

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

VOLUME II

1959  
and  
SPECIAL SESSION  
1960

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, May 20, 1959

Senate called to order by the President.

Prayer by Rev. Royal Brown of Gardiner.

On motion by Mr. Coffin of Cumberland,

Journal of yesterday read and approved.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber fifty students from the United States History Class at Cony High School, in the charge of Miss Clement, Miss Webster, Mrs. Weaver and Mr. Arbor. It is a real pleasure to welcome you to the Senate this morning on behalf of the members of the Maine State Senate. We hope that this will be an educational and enjoyable day for you during your visit to the statehouse. (Applause.)

**Papers from the House**

Bill, "An Act Directing a Study of Property Tax Administration" (S. P. 129) (L. D. 324)

The Senate accepted the Majority Report (OTP) of the Committee on Appropriations and Financial Affairs, and on May 18 passed the bill to be engrossed as amended by Senate Amendment A (Filing No. 393).

Comes from the House, reports and bill indefinitely postponed.

In the Senate:

Mr. PIERCE of Hancock: Mr. President, I move that the Senate recede and concur.

Thereupon, on motion by Mr. Rogerson of Aroostook, the bill and reports were laid upon the table pending motion by Mr. Pierce of Hancock to recede and concur.

**House Committee Reports  
Leave to Withdraw**

The Committee on Towns and Counties on Bill, "An Act Relating to Clerk Hire and Salary of Register of Probate of Franklin County." (H. P. 511) (L. D. 724) reported that same be granted Leave to withdraw.

Which report was read and accepted in concurrence.

**Ought Not to Pass**

Bill, "An Act to Increase the Salary of Judge of the Northern Cumberland Municipal Court." (H. P. 18) (L. D. 27) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing the Salary of the Judge of the Norway Municipal Court." (H. P. 48) (L. D. 68) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Providing for Clerk Hire for Norway Municipal Court." (H. P. 49) (L. D. 69) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act to Increase the Salary of the Register of Deeds of Somerset County." (H. P. 51) (L. D. 71) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act to Increase the Salaries of the Judge and Recorder of the Kennebunk Municipal Court." (H. P. 181) (L. D. 252) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salary of Sheriff of Somerset County." (H. P. 224) (L. D. 315) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salaries of County Officers of Androscoggin County." (H. P. 225) (L. D. 316) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing the Salary of the County Attorney of Hancock County." (H. P. 226) (L. D. 321) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorney of Cumberland County." (H. P. 325) (L. D. 472) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Clerk Hire and Salaries of Judges and Recorders of Municipal Courts in Cumberland County." (H. P. 327) (L. D. 474) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Clerk Hire and Salaries of County Of-

ficers of Cumberland County." (H. P. 328) (L. D. 475) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salary of Judge of Ellsworth Municipal Court." (H. P. 371) (L. D. 529) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing the Salary of the Judge of the Livermore Falls Municipal Court." (H. P. 372) (L. D. 530) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Relating to Salaries of Judge and Recorder of Biddeford Municipal Court." (H. P. 373) (L. D. 531) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Clerk Hire and Salaries of County Officers of Piscataquis County." (H. P. 411) (L. D. 595) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salaries of Judge and Recorder of Piscataquis Municipal Court." (H. P. 412) (L. D. 596) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salary of County Attorney of Piscataquis County." (H. P. 413) (L. D. 597) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Relating to Payment of Expenses, Clerk Hire and Increasing Salary of Judge of Lisbon Municipal Court." (H. P. 414) (L. D. 598) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salary of Sheriff of Kennebec County." (H. P. 454) (L. D. 660) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing the Salary of Judge of Probate of York County." (H. P. 455) (L. D. 661) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salary of Register of Probate of York County." (H. P. 456) (L. D. 662) reported that the same Ought not

to pass as covered by other legislation.

Bill, "An Act Increasing Salary of Clerk of Courts of Somerset County." (H. P. 512) (L. D. 725) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salaries of Judge and Recorder of Madawaska Municipal Court." (H. P. 598) (L. D. 844) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salaries of Judge of Calais Municipal Court and Judge and Recorder of Western Washington Municipal Court." (H. P. 623) (L. D. 891) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salaries of Certain County Officers of Washington County." (H. P. 624) (L. D. 892) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Clerk Hire and Salaries of Judge and Recorder of Lewiston Municipal Court." (H. P. 704) (L. D. 1004) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Clerk Hire and Salaries of Judge and Recorder of Auburn Municipal Court." (H. P. 776) (L. D. 1094) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salaries of Certain County Officers of Penobscot County." (H. P. 778) (L. D. 1096) reported that the same Ought not to pass as covered by other legislation.

Bill, "An Act Increasing Salary of Register of Probate of Knox County." (H. P. 824) (L. D. 1165) reported that the same Ought not to pass as covered by other legislation.

In the Senate, on motion by Mr. Wyman of Washington, the Ought not to Pass reports were accepted in concurrence with the House and without reading.

#### Ought to Pass — as amended

The Committee on Sea and Shore Fisheries on Bill, "An Act to Revise Private and Special Laws and

Resolves Relating to Sea and Shore Fisheries." (H. P. 175) (L. D. 256) reported that the same Ought to pass as amended by Committee Amendment A (L. D. 1375)

The same Committee on Bill, "An Act to Enact Private and Special Laws Related to the Revision of the General Laws Concerning Sea and Shore Fisheries." (H. P. 176) (L. D. 257) reported that the same Ought to pass as amended by Committee Amendment A (L. D. 1376)

In the Senate, the reports were read and accepted in concurrence, the bills read once, Committee Amendments A were read and adopted in concurrence; and under suspension of the rules, the bills as so amended were given a second reading and passed to be engrossed in concurrence.

The same Committee on Bill, "An Act to Revise the General Laws Relating to Sea and Shore Fisheries." (H. P. 174) (L. D. 255) reported that the same Ought to pass as amended by Committee Amendment A (L. D. 1377)

In House, report accepted and bill passed to be engrossed as amended by Committee Amendment A as amended by House Amendment A (Filing No. 395) thereto.

In the Senate, the report was read and accepted in concurrence and the bill read once; House Amendment A to Committee Amendment A was read and adopted in concurrence; Committee Amendment A as amended by House Amendment A was read and adopted in concurrence, and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed in concurrence.

The Committee on Towns and Counties on recommitted Bill, "An Act Relating to Effective Date for Salary Increase for County Officers and Judges and Records of Municipal Courts." (H. P. 869) (L. D. 1237) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 314)

In House, report and bill indefinitely postponed.

In the Senate:

Mr. WYMAN of Washington: Mr.

President, I move that the Senate concur with the House.

Thereupon, on motion by Mr. Farley of York, the bill and reports were laid upon the table pending motion by Mr. Wyman of Washington to indefinitely postpone the bill in concurrence.

**Majority — ONTP**

**Minority — OTP**

The Majority of the Committee on Labor on Bill, "An Act to Permit Supplemental Unemployment Benefits Under Employment Security Law." (H. P. 756) (L. D. 1074) reported that the same Ought not to pass.

(Signed)

Senators:

BATES of Penobscot

ROSS of Sagadahoc

Representatives:

WINCHENPAW

of Friendship

HARDY of Hope

HANCOCK of Nobleboro

TREWORY of Orono

KARKOS of Lisbon

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

(Signed)

Senator

MacDONALD of Oxford

Representatives:

LETOURNEAU of Sanford

MILLER of Portland

In House, Majority Report accepted.

In the Senate:

Mr. BATES of Penobscot: Mr. President, I move that the majority "Ought not to pass" report of the committee be accepted in concurrence.

There were two similar bills presented to this legislature and heard by the Labor Committee, L. D. 173 and this particular document, L. D. 1074. We have already acted on L. D. 173 on the basis of leave to withdraw because of this bill being before us. I would like to evaluate with you some of the reasons why the majority of the committee by a seven to three vote reported it out "Ought not to pass."

In the first place, we interpreted this as meaning that the payment

into the SUB account in the State of Maine is in addition to taxes already being paid by an employer into the Employment Security fund. SUB is legal at the present time in the State of Maine, but under the provisions of this document would have a great deal to do with the sum, the timing and the extent of time of payments in any bargaining contract, because this is a fringe benefit situation, any bargaining contract made between the employer and an organization of employees without any limitations. The State has no control over the set-up at the present time and should have no control. On the other hand, under the present law without this additional legislation SUB — and of course that is a lot easier to say than Supplemental Unemployment Benefits — SUB is local and unrestricted. The existing law states that only that benefits paid under the Maine Employment Security law to unemployed workers in a given week will be reduced by the amount paid by the employer to the employee during that particular week.

Further evaluation by the committee brought up the question: Should the State of Maine be required to pay out of the Maine Employment Security fund, which, as we know, is entirely financed by employers, full unemployment insurance benefits to a laid-off employee who would also be drawing SUB money each week of that unemployment period from his former employer? This, as do most of the matters before the Labor Committee, I assure you received considerable study, in fact that particular one was perhaps as challenging as any other measure before us. We did not come to a decision rapidly or lightly; we were given a tremendous amount of material by the individuals who would be considered proponents of this measure; we evaluated it as honestly and as fairly as we could, and I hope that my motion to accept the "Ought not to pass" report will receive your sincere attention.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I rise in opposition to the motion of the Senator from Penobscot, Senator Ross — I am sorry,

I had Senator Ross on my mind I guess, because I anticipated that Senator Ross would make a speech. I rise in opposition to the motion of the Senator from Penobscot, Senator Bates.

I might point out that this piece of legislation is more or less permissive, that is it will not affect the employers who do not negotiate with their employees for this supplemental benefit, it won't affect them whatsoever.

Now I may say that this type of legislation has been passed in forty odd states of the Union, and as I understand at the present time, it was just recently passed in the State of Indiana and the State of Ohio, and the Labor Committee there has voted out the bill from their Labor Committee unanimously as "Ought to pass."

What does this bill do? This bill merely gives the right to the employees to bargain with the employer for these supplemental benefits when they are in contract negotiations. If, by contract, the employer agrees that his company should pay to the employees supplemental benefits, then only upon the contract being signed after being properly negotiated, being signed with his employees, then the employer would start making payments to the fund in the hands of the State from which any of his employees would then be paid if they were entitled to unemployment benefits. These are supplemental benefits.

I might say to you that perhaps one of the largest of our manufacturers here in the State of Maine, the American Can Company, which has plants throughout our Country, appeared before the committee — I was told they appeared before the committee, I was not there but I have a statement from the committee that they supported this legislation, that they were in favor of it for an employer - employee relationship, that they would be allowed to negotiate such supplemental benefits. Now if an employer as large as the American Can Company, which has many, many plants throughout the country, comes before us and says yes, we are in favor of this sort of legislation, that it will be for the purpose of better employer - employee relationship

and better labor relations all the way around, then I think we ought to accede to that sort of thinking.

As I said before, the employer who does not have a union contract will not be affected by this whatsoever; it will not increase his payments or decrease his payments. It is merely a permissive piece of legislation which would allow employers who do have organized labor to allow them to negotiate these supplemental benefits. Call it a fringe benefit if you want, I would rather call it a right for the laboring man to obtain a better living standard. When the vote is taken I request a division.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate: I am very complimented this morning by the distinguished Senator from Androscoggin, Senator Lessard. He has said that he had me on his mind. That is delightful. He is correct in one assumption though: here I am speaking next.

My original thinking on these supplemental unemployment benefits was that if any company was willing to go ahead and set up such a fund we should not legislate against this willingness as we are doing now under the present law; but, after further consideration, I do not believe that it is a sound piece of legislation.

Now under unemployment compensation there are many advantages being taken. We have heard time and time again in both branches of this legislature where men who are now receiving unemployment compensation benefits of thirty-three dollars are therefore not willing to accept a job for forty dollars or fifty dollars. Now I think we should encourage human incentives, and to that end I sponsored a piece of legislation which said that a man should be allowed to earn ten dollars a week instead of five dollars a week before it is deducted from his unemployment compensation check. As you know, that has been passed by this body and signed by the Governor, and 90 days after we adjourn — when and if — that will become law.

Now I do not think that we should put roadblocks in the way of these human incentives, and this type of law would do just that, because

when we take the thirty-three dollars and if we add to that the fifteen dollars that a company might be willing to negotiate in supplementary benefits, that would give a man forty-eight dollars a week, and then he certainly would not accept a job for forty dollars or for fifty dollars a week. I think we should encourage the workingman to attempt to earn his livelihood by his own endeavors, which I think is what he really wants to do, and this law is against that type of thinking, so I am definitely opposed to the law and I support the motion.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: Let me read you a part of a statement which was made by the representatives of the American Can Company and submitted in support of this legislative document. I quote:

"There has been much discussion concerning the labor market in this state. It has been asserted that labor is attracted to other areas. This is suggested as one of the reasons why new businesses are reluctant to establish new operations in this state and why other businesses have removed to other areas. If this criticism is sound, we must give consideration to placing workers in this state on a par with their co-workers in other states. It is of vital interest to the welfare of the entire state to keep workers within the State of Maine. By the passage of this amendment alone it cannot be done but it will aid such purpose. The American Can Company negotiates its agreements with the union representing its workers on a national basis, operating in twelve different states in the United States. With one exception all states permit supplementation and the State of Maine should permit it to put workers on a par with co-workers in the same company in other states in the United States."

In other words, they advance the argument that the workers in Maine are perhaps as good and perhaps have the same incentives to work as workers in other states, and they say that they are willing, and they have as a matter of fact negotiated with them in other states, but only one state out of the twelve in

which they operate does not allow them to have the supplementation provided for in this piece of legislation. I submit that if it is good for the workers in other states we are not so different up here, except perhaps for the poor wages that the poor laboring man receives. I think that this bill ought to pass. I am against the motion of the Senator from Penobscot, Senator Bates.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Bates, that the Senate accept the ought not to pass report of the committee in concurrence, and a division has been requested.

A division of the Senate was had.

Sixteen having voted in the affirmative and thirteen opposed, the motion prevailed.

#### Communication

State of Maine  
HOUSE OF REPRESENTATIVES  
Office of the Clerk  
Augusta

May 18, 1959

Honorable Chester T. Winslow  
Secretary of the Senate  
99th Legislature  
Sir:

The House today voted to insist on its former action and joined conference and the Speaker appointed the following Conferees on the following Bill:

"An Act Relating to Source of Supply of Bangor Water District. (S. P. 476) (L. D. 1342)

Messrs. BROWN of Ellsworth  
TREWORY of Orono  
YOUNG of Gouldsboro

The House today voted to insist on its former action and joint conference and the Speaker appointed the following Conferees on the following Bill:

"An Act Relating to Fishing for White Perch." (H. P. 88) (L. D. 135)

Messrs. BROWN of Cape Elizabeth  
BROCKWAY of Milo  
ALIBERTI of Rumford

Respectfully,

(Signed)

HARVEY R. PEASE  
Clerk of the House

Which was read and ordered placed on file.

#### Communication

State of Maine  
HOUSE OF REPRESENTATIVES  
Office of the Clerk  
Augusta

May 18, 1959

Honorable Chester T. Winslow  
Secretary of the Senate  
99th Legislature

Sir:

I am directed by the House of Representatives to communicate to the Senate the action of the House upon "An Act to Continue the Citizens Committee on Survey of State Government", S. P. 221, L. D. 897.

On May 8 this Act failed to receive the favorable vote of two-thirds the entire elected membership of the House, it being an emergency, 94 voting in favor and 35 against.

On May 12 the vote of May 8 was reconsidered and on May 13 the Act again failed on passage to be enacted, 96 voting in favor and 28 against, and the Act was ordered placed on file and sent up for concurrence.

On May 18 the Act, having been returned to the House from the Senate, it having been passed to be enacted in the Senate, the House refused to recede and pass the Act to be enacted in concurrence with the Senate, 92 voting in favor and 41 against, and the House voted to adhere to its action.

In compliance with Joint Rule 8, this Act and all accompanying papers is returned to you.

Respectfully,

(Signed) HARVEY R. PEASE  
Clerk of the House

Which Communication, on motion by Mr. Woodcock of Penobscot, was laid upon the table pending consideration.

#### Senate Committee Reports Ought to Pass

Mr. Dow from the Committee on Education on Bill, "An Act to Make Valid the Incorporation of School Administrative Districts Nos. 1, 2, 3, 4, 5 and 6." (S. P. 285) (L. D. 747) reported that the same Ought to pass.



On motion by Mr. Cole of Waldo, the bill was laid upon the table pending acceptance of the report.

Mr. Ross from the Committee on Labor on Bill, "An Act Relating to Second Injury Fund and Vocational Rehabilitation Under Workmen's Compensation Act." (S. P. 393) (L. D. 1137)

Reported that the same be referred to an interim Committee to study the subject matter and report to the 100th Legislature; said Committee to consist of 5 members, to be appointed by the President of the Senate and the Speaker of the House as follows: 2 members from Industrial Accident Commission, 1 member from Industry; 1 member from Labor and 1 member from Insurance; and that the sum of \$1000 be appropriated from the General Fund of the State for the expenses of said Committee.

On motion by Mr. Ross of Sagadahoc, the bill was laid upon the table pending acceptance of the report, and was especially assigned for tomorrow morning, May 21.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber a group of 28 pupils from the North Yarmouth 8th Grade. On behalf of the Senate, I am certainly pleased to welcome you folks here this morning, and trust arrangements can be made as soon as possible for you to be seated. We hope that this will be a profitable and educational day for you. On behalf of the Senate, a cordial and hearty welcome. (Applause.)

#### Second Readers

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

##### House

Bill, "An Act Providing for a State Committee on Natural Resources." (H. P. 966) (L. D. 1372)

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

##### House - as amended

Bill, "An Act Relating to Pauper Settlement of Patients of Central

Maine Sanatorium." (H. P. 247) (L. D. 358)

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

##### Senate

Bill, "An Act Establishing Columbus Day as a Legal Holiday." (S. P. 416) (L. D. 1200)

Bill, "An Act Reactivating the State Committee on Aging." (S. P. 1370)

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 resolves:

Bill, "An Act Reactivating the Committee to Review the Settlement Laws." (H. P. 381) (L. D. 564)

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

Bill, "An Act Relating to National Defense Education Program." H. P. 383) (L. D. 566)

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

Bill, "An Act Relating to Disposition of Income on Public Administrator's Funds." (H. P. 431) (L. D. 637)

Bill, "An Act Relating to Contributions Under Maine Employment Security Law." (H. P. 500) (L. D. 713)

Bill, "An Act Appropriating Monies for Municipal Planning Assistance." (H. P. 737) (L. D. 1056)

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

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

(On motion by Mr. Briggs of Aroostook, tabled pending enactment.)

Bill, "An Act Concerning Liability of Parents for Damage by Children." (S. P. 58) (L. D. 91)

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

(On motion by Mr. Ross of Sagadahoc, the bill was tabled pending enactment, and was especially assigned for later in today's session.)

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

Bill, "An Act Providing for Mental Health Services." (S. P. 490) (L. D. 1367)

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

Which bills were severally passed to be enacted.

"Resolve in Favor of Grand Falls Hospital, Grand Falls, New Brunswick." (H. P. 483) (L. D. 701)

"Resolve Appropriating Funds to Public Utilities Commission for Water Resources Investigation." (H. P. 713) (L. D. 1018)

(On motion by Mr. Rogerson of Aroostook, the resolves were laid upon the Special Appropriations table pending final passage.)

### Emergency

Bill, "An Act Providing for an Executive Secretary for the Highway Safety Committee." (H. P. 369) (L. D. 536)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table pending enactment.)

### Emergency

Bill, "An Act Establishing a State Committee on Children and Youth." (H. P. 516) (L. D. 751)

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

### Emergency

Bill, "An Act Relating to Non-lapsing Funds of Present Biennium for Armory Repairs and Expansion." (H. P. 827) (L. D. 1178)

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

the Senate, was passed to be enacted.

"Resolve Opening Long Lake, Aroostook County, to Smelt Fishing." (H. P. 720) (L. D. 1025)

Which resolve, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was finally passed.

Mr. MacDonald of Oxford was granted unanimous consent to address the Senate:

Mr. President and members of the Senate: I think that we are making an awful mockery of these emergency measures. The State Constitution says that there is an emergency when the health and welfare of the people of the State of Maine is involved. You look at L. D. 1025, on smelts, the only welfare and health involved there is the smelts up on this pond in Aroostook County. I think we are making a veritable mockery of it. We have done it before; four years ago we did it, and I think we ought to be more careful to try to live within the constitution on these emergency measures.

### BOND ISSUE ACT

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)

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I find that I must rise in opposition to this bill. I would like to ask the President: Shall I explain my opposition at this time or ask to have it laid on the table and taken up later in today's session?

The PRESIDENT: Would the Senator from Piscataquis, Senator Parker, kindly approach the rostrum?

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I am sure that every member here is well aware that I have opposed this bill from the beginning. I can see no reason now that we have an opportunity, and the last opportunity, to express our position today to express opposition to it that I should not do so.

It is my firm conviction that this bridge never can and never will be able to pay for its construction through tolls: It has been well brought out by persons much better qualified than I am that the statement I have just made is true. I do not propose to take up a lot of time in explaining my position because that has been done before at great length. However, I do want to make the motion that this bill be indefinitely postponed, and when the vote is taken I ask for a division.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I rise in opposition to the motion of the Senator from Piscataquis, Senator Parker. I, too, agree with him that the figures and all the information regarding this project have been covered more than adequately. I do not agree with him on the proposition that the figures indicate that it will not pay off. There are reports in the records which have been supplied to you from other sources which say that it will pay off; and as a general proposition the experience we have had with toll bridges has not been unsatisfactory. As stated by Senator Parker, it has been covered adequately. I think that there is merit to this proposition from a development point of view and from many other points of view.

This is going to open up an area in our most heavily populated section of the State for tourists and everyone else. I think it is going to have an impact upon the entire state and is going to be satisfactory, and I do not anticipate that any state funds in the future are going to be necessary to pay off these bonds.

I certainly hope that the motion to indefinitely postpone does not prevail.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I discussed this bill a short time ago, last week or so. I neglected to answer some of the arguments that were presented relative to costs and expenses. I am not going to bore you with any tremendous figures because you already have the entire financial reports in your files. However, I must bring to your attention the fact that our

toll-bridge business in the State of Maine is a lucrative business. If you will check your records very carefully, you will find that the tolls from all the toll-bridges amounts to \$443,816 as of the last report for the fiscal year 1958, and we have a surplus of \$118,876, and our total revenue available is \$562,689. Our annual cost of all of these bridges, the total operating expense, is only \$470,000 odd. That leaves us with a surplus at the end of the year of \$92,564. Now the majority of the bridges are paying off.

I also want to mention the fact that if one of our bridges which is now showing a slight loss will only increase their toll fare by one and a half cents per car on an average that they would be on top and making money. It is just a matter of arithmetic. They are selling tickets at eight for a quarter, and it is a very simple matter to bring that on a comparable basis. If future traffic will continue at the present rate, even tickets at eight for a quarter will more than take care of this.

Another point I want to bring out is that our toll bridges are not paid for by the taxpayers; they are paid for by those who use the toll-bridges. I certainly hope that the motion of the Senator from Piscataquis, Senator Parker, will not prevail.

Mr. COLE of Waldo: Mr. President and members of the Senate: I, too, think that this bill has been thoroughly debated and that most of us have made up our minds as to how we shall vote, but there are a few things which have not been covered so far which I would like to bring out.

First, I respect the sincerity of those who are pressing for quick approval of this bill. Those who asked for the Wiscasset-Westport bridge were just as sincere when they asked for a toll bridge, but what happened, as you all know, the State had to step in and take over the payment of bonds to protect the citizens of Lincoln County and the town of Wiscasset.

It has also been brought out that the Bangor-Brewer bridge is not paying its way, because in L. D. 1341 you will notice that we have the sum of \$76,500 set up to augment that service. By the way, that

bridge serves 500,000 people in comparison with the one which we are discussing which serves 300 people that have normal residence and not over 700 seasonal residents.

I would also like to inform the Senate that all bridges have not been successful. As I have mentioned, there is the Westport bridge. The Beale's Island bridge is another one which we are supplementing in the sum of \$127,600, in your L. D. 1341.

I would like to give you a brief summary of the outstanding bonds that are now in effect: The Fore River Bridge, or Memorial Bridge in Portland, \$7,000,000. This, of course, is not a toll facility. The Jonesport - Beale's Island bridge, \$160,000; the Bangor - Brewer bridge, \$2,350,000; the Deer Isle-Sedgewick bridge, \$241,000; the Kennebec Carleton Bath - Woolwich bridge, \$1,110,000. May I add that the Maine Central Railroad is also putting into their sinking fund adequate funds to retire these bonds, however, as I said, there are \$1,100,000 outstanding. The Waldo-Hancock bridge still has \$90,000 outstanding, although we have sufficient money in the sinking fund to pay that off. We also have bonds on the Augusta Memorial Bridge of \$720,000 yet to pay off. So I ask you: Are all of these bridges we have mentioned profitable? I will answer that myself by saying that those on the main routes are successful but those that are on a dead-end, such as this bill we are discussing now, are not successful.

Another item that I could mention is the fact that since the debate in the Senate last week we have had a long communication from the Casco Bay Lines which serves this island and many others, and I would like to read a section to this letter to you:

"If the pending legislation regarding the Chebeague bridge is passed we would lose our revenue from the passenger fares, freight and mail income which we are now receiving and it would be impossible for us to continue operations to the island. Our loss would amount to \$30,000 or \$35,000 per year."

Now I ask you: What is going to become of the other islands that the Casco Bay Lines are now serv-

ing if we take the revenue away from them on Chebeague? Will the State have to come in and subsidize the ferries? They certainly should have service. We have 311 vehicles on the island. At a fee of \$1.25 each way or a round trip fare of \$2.50, I ask you: how much revenue will these 311 cars bring into the State of Maine.

Now the interest figured, on the report of Fay, Spofford & Thorndike, has been figured at 3 per cent. As you all know, most of our bonds that have the faith and credit of the State of Maine back of them have been sold at around 3 per cent, but on a fifty-year bond it would be impossible to sell bonds at that rate of interest, and therefore the State would have to increase its subsidy for this bridge, should it be built, substantially more than what has been brought out in the report by Fay, Spofford & Thorndike. I thank you.

Mr. STILPHEN of Knox: Mr. President, I do not wish to prolong this debate. I know that you all know how I feel: that I am in favor of this project and I am particularly in favor of it going to the people. This is an opportunity whereby the people of the State of Maine can say whether they feel that this bond issue should be put on and have this bridge.

For the record, I would just like to remind the good Senator from Waldo, Senator Cole, that it was only just a short time ago in this very session that I stood here and voted for a bond issue for a bridge in his county, a bond issue of something over three million dollars, which is going to the people. I think it is just as fair for the people of Cumberland County to have an opportunity to present their problems to the people as those in Waldo County.

Mr. COLE of Waldo: Mr. President and members of the Senate: I had hoped that that would not be brought out, but since it is I would like to say that this is a numbered highway, U. S. 1, and there is no alternative if the old bridge is torn out, as it has got to be. It would be the first time in the history of the State of Maine that we have forced our motorists over a toll facility. And, in regard to my coun-

ty, I would like to add that the Fore River Bridge in Portland, which is a seven million dollar project, and that is not a toll facility. I would also like to add that Tukey's Bridge, already under construction, is a three million dollar project and that is not a toll facility, so I do not think that we are asking for anything in my particular county that is out of line.

Mrs. LORD of Cumberland: Mr. President and members of the Senate: The Department of Economic Development believes that if there were a bridge connecting Chebeague that it would be a great asset to this section of the State.

Another fact that makes the Chebeague Island bridge attractive is that there are several sand beaches on the island just crying for development and going begging for people to enjoy them. One beach in particular is an area which could be developed into a State Park of about fifty acres. All staff members of the Department of Economic Development who have examined the possibilities for the Chebeague Island bridge development are unanimous in their opinion that it will be one of the greatest tourist and recreational developments in the State of Maine since the establishment of Reid State Park.

Mr. CHARLES of Cumberland: Mr. President, in answer indirectly to the remarks of the good Senator from Waldo, Senator Cole when he mentioned these various bond issues that are outstanding on the various bridges, that may sound like a lot of money but still it is a good investment for the State of Maine.

I would cite, on Page 89 of our State Controller's report, that the Deer Isle-Sedgewick bridge ended up with a surplus of \$62,000 last year; the Augusta Memorial Bridge with a surplus of \$49,000 at the end of last year, and as I go through these quickly I find another morsel here in the Kennebec Carleton Bridge of \$14,049. I do not think that the bridge business is a losing game, I think it is profitable.

Mr. COFFIN: Mr. President and members of the Senate: I rise in opposition to the motion of the Senator from Piscataquis, Senator Parker. I think, in view of all the testimony that has been brought out

here, that if we do not give this bridge to the Chebeague Island people it will be a form of discrimination, where we have seen fit down through the years to give bridges to these other places.

Mr. FARLEY of York: Mr. President and members of the Senate: It has been brought in here this morning — and I at that time was a member of the Highway Committee, in 1951 — about the Fore River Bridge in Portland. If you remember, the people of the State of Maine voted for that bridge. Certain people in the legislature at that time on the Highway Committee wished to place a toll upon Fore River Bridge, but in the committee we were able to hold it down to give the people in Cumberland County an opportunity to vote as to whether or not we should place a toll bridge in Cumberland County. As you all know, that was defeated. Also in that year we had a few more bridges. Two years ago I voted against this bridge. No man has lobbied me or anyone else. I studied this two years ago and I voted against it. I voted for the survey money though to give those people a fair and square opportunity to bring out something that would be of benefit to us. I have read what they have said to us, but I have also read the survey of the State Highway Department, which I think is a creditable department of the State of Maine, and I believe they have given us something to go and come on: that this is not going to be a paying proposition to the taxpayers of the State of Maine. This morning I am going to vote against it as I did two years ago.

Mr. ROSS of Sagadahoc: Mr. President, when this vote is taken I wish to pair my vote and I request that I be excused from voting.

I would like to read to the Senate a letter that I have:

"Rodney Ross,  
State House, Augusta, Maine

Dear Rodney: Will you please pair your vote with me on the Chebeague Island Bridge? If I were there and voting I would vote yes on the enactment.

Thanking you very much, I remain,

Very truly yours,

(Senator) Oscar Brown."

If I were to vote this morning I would vote no, so I request to be excused from voting.

The PRESIDENT: Will the Senator from Sagadahoc, Senator Ross, kindly approach the rostrum.

The Senator withdraws his request.

Mr. MARTIN of Kennebec: Mr. President, I would like to have the privilege of pairing with the Senator from Androscoggin, Senator Boucher. He has been called away. If he were here he would vote yes and I would vote no.

The PRESIDENT: The Chair will state for purposes of clarification that the motion before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, to indefinitely postpone L. D. 201. This motion requires a simple majority, but for enactment of the Bond Issue, the Constitution requires a two-thirds affirmative vote of those present.

Mr. PARKER of Piscataquis: Mr. President, I wish to withdraw my motion for indefinite postponement because I understand this will be taken care of under the two-thirds which is necessary for the bond authorization act so I will ask permission to withdraw my motion for indefinite postponement and in that way it will only be necessary to vote once.

The Senator from Piscataquis, Senator Parker was granted permission to withdraw his motion for indefinite postponement.

Mr. MARTIN of Kennebec: Mr. President, I request permission to pair my vote due to the absence of Senator Boucher of Androscoggin, who has asked me to pair with him. I would vote Yes on the bill, and he would have voted No.

Senator Martin of Kennebec was thereupon excused from voting, his vote being paired with that of Senator Boucher of Androscoggin.

This bill being a Bond Issue and requiring a two-thirds affirmative vote for enactment,

A division of the Senate was had.

Sixteen having voted in the affirmative and eleven opposed, and

sixteen being less than two-thirds, the bill failed of enactment.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber Grades five through eight from the Edgecomb Central School in Edgecomb, accompanied by their teacher, Mrs. Pels. On behalf of the Maine Senate a very cordial and hearty welcome to you young people and to Mrs. Pels. We trust you will enjoy your day and profit by your visit to the statehouse.

Thereupon, the President declared a ten minute recess.

#### After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair would like to welcome to the Senate Chamber twenty members of the Garden Club Federation of Maine. We are very happy to have you ladies with us this morning and on behalf of the Maine Senate, I am very happy to extend a most cordial and hearty welcome to you.

#### Orders of the Day

The President laid before the Senate the first tabled and especially assigned item being bill, "An Act Relating to Outdoor Advertising Devices on the Interstate System." (S. P. 401) (L. D. 1169) tabled on May 13 by the Senator from Piscataquis, Senator Parker, pending motion by Senator Weeks of Cumberland for adoption of Senate Amendment A.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I rise this morning in opposition to the amendment offered by the Senator from Cumberland, Senator Weeks, because after giving this thorough consideration I believe this amendment if adopted, would cut the very heart out of the purpose of this outdoor advertising act. We have spent a lot of time discussing this bill. I haven't any question but what every member present knows how he or she is going to vote, but I do want to just bring your attention to a few points that I consider very important.

This bill provides that no outdoor advertising devices shall be erected on the interstate system of highways in the State of Maine. This means that eventually from Kittery to the Canadian border those that drive on this highway will be able to enjoy the scenery as nature made it. They will not be subjected to having their attention called to hot dog stands, beer joints and many other types of advertising that we find on most of our other roads. Many organizations in the State of Maine are supporting this bill, including the one that is so ably represented here this morning.

Not only have many organizations indicated their support of this bill but those of us that have and do read editorials in our press, for some time have been very well aware that the press in the State of Maine by far is in approval of this bill.

As far as I am concerned, Mr. President and members, I believe that first of all we should vote here and now to kill this amendment and with that purpose in mind I move, Mr. President, that Senate Amendment A relating to outdoor advertising on our interstate system be indefinitely postponed and I ask for a division.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I have no apologies for any remarks I might wish to make to anyone. For many years now the American way of life has permitted free enterprise and for too many years now, every legislature has passed restrictive legislation. Every time you pass legislation of this type, you involve at least three people who have property rights involved. One is the land owner, one the advertiser and the other is the advertising agency which conducts the enterprise. And in case you haven't heard before it comprises the lifeblood of the whole state. We are talking right now about spending \$750,000 in the Department of Development to do more advertising. Advertising as such is no evil and I submit to the proposition that I want the highways to be as beautiful as it is possible to have them, but I do not submit to the proposition that you are go-

ing to put everybody out of business or restrict the rights to enjoy free enterprise. They are not scoundrels. They are good legitimate business men and the people who want their places advertised are good legitimate business men. I dare say there are some places in the County of Franklin, where they are working industrially to put on the face of the State of Maine desirable locations to attract tourists, who would like to have some place along this highway that would say where they are and what they have to offer. But they couldn't do it. The place in Franklin may be twelve miles or more beyond the edge of this road line. Somebody down in Sagadahoc even or anywhere else along the coast might want to have something on the interstate highway which is going to advertise their activities and would attract tourists. And I dare say many thousands of tourists coming down would like to see something like that to guide them to their destination.

If I want to reduce this argument down to absurdities I could talk about hot dog joints and beer signs but I dare say there aren't going to be any hot dog joints on this interstate highway or any beer signs on the highway either and I don't know as I want them either, but there are going to be some legitimate people who want to advertise their place of business and this prohibits them complete.

I thought the Senator from Piscataquis, Senator Parker, would say something about federal subsidy. But he deliberately ignored that. Now this measure as somebody has already told you covers an ultimate distance of approximately three hundred miles as I understand it when the interstate highway is fully projected. And you say with twenty thousand miles or more of Maine highway why everybody has a right to put up signs in other places. Well, we've put restrictions on those over the years too. We put them in cities and towns.

Now the amendment suggested by me, and I address my remarks simply to the motion made by the Senator to indefinitely postpone the amendment, merely says there is

no money coming from the federal government for the next two years. Nothing has been appropriated. I am merely saying that the impact of this legislation might very well be delayed until such time as it may be considered desirable in the wisdom of this Body to pass it. In the meantime people are left to a certain extent in their enjoyment of the right to contract. Incidentally in the amendment is a provision which says they won't — I am paraphrasing, I am not using the exact words — a provision that there will be no signs erected in the next two years. I think it is something which you should consider seriously and with all due regard to everybody's desires to have clean highways, and I have seen a lot of things on the highways that are more offensive to me than the signs I have seen. I do enjoy riding along without signs or anything else but that doesn't mean that other people do not have the right to contract and I'm not going to take it away from them any more than I have to, with due regard to the general health and welfare of the entire people of the State of Maine. I ask you to vote in opposition to the pending motion.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, it is indeed an unique pleasure for me to be able to rise in support of a motion of the Senator from Piscataquis, Senator Parker. I am not sure if this makes some sort of record or breaks some sort of record of opposition across this aisle but at any rate in this instance I am very pleased to be able to support his motion to indefinitely postpone and therefore to support, I believe, true conservationists everywhere, who have a very proper desire, without removing any legitimate rights from anyone to preserve the scenic beauty of this one highway in our state. I know that there are thousands and thousands of persons in our state who hold that this way should be kept free of the billboard type of commercial advertising. There are hundreds of other media of advertising which can be used. As has been previously stated there are hundreds of other roads which can be and are used. Our present turn-

pike which this interstate way will be an extension of from this city north, is presently free of this type of advertising.

I think it is a terrible testimony on this legislature in a state that has as much at stake in recreation, resource value as this one has, to allow this creeping paralysis of billboard pollution to reach its way into our interstate system and I certainly hope that the motion to indefinitely postpone this amendment will receive outstanding support.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, I oppose the motion. Reference has been made of my very fine county of Sagadahoc. I would have to refute that statement because I sincerely believe that there are more people in Sagadahoc who want control than don't want control.

Now I concur with wishes of the proponents including many of my good friends, the gentle ladies of the various garden clubs. I also don't wish to see our highways littered with billboards. But I disagree with many of them who favor absolutely no signs at all. I certainly favor control but not absolute control. I sincerely believe that a few well placed attractive, informational signs are desirable for the convenience of the traveling public but in specific reference to the bill that we have before us today, L. D. 1169, I repeat that although I favor control of billboard legislation, I do not favor this document.

I think that the type of advertising which would be permitted under the informational sites proposed therein are certainly not for the convenience of the travelers but even an undesirable nuisance. At the present time there are many supplementary ideas pending in Congress. Several other states have just completely postponed this action for the time being. But if we could postpone our action here by completely defeating the bill; in other words to allow the helter skelter erection of billboards, I certainly would not favor that action and I certainly would vote against the indefinite postponement of the bill itself.



But, in my opinion, this amendment is the perfect solution to the problem. It would put a law on our books whereby there would be no sign erected until approximately 1961, in the rural areas. I would think that this should satisfy all of the proponents and if it does not, I cannot see why. This for two years would give absolute control which is what many of them want, and should this amendment be defeated, then I would have to vote for the bill, because I certainly favor the amendment over the original bill but I would not be a part of leaving the situation wide open for the next two years. So I oppose the motion to indefinitely postpone this amendment.

Mr. STILPHEN of Knox: Mr. President and members of the Senate, I would like to mention the fact as Chairman of the Highway Committee, that this was a unanimous ought to pass report L. D. 1169, and I have some exhibits here which my seatmate, the good Senator from Sagadahoc, did not use and he offered them to me. They prove that there are more people in Sagadahoc County who would like to see this passed than there are opposed. Thank you Senator, for letting me use these.

We have also had communications during the winter from forty-two garden clubs throughout the length and breadth of the State of Maine. They are not only people who are interested in their own area, they are interested in the tourists who are coming into Maine and they are interested in keeping Maine attractive, by keeping one section of our highway system free of these objectionable billboards. Now, I would like to clear up one point.

It has been said that there will be no directional signs on this interstate system. That is erroneous and I have it from the Highway Commission and it is in the bill itself. The area directional signs which you can see on the Maine Turnpike today, are known as official signs and they can be erected. We have had letters from the garden clubs telling us that the Rangeley area is a terrific area, and it is, and I am sure that my seatmate on my right, the good Sen-

ator from Sagadahoc would corroborate that too, but if he is fearful that they cannot be erected on this interstate system signs which will tell the people of the virtues of Franklin County, and the virtues of Rangeley, then he is mistaken. They can be erected there.

Now what are we doing this morning? We are discussing an amendment which has been proposed by the opponents of L. D. 1169. We are discussing this amendment and all of us have heard all winter from the opponents of this particular measure, "Put it off two years. Put it off two years." We had some other opponents with whom we were able to work out an amendment to this bill and that is in reference to the "on premise" signs which advertise places of business, the service sold thereon and for places that are for sale. We worked out those amendments, but in each and every instance that we tried to sit down with the real opponents, those men who were in this statehouse representing the outdoor advertising associations, they just want to put it off for two years. They finally came up with this amendment and you can read where it says that no sign will be erected in the rural areas. Now there are other areas in the state system and they do not explain what they are going to do in those areas in the next two years and another thing, in addition there is now pending in both houses of Congress bills to amend said federal law particularly in reference to advertising the commercial, business and industrial area adjacent to such system. It is inadvisable that final state legislation be passed unless it conformed with final federal legislation.

I pose this question to you members of the Senate: When will we ever pass final state legislation if we wait for final passage of federal legislation? There are over some forty odd bills pending in Congress which have to do with the interstate system. Many of them are dealing with advertising devices which will be set up on this system and if we wait two years to put this bill through, I am sure that then they will come up with the

same thing and say, "There are one or two more bills waiting in Congress. Let's cut out this rural area. Let's have it so we can put them up adjacent to the cities and towns.

I feel that this is a very good bill and it has been given thorough consideration by the committee. We have had it in and out of committee two or three times. We have offered committee amendments and Senate amendments to make it pleasing to some of those who at first did oppose it. Therefore I hope that the motion of the Senator from Piscataquis does prevail and that this amendment is indefinitely postponed.

Mr. MacDONALD of Oxford: Mr. President and ladies and gentlemen of the Senate, this is one time I am surprised to find myself in agreement with my good friend, the Senator from Sagadahoc, being on the same side at least part of the way. I absolutely oppose the indefinite postponement of this amendment.

I am going to say and I will say, I am opposed to the bill as a whole but this amendment asks for the matter to be continued for two years to see what the federal government will do, whether or not they are going to appropriate any money that we can use here in the State of Maine in the construction of the highway and the byways that go out along side it. I will say one of my reasons, probably the first, why I oppose the motion. I believe the whole law to be unconstitutional. Now I am not the United States Supreme Court by any manner of means but we know that every owner of property has the right, the legal right, to use his property and his business in any way he sees fit if he does not commit a nuisance. Now, say a man owns a little piece of business near this highway. He is restricted on how he can advertise that little business; say it is a garage or filling station. All the rest of his property, it may be a mile or two miles or a hundred yards along his property, he can't let that property; he can't put signs on it and therefore we are depriving him of his property without due process. Now the state

could take that property away from him by eminent domain and exclude signs there but then he is paid for his property. But here we are taking the property right away from him without compensation and I think the attorneys here will agree with me you cannot do that under the federal constitution.

Now you know they had a mechanical lobbyist on this road. Some people called it a mechanical liar. Well I don't think it was altogether lies. They had set out two roads; one the way it would be if the bill did not pass, showing overnight camps, churches, business establishments, and a crooked road coming down; and the other was a very nice straight road with signs on both sides saying "For Sale". And if we pass this bill, I think that both sides of that road will certainly have signs saying "For sale." Nobody will ever buy them either because they cannot buy them. I further think that there is discrimination when you say that a man or a business that is more than twelve and a half air miles cannot advertise in any way under this law. You can have directional signs, you can have them pointing to Rumford or to Bethel or to Hanover or to Andover or Rangeley but you can't say there that we have big skiing continued about all winter and that is our business, a winter business and a big one up there in all that part of Oxford County and when you don't allow them to do that, you are again depriving them of a property right without compensation.

The question came up here — the amendment said no signs in rural areas. I wonder if they want that to mean in all parts of the road, rural as well as cities and towns. If this road goes through a city or a town right in front of a man's store, he is forbidden to put his own name above his store. That is what could happen and that is why I am against the motion. All those things combined are why I am against it.

Mr. LESSARD of Androscoggin: Mr. President, I would like to answer one point mentioned by Senator Stilphen of Knox. He said, if I recall correctly, that state legis-

lation should not depend on federal legislation, that we could not quite depend upon it because of the many bills before Congress. I would like to call the attention of the Senate that at the time of the 97th legislature they had a bill before us which increased the weight for trucks and you remember that increased weight for motor vehicles on our highways. At the time the interstate highway legislation was before the United States Congress and at that time there was pending, which we didn't know about, pending before Congress a bill which provided that should any state increase its weight limit that that state would not qualify for interstate funds and, if the members present here, recall, at that time we recalled our action whereby we did pass the bill increasing the weight, recalled it in from the Governor's desk and killed the bill because had we passed it, and had the bill which was before Congress passed, we wouldn't even have had this bill before us today because we wouldn't have had an interstate highway in Maine because we would have been completely disqualified and it may very well be that before the Congress today there is some legislation — there is some legislation, that we know — in regard to the interstate highway. I think it will be covered by much more legislation before it is completed but it may very well be that we somewhere here in Maine, may be penalized. Maybe our bill isn't strict enough; and I can't see what we are going to lose by allowing this amendment and postpone this thing for two years until it is fully settled in Washington and we know where we stand. That is why I am in favor of the motion.

Mr. STILPHEN of Knox: Mr. President, not to prolong this at all but I do realize what happened in the 97th legislature that Senator Lessard of Androscoggin referred to. I remember it was like a drowning man's grasping at the last straw. It was a movement on the part of the opponents to kill the trucking bill, when they dug up the fact that there was some section in the Gore bill in Congress that might affect the interstate system. It was very remote, and it turned out that it was more remote than

they thought but it worked two years. We now have the trucking bill and we don't have the Gore bill amendment.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, of course you can argue unfairly before this body as well as any way else. No one has objected to the passage of the law as it came out of committee. That could become law and we are all prepared to vote for it. We are concerned about the impact upon industry in our cities and our towns. There is no comparison between the matters recently discussed by Senators Lessard and Stilphen. The results of what happened in Congress confirmed the advisability of doing it. Whether or not we actually went the wrong way that particular time, we were seriously concerned about the impact of subsequent Congressional action upon any action we might have taken. I might also remind the Senate that this is not a vote upon the bill. I believe everyone is prepared to vote for the bill and I want to repeat I am as interested in highway beauty as anyone. I will close this time by saying to those who think they are passing something off which I contend is true, they are delaying the application of the law and the impact upon activities. I also would call your attention to the fact that twenty-two other states very recently have done the identical same thing. In fact, Massachusetts voted it down. The others delayed action. If you would like to hear the names I would be glad to recite some of them. I urge you to vote against the motion.

Mr. COLE of Waldo: Mr. President, I rise in support of the motion of my good seatmate to my left, Senator Parker of Piscataquis. As Chairman of the Transportation Committee now and two years ago, it is true what the Senator from Androscoggin, Senator Lessard has said. It was used as a stalling method to kill the trucking bill. Therefore it penalized the industry of the State of Maine a full two years by this stalling method. As you know the following session we did pass the trucking bill in the same form as we had it originally.

A vote favoring billboard control will mean that Maine has progressed once more. It also means that it has taken a vital step towards coming the most attractive unadulterated vacation land in the nation. At the moment about 25 of the 44 state legislators, meeting this year are discussing legislation to curb roadside advertising. These states are doing so partly of course that the federal government will grant a financial bonus to each state to meet federal billboard regulations.

It has also been brought out that funds are not available at this time. Let's hope that they will be, and I have faith enough in Congress to feel that they will appropriate this money.

They are also doing this, be it noticed, because of competition for the tourist trade as this gets stronger each year and no state wants to get caught with any unnecessary impediment to promotion. It is understandable that those in the billboard business and some who feel that they stand to benefit, either directly or indirectly from the roadside advertising should oppose the control. They made their opinions clear at a recent meeting here before the Highway Committee. But even these people in the long run will be better off if Maine is known as a state where tourists are not annoyed by a mass amount of billboards. It is obvious enough that Maine must adopt control if it is to remain on a competitive basis with other states of the union. If Maine scenery is beautiful as we hear it is, as Virginia which has already passed the billboard laws, and some other states, it would deserve the same kind of protection against billboards, and the tourists deserve the same opportunity to see the scenery.

It is agreed that the beauty of Maine scenery is so compelling that no mere billboards can do it harm. Maybe this is so but in the long run a clear pattern of control is what I am sure we are all interested in. We are interested in the justification of Maine's claim to be, not "a" vacationland but "the" vacationland. This means that we must do everything better than other

states. With information offices now set up in Montreal and elsewhere this will eliminate clutter of the interstate highway with unsightly billboards and as you know the Maine Publicity Bureau has recently put in operation an office in Montreal, trying to capture some of the Canadian vacation business and I think it is a step in the right direction.

I have taken issue with the Highway Committee on the previous bill but I feel the Highway Committee has acted in defense of vacationland and also in the interest of prosperity for all and I would like to add that in my personal opinion, the Highway Committee of which Senator Stilphen is chairman has been an outstanding committee. Thank you.

The PRESIDENT: The Chair notes in the Senate Chamber the presence of a distinguished citizen of the State of Maine, former outstanding presiding officer of the Maine Senate, former Governor of the State of Maine, and the Chair would ask the Sergeant-at-Arms to escort the Honorable Horace Hildreth to the rostrum.

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

Mrs. LORD of Cumberland: Mr. President, I would like to ask a question of the Senator from Piscataquis, Senator Parker, through the Chair, if I may. It is about the information center. I have not been able to clarify in my own mind, and I doubt if many of the members of the Senate have, what this would do — how often they would occur — these informational centers. It says in the bill you can advertise within twelve air miles of the location, their own location. I don't know how often these would occur and whether the money is coming from the state or the federal government.

The PRESIDENT: The Senator from Cumberland, Senator Lord, asks a question, through the Chair, of the Senator from Piscataquis, Senator Parker, and that Senator may answer if he wishes.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate. The question as I understand,

is in regard to these rest areas in which advertising will be allowed. Is that correct? As far as how often they will occur or how many miles apart, I have no knowledge except that I do believe they will be erected at strategic points where they will be needed. As to the amount of advertising, I understand that these panels will be thirteen by twenty-five feet. On those panels there will be small advertisements allowed which will allow any number of motels, eating houses, overnight places, anything of that sort. Any person or industry can put these small signs on the big panel and advertise their business. It doesn't mean that only one motel, for instance, can advertise there. It means that one motel might have one sign and his neighbor might also have one there if he operates a motel, and other industries likewise.

I don't know whether or not I have answered your question but if I have not, I am sure the Chairman of the Highway Committee, Senator Stilphen of Knox will give you additional information.

Mr. STILPHEN of Knox: Mr. President, I think to clarify the answer a bit what the Senator from Cumberland, Senator Lord has asked as to how often will these occur. There is nothing in the bill that says they must occur each twelve miles. You have heard that already. You have heard that they are going to take the length of the highway and divide it by twelve and that's going to give you the number of sites there are going to be. That isn't so. The Highway Commission can erect whatever they feel the demand is for, no more than twelve miles apart. I mean they can't be nearer than twelve miles to each other. They can put just two on the entire system if they want. And they can combine these sites with rest areas which are allowed on the interstate system and for which ninety percent of the money is paid by the federal government. The federal government will participate to the tune of ninety percent in building rest areas. They can combine these advertising sites with those and their only actual expense other than the ten percent would be the cost

of erecting the billboards. I hope this answers the question.

Mr. NOYES of Franklin: Mr. President, I would like to inquire, through the Chair, of the Senator from Knox, Senator Stilphen, his interpretation of Roman Numeral I Section 2 pertaining to official signs and ask him what constitutes an official sign.

The PRESIDENT: The Senator from Franklin, Senator Noyes, asks a question, through the Chair, of the Senator from Knox, Senator Stilphen, and that Senator may answer if he wishes.

Mr. STILPHEN of Knox: Mr. President, Roman Numeral I official signs, directional signs or other official signs erected and maintained by the State Highway Commission for purposes of directing the movement or control of traffic or intended exclusively for the purpose of providing for the safety of persons using the highway. The Highway Commission has assured me that official directional signs to the areas that they can put up on this interstate system would not be objected to by the federal government.

Mr. WYMAN of Washington: Mr. President, if I voted on this question I would vote against the amendment. If the Senator from Androscoggin, Senator St. Pierre were here to vote he would vote for it. He has just called me on the telephone and asked if I would pair my vote with his. Therefore I ask to be excused from voting that I may pair my vote with his.

The Senator from Washington, Senator Wyman was excused from voting, his vote being paired with that of the Senator from Androscoggin, Senator St. Pierre.

The PRESIDENT: The question is on the motion of the Senator from Piscataquis, Senator Parker, that Senate Amendment A be indefinitely postponed, and a division has been requested.

Mr. COLE of Waldo: Mr. President, due to the absence of the Senator from Androscoggin, Senator Boucher, I would like permission to pair with him. I would vote against the motion and he would vote for it.

The Senator from Waldo, Senator Cole, was excused from voting, his

vote being paired with that of the Senator from Androscoggin, Senator Boucher.

A division of the Senate was had.

Fifteen having voted in the affirmative and eleven opposed, the motion prevailed and Senate Amendment A was indefinitely postponed.

Thereupon, the rules were suspended and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate, the second tabled and today assigned item being bill, "An Act to Correct Errors and Inconsistencies in the Public Law." (S. P. 403) (L. D. 1171) tabled on May 18 by the Senator from Penobscot, Senator Woodcock pending passage to be engrossed; and that Senator yielded to the Senator from Cumberland, Senator Weeks.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I offer Senate Amendment B and move its adoption.

In explanation of that, I will say that during this present session, 1959, we have passed an act which will be session laws, Chapter 286, dealing with vocational rehabilitation services. In this act there are two misdirections; they have not properly indexed it. So this amendment provides for the insertion of the words "Subsection 6, Paragraphs D to L," and in another place the reference is to sections and it introduces a new section number. This is only a clerical error which should be corrected, and I think it is appropriate to the particular act.

Thereupon, Senate Amendment B was read and adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table, the 69th tabled item being bill, "An Act Relating to Local Option for Sale of Malt Liquor in Part-time Hotels." (H. P. 424) (L. D. 608) tabled by that Senator on May 18 pending motion by Senator Willey of Hancock to indefinitely postpone committee amendment A; and the motion to postpone Committee Amendment A prevailed.

Mr. Willey of Hancock presented Senate Amendment A and moved its adoption.

Senate Amendment A was adopted, and under suspension of the rules the bill was read a second time and passed to be engrossed as amended in non-concurrence.

Sent down for concurrence.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 25th tabled item being "Resolve Opening Portland Lake in Aroostook County to Ice Fishing for Salmon and Trout." (S. P. 114) (L. D. 264) tabled by that Senator on April 17 pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 44th tabled item, being bill, "An Act to Revise the Inland Fish and Game Laws." (S. P. 205) (L. D. 544) tabled by that Senator on May 1 pending adoption of Committee Amendments; and that Senator moved the pending question.

Thereupon, Committee Amendments A and B were read and adopted, and under suspension of the rules, the bill was given a second reading and passed to be engrossed.

Sent down for concurrence.

Mr. PIERCE of Hancock: Mr. President, I inquire if L. D. 1327, bill an Act Relating to Chiropractic Treatment under Workmen's Compensation Law, is in the possession of the Senate.

The PRESIDENT: The Chair will state that it is, having been held at the request of the Senator from Hancock, Senator Pierce.

Mr. PIERCE: Mr. President, I move that the Senate reconsider its action of yesterday whereby it voted to indefinitely postpone this bill and I request a division on my motion.

The PRESIDENT: The Chair would inquire if the Senator voted with the prevailing side?

Mr. PIERCE: I did, Mr. President.

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

of the Senator from Hancock, Senator Pierce, that the Senate reconsider its former action whereby the bill was indefinitely postponed.

Mr. ROSS of Sagadahoc: Mr. President, I must oppose this motion to reconsider. This bill was debated at length yesterday. Since it is resurrected again today, I must beg your indulgence to repeat some of the things that I said yesterday.

I will admit that many people go to chiropractors, and I will admit that for certain diseases they have received very satisfactory treatment from these gentlemen; but I must repeat that these are for certain diseases, and under the Workmen's Compensation Act we are considering industrial accidents, and those are usually traumatic accidents and not diseases. And so here I feel that if we have genuine concern for our working men and women of the State of Maine we must differentiate between the two. Spinal manipulation may be fine for certain things but it certainly could be devastating to serious back injuries. For instance, if you had a ruptured disc you would not want such treatment. In the final analysis, although we have compassion for and we respect the rights of others, we must view this situation very carefully. And remember again: not only do these people treat but they must also give qualified opinions on the causal relationship, the extent of the disability, the effect that some previous disability has on the present one, and to make those opinions legal they have to be licensed physicians, and chiropractors are not licensed for the purpose of practicing general medicine. I hope that the Senate will not go along with this motion to reconsider.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I think in all fairness to the proponents of this legislation that certain facts should be related to you in order for you to evaluate the bill which is before you for reconsideration.

First, all chiropractic treatment in the State of Maine was first licensed in 1923. Chiropractic treatment is recognized and licensed in forty-four states in this country besides territories. There are only five states out of those forty-four

that do not recognize chiropractic treatment under their Workmen's Compensation laws. In other words, all of the rest of them do except five, which would make some thirty-nine states which recognize chiropractic treatment under their Workmen's Compensation laws. If that is true, and it is true because I have the statistics, then the point which the good Senator from Sagadahoc, Senator Ross, has made must be answered there: There must be some sort of injury that the Workmen's Compensation departments of those states recognize, because they have allowed them to do so.

So far as our law in the State of Maine as it exists on our statute books, I think that the employers in the State of Maine have ample protection from any complaints which any of the opponents of the law have stated. I would like to read to you from our statutes, Chapter 31, Section 22:

"Every employee who shall have an injury at all reasonable times during the continuance of his disability, if so requested by his employer, shall submit himself to an examination by a physician or surgeon authorized to practice as such under the laws of the state, to be selected and paid by the employer."

In other words, if the employer is dissatisfied or he feels that the employee has gone to someone else who is not qualified to give him treatment and he is not getting the proper treatment, then the employee, upon notice by the employer, will submit himself to a physician or surgeon to be examined in regard to whether or not he is entitled to compensation payments. The law goes on to say further:

"If any employee refuses or neglects to submit himself to any reasonable examination provided for in this act or in any way obstructs such examination, or if he declines proper medical or surgical treatment offered by the employer, upon petition of said employer such employee's right to compensation shall be suspended and his compensation during such period of suspension shall be forfeited."

I say to you: there is plenty of protection for the employers to take

care of those things which they complain of, and the Commission in the State of Maine under our general statute has ample power and authority to take care of any situation for the treatment of injured employees. I say to you again: that there are some thirty-nine or forty states and territories which do recognize chiropractic treatment for Workmen's Compensation people and I say that we ought to adopt it, therefore I am in favor of the motion of the good Senator from Hancock, Senator Pierce, to reconsider our action of yesterday.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: I was deprived, through my own fault, of listening to the oratory yesterday on this bill.

I rise in favor of the motion of the Senator from Hancock, Senator Pierce.

In a book issued by the Public Affairs Institute, 312 Pennsylvania Avenue, Washington, D. C., in an article by a man by the name of Anderson, who is the director of that institute, in an article treating with all phases of medicine, the M.D., the osteopath and the chiropractor, he says here:

"All but five jurisdictions permit doctors and chiropractors to treat contagious and infectious disease. All but five permit practice under the Workmen's Compensation Law; all but sixteen allow them to make examinations for insurance, and the Veterans' Administration has fully recognized chiropractic education under the G.I. bill."

Now 500 life insurance companies accept chiropractic certificate claims.

Now if those different states and these different organizations recognize it, why shouldn't we do so here? Of course the medical doctors were the prime opposers to anybody but the regular M.D. practicing medicine. We can remember years ago where they cursed and discussed osteopaths, they did for years, until they finally had to admit that osteopathy is a very highly recognized part of our medicine and can give some medical help. Nobody questions it now. There is another branch of medicine coming along, and still with the same idea of jealousy and un-

fairness in some instances, I would say, from some things done by the medical profession since the hearing on this bill, the attitude they have taken in letters written over the state, and in my opinion it is absolutely ridiculous.

This bill has several amendments to it and it prevents the chiropractor from going beyond his field. He must remain in that field in which he was educated and in which he knows his business.

I hope that the motion of the Senator from Hancock, Senator Pierce, does not prevail.

Mr. COFFIN of Cumberland: Mr. President, I rise in support of the motion of the Senator from Hancock, Senator Pierce.

I have here a few excerpts from a speech by Senator Stiles Bridges, from the Congressional record. He says here: "Chiropractic is the second largest healing profession in America. It is classified as one of the four major healing professions along with medicine, dentistry and osteopathy, by the executive office of the President of the United States.

"Second. 525 insurance companies recognizes claims and certificates and services rendered by chiropractors. The United States Civil Service Commission recognizes certification of illness for leave purposes signed by Doctors of Chiropractic, which means that all federal agencies are directed to recognize such certificates. Chiropractic care for veterans has been endorsed by the American Legion, Veterans of Foreign Wars, and disabled American Veterans. Major unions of federal employees have endorsed legislation to widen the use of chiropractic treatment in federal compensation work, and scores of employers provide regular chiropractic treatment for their employees."

Thank you.

Mr. ROSS of Sagadahoc: Mr. President, I hope I am not standing alone, but I am not surprised that now the opposition is lined up according to our standard operating procedure, and the good Senator from Oxford, Senator MacDonald and the good Senator from Andros-coggin, Senator Lessard, are now opposing this measure.



I care not really what other states do, and I will admit that chiropractors certainly are allowed to do certain things, but I do care and I do care sincerely for the benefit of our working men and women what they are allowed to do in our industrial accident cases, and I certainly do not believe that they should be the first persons that these individuals who are unfortunate enough to be injured while working on their job should be allowed to see.

Now the term "osteopathy" has been mentioned. Osteopathy, of course, is different, because it is now recognized by the State of Maine and they are licensed.

Senator Coffin mentioned chiropractic as having one of the largest followings in the country. I have no doubt that it has one of the largest followings in the country to do certain things. For instance, once again let me quote Webster's definition of chiropractic: "A system of adjusting the joints, especially the spine, by hand for curing disease." By hand for curing disease is an entirely different thing than by hand for curing industrial accidents, for if that were followed out it might mean a permanent disability for the worker.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I have in my hand here a compilation of data, and on one of the data here the question is asked, "How many industrial plants in your state use or officially recognize chiropractic treatment?" These are industrial plants only. There are some industrial plants located in thirty different states that either use or officially recognize chiropractic treatment for their workmen's compensation employees, and among those states are California, Connecticut, New Hampshire, Kansas, Michigan, Missouri, Nebraska, some thirty where industrial plants themselves used chiropractic treatment for their injured employees. So I say that there must be some justification for it if some thirty-nine states do recognize it under the Workmen's Compensation.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Pierce, that the Senate recon-

sider its former action whereby L. D. 1327 was indefinitely postponed; a division has been requested.

A division of the Senate was had. Eleven having voted in the affirmative and eighteen opposed, the motion did not prevail.

Mr. ROGERSON of Aroostook: Mr. President, I have on the Special Appropriations Table two items and will move that they be taken from the table. L. D. 1283 was placed on the Special Table because our committee had a memo which indicated that it was necessary to do this. The committee now has a memo which indicates that this bill may be removed from the Special Table.

Thereupon, the Senate voted to take from the Special Appropriations Table bill, "An Act Relating to Licenses for Pari Mutuel Harness Horse Racing." (H. P. 911) (L. D. 1283) previously placed on the Special Appropriations Table, pending enactment; and Mr. Rogerson of Aroostook moved the pending question.

This being an emergency measure, a division of the Senate was had.

The PRESIDENT: The Chair will inform the Senate of Rule 24 which states that after a question is put to a vote, no Senator shall speak on it and every Senator present shall vote on it unless he be excused by the Senate.

A second division of the Senate was had.

Twenty-seven having voted in the affirmative and one opposed, the bill was passed to be enacted.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the Special Appropriations Table, bill, "An Act Relating to Disposition of Funds Received by State Park Commission (S. P. 2881) (L. D. 743) previously tabled by that Senator.

Mr. ROGERSON of Aroostook: Mr. President, this bill has to do with returning dedicated revenue to the general fund.

Heretofore some \$120,000 per year has accrued to the State Park Commission purposes, and under this bill the monies will accrue to the

general fund rather than to the State Park Commission Treasury.

Thereupon, the bill was passed to be enacted.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table Item 8-6 on Page 7 of today's calendar, being bill, "An Act Permitting the Building of Marinas in Lake Maranacook Kennebec County." (H. P. 944) (L. D. 1336) tabled by that Senator earlier in today's session pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Ross of Sagadahoc, the Senate voted to take from the table Item 8-8 on Page 7 of today's calendar, being bill, "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail." (S. P. 264) (L. D. 677) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and Mr. Ross of Sagadahoc yielded to Mr. Weeks of Cumberland.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: As you all know, this is the Cumberland County jail bill that was debated here in the Senate a day or two ago, and at that time we attempted to remove from the bill certain House amendments. These amendments are probably all in your minds. One of them has to do with the removal of the eminent domain provision; one has to do with referendum, and one has to do with relocation costs; and the fourth one has to do with the authority of the commissioners to sell, if, as and when a new jail has been made available. These amendments, in my opinion now as well as then, barring Amendment D, seriously handicapped the activities of the County Commissioners and jeopardize, I am reliably informed, upwards of \$500,000 from Federal money which may be made available to the city in the event the relocation and renewal program is consummated, and that is some-

thing which cannot be allowed to drag. To quote last night's Evening Express, they say:

"Left intact as the measure was passed along to the Senate for enactment was the referendum provision which Portland's Slum Clearance and Redevelopment office says is posing a serious threat to the city's urban renewal program. The SCRA, already teetering on the banks of a major set-back in its renewal planning for Munjoy Hill, the jail referendum is causing new delays in Bayside."

As it is explained to me, the federal money will not be available for relocation if there is a jail in the vicinity. They have made rules to that effect apparently on account of a very unsatisfactory experience in another location, so that is one of the rules. They will not attempt to set up a desirable project with a jail in view.

Quoting the Chairman of the SCRA, he says: "The prospect of a referendum on the question of replacement of the old jail located in Bayside has caused the federal government to restrict project spending." Also, quoting him further: "The result is that families whose homes are scheduled for spot clearance outside the playground in the Morrill area, which is part of the program, must wait until after the referendum." He goes on to describe the additional hardships to families. At best, the referendum requirement means additional delay in project - timing. He expresses the fear that the new delay would be an additional factor in influencing the federal decision against continued support of the project.

I have been on record before in saying that this is a matter of responsibility for us and you have seen fit not to agree. However, I do want to take this opportunity by suitable motions to indefinitely postpone the amendments and call your attention to the fact that serious delay is going to be caused by this referendum and it may jeopardize the project completely with the possible loss of half a million dollars to the City of Portland. If you have no idea of what the financial condition of the City of Portland is,

I urge you by all means to make a study of it for a few minutes and see what you find. It is not a satisfactory answer that you will find in the books.

With that preliminary, I am going to again move to indefinitely postpone the amendments, and I would like to have the President bring the amendments up in the order of priority.

The PRESIDENT: The Secretary will read the amendments as they are connected with this particular bill.

House Amendment D was read by the Secretary.

Mr. WEEKS: Mr. President and members of the Senate: That is the one amendment which we desire to retain. It gives the County Commissioners the right to sell. I will make no motion on that.

House Amendment C was read by the Secretary.

Mr. WEEKS: Mr. President and members of the Senate: House Amendment C as amended by House Amendment A to House Amendment C deals with the referendum provision which makes this bill effective for the purpose of holding a referendum on the second Monday of September, 1959, at which time there is due to be a special statewide election. The referendum, of course, is unusual in the sense that it is a county referendum. To be sure, the price-tag on this bill is \$1,350,000. I dare say there will be some salvage from the jail, possibly not too much, but it is also the element of saving money from the reconstruction of our present jail, so the whole impact on the county I dare say will be somewhat less than \$1,350,000. I strenuously say that this is not a referendum measure and I urge you to indefinitely postpone House Amendment C.

The PRESIDENT: The Secretary will read House Amendment A to House Amendment C.

House Amendment A to House Amendment C was read by the Secretary.

The PRESIDENT: The question before the Senate is the motion of the Senator from Cumberland, Senator Weeks, that House Amendment

C as amended by House Amendment A be indefinitely postponed.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate: I talked quite unsuccessfully here the other day relative to this referendum and I still feel the same as I did then.

We have passed legislation here in this legislature for the right to know, and I think the people in Cumberland County have the right to know what is going on.

Now the County Commissioners first proposed the jail to be built in the town of South Windham. They prepared an elaborate set of plans which I had the privilege of seeing and they went ahead with the project with the idea in mind that that was where the jail would go. But lo and behold, they discovered that they could not build a jail outside of the City of Portland. At that time questions were asked relative to transporting the prisoners from South Windham to the federal building in Portland, and they took care of that very nicely in their argument. However, now we have got to have a jail that sets on the same property as the federal building in order to have things so that the prisoners won't have to be taken outside of the building and transported. I still feel that the amount of \$1,350,000 to be expended for a jail should be very highly-publicized throughout the county, and I still feel that the people should have a right to act upon that. Thank you.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: This, of course, is a Cumberland County question, but they are spending a tremendous amount of money and I do not feel that I should vote to say that you should spend it without giving the taxpayers an opportunity to say something about it. \$1,350,000 — I wonder if they are going to gold-plate some of the cells, particularly the ladies' cells, at that price? So I think that the people should have a right to vote on this measure.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate: At first I was in favor of this referendum only because of the amount proposed, \$1,350,000, but on further investigation, which I have

made rather carefully, I find that it is an entirely different situation down there because it would seriously affect two progressive projects, the Urban Development project in the vicinity of the present jail and the Munjoy Hill project. It would place these projects in real jeopardy and in the end would be much more costly to the residents of Cumberland County because of loss of federal funds. And I now certainly support the motion of the Senator from Cumberland, Senator Weeks.

Mr. WEEKS of Cumberland: Mr. President, I am very fond of my seatmate here, the Senator from Freeport, Senator Coffin, however I beg to differ with some of his remarks.

The bill, in the first place, calls for a maximum authority to borrow \$1,350,000, and in speaking about it possibly I gave the idea that it would go the full limit. That is not necessarily so. And also, of course, involved in this act is not the location of the jail itself — that is something that must be considered seriously from all angles as to where its location shall be; that is up to the County Commissioners, and I dare say they are fairly reasonable men. I might also suggest to you who are suddenly concerned about Cumberland County that you have already passed a bill which costs the residents of Cumberland County a million dollars without any referendum at all. Perhaps that may be the reason why you do not want to pass a second one, but you have already done that when passed the bridge bill.

Mr. FARLEY of York: Mr. President and members of the Senate: Unfortunately I was placed upon two committees that had no attorneys: Natural Resources and Towns and Counties. This question of the jail was given a lot of consideration by the members of the committee. We checked law after law and we went into it thoroughly and we all came up with the idea that the County Commissioners are elected officials the same as we are. Two of their duties in the county are the protection of the jail and the courthouses and on other matters not so very much. It

was the unanimous opinion of the committee to report the bill "Ought to pass" with the emergency clause upon it.

In the evidence that we received at the hearing with the County Commissioners, one whom I think an awful lot of, Commissioner Spear, I believe that he is very honest and very sincere, and I do not think he would have any part of this bill if his feelings were not with it — also there were two or three others following the proponents, and we had two in opposition to the bill. The opposition of those two was talked over and talked over by the committee members and we gave them all the due consideration that we thought they were entitled to at that hearing.

As I said the other day, I talked with a gentleman from the City of Portland who is connected with city government, Bernie Shur and I thought his advice was very valuable. I went over these questions and I asked him what effect this would have on the tax assessors in the cities and towns in Cumberland County, and the answer I received from the gentleman was that Portland now pays fifty-three per cent of the county tax; we need the jail, we will have to have the jail and we will have to pay our share as we go along in the years to come.

I also mentioned that to the committee when we were in executive session, and out of that committee came the report unanimously "Ought to pass," with the thorough understanding that we believe that the county commissioners have some power. There was talk of a referendum amongst us. As I said, we had no attorney, we just had horse sense to tell us whether there was such a thing as a county referendum. That is the reason why we didn't put any referendum on it. I am going to vote as I voted in the committee.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate: It seems they are trying to blame the delay of the Munjoy Hill project upon the question of this referendum connected with the jail. As I understand it, the Munjoy Hill project has already been held

up for one reason or another. Now it is not probably for me to say here whether the SCRA are right in their prognostication of putting a housing project down in the area where the jail is now. However, we do have a business project that has been going on for a great number of years in Bayside, and if this continues to grow I cannot see, from my point of view, how a successful housing project could be put into this particular area that would really amount to something.

Mr. FARLEY of York: Mr. President and members of the Senate: In regard to the statement was made by the Senator from Cumberland, Senator Coffin — at no time during the committee hearing or in the executive session did any part of the Federal Housing or Urban Removal enter into the minds of the members of the committee, nor was it ever stated to us in committee. We just took the bill as it was, analyzed it and reported it out as we thought was right.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that House Amendment C, as amended by House Amendment A be indefinitely postponed; and a division has been requested.

A division of the Senate was had.

Twenty-two having voted in the affirmative and five opposed, the motion to indefinitely postpone prevailed.

Thereupon, on motion by Mr. Woodcock of Penobscot,

Recessed until this afternoon at two o'clock.

#### After Recess

The Senate was called to order by the President.

The PRESIDENT: The Secretary will read House Amendment B to L.D. 677, bill, "An Act to Authorize the County Commissioners to Issue Bonds for Construction of a County Jail."

The Secretary read House Amendment B.

Mr. WEEKS of Cumberland: Mr. President, this House Amendment B is the amendment which adds the element of \$100 for relocation

costs of a home and \$2500 for relocation costs of a place of business. It is a new element of damage, and if the Senate in its wisdom wishes to adopt this as an element of damage in this kind of matter I do not object. I do not believe it is a good precedent, I do not believe it is a good measure. I leave it to you.

I move to indefinitely postpone House Amendment B.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I dislike to rise in opposition to a member of my own county, the Senator from Cumberland, Senator Weeks, on this matter, but I cannot help but speak in sympathy for some of these people who may be displaced from their homes through no fault of their own. I think we are dealing with human beings and that some consideration should be given to these unfortunate families who may have to move. I think that they are deserving of our consideration.

To probably clarify the amendment a little more, I believe the damages so-called refer only to moving charges up to certain limits. In other words, the family that has to move would submit a bill to the County Commissioners upon which they would receive payment up to that limit. If the charge for moving is twenty-five dollars or thirty-five or forty dollars, that is what they would receive. Therefore I hope that the motion to indefinitely postpone does not prevail, only out of sympathy for these families and that consideration.

Mrs. LORD of Cumberland: Mr. President and members of the Senate: I rise to support the motion of the Senator from Cumberland, Senator Weeks.

I cannot see why this should be added to this one particular eminent domain. I know that if it does take place there will be a tendency for the County Commissioners to add it into the amount that they will pay and just pay them a little less or the same. It won't be of any advantage to these people that have to move, so I oppose this amendment.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: In relocating the jail I dare

say that the three county commissioners will make every effort to find a place to locate the jail which is not going to displace anybody, if possible. Anybody else would do the same thing. We probably would disapprove of the county commissioners' action in selecting a place where a great number of people were living. I do not press the motion too strongly. If they should be compelled to take a location where some people had to be moved I realize the handicap, and I realize what Senator Lord just said, that probably some consideration will be given to that factor in arriving at a figure of damages. So I leave it entirely in your wisdom.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that House Amendment B be indefinitely postponed.

A viva voce vote was had.

Mr. MacDONALD of Oxford: Mr. President, I doubt the vote and ask for a division.

A division of the Senate was had.

Nineteen having voted in the affirmative and nine opposed, the motion prevailed and House Amendment B was indefinitely postponed.

Thereupon, on motion by Mr. Weeks of Cumberland, the bill as amended by House Amendment D was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. WEEKS of Cumberland: Mr. President, I rise to inquire if L.D. 1207 is in the possession of the Senate?

The PRESIDENT: The Chair would state that it is, having been held at the request of the Senator from Cumberland, Senator Weeks.

Mr. WEEKS: Mr. President, I move that the Senate reconsider its former action. If the motion is received favorably I will then move to table the bill until tomorrow.

The PRESIDENT: The Chair would inquire if the Senator voted on the prevailing side in yesterday's action?

Mr. WEEKS of Cumberland: Mr. President, I believe I did.

The PRESIDENT: Unless there is objection the Chair will put the question.

Thereupon, on motion by Mr. Weeks of Cumberland, the Senate voted to reconsider its action of yesterday whereby the Senate insisted on its former action taken on bill, "An Act Revising Election Provisions in the Charter of the City of Lewiston." and on further motion by the same Senator, the bill was laid upon the table pending consideration and especially assigned for tomorrow.

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table the 52nd tabled item being "Resolve, Authorizing Survey and Plans for a Maine-Quebec Highway." (H. P. 945) (L. D. 1340) tabled by that Senator on May 7 pending final passage; and that Senator moved the pending question.

Mr. BRIGGS of Aroostook: Mr. President I inquire, what is the pending question.

The PRESIDENT: The pending question is on the final passage of L. D. 1340.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: This priceless little item is one which has occupied our attention during several previous sessions of the legislature. It is one which naturally concerns some of the communities in Aroostook County, and more particularly I think it concerns the communities of Ashland and Presque Isle, and possibly, to some degree, Fort Fairfield, all of which are in a more or less straight line west to east from the edge of the woods where this road is proposed to be constructed.

During my first session in the legislature five years ago there was an effort made to have ten thousand dollars, I believe it was furnished, so that a study could be done to find out whether or not this operation was feasible. I was approached—it having been learned that I had some rather considerable concern about the feasibility of it—and I said that while it was true that I was greatly concerned over the lack of feasibility of it in my view I would not oppose the ten thousand dollars, I think it was, that was proposed for a study. I have heard that same reasoning projected here earlier today on another bill.

So the study went forward and it was concluded by that august division, the Maine Highway Commission, that the proposal was not a sound one. As a matter of fact, it was so concluded by the time that around five or six thousand dollars had been expended. Of course the proponents of the Quebec Highway, so-called, immediately concluded that the study was insufficient, improper, invalid, without foundation and so forth. You know how that would be. Anyway, there came along another session of the legislature and there were additional funds sought not withstanding the learned study previously, for the purpose of making some more extensive work on the Quebec Highway, so-called, and during the last session that hope was defeated in both branches, by a very narrow margin in the Senate, and I do not remember by what margin in the other branch.

Now this session the proponents of this proposition are back again and have been represented here by legislative agents throughout the entire session, and they hoped for originally, I understand, around \$300,000 to make a real survey of this rather dreamy road through the woods — it starts nowhere and it ends nowhere — and the Highway Committee was not disposed, according to the information I have, to give them any such sum of money as \$300,000 for this survey. but they did conclude, the sponsors having made a very dedicated and sincere effort, that they were deserving of having the sum of \$15,000 for some reason or other, so they did decree that they would give them that sum of money. I believe that is correct, substantially at least.

Now in the passage of time there have been various other propositions that have been mentioned for a road across our state. You may recall earlier in the session we had a little proposition submitted to us where there would be a road going up through Moosetown — that is the Allegash — in the northern part, and joining onto some of the Quebecers' roads there, and that was not received very favorably here. Since that time, taking it from this Atlantic Advocate, a nice little

magazine printed in our neighboring city of Fredericton, New Brunswick. The Canadians have a great interest in a new kind of proposition: they want to have a road now that goes across from Lincoln, Vanceboro over to Sherbrooke, a little lower down in the State. That makes a direct route to Montreal. They go on in here to say they think we might want to spend some money for it. They would like to have us build it all, and we probably will sooner or later.

Now the people in Houlton have an idea too. That is half way between the two. They would like to have a road. They feel that this road going through the woods is all right but it ought to go through Houlton and across the wilderness there. I had a very fine old gentleman in my town, in Caribou, come up to me and say, "Jim, we want to watch out for this Quebec Road." I thought he was going to tell me that we ought to oppose it, as most everybody has. But he says, "We want to make sure that road starts in Caribou." I haven't any proposition or amendment to start it in Caribou, but I have a proposition whereby I would like to see it placed where I think it ought to be and that is out of the window.

I have a little editorial here that I thought was sort of interesting. It tells about an economic question that somebody worked up. We were planning on selling some of our "taters" over in France. Some of our friends overseas didn't want that and they told the French people that it would be bad because our potatoes had diseases and things that might be unfavorable for those people over in France, so we didn't get to ship any of the surplus potatoes over there, but now New Brunswick and Nova Scotia would like to see a handsome highway built across Aroostook so they can have sooner access to Quebec and the great West beyond, and a lot of people are happy to assist them in this project, your speaker notwithstanding.

It is only thirty miles further to Quebec City by an existing road that serves everybody. The cost of this road ultimately, if it is ever built — and I doubt very much if it is ever built — will doubtless be in

the vicinity of twelve to fifteen million dollars. The cost of maintenance would be quite considerable. We have got all kinds of road problems in Northern Maine. Regardless of whatever you may think or have been told about Aroostook County getting all the roads, it is not true. Most of us, and I am speaking primarily for the folks in Caribou and all of the towns north of there, we don't have any enthusiasm for this proposition. I do not believe that the people of Aroostook County, if they were given an understanding of this over-all proposition, would wish to endorse it. That is my honest belief.

Visiting in this chamber today is one of my very dearest friends, a person who is a proponent of this road, and it is not easy for me to oppose that sort of a situation, but I honestly believe that the road is not practical, I do not think that the people in Aroostook, at least the majority of them, want it, I do not believe it will ever be built, and I am not in favor of spending fifteen thousand dollars or five thousand dollars or any sum of money to make that same sad beer bottle and sandwich boulevard through the woods.

There is a lot of big fuss now about building a deepwater port or a river port on the St. Lawrence Seaway at Riviere de Loup. If that is done, and Riviere de Loup is one of the most logical places to build the port, it will be at a far-distant point from where this proposed highway would ultimately join the St. Lawrence River.

There are so many propositions being advanced here that it seems to me that until we have got a little clearer picture of what is needed, for one thing, if that is necessary — it is isn't necessary to me — that we would be very wise to hold up on going along any further with this proposition. Now if this is just Love's Labor Lost, I will be glad to accept that. I have told you to the best of my knowledge what the thought of the committee seemed to be. They did say that they would allocate fifteen thousand instead of the three hundred thousand requested.

I move, Mr. President, that this bill be indefinitely postponed.

Mr. STILPHEN of Knox: Mr. President and members of the Senate: I am not going to impose on you by showing you pictures or drawings from any foreign periodicals or anything of that nature; I am just going to indicate to you that within the bill it does indicate that this proposed highway does start somewhere; it doesn't indicate just where it stops, but it is at a point near Daaquam on the border of the Province of Quebec.

We in the committee did analyze this very carefully and we felt we did not do too bad by exchanging a fifteen hundred dollar proposal for a three hundred thousand dollar proposal. Any time that a committee can do that I think they have accomplished something, and therefore I think we should have a little confidence placed in us.

The people in the Ashland area came to our committee with this proposal of a survey and plans which would cost two or three hundred thousand dollars. In exploring the situation, we found that some of the land over which this road would pass might be in question and in order for them to lay out a road through this area they would have to have a so-called centerline survey, and the Highway Commission indicated that they could give us a centerline survey over the area for the fifteen thousand dollars. That will enable the people in the area up there and in Aroostook County to decide the metes and bounds of this road and have something to present, if it is found feasible, at a later date, to go ahead with the road.

I do not know of much more that I can add to this other than the fact that I hope that the motion of the Senator from Aroostook, Senator Briggs, who is quite concerned with the wooded area and the summer bower and different things in Maine, does not prevail. I don't know whether he does not want the woods destroyed. I can assure him that the surveyors will be very careful and that the natural resources will be preserved as far as possible. That may be concerning him somewhat, but it didn't concern our committee, and we hope



that this fifteen thousand dollars is allocated for this project.

Mr. BRIGGS of Aroostook: Mr. President, no more pictures from foreign magazines from foreign countries!

I would like to congratulate too the Highway Committee, if that be necessary, for reducing the requested sum of three hundred thousand dollars to fifteen thousand dollars, and now all I am asking is to reduce it to nothing and that will save us the rest of the money. I should think they would be willing to go along.

It did say in a newspaper report on the Quebec Road bill, and I quote the Bangor News:

"The Legislative Highways Committee will file a unanimous favorable report Thursday on a bill calling for a survey of a proposed highway from Maine to the Quebec border," — now if this does not start nowhere and end nowhere, I don't know what does. And to continue: "starting at Ashland in Aroostook and ending at Daaquam in Canada. The State Highway Department informed legislative sources a couple of weeks ago that it estimated the survey would cost \$25,000" This is the line survey that you have just heard mentioned. "But the legislative committee has voted to go along with only \$15,000 with the understanding that the sponsors of the survey bill believe it will be possible to work out a plan with Aroostook County Commissioners to provide the other necessary \$10,000." Some people in Aroostook County are not enthusiastic about that latter. To continue: "The Highway Department said the estimated cost must necessarily be very rough, and is in fact a mere guess, as we have no data on similar works."

And I hope, Mr. President, that the motion of the Senator from Aroostook, Senator Briggs, will prevail. (Laughter)

Mr. STILPHEN of Knox: Mr. President, I was in hope that the good Senator from Aroostook would read that. I knew that he had it and I hoped that he would read it in one speech, because I do not like to make two speeches when I can do it all in one. However, I enjoyed listening to him.

This editorial which the good Senator has read was in the Bangor News — I won't elaborate upon the description of the paper. The editorial was a news item. At that time it was considered a possibility. To indicate to the members of the Senate that we did give this a lot of consideration: many different angles were surveyed and we looked into many possibilities, and that was one of them. However, we found that for fifteen thousand dollars a line of the nature which is necessary there could be done. I will assure the Senator from Aroostook County, that it is not contemplated by the State Highway Commission and there is no intention in this bill to ask the County of Aroostook for anything to go along with this fifteen thousand dollars to make this particular survey.

Mr. LESSARD of Androscoggin: I never thought I would live to see the day that I would be present in this body when a Senator from Aroostook County would ever refuse anything that had been offered to Aroostook. However, the day has come, which makes me a little bit suspicious. I have been present in the Senate here when I voted for \$25,000 to throw some fish on the way home from New Brunswick into the Aroostook River, but now we are going to have a survey to get some people out of Aroostook County, so, as I said, I am very suspicious. I am afraid that if the good Senator from Aroostook is giving in on fifteen thousand dollars that somewhere in these books there must be hidden a bill twenty times as big that he is willing to swap for it. I am going to go along with the committee. I have faith in the committee this time. Of course I have not always been on the winning end, and I was on the losing end this week. However, I am going to go along with the committee and vote against this just because I am a little bit suspicious.

Mr. DOW of Lincoln: Mr. President and members of the Senate: Being a former son of Aroostook and having been born and brought up in Aroostook County, I have some interest here. It is not only for that reason but it is because

every year I go back into this particular area now under question and fish and hunt and tramp around, and so I have to take a little bit of issue with my good friend, the Senator from Aroostook, Senator Briggs, when he says that this road starts nowhere and ends nowhere. This road starts in Ashland. Last August, when I last went over it, we drove back fifty-five miles over a road which is far better than some of my main roads down in Lincoln County. Coming in from Canada there is another road from the Canadian boundary, so in between the two is this patch of ground which is needed for survey. That spot is a spot where some of you have probably read that the bears tear the bark off the fir trees and lap the sap and moose are pretty thick, and so forth. It is a short distance; I have walked through it many times; and it would not take too much to actually put a road in condition here to connect these two ends together.

Now I am interested in this also from the standpoint of Lincoln County. I have a store on Route 1 in Lincoln County and during the summer I have some Canadian visitors drop in, and several times I have asked them to come back, and they have said, "Yes, this is our first trip here and we would like to come back but it is such a long way around to get onto the coast of Maine from Quebec City. If we could only come across Aroostook and come down through we would come much more often." So I feel that if we had a road across there to bring those Canadian tourists down through the whole length of the State that we would all benefit from it down on this end.

I can readily understand why the Senator from Aroostook, Senator Briggs, and some of those north of him, would oppose such a thing, because this road comes out into Aroostook and meets Route 1 at Presque Isle. If you swing north, in a very short time you will wind up back in Canada. So the Canadians are not going to swing left and go through the good town of Caribou; they are going to swing right and go down through all of the rest of the State of Maine. I think this road eventually will help us in our

recreational areas, especially down in Lincoln County, and I am in favor of some step being taken here to see if this project cannot be developed and I am opposed to the motion of the Senator from Aroostook, Senator Briggs.

Mr. BRIGGS of Aroostook: Mr. President, I ask unanimous consent to speak briefly for a third time.

The PRESIDENT: Unanimous consent is not required to speak on the current motion.

Mr. BRIGGS: Thank you, Mr. President. It is necessary for me to say that this present road that is referred to by the Senator from Lincoln, Senator Dow — I know that road perfectly well and I frequent it a great deal as well as he does — that road is a road that is constructed, maintained and kept going by the Great Northern and the International Paper Company and Grafton Lumber and all those fellows. That is a much different proposition from the ultimate proposition of the State of Maine having a road through there, which is of course what these folks want. And as far as the tourist people coming down from Quebec and Montreal and driving half way to Riviere du Loup to come down through the woods and end up at Ashland, that is absurd. They can come now from Quebec right straight down through the woods at Jackman in a direct route to the industrial centers and beaches and places they want to get to.

This has been a question here in the Senate now for at least three different sessions. My position on this road is well known in Aroostook County. This is nothing new. The Senator from Lincoln, Senator Dow, as he said, was previously a native of Presque Isle. Presque Isle people are exceedingly enthusiastic for this road, and in Caribou, which is just as large, the people are opposed to it. I do not suppose it is going to make any tremendous amount of difference actually in the amount of business one way or another, but those folks in Presque Isle and Ashland feel that it will, and the other folks in the county feel that it won't. If you folks want them to have fifteen thousand dollars, or whatever this amount is, I think we ought to do it, but per-

sonally I do not think that we should do it. I feel that I have very good grounds for my position; the grounds are valid and sincere in every way and they are widely-known by people throughout the county. They hung me in effigy, as a matter of fact, in Ashland, after the last session. In Presque Isle many people met me on the street and told me how they felt. I know and the people there know what the situation is. I think it should be left up to the members of the Senate, and if they want to do this thing I certainly won't register any more opposition to it.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate: I have not prepared the sort of address which might be expected in this situation but I do want to make some remarks on this subject.

First, let me say that normally I find myself in agreement on a great many things with the Senator from Aroostook, Senator Briggs, and I might say next that I approach this task of debating this with him with some trepidation because his forensic skill, which is normally quite adequate, is particularly sharp this session, because he has spent a good deal of time defending white perch and bear and bobcat and he has had a great deal of experience in debate, and of course he knows his subject very well.

If I may refer to the foreign magazine which the Senator used to persuade you to see as he did, I would point out that it is a fact that there are now three proposals for a road running east and west across Maine from the Maritime Provinces to the Quebec and Montreal region. It has been pointed out in connection with the southern line from the Fredericton area to Montreal, that this is a necessity because the people in that area of the Maritimes acquire a great deal of the material which they use from the particular areas which would be reached by that road and so they are giving serious consideration to the desirability of having a road through there.

The people in Houlton have thought some too of a road running westward from Houlton to Patten and then to the Montreal-Que-

bec area and I suppose that that thought was generated by the knowledge that the trans - Canada highway which approaches the Maine border near Houlton and Woodstock is pointing directly to the west and since there is a road from that point where it ends in Canada all the way through to the area around Katahdin Park west of Patten that it would be feasible — and a more direct line I might say than some of the others — to consider a road through that area.

For these reasons there is a good deal of consideration of the possibility and the necessity for a road to cross this wedge of the United States which separates the Maritime area of Canada from the Quebec Montreal area. My friends up in the Ashland area, whose opinion I respect have assured me that in their opinion a survey would serve a constructive purpose. I feel that if there is the interest which there may be in the other two roads, that all of these lines should be surveyed before any definite action is taken toward building any of them, and so if I can rely on the advice which I have from people whose opinion I respect in the Ashland area, I believe that the \$15,000 would accomplish some constructive purpose, and for those reasons I oppose the motion of my colleague, the Senator from Aroostook, Senator Briggs.

Mr. COLE of Waldo: Mr. President, I rise in support of my friend from Aroostook, Senator Briggs. It does not seem quite fair to have all the opposition and also the unanimous report of the committee to see the good Senator stand up and debate the questions here. I have no particular interest in this other than I think it is starting a bad precedent or bad principle but I do agree with the Senator from Aroostook, Senator Rogerson that a survey of several roads might be wise instead of just one. I am not too concerned over the \$15,000 and I want to commend the Highway Committee for reducing the \$300,000 to \$15,000. I think they did a good job.

However, getting back to the principles, this is like buying a Cadillac if you can't afford more than a

Ford. You are making a down payment here of \$15,000 on what we all agree is at least eight million dollars or up. Once we get the survey made, the normal procedure then is to come in and ask for construction money and as the good Senator has said, this has been fought several times before and has been defeated. I am happy to say I was one of those that was with that group. My reasons are this. It is only \$15,000 but it is a beginning. We have twenty thousand miles of highway in the State of Maine and it seems to me that although this figure is very small, it could be used wisely even in Aroostook County. Let me quote you a few figures that the motorists are paying in the State of Maine.

Do we want to penalize them by spending \$15,000 which I will admit is a small amount but it is a start on a tremendous project. We receive in revenue from the motorists on gas tax and registration, thirty-two million dollars; tolls on bridges and turnpikes, five million dollars; we also pay excise taxes to the towns of five million; and we pay fifteen million dollars federal tax to the federal government. All in all we are contributing in this little State of Maine with a population of 915 or 920 thousand people and 20,000 miles of roads, fifty seven million dollars.

Even though this is a small amount, I still maintain that we should preserve it and spend it on our present roads. Thank you.

Mr. BRIGGS of Aroostook: Mr. President, when the vote is taken I request a division.

Mr. WOODCOCK: Mr. President, I rise in opposition to the motion for indefinite postponement. I have not read the editorials in the Bangor Daily News that received attention during the debate here this afternoon, but incidentally insofar as I am concerned in the various places that I have traveled, I think that newspaper stands up very well with the others; in fact in the ones I have read as I've been through the country off and on, I think it is one of the finest.

The reason I am in opposition to the motion for indefinite postponement is chiefly because of the report that the Highway Committee

made on this resolve. I did not attend the hearing myself but I feel it makes sense to defer to their judgment based on the evidence that was placed before them during the committee hearings and that is the overriding reason I am opposed to the motion to indefinitely postpone.

The President: The question before the Senate is on the motion of the Senator from Aroostook, Senator Briggs, that the bill be indefinitely postponed, and a division has been requested.

A division of the Senate was had.

Nine having voted in the affirmative and twenty opposed, the motion to indefinitely postpone did not prevail.

Mr. Briggs of Aroostook was granted unanimous consent to address the Senate.

Mr. BRIGGS of Aroostook: Mr. President, I am very glad to yield in this instance to the good judgment, I believe, of my fellow Senators and I wish them success with their project which they have achieved here.

Thereupon, the bill was passed to be enacted.

Mr. DOW of Lincoln: Mr. President, I rise to inquire if H. P. 184 L. D. 277, Resolve in Favor of Wild Turkey Farm of Standish is in possession of the Senate?

The PRESIDENT: The Chair will state that it is, having been held at the request of the Senator from Lincoln, Senator Dow.

Mr. DOW: Mr. President, having been one who voted with the majority yesterday and because new evidence has been uncovered which I believe needs a fair consideration by the Senate, I now move reconsideration of our action whereby this resolve was indefinitely postponed.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate, I rise to oppose the motion of my good friend, Senator Dow of Lincoln.

I feel that this was very ably debated yesterday and upon further looking over the facts of the case, I find that there was a period from July 1958 to August 12, 1958, in which this loss occurred, some six weeks and it brings to my mind

that if this loss had occurred over this period and if he had applied to the proper place, the Fish and Game Department, they would have sent trappers or men in to relieve him of the condition. I oppose the motion and ask for a division.

Mr. DOW of Lincoln: Mr. President, in answer to the remarks made by the Senator from Somerset, Senator Carpenter, I say that this new evidence does apply to application made by the claimant to the Department of Agriculture and if the Senate so desires I will defer to the Senator from Cumberland, Senator Charles.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate, I rise in support of the motion to reconsider because I have additional facts and evidence here which will substantiate the request. If it is proper at this time, I will proceed with that evidence or shall I wait until the Senate votes on reconsideration?

The PRESIDENT: It is optional with the Senator. You may proceed while reconsideration is under consideration or you may wait until afterward.

Mr. CHARLES of Cumberland: Then I prefer at this time to present the evidence so that we may be able to decide whether or not we want to reconsider. Yesterday afternoon, I, as well as other members of the Senate, visited the Department of Agriculture and opened the files of the Wild Acre Farms. I have before me the original request completed by the selectmen of Steep Falls, and at that time, the members were Walter Smith and Beverly Pendexter. This is an official request for payment of damages caused by coons on the turkeys of the Wild Acres Farm.

There apparently has been a little bit of neglect on the part of the selectmen in making out a proper form for consideration and because of that they have not complied completely with our state laws relative to answering of the questions. The questions that appear on this claim sheet, the original claim sheet have been answered by the selectmen themselves is as follows:

Question 1: Were the poultry properly controlled?

Answer: Yes.

Question 2: How many killed poultry did you see?

Answer: Did not count.

Question 3: What were their age and weight?

Answer: The answer is in the bill, and the bill is attached with all identification thereto.

Question 4: Are you satisfied that the number given as killed is correct?

Answer: Yes.

Question 5: Do you feel the animals specified did the damage?

Answer: Yes.

That refers to coons. Now, Wild Acres Turkey Farm had done everything possible in notifying the selectmen. They had gone through the proper channels and they had done everything they possibly could to get the selectmen to turn this claim in to the state for payment. The selectmen themselves, I feel, have been negligent in not filling out the forms completely or in carrying out their duties. I say that because of Question 2, "How many killed poultry did you see?" and the answer: "Did not count". They do say that the claim as presented, and the evidence as presented is correct and they all agree.

I would like at this time to read a communication from the Commissioner of Agriculture who says as follows and he has addressed the letter to me personally:

"With reference to L. D. 277, a resolve in favor of Wild Acre Turkey Farm in Standish, I have been asked to state whether this department has ever been presented with a claim for reimbursement in accordance with Section 18, Chapter 100 Revised Statutes of 1954 as amended, by Mr. Frederick Adams, owner of Wild Acres Turkey Farms.

"On September 17, 1958, this department did receive a claim signed by Walter W. Smith and F. Beverly Pendexter, selectmen of Standish, in favor of the Wild Acre Turkey Farms. This claim was dated September 11, 1958 and stated that on seven separate occasions from June 21 to August 3, 1958, damage had been reported by Mr. Adams. In all a total of 181 turkeys was claimed to have been killed by the coons, with a total value stated of \$484.70.

"In this claim the selectmen report that the birds were properly enclosed and indicate their agreement" — now I want you to get this, so listen carefully now — "and indicate their agreement that the number killed as stated by Mr. Adams is correct and also agree that the damage was done by coons.

"However, in response to the question, 'How many killed poultry did you see?' the selectmen answered, 'Did not count'. No description of evidence seen by the investigating selectman was offered and no number of killed poultry was specified or even estimated in this report as is required by law.

"On November 14, 1958, Mr. John Smiley, livestock specialist from this department visited Wild Acres Turkey Farms and investigated this claim. He determined that the selectmen would not or could not certify as to the number of turkeys killed. Because of insufficient evidence submitted by the selectmen — notice that is not by Mr. Adams, but by the selectmen — "this department could not legally pay this claim.

"I have been asked also whether the dog tax funds are used to pay claims on livestock and poultry resulting from damage by wild animals. The answer is, Yes. It is legally proper and even mandatory to do so.

"On August 19, 1958 we paid a claim for twenty-eight pullets killed by weasels of \$29.40 and on December 4, 1958 the amount of \$130.40 for ninety-two pullets killed by skunks. The passage of the resolve would be consistent with common practices."

Yours very truly,

(Signed)

E. L. Newdick,

Gentlemen, I don't know how much further or how much additional evidence you need. I consider you as sitting here as a jury of intelligent people. There is a technicality in the answering of one question by the selectmen. I do not consider it as being the fault of the person who owned the turkey and sustained the loss. I do consider there was a little negligence on the part of the trusted public servant who was supposed to look after these affairs.

I therefore plead for mercy on the part of the Senate to reconsider its action whereby this bill was indefinitely postponed. Thank you.

Mr. BRIGGS of Aroostook: Mr. President and members of the jury, one thing troubles me about this problem and that is that I probably would be in favor of the resolve, but in light of the foregoing talk we have had here, I am sure there will be no such accusation made.

It is not difficult ever to get the Commissioner of Agriculture or much of anyone in that department to pay any kind of claim, sponsor any kind of resolve, in favor of any kind of law by nature, natural things, animals particularly, to agriculture.

As I have been sitting here reflecting here on these wild creatures leaping through this fence and clutching a bird by the leg and shaking it to pieces, or leaping over the fence, and I can't in very good conscience see the propriety of this legislature passing a resolve to take \$400 and some odd dollars out of the good citizens' dog tax, — I recognize it's often used for similar purposes — to pay a claim for loss of turkey by damage from raccoons on a posted land which prohibits any hunting for raccoons. There is no single thing which causes me to oppose reconsideration. It is a combination of circumstances that makes me feel that this thing is not as it should be. I therefore oppose the motion for reconsideration.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Lincoln, Senator Dow, that the Senate reconsider its action of yesterday whereby L. D. 277 was indefinitely postponed; and a division has been requested.

A division of the Senate was had.

Seven having voted in the affirmative and twenty opposed the motion to reconsider did not prevail.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 68th tabled item being "Joint Order Relative to Recalling Bills not reported out of Committee by May 19." (H. P. 968) tabled by that Senator on May 18 pending passage; and on further motion by the same Senator, the

Joint Order was indefinitely postponed, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table the 72nd tabled item, being Senate Reports from the Committee on Labor: Majority report, ought not to pass; Minority report, ought to pass, on bill, "An Act permitting Injured Employee under Workmen's Compensation Act to Choose Physician from Panel Named by Employer." (S. P. 346) (L. D. 973) tabled by that Senator on May 19 pending acceptance of either report.

Mr. BATES of Penobscot: Mr. President, I move the acceptance of the Minority ought to pass report. There is an amendment being prepared now which can be introduced at the time of second reading tomorrow.

The motion prevailed, the minority ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table the 60th tabled item being bill, "An Act Relating to Costs of Witness and Attorney Fees Under Workmen's Compensation Act." (H. P. 356) (L. D. 515) tabled by that Senator on May 12 pending passage to be engrossed.

Mr. BATES of Penobscot: Mr. President and members of the Senate, I move the indefinite postponement of this document in concurrence with the House. In recalling this document you may perhaps remember it came from committee with a Majority ought not to pass report. The good Senator from Kennebec, Senator Hunt requested time for consideration to propose an amendment in an attempt to make this more workable and more logical.

We have before us at the level of passage to be engrossed, the document as amended by his Senate Amendment. I can see where this Senate Amendment is somewhat more workable but still does not remove the major objection on the part of the majority of the members of the committee. For in-

stance there is still a question of the possibility of unconstitutionality.

This particular amendment gives to the Industrial Accident Commissioner an additional work load and allows a greater amount of discretion to the Industrial Accident Commission in establishing the fees for attorneys and witnesses, including medical witnesses which could place any group of individuals such as the Industrial Accident Commission which is known as a people's court, in a precarious position of satisfying all witnesses as to whether or not they had received a deserved fee. It has no sliding scale, limitation scale or what have you with regard to the maximum amount to be available from employer's fund through self insurance or through their insurance program, to be paid if the plaintiff prevails and, most important of all, to the majority of the members of the Committee on Labor would be the question of constitutionality.

The case cited to the committee is known as the Burns vs. Shepard case, in Kentucky, and I must read to you some excerpts from the findings with respect to this particular case for you also to determine as to the possible unconstitutionality. In Burns vs. Shepard the Kentucky statute provided that the employer was required to pay one-half of the claimant's attorneys' fees in the case of an award by the Workmen's Compensation Board. An award was made by an agreement executed and filed and the board awarded an attorneys fee and ordered the employer to pay one-half. To this the employer objected and appealed, claiming that the statute violated the due process clause of the Constitution of the United States as well as several provisions of the Constitution of Kentucky. Quoting from the Court: "We commence our consideration of the state with the premise that it cannot be sustained under constitutional provision for equal protection of the law, due process, and against the granting of special privileges. In its practical application it does nothing more than benefit one class of individuals at the expense of another."

After discussing other cases where the statutes require the payment of attorneys' fees under certain circumstances, the Court has this to say: "Throughout all of the cases is the fundamental principle that the imposition of fees is justified solely on the ground that the person is responsible for their payment has brought about the situation through which the fees are incurred by the willful" — the word 'willful' underlined — "violation of some statutory or contractual obligation. In the statute under consideration no distinction is made between the just and the unjust; it applies with equal force to the employer who, without reasonable basis for his position, is trying to escape his statutory responsibility and the employer who is neither seeking or trying to avoid a valid claim submitted by the employee."

In holding the Kentucky act unconstitutional, the Court had this to say: "Unless based upon some unreasonable delay of willful failure of the employer, there would be no more constitutional justification for requiring the employer to pay all or part of the employee's attorney fee than to require payment of his grocery bill."

I hope that you will give serious consideration to my motion for indefinite postponement.

Mr. HUNT of Kennebec: Mr. President I rise in opposition to my good friend, the Senator from Penobscot, Senator Bates, and I rise to oppose his motion.

You will recall the debate that we had here some week or ten days earlier on this point and the arguments that were produced as to why an attorney was necessary in many cases under the Workmen's Compensation Act. Briefly, to bring the matter up to date, I wish to simply refer again to Section 32 of the Workmen's Compensation Act, which provides: that if, following an injury, the employer and the employee reach an agreement in regard to compensation for an injury, then all that has to be done is that the parties present their agreement to the Commission and if the Commission goes along that ends it. Probably a great number of the cases are handled in this way, by agreements worked out be-

tween employer and employee. However, as I stated previously, there are cases from time to time which involve very technical points, either as to the particular type of injury suffered or with regard to whether the employee has taken the proper steps to perfect his claim. For instance, has he properly notified the employer within the required period? Also questions as to the amount of weekly compensation to which he is entitled. These questions, when they do arise, I feel require that the employee have the services of competent counsel.

As we pointed out at the time of this debate before — and I do not need to repeat it — an injured employee who comes into a hearing on one of these technical points all by himself and is faced by the insurance company attorney and the insurance company physician is at such a tremendous disadvantage that even with the help of the Commissioner — and I will admit that the Commissioner does what he can to bring out the facts — the employee is at a tremendous disadvantage. It is almost like a high school team trying to play a big league team, and the umpire cannot make up for the disparity between the two teams. Now I point out again that this is only in the case where the employer and the employee fail to reach an agreement. If the injury is a simple one and the facts surrounding it are definite, there probably should not and would not be any difference of opinion between the employer and the employee and they would reach their agreement, the agreement would be submitted to the commissioner, and that would be the end of it.

As I pointed out only a few short minutes ago, I had a case which was so technical that the attorney on the other side asked to have a continuance for a month, and even then the physicians representing the various sides still could not agree and each produced medical textbooks tending to prove their arguments as to the cause of this disease. Now in a case like that, to say that the poor employee should go in all alone and try to fight his case on a matter of that kind is just not reasonable.



As the Senator from Penobscot, Senator Bates, has stated, the bill has been amended in an attempt to meet the principal objections. As you will recall, at the other hearing one of the objections was that the attorneys' fees, if granted, should only be granted when the plaintiff won, and in that way the possibility of anyone pushing a claim which was not justifiable would be eliminated. In compliance with that suggestion, the amendment was made, and it now reads as follows: "When proceedings are taken under this section the commission or commissioner conducting any hearing under this chapter may, in his discretion, allow to the party petitioner costs of witness fees and a reasonable attorney's fee in proceedings where the petitioner prevails." So, as the bill now reads, it is limited to those cases where the petitioner does prevail or wins his case, and therefore any possible question of unmerited claims being introduced here is eliminated.

The witness fees, which are principally the physician's fees for attending — and I say in most of these Workmen's Compensation cases that are at all complicated a competent physician is definitely required by the injured employee to cover his injuries — if the physician receives anywhere near a reasonable compensation for the time he is there, and if the attorney does, then in many cases the small amount which the injured employee receives would, unless the attorney and the physician cut their fee very substantially, very seriously cut into the amount he would recover.

Now on the question of constitutionality, I can only say this: Many of you who have tried these cases in court or who have had experience with them will agree with me, I am sure that unless the Kentucky statute is compared with the Maine Workmen's Compensation Act and it is definitely shown that an important particulars they are definitely alike, then there would be no basis for comparison with the decision of the Kentucky court. Moreover, I do not have to tell you that our Maine court might sometimes go along with the Kentucky court on certain points of law and at other times they might defi-

nately disagree with the Kentucky court, or with any other state court, as far as that is concerned. It is my opinion that until the Supreme Court of the State of Maine says that this provision is unconstitutional that we do not have any way of being sure of it.

In answer to the argument of the Senator from Penobscot, I cannot see why it is any more unconstitutional to take the employer's money to pay physicians' fees and attorneys' fees than it is to take the employer's money to buy an artificial arm, an artificial leg, or dentures or other physical aids. The present law definitely allows the commission to award such aids in the nature of artificial limbs and teeth where the employee has had his teeth injured by an accident, and so forth, and that is a case of taking the employers' money to repay the employee for certain aids which he has received. Now I cannot draw the legal distinction between that sort of an award for artificial limbs and an award which would give to the injured employee money towards the payment of reasonable physicians' fees and attorneys' fees. You will recall again that the amended bill as it now reads puts it in the discretion of the commissioner when that shall be done.

Now I will agree with the Senator from Penobscot that this will add somewhat to the work of the commissioner, but I can say that I have talked with him. He naturally does not take any position either for or against any particular bill, but he did say that from an administrative standpoint, and from that only, that this amended bill was workable and could be carried through by his department.

We are not here asking for very much, but if you had handled as I have, and many other attorneys here, cases where some rather difficult point was raised under the Workmen's Compensation law and where the poor employee only received perhaps a small amount even though he won, cases where he may get \$100, \$70, or \$50, through the help of a competent physician who might spend his whole morning at the hearing away from his regular work, I think you would

feel that that physician is entitled to some fee for being away from his regular work for the morning, and yet if he charges what he should and it is taken out of that small amount that the employee receives, even though the employee wins his case it doesn't leave him a reasonable amount. Of course the Law Court has stated time and time again that this act is for the benefit of the injured employee, and so, in order that he may have reasonable representation and so that what he does recover after the hearing may be his to keep, I feel that this provision is both reasonable and just.

Now my good friend has brought out the fact that there is no limit. As I originally drafted this amendment to the bill, I did have a definite monetary limit both for physicians' witness fees and attorneys' fees, but the commissioner pointed out to me, when I took up the amendment with him, that in certain cases of heart ailments and other complicated matters where the hearing might last for a day or two days, that he felt that it would be unreasonable to put in the small fee which I had incorporated in the original amendment. He thought that it would not be reasonable or fair and suggested that we leave that open. And I for one have enough confidence in the commissioner so that I feel that he will, to the best of his ability and in his best discretion, award only such fee as is reasonable, depending on the amount of time that is required in this respect. So, for this reason, I hope that the motion of the Senator from Penobscot will not prevail.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: This bill has been criticized by my good friend, the Senator from Penobscot, Senator Bates, in one instance because there is no limitation of witnesses. In my behalf, since Maine was a State men have always been allowed to bring into court all of the witnesses that were beneficial to his side, and if he prevailed the witness fees were paid.

He also talked about the constitutionality of this bill. Now I did not have an opportunity to read the

Kentucky statute as far as this bill was concerned. I did have a chance to make a little study of the Kentucky Constitution, and, insofar as I could see, your Constitution of Maine and the Constitution of Kentucky as it would apply to this, is as different as daylight and dark, and I can see that under their Constitution their court would have to rule as they did rule. But we in Maine go further. Now for years in divorce cases attorneys' fees are allowed to the other party, and witness fees. For years in support cases attorneys' fees have been allowed, and witness fees. In certain probate matters, attorneys' fees are allowed. You must all have heard of the famous Cassidy will case. That was started when I was in law school, and it seems that every three or four years I pick it up and they are still fighting about it, but attorneys' fees have been allowed in that every time, and some mighty good ones. They could do that because it was a mighty good estate. So I cannot see how you could call this unconstitutional here in the State of Maine.

Now in those cases and the probate cases, it is not a question of who wins or loses, the attorneys' fees are paid. In divorce cases, it is not a question of who wins or loses: the attorneys' fees are paid. It is not a question of who wins or loses in support cases: the attorneys' fees are paid. I have collected them as an attorney, as a Judge I order them, and, on the other side of the case, I have had to pay them, so I have been through all phases of it.

Mr. WEEKS of Cumberland: Mr. President, I rise in support of the motion by Senator Bates that this bill be indefinitely postponed.

I am particularly concerned with the remarks made by the Senator from Oxford, Senator MacDonald. Of course in the case of divorce the only time attorneys' fees are allowed is on behalf of a woman compelling a man to furnish her with adequate means either to prosecute or defend a divorce proceeding. In your support cases it is substantially the same: the woman must bring the petition for support and as part of the costs the court can grant a reasonable counsel fee for

her petition. As far as probate proceedings are concerned, in a dispute involving an estate where the objecting party, shall I say, or the contesting party has a meritorious claim, whether he wins or loses, the probate court can allow costs of attorneys' fees. That is a different proposition than reaching in the pockets of industry or into the pockets of our own State Treasury to pay for the support of lawyers and witness fees. I have been before the Industrial Accident Commission when the commissioner would say to the insurance representative: "You better add on a few dollars for Weeks and his witness fees." You are talking about whether he has authority or not. He can, in a meritorious case use the pressure which he has by virtue of his office to cause desirable results to be accomplished. However, I do not care to make it part of the law which compels industry or the State of Maine or any county or city or town in the State of Maine to have to furnish witness fees or furnish attorneys' fees. It does have elements of unconstitutionality which I think I can recognize, therefore I hope that the motion will prevail.

Mr. MacDONALD of Oxford: Mr. President, it is true that the husband pays the attorney's fees. You know it is said that a lawyer can argue any side of any question. It reminds me of an old attorney we had up in Rumford. He has a case one day and he got to arguing the law, what he believed it to be, to favor his case. Well, the next day he had a case before the jury and the law was just the other way, but he happened to be on the other side of the case, and he made just as good an argument the second day as he did the first day, although they were absolutely contrary. If a lawyer couldn't do that he might as well give up practice. The fact remains they pay; whether he wins the case or loses the case they pay.

Mr. ROSS of Sagadahoc: Mr. President, I do not want to prolong this. It was debated at length the other day. We have heard several arguments with pathos for the poor workingman. I also am very sympathetic for the injured worker, but we must remember that the commission, as it operates now, fav-

ors the employee over the employer, and to my mind this would be detrimental to the workers of the State of Maine. It would slow up the proceedings; it would slow up their payments which they need so desperately, and in the final analysis the payments would be no larger. And it would also help not the employees of the State of Maine but only a few lawyers. I will grant that fact that in a few cases legal assistance may be necessary, but I maintain that this is in the great minority of the cases, and for the overall good of the employees of the State of Maine the commission is working perfectly satisfactorily now.

This bill would place the burden upon the commissioner to determine the justification of these attorney and witness fees, and I must point out, as has been said before, that the fees are not set and neither are the witnesses limited. Remember, we are talking about an insurance program where the rates are based on experience ratings, and this would be a departure from the standard ratemaking procedure. I want our workers to receive just compensation, but I want them to receive it promptly, without unnecessary drawn-out litigation, and I certainly support the motion of the Senator from Penobscot, Senator Bates.

Mr. HUNT of Kennebec: Mr. President, I certainly want to take exception to the statement by the Senator from Sagadahoc, Senator Ross, that the commission favors the employee. I have yet to see that situation exist in any hearing that I have attended. I do think that the commissioner tries to be fair, and I want to say a word in commendation of the manner in which he handles cases; but I certainly cannot subscribe to the statement that he either helps or supports one side or the other. I think that his position must be impartial and I think he tries to be impartial.

I also want to point out that this bill is as much for physicians' fees when required as necessary witnesses as for attorneys' fees, and I certainly feel that a competent physician is just as much a necessity as an attorney in these cases,

and the bill so provides in the phrase "witness fees." Mr. President, when the vote is taken I ask for a division.

The President: The question before the Senate is the motion of the Senator from Penobscot, Senator Bates, that L.D. 515 be indefinitely postponed in concurrence; and a division has been requested.

Mr. HUNT of Kennebec: Mr. President, I would like to withdraw my motion for a division and ask for a roll call.

A roll call requiring the affirmative vote of one-fifth the members present, a division of the Senate was had.

Obviously more than one-fifth having risen, the roll call was ordered.

The Secretary called the roll and the Senators responded as follows:

YEAS: Bates, Carpenter, Cole, Dow, Hillman, Lord, Parker, Rogerson, Ross, Stilphen, Weeks, Willey, Woodcock, Wyman — 14.

NAYS: Charles, Coffin, Dunn, Duquette, Farley, Fournier, Hunt, Lesard, Lewis, MacDonald, Martin, Pierce, Thurston — 13.

ABSENT: Boucher, Briggs, Brown, Noyes, St. Pierre.

Fourteen having voted in the affirmative and thirteen opposed, the motion prevailed and the bill was indefinitely postponed in concurrence.

On motion by Mr. Dow of Lincoln, the Senate voted to take from the table the 57th tabled item being bill, "An Act Relating to Licenses for Pari-Mutuel Harness Horse Racing." (H. P. 948) (L. D. 1344) tabled by that Senator on May 8 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Ross of Saguadahoc, the Senate voted to take from the table the 14th tabled item, being House Report from the Committee on Transportation: Refer to Next Legislature, on bill, "An Act Permitting Certain Trailers and Truck Tractors on Four-Lane Highways." (H. P. 839) (L. D. 1190) tabled by that Senator on March 27 pending acceptance of the report; and on further motion by the same Sen-

ator, the report of the committee was accepted in concurrence.

On motion by Mr. Farley of York, the Senate voted to take from the table Item 1-35 on Page 4 of today's calendar, being House Report from the Committee on Towns and Counties: Ought to pass as amended, on recommitted bill, "An Act Relating to Effective Date for Salary Increase for County Officers and Judges and Recorders of Municipal Courts." (H. P. 869) (L. D. 1237) tabled by that Senator earlier in today's session.

Mr. FARLEY of York: Mr. President and members of the Senate, L. D. 1237 I think is one of the best bills that came before Towns and Counties in the years I have been on the Committee on Towns and Counties. The bill in itself would have meant that any increases on the county level would not have been paid until 1961. The Committee amended the bill so that the increases on the county level would become due in October of this coming year. We unanimously agreed upon it, and we thought it was a very good bill. During the course of events it was sent back to our committee and we sent it out again.

Now I am not a foe nor am I stubborn in reference to county government, but in a short while you are going to have salary bills and a great many will want that to be effective back to the first of January. Many of the large counties, not only this time but two years previous, seem to come in for increases and increased. The saving that I figured out, if this was paid in October, would amount to about \$160,000 to the cities and towns in the State of Maine, and in another branch they have seen fit to indefinitely postpone it and I imagine the same will be done here. But it does seem, members of the Senate, if you will go back to L. D. 1237 and just read it over, it was a good bill amended in the right way.

I am not a foe of county government, I don't like to see them lose it, but I think they are pricing themselves out of it. Each and every one of those who run for county office, whether it is my party or the other party, knows what the sal-

ary is. Everytime, coming before the committee, we are told that the county delegation supports the increases. And that could be true, because everybody in the delegation, Democrat or Republican, has friends who want an increase in salary and it is very easy to go along with. Unfortunately, in York County, where our party is in power, we have cut both parties in our delegation. I think it is something for them to take into consideration when they come back here to Augusta and are placed upon these committees.

Salaries are getting out of line, there is no getting away from it. Many of us on the committee believe, so far as county attorneys are concerned, that the experience is worth more than the salary increase. In reference to judges and recorders, we believe that the prestige amounts to more than the increase. Each and every one who looks for this job, either through appointment by the Governor or through election, knows what the salary is, and within two or three months after they are all in here for an increase. You have read in the newspapers in the last week where the Governor of Connecticut has signed a bill which has placed county government out of force.

There is nothing I can add with reference to this bill, because my chairman has made the motion and I am going to go along with him, but I do think that when the salary list comes through the Committee on Towns and Counties that we should give it strong consideration in the interests of the cities and towns who pay the taxes. With that little adieu, I will now move the pending question.

Mr. WYMAN of Washington: Mr. President, I made the motion this morning that we concur with the House and indefinitely postpone this bill. However, I do agree with my good friend from York County, Senator Farley, and I agree with everything he said. If I thought there were any appreciable demand for this bill, I certainly would like to see it pass. These county offices, as he has said, some of them before they are hardly sworn into office ask for a raise. We in the legislature cannot take advantage of a

raise in salary until after we have faced the voters again and I feel that same should apply to the county officers. They pressure us to give them raises and to have the raises retroactive to the first of January, I won't repeat any more because I think Senator Farley of York has covered it very nicely. We did cut the bill back to October 9th figuring that it might live, but unless there is any demand for the bill I will go along with my motion that we concur with the action of the other body in indefinite postponement.

Mr. HILLMAN of Penobscot: Mr. President, I would like to ask through the Chair, a question of the Senator from Washington, Senator Wyman. How would that leave Penobscot County? I know that at our delegates meeting, we voted to increase the salaries but they were to take effect on January 1, 1960.

The PRESIDENT: The Senator from Penobscot, Senator Hillman, has asked a question of the Senator from Washington, Senator Wyman, and that Senator may answer if he wishes.

Mr. WYMAN: Mr. President, this bill if were passed would have all salaries take effect October 1, 1959.

Mr. HILLMAN: If it were indefinitely postponed, where would that leave us? It says that in the House it was indefinitely postponed. Is it the original bill you are talking about?

Mr. WYMAN of Washington: Mr. President, this was not in the salary bill; it was a separate bill. The salary increases are in the general salary bill that incorporates all the county salaries in one bill. As it is written now, it would take effect ninety days after the legislature is adjourned but I suppose we will possibly have to amend it so that many of those salaries will have to be retroactive to the 1st of January because I think there is a strong demand for that although I do not agree with it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Wyman, that the Senate concur with the House in the indefinite postponement of L.D. 1237.

Mr. PARKER of Piscataquis: Mr. President, I have some very strong convictions on this bill. I have not

expressed them at any time except privately perhaps and I would assure the Senator from Washington, Senator Wyman, if he cares to withdraw his motion that he has made, and change it to a motion to accept the bill, I would certainly support it.

Mr. WYMAN: Mr. President I would be very happy to withdraw the motion to indefinitely postpone.

There being no objection, Mr. Wyman of Washington was granted permission to withdraw the motion.

Mr. PARKER of Piscataquis: Mr. President, in support of my convictions, I must arise and say that I agree wholeheartedly with the thoughts presented by Senator Farley.

I have been aware for some time of exactly what does take place in our county government. I know in many counties we elect officers, they know what the salary is going to be when elected, and, as it has been mentioned, in a very short while they are presenting bills to those of us who come down to the legislature, asking us to increase their salary. That, to me, is not the way that we should conduct our county activities and the salaries that we pay our county officers, and I would be strongly in favor of this bill. I would go so far as to say that I think that any salary in county government that is voted as an increase should not take place until the following January rather than, as has been expressed by the amendment to this bill, in October.

I am just presenting my views here and I am not going to make a motion, but if there are those in this branch that feel this bill does have some merit I would be very glad to go along with anything that would carry along the expression in this bill.

Mr. STILPHEN of Knox: Mr. President, I thought possibly we would be getting rid of this and taking care of all these retroactive date settings in the other bill I feel a bit strongly on this date setting by the legislature. I feel that the county government is in existence, and as long as it is, I think that county government should be just that.

We in our county have met with the county commissioner, the en-

tire county delegation and the legislature and we agree on salaries and we agree that the amount of money we set shall be for the two year period that those people are in office. How else would you have them get it unless you made it retroactive to January 1st. It is included in the county budget; it is set up and agreed to by everybody and brought into the legislature here. I know that the Towns and County committee has a hard job. In some instances I think the raise requests in some cases probably are out of line, but some counties may not want to set them. Other counties may. I don't think we should blanket each and every county with a bill such as this. I think it should be taken care of in the major bill and I would move to indefinitely postpone this bill.

Mr. FARLEY of York: Mr. President and members of the Senate, I am not going to oppose the motion but I would like to say to the Senator from Knox County that unfortunately you gave us in Towns and Counties, salary increases for the county attorney.

I tried hard to attend the hearing but was unable to do it. Your county attorney is listed as a county official but is paid by the State of Maine under the attorney general's budget. The increase given to the county attorney does not become effective until three months after the Governor signs the bill and that would place the same members in the different counties in the same categories as the county attorney and it would only be a difference of a month or two compared with what this bill stipulated.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Stilphen, that L.D. 1237 be indefinitely postponed.

A viva voce vote being doubted, A division of the Senate was had.

Seven having voted in the affirmative and twenty opposed, the motion did not prevail.

Thereupon, the ought to pass report of the committee was accepted and the bill read once; Committee Amendment A read and adopted and under suspension of the rules the bill was read a second time and

passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table the 62nd tabled item being bill, "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators." (H. P. 950) (L. D. 1346) tabled by that Senator on May 13 pending passage to be engrossed.

Mr. COLE of Waldo: Mr. President and members of the Senate, Maine has had a strong motor fuel law for a long time and I think it is fair and equitable. It is administratively sound. It is, I think, very unfair to offer exemptions at this time and I would like to give you some of my reasons.

In 1957 the legislature granted relief to bus lines by permitting municipalities to waiver excise taxes. It also reduced the registration fees in buses. Prior to 1958 each bus paid a basic fee of \$16 plus \$2.50 for each seat.

Now the law provides that the bus fee shall be double the present fee, or \$32 and \$30 next year under the provisions of a bill passed earlier this session. During 1957 there were 210 buses registered in Maine at an average fee of \$218. In 1958 there were 270 registered at an average tax of \$30. Total revenue from the bus fees in 1957 was \$26,924. In 1958 it was \$8,120 or a saving to the transit company of \$18,804 or if you prefer, a loss in tax revenue of \$18,804.

You notice in L. D. 1345 that under exemptions, Section 125 exemptions from excise tax. Motor vehicles owned by the state and political subdivisions. Motor vehicles registered by municipalities for use in driver training in secondary schools. Motor vehicles for volunteer fire trucks. Vehicles to be lawfully operated at transit registration certificates, also telegraph companies, express companies and railroad companies are exempt under this bill.

Now an old philosopher told me once that if you can't lick them you should join them and I have found

out by my efforts today in trying to save a few thousand dollars here and there that I had better join them so I have prepared an amendment, and this amendment gives the privately owned and operated vehicles exemption when they transport others to and from their places of employment for a fee.

The poultry industry is certainly a depressed one at this time. The price of broilers today, I believe, is fourteen cents a pound. I believe if the transit operators are depressed we certainly should do something for others in the industry and so Mr. President, I present Senate Amendment A and move its adoption.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, I have been here all day and I am pretty tired. This amendment pertains to agricultural interests and so that I can have time to study it and others too who might be interested, I would like to move that this item and the bill lie on the table until tomorrow morning.

The motion prevailed and the bill and accompanying papers were laid upon the table pending motion by Senator Cole to adopt Senate Amendment A.

From the House:

ORDERED, the Senate concurring, that all bills and resolves referred to Joint Standing Committees, that have not been reported by such Committees by 4 PM Friday, May 22, be and hereby are recalled to the branch of the Legislature in which they were introduced, and the Joint Committees to which such bills were referred shall be discharged from further consideration of such bills recalled above. (H. P. 972)

In the House, read and passed.

On motion by Mr. Woodcock of Penobscot, the Joint Order was tabled pending passage.

On motion by Mr. Woodcock of Penobscot,

Adjourned until tomorrow morning at 9:30 o'clock.