

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, April 28, 1947.

Met according to adjournment and was called to order by the Speaker

Prayer by the Rev. Martin T. Storms of Gardiner.

Journal of yesterday read and approved.

Papers from the Senate

From the Senate:

STATE OF MAINE
SENATE CHAMBER

April 24, 1947

Honorable Harvey R. Pease, Clerk

House of Representatives

93rd Legislature

State House,

Augusta, Maine

Sir:—

Pursuant to Joint Rule No. 8, this is to inform you that the Senate today indefinitely postponed (H. P. 842) (L. D. 537) Bill "An Act to Authorize the Creation of Public Bodies to be Known as Housing Authorities to Serve Urban Areas in the State," which on March 27th, was passed to be engrossed as amended by Committee Amendment "A" and by House Amendment "B" in the House.

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary

The Communication was read and ordered placed on file.

Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Federal Relations on Bill "An Act to Effect Certain Changes in Administrative Procedure Under the Unemployment Compensation Law" (S. P. 330) (L. D. 973) reporting same in a new draft (S. P. 533) (L. D. 1443) under same title and that it "Ought to pass"

Report of the Committee on Towns on Bill "An Act relating to Annual Audit of Towns Under Two Thousand Population" (S. P. 394) (L. D. 1107) reporting same in a new draft (S. P. 532) (L. D. 1442) under title of "An Act relating to Annual Audit of Towns" and that it "Ought to pass"

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence, and

the Bills read twice and tomorrow assigned.

Consolidated Resolve

Report of the Committee on Pensions on the following Resolves:
Resolve Providing for a State Pension for Charles Robie, of Mexico (S. P. 47)

Resolve Providing for a Pension for Elsone E. Harford, of Chelsea (S. P. 62)

Resolve Providing for an Increase in State Pension for Eli A. Gaudet, of Rumford (S. P. 71)

Resolve Providing for an Increase in State Pension for Wesley Fernald, of Franklin (S. P. 72)

Resolve Providing for an Increase in State Pension for Gertrude Craig, of Glenburn (S. P. 131)

Resolve Providing for an Increase in State Pension for Maggie Powers, of Chapman (S. P. 132)

Resolve Providing for an Increase in State Pension for Clarence Thomas, of Rumford Point (S. P. 148)

Resolve Providing for an Increase in State Pension for Flossie Mae Shaw, of Lewiston (S. P. 180)

Resolve Granting a Pension to Minnie Murphy, of Mexico (S. P. 220)

Resolve Providing for State Pension for Rita Bradstreet, of Freedom (S. P. 288)

Resolve Granting a Pension to Mrs. Lucy Nickols of Lewiston (S. P. 339) (L. D. 963)

Resolve Providing for State Pension for Joseph Pauze, of Lewiston (S. P. 395)

Resolve Providing for an Increase in State Pension for Abbie Spencer, of Clifton (S. P. 428)

Resolve Providing for an Increase in State Pension for Donald Wilson, of Bath (S. P. 432)

Resolve Providing for State Pension for Sidney H. McIntire, of Phippsburg (S. P. 433)

reporting a Consolidated Resolve (S. P. 511) (L. D. 1445) under title of "Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons" and that it "Ought to pass"

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

In the House, Report was read and accepted in concurrence and the Resolve had its first reading.

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

Senate Amendment "A" to S. P. 511, "Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons."

Amend said Resolve by deleting therefrom the following:

'Elsone E. Harford, Chelsea, \$25 per month for a period of 2 years'

Senate Amendment "A" was adopted in concurrence.

Senate Amendment "B" was then read by the Clerk as follows:

Senate Amendment "B" to S. P. 511, "Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons."

Amend said Resolve so that the 3rd line from the end shall read as follows:

'Alfred Wik, Stockholm, \$20 per month. (Conservator recommended.)'

Senate Amendment "B" was adopted in concurrence, and the Resolve was assigned for second reading tomorrow morning.

Ought to Pass

Report of the Committee on Claims reporting "Ought to pass" on Resolve in favor of the Maine Distributors, Inc. (S. P. 192) (L. D. 1444)

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

In the House, Report was read and accepted in concurrence and the Resolve read once, and tomorrow assigned.

Non-Concurrent Matter

From the Senate: Bill "An Act relating to the Salaries of Various Officers of Franklin County" (H. P. 1698) (L. D. 1415) which was passed to be engrossed in the House on April 23rd.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House, on motion by Mr. Mills of Farmington, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to a State Police Barrack in the county of Cumberland" (H. P. 358) (L. D. 228) which was passed to be engrossed in the House on April 23rd.

Came from the Senate passed to

be engrossed as amended by Committee Amendment "A" in non-concurrence.

In the House: On motion by Mr. Sterling of Caratunk, the House voted to recede and concur with the Senate.

Orders

On motion by Mr. Burton of Milo, it was

ORDERED, that Mr. Brown of Baileyville, be excused from attendance three days this week because of business; and that Mr. St. Pierre of Lewiston be excused from attendance because of illness.

Mr. Brewer of Presque Isle, granted unanimous consent to address the House.

Mr. BREWER: Mr. Speaker and Members of the House: I told you Thursday that we would today lay on your desks a summary of the financial picture up to Friday, as we saw it in the Appropriations Committee. I think this is self-explanatory, but I will go down the list, and in the event that you do not understand, I would be glad to attempt to answer any question to clear your problems up at a later date.

Your Appropriations bill, L. D. 295, involves \$39,492,582. Adjustments by Appropriation Committee to date—that is things we overlooked or found we had not taken care of, so we have had to make adjustments on those—that involves \$1,056,948, making a total of \$40,549,530.

Now in committees there are bills outstanding totalling \$94,274; reported "Ought to Pass"—and most of those are hung up in the other body at the present time, \$8,736,171; and already signed by the Governor, \$26,088. Total other pending legislation, \$8,856,533; total pending legislation, \$49,406,063. Less revenue available for appropriation under present laws, budget recommendations, \$39,472,582. Revenue required if all pending bills are passed, \$9,933,481.

Now you have tabled in the House as of Friday bills involving \$212,469, and tabled in the Senate \$6,469,650, and in process—it says "see below"—\$2,054,052, a total of \$8,736,171. And these bills down here, you can read them as well as I can read them to you. But, as of Friday, that is the picture we have before us in the Appropriations Committee.

House Reports of Committees Ought To Pass In New Draft

Mr. Elliott from the Committee on Taxation on Bill "An Act Imposing a Sales and Use Tax to Raise Additional Revenue and Equalize the Tax Burden" (H. P. 1572) (L. D. 1187) reported same in a new draft (H. P. 1731) (L. D. 1170) under title of "An Act Imposing a Sales and Use Tax to Raise Additional Revenue" and that it "Ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Elliott.

Mr. ELLIOTT: Mr. Speaker, since this is one of the important tax measures of the session, I want to ask unanimous consent that the Report of the Committee on Taxation on Bill "An Act Imposing a Sales and Use Tax to Raise Additional Revenue and Equalize the Tax Burden" House Paper 1572, Legislative Document 1187, (New Draft H. P. 1731) (L. D. 1170) be laid on the table, and that the report be made a Special Order of the Day for tomorrow, April 29th, and have precedence over all other matters under Orders of the Day.

The SPEAKER: The gentleman from Corinth, Mr. Elliott, asks unanimous consent that the Report of the Committee on Taxation on Bill "An Act Imposing a Sales and Use Tax to Raise Additional Revenue and Equalize the Tax Burden" (H. P. 1572) (L. D. 1187) (New Draft H. P. 1731) (L. D. 1170) be laid on the table and that the report be made a Special Order of the Day for tomorrow, April 29th, to have precedence over all other matters under Orders of the Day. Is there objection? The Chair hears none, and it has been made a unanimous consent order.

Mr. Lee of Dover-Foxcroft, was granted unanimous consent to address the House.

Mr. LEE: Mr. Speaker and Members of the House: When I was home last Friday I received a letter from the Clerk of the House, and upon opening it I was quite overwhelmed to learn that it was an order extending good wishes on my eightieth birthday. It was quite a surprise to me, and very welcome, as you may understand.

I wish to thank the members of the House, and I trust you may all live to be eighty years old and be well and feeling fine. (Applause)

Mr. Chase from the Committee on Welfare on Bill "An Act relating to Application for Aid to Blind" (H. P. 1253) (L. D. 836) reported same in a new draft (H. P. 1732) (L. D. 1169) under title of "An Act relating to Aid to the Blind" and that it "Ought to pass"

Report was read and accepted and the new draft having already been printed, was read twice under suspension of the rules and tomorrow assigned.

On motion by Miss Cormier of Rumford, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

Passed to be Engrossed

Bill "An Act relating to the Enrichment of Flour and Bread" (S. P. 243) (L. D. 660)

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

Amendment Offered

Bill "An Act relating to Control of Tuberculosis" (S. P. 529) (L. D. 1437)

Miss Longstaff of Crystal, offered House Amendment "A" and moved its adoption.

House Amendment "A" read by the Clerk as follows:

House Amendment "A" to S. P. 529, L. D. 1437, Bill "An Act Relating to Control of Tuberculosis."

Amend said Bill by adding after the underlined word "interpreted" in the 8th line of that part designated "Sec. 50-A", the underlined words 'as showing no significant evidence of tuberculosis'

Further amend said Bill by adding at the end thereof, the following underlined sentence:

'Provided, however, that a certificate stating that a standard intradermal tuberculin test has been performed and found to be "negative" by a licensed physician may be substituted for x-ray examination.'

The SPEAKER: The amendment, not having been reproduced, the gentleman from Crystal, Miss Longstaff, moves that it be laid on the table until tomorrow morning.

Tabled and Assigned

Bill "An Act relative to Hunting, Fishing and Guides' Licenses" (H. P. 1728) (L. D. 1464)

Was reported by the Committee on Bills in the Third Reading, read the third time, and on motion by Mr. Sharpe of Anson, tabled pending passage to be engrossed and specially assigned for Wednesday, April 30th.

Amended Bills

Resolve in favor of Arthur H. Ashmore, of Camden (S. P. 252) (L. D. 714)

Bill "An Act relative to Closed Season on Deer on Swan's Island, in the county of Hancock" (S. P. 277) (L. D. 817)

Resolve in favor of Marie P. Bennett of Auburn (H. P. 594) (L. D. 366)

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

Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, Joint Order Relative to Appropriation for the Maine Maritime Academy (S. P. 518) tabled on April 22nd by the gentleman from Houlton, Mr. Robbins, pending passage; and the Chair recognizes that gentleman.

Mr. ROBBINS: Mr. Speaker, earlier in the afternoon a meeting took place between the Trustees of the Maritime Academy and the Appropriations Committee. At this meeting a procedure was worked out whereby this House would have an opportunity to debate and vote on the merits of the continuation of the Academy at Castine without regard for the procedure involved in this order. I therefore move, Mr. Speaker, that this order be indefinitely postponed.

The SPEAKER: The gentleman from Houlton, Mr. Robbins, moves that the order be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed, and the order was indefinitely postponed in non-concurrence.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Claims on "Resolve, in Favor of Carl Deering of Buxton" (H. P. 41) (L. D. 40) tabled on

April 22nd by the gentleman from Madison, Mr. DeSanctis, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. DeSanctis, the "Ought not to pass" report of the committee was accepted.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Claims on Resolve, in Favor of John H. Perkins of East Brunswick (H. P. 1052) (L. D. 691) tabled on April 23rd by the gentleman from Brunswick, Mr. Lacharite, pending acceptance of report.

The Chair recognizes the gentleman from Brunswick, Mr. Labbe.

On motion by Mr. Labbe, the "Ought not to pass" report of the committee was accepted.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, An Act to Create a Legislative Research Committee (H. P. 1646) (L. D. 1332) tabled on April 23rd by the gentleman from Rockland, Mr. Sleeper, pending passage to be enacted.

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

Mr. RANKIN: Mr. Speaker, due to the absence of the gentleman from Rockland, Mr. Sleeper, I move that this matter be tabled and be specially assigned for tomorrow morning.

Thereupon, the motion prevailed, and the matter was tabled pending passage to be enacted and specially assigned for Tuesday, April 29th.

The SPEAKER: The Chair lays before the House the fifth tabled and today assigned matter, House Majority Report "Ought to pass in New Draft" (H. P. 1725) (L. D. 1453) and House Minority Report "Ought not to pass" of the Committee on State Lands and Forest Preservation on Bill "An Act Creating Woods Products Research Service Center" (H. P. 1580) (L. D. 1224) tabled on April 24th by the gentleman from Caribou, Mr. Collins, pending the motion by the gentleman from Bangor, Mr. Webber, that the House accept the majority report of the committee.

The Chair recognizes the gentleman from Caribou, Mr. Collins.

Mr. COLLINS: Mr. Speaker, I move the pending question.

The SPEAKER: Is it the pleasure of the House to accept the majority report of the committee, "Ought to pass in New Draft?"

The Chair recognizes the gentleman from Topsham, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I signed the minority report "Ought not to pass." This is a research bill to study ways of taking care of waste products of lumber. This bill proposes to tax all mills in the State, and we on the committee have not had but very little time to spend on this bill. I think it is very unfair to assess a tax on all the mills throughout the State where they have not had a chance to take this up and vote on it themselves. It is in the line of the potato tax and the blueberry tax, but those bills were taken up by each group and voted on.

Now this State here is a big State, and we have thousands of mills here in the State, and if I should go home and a bill like this should pass, I do not know what the different mill men would say. They would think I was not on the job at all.

As we went over the northern part of the State in the plane the other day we realized, all of us on the committee, that this is a vast State and there is a tremendous amount of lumber in the State. I think it is unfair to the mill men to impose a tax at the present time, and I hope that this motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Collins.

Mr. COLLINS: Mr. Speaker and Members of the House: This bill, as the gentleman from Topsham, Mr. Williams, has said, does create a Research Center which would be formed by the people in the Lumber Industry for the tax. Now I am not fully aware as to whether there has been a full acceptance of that idea by the entire lumber industry. All I do know is that the people who were represented at the hearing, representing quite a section of the lumber industry, apparently wanted it. The purpose of it, I think, is good. It is to create a Research Center to help develop the use of products of the Forest Industry. The tax I believe would be about six cents a thousand on lumber and about three cents a cord on bolts.

Mention is made in the bill of the University of Maine, but this isn't

a University of Maine bill, and it isn't sponsored in any way by any of the people connected with the university, so that I am not speaking on it on that account; it is simply a bill which would provide a Research Center for the lumber industry and I think the purpose of it is good. But whether or not it is merited at this time is for you people to decide. I do think there are some people interested in this bill who aren't present today, and it was my idea that if we accepted it at all, that if there is further debate on it, it would be done at the time of the third reading. I know definitely that there is one amendment that will have to be made prior to the third reading. Of course if you don't want the bill—don't want the provisions of the bill, this is the proper time to kill it, but in view of the fact that there are several absent—I notice Mr. Webber, who made the motion that we accept the majority report, "Ought to pass in New Draft", is not present, and I think there are some others absent who are interested in it, I think we could do one or two things—I think that we could accept the report, and then have further debate on it at the time of its third reading. I hope the House will accept the Majority Report, and then, if the House wishes to have further debate on the bill, it could be done at that time.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: As one of the signers of the "Ought to pass" report, I recall that there was no opposition to this bill whatever and that the timber interests and the mill interest were well represented at the hearing and they are the backers of the bill. They really are asking for it themselves. In that line of thought, we felt that we should go along with them and give them what they like. I thoroughly agree with the gentleman from Caribou, Mr. Collins, and I note the absence of the gentleman from Bangor, Mr. Webber.

I hope the motion prevails to accept the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Stetson.

Mr. STETSON: Mr. Speaker, I talked with one of the directors of

the Maine Hardwood Manufacturers Association—I think that is the exact title—this afternoon, and he said his association was behind this bill and was very anxious to see it pass. I hope the motion will prevail.

The SPEAKER: Is the House ready for the question?

The question before the House is upon the motion of the gentleman from Bangor, Mr. Webber, that the House accept the majority "Ought to pass" report of the committee.

All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

This being a printed bill, under suspension of the rules it was given its two several readings and tomorrow assigned for third reading.

The SPEAKER: The Chair lays before the House the sixth tabled and today assigned matter, House Majority Report "Ought to pass in New Draft" (H. P. 1729) (L. D. 1462) with Committee Amendment "A", and House Minority Report "A" "Ought to pass in New Draft" (H. P. 1729) (L. D. 1462) and House Minority Report "B" "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to Pari Mutuel Pools." (H. P. 475) (L. D. 277) tabled on April 25th by the gentleman from Portland, Mr. Bowker, pending acceptance of any report; and the Chair recognizes that gentleman.

Mr. BOWKER: Mr. Speaker and Members of the House: This sixth today assigned matter, involving an increased tax on pari-mutuel betting on harness racing is a bill that goes along in a sense of the word, with today's seventh assigned matter. Until I know what disposition is made of the seventh today assigned matter, I would like to table it and specially assign it for tomorrow.

The SPEAKER: The gentleman from Portland, Mr. Bowker, moves that this matter be laid on the table pending acceptance of any report.

The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: I would like to inquire through the Chair, if I may, if the gentleman would mind special assignment to later in today's calendar, after the seventh today assigned matter is taken care of.

Mr. BOWKER: Mr. Speaker, I notice the absence of the sponsor of

the seventh today assigned matter, Mr. Sleeper, and I would ask that the seventh today assigned matter be tabled until tomorrow morning. I feel that if the seventh assigned matter was taken up at that time and then the sixth assigned matter came first, I could table that until later in the day when the seventh matter had been discussed.

Mr. MILLS: Mr. Speaker, in regard to assignment of time on this matter, I wish to move, sir, that it be assigned for later in today's session, due to the fact that I think there should be no more delay of this legislature due to absence of gentlemen from any particular city.

The SPEAKER: The gentleman from Portland, Mr. Bowker, moves that this matter be laid on the table pending acceptance of any report and be specially assigned for Tuesday, April 29th.

The gentleman from Farmington, Mr. Mills, has moved that it be laid on the table and specially assigned for later in today's session.

Mr. MORISON of Wilton: Mr. Speaker...

The SPEAKER: For what purpose does the gentleman rise?

Mr. MORISON: To correct an apparent error in the report of the committee.

The SPEAKER: The gentleman may state the apparent error.

Mr. MORISON: Mr. Speaker, I am reported as signing the Majority Report "Ought to pass in New Draft" and perhaps I did. If I did, it was through error. My signature should appear on House Minority Report "A" on the sixth matter and House Minority Report "B" on the seventh matter.

The SPEAKER: The gentleman's signature on the matter under consideration appears on the Majority Report of the Committee.

Mr. MORISON: That is right. It should be on Report "A",—it would be the minority. It was probably signed through misapprehension. There were about a dozen or fifteen of those jackets passed around at that time. My vote was the other way. I just want to explain that to the House.

The SPEAKER: There are two pending motions before the House, and the House must decide first whether they wish to lay this matter on the table.

A viva voce vote being taken, the motion to table prevailed, and the

matter was tabled and specially assigned for Tuesday April 29th.

The SPEAKER: The Chair lays before the House the seventh tabled and today assigned matter, House Majority Report—Ought to Pass in New Draft (H. P. 1730) (L. D. 1460) with Committee Amendment "A" (L. D. 1461), House Minority Report "A" Ought not to pass—House Minority Report "B" Ought to pass in New Draft (H. P. 1730) (L. D. 1460) Committee on Taxation on Bill "An Act Increasing the Share of the State in *Pari Mutuel Pools.*" (H. P. 1563) (L. D. 1192), tabled on April 25th by the gentleman from Portland, Mr. Bowker, pending acceptance of any report. The Chair recognizes the gentleman from Portland, Mr. Bowker.

Mr. BOWKER: Mr. Speaker, I move that this matter lie on the table and be specially assigned for tomorrow.

The SPEAKER: The gentleman from Portland, Mr. Bowker, moves that this bill and accompanying papers lie on the table, pending acceptance of any report, and be specially assigned for Tuesday, April 29th. Is this the pleasure of the House? All those in favor of the motion of the gentleman from Portland, Mr. Bowker, will say aye; those opposed no.

A viva voce vote was taken.

The SPEAKER: The Chair is in doubt. All those in favor of the motion of the gentleman from Portland, Mr. Bowker, will rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

Fifty-three having voted in the affirmative and 40 in the negative, the motion prevailed and the bill with accompanying papers was tabled and specially assigned for Tuesday, April 29th.

The SPEAKER: The Chair lays before the House the eighth tabled and today assigned matter, "Resolve, to Authorize a Forest Survey for the State of Maine" (H. P. 1047) (L. D. 686) tabled on April 28th by the gentleman from Farmington, Mr. Mills, pending passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair lays

before the House the ninth tabled and today assigned matter, House Majority Report "Ought not to pass" and House Minority Report "Ought to pass" of the Committee on Inland Fisheries and Game on "Resolve, Permitting Fly Fishing in Certain Waters of Franklin County" (H. P. 1171) (L. D. 847) tabled on April 25th by the gentleman from Eustis, Mr. Carville, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. CARVILLE: Mr. Speaker and Members of the House: I am going to move, when I get through with a little explaining here, that the minority report "Ought to pass" prevail.

I find myself obliged to defend this bill. I had no idea that it would not have the unanimous support of both the department and the committee, at the time I put it in.

I spend a considerable amount of time canvassing all those who fish these waters and up to date have not found one fisherman in this section who is not whole-heartedly behind this bill,—natives, sporting camp owners and private camp owners, as well as many of our fishermen, from the central and southern part of the State.

All these waters are classed as only suitable for fly fishing and 95% or more of all fishermen who come to this section are fly fishermen and it is the only way they want to fish.

I say these waters are suitable for fly fishing only because they contain only small trout and salmon, and this type of fish caught trolling gives no sport to the fisherman. Most of the salmon and trout caught now are undersized and have to be put back. You all know small fish have little chance of life after removing a swallowed bait hook, but removing a fly seldom hurts a fish, as the fish has little chance of swallowing same.

Since the so called stream-lining of the inland fish laws, fishing in these waters, has rapidly fallen off. Until today it is useless to waste your time fly fishing in Chain of Ponds and Arnold Pond and the trolling has now become unattractive. There are only a few small fish left.

The only bait fishermen we have are really fly fishermen who have been driven to resort to bait to catch any fish at all, and they all

would like to see Chain and Arnold returned to fly fishing.

If you will consult your present fishing laws, you will find that we have asked for very few changes, but classified, by listing all the waters, so that a stranger can consult his book, and really know where, how, and when he can fish. The present laws are very hard to interpret and the wardens will tell you that they are pestered constantly explaining same; all waters in a section should be named under the group to which they belong, as we have done but the present book only names those with special regulations, and those not in order to be readily found.

Another point in the bill I wish to bring out, is the bag limit. Some of these waters had a 10 fish, some 6 and some 4. When the wardens would find a fisherman with 10 fish on Chain of Ponds, that had a four-fish limit, even though they knew, all those fish were caught on Chain of Ponds, the fisherman would claim he caught part of them on the North Branch, or some other pond, and nothing could be done about it. This bill makes a six fish limit on all these waters, and specifies the bag limit be also the possession limit; another point that has the approval of our fishermen and wardens.

Please do not get the idea we are not leaving plenty of water for those who want to troll and bait fish. Jim Pond, King and Bartlett, Spring Lake, the main river, the entire south branch and a part of Stratton Brook, and so forth. This latter is near town—Stratton Brook—and is for your little boy whom we have heard about so many times, in the past, with the alderpole. Even this boy is using a fly with his alderpole with preference to bait.

In my early days I used a maple pole, haywired a 25 cent reel to the butt and twisted on haywire guides, and believe it or not, it worked for fly fishing. It is not necessary to have an expensive outfit to fly fish as many of us seem to think. The cost is no greater to fly fish than to troll, in fact, it is not as much.

Now I hear some say that fly fishing is class legislation. How can you term class legislation to the desires of an entire section? By the way, there was no opposition to any part of this bill, from the section involved, or from anyone in the county; in fact only one appeared

from outside the county whose argument was that even though he seldom fished and never fished in Franklin county, but when he went fishing he wanted to fish as he pleased. I suppose, if the fish did not take either a fly or a bait, he would want the privilege to resort to either seining or dynamite. This same chap, after the hearing, told me that more fish were killed, liberated from a fly hook, than from a bait hook, which you all know, is absurd. In other words, he just wanted to talk—I don't, but am forced to do it.

I find it necessary, to complete my arguments of this bill, to go into another phase that I had hoped to avoid bringing into the open at this time, which concerns the propagation of fish, and the restocking of our waters. The greater part of the last forty years I have spent in this section, and too much of this time for my own good, fishing. I have watched with keen interest the changes in places I fished as a boy, watched the fishing gradually diminish, regardless of the number of fish planted by the State in these waters.

Our number one regret is that some twenty years ago, the State of Maine had not requested selective cutting of our forests, at least to the extent of leaving a fringe of forest along our streams, giving shade and some protection from the hawks, heron, kingfisher, etc. as well as holding some supply of water in dry times. If same had been done, Nature would have taken care of our propagation problem. However, this was not done, and the results are that the State has spent vast sums trying to buck nature; it just cannot be done. Our commissioner has faithfully tried to solve this problem, but up to date, in my estimation and many others that ought to know, it is a failure as game fish go. My experience has been that where these fish are planted, the native fish leave; the stock fish do not propagate. Very few of these stock fish live beyond the season they are planted. They are no fighters and they taste like herring or liver, whichever they are brought up on.

I had occasion, some fifteen years ago, to drain a pickerel pond, Shaw Pond by name, build a dam and stock same with trout. This same Shaw Pond was at one time, one of the best of trout ponds before the

pickrel were planted there. After the pickrel, of course, the trout eventually became extinct. That is why we drained this pond and restocked it with trout. I tell you this to show you that these were good trout waters and that conditions were favorable there for trout. The man that I developed this project for spent thousands of dollars stocking with trout from Rowe's private hatchery. All these fish were from 8 inches to 2 pounds when put in. The following two years, it was no effort to catch two or three hundred a day. No fight and no fun and no good to eat; and the few that remained the third year, no better to eat and no more fun to catch.

We planted good food for these fish: smelt, shiners, fresh water shrimp and helgramite. Few of these fish ever knew what this food was there for, and died looking for some one to throw them out a bucket of herring or liver. They were good pets. I could go on the wharf where I fed them for a time, wiggle my finger in the water and pick up a pound or two pound trout, put him back and he would come right back for more. Very amusing to the city folks, but very poor sport to a fisherman. I never found any sport fishing in this pond after this project. However, I was interested in propagation. I watched for signs of propagation. I screened this inlet, a nice handy inlet, so that nothing could get at these fish, and in the five years that I was there I never saw a small fry in that brook.

What is true of this place, must be true of other places. I can tell you of another lake that I am equally familiar with—Spring Lake has had good fishing for over 50 years for lake trout and salmon, and up to the time the State stocked the same with square-tailed trout, it was fair trout fishing. After these stock fish the trout fishing tapered off and no one knows of a square-tailed trout being caught there during the past 3 years.

Again I say: These stock fish drive the natives out. You ask why—so do I; and certain of the department are asking the same question. All I can say is, picture yourself weened by your mother, and beginning to eat out of a spoon, when suddenly you are put in a can, hauled several hundred miles away, and dumped in the woods with a bunch of savages. How long would

you last? Life must be somewhat the same in all forms. We all hope they solve the problem, but in the meantime let's spend less on hatcheries and more on natural propagation.

To explain natural propagation, I must give you a brief history of Tim Pond, known as the best trout pond in the state and probably the best in the east, and one of the hardest fished; from one to three hundred trout are taken there daily in the open season, and many others are caught and thrown back.

Remember this: The State never put a fish in these waters. It is the oldest sporting camp in the Dead River Region, founded by Julian Viles, long before my day; he spent his entire life time in these camps summers and always studying how to improve the fishing for the ever-increasing number of fishermen, and he really solved the problem, and it is as simple as this: A good screen properly taken care of, and just before the spawning season starts in the fall, he would take two or three men and clean out each inlet, removing all obstructions, including beaver dams that were in the path of the fish on their way to spawn. The results are amazing. I have travelled up these inlets in the spawning season, and way up to where you can step across these little brooks it will be jammed with trout. These inlets are closed at all times, and a fly fishing law has existed for years. This, Ladies and Gentlemen, is natural propagation. I must admit that this cannot be done on all ponds and lakes, but it could be done on most of the ones in our section, as they all have ample inlets for spawning.

No, personally I would recommend that these hatcheries be converted to the raising of commercial fish for the market; all that is lacking is a food that will make them taste like trout. Take the proceeds from the sale of these fish, and put it into natural propagation.

The ponds and streams included in this bill that have been stocked the heaviest, afford our poorest fishing; Northwest Pond, Little Island Pond, Crosby and Grant are the best fishing. No stocking; natural propagation. Little Island, I understand, is where the wardens take the Governors and Department heads to show them some real fish. Members of the Legislature, you won't find George taking his friends

trout fishing to any of his heavily stocked waters, because there is no sport, and no fish, unless you follow the dumping of the cans.

No, the Health and Welfare Department is not the only department where tremendous sums can be saved. The Fish and Game Department is squandering hundreds of thousands of dollars on hatcheries and rearing pools. They are building one now in my neck of the woods; I would hate to know what it is costing to build and maintain it. No one, to my knowledge, in our section, asked for it, and no one that knows back home, wants these trout in our waters.

There was a time when we begged the department for fish to plant, but we have had our lesson, and want no more of these rearing pool fish. The small fry put in the inlets, same as was done in the old days, would be a saving of dollars, and in my mind some of those would acclimate themselves to conditions and live, but not the yearlings.

Now here is something that may be taken as sarcasm, but I sincerely mean it to be constructive and for the good of those back home. I find in my limited experience here that the department heads and their seconds have too great an influence on our committees here, and it would seem more constructive to put fishermen on fish committees, bankers on banks and banking, and so forth. Many of our committees seem to be so organized; but it is hard for me to believe that there are only three or four fishermen in these two houses.

Now to get back to fishing: Please note that some of our larger lakes that contain large fish are restricted to fly fishing only. Look at Kennebago, one of our largest lakes, and containing some very large fish, both trout and salmon; fly fishing was what most of their fishermen wanted, and rightfully they received what they wanted. It might be interesting for you to know why this body of water was left in the fly class at the time all our waters were opened to bait. Why discriminate? Why not give us the same chance to help our fishing? I came to this Legislature with my mind made up to go along with whatever laws a section of the State wanted, when a large majority from that section were in favor and it did not cost the State

money. I have no desire to upset the clam and lobster fishermen on their bills aimed at conservation, and I hope you will feel the same toward our fishing regulations in the northern counties.

Now I have some opposition from Somerset county. There are people who have no interest in our section at all, but they have come up within the last few days. I offered to put a trolling amendment on Chain of Ponds so they could troll with bait. Now the object of asking that is so they cannot introduce some foreign fish into our waters. We already have perch up there in our waters by fishermen bringing them in. When they get through fishing they dump their pail into the pond where they are fishing and they multiply. Today we are beginning to catch perch. They tell me that ten years ago they did not have any perch in these waters. For God's sake, don't make us do that up on the Chain of Ponds and those waters that are free of them. I want to leave them in the fly-fishing category. When they streamlined the fishing laws it was the worst thing that ever happened in our country. They ruined our fishing and it has gone down ever since.

Therefore, Members of the House, I ask for the acceptance of the minority report "Ought to pass."

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

Mr. McGLAUFFLIN: Mr. Speaker, I would like to ask the gentleman, Mr. Carville, a question through the Chair.

Would you have any fish planted in your waters, and, if so, under what conditions?

The SPEAKER: The gentleman may answer if he wishes.

Mr. CARVILLE: I did not get the first part of your question.

Mr. McGLAUFFLIN: Would you have any trout or salmon planted in your waters, and, if so, under what conditions?

Mr. CARVILLE: No, I personally wouldn't; I should stick to natural propagation wherever we have fishing, now, because you develop a pond that has no fish in it and somebody wants to have a little place of their own; none of those fish there are game fish and they never will be.

Mr. McGLAUFFLIN: Mr. Speaker, may I ask one other question?

The SPEAKER: The gentleman may ask his question.

Mr. McGLAUFLIN: Where the waters are short of trout, how would you build them up if you do not plant any?

Mr. CARVILLE: Close your little brooks, clean them out, and nature will take care of it. Those ponds that I mentioned, I don't think there is a place there that would not take care of it.

Mr. Speaker, I ask for a division when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Sharpe.

Mr. SHARPE: Mr. Speaker, I rise in opposition to the motion made by the gentleman from Eustis (Mr. Carville) I don't know, but the Department may, so far as I know, be all wrong in this policy of planting fish, but if the planting of fifteen or twenty or thirty or forty thousand fish in the Chain of Ponds, we will say for instance, is not going to amount to anything, how in the world do you think that there is going to be any chub or perch propagate from one pail of fish that might be dumped in there by somebody who had just finished trolling?

I have been forced to take quite a lot of interest in this bill due to the fact some of my constituents started writing me about it last week, and I spent a good deal of time over the week-end contacting the fishermen up around Anson and Madison and North New Portland and other places in that vicinity where people go in these deep waters to fish, and I am convinced that the only group who are interested in closing all of these waters to everything except fly-fishing are the Megantic Club members and the guides and storekeepers in a small community up that way who profit by these people coming up there to fish with a fly-rod.

Now I have fished more or less since I was old enough to carry an alder pole, and I contend that every man and woman here is a fisherman—some of them may possibly not be fly fishermen but we are all fishermen; and I know that a lot of people, some of them do not know how to fly-fish, and some of them, even though they do know how to fish with a fly they prefer trolling, and in some instances they prefer to fish with a line with an angleworm on the end of it. I do not think it is fair at all for any group to close

the waters against trolling or bait fishing and still leave them open to fly-fishing. If there is not an abundance of fish there, if there is not a sufficient supply of trout in the pond or lake or waters, then let the waters be closed to all kinds of fishing and give everybody a fair break.

I just want to call your attention here to some of the waters in Franklin county which has been closed to everything except fly fishing under the efforts of these few clubs who are interested in this thing.

Here is Beaver Pond, fly fishing only; Bemis Stream, fly fishing only; Big Island Pond, fly fishing only; Blanchard Pond, fly fishing only; Carrabasset River, fly fishing only except in a few places; Chain of Ponds, fly fishing and trolling only; Clearwater Pond, fly fishing and trolling only; Crosby Pond, fly fishing only; Cupsuptic Lake, fly fishing only; Dead River, fly fishing only; Dodge Pond Stream, fly fishing only; Ell Pond, fly fishing only; Flat Iron Pond, fly fishing only; Grant Pond, fly fishing only; Gull Pond, fly fishing only; Hathan Bog, fly fishing only; Horseshoe Pond, fly fishing and trolling; Jim Pond, fly fishing and trolling; John's Pond, fly fishing only; Kennebago Lake, fly fishing only; Little Kennebago Lake, fly fishing only; Kennebago Stream, fly fishing only; Little Northwest Pond, fly fishing and trolling; Little Island Pond, fly fishing only; Long Pond, fly fishing only;—that is Long Pond in Seven Ponds Township; Long Pond, Sandy River Plantation, fly fishing only; Long Pond, Township D. and E., fly fishing only; Loon Lake, fly fishing only; Massachusetts Bog, fly fishing only; Mooselucmeguntic Lake, fly fishing and trolling; Moxie Pond, fly fishing only; Mud Pond, fly fishing only; Northwest Pond, fly fishing only; Porter Lake, fly fishing only; Quimby Pond, fly fishing only; Rangeley Lake, fly fishing only; Rangeley Stream—I don't know about that; I will pass that over; Rapid Stream, fly fishing only; Redington Pond, fly fishing only; Rock Pond, fly fishing only; Round Pond, Township E., fly fishing only; Round Pond, Rangeley, fly fishing only; Round Mountain Lake, fly fishing only; Sabbathday Pond, fly fishing only; Saddleback Lake, fly fishing and trolling; Big Secret Pond, fly fishing only; Little Secret Pond, fly fishing only; Seven

Ponds Stream, South Bog Stream, South Boundary Pond, Spencer Pond, Tim Brook, Tim Pond, Trout Pond, fly fishing only; Varnum Pond, fly fishing only.

On a great many occasions I have had to more or less admire the fellow that could cast a fly in good shape. I cannot do it very well, although I enjoy fly fishing. But I admire the little boy with a patch on the seat of his pants who fishes with an alder pole, and I admire some of those women folks who get out in a boat and fish but who do not know how to fish with a fly rod. I think this is a most undemocratic piece of legislation to undertake to close all of the ponds and all of the waters to the common, everyday fisherman. I think he has just as much right to fish as the fellow that comes up with a Pierce Arrow and two hundred and fifty dollars' worth of fly-rod material.

I hope that the motion of the gentleman from Eustis, Mr. Carville, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Byron.

Mr. BYRON: Mr. Speaker and Members of the House: If you will turn to Bill 847, this is the bill that was presented by the gentleman from Eustis, Mr. Carville, you will see that it contains twenty-seven ponds and streams. Even though he has told you there are only a few changes, there are at least twenty-seven because there are twenty-seven ponds in there. As you look down over the bill, you will find the word "tributaries." You will find that there are seventeen tributaries that are also closed to any kind of fishing other than fly fishing.

I think we were willing to go along with the gentleman from Eustis (Mr. Carville) on the streamlining of the law on the amount of fish, the number of fish, but it seems to me that the closing of all these waters to fly fishing is keeping out the poor fellow in our own State who would like to go on a weekend trip or a week's trip and catch a few fish and have a real good time. I know down in our town we have two or three groups of people who go up to Massachusetts Bog and I have seen some of the trout that come from there and boy it makes your eyes pop out. They are not ten or eleven inch

fish; they go up to two and one-half or three pounds. The fishermen up there cannot catch that kind of fish; but they can be caught.

In all these tributaries they are cutting the limit down from ten fish to six fish. Now about half of the items in here they are raising the limit from four fish to six fish. One just about offsets the other. That is why we were willing to go along and streamline the bill so far as the limit goes.

I am sure if the gentleman from Eustis, Mr. Carville, does not care for those fish, I know of plenty of counties that can use them. We can always use them down in our county. Now this amendment he spoke about here, Chain of Ponds, opens trolling, tributaries closed to all fishing.

Now if you look over your map, it is going to close somewhere from fifty to seventy-five miles of streams and ponds to anything other than fly fishing and now and then a pond for trolling.

I hope the motion of the gentleman from Eustis, Mr. Carville, does not prevail.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Machias, Mr. Hayward.

Mr. HAYWARD: Mr. Speaker and Members of the House: This simple little bill makes quite a few changes up there, and I would like to give you a few of them. There will be 51 streams closed to all fishing that are open to fishing under the present law. On two large ponds now open to trolling, there will be fly fishing only. On two other ponds now open to bait fishing, the bill provides for fly fishing only. On 8 streams presently open to bait fishing with a 15 fish limit, the new bill provides for fly fishing only with a 6 fish limit. In addition to these changes there will be 21 changes in the daily bag limit on the listed ponds. Nine of these limits will be raised from four to six, and twelve will be lowered from 10 to 6.

The gentleman from Eustis, Mr. Carville, says they do not want hatchery fish sent up there, but for the information of the members they had over nine hundred thousand fish planted in Franklin county last year.

I hope the motion of the gentle-

man from Eustis, Mr. Carville, does not prevail.

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

Mr. **JORDAN**: Mr. Speaker and Members of the House: As one of the signers of the Majority Report "Ought not to pass", four years ago, I believe, we streamlined the Inland Fish and Game laws. At that time each delegation was called in before the committee at one time or another to see what changes could be made. I understand at that time they felt that all counties were in agreement. I understand since that Franklin county has not.

Last year we had several changes they wished to have made up there, which, if I remember right, the gentleman from Rangeley withdrew the major bill. The members of the committee felt that the waters in these ponds really belong to the State of Maine, and therefore the public should be able to fish as they saw fit in a few of them. I think if you remember the gentleman from Anson, Mr. Sharpe, reading out of the book that most of your waters up there now are closed to only fly fishing.

Therefore, I hope the motion of the gentleman from Eustis, Mr. Carville, does not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. **CARVILLE**: Mr. Speaker and Members of the House: I have to rise here to put up a little defense for some of the remarks that have been made. First, to our Somerset county crowd, I do not believe there is a party that this gentleman represents who has any property anywhere in that country. They have ample bait waters in Somerset county. I would like to ask why they do not fish the Somerset county waters if they want to bait fish. I could answer it; their fishing is going. They have too much bait fishing there now. We are trying to save a little of ours. We do not want to have them come over and take it away from us.

He says one or two fish. I suppose he is referring to the perch they bring up for bait. What is one or two of them dumped into a lake? Adam and Eve did a pretty good job and they started with two. I think two perch would do the same thing. I think two is just as bad as if you dumped a hundred.

So far as the Megantic Club is concerned, the Megantic Club does not help me. I am a member of the Megantic Club but they have had nothing to do with this bill. They have not given me any support on it. They have practically given up Chain of Ponds; they figure that is something over the dam.

Now ninety-five per cent, that was brought out in Committee, of our fishermen are fly fishermen. If there is any discriminating done, it is done toward bait fishermen. I should say we should have the privilege of fly fishing if ninety-five per cent of our people come there to fly fish. I don't think there is anyone who would doubt that. A few people who own no property there, and a few lobster fishermen who live in Cape Elizabeth, and some of those over in Somerset county who want to come up there, we are glad to have them come up and obey our laws. We are not making any laws for ourselves that we do not obey and we ask them to do the same thing. I think we are justified in asking for these few changes.

There are very few major changes. Arnold Pond is almost where you can throw a stone from the Canadian border into it. They come over there and catch these fish and buy a United States license and carry them back across the line and sell them. There is a certain faction doing it every day and we would like to stop it and it is the only way we can stop it. We would like to stop them bringing bait because, as I told you before, pretty quick our waters are going to be polluted with every kind of fish, especially perch. It is the only way we can see of protecting our waters.

You can keep your hatcheries down here as far as we are concerned. I am speaking of the north neck of the woods. You can keep them all down here if you will give us a little chance to protect ourselves and that is all we are asking. If you do that, you can save not a thousand but hundreds of thousands of dollars. They ought to have tacked a rider on that bill they had the other day and put all the hatcheries in it: sell them off; get rid of them.

The **SPEAKER**: Is the House ready for the question?

The Chair recognizes the gentleman from Anson, Mr. Sharpe.

Mr. **SHARPE**: Mr. Speaker, I think it will be conceded that any

citizen of Somerset county is a citizen of the State of Maine and has an equal right to fish, an equal right with any other citizen to fish in any waters of the State.

When I was home last week, I contacted about twenty-five people who fished, not all fly fishermen, but they are fishermen, and not one of them was in favor of this bill.

I move, Mr. Speaker, that when the vote is taken it be taken by a division.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Eustis, Mr. Carville, that the House accept the minority "Ought to pass" report, and the gentleman from Anson, Mr. Sharpe, has requested a division.

All those in favor of accepting the minority "Ought to pass" report of the committee will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Thirty-two having voted in the affirmative and forty in the negative, the motion does not prevail.

Thereupon the House voted to accept the "Ought not to pass" report of the committee.

The SPEAKER: The Chair lays

before the House the tenth tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Salaries and Fees on Bill "An Act Relating to the Compensation of Senators and Representatives." (H. P. 1211) (L. D. 855) (In House, Acceptance of Ought Not to Pass Report Reconsidered) tabled on April 25th by the gentleman from York, Mr. Marshall, pending motion of the gentleman from Thomaston, Mr. Bell, to substitute the bill for the report.

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

Mr. ROLLINS: Mr. Speaker, owing to the dependance of this on other legislation, I move that it be retabled and specially assigned for tomorrow morning.

A viva voce vote being taken, the matter was tabled, pending motion of Mr. Bell of Thomaston to substitute the bill for the report of the committee, and specially assigned for Tuesday, April 29th.

The SPEAKER: The House is proceeding under Orders of the Day. If there is no further business to come before the House, the Clerk will read the notices.

On motion by Mr. Harris of Chelsea,

Adjourned until tomorrow at 9:00 E. S. T.