay for a home, in order to have a place in which to live in their old age. Those that are renting cannot afford to move into higher, costlier rents. In a great number of cases, the money received for these homes would only be sufficient for a good down payment on another home, leaving them with a huge mortgage. A good number of these people are too old to be eligible for a mortgage, and therefore would have to find rents which are very scarce in the City of Portland. Before too long the money that they received for the sale of their homes would have been eaten up by their rents. I can foresee where a good number of these people, before too many years, would be obliged to come to the Welfare Department to help them pay for their rents, so becoming a burden on the taxpayers.

Now, this bill calls for the jail to be built in Portland proper. I am not objecting to this. Let it be built in Portland. There is a large amount of land in Portland that is empty. We have a whole street, a mile long that is owned by the city, known as Canco Road. This jail will only occupy three-quarters of an acre of land. Canco Road right now has four acres of land. The city has offered this land which is very accessible to the entire city for \$2,000 an acre, \$2,000 an acre and the jail site would only occupy three-quarters of an acre.

Now, across the street from the proposed location of the new jail is a site known as the Vine, Deer, Chatham slum clearance project, which was cleared of all but three commercial buildings, and was supposed to be for a commercial use, but which the city has been unable to sell for this purpose. This land would be a good site for the new jail. I have talked to the Chairman of the Portland City Council and he told me that he thought it would be a very good spot for the jail.

It is only a block from the court house. The land is empty and he would recommend it to the City Council. Also, I spoke to other city officials in Portland who agree with Mr. Sumner Clark, the Chairman of the Portland City Council, who stated right out here in the hall that the place for this jail would be on the empty land and that we would save there \$125,000 which it would cost to buy these homes and tear them down.

We in Portland are about to launch a vast slum clearance project within a very few weeks, in fact it has been started already, that will displace over one hundred families, and when this is finished we have plans ready for a second project that will displace one hundred and fifty additional families. The Federal Government's share of the money to carry one of these projects has been held up for several months now due to the fact that the people that will be displaced are having difficulty in securing new quarters. This was taken up last week in Washington, D. C. and the money still has not been forthcoming for the Munjoy south project which is being held up by the government and which will displace a hundred and fifty families.

If we build this new jail, and use the right of eminent domain to throw more people out of their homes, the race for rents in the City of Portland will go on indefinitely. This is a problem that we are faced with in Portland. We have been faced with it for five years and people in other cities and towns in the county probably do not realize the seriousness of this problem.

Ladies and gentlemen, believe me, I have no ax to grind for anybody concerning this jail or its site. My reasons for submitting this amendment to take the eminent domain clause from this bill are entirely due to the plight these people will find themselves in, and the troubles they will have to find a home with the amount of money paid them through condemnation of their present homes. My honest belief is that this jail can and should be built on empty land that is available right now in Portland and is

owned by the City of Portland. We all know that the City of Portland is not going to hold up Cumberland County for an enormous price for a piece of land. We all know that the City will sell the property to the County for a fair value and will cooperate fully with the County Commissioners.

Some of you may be wondering why the new county jail should not be built on its present site or on an adjoining site on land which the county now owns, and so save \$125,000 in condemnation proceedings as well as eliminate unnecessary suffering on the part of property owners. Their answer is to the effect that the present site and adjacent land owned by the County has a blighting influence on the surrounding area and should be moved, especially since it is on one of the sites of the city's slum clearance and redevelopment locations. The question now comes to my mind, if the new jail would be a blight in the location of the present jail, wouldn't it also be true that it would be a blight in the proposed location which is in the heart of the city surrounded by private homes and small businesses? Something seems to be wrong with their logic.

Now, I am not opposed to eminent domain when it is necessary. Every bill that went through this House I have voted for, they contained eminent domain clauses, but in this case I believe that it is absolutely not necessary to have eminent domain in this bill as there is plenty of empty land in Portland.

Ladies and Gentlemen, I urge you for the sake of our true democratic government that the motion now before the House should not prevail and that Amendment "A" to this bill should be passed. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Earles.

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen: In response to the remarks of the gentleman from Portland, Mr. Briggs, I would like to make two or three observations. It is true that initially when the county commissioners were thinking of locating a jail they thought of the Windham site, then they discovered the question, the

statutory question of whether or not it wasn't required by law that the jail be located in the City of Portland. As to its location in the City of Portland, I will go back to that in a moment. Reference has been made to a letter from Cook, Everett & Pennell directed to members of the Cumberland delegation. I received one of those letters and I checked with a member of the County Commission who is well acquainted with the Treasurer, the writer of the letter to the members of the Cumberland delegation, and this county commissioner said "Well, Bob has never called me up or talked to me about it or asked me any questions at all, and as a matter of fact," he said, "we have no idea of taking that commercial property."

Now as to the placing of the jail in the so-called Vine, Deer, Chatham Area which is not directly in back of the present county building, which the land conceivably contemplated to take would be, but is several hundred yards away. It is true that apparently some members of the governing body in the City of Portland are sympathetic to the idea of the county acquiring that property for replacing the jail because that area that was cleared, the so-called Vine, Deer, Chatham Area apparently is a white elephant. Now, as to the President of the Council, Mr. Sumner Clark, explicitly indicating that the transfer could be made and that he was pushing it. If recollection serves me correctly, last week, I think it was last Friday when the question of this jail bill coming off the table arose and I was asked to retable it again, in the presence of a member of the Portland delegation and in the presence of Mr. Sumner Clark, I specifically put the question to Mr. Clark as to whether or not they were specifically endorsing this idea and Mr. Clark got his track shoes on.

Now, this placing of the jail in the contemplated location is not simply the matter of whim. The county commissioner retained the services of a Mr. Roy Casey who made a study, and amongst other things, he is a certified jail consultant, he is the President of the Na-

tional Jail Association for 57-58. He is a charter member of that Association. He is a consultant for the American Correctional Association's manual on correctional standards. He is an author on the question of jails, and which was published in the American Academy of Political and Social Science, one of the eminent professional magazines of today. He was a former chief of jail and inspections services in the Federal Bureau of Prisons. He was the organizer of the Alaskan Jail System. He was superintendent of the jail system in Alaska from 52-55. For 25 years he was an inspector and administrative consultant in the field of jail design and equipment and operation, and he has college and university graduate work from some six institutions.

It was his recommendation that the contemplated new jail be located in an area reasonably immediate to the location of the present county jail. It would facilitate the transportation of prisoners. It would save money. It would reduce the security factor, and for a number of other reasons.

Now the concept of eminent domain has specifically in this country since the early 1800's been recognized as a right and a prerogative of the sovereign, either of the state or of a political subdivision, whether it be a county or a municipality, and if necessary I could substantiate it from both cases going back to Connecticut in the early 1800's down to United States Supreme Court cases that have decided in that instance, and in one particular instance the case was specifically decided as to whether or not a county organization, a county subdivision, could take land by eminent domain for the specific erection of a jail, and the court held that it could because it was for the public welfare; it was for the preservation of public peace and safety, and I feel that this eminent domain feature is immediate, necessary, and proper in order to provide the necessary machinery for the construction of a jail that obviously is necessary. There has been a considerable amount of publicity in the paper as to the inadequacies of the old jail.

As to the question or query that was raised as to why the new jail isn't erected on the site of the old jail when it is demolished, the city organization, the municipal organization in the City of Portland itself is interested in the removal of a jail from that area because of the fact of relocation and rebuilding and revitalizing of that particular area.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, Members of the House: I want to concur with Representative Earles of South Portland in all his comments because they certainly are true and he brought out the facts very clear and plain. There is only one disturbing factor in this particular case. Our Cumberland County delegation early in this session with knowledge of this bill coming before us met at the Pioneer House for luncheon, with both parties present at this caucus that we held of the Cumberland County delegation. Out of our delegation of about twenty-nine in number present there were only two dissenters that evening who agreed that this was the sane, the right thing to do, the right procedure to be used, we united to a degree of unanimous consent amongst us all.

Some of these same ones now who made that agreement in our caucus are now relenting and have changed their opinion because certain things have come up. Now this has become a political football, has been on television, radio and press more than any other item which I think in the State of Maine has come before this legislature. I think it is time we stopped using it as a political football and to expedite some of these political activities and tackle this problem on its merits and be sincere with the problem.

After all this discussion of this whole issue I know the House is fully well informed and have the knowledge of how to vote justly and right, and the motion as presented by the gentleman from South Portland, Mr. Earles, I wish to concur with, and hope it prevails, and request a division when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Miller.

Mr. MILLER: Mr. Speaker, I am very sorry to hear the gentleman from Bridgton, Mr. Haughn, inject the political football situation into this thing, this issue. Actually, it is not a political issue. It is an issue where human beings are concerned, and being a representative from Portland, I can assure you that we are interested in the welfare of the citizens of Portland.

Ladies and Gentlemen of the House, I would like to, at this time, quote Blackstone in his commentaries: "Blackstone in his commentaries, recognizes three absolute rights possessed by all individuals in a free society: The right of personal security; The right of personal liberty; The right of private property."

Since we are dealing with private property we shall confine our remarks to the learned commentator's observation regarding that right.

"The individual's absolute right of property consists in the free use, enjoyment, and disposal of all his acquired holdings, without any control or reduction, save only by the laws of the land." The Magna Charta provides that: 'no freeman shall be deprived, or stripped of his freehold, but by judgement of his peers, or by the law of the land.'

The common law of England, which Blackstone discussed, was the law of the thirteen original colonies at the time of the revolution. It was therefore natural that before the United States Constitution was ratified by the several states there be a provision preventing the Federal Government from taking private property without full indemnity to the owner. Thus we find in the 5th amendment to the United States Constitution the provision that no person shall be "deprived of life, liberty or property, without just compensation." A similar limitation on the power of the state has been held to be contained in the fourteenth amendment of the Federal Constitution and at the present time a "just compensation" clause is contained in practically every state constitution.

The right of a sovereign power to acquire private property for public use is known as eminent domain. It is the right of the state, as sovereign, to acquire for public use the private property of any individual within its domain. The taking of private property, however, requires a payment to the owner for the taking of such property.

The state legislature, only, can delegate the power of eminent domain to counties, cities or towns.

Once eminent domain is delegated to acquire private property, an owner's consent is not required and his objections are of no avail. The exercise of the right by county, city or town which has been delegated the power of eminent domain results in compulsory sale of owner's interest in the property taken. The rights of the individual must yield to the public good and the common welfare.

Eminent domain, as the term connotes, is superior to all private rights. It is the opinion of many of the citizens of Portland that there is no need for the necessity for the use of eminent domain in order to build a county jail. To this date I have never had any of my constituents tell me that we were wrong in our stated position with regard to the use of eminent domain, to doing away with the use of eminent domain to acquire property to build a county jail. I feel that the citizens of our great city are grateful that we are aware of the damage that is being done to the City of Portland by the too frequent use of eminent domain.

The City of Portland has available land which the jail can be built on and I am sure that the transaction can be negotiated with the county for the transfer of such land at a great saving to our cities and towns throughout the county.

Portland's share of the requested sum of \$1,300,000 will be approximately \$663,000. The estimated savings to the taxpayers throughout the county would be approximately \$200,000 if the land owned by the city is used. To the taxpayers of the City of Portland who are already overburdened with high taxes this would mean an estimated savings of approximately \$100,000. I am firmly convinced that this is a

reasonable factor in disallowing the eminent domain feature in the bill before us today.

Portland's share of the \$1,000,000 in which we are paying the state to take over the South Portland Bridge is approximately \$510,000. These two figures combined mean a total on the part of the taxpayers of close to \$1,000,000. The citizens of Portland are faced with an increase in taxes this year. They are faced with a \$12,000,000 expense to rebuild our sewer system within the next few years. How much more can the citizens of Portland absorb? Seventy-five per cent of our citizens earn less than \$4,000 per year and I am sure that on this income they are not in a position to absorb any more tax increases.

It seems to me that \$1,300,000 is a tremendous amount of money to pay for a building that is going to house an average of seventy-seven prisoners daily. It would be far better to cut this down as much as possible and put the savings into the improvement of our school and sewerage programs.

The county commissioners have accused the opponents of the eminent domain issues of playing politics and our sheriff of Cumberland has, by recent statement in the press, stated it is about time we stopped worrying about the eminent domain factor and pass this bill.

My answer to both of these gentlemen is: It is our job to worry about the rights of all the citizens and that there is nothing political about our position on this issue. Secondly, for the Sheriff, it would be well that he does his job and let the representatives worry about current legislation.

We were not consulted when the county jail was proposed and we as representatives of the citizens of Portland do not intend to follow the rule of the past when citizens' rights are involved by rubber stamping every piece of legislation that is sent to Augusta without the consent of the representatives-elect.

For the past ten years the citizens of Portland residing in the Vine, Deer, Chatham Streets Area, the Bayside Area and the Munjoy Hill Area have been the victims of irresponsible planning employed within the confines of Portland City

Hall and special interest groups operating under the guise of free enterprise. The citizens of these areas comprise the major portion of citizens earning less than \$3,500 per year. Many of them own their own homes, but a great number rent. On these salaries in a city where the cost of living is rated high compared with other cities of equal population, it becomes an impossibility for them to find housing or new homes within a range that they can financially maintain.

Having been raised in this area in my boyhood days, I am somewhat familiar with the great problems confronting the citizens involved and know that they are helpless because of the irresponsible planning that subjected these citizens to the many abuses heaped on them during the past ten years.

Many of Portland's oldest and finest families and families in the low income bracket were forced from their homes in the Vine, Deer, and Chatham Streets Area in the year 1957. The total original investment in this area to the taxpayers was \$700,000. What has happened to this area since the homes were demolished? We have not received one new industry. We have a privately-owned and operated parking lot, and some of the land was recently sold for steel storage to an existing industry. All this to better Portland at a cost of \$700,000 to the taxpayers.

With this background we are now faced with a request from the county commissioners for the right to use eminent domain in order that they might seize more taxable property and force more families from their homes within this same area. The City of Portland has available empty land in which to build this jail and I feel if they, the members of the Portland City Government, are really interested in welfare of the citizens that they can negotiate with the Federal Government and the County Commission and work out a deal where the County Commission could acquire one acre of land in order to build a jail on the Vine, Deer, Chatham Area. The land is available and some councilors have expressed to me that this is not a bad idea as the Vine, Deer, and Chatham Streets Area has been

an unsuccessful venture for the City. Their main objection is that if the Council went along on this it would be an admission of failure. It is far better to admit failure than to continue on the road of confusion at the expense of the remaining home owners who continually get tagged for the lost revenue from the demolition of existing buildings and homes.

Ladies and Gentlemen of the House, I ask you to vote against the indefinite postponement of this bill and ask you to support the amendment offered by the gentleman from Portland, Mr. Briggs. Thank you.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Portland, Mr. Kellam.

Mr. KELLAM: Mr. Speaker, Members of the House: I will try to confine my remarks to the question of the desirability of having eminent domain in this particular bill.

It is true that the power of eminent domain is inherent in the sovereign and is commonly used to acquire sites for public buildings, particularly when one particular site may be peculiarly suited for the particular need. In this instance, on the problem of relocating the jail, it is fairly well agreed by those who have a connection with jails that the jail should be near the court house. It would aid in the administration of justice in that the prisoners would be more easily transported to the jail, from the jail to the court house which happens quite frequently, and also one other thing that has come in to this particular instance is that if the jail were located directly behind or alongside the court house, the prisoners might be used to help clean the building and thereby make some extra money so when they are released they would have something to aid them.

Aside from that, there would be a considerable savings I believe to the county if the jail were located close enough to the court house so that the prisoners could be transported back and forth without going through the city streets. To my way of thinking, it would not matter whether they were a block and a

half or ten blocks or roughly ten blocks as they are now, the city, the people would not like the idea of a parade of prisoners back and forth, they would have to be transported by vehicles and it would be a cost to the city. There has been much talk made of using the Vine, Deer, Chatham land which is of course empty land and is relatively close to the court house, but as I say it is about a block and a half away. One question that came to me — one doubt that came to my mind was that I seriously doubt if the Vine, Deer, Chatham land can be used as a jail since the land was cleared under a federal act to rehabilitate old sections of the city to redevelop for industrial purposes. The federal government paid two thirds of the cost of the removal of this property and I very seriously doubt if the property can now be converted to another use.

If the county commissioners do not have the power of eminent domain in securing land, they are going to be greatly handicapped in their bargaining efforts with land that they might desire close to the court house. As it happens our court house, there is a large park in front of it, the federal court house on one side, the police station on the other, and partially to the rear, the Cook, Everett & Pennell property and then some other buildings to the rear. It is my understanding that these other buildings would be the desired site. I think there are about seven or eight houses, two or three - story houses there. If they were to buy these houses by negotiation without the bargaining position given to them by having eminent domain, I believe that they would have to pay a great deal higher price. I see no reason if this were to result, I see no reason why the rest of the County and all the taxpayers in the City of Portland and the County should foot the bill merely to play Santa Claus to a half a dozen property owners close to the court house. There has been a great deal made about the relocation of families and the great damage. It is true that there is a housing shortage in the City of Portland. The officials of the City of Portland have not taken adequate steps to

insure housing, and it has become a great problem to us. However, I do not feel that that is the fault of the county or the county commissioners and the securing of the further buildings although it may create a little more of a problem, the problem would arise whether the property is secured through eminent domain or through negotiation. The one thing that the people who are opposed to eminent domain seem to overlook, that if in fact the county commissioners do pay an exorbitant price for this property and do tear down the property and do relocate the jail there, it will mean the same hardship to the families involved as it will if they take the property through eminent domain. Now the county commissioners have assured me that they have no intention of actually condemning this property, but they feel if they do not have this power they will be completely at the mercy of the present owners and will be unable to secure the property at a fair price.

My only point in the matter is that we should go along with what has always been the case in locating jails close to court houses as I am sure it probably is in the majority of the counties in the State of Maine. I know of a half dozen where they are right close by and I believe the others carry that same policy if they do have a jail and relocate the jail in the best suitable spot. If we are going to spend this \$1,300,000 to build a new jail, to build it in a position which would not give the best service in the coming years would be a mistake. Merely in the interest of a little bit of economy now and as I say to help out this situation where we do have the homes that would be torn down, so I don't feel that that is a factor since the homes to be torn down and the people who are living there and are going to suffer the most would obtain no benefits by removing the eminent domain provision but the absentee landlord would, and of the many families that are living there, I doubt more than fifteen or twenty, I don't believe that more than half a dozen of those families own the property, most of the property is owned by people who do not live

in it and the tenants would have to move in either case.

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Good.

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: The issue before us at this particular time is House Amendment "A". If this amendment is adopted of course, the eminent domain feature will be stricken from the bill that we now have before us. I concur with the sentiments of the gentleman from Portland, Mr. Kellam, that House Amendment "A" should not be adopted. I sympathize and applaud the feelings of the gentleman from Portland, Mr. Briggs and the other gentleman from Portland, Mr. Miller, in their sympathy for the people that may be inconvenienced if certain particular property is taken by eminent domain for the location of the jail. However, my sentiment goes also with a greater number of people who may be required to pay a higher tax for the construction of the jail if the eminent domain feature is not retained in the bill. I think that the eminent domain feature should be retained in the bill should the county commissioners feel that it is necessary to exercise it, it does not necessarily mean that they will exercise it.

However, they may find a location that they are unable to buy at any cost if the eminent domain feature is not in the bill. Now the area that has been considered by the county commissioners I have looked over, and it is near the jail, that is near the jail in the county court house. Now this is not entirely a residential area. On this particular street, on Federal Street, there is already the federal court house, there is already there the county court house, there is the police station there and a fire station. Now the buildings that may be taken, some of them are residential but I do not believe that any of them have been built or constructed in the last fifty or seventy-five years.

I would also like to quote from Black's Law Dictionary pertaining to eminent domain: "The right of eminent domain is the right of the state through its regular organiza-

tion to reassert either temporarily or permanently its domain over any portion of the soil of the state on account of public necessity and for the public good." Of course we realize that a jail is for public necessity and for public good. The Constitution of the State of Maine, Article I, Section 21, and I quote, provides that these people if the property is taken, will be adequately compensated, and I quote in part Section 21: "private property shall not be taken for public use without just compensation."

(At this point, Mr. Wade of Auburn assumed the rostrum as Speaker pro tem)

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: First let me say that I believe that there is a time and a place when this power can be properly used. Second let me say that I believe a jail would be desirable, but I just wonder how much of this power of eminent domain one city can stand in a short period of a few years. Why in the City of Portland the power of eminent domain has been exercised for slum clearance, urban renewal, schools, highways, industrial development and other projects. We have had so much of this power of eminent domain exercised in our City that it has seriously depleted the housing supply, and that is just why the regional administrator of the Housing and Home Finance Agency has turned down the Munjoy Hill project because there aren't enough decent, safe, sanitary houses for our people to live in. Our people are living in unrest and insecurity because of this situation, and I don't believe that we should give the county commissioners the power of eminent domain to further deplete the housing supply. And it has been said by the gentleman from Portland, Mr. Kellam, that there is a serious shortage of housing, so what are we going to do? Are we going to deplete it further by giving the county commissioners more power of eminent domain? I think it is more important that we keep and make good homes for good



citizens than to make new homes for the less desirable citizens, so I hope that this amendment presented by the gentleman from Portland, Mr. Briggs, is adopted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker and Ladies and Gentlemen of the House: My good brother Earles from South Portland read off the gentleman who made the survey for the county commissioners with regard to all these titles that he has had and all the experience he has had. I would like to state that for thirty-five years I lived at 28 Deer Street, one of the areas which has been mentioned here this morning. I am not an expert, but I am very, very familiar with the situation. Approximately sixty-five to seventy per cent of the inhabitants of the county jail in the last fifteen years come from an area bordering Pearl Street on one side, to Waterville Street on the other and from Fore Street on the back side to Bay Side Park area on the further side, so that all those people, most of the people that come into the courts for intoxication and different other things usually come from that particular area, so it makes the location of the jail a very desirable place in that area.

Now my brother Earles from South Portland mentioned that it is several hundred yards from the court house to this particular location; I would beg to disagree with the gentleman because I would guarantee there would be no more than a hundred and fifty yards from the present Court House to the Deer Street area. There is a small little street, Garden Lane that goes right from the jail right straight down to the junction of Deer Street, and so that the location as far as space and as far as distance is concerned is ideal. You don't have to transfer prisoners, you can walk them up there with no serious repercussions on anybody's part.

My mother was one of three hundred families that was displaced, and that is why I feel so strongly about this, one of three hundred families that was displaced for the good of the City of Portland under the eminent domain title, industrial development. We owned a six flat

home and I would tell you truthfully that the rent that she is presently living in now is so far inferior to the worst rent that she had when we were on Deer Street, and she is paying twice as much rent, and that goes for a lot of the families, especially families of foreign extraction who come to this country and settle together in a small community of their own, close enough to the church so that they are banded together just like they were in their own foreign country, and they come here and they are displaced. They are scattered all over, and it is a treat when one woman will meet another after not seeing them for three or four or five months as is the case at present, and they fall on each other to think that they have missed them so very, very much, and what for? For industrial development. Less than 23,000 square feet of land has been sold by the City of Portland for industrial development in that area, and all for this we are going to put eminent domain into a bill of this kind making it possible to go out and displace more families, more hardships, more sacrifices. I believe it is very, very unfair. I believe in eminent domain in the proper place and I believe the proper location for this jail is in the Deer-Vine-Chatham area because I was talking to Barney Shur, the Corporation Counsel for the City of Portland, who is a very personal friend of mine, speaking off the record to him, he said that he didn't think there would be any trouble if they decided to locate in the Deer-Vine-Chatham area, there would be very little trouble if the city wanted it. Now to compare the cost of the present location of the county court house or the county jail rather on Anderson Street, if they could sell that property and apply the money that they would get from that property to the new location in the Deer-Vine-Chatham area, there would be such a little difference that the city could very well afford — they couldn't afford not to buy it, and so I would say that I think that that would be an ideal situation and I would hate to see the eminent domain title taken out of it—rather it should be taken out.

Now Mr. Good, the gentleman from Sebago, mentioned the fact that these families were well reimbursed. I don't want to go on record here this morning, but if the good gentleman from Sebago would speak to me out in the hall, I would tell him how adequately reimbursed some of these families were, including my own parents, and I would let him be the judge as to whether or not they were adequately reimbursed. Therefore, I hope that this eminent domain is certainly stricken from this particular phase of the bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Miller.

Mr. MILLER: Mr. Speaker, I rise to clarify a couple of statements that were made here in the House by some of the proponents of eminent domain, namely, my good friend Representative Kellam from Portland, stated that he doubted whether they could use the Vine-Deer-Chatham Street area to build a county jail. I might say that in 1951 under a private and special act passed by this Legislature it included that this property could be used for commercial, industrial and public use and in 1957 it was even amended again to include public housing. I too have consulted and have been very interested in this problem and probably have engaged with my other associates from Portland in doing a lot of groundwork in regard to this problem.

Now if you allow the county commissioners to use eminent domain in this factor, not only are these people, these twenty families involved in this area going to be—their property going to be taken by eminent domain, but within the near future in East Deering because of the interstate highway system there are about twenty more families going to be involved. All of these things are coming in rapid succession, and it is keeping the citizens of Portland pretty much disturbed. Now it is quite noticeable this morning to notice that the three proponents of this bill, this eminent domain factor, are attorneys. Maybe they want to save expenses of travelling from the county jail to the court house, I don't know, it

just seems noticeable to me. There is no slur meant here, but I bring it out because it is noticeable.

I would also like to say that I am sure that many of the others of this House are familiar with the viciousness of eminent domain. Yes, you have a right to appeal, you have appeal procedure, but believe me, we are talking about people who are earning less than \$3500 a year. Now believe me with the problems and expenses of living in a large metropolitan area, \$3500 is not too much money, and the type of people that live down here many of them are not in a position where they can go before the county commissioners and defend themselves; so therefore, in order for them to present a good argument in defense of themselves, to fight for their rights, it would mean that they would have to employ a lawyer. Well believe me, I don't know how many gentlemen in this House have gone to an attorney, but I know that attorneys don't work for small sums of money, and these people do not have the money to employ an attorney to fight for their rights, so they become victims of the eminent domain factor.

Gentlemen, the citizens of Portland do not want this eminent domain factor. As a matter of fact if this issue were to go to a referendum I can guarantee you here on the Floor of this House that the county jail bill would never pass in the City of Portland.

Now all we are asking is that we take out this eminent domain. If the City did not have available land and the necessity for the eminent domain was there, I would be the last one to oppose it on the Floor of this House. The land is available and the citizens will be in a position so they won't be hurt by this eminent domain factor.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, in answer to the honorable gentleman from Bridgton, Mr. Haughn, who stated that all but two of the Cumberland County delegates approved this at a delegation, let me remind him that number one, County Commissioner Cram, who since has stated he didn't make the statement,

said that at this delegation meeting that Cook, Everett and Pennell's buildings were being contemplated and that Cook, Everett and Pennell wanted to sell these buildings and didn't care if they were taken. Several months later at the County Court House he denied this to me. Now if this was done once, it could be done twice. He can change his mind again and if he has this eminent domain clause they can take these buildings and put sixty people out of work in the City of Portland.

Number two, it has been stated here by the honorable gentleman from Portland, Mr. Kellam, that the prisoners could be used to clean the County Court House. May I ask why the prisoners haven't been used to clean their own quarters? Why should we have filthy conditions in the county jail? Why is it that the prisoners revolted against these conditions? Why weren't these prisoners made to keep the county jail clean? How are they going to keep the Court House clean if they don't keep their own living quarters clean?

It further has been stated that transportation costs would be prohibitive. We have been taking these prisoners from Anderson Street, which is over one mile away for over one hundred years. You mean to tell me we cannot take these prisoners up to this jail when it is going to be a hundred and fifty yards away from the Court House at a much less cost than they have been paying for the past one hundred years? And furthermore ladies and gentlemen, we have had numerous surveys and we have had numerous professional consultants in the City of Portland for numerous projects that have been taking place in Portland, and it is my honest belief that these people are brought into Portland and they are briefed before they go out to make their survey, and furthermore that their opinions are not unbiased, that is my honest belief.

Now the gentleman from Sebago, Mr. Good, who has on the Floor of this House called himself a small country boy, I do not believe knows the problems of the City of Portland. He does not have to live with these problems day in and day out

and see these people on the street and have his phone ring night after night by people who are afraid of losing their homes, who do not know where they are going to move to. I have to and so do my constituents and so do my brother representatives here in this House, and we have been hearing it for the past two years. People in Portland are living under a fear that they are going to lose their homes as many hundred of them have already.

Furthermore, I believe that in the first place as has been stated in this House that this jail should be in the shiretown, this fact was not known to the county commissioners, they were going to build this jail in Windham, and the fact was brought before them and under pressure by the attorneys in Portland, a great number of attorneys. I am not accusing all the attorneys, but a great number of attorneys would like to have this jail practically on top of their offices which are located in the next street, Exchange Street. Therefore gentlemen, I hope that the motion of the gentleman from South Portland does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Members of the House: Number one in answer to my good friend and colleague from Portland, Mr. Miller, I am not an attorney. I am very sorry to hear that brought into the issue because we are all here as legislators and not as individual professions. If we want to use that view my good friend and colleague from Portland, Mr. Briggs, is a real estate man, so I was very sorry to have to make that statement but just to correct, those issues were not part of the issues which we are discussing. I also want to bear out the fact to my good friend from Rumford, Mr. Aliberti, that we too from my town and from several small rural areas send our prisoners in to the Cumberland County jail which makes up the biggest part of jail offenders from the rural areas where he defined it just in a certain area in Portland, the needs and desires were only for that location, which I say is wrong.

Thirdly, I do want to point out that this is a Cumberland County

problem and not a Portland problem. We are concerned with problems naturally of Portland too and working for the best results, but the overall picture to be considered is the County of Cumberland which we too will be penalized to a certain degree, and therefore after all this lengthy discussion I think we have heard pro and con on both sides of the position and I now move the previous question.

The SPEAKER pro tem: The gentleman from Bridgton, Mr. Haughn, has moved the previous question. In order for the Chair to entertain the motion for the previous question, the Chair must have the approval of one-third of the members present that the question be entertained. Will all those in favor of entertaining the previous question rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER pro tem: Obviously more than one-third having arisen, the question now before the House is, shall the main question be put now?

The Chair recognizes the gentleman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, I would just like to say that I hope the main question is not put now because I have a couple of other important things that I would like to speak about.

The SPEAKER pro tem: Is the House ready for the question? The question is, shall the main question be put now? Will those in favor please say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Fifty-seven having voted in the affirmative and fifty-two having voted in the negative, the main question was ordered.

The SPEAKER pro tem: The main question before the House is the motion of the gentleman from South Portland, Mr. Earles, that House Amendment "A" to L. D. 677, Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail" be indefinitely postponed. The Chair will order a division.

Will those who favor the indefinite postponement of House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-two having voted in the affirmative and fifty-seven having voted in the negative, House Amendment "A" was indefinitely postponed.

Mr. Miller of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" was read by the Clerk as follows:

HOUSE AMENDMENT "B" to S. P. 264, L. D. 677, Bill, "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail."

Amend said Bill in section 3 by adding a new paragraph at the end, to read as follows:

'When it becomes necessary to take property for the purpose of carrying out the provisions of this section, the County of Cumberland shall provide funds to compensate the tenant of any home, business, religious or charitable establishment for costs of relocation under the following limitations; a sum not to exceed \$100 for each family tenant and a sum not to exceed \$2,500 for each business, religious or charitable tenant. Relocation payments under this section shall be made only upon the presentation of proper vouchers by each claimant.'

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Miller.

Mr. MILLER: Mr. Speaker and Members of the House: Just to take a few minutes of your time, this is an amendment which is offered which would help these people in the event they are thrown out of their homes, it is for relocation costs, and it reads as follows: (Mr. Miller read House Amendment "B")

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Earles.

Mr. EARLES: Mr. Speaker and Members of the House: With reference to House Amendment "B" to L. D. 677, I have only a couple of observations to make. There is a certain obscurity in the language,

when it refers to compensation of a home we know what that is, or a business, but when we talk about compensating a religious or a charitable establishment, as a matter of legal definition, and I am not being a legal lint-picker, I am simply trying to be practical about it, I am not certain what they mean by a religious or charitable establishment.

A second observation. If this amendment is adopted, and as in all other matters entirely up to the wisdom and judgment of this body, it will be establishing a precedent, it will be the first time that this type of thing has been appended to any act which has authorized the use of eminent domain, and for that reason I would be rather hesitant about adopting same, and for that reason I feel that I am compelled to move that this amendment be indefinitely postponed.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from South Portland, Mr. Earles, that House Amendment "B" be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, under the urban renewal and relocation and slum clearance act which the federal government is using all over the United States of America and for which we passed an enabling act for the State of Maine here this morning, the federal government allows each family living in one of these projects up to \$100 for moving charges to help alleviate the suffering that they go through when they are thrown out of their homes. They also allow up to \$2500 for all business establishments, and believe me this allowance of \$2500 does not cover sometimes one-third of the costs of these business establishments to move and relocate and start business anew. In Portland we have tenement homes, six family homes, three family homes, eight family homes and twelve family homes. The landlord, the owner of the building receives compensation under eminent domain, but the tenants living in these buildings do not receive one cent. They lose their floor coverings, they have to disconnect their stoves;

\$12.00 an hour is charged by the movers in Portland to move their furniture, and the government has recognized this need. The Portland delegation has talked this over with the county commissioners in the County Court House. The county commissioners have told us that they are in agreement with this and they would go along one hundred per cent in the relocation payments to these families. Also, we showed them the amendment and they told us that if the amendment is put in, that they would not have anybody, as far as they are concerned, speak against this amendment. Therefore, I hope this amendment is passed to the county jail bill. Thank you very much.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Kellam.

Mr. KELLAM: Mr. Speaker, I fail to understand why any objection to this amendment should be raised by the gentleman from South Portland. There are very few families involved and no matter which site is taken for the jail there will be very few people moved, but I see no reason why those people should suffer and bear the entire load of the moving of the jail while the rest of the people in the County do not have to be confronted with this problem. This bill only allows — this amendment only allows \$100, up to \$100 for moving charges and the moving charges must be proved and the people who are going to be greatly inconvenienced and have difficulty finding new homes, I see no reason why they shouldn't at least have this small amount given to them if that is the expense that is incurred to help them get over their problem. They are low income people and moving is a great deal of trouble for them and I fail to see any reason for the objection.

As to the religious and charitable tenant, I think it is obvious that there is a small church on a site that might possibly be taken and this really would protect them in their moving expenses. I don't see how there could be any doubt cast that there is going to be only fifteen or twenty people involved and the majority of the people are not going to be the people who receive the money on their homes from the

sale of the houses, they are going to be tenants, and if this amendment does not pass they will bear the full brunt of the — this inconvenience that is going to be suffered because of this relocating of the jail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sebago, Mr. Good.

Mr. GOOD: Mr. Speaker, I am sorry to have to differ with the gentleman from South Portland, Mr. Earles, but I feel under the circumstances that little enough we can do for these people if they are to be moved, that they be given the compensation of up to \$100 per family and \$2500 per business. The county commissioners in exercising their eminent domain can take this cost into consideration and make their decision on that basis. Therefore, I hope that the motion of the gentleman from South Portland, for indefinite postponement of this amendment, does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Earles.

Mr. EARLES: Mr. Speaker, I am sorry to have occasioned an emotional reaction as well as a well taken and objective reaction to my motion. If my language had been followed, I think that the people would realize that I was simply pointing out to them a possible obscurity, and the fact that it conceivably could establish a precedent. I did not move the indefinite postponement other than to point up the question, and I certainly have no objection to the indefinite postponement of my motion if that is the wish. As a matter of fact if it is fairly clear in the people's minds, and there seems to be a specific reaction, I am perfectly willing, and as a matter of fact I will withdraw my motion to indefinitely postpone.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Portland, Mr. Miller, that House Amendment "B" be adopted. All those who favor the adoption of House Amendment "B" to L. D. 677 will say yes, those opposed, no.

A viva voce vote being taken, House Amendment "B" was adopted.

Mr. Healy of Portland offered House Amendment "C" and moved its adoption.

House Amendment "C" was read by the Clerk as follows:

HOUSE AMENDMENT "C" to S. P. 264, L. D. 677, Bill, "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail."

Amend said Bill by striking out the emergency clause at the end and inserting in place thereof the following referendum:

**Referendum for ratification.** In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the County of Cumberland at the next special state-wide election to be held on the 2nd Monday of September, 1959. The aldermen of the cities and the selectmen of the towns of Cumberland County are hereby empowered and directed to notify the inhabitants of their respective cities and towns to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives.

At the next special state-wide election to be held on the 2nd Monday of September, 1959, the inhabitants of Cumberland County shall give in their votes upon the subject matter of this act. The question shall be: "Shall the County Commissioners of Cumberland County be authorized to issue bonds for construction of a county jail to the amount of \$1,350,000, in accordance with an act passed by the 99th Legislature?"

The inhabitants of said cities and towns shall vote by ballot on said question and shall indicate by a cross or check mark placed against the words "yes" or "no" their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward and town meetings and returns made to the office of the Secretary of State in the same manner as votes for Governor and members of the Legislature.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters voting at

said election; provided the total vote for and against the acceptance of this act at said election equaled or exceeded 20 per cent of the total vote for all candidates for Governor in said County of Cumberland at the next preceding gubernatorial election.

**Secretary of State shall prepare ballots.** The Secretary of State shall prepare and furnish to the several cities and towns ballots and blank returns in conformity with the foregoing act, accompanied by a copy thereof. The County of Cumberland shall reimburse the Secretary of State for the expense necessarily incurred in preparing and furnishing the ballots and returns.'

The **SPEAKER** pro tem: The Chair recognizes the gentleman from Portland, Mr. Healy.

Mr. **HEALY**: Mr. Speaker and Members of the House: In this L. D. 677, An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail, they want an emergency. Emergency for who? The security vendors? Probably contractors? Or maybe an insurance agent. Ladies and gentlemen, this is a matter of \$1,350,000 for a new jail in Cumberland County. We have got a jail there. Although it is a hundred years old, you wouldn't knock down the Rheims Cathedral because it was nine hundred years old. This county jail, ladies and gentlemen, was built when they built things. It is all concrete and is as solid as the rock of Gibraltar. To be sure there are some conditions inside of the jail such as the plumbing and a few other things that could be amended, but certainly not for \$1,350,000.

The people of Cumberland County have had to accept a bond issue for a million dollars to transfer the bridge to the State. That was a good deal, because about every time one of the tankers went through the draw there in the bridge there would be some damage, and it is a stock statement in Portland that the bill would come in for repairs of \$40,000. Now it don't take too many of those \$40,000 to add up to a million dollars.

Now all we are asking here is that the people of Cumberland

County have the right to know, the right to know what's going on. Our commissioners down there are looking upon this money as pie in the sky. We have heard the gentleman from South Portland, Mr. Earles, tell us about the expert that they had in here from somewhere out in the west, a Mr. Casey, to advise us on a new jail. Well I happen to have been around there last fall when they were handing out those free meals and I got in on this one at the Eastland when this professor was discussing this new jail at \$1,350,000. First off they wanted it up in Windham, that was where they were planning to build it. Well they had spent \$9,000 on architects fees before they discovered that the jail couldn't be built outside of Portland. Now these county commissioners here are going hog wild to the pork barrel. They have no regard for the people of Cumberland County, the taxpayers. Here in the State of Maine we are spending tens of thousands of dollars in the Department of Economic Development to encourage industry to come into this State to build up our economy and at every turn we are setting up a roadblock at the local level, at the county level, and at the state level with additional taxes. The people of Portland only recently had to accept an increase in taxes of \$5.40. Ladies and Gentlemen, how far do you think that the people can absorb this thing? How long do you think they can stand it?

This matter here is not a party proposition, it is the people's proposition, the people of Cumberland County have a right to know what's going on. We have recently enacted some kind of a bill here in the House giving the people the right to know. Let's make application of that principle in this particular case here and give this matter to the people of Cumberland County by referendum. Let them make the decision as to whether we want a new county jail or not. This is a lot of money.

The Cumberland County jail is not in bad shape. I have an inspection report here made by the Department of Penal Institutions here in the State of Maine, this inspection was dated December 11,

1958, population total is 82, under sentence 70, awaiting trial and hearing 12, but the important thing I wish to impress you with in this particular statement is the reference they make to escapes, and I should like to emphasize this, none! That's not a bad jail. After all, this business of a jail is only for derelicts, drunks and drones and they are waiting their turn there in the fall to get in to hold over the winter.

Ladies and Gentlemen, all of you good people in all of the counties in the State of Maine whether it be Aroostook, Androscoggin, Piscataquis, Penobscot, Sagadahoc, or Somerset, Waldo, Washington, Hancock or Franklin, York or Oxford, Kennebec or Cumberland — I hope I haven't left out any counties there either, I don't want to alienate any of these good people here, I ask you ladies and gentlemen to search your conscience and your wisdom and give the people of Cumberland County an opportunity to say as to whether they want a new county jail at a cost of \$1,350,000. Ladies and gentlemen, that is a lot of money even at today's prices, and would buy a lot of pick and mortar, and I hope it is not for a county jail. There are so many other things in the County of Cumberland that we could use. They are working on that monstrosity the exposition building down there to the tune of about \$700,000 and when they get through they will have nothing, it will be the same old barn, the same old stench, and I ask you ladies and gentlemen to turn this matter over to the people of Cumberland County and let them decide as to whether they want to spend \$1,350,000 for a new jail, and when the vote is taken I ask for a referendum — I mean a division. (Applause)

The SPEAKER pro tem: The Chair is very pleased at this time to recognize the presence in the gallery of the House of twenty-four pupils of the sixth, seventh and eighth grades of Cushing Elementary School, accompanied by their Principal, Mrs. Ford, and by three parents. We hope that you will enjoy your visit here today and will profit from it. (Applause)

The Chair now recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I just heard when I arose somebody mentioned the word previous question. I do not move the previous question at this stage of the game when legislation that is important is before us; I do not move for divisions. The time has come now when we have got important pieces of legislation and by the first of April I sometimes hoped to try and make an attempt to go along with a speedy adjournment, but I am not going to be part of it any more, I am in no hurry at all, I really frankly don't care if we are here until July 4th, and on any measure I shall not vote the previous question; I shall not make any more motions for divisions to kill off a tabling measure.

With the seriousness of my good friend Mr. Healy, and also his cajoling, I think this matter before us is one of the most important pieces of legislation wherein it involves industrial development, and some of you will wonder what in blazes has industrial development got to do with the bastille. I'll try to be brief and I'll try to explain it.

Fortunately for my city we are about ready to receive a very large nation-wide industry. The reason that our sister city, the first largest city in the State did not get it, quote from some of those who are interested in the plant that is coming to our city, the tax rate is too high. Now there was a purported bill that was supposed to be submitted for an addition to our jail in Androscoggin County, and I quickly stated that I would have no part of it. The jail is near the Court House and a great deal of money should be expended in our Court House and a small sum has been voted by the county delegation and okayed by this Legislature.

I have presented two measures before this body wherein it concerns the City of Lewiston's Charter, one measure would ask the people whether or not they wanted to expend some funds wherein it concerns the parking situation in Lewiston. There was some talk although very little about the fact that it should be place upon referendum. The Legal Affairs Committee unani-



mously after discussing it with me reported the bill out with a unanimous report with a referendum on it. The second measure which I objected to recently and I shall object to again when it reaches the Floor of this House is the measure that saves thousands of dollars, and I know by some of the opponents even that they stated if it did go to referendum it would pass fifty to one. Consequently, I do not want to go to the expense of a referendum.

Now getting back to the bill that is before us, personally if the bill is not to be indefinitely postponed, it certainly should go to referendum because justifiably so \$1,350,000 is a lot of money. However, many industrialists and some have talked to me of a nation-wide reputation, have told me that when they want to come to a state they will look at all facilities. Now I like Portland and I like Cumberland County and I appreciate the port facilities and the railroad facilities involving Portland, and when these industrialists decide whether they are going to come here or not, they look upon those situations and believe me they do. And whether the industry comes into Cumberland County, Portland, or whether it would go into Lewiston or Waterville or Augusta or Bangor or Presque Isle or larger communities around the county, everyone profits by it. By the same token everyone does not profit by the expenditures of a location of a jail so be it within the County if the jail is not so desperately needed.

Also another thought we must entertain is the thought of county government. Now the thought was entertained that the people who are now — the majority of the people who are now in jail, in our county jails, are derelicts and drones and drunks. I don't quite go along with that. I claim that a majority of them are sick people, and I have long been with others a champion of district farms and district farms are coming and they are coming fast if we are to rehabilitate these people, because it is not just the child or the delinquent that we must rehabilitate, it is that poor unfortunate who as Mr. Healy said, just waits his turn to be winterized.

Now I think that if we go in seriously into a program eventually, and I am convinced that we will be, on district farms it will nullify a great many of our jails in many of our counties in the State. I think the gentleman from Portland, Mr. Healy, is perfectly right in his thinking. I think you should be very, very serious about your vote where-in it concerns the expenditure of this money.

Now some would say that what is he doing sticking his nose in Cumberland County? I think when it involves the State of Maine, I have a right, and I intend to speak on any and all measures. I pray fervently that you go along with the amendment of the gentleman from Portland, Mr. Healy, to place a referendum on this question and I want to see a hero either from Portland or Cumberland County get up and do the right thing and move the indefinite postponement after the amendment is passed of the whole business.

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The SPEAKER pro tem: The Chair at this time is pleased to recognize the presence in the gallery of the House of sixteen members of Grade eight of Baldwin Consolidated School, Baldwin is in Cumberland County, accompanied by Mrs. Ida W. Ward. We extend to you a cordial welcome, and hope that you will enjoy and profit by your visit here today. (Applause)

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The Chair recognizes the gentleman from Portland, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I wish to go on record as favoring the amendment of the gentleman from Portland, Mr. Healy, that this bill with its cost of \$1,350,000 go to a referendum of the people. Let the people decide in Cumberland County whether they wish to spend this amount of money. It is the people that are paying for this new jail and I believe, as their representative, that they should have the right to vote on this question. Thank you.

The SPEAKER pro tem: Is the House ready for the question? The Chair recognizes the gentleman from South Portland, Mr. Earles.

Mr. EARLES: Mr. Speaker, I simply wish to state that I interpose no objection to the amendment of the gentleman from Portland, Mr. Healy.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Portland, Mr. Healy, that the House adopt House Amendment "C" to L. D. 677, Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail," and a division has been asked for.

As many as are in favor of the adoption of House Amendment "C" will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred thirteen having voted in the affirmative and none having voted in the negative, House Amendment "C" was adopted.

Mr. Earles of South Portland offered House Amendment "D" and moved its adoption.

House Amendment "D" was read by the Clerk as follows:

HOUSE AMENDMENT "D" to S. P. 264, L. D. 677, Bill, "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail."

Amend said Bill by striking out all of the Emergency Preamble.

Further amend said Bill by adding after section 4 the following:

'Sec. 5. Sale of present jail. The county commissioners of Cumberland County are authorized to sell the present jail and lot at the best offer and convey the same by deed, after the new jail is completed and occupied.'

Further amend said Bill by striking out all of the Emergency Clause at the end.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Earles.

Mr. EARLES: Mr. Speaker, Ladies and Gentlemen of the House: To further facilitate Cumberland County jail delivery day, I present this amendment. The first segment of it strikes out the emergency preamble which the gentleman from Portland, Mr. Healy, was concerned with. The second section of this amendment would specifically give

the county commissioners the authority to sell the present jail at the best offer and convey same by deed after the new jail is completed and occupied.

It has been believed that they probably have the authority, but they wanted to be certain, so that if after this bill goes to referendum, and if the people decide they do wish to build a new jail, the county commissioners hereby would have the authority specifically to sell the old jail at the best price.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I wish to go on record and hope that the motion of the gentleman from South Portland, Mr. Earles, prevails.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the adoption of House Amendment "D" to L. D. 677. Those in favor of the adoption of House Amendment "D" will say yes; those opposed, no.

A viva voce vote being taken, House Amendment "D" was adopted, and the Bill assigned for third reading tomorrow.

At this point Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair wishes to thank the gentleman from Auburn, Mr. Wade. The Chair did not realize what he was letting him in for.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Auburn, Mr. Wade, to his seat on the Floor, amid the applause of the House, and Speaker Edgar resumed the Chair.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the fifth tabled and today assigned matter, Bill "An Act to Continue the Citizens Committee on Survey of State Government," Senate Paper 321, Legislative Document 897, tabled on May 8 by the gentleman from Enfield, Mr. Dudley, pending the motion of the gentlewoman from Yarmouth, Mrs. Knapp, to reconsider the vote whereby this bill failed of passage to be enacted.

The Chair recognized the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I now move that the motion of the gentlewoman from Yarmouth, Mrs. Knapp, receive passage.

The SPEAKER: The question before the House is the motion of the gentlewoman from Yarmouth, Mrs. Knapp, that the House reconsider its vote whereby it failed to pass this bill to be enacted.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, in hoping the motion to reconsider prevails I merely want to ask a question, the motion prevailing to reconsider places the bill right back to where it was last Friday, is that correct?

The SPEAKER: If the motion to reconsider prevails, the pending question then will be on the passage to be enacted. If it prevails.

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I would like to ask a question, does it take a two-thirds majority?

The SPEAKER: The motion to reconsider is a straight majority. The enactment of the bill will take a two-thirds vote. Is the House ready for the question on reconsideration? Will those who favor the motion to reconsider please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-four having voted in the affirmative and nineteen having voted in the negative, the motion to reconsider prevailed.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, I now move that this bill be passed to be enacted.

The SPEAKER: The Chair must advise the gentleman from Kennebunk, Mr. Emmons, that the enactment of this bill is the pending motion. The question before the House now is on the passage to be enacted of this bill, and being an emergency measure it requires the approval of two-thirds of all the members elected to the House. Will all those who favor the passage for enactment of this bill please rise and remain standing until the

monitors have made and returned the count.

A division of the House was had.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I ask for a roll call vote.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests a roll call. For the Chair to authorize a roll call, the Chair must have the expression of a desire for a roll call on the part of at least one-fifth of the members of the House. Will those who desire a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, a question through the Chair, may a roll call motion be tabled? Would it be in order to table this motion for a roll call?

The SPEAKER: The Chair will advise the gentleman that a motion to table the bill pending passage to be enacted would be in order.

Mr. KNIGHT: I would so move until tomorrow morning.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves that the bill be tabled and specially assigned for tomorrow morning pending passage to be enacted.

Mr. BEANE: of Augusta: Mr. Speaker?

The SPEAKER: The gentleman may not debate a tabling motion.

Mr. BEANE: I don't wish to Mr. Speaker, but I would like to request that the Speaker announce the total vote on the division that was just had.

The SPEAKER: The Chair will advise the gentleman and the House that on the previous vote just taken the bill failed of enactment having failed to secure the necessary two-thirds, the vote being ninety-four in favor of enactment and thirty-two against, and the call for a roll call was in order and seasonably made.

The question now before the House, however, is the motion of the gentleman from Rockland, Mr. Knight, that Bill "An Act to Continue the

Citizens Committee on Survey of State Government" be tabled and specially assigned for tomorrow morning pending passage to be enacted.

The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, I would ask for a division on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion. Will those who favor the motion to table this bill until tomorrow morning pending passage for enactment, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-four having voted in the affirmative and twenty-seven having voted in the negative, the tabling motion did prevail.

The SPEAKER: The Chair now lays before the House the sixth tabled and today assigned matter, Senate Report "Ought not to pass" as covered by other legislation of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for Advertising and Promoting Maine's Recreational Industry, Senate Paper 153, Legislative Document 374, tabled on May 11 by the gentleman from Cumberland, Mr. Call, pending acceptance of the Report in concurrence.

The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Members of the House: I want to thank you very much for the courtesy extended to me while I was absent yesterday in retabling this bill by the gentleman from Cumberland, Mr. Call. This is a very important piece of legislation and concerns the whole State of Maine and whereby it is so-called covered by other legislation is not known, and it has been recommended and suggested and after conversing with both Chairmen of the Appropriations Committee, there are other important factors concerned with this bill, they have granted their privilege and I hope the House will go along with the same thinking that it be recommitted back to Committee for further consideration.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr.

Haughn, that with respect to this Resolve, the Report and accompanying papers be recommitted to the Committee on Appropriations and Financial Affairs. Will those who favor the motion to recommit, please say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Thirty-two having voted in the affirmative and seventy-six having voted in the negative, the motion to recommit did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Members of the House: I hope you members of this honorable body realize the importance of this bill. You have pending before you legislation regarding the excise rental tax and so forth to bring a revenue into this State of approximately two and one-quarter million dollars. This industry is going to bring in this money for you if you see fit to pass this piece of legislation. They are being deprived of any part of this revenue that is coming in to promote the industry. I will admit that the D. E. D. does do up to a certain part of it, but when you look in other states and the Province of Canada and see the millions of dollars being spent to advertise the State of Maine for recreational purposes, I wonder if you realize what we are doing to the industry in the State of Maine. Now this is not my bill, but I am deeply concerned with it being from a recreational area the same as a good many of you folks are, and it is suggested by my good friend, Mr. Jalbert from Lewiston, that whatever helps one part of the State helps the other.

Now there is more than one person working on this bill. Just to quote my good friend once again, as he emphasized there were only two people working here a short while ago, this bill there are several people working. They are sincere in their thoughts. The D. E. D. themselves say that they are not getting sufficient funds to advertise properly the State of Maine especially the recreational areas to cover beyond New England States. We have opened a new area up in Canada to try and do some of that to

get business to come down here, but we are not touching a good portion of the United States.

The Province of Quebec is spending millions of dollars and over the years the millions that they have spent has certainly brought them such big dividends that they increased their appropriations to advertising still greater and better. I wonder if you gentlemen have given serious thought to this particular bill. That is one of the reasons why I requested this House to send it back to the Appropriations Committee because you have not yet received all of several bills from that Committee which have all, as I understood, some of them have been passed out covered by other legislation. What is other legislation? I don't know, and I hope that somebody in this House can tell me, but I certainly hope there will be more interest in this particular bill because this is a state-wide bill and not for any county or local areas, and it certainly involves the future of the State of Maine, and I hope there will be others interested enough to speak on this bill.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I would like to ask a question of the House Chairman of the Appropriations Committee, is this bill covered by other legislation and is that the reason for the "Ought not to pass" Report?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has addressed a question through the Chair to the gentleman from Bangor, Mr. Stanley, who may answer if he chooses.

Mr. STANLEY: Mr. Speaker and Ladies and Gentlemen: The other legislation which is referred to, as this bill being covered by, actually was a request by the Department of DED for additional funds for this particular thing, and it was not granted in the Governor's Supplemental Budget. It was requested by the Department, but there is no other legislation to my knowledge which would cover this particular thing. I made mention of that fact in committee when we sent these out, that we should send out the legislation which would cover it,

but we didn't at that time. So it is not covered by other legislation—the request was made but it was not granted in the Supplemental Budget as yet.

The SPEAKER: Does the gentleman from Lewiston consider his question answered?

Mr. JALBERT: Yes, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker, I move that we concur.

The SPEAKER: The question now before the House is the motion of the gentleman from Rumford, Mr. Aliberti, that the House concur in the acceptance of the "Ought not to pass" Report.

The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, when the vote is taken I request a division.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I too am very much interested in the recreational industry and have had some connection for some years now, trying to get out a survey of the industry and many other things. But we do have this in the DED budget and we did have so many bills all covering the same subject that it seemed well to get some of these out of the way and then give it due consideration, and I would hope that when the other bills come in that we would give them consideration, and I certainly shall be for supporting that type of legislation, but at the present I don't see why we need so many different items covering the same subject, and after all, DED in the law is committed to do these things, and it seems to me we should hold them responsible for surveys and also should see that if we are going to pass the transient rental tax we certainly should see that a good portion of it goes to advertising the recreational industry in this State.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I believe I said this two years ago, that the State of Maine's largest

industry is the tourist industry. It brings in an estimated \$250,000,000 a year, that is one quarter of one billion dollars. Now you people who live away from the Maine touristy may say "What does it matter to me, we rarely see a tourist." It matters a great deal to all of us, because a large percentage of the income which this State receives each year comes from out-of-state people who come here to vacation-land, and I hope the motion to concur does not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Rumford, Mr. Aliberti, that the House concur in the acceptance of the "Ought not to pass" Report on Resolve Appropriating Moneys for Advertising and Promoting Maine's Recreational Industry. A division has been requested.

Will those who favor the acceptance of the "Ought not to pass" Report in concurrence please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-four having voted in the affirmative and thirty-seven having voted in the negative, the Report was accepted in concurrence.

The SPEAKER: The House may be at ease. Please do not leave your seats.

#### House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair now lays before the House the third item under Senate Papers, the "Ought not to pass" Report of the Committee on Education on Bill "An Act relating to Reapportionment of School Directors of School Administrative Districts," Senate Paper 345, Legislative Document 972, tabled earlier in the day by the gentleman from Houlton, Mr. Ervin, pending acceptance of the "Ought not to pass" Report.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, as I understand it, an amendment has been presented in the Senate to this bill which now makes it acceptable to the Department of Edu-

cation, and also to the Chairman of the Committee on Education. Therefore, I would move that we concur with the Senate.

The SPEAKER: The Chair must advise the gentlewoman that the motion that would be in order would be to substitute the Bill for the Report in concurrence. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Bill was read twice.

Senate Amendment "A" was read by the Clerk as follows:

SENATE AMENDMENT "A" to S. P. 345, L. D. 972, Bill, "An Act Relating to Reapportionment of School Directors of School Administrative Districts."

Amend said Bill in the 6th line by adding after the underlined word and comma "reported," the following underlined words:

**'or when requested by 10 per cent of the number of voters voting for the gubernatorial candidates at the last state-wide election in the municipalities comprising the district.'**

Further amend said Bill by striking out the 19th, 20th and 21st lines.

Senate Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

The SPEAKER: The Chair now lays before the House the first tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Increasing Tax on Cigarettes," House Paper 78, Legislative Document 116, tabled on May 8 by the gentleman from Auburn, Mr. Wade, pending acceptance of the Report, and the Chair recognizes that gentleman.

Mr. WADE: Mr. Speaker, I move that this item be retabled and be especially assigned for Tuesday, May 19.

The SPEAKER: Would the gentleman from Auburn, Mr. Wade, please approach the rostrum?

(Conference at rostrum)

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Wade.

Mr. WADE: Mr. Speaker, I withdraw my previous motion and move that this matter be tabled unassigned.

The SPEAKER: The gentleman from Auburn, Mr. Wade withdraws his tabling motion whereby he assigned item number one, and moves that it be tabled unassigned. Is this the pleasure of the House?

The motion prevailed.

On motion of the gentleman from Kennebunk, Mr. Emmons, the House voted to take from the table the sixth tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Natural Resources on Bill "An Act relating to the Classification of Prestile Stream in Aroostook County," House Paper 661, Legislative Document 954, tabled on May 8 by that gentleman pending the motion of the gentleman from Bethel, Mr. Saunders, to accept the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Ladies and Gentlemen of the House, this matter has been before you for quite some time. It is getting late in the session and I feel definitely that this is one measure that we can do away with quite easily. It was brought to the attention of the House that this matter was tabled because of a report pending from the Supreme Court of the State of Maine. Now, let me state this fact that if this stream is not declassified, we do not need any ruling from the Supreme Court. As long as this stream stays in its present condition under the classification law, we do not need any such ruling.

Yesterday, I received a telegram from the Chairman of the New Brunswick Water Authority and I would like to read into the record just a few of the comments as they came through this telegram: "In New Brunswick after suffering pollution of Meduxnekeag, Prestile and Aroostook rivers from Maine and our own local pollution elsewhere, we can scarcely believe our neighbors are talking about declassifying Prestile stream merely to avoid sewage treatment. New Brunswick Water Authority with Department of Health and other provincial and federal agencies have been making

plans and taking action to improve our provincial waterways without allowing further deterioration anywhere. This season we will examine the water quality in all international and border streams hoping to reach mutual agreement through Maine Improvement Commission for better control without stressing international law and treaties and regulations already legal supporting International Joint Commission and Canada's Department of Internal Affairs. Stop. Trust you succeed in efforts to prevent authorizing international streams as modern sewers."

Ladies and Gentlemen, I don't think we need to go into this discussion too far. It has been mentioned the other day that it is going to penalize the small communities. On our law, as it reads today, the Water Improvement Commission says, the law says that where it is economically feasible that these things shall be done, and Ladies and Gentlemen of the House, I do not know of any instance where any town was ever put out of business or any industrial business was ever penalized in any way as far as the Water Improvement Commission is concerned. This is strictly a matter for the Water Improvement Commission. This House if they accept the degrading of one of these streams will have many before it before this session is over. Certainly, I hope my motion to accept the Majority "Ought not to pass" Report does prevail.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, I merely rise to concur with my good friend Mr. Saunders from Bethel and hope that his motion passes. My name was just mentioned the other day as being opposed to any degrading of streams. That is correct. I am opposed to the degrading of any stream in the State of Maine.

Further I would like to ask, is there a member of this House that would throw his garbage out on his neighbor's lawn? I think I have said enough and I hope the motion of the gentleman, Mr. Saunders, from Bethel prevails.

The SPEAKER: The Chair recognizes the gentleman from Monticello, Mr. Jewell.

Mr. JEWELL: Mr. Speaker and Members of the House: I have got to go back a little over something that I said last Friday because there were not very many members in the House here when this was talked over Friday.

The gentleman from Bethel, Mr. Saunders, is afraid that this will set a precedent if they turn this bill down, and I think there will be more towns come in two years from now, in fact I know two or three of them intend to, they told me so. It was known when this was set up that this would be — small towns could not expect to pay the cost of these sewage disposal units, as they cost an enormous amount of money and if they build in the small towns, the state has got to finance a good part of them, and this could cost the state an enormous amount of money. I see by the papers, the federal government, their share that they would put in, they are thinking of throwing it all back to the state so the state would have to pay the whole bill. As far as the Town of Mars Hill putting the sewerage in the streams it is a very small part. Their sewerage going into the stream is only about one per cent. One starch factory in Presque Isle, not Presque Isle but Westfield just to the north of there, they are putting in the most of the sewage or the water pollution, and if it wasn't for the starch factory, what little pollution that the Town of Mars Hill is putting into that stream wouldn't amount to anything. A mile and a half downstream from Mars Hill, all traces have disappeared of any pollution going into that stream. They fish it down below there. It is only four or five miles to the international boundary, and if you go up there today you will find them right in there fishing and catching trout there. It is a wonderful stream for fish.

As far as Canada putting the pollution in, they put more pollution in at Centerville, that's about three miles from the boundary after you cross the boundary in New Brunswick, they have four or five barrel mills in there and they are

putting sawdust and waste right into the stream. That is worse on fish than most any other pollution that you can put in there.

The cost to the town of Mars Hill would be — they just couldn't stand it if they had to put it in. It would cost them upwards of \$400,000. They would have to build a whole brand new sewer to take care of storm waters that is going into the present sewer or else build a larger unit which would cost them about \$400,000. Their debt limit is \$120,000 and they owe \$154,000. They are trying to keep up with their education. They say the Water Improvement Commission won't bother them, but they do come back every two or three months and want to know why they haven't made a start, and they can't make a start. They are trying to educate the children. If this water district went into effect, there are about fifteen per cent of all the people the rate payers that would be paying that are living on old age pensions or small social security payments. Thirty per cent more, they are working men, they work in potato fields and on the farms, potato houses and they don't make from \$2,000 to \$2,500 a year wages. They have to support their families on that, but they would have to pay it and they can't afford to. There are about twenty-five per cent of the rate payers there who would be able to pay the rate, and if they built the storm sewer, if they just built the original sewage disposal unit to put that in there it would cost them \$89,100, but this storm sewer they would have to put in would cost them about \$100,000 more which the state and federal government would pay no share of it whatever. On top of that the taxpayers, the farmers out in the country, they wouldn't be using these sewers. They would have to pay a share of the cost of the schools. I think that is, if my memory serves me right, it would cost them \$3,220 a year for the schools, use of the system. They have a hotel there, kind of a cheap hotel, and they are just making expenses right now. It would cost them a thousand dollars and they would have to close up. Garages and filling stations, it would cost them two or three hun-



dred dollars a year and they can't afford to do it. I move we accept the Minority "Ought to pass" Report.

The SPEAKER: The question before the House is the motion of the gentleman from Bethel, Mr. Saunders, that the House accept the majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker and Members of the House: To date our classification program has gone along smoothly and has made considerable progress. Now we have come to a point where the first major stumbling block, or the first test of that program, has arisen. We must decide at this time whether or not we shall continue to make progress or whether we shall jeopardize the entire program.

I would like to outline a little of the background and history of this particular problem. This classification now on the Prestile Stream at Mars Hill was established in 1955 after public hearings were held in the town and later here in the Legislature before the Committee on Natural Resources. At neither one of these hearings was there any major objection to the classification. In fact, it would seem to be indicated that they were in favor of accepting this classification there at Mars Hill. Now that it becomes necessary for them to proceed with the proper steps to effect a clean up of the pollution, they wish to withdraw or renege. And I would point out that this bill does not reclassify but it declassifies a certain portion of that stream. In other words, it removes it entirely from any classification whatsoever.

I would like to point out also that this is not the last resort for the Town of Mars Hill. I will grant that they have some very hard problems to solve in this particular situation, but this is not the last resort. The present law as it is on the books today has the provision whereby the town has the right of appeal to the Court of any decision from the Water Improvement Commission, and I feel personally that perhaps this is what we need to continue and to strengthen the classification program. Perhaps we do need a test

case and I feel that perhaps this may be that test case whereby the Court could determine what would be reasonable and what would be prohibitive to expect from these towns. And I hope that the motion of the gentleman from Bethel, Mr. Saunders, does prevail.

The SPEAKER: The Chair recognizes the gentleman from Fort Fairfield, Mr. Edmunds.

Mr. EDMUNDS: Mr. Speaker and Members of the House: I am a little hesitant to arise here in opposition to the interests of the conservationists, but by the same token I am a little hesitant to fly in the face of the economic facts of life. Now as I understand this problem, by statutory authority the Town of Mars Hill is limited to the amount of money that they can borrow, and at the same time under the statutes now on the books they are required to put in a sewage disposal system which would require approximately \$400,000 and would have to be financed by a bond issue or by some other type of municipal borrowing.

And I just don't see how to me that creates a paradox and I can't see where the solution is to it. There are just two points I want to mention. Living in Aroostook I am familiar with the average wages that the man gets for working there. I would say the average working man receives about \$40 a week. Now as I understand it, this system would require about \$51 a week to participate in it. That is about three per cent of the gross income of the individuals who can afford to use it. I do not think on a \$40 a week budget that they can afford it as I assure you that there is no fat in their budget, on the forty dollar figure.

Another thing is the economic conditions prevailing in Aroostook at the present time, that the prices have been very low up there as you all know despite what you read in the newspaper over the weekend, most of us have taken a financial bath. We have a little song up there we sing, an Aroostook County hymn, you have probably heard it, I can repeat three or four lines:

"When the price is high enough  
We have a little cash,

When the price is on the bum

We eat a lot of hash."

We have been eating hash up there for the past five years.

Personally I don't think the economy of Aroostook County can justify our spending this type of money at this time. In respect to Canada, Canada has several starch factories on the St. John River, they have a paper mill, they have two potato processing plants, and none of the cities up and down the St. John River as far as I know have sewage systems. And yet they complain about waste flowing over from our side of the border. So far as preserving the fish life in the St. John River at the present time, the Americans, citizens of Maine, are not allowed to fish in that river for the only fish which they catch there, the Atlantic Salmon. I don't see why we should feel obligated to go along with requests from the Province when they absolutely refuse to take care of their own problems.

So to repeat, I have no quarrel with the conservationists, I think they are dedicated men, I think they are highly honorable men, and I certainly approve of the long range program that they have set out to accomplish in this Legislature. But I do think that it is very unfortunate that a town as handicapped as is the Town of Mars Hill at the present time, should be caught in the middle on this thing, and I certainly hope that the motion of the gentleman from Bethel, Mr. Saunders, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Ervin.

Mr. ERVIN: Mr. Speaker and Ladies and Gentlemen of the House: There have been a couple of statements made here this morning regarding this problem that I've got to comment on. My good friend, Mr. Whitman, has just said that this seems to be the first stumbling block and it is appropriate that we should bring it up and discuss it at this time. I think it is perhaps a good chance that this is a stumbling block and should be so. It was stated on the floor of this House last Thursday that there was a large firm in the City of Westbrook with a payroll of \$300,000 a week that was dumping pollution in their

river down there, but they couldn't and shouldn't be bothered with that problem, so now we appropriately are going to attack a small town up here in Aroostook County with about 2,000 people and point a pistol at their head and say "You put in this thing whether you can afford it or not."

To review a couple of other statements that were made that the Province of New Brunswick, the Water Improvement Commission over there sent a telegram which you heard this morning, it is interesting to know that by the statement of our own executive secretary of the Maine Improvement Commission that the Province of New Brunswick has never had a piece of legislation in their parliament to clean up any one of their rivers. It was stated just a few minutes ago by the gentleman from Fort Fairfield that the St. John River had all of these various things going into their river for pollution, but never has the Province of New Brunswick tried to clean them up. The same little Prestile Stream that we are talking about has three sawmills in Canada on the Prestile Stream as it enters into the St. John. Why don't they get after those people? They are jumping on us. Here is a little town of Mars Hill and even by the subterfuge efforts that you could have for raising money, and we have them. For example, they form a school district to get around the fact that you can't raise your debt limit over seven per cent, but you form a school district and you can get around that. You can form a utility district and get around that. The statement has been made that under valuation of the Town of Mars Hill they can only raise \$120,000 in bonds and at the present time they owe \$154,000 long term notes and bonds. With these utility districts and the school districts and if they follow up with the order to build a water disposal system up there, they are still going to be over their debt limit, and they just can't do it. I am thoroughly convinced that those people in Mars Hill, if the Water Improvement Commission, which I don't believe they will, but should they say you start building that as of next month

or whatever the date is, that they couldn't do it because they couldn't get the cash. It just is as simple as that. There is a bill before the Appropriations Committee at the present time that if this is turned down, the bill of the gentleman from Monticello, Mr. Jewell, there is a bill before the Appropriations Committee asking for an out and out donation of sufficient money to build a water sewage disposal plant.

Now I believe in clean waters and conservation as much as the next fellow, but I think we have got to approach this thing with a little bit of caution. I think we have got to temper our decision. I think we have got to reorganize our thinking just a little bit. There is no problem of health in Mars Hill as a result of this sewage being dumped into the stream. There is no problem of recreation difficulty either, nor is there any injury to property. I have heard of nobody, even Canada, that has brought any suits that their property has been damaged as a result of any sewage going into the Meduxnekeag River running through Houlton or the Prestile Stream through Mars Hill. There never has been any question of that.

The treaty of 1909 was brought up here awhile back. It also states in this treaty that they shall watch the pollution of the boundary rivers and so on. I am not an attorney, but there was sufficient question raised about the facts of this 1909 treaty that the opponents to this bill by their own suggestion have asked the Supreme Judicial Court to rule on it. I don't believe that this Legislature should take any particular steps until we find out what that ruling is going to be. We don't know whether our action is going to be null and void or not, and I think until we find out what is going to happen that we should move with a little bit of caution, and I hope that the motion of the gentleman from Bethel, the motion to accept the Majority Report does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Perry.

Mr. PERRY: Mr. Speaker and Members of the House: I feel that I should state my reasons for sign-

ing the Majority Report on this bill, being on the Natural Resources Committee. The stream flows through my town of Easton and Westfield, and anytime I ever see any of the citizens there, they want to know what happened to this bill, whether it was going to be opposed or not. And I know that taking the classification off below Mars Hill won't affect the rest of these towns. But they should, the factory in Westfield is a starch factory and they are talking of building one in Easton, and both of those towns will be trying to take the classification off up further there if it is allowed down below.

I hate to oppose my seatmate, Mr. Jewell from Monticello, I'm afraid he won't let me ride with him any more if I do, but I feel as I'll have to.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker and Ladies and Gentlemen of the House: I have listened to this fine discussion here and I can't quite agree with my good friend from Woodstock, Mr. Whitman, when they say take a small town like Mars Hill and use that for a test case when the town has only got \$100,000 in bond issue allowance and probably a plant would cost \$400,000, when we have many large cities who could well afford to be made a test case. I hope the motion of the gentleman from Bethel, Mr. Saunders, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Heald.

Mr. HEALD: Mr. Speaker, as a member of the Natural Resources Committee who signed the Minority Report, I feel I should give an explanation of my action. In the first place, I feel that such a classification would put an unreasonable cost to the residents of this community. I feel that the gentleman from Belfast, Mr. Rollins, had the right idea in his amendments he had here in the House awhile ago, to get the cost for some of this cleaning up of the rivers, to have it borne by some of the organizations that would benefit from it, such as the recreational

industries and the fishing interests and so forth.

I feel that we on the Natural Resources Committee could easily have made a mistake two years ago when we classified this stream, and am not above admitting that I have made a mistake. I think this town has the education costs to meet and they are more important than this part, and as I said before, I feel that the cost of these sewage disposal plants in the various communities aren't all the same. Some have a rocky base and they have other geographical features that cause different costs to the residents, and I feel that there should be some sort of a bill before this Legislature in another year to make a minimum — anything that costs over so much then that part shall be borne by the rest of the State or by some other appropriation. That is my position on the bill.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Reed.

Mr. REED: Mr. Speaker and Members of the House: I have debated within my own mind for quite some time whether or not I should speak out on the pollution problem of our State. I feel that nearly every member here in this House has his or her pet project. With some it is the law, highway safety, liquor, labor, hunting or fishing; with me, it is cleaning up our rivers. As a kid I caught my first fish, learned to row a boat and to swim in the Kennebec. I now have four children, live by the same river and they are not afforded the same privilege.

There was before this House a pollution bill, that although it may not have been perfect, dealt boldly with the problem and was basically good. You all know what happened to that bill. Since it had a unanimous "Ought not to pass" report from the committee and since we were not allowed to table it, I have hesitated to speak on the problem, considering it, as one of the committee members put it, a waste of time. Yet the problems of our rivers did not die here in the Legislature that day. Instead there seems to me to be a great deal of irony in the resulting situation. If that bill had been passed, we would not be wasting words here today. We

would not have wasted words over the Westbrook sewerage problem. We are here today flexing our muscles against a small community. Over ninety per cent of our pollution is caused by industrial waste. It is my strong conviction that if industrial pollution was stopped, there would not be one city or town that could not afford to build a sewage disposal plant, but doesn't it seem strange to you that the people of Westbrook are reluctant to build a disposal plant to take care of their waste while over ninety per cent of the pollution in that river is caused by the S. D. Warren Company?

It is my belief that our present" Water Improvement Commission, with all due respect to the good work it has done and is trying to do, is in many respects no more than a political sop handed down to the people of this State by the industries of our State.

I strongly believe that no city or no industry has the right to dump waste in the river and have it flow down that river and thus depriving the people of small towns who earned their living by fishing and summer trade of their livelihood. This is not farfetched because I happen to come from one of those towns.

The greatest thing in this country today is not that the majority rules, but that the minority is protected under the law. However, in this case the belief that the water belongs to whoever owned property adjacent to it has left the minority in a sorry and dreadful situation. I thank God, also, that the minority in this country of ours is not only protected by the law, but also has the right and the privilege to become the majority, and I feel that as our waters are growing steadily worse that we shall soon be the majority.

We have heard about economy blocs and saving the taxpayers' dollars in this Legislature. It seems as if we have adopted the idea that if we force our industries and cities to clean up, it will bankrupt our State. I shall not go into this argument other than to give you my conclusion and that is, ladies and gentlemen, that if this state had clean water, it would be second to none in wealth.

I am sorry that I have taken up so much of your time here today, but if I have one disappointment in the 99th Legislature, it is their weak stand against cleaning up our rivers. I only hope that the 100th Legislature has the physical and moral courage to do what, I feel, we have failed to do.

I would also like to concur with the gentleman from Bethel, Mr. Saunders, as this I feel is my only alternative.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Mr. Speaker, two years ago we spent a lot of time on the classifying of our waters. We also had a bill before us at that session and we have had another one this session of the so-called clean waters bill. I myself voted against those clean waters bills because I felt they were too harsh, that it was too much on industry and it was too much on municipalities, and you have heard on the floor of this house that people have said that we have a good law, let us let it work. Now, you are trying to break that law. I consider this something similar to a speed limit on our roads. Today all over the state your speed limits are limited. However, what would you think if someone came in with a stretch of road and said let's take the speed limit off of this road, so you can go as fast as you want to and you can do anything that you want to.

Ladies and Gentlemen, you are doing the same thing here when you are declassifying a stream, and let me again point out that a supreme court ruling is not needed unless you declassify this stream. Under the present law, this stream is classified. It has been mentioned on the floor that the cost was \$51, but that \$51 was annually, not weekly, \$51 annually, and in the report from the Town of Mars Hill we have the statement that the annual cost of sewage treatment is \$51 annually per family, and it could go as high as \$53.71.

Throughout our state we have several of these sewage treatment plants and I would like to give you some of the figures that they are paying. We have a new one over

in Winthrop and it is very nearly completed, and their cost is going to be between \$45 and \$50 annually. The New England average of all sewage treatment plants is between \$50 and \$65 annually for a population up to 5,000. We have another one in Kennebunk which may go in very shortly or in time, and their annual service charges will be — have been estimated to be between \$45 and \$55 annually. I want to point out that this is not an exorbitant price, that it is an annual average salary. One thing I think that has not been brought out very clearly is, what is the make-up of our Water Improvement Commission? On this commission you have two men representing industry, you have two men representing municipalities, and you have two men representing the state at large. Now one of those people on the Water Improvement Commission is a gentleman from Presque Isle, Mr. Stanley English. The Water Improvement Commission has said, and these men are on that Commission, that we do not want to lower the classification of Prestile Stream. Please bear in mind that fifty per cent of the cost of this sewage treatment plant will be borne by federal and state funds, and it is very possible that more can be allowed from some other source.

Certainly as the session draws to a close we cannot as legislators go home and feel that we are penalizing a small town. I come from a small town and very doubtless within a few years, we will have to do the same thing. This is really the first showdown that we have had on clean waters in our state. We have gone along with the Water Improvement Commission, and in many ways we felt that we were doing a good job although slow.

I would just like to mention briefly that some of the people who spoke against this measure or for the downgrading of the streams certainly have interests in starch factories in other towns and their reasons for wanting it declassified is because they want to bring in amendments to declassify their own. Please Ladies and Gentlemen, let's not declassify any more streams; let's keep them as they are today,

a good law on our books and let us stand by it. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I did not intend to get into this discussion, but in reference to the gentleman from Bethel, Mr. Saunders, to funds from some other source somewhat intrigues me. Reference has been made to a bill presently before this Legislature to provide aid, further aid, I would say, to any town, small towns or any town perhaps, in this instance it is the Town of Mars Hill to give them further aid than is provided at the state level. Now the thought that occurs to me, and Mr. Saunders' reference to funds from other source brings it up, is if we vote to insist to give the Water Improvement Commission the go ahead sign with Mars Hill, a small town, let them take their chances we'll say in the courts which obviously they have, or if we do that, are we ready to buy the principle that in the case of a small town, where obviously the expense of a sewage disposal plant is greatly out of proportion to their means to pay than it would be with the larger town. The gentleman quotes figures of a town of 5,000. This is a much smaller town than 5,000. I wonder if the expense of their sewage disposal plant wouldn't be as great for probably their 1,500 or 2,000 which they have as it would be for a town of 5,000, thus the expense becomes increasingly greater.

I think we have a serious problem before us here and I wonder if at this time before you vote on this if you are ready to think whether or not we are ready to buy this principle. If we are going to clean up the streams, and of course cleaning up the streams is everybody's business. If we tell the small towns they have got to do it, and the facts indicate that they just can't do it and anything in reason, are we ready to begin to throw in state funds to make it possible for them to do those things? I think we might think that over very seriously before we vote.

The SPEAKER: The Chair recognizes the gentleman from Fort Fairfield, Mr. Edmunds.

Mr. EDMUNDS: Mr. Speaker and Members of the House: The gentleman from Bethel, Mr. Saunders, has made reference to some of the speakers in favor of declassifying the stream having interests which would be served by that. I wish to state that I think I am the only man in this legislature that has an interest in the starch factory. My starch factory lies in Monticello, half way between Mars Hill and Houlton. There is no bill in that I know of to declassify or change the classification of the branch of the Meduxnekeag River which I am on at Monticello. I have absolutely no intention in my own right of introducing a bill or an amendment to affect that stream or of encouraging anybody else to do it. I am in industry and I believe probably the heaviest polluter of the Meduxnekeag River in the Town of Monticello. I believe as an industry I have been used extremely fairly by the Water Improvement Commission and I intend to abide by any decision which they make with respect to my stream.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Monticello, Mr. Jewell.

Mr. JEWELL: Mr. Speaker, I would like to speak a little about rates, that the gentleman from Bethel, Mr. Saunders, was talking about a few minutes ago. The engineer's estimate was \$51 per year for the rate payers, but that only covered the cost of the sewage disposal unit, but they have to build a storm sewer and that would cost them about \$100,000 more so the rates would at least be \$93 a year, and if they had any new construction which they would have to make some new construction and hook on some sewers, it would be around \$190 a year. I just want to clear that up.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bethel, Mr. Saunders, that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Monticello.

Mr. JEWELL: Mr. Speaker, I ask for a division.

The SPEAKER: A division has been requested. Will all those who favor the motion to accept the Majority "Ought not to pass" Report on Bill "An Act relating to the Classification of Prestile Stream in Aroostook County, House Paper 661, Legislative Document 954, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-three having voted in the affirmative and fifty-nine having voted in the negative, the motion to accept the Majority "Ought not to pass" Report did not prevail.

The SPEAKER: The pending question now before the House is the acceptance of the Minority "Ought to pass" Report. Is it now the pleasure of the House to accept the Minority "Ought to pass" Report?

The motion prevailed.

Thereupon, the Bill was given its two several readings and tomorrow assigned.

The SPEAKER: The House is proceeding under Orders of the Day.

Mr. Walter of Waldoboro was granted unanimous consent to briefly address the House.

Mr. WALTER: Mr. Speaker and Members of the House: During the time I have served in the Legislature, many counties of this state have had their County Day to display their products and tell us about the fine things in their county.

We have a new map of Lincoln County which has been distributed on your desk and I would like to call attention to some of the things shown on this map.

As you may know, the Counties of Lincoln and Cumberland were incorporated in 1760. I would like to exclude any remarks relative to the Counties of York and Cumberland, because the rest of the state which now makes up fourteen counties, was once all of Lincoln County. The line or area was from New Meadows River to Fort Kent. I wish to remind you that Lincoln is your parent county.

In this county we have a large summer population. We have poultry, dairy, and blueberry farming, also fishing, boat building and manufacturing.

Through the efforts of Representative George Rankin and Representative Nelson Hancock, a Lincoln County product has been placed on your desks which is made in Waldoboro, by the Medomak Canning Co. To the Members of this House who are not on a diet, I would state that this is considered one of the richest and tastiest pie fillings on the market. We hope you will enjoy a pecan pie.

Also on your desks is a product from the Sylvania Electric Company. It is a fluorescent starter made in Lincoln County — and over twenty million are made each year in a Waldoboro plant.

Referring to the map on your desks you will note that we have:

1. The oldest Court House in use in the state.

2. There is the Pownalboro Court House, now owned by the Lincoln County Cultural and Historical Society. This was once used by the judges of England before the Revolution.

3. We have what is known as the Oyster Shell Heaps in Damariscotta, history of which dates back to many centuries before Christ.

4. We have some of the oldest churches that are in use in the state, one of which is the German Church in Waldoboro, that dates back to 1772.

5. We have the oldest Catholic Church in New England.

6. Records show that Newcastle, one of the towns in my district, was incorporated in 1753. There are four other towns in the County of Lincoln that are older than the United States of America.

Mr. Speaker, may I have permission to approach the rostrum? Will you kindly ask the Sergeant-at-Arms to assist me for the moment.

Thereupon, the Sergeant-at-Arms conducted Mr. Walter of Waldoboro to the rostrum.

Mr. WALTER: Mr. Speaker, it has been said that the finest and best lobsters come from Lincoln County. They seem to be a little tastier, they recognize and I believe perhaps excel those that are caught

around Bar Harbor. And in order to prove that statement I wish to present this box to you at this time and let you make the decision.

Thereupon, Mr. Walter presented a box of lobsters to the Speaker of the House.

SPEAKER EDGAR: Thank you very, very much. (Applause)

I am going to be a very popular man for a while around here, I can see that. To the gentleman from Waldoboro, Mr. Walter, and the other members of the House from Lincoln County — gee, this smells good — I want to extend my very sincere thanks to you. Never having tried a Lincoln County lobster I am in no position to say that they are better than or inferior to a Bar Harbor lobster, but I am very open to persuasion and I intend to find out very soon. I think the County of Lincoln is a fine county and is to be congratulated on all the industry and wealth of natural resources that it does possess, not to mention the fine legislators. And once again my sincere thanks to all of you.

The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, it is the usual thing, in case of a contest of any kind, they have unbiased judges. I believe the balance of the House would be a much better judge than the Speaker. (Applause)

The SPEAKER: The Chair will appoint the gentleman from St. Albans, Mr. Hughes, as the sole unbiased judge of these and he is going to be a judge and being a judge will entitle him to one of these Lincoln County lobsters, and he will render his verdict after he has first had a Bar Harbor lobster too.

The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, at this point I would like to have the opportunity of presenting a Rockland lobster.

The SPEAKER: If the gentleman has a lobster he is welcome to bring it up here. (Laughter)

The House is proceeding under Orders of the Day.

On motion of Mr. Wade of Auburn,

Adjourned until nine o'clock tomorrow morning.