

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

HOUSE

Monday, April 14, 1941.

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

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

**Senate Reports
Conference Report**

From the Senate:

Report of the Committee on Conference on the disagreeing action of the two branches of the Legislature on S. P. 241, L. D. 393, Act relative to Standish Game Preserve reporting same in a new draft (S. P. 548) (L. D. 1133) under title of "An Act relating to the Game Sanctuary in the town of Standish, in the county of Cumberland" and that it "Ought to pass"

(Signed)

Messrs. BOOTHBY of York
SANBORN of Cumberland
BRIDGES of Washington
—Committee on part
of Senate.

HANOLD of Standish
WELCH of Chapman
LAFLEUR of Portland

—Committee on part
of House.

Came from the Senate with the Report read and accepted and the third New Draft (S. P. 548) (L. D. 1133) which was reported by the Conference Committee, passed to be engrossed.

In the House, the House voted to accept the Report of the Conference Committee.

The House then voted to recede from its action whereby it passed New Draft B, S. P. 515, L. D. 1084, to be engrossed.

Thereupon, New Draft S. P. 548, L. D. 1133 had its two several readings, and tomorrow was assigned for third reading of the Bill.

New Bills

From the Senate:

Bill "An Act Increasing the Powers of the city of Brewer High School District" (S. P. 551) (L. D. 1145)

Came from the Senate, received by unanimous consent, given its several readings under suspension

of the rules and passed to be engrossed without reference to a Committee.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Robinson.

Mrs. ROBINSON: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Brewer, Mr. Robinson, asks unanimous consent to address the House? Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. ROBINSON: Mr. Speaker and Members of the House: Just a few words in explanation of this bill and the emergency which makes it necessary.

Three weeks ago one of our largest grammar schools burned to the ground with a complete loss of the building and its contents. About 300 children in our city are without a school building. We plan to build a new school as soon as possible, and while we have some borrowing capacity, it is not sufficient to meet the needs of the new construction. We have a High School district which was granted by the legislature in 1925. This bill would simply increase the amount of money to be expended by the trustees after the people of the city had accepted the plan by referendum.

This bill was introduced by my colleague, Senator Chamberlain, of Brewer, who is mayor of Brewer and with whom I am privileged to serve as city councilman. It has the support of our school committee and is vital to the needs of our city.

I ask the unanimous consent of the House for the reception of this bill.

The SPEAKER: Under the rules this bill requires for its reception the unanimous consent of this House, and, failing unanimous consent, would be referred to the next Legislature. Is there objection to the reception of this bill? The Chair hears no objection.

The Chair recognizes the gentleman from Brewer, Mr. Robinson.

On motion by Mr. Robinson the bill was given its two readings without reference to a committee, and tomorrow assigned for third reading.

From the Senate:

Bill "An Act relating to St. Joseph's Convent and Hospital" (S. P. 555)

Came from the Senate, was received by unanimous consent, given its several readings under suspension of the rules and passed to be engrossed without reference to a Committee.

In the House:

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

Mr. PAYSON: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Portland, Mr. Payson, asks unanimous consent to address the House. Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. PAYSON: Mr. Speaker and Members of the House: This bill was brought to me last week. To me it is a national defense-connected matter.

The general hospitals which serve Cumberland County are practically all located in the City of Portland. You are all familiar with the Maine General, the Maine Eye and Ear and the Queens Hospital. The capacity of these hospitals at the moment is inadequate for the service which they render.

We have a situation arising in South Portland of shipbuilding which is undoubtedly going to bring an enormous increase in population to that territory. St. Joseph's Convent Corporation, which asks for the introduction of this bill, proposes to build an enlarged hospital to serve generally. In order to do that they must have their incorporation changed so that they may hold one million dollars in assets instead of three hundred and fifty thousand, which is their present limitation.

If this bill is received, it does not require reference to a committee and it can easily be passed through the two bodies in fifteen minutes without delaying the House.

The SPEAKER: This bill requires for its introduction the unanimous consent of this House, and, failing of unanimous consent, would be referred to the next Legislature. Is there objection to the reception of this bill? The Chair hears no objection.

On motion by Mr. Payson, under

suspension of the rules, the bill was given its two several readings without reference to a committee and tomorrow assigned for third reading.

Ought Not to Pass

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of Searsport Water Company of Searsport (S. P. 185) (L. D. 218)

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Ought to Pass in New Draft

From the Senate:

Report of the Committee on Sea and Shore Fisheries on Resolve relating to the Digging of Clams in the town of Georgetown (S. P. 463) (L. D. 955) reporting a Bill under title of "An Act relating to the taking and Sale of Clams in the town of Georgetown" (S. P. 549) (L. D. 1132)

Came from the Senate with the Report accepted and the Bill passed to be engrossed.

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

Senate Insisting — Conference Asked

From the Senate:

Resolve proposing an Amendment to the Constitution to Provide for the Appointment of the Secretary of State by the Governor with the Advice and Consent of the Council, for a Term of Four Years (S. P. 354) (L. D. 669) on which the House accepted the Minority Report of the Committee on Judiciary reporting "Ought not to pass" on April 9th in non-concurrence.

Came from the Senate with that body insisting on its former action whereby the Majority Report reporting "Ought to pass" was accepted and the Bill was passed to be engrossed and asking for a Committee of Conference, and with the following Conferees appointed on its part:

Messrs. FARRIS of Kennebec

HARVEY of York

Miss LAUGHLIN of Cumberland

In the House:

The SPEAKER: The Chair recognizes the gentleman from Portland Mr. McGlaulin.

Mr. McGLAUF LIN: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Portland, Mr. McGlaulin, moves that the House insist and join in a Committee of Conference. Is this the pleasure of the House?

The motion prevailed, and the Chair appointed as Conferees on the part of the House:

Messrs. McGLAUF LIN of Portland
WILLIAMS of Bethel
PRATT of Turner.

Non-Concurrent Matter

From the Senate:

Bill "An Act relating to the Inheritance Tax Law" (H. P. 1285) L. D. 551) which was passed to be engrossed in the House on March 12th.

Came from the Senate, passed to be engrossed as amended by Senate Amendments "A" and "B" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker, I move that the House recede from its action whereby we passed the bill to be engrossed and concur with the Senate in the adoption of Senate Amendments "A" and "B."

The SPEAKER: The gentleman from Livermore Falls, Mr. Grua, moves that the House recede from its action whereby it passed this bill to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Clerk will read Senate Amendment "A".

Senate Amendment "A" to H. P. 1285, L. D. 551, Bill "An Act Relating to the Inheritance Tax Law."

Amend the second paragraph of said act by inserting after the word "parent" in the third line from the end the words 'or child or children of a deceased child, by representation.'

The SPEAKER: The gentleman from Livermore Falls, Mr. Grua, moves that the House adopt Senate Amendment "A" in concurrence.

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

Mr. PAYSON: Mr. Speaker, pending the study of what this amendment does, I move the bill with accompanying papers lie on the table.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves

that this bill, with accompany papers, lie on the table pending the motion of the gentleman from Livermore Falls, Mr. Grua, that the House adopt Senate Amendment "A". Is this the pleasure of the House?

The motion prevailed, and the bill was so tabled.

The SPEAKER: The Chair will state that the printer has made an error in printing the Advance Calendar. What appears on the Advance Calendar as "Reports of Committees" are in fact "Bills in the First Reading" and what appears as "Bills in the First Reading" are in fact "Bills in the Third Reading."

First Reading of Printed Bills and Resolves

Bill "An Act relating to Tuition for Indian Scholars in Elementary Schools of Old Town" (H. P. 297) (L. D. 107)

Bill had its first reading.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, in reference to Item 1, I want to explain to the House that it will be necessary that they recognize an item of \$700 in the Supplementary Appropriation Bill. This has to do with the tuition of children from the Indian Village coming to the general school; and, in order to meet the situation, you will have to recognize another \$700 in the Appropriation Bill.

Thereupon, the bill had its second reading and tomorrow assigned.

Bill "An Act relating to Health Officer for Penobscot Tribe of Indians" (H. P. 1349) (L. D. 802)

Bill "An Act relating to Schools at Pleasant Point and Peter Dana's Point" (H. P. 1350) (L. D. 803)

Bill "An Act relating to the Penobscot Tribe of Indians" (H. P. 1351) (L. D. 804)

Bill "An Act relating to Representative of Indian Tribes at the Legislature" (H. P. 1352) (L. D. 805)

Bill "An Act relating to the Penobscot and Passamaquoddy Tribes of Indians" (H. P. 1353) (L. D. 806)

Bill "An Act relating to the Passamaquoddy Tribe of Indians" (H. P. 1914) (L. D. 1153)

Bill "An Act relating to the Adoption of Children" (H. P. 1915) (L. D. 1152)

Bill "An Act to Incorporate the Wilton Water District" (H. P. 1916) (L. D. 1154)

Resolve to Reimburse Aroostook Central Institute for Tuition owed by the town of Blaine (H. P. 585) (L. D. 1151)

Resolve in favor of Joseph L. Perry of Rumford (H. P. 1913) (L. D. 1150)

Bills were read twice, Resolves read once and tomorrow assigned.

First Reading of Printed Bill With Committee Amendment

Bill "An Act Approving the Purchase of Lamoine Coal Depot" (H. P. 446) (L. D. 185)

Bill had its two several readings. Committee Amendment "A" was then read by the Clerk as follows:

Committee Amendment "A" to H. P. 446, L. D. 185, Bill "An Act Approving the Purchase of Lamoine Coal Depot."

Amend said bill by striking out all of sections 2, 3, 4, 5, and 6 thereof.

The SPEAKER: The Chair recognizes the gentleman from Long Island Plantation, Mr. Teel.

Mr. TEEL: Mr. Speaker, I offer House Amendment "A" to Committee Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Long Island Plantation, Mr. Teel, offers House Amendment "A" to Committee Amendment "A" and moves its adoption. The Clerk will read House Amendment "A".

House Amendment "A" to Committee Amendment "A" to H. P. 446, L. D. 185, Bill "An Act Approving the Purchase of Lamoine Coal Depot."

Amend said amendment by adding thereto the following: And further amend said bill by adding thereto a new section 2 to read as follows:

"Sec. 2. Lamoine State Wharf and Park, care of. Said property shall be called the Lamoine State Wharf and Park; Provided, however, that it shall not become part of the state park system until further action of the legislature.

The town of Lamoine is hereby authorized to raise money for the purpose of the care and maintenance of said park, at any special town meeting called for that or any other purpose, or at any regular town meeting.

During the time for which the said town raises money for the care and maintenance of said park, the

said town shall be deemed the agent of the state, and is hereby authorized to make such ordinances as it deems necessary for the proper regulation of said park. Provided, however, that the land and buildings thereon used by the University of Maine as a summer biological school shall remain under the full control and custody of the state."

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, I move that this bill and accompanying papers lie on the table pending the adoption of House Amendment "A" to Committee Amendment "A".

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, moves that this bill and accompanying papers lie on the table pending adoption of House Amendment "A" to Committee Amendment "A". Is this the pleasure of the House?

Thereupon, the motion prevailed, and the bill and amendments were so tabled.

Passed to be Engrossed

Bill "An Act Making Certain Welfare Appropriations 'Carrying Accounts'" (S. P. 544) (L. D. 1128)

Bill Tabled and Specially Assigned

Bill "An Act relating to Compensation of Justices upon Retirement" (S. P. 547) (L. D. 1129)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Fenlason of North Anson, tabled pending third reading and specially assigned for tomorrow morning)

Bill Tabled and Specially Assigned

Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims" (H. P. 1517) (L. D. 858)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Conant of Auburn, tabled pending third reading and specially assigned for Wednesday morning, April 16th)

Bill "An Act to Incorporate the Ellsworth School District" (H. P. 1589) (L. D. 911)

Bill "An Act relating to Taxation of Shore Property in Wild Lands" (H. P. 1599) (L. D. 924)

Bill "An Act relating to Lobster Fishing Licenses" (H. P. 1912) (L. D. 1143)

Resolve in favor of the towns in the Hancock-Sullivan Bridge District (H. P. 1222) (L. D. 439)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all except tabled matters passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act relating to Transportation of Lobsters" (H. P. 1556) (L. D. 847)

Bill "An Act to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers" (H. P. 1783) (L. D. 1033)

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

Senate Amendment Indefinitely Postponed

Bill "An Act relating to the Practice of Chiropractic" (S. P. 482) (L. D. 1068)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed without Amendment in non-concurrence, and sent up for concurrence.

Amended Resolve

Resolve to Apportion One Hundred and Fifty-one Representatives among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (S. P. 533) (L. D. 1096)

Was reported by the Committee on Bills in the Third Reading.

Mr. McKeen of Paris, offered House Amendment "E" and moved its adoption.

House Amendment "E" to S. P. 533, L. D. 1096, Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine.

Amend that paragraph of the resolve apportioning the representatives from Oxford County by striking out the words "Franklin Plantation" from the 4th line of said paragraph.

Thereupon, House Amendment "E" was adopted and the Resolve was read the second time, passed to be engrossed as amended in non-concurrence and sent up for concurrence.

On motion by the gentlewoman from Harrison, Mrs. Robbins, House Rule 25 was suspended for the remainder of the afternoon session, in order to permit smoking.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first matter of unfinished business, House Report "Ought not to pass, covered by other legislation" of the Committee on Sea and Shore Fisheries on Bill "An Act to Regulate the Shipment of Shellfish" (H. P. 865) (L. D. 351) the pending motion at time of adjournment being the motion of the gentleman from Falmouth, Mr. Dow that the bill be substituted for the report of the committee.

The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I have a ruling here which I will read in regard to this bill.

If clams are dug in polluted areas, the Federal government will step in and stop all shipping of clams out of the State whether fresh or canned, and we must not take this chance.

I am sorry to have to oppose Mr. Dow on his bill, but under the circumstances the committee could not do otherwise. I trust the motion to substitute the bill for the report does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: You will remember that on February 27th there was held in this room a public hearing of the Committee on Sea and Shore Fisheries to consider a bill which would have repealed all our present laws relating to clams except the so-called pollution law.

Had that bill been enacted into law "the Commissioner of Sea and Shore Fisheries is hereby designated as the exclusive agent of the state to determine at what times and in what manner and under what conditions the taking of clams, quahogs and mussels would endanger their conservation."

To you who are not familiar with conditions on the coast, I will say that if you include the clams which are used in the homes to help eke out a scanty subsistence, there are

no available statistics from which to quote, but the number of our citizens who derive the whole or part of their living from this industry has been estimated to be from 5000 to 7000.

Let us assume that the number is 5000. If they average to earn \$400 in the year, which I think you will agree is a very modest estimate, it amounts to \$2,000,000.

You may say: Why weary us with all this about a bill which has been defeated? The answer is that I am going to attempt to show you what interests are for or against these clam bills.

The hearing on February 27th was of sufficient public interest, as you know, to fill this room and to last about four hours.

What attracted this great interest? Who wanted that bill? Apparently the poor people who make their living by digging clams wanted it, since some twenty-five or thirty of them appeared in favor.

Who buys clams from these people? F. H. Snow Company of Pine Point, Scarboro, Burnham and Morrill Co. of Portland, and possibly the William Underwood Co.

Who appeared for these people? Why, my friend and neighbor, Nathan Thompson, Esq., a very able attorney from Falmouth and Portland, who conducted their case at the hearing. What induced him to do so? Did these people pay him? I suppose he came because of his great interest and sympathy for the poor and down-trodden. Who sat next to him at the hearing? Mr. Charles Morrill of the Burnham and Morrill Company.

Who appeared for the William Underwood Co.? A gentleman who was at least honest enough to say so.

Who at that hearing represented Snow of Pine Point? Frankly I do not know. Perhaps the gentleman from Scarboro could tell us.

Who then are opposed to this bill? The cannery. And what argument do they advance against it? Pollution.

The edible portion of a clam does not come in contact with pollution and even if any germ were present cooking would effectively dispose of it.

In the final analysis what is pollution? According to the Standard Dictionary, some of the definitions are: "defilement, uncleanness —as

pollution of the water supply; pollution of the imagination."

Ladies and gentlemen, in this case it is pollution of the imagination.

Why are these clams considered unfit for human consumption? Because we have private sewer outfalls and consequently there is danger of typhoid. Where is there a town on the coast of Maine that does not have outfalls of sewage on its waterfront?

We say that if the entire Falmouth shore should be closed because some private sewers discharge into the Atlantic Ocean, then our entire coastline should be closed for the same reason.

Clams are seldom eaten raw. Oysters frequently are; yet for eight months of the year we may eat oysters grown in the Providence River.

It may be argued that this bill if passed would make it impossible for the Commissioner to enforce the laws which apply to buyers and sellers, laws which empower the Commissioner to designate the areas from which clams may be taken for sale, and that bootleggers would come in and dig these polluted clams and there would be no way of proving where they came from.

I say to you, ladies and gentlemen, that when L. D. 1123, which we passed last week, becomes effective, the town of Falmouth proposes to deal with bootleggers from other towns and if there are any bootleggers among the citizens of our own town we will not be long in finding out who they are.

Chapter 208, of the Public Laws of 1933, Section 1 says: "No person, firm or corporation who is engaged in shipping or transporting clams, quahaugs, or mussels in interstate trade, either by themselves as principals or by their servants or agents, shall buy, sell, transport or ship clams, quahaugs, or mussels either shucked or in the shell, without first obtaining a license from the commissioner of sea and shore fisheries; and a certificate from the commissioner of agriculture attesting to the character and condition of the flats and beds from which said clams, quahaugs, or mussels are to be taken and so bought, sold, transported or shipped, and approving the conditions and surroundings of the shucking houses where such clams, quahaugs, or mussels are prepared for interstate ship-

ment. But nothing in the provisions of this chapter shall be held to require that persons engaged in digging clams, quahaugs, or mussels for sale in intrastate trade or for sale to neighbors or peddlers engaged in intrastate trade shall be required to obtain a license from the commissioner of sea and shore fisheries."

Does not that section give the Commissioner all the authority he requires?

To come back to men and motives: I introduced this bill some three months ago. It was no under-cover measure. I went to the Commissioner of Agriculture and to the Chief of the Bureau of Inspection and told them frankly what were the conditions which we considered unjust to our people and what I should attempt to do to have those conditions remedied.

I was received courteously and I do not think either of these gentlemen have any reason or desire to charge me with equivocation or secret evasion.

Furthermore, if they have such a desire. I believe they are fully equal to conducting their own case without assistance from anyone directly or indirectly representing the canning industry.

September first to May first we may and do eat oysters from the beds located at the mouth of the Providence River. It so happens that the Presumpscot River forms a part of the southern and western boundary of the town of Falmouth.

My friend, the gentleman from Lewiston, Mayor Lambert, says that the Androscoggin River is so loaded with pollution that a horrid effluvial arises and it absolutely stinks, and the buildings along its banks are discolored by the vapors arising therefrom. The Presumpscot River is not that bad, not yet.

This present talk of pollution is a bogey to confuse the real issue.

Do we refuse to eat vegetables coming from an area where they are grown in contact with manure? Isn't that pollution?

I understand that my friends in Aroostook County use only commercial fertilizer in growing potatoes. Do you ever grow hogs in what might be considered a polluted area? Are they banned from the markets on that account?

You from Franklin or Penobscot or Piscataquis, you who live on the farms and keep a few chickens, when you find an egg which might be considered in a state of defilement or uncleanness, what do you do with it? Do you burn it, or do you wash it and put it with the other eggs?

How would you like to have the Commissioner of Sea and Shore Fisheries come and post your whole county, "No more eggs from that area" because they might be polluted. Absurd, isn't it? Well, the Commissioner of Agriculture does this very thing on our shores, where the tide ebbs and flows twice in twenty-four hours.

Let me give you a hypothetical case. The present law vests the sole authority with the Commissioner so far as pollution is concerned. The shore in the town of Falmouth is closed; clams may not be taken for any purpose. Someone representing the canning interests comes to Augusta and says, "We want some clams. Do you think there is any pollution on the Falmouth shore at present?" "I really don't know. We will have a survey made right away. Thank you for calling my attention to the matter." A little later a survey is made and no pollution found and they tell them to go ahead.

You may say: "Oh, that is a hypothetical case, purely imaginary. It can't happen here."

I tell you it can happen here. It has happened here. It happened here in February and it is happening today. I understand that Burnham and Morrill and the F. H. Snow Company have about finished their pack and in that case I have no doubt these flats will again be polluted.

Here is a copy of a letter which I wrote to the Committee on Sea and Shore Fisheries:

"At the hearing on L. D. 351 it was suggested that a new draft be presented, making the proposed changes applicable only to the Town of Falmouth.

"I had no objection at that time, but, after further consideration and in view of certain circumstances that were not apparent at that time, I am now asking favorable consideration of the bill as presented."

I worded that letter very carefully, because I did not wish to an-

tagonize any member of the Committee. I hoped to remain on friendly terms with them all. I told some of them privately what the "certain circumstances" were, and I thought they would recognize the fact that in justice to my constituents I could not let these things go unnoticed. Although they are now a matter of public record, having been acted upon in the Portland Municipal Court and published in the newspapers, I had no desire to bring them into this discussion.

I did not expect active cooperation from the committee member who is a part time employee of a canning company, or from the member from Scarborough, who represents the town in which the F. H. Snow Co. is located. And I certainly did not expect a member of that committee to throw this smoke screen of pollution and bootlegging in the faces of the other members, when he knows that his fellow townsman is buying these clams and canning them or shipping them in the raw state, and has been doing so since the middle of February. It just does not make sense.

Here is a communication I received yesterday:

Falmouth, Maine,
April 13th, 1941.

To William E. Dow,
State Representative,
Falmouth,

Dear sir:

This morning I dug about two barrels of clams in the Town of Falmouth near Underwood.

Between the Cumberland Line and Bartlett's Point there were about a hundred men digging clams.

What about it?

(Signed) Laurence Horr."

This small army of diggers descended on the Falmouth shore about the middle of February, without any notice to the townspeople. They have been coming every day since that time. If the canners who are buying these clams did not send them who did?

I have been accused during the past week of being selfish, stubborn and unreasonable because I would not agree to accept this report without a protest. I plead guilty on all counts. I am selfish of the rights of the people I am here to represent. I am stubborn enough to make a fight for those rights, and I am unreasonable because you say so, Frank; but after we have both had time to cool off I am reasonable

enough to hope that we may still be friends.

If you think I have not made out a good case against the canners, read L. D. 646, presented in the Senate February 11, 1941:

"An Act relating to Clams. Be it enacted by the People of the State of Maine as follows: P. L. 1933, C. 2. Sec. 51 repealed.

Section 51 of Chapter 2 of the public laws of 1933 is hereby repealed."

That is the section that prohibits canning between May 15 and October 1.

In conclusion, these are the main points of our argument: No case of illness has ever been traced to these clams. We know they are as good as any on the coast. We are not trying to interfere with any regulation regarding interstate shipment. All we are asking in this bill is the right to use these clams, and we think that is a reasonable request.

I believe this Committee on Sea and Shore Fisheries, had they known all the facts, would not have unanimously reported "Ought not to pass."

Mr. Speaker, I move to substitute the bill for the report.

The SPEAKER: The question before the House is on the motion of the gentleman from Falmouth, Mr. Dow, that the bill be substituted for the "Ought not to pass" report of the committee. Is the House ready for the question?

As many as are in favor of the motion of the gentleman from Falmouth, Mr. Dow, that the bill be substituted for the "Ought not to pass" report of the Committee will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Thirty-nine having voted in the affirmative and forty-two in the negative, the motion to substitute the bill for the "Ought not to pass" report of the committee did not prevail.

On motion by Mr. Smith of Thomaston, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The SPEAKER: The Chair lays before the House the second matter of unfinished business, which appears on the calendar as the first specially assigned matter, Majority Report "Ought to pass" as amended by Committee Amendment "A" and

Minority Report "Ought not to pass" of the Committee on Agriculture on Bill "An Act Relating to the Stipend for Agricultural Societies," (S. P. 90) (L. D. 95) which came from the Senate, the Majority Report accepted and the bill passed to be engrossed as amended by Committee Amendment "A", both reports tabled by the gentleman from North Haven, Mr. Crockett, on April 9th, pending acceptance of either report.

The Chair recognizes the gentleman from Damariscotta, Mr. Denny.

Mr. DENNY: Mr. Speaker and Members of the House: Having signed the Majority Report "Ought to pass" it seems to me that an explanation is necessary on this very serious problem.

The problem seems to be — I think the committee, and everyone interested, all agree — that the problem is to try and do something toward cleaning up the Fairs.

Apparently there were just three factions that were interested in this matter.

First, the Department of Agriculture, who had the police work to do. Now, the Department does not want to duck their duty or their responsibility, but the Department feels that through past experience — I think most of the Committee members, at least those signing the Majority Report, feel too — that through past experience this present plan has not been workable.

Now, the plan that has been in effect has required the Commissioner of Agriculture to appoint inspectors to go around to the fairs, to determine whether liquor was sold illegally, whether gambling was carried on illegally, and whether the shows were moral or immoral.

Now, you will agree that is a pretty fine line for amateurs to draw, and it has been very difficult to get good inspectors.

The Fairs are the second faction, and they have not been satisfied with the inspectors' reports in many cases. The fairs also want the uncertainty of receiving their stipend cleared up.

I think you will agree that most Fairs are really interested in running good, clean Fairs. This is borne out by the fact that usually in a community that operates a Fair, or in a county, you will find some of the best type of men behind

that Fair pushing that Fair, giving sometimes money, and giving their energy to put that Fair across, feeling that it is doing some good to the community.

Then we have the public as the third faction. The public have felt, I think, that a good many Fairs have not properly run their midways. Mothers and fathers have felt, I think, that the midways sometimes are not suitable places for their children to attend. Churches also have felt the same,—as Rev. Mr. Smith stated, the Churches bring up the children, and try to teach the children in the Churches that they cannot get something for nothing, but must work for all they get. Yet some of the poorer midways teach these children that there is a chance to get something for nothing.

Now, a very peculiar situation exists,—and you Members of the House have all been on committees and know that at the committee hearings there are usually just two factions—the proponents and the opponents—and after you have had an executive session, you have felt pretty good, usually, if you have satisfied and pleased one out of two of those factions. You usually have to please one and displease the other.

Now, this Committee on Agriculture, in taking up this bill, has offered an amendment to it, and this amendment pleases all three factions, which I think is quite an agreeable feature. The irony of the whole thing, of course, is that after pleasing these factions and satisfying them all, then the Committee itself could not agree.

Now, in the original bill, if you will refer to it, you will find that there is a statement here that each and all societies receiving aid from the State, under this section, shall cause the prohibitory liquor law to be enforced and not allow immoral shows, gambling in any form, or games of chance on said grounds.

Now, that is stricken out, because, since it was written, betting in the form of pari-mutuels has been legalized and liquor has been legalized.

The Commissioner of Agriculture has just had to wink at betting on the fair-grounds—pari-mutuels, at least—and the legal sale of liquor.

Now the amendment of the bill, if you will refer to that, which is Filing 181, reads this way:

"Law enforcement at agricultural

fairs. The chief of the state police shall assign members of the state police to special duty at all agricultural fairs for the purpose of enforcing the laws of the state." Now, just note "enforcing the laws of the state."

"You know that at all Agricultural fairs that I have been to—and I have been to a great many—because of traffic conditions it is necessary, and the Police Department has been willing, to provide policemen to unsnarl traffic, and keeping it moving in the right way on the highways.

Now, the State Police Department have agreed to this amendment—and just between you and me—I think you will recall any Fair that you might have been to, that during the peak time of traffic the State Police are out on the road doing their duty—where they should be, and as they should be, but you know that the State Police are just as human as you and I, and during the lull periods, it is going to take more than the county sheriffs and the town constables to keep them out of the fair grounds.

So that it is not stretching their duties very far to have them go into the fair grounds and do police work there, either the State Police or additional police, if it is required.

It has been argued that this is a job which should be done by the County Sheriff's Department. Now, you know just as well as I do—and it is a good argument—that with sixteen county sheriffs and their deputies, there are apt to be sixteen different interpretations of the law, and no Fair would know what was legal and what was not legal.

The State Police, I understand, have agreed to issue some kind of a Code, showing what they will permit and what they will not permit.

Now, in the last part of this amendment, there seemed to be some question about one word there. It says: "In case the said Chief of Police discovers that any agricultural club, society or fair association, permits illegal sale of liquor, gambling or exhibitions of immoral shows at any such Fair, he shall report the fact to the commissioner of agriculture who may on such report refuse to pay the stipend provided for in this chapter."

Now, I cannot conceive of any

Commissioner of Agriculture going against a report of the State Police. The State Police are instructed to enforce the law. Now, we have the laws in this State which define gambling and define immoral shows, and so on, and the State Police have got to enforce the laws of the State.

Now, if they enforce the laws of the State, it certainly is not reasonable to expect that the Commissioner of Agriculture will come back and throw over-board the decision of the State Police, and give some fair its stipend, if the State Police have reported unfavorably.

I cannot imagine the Legislature paying claims for fairs that have been thrown out because of the State Police report. That, of course, has been the trouble in the past.

Inspectors that inspected the Fairs, have come in and given reports to the Commissioner of Agriculture. The Commissioner has denied the stipend to these Fairs. They have come back to the Legislature, and not in one single instance has the Legislature ever denied a Fair its stipend, so that it has made sort of a fool of the Department of Agriculture and the Commissioner. It has taken away his authority entirely. It does not seem proper to do that.

Now, it seems to me that at least a majority of the committee—7 to 3—have found a way, by this amendment, to satisfy the Department of Agriculture, with the permission of the State Police, to satisfy the Fairs—and I say that with reservation, as there is one Fair in the State which does not approve of this amendment and wants to go back to some other way—and they have satisfied the public.

And Rev. Mr. Smith has told at least three of the committee that I know of, that the amendment is satisfactory to him. It would seem that the majority report was the correct report to go through this House.

It looks as if the Committee had done a pretty good job, when they have satisfied these three factions. Therefore, without any further talk, it seems to me the only alternative would be to go back to the old way.

Now, the old way has proven this year to be unworkable. Perhaps the law is all right, and there is plenty of it, but it has been unworkable.

So I move, Mr. Speaker, that the Majority Report "Ought to pass" with committee amendment "A," be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Damariscotta, Mr. Denny, that the House accept the majority report "Ought to pass" as amended by Committee Amendment "A".

Is this the pleasure of the House?

The Chair recognizes the gentleman from Strong, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: As one of those who signed the minority report, I feel that I should at least justify the position taken by the three who did bring in the minority report.

I agree with the gentleman from Damariscotta, that we were united in our desire to improve, if we could, the conditions prevailing in the fairs of the State.

We recognize that it is a serious problem; that these inspectors sent out by the Department of Agriculture have apparently found things that were not in accordance with the law; that they have so reported to the Commissioner of Agriculture, and he, in every case, has withheld payment; and this year, as in previous years, they have brought in their claims to the Legislature and the payments of the stipends have been made.

Now, we base our decision on one point—and on one only—and that is the fact that we are placing this responsibility in the hands of the Chief of the State Highway Police.

We admit frankly that that seems to be a simple solution, and so it would be, if the State Police force were adequate to take care of the job that it now has on its hands.

I have here a letter from the Chief of the State Highway Police, written to Senator Dow, a member of the Committee, in which he says:

"I have been advised that you wish my opinion regarding a proposed law, which would make the State Police responsible for the policing of the Midways at our Agricultural Fairs.

"I wish to make it plain to you, and to the other members of the Legislature, that it is not my intent in any way attempt to influence legislation. I am, however, only too glad to submit a statement of facts

for the consideration of the several committees.

"I have adopted a policy, whereby I hope to keep the members of this Department confined to Highway work, in so far as is possible. This, I believe, is in keeping with our present Statutes, as it appears this Department was created principally for the enforcement of the motor vehicle laws.

"Under our present set-up, and with our present personnel, the work of enforcing the motor vehicle laws, and in cooperating with other law enforcement agencies throughout the State for the enforcement of criminal laws in general, uses the entire strength of this Department.

"However, if the Legislature sees fit to give us added responsibilities, we will, of course, make every effort to enforce such laws. It appears that for us to assume the responsibility of enforcing the gambling laws at the Agricultural Fairs, would gravely curtail our Highway activities. I say this, because so many of these Fairs will be in progress during the height of our traffic season.

"I have recently discussed this matter with members of the State Agricultural Department, and have assured them that we will render all aid possible to their field representatives, in the enforcement of their laws at the Fairs.

"If the members of the Legislature feel that it is more important to police the Midways at these Fairs than to patrol the public Highways of the State, we will make every effort to do so.

It must be remembered that when you are operating with a personnel of approximately one hundred men, and additional duties are given to them, that it only means that the regular service must suffer."

Now, the minority report of the committee was based entirely upon that one point.

We certainly do not disagree with the majority report in the desirability of correcting the bad conditions that exist. We recognize, too, that there is some danger in leaving this, perhaps, to the Sheriff's department in the sixteen counties.

However, I fail to see where it is a question for the various High Sheriffs to interpret the law.

It seems to me that we have a code of laws set up for the State of Maine, and it is not the duty of any sheriff to place his own interpretation upon them. That is the re-

sponsibility of the Attorney General's Department or the County Attorneys in the several counties.

So I say we are not making any vote against the acceptance of this majority report in the sense that we are trying to kill something that may work for the betterment of these institutions; but we do just raise that question of whether or not it is wise to saddle any additional duties upon the State Highway Police Department as at present consisted, when, both by statements of Chief Weaver in his letter, and before other Committees of the Legislature, he has stated the desirability of having all men returned to his department, in order that they may function properly in the enforcement of the law on our highways, as well as taking part in the various criminal matters that are placed under the jurisdiction of his department.

I just want to call your attention to the fact that when the matter of retaining the inspectors in the department of the Secretary of State came up before the committee, Chief Weaver appeared before them. His only reason for being opposed to that set-up, was the fact that he needed those men on the highways of Maine.

So that we just make this statement, in order that you may know that the minority report, as brought out, was done simply from that standpoint. We did not see how you could continue to spread the police force—which is small at the outset—and expect to continue the enforcement of highway laws, and proper participation in such criminal matters as we now look to them for assistance.

The SPEAKER: The question before the House is on the motion of the gentleman from Damariscotta, Mr. Denny, that the House accept the minority report "Ought to pass". The Chair recognizes the gentleman from Monticello, Mr. Good.

Mr. GOOD: Mr. Speaker, as I signed the majority report, I think I ought to make a few remarks. Mr. Deering has covered practically everything necessary.

In the committee, after discussing that pretty thoroughly, we felt there ought to be something done to correct this situation. The Legislature never refused to pay the stipend, although it has been held up sometimes.

Now the amendment seemed to meet with the approval of all the people, especially the church people. I have before me a lot of letters and cards. Here is one from the First Baptist Church of Farmington:

"We are all very anxious to keep Maine Fairs clean and attractive. I hope you will do your utmost to have the amendment to the bill passed as it will surely be to that end."

Here is another letter from the Penney Memorial Church of Augusta, practically the same, and I have several more from Church people.

We feel it would correct the situation to a great degree.

So far as the enforcement of the road laws, I am only speaking for Northern Maine Fair at Presque Isle, but I have been there and I know they have plenty of men, and lots of the time they are in the barracks there, and I believe they could devote a little of their time in looking after conditions at the Fairs. It does not seem like very much of a hardship. I think if the Highway Police came before the Agricultural Department and said there were immoral shows and misconduct, then I believe the Agricultural Department should hold up the stipend and the Legislature not give it to the Fairs. If that happened once or twice, I think we would get a better situation. I hope the motion of the gentleman from Damariscotta, Mr. Denny, prevails.

The SPEAKER: The question before the House is on the motion of the gentleman from Damariscotta, Mr. Denny, that the House accept the majority report "Ought to pass". All those in favor of the motion of the gentleman from Damariscotta, Mr. Denny, that the House accept the majority "Ought to pass" report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the majority "Ought to pass" report of the committee was accepted.

The bill was given its two several readings and Committee Amendment "A" was read by the Clerk as follows:

Committee Amendment "A" to S. P. 90, L. D. 95, Bill, "An Act Relating to the Stipend for Agricultural Societies."

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

'Sec. 3. R. S., c. 39, sec. 26-A,

additional. Chapter 39 of the revised statutes is hereby amended by adding thereto a new section 26-A, to read as follows:

'Sec. 26-A. Law enforcement at agricultural fairs. The chief of the state police shall assign members of the state police to special duty at all agricultural fairs for the purpose of enforcing the laws of the state.

All local and county law enforcement officers are hereby directed to cooperate with the state police.

In case the said chief of police discovers that any agricultural club, society, or fair association permits

illegal sale of liquor, gambling or exhibitions of immoral shows at any such fair, he shall report the fact to the commissioner of agriculture who may on such report refuse to pay the stipend provided for in this chapter.'

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

On motion by Mr. Payson of Portland,

Adjourned until ten o'clock tomorrow morning.