

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

SENATE

Tuesday, May 12, 1959

Senate called to order by the President.

Prayer by Rev. Alton E. Maxwell of Augusta.

On motion by Mr. St. Pierre of Androscoggin, Journal of yesterday read and approved.

The PRESIDENT: At this time it is the Chair's privilege and pleasure to invite another distinguished member of this Body to preside as President pro tem during a portion of today's session and the Chair would ask the Sergeant-at-Arms to escort the Senator from Somerset, Senator Carpenter to the rostrum.

This was done amidst the applause of the Senate, and Mr. Carpenter assumed the Chair, the President retiring.

Papers from the House

Bill, "An Act Establishing a Minimum Wage." (H. P. 472) (L. D. 1337)

In Senate on May 4, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendments A (Filing No. 319), C (Filing No. 338) and E (Filing No. 354).

In the Senate, on motion by Mr. Ross of Sagadahoc, the bill and accompanying papers were placed on the table pending consideration.

Majority — OTP — N.D.
 Minority — ONTP

The Majority of the Committee on Taxation on recommitted Bill, "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators." (H. P. 701) (L. D. 1001) under the Same Title, and that it ought to pass.
 (Signed)

Senators:

WILLEY of Hancock
 FOURNIER of York

Representatives:

BAXTER of Pittsfield
 COUSINS of Bangor
 MAXWELL of Jay
 CYR of Augusta

WALSH of Verona
 PARSONS of Hartford

The Minority of the same Committee on the same subject matter, reported that the bill Ought not to pass.

(Signed)

Senator

WYMAN of Washington

Representative

ROLLINS of Belfast

In House, Majority Report accepted and the bill in New Draft passed to be engrossed.

In the Senate, on motion by Mr. Willey of Hancock, the Majority ought to pass report was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

Mrs. LORD of Cumberland: Mr. President, in view of the hot weather and because I think it would make the members of the Senate more comfortable, I would like to move that they be allowed to remove their jackets for the remainder of the day's session and also anyone connected with the Senate.

The motion prevailed. (Applause.)

First Reading of a Printed Bill

Bill, "An Act Affecting Certain Statutes Relating to Court Process and Procedure and to Kindred Matters." (S. P. 486) (L. D. 1366)

Which was read once and tomorrow assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following bills and resolve:

House

Bill, "An Act Relating to Appeals from Interlocutory Decrees." (H. P. 792) (L. D. 1124)

Bill, "An Act to Authorize the Municipalities of Farmingdale and Hallowell to Form a School Administrative District and the Municipalities of Bingham, Caratunk Plt., Moscow, the Forks Plt., and West Forks Plt. to Form a School Administrative District." (H. P. 959) (L. D. 1361)

Bill, "An Act to Authorize Enfield, Greenbush, Greenfield, Howland, Maxfield, Passadumkeag, La

Grange and Seboeis Plantation to Form a School Administrative District and to Authorize North Berwick and South Berwick to Form a School Administrative District." (H. P. 960) (L. D. 1362)

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

House — as amended

Bill, "An Act Correcting Certain Inconsistencies in the Probation and Parole Law." (H. P. 290) (L. D. 437)

Which was read a second time and passed to be engrossed as amended in concurrence.

House — as amended — in non-concurrence

Bill, "An Act Relating to Costs of Witness and Attorney Fees Under Workmen's Compensation Act." (H. P. 356) (L. D. 515)

In House, Indefinitely Postponed. On motion by Mr. Bates of Penobscot, tabled pending passage to be engrossed.

Bill, "An Act Permitting the Building of Marinas in Lake Maranacook, Kennebec County." (H. P. 944) (L. D. 1336)

Which was read a second time and passed to be engrossed as amended.

Sent down for concurrence.

Senate

Bill, "An Act Relating to Augmenting of Stored Water." (S. P. 467) (L. D. 1363)

"Resolve Regulating Fishing in Cupsuptic River, Franklin County." (S. P. 94) (L. D. 212)

(On motion by Mr. Briggs of Aroostook, tabled pending passage to be engrossed.)

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

Sent down for concurrence.

Enactors

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

Bill, "An Act Increasing Salaries of Justices of Supreme Judicial and Superior Court." (H. P. 447) (L. D. 653)

(On motion by Mr. Rogerson of Aroostook, placed on the Special Appropriations Table pending enactment.)

Bill, "An Act Creating Game Management Area of Towns of Deer Isle and Stonington, Hancock County." (H. P. 608) (L. D. 868)

Bill, "An Act Authorizing Red Blinker Light for Volunteer Fire Department Vehicles." (H. P. 841) (L. D. 1192)

Bill, "An Act Creating the Merymeeting Bay Game Sanctuary." (H. P. 954) (L. D. 1354)

Bill, "An Act Creating a Committee to Study Establishment of a Residential Treatment Center for Emotionally Disturbed Children." (S. P. 227) (L. D. 971)

(On motion by Mr. Rogerson of Aroostook, placed on the Special Appropriations table pending enactment.)

Bill, "An Act to Prohibit the Selling of Motor Vehicles on Sunday." (S. P. 381) (L. D. 1107)

Bill, "An Act Revising the Laws Relating to the Bureau of Public Improvements." (S. P. 439) (L. D. 1286)

Bill, "An Act Permitting Importation of Fireworks for Protection of Agricultural Crops." (S. P. 470) (L. D. 1332)

Which bills were severally passed to be enacted.

"Resolve Establishing Daily Limit of Trout on Ledge Pond, Town of Charlotte, Washington County." (H. P. 498) (L. D. 711)

Which resolve was finally passed.

At this point, the President assumed the Chair, Mr. Carpenter of Somerset retiring, amidst the applause of the Senate.

The PRESIDENT: The Chair wishes to thank the Senator from Somerset, Senator Carpenter, for his excellent services presiding as President pro tem during a portion of today's calendar.

Orders of the Day

The President laid before the Senate, the first tabled and today assigned item being bill, "An Act Permitting Sale of Liquor on Election Days after Polls Close." (H. P. 765) (L. D. 1083) tabled on May 8th by the Senator from Cumberland,

Senator Weeks, pending consideration.

Mr. WEEKS of Cumberland: Mr. President, I move the acceptance of the Majority ought to pass report of the committee. In support of that motion I have very little to say. It is a very simple matter which provides for the opening of places for the sale of liquor after the closing of the polls on election day. I understand this provision was in the law from the time when we first permitted the sale of liquor in the State of Maine some few years ago. I believe that the thinking was that the sale of liquor during the day might have a serious connection in some ways with the carrying on of the election and they made it a complete exclusion for the whole day. I see no harm or evil in permitting the places that sell liquor to open, once the polls have been closed. I do not believe there is any other argument against it except possibly the fact that it has been on the books all these years. I believe the tendency is in most of the states to permit this same sale of liquor. Therefore I urge you to vote for the majority report.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, this measure was debated at some length the day before it was tabled, or the day it was tabled. I think there is very little more that the members of this body need to know about the feelings of many of us on this matter. Certainly those of us that believe that the liquor industry is being handled, or has been in years past, in a reasonable and proper manner, must realize that every time we let down the bars so to speak, increase the length of time that this industry may have hours of sale, we realize that we are liberalizing the industry.

As far as this specific bill is concerned, I fail to see how anyone would feel that it is necessary on election day to let down the bars to increase the number of hours that it is necessary to sell this product. Certainly anybody that wishes to use liquor in any form can very easily procure it the night before or whatever method they have of procuring it and I for one

certainly oppose it and when the vote is taken I ask for a division.

Mr. CARPENTER of Somerset: As a signer of the minority report, I must agree with my good friend and colleague, the Senator from Piscataquis, Senator Parker. I feel we are going along very well in our liquor regulations today and I am afraid of one particular thing if we do let down the bars that something may happen in some of our communities that are on the borderline now which might make them go dry, thus affecting the state revenues. Therefore I want to go along with my good friend, Senator Parker and object to the motion of the Senator from Cumberland, Senator Weeks.

Mr. DOW of Lincoln: Mr. President, I too feel that this is a measure that lets down the bars and I just wonder if perhaps this might be a forerunner and another bill would come in here at some later session asking for permission to sell liquor after church on Sundays, and I shall vote against the motion.

Mr. BRIGGS of Aroostook: Mr. President, if it holds that it won't do any harm to change this regulation, it probably also holds that it won't do any harm to continue it.

This won't open up any state liquor stores. All it will open will be taverns and places that are not particularly successful in a great many towns that they have been operated in heretofore anyway. It seems to me that the industry is never satisfied with regulations. There is just one more little thing they want. They want to extend the hours or want to open up on some time that they have heretofore been closed, and I hope they won't be successful in jamming this sort of thing through.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, as a signer of the majority report ought to pass, I can't see any harm either in giving the people of Maine who want it, a chance to celebrate after an election. I have heard the word "bar" and talk about letting down the "bar". I don't want to let down the bar, I want it to stay up. I want the bar to stay open on the day of election at the end of election day after the polls have been closed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the Senate accept the Majority ought to pass report of the Committee.

A viva voce vote of the Senate was had.

Mr. PARKER of Piscataquis: Mr. President, perhaps you did not hear me since you were sitting down, but I asked for a division.

A division of the Senate was had.

Eighteen having voted in the affirmative and eleven opposed, the motion prevailed and the ought to pass report was accepted, the bill read once, and tomorrow assigned for second reading.

The President laid before the Senate the second tabled and today assigned item being House Report from the Committee on Judiciary: Ought not to pass, on bill, "An Act Revising Laws Relating to Financial Responsibility." (H. P. 349) (L. D. 508) tabled on May 11 by the Senator from Somerset, Senator Carpenter pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table the 57th tabled item, being Senate Reports from the Committee on Public Utilities: Majority Report, Ought to pass in New Draft (S. P. 476) (L. D. 1342) under the same title; Minority report, ought not to pass, on bill, "An Act Relating to Source of Supply of Bangor Water District." (S. P. 43) (L. D. 41) tabled by that Senator on April 28 pending motion by Senator Martin of Kennebec for Acceptance of the Majority report.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I rise in opposition to the motion of the Senator from Kennebec, Senator Martin, for obvious reasons. You know that two years ago in this Legislature, the 98th Legislature, we passed a law creating the Bangor Water District. In our charter there is included a series of lakes, one of them being Flood's Pond, Spectacle Pond and Beach Hill Pond which this bill proposes

to eliminate. As you know, this would jeopardize our whole Water District, particularly the bonds that have been sold to finance this project. It is not only the water district in the City of Bangor which would be jeopardized but other districts all over the State of Maine. You members of the Senate have had literature from all of the various water districts showing their opposition to this measure. It is a precedent which we in Maine certainly do not want to allow to happen. As you know, we in Bangor have been more or less the laughing-stock for a number of years so far as our water is concerned. When we go out and spend several million dollars to get another supply, I think that you people who visit the City of Bangor appreciate it. I just want to read one letter from the people who handled the bonds for the City of Bangor:

"In connection with the handling of the \$4,000,000 Water Bonds dated March 1, 1958, we call to your attention to the official Statement which was a part of the Offering Sheet there was incorporated therein a report from Malcom Pirnie Engineers which set forth that it 'specifically authorized the acquisition and utilization for water supply purposes of Floods Pond, Burnt Pond, Little Burnt Pond, Beech Hill Pond, Mountainy Pond and Snowshoe Pond, or any combination of them needed to provide an adequate water supply.'"

"These bonds were sold on the basis of this report and these ponds are definite assets of the Water District. The withdrawal of even one pond would, in our opinion, be a serious loss of an important asset of the Water District's. It would have very grave consequences on any financing with which the District might be faced in the future, whether it be temporary or in bond form. Such withdrawal would be a very detrimental factor in the history of the Water District."

That not only includes Bangor but it includes other water districts in the State of Maine. Certainly when the Legislature gives approval to the creating of a water district it is wrong, in my estimation, to come back in two years and ask for a complete reversal.

I do not think any more needs to be said on this measure. You have seen clippings from papers all over the State in regard to it. Therefore I move that this bill be indefinitely postponed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Hillman, that L. D. 41 be indefinitely postponed.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: I am sure that few members here will object to my rising again in the Senate and calling to the attention of the members of the Senate the fact which has just been so ably stated by my friend, the Senator from Penobscot, Senator Hillman: that the cost of this project to the citizens and the water-drinkers and the water rate-payers of Bangor was seven million dollars. I want to make it clear again, as I did during the previous session of the Legislature, because this is so important to the future welfare of our State, that this is one of the costs of water pollution; this is one of the costs of filthy water.

Mention has just been made that the loss of even one of these ponds to which Bangor has bored a tunnel of some miles, having gotten tired of drinking sludge acid, turkey-buzzards and so forth, but no mention has been made of the loss of the mighty Penobscot. This river has been given up so far as its most important legal use of water is concerned, that of a principal municipal supply, and it is growing steadily worse, and these conditions I believe will prevail until a more courageous attitude is sought by some subsequent legislature.

I am not acquainted with the distribution of bonds or with the problems which might arise by withdrawing this one pond from the six or seven, and, as a matter of fact, I have no particular interest in it. It not being in my area, I do not know how persons there are being affected by having their pond taken up. I understand they will still be allowed to angle there. They can angle in the principal pond, I know you will be glad to learn, because the Public Utilities Commission has made a decree. This

is one of the few places in the world where the famous golden trout is available for angling, and the Utilities Commission, very cagily apparently, made a decree which said that the upper end of the pond could be angled. That left them a little portion of about four inches of water where no self-respecting trout would ever reside for people to fish in. Nowhere else, as I understand it, legally, according to the decree of the Commission, can they fish for these golden trout.

I just felt that this was too good an opportunity again in this session to miss to point out to the members of this Senate that water pollution is costly, and this example of it having cost the citizens of Bangor, as pointed out by the Senator from Penobscot, Senator Hillman, was seven million dollars in this instance. Some of you may wonder if your town will be next and whether it is really necessary. I hope that you will.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate: Very briefly, I would like to explain the position of the majority of the committee.

We on the committee recognized the seriousness of this problem of the Legislature taking away a pond or a source of supply from any Water District, thereby impairing the bonds to the detriment of the bondholders.

Testimony was produced at the hearing that Beech Hill Pond probably would not be used for the next thirty years. I think this, along with the fact that in the prospectus that the Bangor Water District sold their bonds on that Beech Hill Pond was not named specifically, I think that this led the committee to believe that the withdrawal of this pond would not create an intent. I know that this is a serious question and one which must be truly considered by this Senate. However, in view of the testimony we received, I believe that the majority report of the committee should be accepted.

Mr. DOW of Lincoln: Mr. President and members of the Senate: I think that there is a principle involved here. It would seem to me that to take away a part of the

assets of a corporation such as this, a pond on which bonds have been sold to the public, might in the future weaken the financial structure and the sale of bonds for the establishment of water districts in other towns in the future.

Mr. PIERCE of Hancock: Mr. President, I have a prospectus of the Bangor Water District and in no place does it mention any of the ponds. The engineers' report does mention them, but that is not a part of the official prospectus. If we should take away Beech Hill Pond from the district I doubt very seriously if it would impair in any way the marketability or the value of the bonds. Whether the bonds were issued against the entire seven ponds actually taken and the physical property such as the pipelines and pumps, I am in doubt. There is only one way to my knowledge that that can be determined and that is to obtain a copy of the indenture of the bonds or an actual bond itself.

I am not in any way attempting to stall, and I want to thank the Senator from Penobscot, Senator Hillman, for extending me the courtesy of not taking this off when I was involved in rather high finance. In order that I may obtain a copy of the indenture, and incidentally I can obtain it from the Eastern Trust & Banking in Bangor in a matter of days, I would respectfully request that this matter lie on the table.

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Pierce, that the bill be laid upon the table pending motion by the Senator from Penobscot, Senator Hillman, that the bill be indefinitely postponed.

Mr. HILLMAN of Penobscot: Mr. President—

The PRESIDENT: The Chair would ask the Senator from Penobscot, Senator Hillman, for what purpose he rises?

Mr. HILLMAN: Mr. President, when the vote is taken, I ask for a division.

A division of the Senate was had.

Twelve having voted in the affirmative and seventeen opposed, the motion to table did not prevail.

Mr. HUNT of Kennebec: Mr. President, in connection with what

Senator Martin has already stated about the thinking of the committee, I think that this bill brings up a question which goes even beyond this particular Bangor Water District.

I might say to start with: that on no bill which has come up in this Legislature did I receive more mail than I did on this one, and there was a tremendous amount of interest in the bill, especially from those who have cottages around Beech Hill Pond. The point which seemed to be raised, and which is a very important one, is this: Should a water company be allowed to take more ponds than it needs in the foreseeable future, especially where one of these ponds involves cottage owners and owners of property who feel they would be injured thereby? I do not think there is any question from anyone who was there at the hearing but what the people in the Beech Hill Pond district felt that this would very seriously hurt them, and it was brought out at the hearing that the value of cottage property around Beech Hill Pond was some three million dollars, which they claimed was almost equal in value to the other properties in the Bangor Water District.

From the testimony that was produced by the engineers of the Water District themselves at the time, it appeared that it would be a great many years before there would be any need for using Beech Hill Pond, and it was very largely upon that that the committee, I think, felt as they did. Since that time we have been furnished newer information which indicates that the period might be shorter, but even at that there were certain of the ponds which were taken, I believe Phipps Pond or Snowshoe Pond, for which there would be no use at any period in the near future. And so the basic question here is: Granted that the people of the State of Maine own the waters of the larger lakes and ponds and by special consent give them to a water district for use, yet if the water district asks for more ponds than it actually needs and one of these ponds has a tremendous number of camps around it, and even according to the best estimates of

engineers, will not be needed for a reasonable period in the future, should that pond be taken out of the district?

Now at the hearing we had a very eminent attorney from out of the state who took up this very question of the effect that this action would have upon the bonds, but at the same time we had the opinion of the attorney for the Public Utilities Commissioner that the taking out of this pond would not affect the value of the bonds. Since that time I have been furnished with some legal opinion by attorneys for the Bangor Water District, which I am very pleased to have and have checked over.

It is a very close question and a very technical legal point that has been raised here. Really there are two questions involved in my way of thinking. One is if any water district is granted by the State of Maine more ponds than it is afterwards found that they will need, is there any way that those ponds which are not going to be used can be taken out of the district and returned to the people of the State of Maine? And the second question is this very technical legal question in regard to the impairment of the bonds which have been issued.

Since there is so much contradictory opinion as to the legal effect, I do not know that it is possible to say, until the matter is taken up by the Maine Supreme Court, just how this particular point might be decided. I think the committee's vote favoring the taking-out of this pond was based very largely on the testimony of the company's own engineering department, that it would probably be thirty years at least before that water in Beech Hill Pond would be needed. For that reason, in view of the very strong opposition of the owners of camps around the Beech Hill Pond area, the committee voted as it did, that this one pond should be taken out of the water district.

Mr. HILLMAN of Penobscot: Mr. President, I think I can clear up some of the questions that the Senator from Kennebec, Senator Hunt has asked.

Beech Hill Pond is the third prime source of the supply of water

for the City of Bangor. Since the district was created, the town of Orono has indicated that they would like to get water from the Bangor supply, and the city of Old Town has also indicated that they would like to do the same thing. This was told to me at a meeting of the City Council of Bangor with the trustees of the Bangor and Brewer water districts a week ago Monday morning. Furthermore, Dow Airfield Base, as you know, is being expanded tremendously. There will be fifteen thousand new men come in this summer with their families. Also the missile base will be expanded. I have letters from the Commander of the Air Base and also from the manager of the Capehart Housing Development, showing the millions of gallons of water that will be needed for the two installations there in the City of Bangor. Those are the things that we cannot predict when we create a district, what the need is going to be in five, ten or fifteen years. If you delete Beech Hill Pond it would be deleting one of the major sources of our supply, and I think we are all aware of that.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Hillman, that the bill and reports be indefinitely postponed.

A division of the Senate was had. Twenty-one having voted in the affirmative and six opposed, the motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 49th tabled item being House Report from the Committee on Highways: Ought to pass, on bill, "An Act Relating to Tolls on Bridge Across Jonesport Reach." (H. P. 190) (L. D. 282) tabled by that Senator on April 24 pending acceptance of the report.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: At the conclusion of my remarks I shall offer an amendment to this bill.

If you will look this bill up, you will find that it asks to have the tolls over the new bridge from Jonesport to Beal's Island reduced fifty per cent.

One of the reasons that I object to this is because at the time this bill was written it had only been seven months that this bridge had been in operation, and in my mind that is not sufficient time for anyone to be able to know what the income will be over a period of years.

Another reason why I oppose this bill is the fact that we were told when the bill was before this body creating the appropriation for this bridge, creating the authority to issue bonds to build this bridge, that those that used this bridge were very well aware that the toll costs would be as they are today and that they would be very pleased to have them that way.

I think every one of us here is familiar with the Maine Good Roads Association and I think that nearly everyone has a copy of the Maine Trail, the April issue of 1959. On Page 29 is a whole column and part of another referring to the tolls at Jonesport Bridge. I want to read one paragraph:

"This bill calls for a reduction of fifty per cent in toll rates. If the toll income were reduced fifty per cent, the annual net income would be only four thousand dollars per year over operating and maintenance costs, and the payments from the general highway fund in thirty years." Now this is what would have to be paid out of our general highway fund and it could come from no other part of that fund except construction. My interpretation of this paragraph is that at the end of thirty years we would have to take out of our construction funds the sum of \$1,210,000, or considerably more than the entire bond issue.

Now that sums up in a nutshell pretty much my position in regard to this bill. However, I believe in being fair with everyone, and the amendment that I shall offer simply says this: that if after a two-year period from the effective date of the reduction of tolls the Secretary of State shall certify that the tolls collected provided sufficient revenue under the new reduced fee that it will amount to as much as what they are now receiving for one year under the present set-up, which should be exactly or at least

as much, that this bill will become effective. If it does not and if the State is losing tolls under this bill, that it will not become effective.

Mr. President, I offer Senate Amendment A and move its adoption.

The PRESIDENT: Will the Senator first move acceptance of the "Ought to pass" report of the committee?

Mr. PARKER: I so move, Mr. President.

The motion prevailed and the "Ought to pass" report to the committee was accepted in concurrence and the bill was given its first reading.

Mr. Parker of Piscataquis then offered Senate Amendment A and moved its adoption.

Senate Amendment A was read.

On motion by Mr. Wyman of Washington, the bill was tabled pending the motion of the Senator from Piscataquis, Senator Parker, that Senate Amendment A be adopted.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table Item 7-8 on Page 2 of today's calendar, being "Resolve Regulating Fishing in Cusuptic River, Franklin County." (S. P. 94) (L. D. 212) tabled by that Senator earlier in today's session pending passage to be engrossed.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: It is unfortunate that we did not have excerpts from the record of the previous session here and that we could just pass those around and let everyone read the lengthy discussion that there was on several bills similar to this, most of which were denied. I would like, as calmly as I can, to point out the implications of this sort of thing. I know that most of you here, in this branch of the Legislature at least, have a lot of feeling about all of these special resolves and regulations that are being placed on our already too comprehensive fishing regulation books and by the legislature every session. One session someone comes in and wants a river or a lake opened for one fish, and the next session someone comes in and gets it open for two and the next session

somebody gets the date changed, and the next session after that someone else comes in and is successful in getting the whole thing closed again. That is the way it goes all the time.

Now what this does is that it takes the regulation and the management of our valuable game fish out of the hands of the Fish and Game Division, the Department of Inland Fisheries and Game, and puts them in the hands of legislature. It makes a very complicated and lengthy legislative session just handling these special resolves for one county or one town or another all during the session.

Last session and the one previous to that we considered a good many bills which would change the cutoff fishing date which was designed to attempt as accurately as possible to protect the spawning run of migrating coldwater fishes, trout and salmon particularly. That date was chosen as September 15th, not feeling it to be ideal or exact but as near a reasonable cutoff date as could be found for fishing for these fish which were moving into the spawning territories. So it was the aim of the Fish and Game Department, as much as it could be done, to have these regulations apply statewide so as to make rules easier to follow. And some of us have attempted to help with that. We came here during my first session of experience and, with the help of some of the other members of the committee, we reduced the regulations from seven hundred odd to some three hundred odd during these two sessions. Now we are trying to keep them reduced as much as we can, both from the point of view of simplicity and also from the point of view of protecting the spawning migration of fish.

Now it is true enough that there have been successes made against this philosophy of letting the trained persons manage our fisheries. There have been cases where it has been done, not from the point of view of managing the fish by doing the best that we can from the point of view of the fish, to make them available for all time for everyone, but from the point of view of managing them to suit

some area or some sporting camp or some club, or something of that nature. Because of that, those folks have been successful in having these seasons extended so that they could fish for the spawning migration or portions of it for one fish only, as it says in this bill. This would extend the fishing from September 15th to October 1st with a daily bag limit of one fish per person. That means they could catch as many egg-laden female fish as they wished to, but legally they would be allowed to keep only one fish.

Now I do not subscribe to the theory, and I am sorry if that makes me unpopular, because this thing is in Rangeley or over at Moosehead or down at Sebago or somewhere else that I or someone who does not live there has no right to be interested in. But these fish do not belong to the people in those areas, and the waters the fish are living in do not belong to the people there either.

Now I am sympathetic with people's interest to have a fishery as beneficial as it can be for them, but I think that there are other persons who are competently objective as a general rule than are the people on the local scene. We have tried for the last hundred years, in this State and in every other state, with all the panaceas that have ever been known, with more regulations, with more wardens, more hatcheries, more bright ideas from every expert there is in fish and game — and everybody who dabbles in it is an expert — and we have watched our fishing go downhill all during that period. Now we have an opportunity to accept recommendations which are brought about by fact-finding studies and done by competent, trained persons, and I hope that we do it, and if we do it we won't let any more of these special privilege regulations be put on our statute books. Therefore I move that this bill, L. D. 212, be indefinitely postponed, and when the vote is taken I request that it be taken by a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Briggs, that the resolve be

indefinitely postponed and a division has been requested.

A division of the Senate was had.

Twenty-one having voted in the affirmative and eight opposed, the motion prevailed.

Sent down for concurrence.

Mr. Dow of Lincoln was granted unanimous consent to address the Senate.

Mr. DOW: Mr. President and members of the Senate: Before we get to waxing too hot here I have a little job to do.

For several sessions I have seen and heard the great things about those things known as Androscoggin County Day, Aroostook County Day, and in the past it has been only one or two or three of the large counties, but a week or so ago when our neighbor, Knox County, came in here for Knox County Day we in Lincoln County became a little bit jealous and envious. I wont say that this is Lincoln County Day, I will only say that this is a sample of Lincoln County Day.

On our desks there have been placed a couple of articles that are made in Lincoln County which I would like to call your attention to. One of them is a can of Pecan Pie Filling, canned in the village of Winslow's Mills in Lincoln County, and is one of a great many products going under the name of "One Pie" — "One Pie Mincemeat, One Pie Pumpkin and One Pie Pecan" we now have. In fact I am not so sure but what that can of blueberries that Knox County left on our desks the other day wasn't canned in Lincoln County. The other little product is a starter for flourescent lamps which is made in Lincoln County in the Town of Waldoboro by the Sylvania Electric Corporation.

A few years ago when the clams began to disappear and the other industries we had, began to get a little harder to work, the people in that area decided we had to bring in some kind of industry to help us through the winters and so we set out to build a building. It was entirely a local effort and enough money was subscribed by the people in the area so that we built the building, and before it was fin-

ished, we had a tenant in the Sylvania Electric Corporation. It has been a great thing for our area and it is a fine company to have in your town and mine. A lot of nice people have moved to Waldoboro. It has provided jobs for two to three hundred people. We are very fortunate and are very happy to have both of these industries in Lincoln County. I feel that Lincoln County has come a long way since the days when it was purchased from the Indians for a few fox and beaver skins.

One other thing I would like to do right now if I can have the help of the Sergeant-at-Arms, I would like to present to the President of the Senate, a token of our largest and possibly most important industry. I hope that he enjoys these lobsters along with a good bag of Aroostook potato chips. Mr. President, I failed to mention the brochures that were left on your desks. They are hot off the press and I haven't had time to look at them myself but the brochure points out the many places of interest that we have down in Lincoln County and we hope that all of you will come down and visit us. (Applause.)

The PRESIDENT: On behalf of the Senate, the Chair certainly thanks the good Senator from Lincoln County, Senator Dow, for the generous gift of the pecan pie filling and the starter and we also congratulate the entire citizenry of Lincoln County, through Senator Dow, for their accomplishments and very worthwhile activities throughout Lincoln County.

Of course a personal thank you to the good Senator. I look forward eagerly to the time when we can enjoy these lobsters with, of course, some Aroostook County french fried potatoes. Thank you very much.

(Applause.)

Mr. Stilphen of Knox was granted unanimous consent to address the Senate.

Mr. STILPHEN of Knox: Mr. President to allay any fears of the good Senator from Lincoln, Senator Dow, that the blueberries we had were not from Knox County, I offer Exhibit A which will show they are Kid Glove Blueberries packed by

Black and Gay of Thomaston, Maine. Another thing, I am a bit in doubt about the product that they put out in Lincoln County. No foods that we put out in Knox have to have a "starter" to go with it. I am not so sure but what the lobsters in front of you, Mr. President, did not come from the good area in Penobscot Bay adjoining Rockland.

The PRESIDENT: The Chair thanks the Senator from Knox, Senator Stilphen, and regardless of where the lobsters came from I can assure everyone that the Chair will enjoy them and we are happy to have Lincoln County join Knox, Androscoggin and Aroostook and other counties that have "A Day" here during the session of the Maine Legislature.

On motion by Mr. Thurston of Oxford, the Senate voted to take from the table the 70th tabled item being House Reports from the Committee on Highways: Majority Report, ought to pass as amended by Committee Amendment A; Minority Report, ought not to pass, on bill, "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island." (H. P. 145) (L. D. 201) tabled by that Senator on May 5 pending motion by Senator Stilphen of Knox for Acceptance of the Minority Report; and that Senator moved the pending question.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority ought to pass report of the committee?

Mr. PARKER of Piscataquis: Mr. President, may I inquire just what the committee report was?

The Secretary read the committee reports.

Mr. PARKER of Piscataquis: Mr. President, I asked to have the reports read because I thought I remembered that it was a six to four report out of the committee and as a signer of the ought not to pass report, I feel that I should defend my position. I am quite familiar with the arguments for it and against it two years ago. I am quite familiar with the report from

the Highway Department on the possibility of building this bridge which was very much unfavorable because to their thinking and to those of us who signed the ought not to pass report of the committee that it would be impossible for this bridge ever to pay for itself.

I only refer you to what has taken place on the bridge that goes from Jonesport to Beales Island. If we are going to build this bridge, let's not fool ourselves. If the bill had been for an appropriations out of our highway funds to build this bridge to Chebeague Island, we could have voted honestly knowing that we were building a bridge that never would pay for itself and that we were furnishing the service to an island that we believed was entitled to it. Under this bill we are simply fooling ourselves thinking that the tolls ever will pay for the construction of the bridge. I certainly have a lot of sympathy for those who live on Chebeague Island wanting a bridge. There's no question but what it would be more pleasant. On the other hand we do have many inhabitants of islands, not only Chebeague but others, that are there because they like to live on an island that does not have a bridge and I fail to see why or how we as taxpayers in the State of Maine can justify authorizing the spending of the amount of money it is going to cost to construct this bridge and go home and face taxpayers that we know are now burdened beyond what they feel they should be paying in taxes.

Mr. President, I don't know whether I understand this or not, but I would like to make a motion that the ought not to pass report of the committee be accepted. Am I in order?

The PRESIDENT: The Chair would rule that the motion is not in order because the pending motion is the motion of Senator Stilphen of Knox that the Senate accept the Majority ought to pass report.

Mr. PARKER of Piscataquis: Mr. President, I shall oppose that motion and I ask for a division when the vote is taken.

Mr. STILPHEN of Knox: Mr. President as a signer of the Major-

ity ought to pass report on this bill I feel that I ought to defend my position and the position of the majority of the committee. We took into consideration many things and in those things we considered was the fact that the Jonesport Beales Island construction bill was before us. I think the two cannot be compared favorably. I feel that the Jonesport-Beales Island bridge is in an area quite removed from the center of population and for that reason we felt that the same things would not apply on the proposed bridge at Chebeague Island that would apply there. There is in the Cumberland County area, the majority of the population of our State. It is fast-growing, and we feel that the island there has many things to offer. We know that already our Department of Industry and Commerce is very interested in the proposed recreation areas on the island, in fact so much so that representatives from that department visited the island with our committee when we went on our inspection trip. I therefore hope that my motion does prevail and that we give the people of Maine an opportunity to vote on this in referendum. This is not something we are putting through here: we are handing it back to the people of Maine and giving them an opportunity to vote on it to see if the majority of the people of Maine do feel that this is wise.

Mr. CHARLES of Cumberland: Mr. Speaker and members of the Senate: As a member of the Cumberland County delegation I wish to report to the Senate that we have all given this bridge proposition very serious consideration. We have had several meetings on it, we have had a joint delegation meeting on it; we have even met with the public, and we have also met with the residents of these various islands in Casco Bay. At one time we had a meeting in City Hall in Portland where we called in all of the residents of the islands, Chebeague and elsewhere to find out what their feelings were and what the impact would be. We have finally come to the conclusion that to build a bridge across to Chebeague Island would be economically sound and that it has been

received with complete satisfaction by all of the people in our area.

I will concur with the remarks of the Senator from Knox, Senator Stilphen, that we do have a substantial population in Cumberland County, especially in the area where the bridge is proposed. I would say offhand that the population probably would exceed 150,000. I am referring only to residents in the immediate area bounded on the north by Brunswick, on the south by South Portland, and on the northwest by Westbrook and areas like that.

The economic situation in Cumberland County can stand this project; we can use it; we need it just as much as the folks in Knox County and Penobscot Bay needed the ferry service. We went along with them, feeling that it was the proper thing to do, and I am very happy that they have succeeded and that the voters of this state have seen fit to give them that service they need in Penobscot Bay.

As far as the repayment for the bridge or any doubt in anyone's mind but what it will pay for itself, I think that the experience that we have had already on toll bridges, except for a very small minority which have already been explained, has been successful. We have had surpluses in our bridge revenues and the tolls are being paid by those who use them and it is not coming out of our highway funds.

I sincerely hope that this Senate will give this serious thought for those of us in areas that need help, and that when you come to vote you put your complete trust in the people of the State of Maine who will vote on this question if you will give them the right to do so. I sincerely hope that the motion to accept the majority report prevails.

Mr. ROSS of Sagadahoc: Mr. President, to expedite the procedure—and certainly if we need anything we need expediting up here this term—I feel that legislation which eventually requires a two-thirds vote should be debated in the enactment stage to save the possibility of doubling up on our verbal gymnastics, so today I will

vote in the affirmative just for expediting it, but this does not mean that my final vote will be in the affirmative at the two-thirds stage.

Mr. COLE of Waldo: Mr. President and members of the Senate: I hesitate to rise, knowing full well that this bill has been properly lobbied and I am sure of the results regardless of what I say. However, as you know, we all make resolutions at the start of a new year, and many of us when occasion arises do break them soon afterwards. But sometime ago I made a resolution, for this reason: As a member and a former member of the Highway Committee I too went along with such a bridge known as the Beales Island-Jonesport Bridge. I felt I was doing the State and the people of the island a service by going along with it. Now I feel that this was a mistake, and I made a resolution that if the occasion did occur I would speak my mind and maybe correct an injustice that I did.

All of us want to do the right thing by our island communities; all of us recognize that better transportation facilities would be a real asset to the folks who live on those islands. I would like also to call to your attention the fact that this and every other bond issue must be approved by two-thirds of the Legislature for a referendum. I have a personal conviction that with the knowledge of a thirteen million dollar highway bond issue that is to serve to support at least sixty-five million of a one hundred and sixty-five million four-year program, that that bond issue would be approved, but if the voters are faced with the proposition of several bond issues, only one of which is certain of payment — and I refer to the highway bond issue — then disaster may fall upon all of the referendum questions related today.

I don't know that you particularly noticed, but in the Bangor-Brewer Bridge, which has been in operation for some time and which also serves a population of well over fifty thousand people, yet if you will turn to L. D. 1341 in your books, you will note that even in the next two years gas tax revenue of over \$76,500 must be used

to augment net earnings of that venture.

I am sure that you all remember two years ago the Westport-Wiscasset Bridge which failed to make its earnings and the State had to step in and take that over.

You will also notice in L. D. 1341 that the Jonesport-Beales Island bridge funds have been augmented by some \$127,600 over and above the earnings of that venture.

Now on this particular proposal here we have an island with a population of around three hundred people. I checked this morning with the engineers who made the survey for the Highway Department — and as the good Senator from Piscataquis, Senator Parker told you, it was very unfavorable. However, I wanted to learn the number of passenger vehicles on the island so that we might evaluate somewhere near the possibility of ever amortizing these bonds. I found that there are 81 passenger vehicles on the island; there are 24 commercial vehicles; there are also so-called passenger cars to the number of 202 and seasonal commercial vehicles in the number of 2, for a total of 311 cars.

Now I hope that you can evaluate the revenue that might be derived from 311 cars that will use this bridge regularly. I also was amazed to find that the licensed operators on the island numbered 62 in comparison to 81 passenger vehicles. Seasonal operators were 295. So there again we have a small amount of operators and a small amount of vehicles to amortize a bond issue of three million dollars.

Now I would like to take issue with the good Senator from Knox, Senator Stilphen, when he said that the committee was influenced by the fact that the former committee went along with Beales Island. I really think that one mistake does not warrant another, and that is why I am opposing this bill. And there again I have brought out, I think, in answer to the Senator from Cumberland Senator Charles, the fact that not all of the bridges have been successful, so I think we should think twice before we accept the majority report. Therefore, Mr. President, I hope that the motion

of the Senator from Knox, Senator Stilphen, does not prevail.

Mr. STILPHEN of Knox: Mr. President, I would just like to set the record straight. I don't know whether the good Senator from Waldo, Senator Cole, misunderstood me or not, but I do not recall indicating that the committee was influenced by the action of any former committee. I did say, as I recall, that I did not think the two projects were comparable in any way because of population.

As far as the estimates of revenue, I would like to just read an excerpt from the Fay, Spofford and Thorndike report, the engineers who made a survey for the Chebeague Island Committee. Their conclusions are as follows:

"The proposed bridge with fifty-foot clearance, causeways and connecting roads can be constructed at an estimated cost of \$2,700,000. A bond issue of \$3,000,000 will be required to cover the construction costs and interest payments during construction and the first year's operation. The estimated traffic and income will be sufficient to cover operating costs, interest at 2-¼ per cent and bond amortization within a period of fifty years.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate: I am going to speak on the historical aspects of this island.

I think that few of us realize that four hundred years ago the Abenaki Indians used this island, and at the time that the white man first came to these shores this island was used very extensively for a meeting place of Indians from the Penobscot, Androscoggin and Kennebec Rivers in order for them to exterminate the white offender from these shores. As a matter of fact at the first burning of the City of Portland, which was then called Falmouth, the Indians congregated here the night before and there were 800 canoes full of Indians and they were successful in their war against the town fathers.

I would like to say that Chebeague was part of the original grant given to Sir Ferdinand Gorges by James I of England in 1635. This was part of the ancient North Yarmouth which was established about twenty years later.

This island was where the stone ships were first originated. I mean by that that a great many ships sailed from the port of Chebeague to haul stone all up and down the shores of this State. The stone that was used in the Washington Monument in 1795 was hauled by the Chebeague rigger.

I think if more of these historical facts are published to the extent that they will be if they are successful in getting this bridge, there is no question in my mind but what there will be an influx of tourists to this island and increasingly so each year.

The PRESIDENT: The question is on the motion of the Senator from Knox, Senator Stilphen, to accept the majority ought to pass report in concurrence.

A division of the Senate was had.

Eighteen having voted in the affirmative and nine opposed, the motion prevailed, the ought to pass report was accepted and the bill read once.

Mr. THURSTON of Oxford: Mr. President, after a very brief explanation, I would like to offer an amendment to this bill. This amendment would merely provide that the tolls could not be changed and that would be a part of the bond offering. You have all seen the comprehensive financial report which stated that, in the opinion of the people making the report, the bridge would pay for itself. This uses the figure of \$1.50 for tolls. Now to me it seems right that we should put something in there to prevent an event such as took place at Jonesport where they immediately came back and tried to lower the tolls. This amendment has the approval of the body that is furthering this bridge. I therefore offer Senate Amendment A and move its adoption.

Thereupon, Committee Amendment A was read and adopted; Senate Amendment A was read and adopted, and on motion by Mr. Charles of Cumberland, the rules were suspended and the bill was given its second reading and passed to be engrossed in non-concurrence.

The PRESIDENT: The Chair recognizes in the Senate Chamber

a distinguished citizen of the State of Maine, a former member of the House of Representatives and a former member of the Maine State Senate. The Chair would ask the Sergeant-at-Arms to escort the Honorable Dana Bowker to the rostrum.

This was done amidst the applause of the Senate, the members rising.

The PRESIDENT: At this time the Chair will declare a ten minute recess.

After Recess

The Senate was called to order by the President.

The PRESIDENT: At this time the Chair, on behalf of the Senate is happy to welcome to the Senate Chamber this morning, a group of 24 pupils from the 6th, 7th and 8th grades of Cushing Elementary School, with their principal Mrs. Lord, and the mothers of three of the students. We are mighty happy to welcome you young people, your parents and Mrs. Lord today. We trust you will enjoy your visit to the statehouse and find it educational and interesting watching the deliberations in both branches of the legislature. On behalf of the Senate, a cordial welcome to you all.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 13th tabled item, being, bill, "An Act Relating to Fishing for White Perch." (H. P. 88) (L. D. 135) tabled by that Senator on March 24 pending passage to be engrossed.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: This original bill before it was amended would remove all bag limits and weight limits on white perch in all the counties of the State, the reason for that being that the white perch is such a prolific egg-laying fish, throwing some thirty thousand eggs per female fish, that the population of white perch has gained so much in past years that it is almost impossible to fish them out. As a matter of fact, if many of the ponds were fished more heavily many of the

perch would grow to a greater size. Certainly there is not food enough in many lakes for the fish. After that there was an amendment offered, Amendment No. 16, which would make a limit of twenty-five white perch for Boyd Lake in Piscataquis County and the Belgrade Lake chain and Petty Pond in Kennebec County. It would simply segregate out these three particular ponds and leave the rest of the State with no bag limit. This I am opposed to, and the Fish and Game Department is opposed to it, so therefore I move the indefinite postponement of House Amendment "A". The Secretary read the endorsements on the bill.

Mr. CARPENTER of Somerset: Mr. President, I move that the bill be passed to be engrossed.

Mr. PARKER of Piscataquis: Mr. President, I rise to a point of order. I would like very much to oppose the deleting of House Amendment A. I would be pleased to know how to debate that part of the bill.

The PRESIDENT: The Senator would have to move to reconsider the action whereby House Amendment A was indefinitely postponed, since the Senate has already acted on it.

Thereupon, on motion by Mr. Parker of Piscataquis, the rules were suspended and the Senate voted to reconsider its previous action whereby House Amendment A was indefinitely postponed; and the same Senator then moved that House Amendment A be adopted.

The Secretary read House Amendment A.

Mr. CARPENTER of Somerset: Mr. President, I must oppose this motion of my good friend, the Senator from Piscataquis on the basis of what I have just told you a few minutes ago. This would set up a certain limit on three lakes in the State of Maine on white perch which in the estimation of the fisheries department is not important, not necessary and would just place an extra law upon the books of the Fish and Game Department. As I stated before, the white perch is a very prolific egg laying fish and if more were caught in the lakes of Maine they would grow to a greater size. I don't think we

would ever run into any difficulty as far as limiting our white perch by adopting this particular piece of legislation minus the amendment. Therefore, I shall oppose the motion of the Senator from Piscataquis.

Mr. PARKER of Piscataquis: Mr. President, I will try very briefly to explain the reasons why I think House Amendment A should be adopted. I am not familiar with the Belgrade Lake Chain or Petty Pond in Kennebec County, but I certainly am very familiar with Boyd Lake in Piscataquis. I want to say to the members just this. This is a small pond, so-called, perhaps a mile and a half long and three quarters of a mile wide. That is the larger pond. There is a smaller one connected by a thoroughfare which is about half that size.

Many cottages both owned in Maine and outside of Maine line these ponds. The predominating fish in the ponds are white perch. The surrounding area of towns for twenty miles around think as they tell me that the fishing for white perch in Boyd Lake is one of the great assets of fishing in this area. There is a fish and game association in this end of the county and they are very strong for this amendment. Many of the cottage owners would like to see this amendment. I for one, can't sit in my seat and not protest that the bag limit be taken off from this one pond in my area and if these other two lakes are not important, if those who live in the area connected with Belgrade Lake Chain area and the Petty Pond area wish me to, I would be glad to offer an amendment just exempting this particular pond of Boyd Lake, and for that reason, Mr. President,

in order that I might have an opportunity to have such an amendment printed and present it tomorrow, I would ask that this bill lie on the table and be especially assigned for tomorrow.

The motion prevailed and the bill was laid upon the table pending motion by Senator Parker that the Senate adopt House Amendment A.

Mr. Lessard of Androscoggin was granted unanimous consent to address the Senate.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, you received on your desks a few minutes ago a complimentary invitation to attend the spring race meets at the Maine State Fair grounds at Lewiston, and although we are presenting two separate meetings, I am asked to inform the members of the Senate that if they care to present themselves between the dates of May 18th and June 6th that the management of the Fairgrounds will issue you a season pass if you care to attend. Make yourself known at the Fairgrounds and they will be very happy to see that it is issued to you.

The PRESIDENT: On behalf of the Senate, the Chair thanks the eminent Senator from Androscoggin, Senator Lessard for his courtesy, and the Chair wishes to thank the management of the Lewiston Raceway for this kind offer which at least the Chair will take advantage of and trusts that the other members of the Senate will do likewise.

On motion by Mr. Hunt of Kennebec,

Adjourned until 9:30 A.M. tomorrow.