

# 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

## SENATE

Monday, April 28, 1947

The Senate was called to order by the President.

Prayer by the Reverend Elmer Colcord of Gardiner.

Journal of Friday, April 25, 1947, read and approved.

## From the House

"Resolve Proposing an Amendment to the Constitution to Regulate Traveling Expenses of Members of the Legislature." (H. P. 1727) (L. D. 1459)

Mr. BARNES of Aroostook: Mr. President and members of the Senate, just a word on this Resolve in case some of the members of the Senate don't understand it. This, as I understand it, replaces a bill that was introduced in this session to increase the salaries of the members of the legislature and it was felt by the person who introduced it, Representative Burgess from my county, that although perhaps the salary increase was not justified that some sort of enabling legislation should be introduced into this session to permit some future legislature to make the provision to equalize the mileage of the members of the legislature and take care of the great expense to which most of the members are put in this day and age in coming to Augusta and returning to their homes—and most of us do it once a week. It was with that thought that this constitutional resolve was introduced and it is a fact that it does not bind this or any future legislature as to what they shall do on this subject. I hope that it will receive the unanimous consent of the Senate.

Thereupon, the resolve was received by unanimous consent.

Mr. BARNES: Mr. President, in conformity with the action taken in the House, I move that this resolve be given its first reading without reference to a committee.

Thereupon, under suspension of the rules, the resolve was given its two several readings without reference to a committee, and passed to be engrossed in concurrence.

## House Committee Reports

The Committee on Claims on "Resolve in Favor of Fox & Ginn,

Inc." (H. P. 1599) (L. D. 1267) reported that the same ought to pass.

Which report was read and adopted in concurrence, the resolve read once and under suspension of the rules was given a second reading and passed to be engrossed in concurrence

The Committee on Salaries and Fees to which was recommitted Bill "An Act Increasing the Salaries of the Clerk of Courts and the Clerks in the Office of the Clerk of Courts in Oxford County." (H. P. 630) (L. D. 390) reported the same in a new draft (H. P. 1724) (L. D. 1452) under a new title, Bill "An Act Increasing the Salaries of the Clerks in the Office of Clerk of Courts in Oxford County," and that it ought to pass.

The same Committee on Bill "An Act Relating to the Salaries of the Officers of the Legislature," (H. P. 1208) (L. D. 854) reported the same in a new draft (H. P. 1723) (L. D. 1451) under the same title, and that it ought to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Bounty on Bears," (H. P. 653) (L. D. 451) reported the same in a new draft (H. P. 1721) (L. D. 1450) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Tagging and Marking of Beaver," (H. P. 1167) (L. D. 844) reported the same in a new draft (H. P. 1720) (L. D. 1449) under the same title and that it ought to pass.

Which reports were severally read and adopted in concurrence, the bills in new draft read once, and under suspension of the rules, were read a second time and passed to be engrossed in concurrence.

The Committee on Claims on "Resolve in Favor of George P. Milne and Jesse B. Lewis, both of Hallowell," (H. P. 1019) (L. D. 651) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve in Favor of W. E. & E. E. Andrews of Bingham," (H. P. 1151) (L. D. 766) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Salaries and Fees on Bill "An Act Increasing the Salaries of the Judge and Recorder of the Saco Municipal Court," (H.

P. 949) (L. D. 554) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and adopted in concurrence and the bills read once: Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended were given a second reading and passed to be engrossed in concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Hunting and Trapping Seasons," (H. P. 1059) (L. D. 680) reported the same in a new draft (H. P. 1722) (L. D. 1454) under the same title, and that it ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and adopted in concurrence and the bill was given its first reading; House Amendment "A" was read and adopted in concurrence and under suspension of the rules, was given a second reading and passed to be engrossed in concurrence.

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve Appropriating Moneys for Military Expenses," (H. P. 1262) (L. D. 934) reported that the same ought not to pass.

(Signed)

Senators:

WILLIAMS of Penobscot  
SAVAGE of Somerset

Representatives:

FINNEGAN of Bangor  
BOWKER of Portland  
BIRD of Rockland  
BROWN of Unity  
POULIN of Waterville  
SEEGAR of Kittery

The Minority of the same Committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A".

(Signed)

Senator:

CLEAVES of Cumberland

Representative:

BREWER of Presque Isle

Comes from the House, the Minority Report read and adopted, and the bill as amended by Committee Amendment "A" passed to be engrossed.

In the Senate, on motion by Mr. Williams of Penobscot, the reports and accompanying papers were laid

on the table pending consideration of the reports.

#### Communication

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta

April 25, 1947

Honorable Chester T. Winslow,  
Secretary of the Senate  
of the 93rd Legislature

Sir:

Pursuant to Joint Rule 8, the Senate is hereby notified that on the following Bill:

Bill "An Act Relating to Elections in the City of Biddeford." (S. P. 368) (L. D. 1042) on which the Senate accepted the Majority Report of the Committee on Legal Affairs and passed the Bill to be engrossed as amended by Committee Amendment "A", the House today accepted the Minority Report of the Committee reporting "Ought not to Pass."

Respectfully,

HARVEY R. PEASE,  
Clerk of the House.

Which was read and ordered placed on file.

#### Order

On motion by Mr. Cross of Kennebec, it was

ORDERED, that the Senate hold one session a day commencing at nine o'clock, in the forenoon, Eastern Standard Time until otherwise ordered.

#### Senate Committee Reports

Mr. Willey from the Committee on Claims on "Resolve in Favor of Leon Bemis of Farmingdale," (S. P. 155) (L. D. 394) reported the same in a new draft (S. P. 540) (L. D. 1458) under the same title, and that it ought to pass.

Which report was read and adopted, and the resolve in new draft read once and tomorrow assigned for second reading.

Mr. Batchelder from the Committee on Military Affairs on Bill "An Act Relating to Eligibility of Certain Veterans for Assistance," (S. P. 287) (L. D. 802) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted, and the bill read once; Committee Amendment "A" was adopted without reading and the

bill as amended was tomorrow assigned for second reading.

#### Passed to be Engrossed

Bill "An Act Amending the Unemployment Compensation Law as to Benefits." (H. P. 1380) (L. D. 999)

Bill "An Act Providing for Registration of Bear Killed." (H. P. 1717) (L. D. 1447)

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

"Resolve, in Favor of Lamont and Nellie Bean of Phillips."

Bill "An Act Amending the Unemployment Compensation Law as Employer's Classification." (H. P. 1439) (L. D. 1043)

Bill "An Act Relating to Aeronautical Fund." (H. P. 1496) (L. D. 1116)

Bill "An Act Relating to Reimbursement to the Federal Government by Reason of Certain Recoveries." (H. P. 1593) (L. D. 1249)

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

Bill "An Act to Create the Penobscot Valley Water Commission." (H. P. 1697) (L. D. 1421)

Mr. HASKELL of Penobscot: Mr. President, I submit Senate Amendment A and move its adoption. In presenting this amendment, I will explain that it was written by the sponsors of the bill, studied by the interested communities, and studied and approved by the distinguished Chairman of the Committee on Public Utilities.

Thereupon, the amendment was adopted without reading and the bill as so amended was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill "An Act Relating to Automobile Travel by State Employees." (S. P. 299) (L. D. 794)

Bill "An Act Relating to Boards of Registration." (S. P. 371) (L. D. 1036)

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

Sent down for concurrence.

#### Orders of the Day

Mr. BARNES of Aroostook: Mr.

President, may I inquire if the Senate is in possession of Legislative Document No. 1441, An Act Relating to Gasoline Tax?

The PRESIDENT: The Chair will state that Bill, An Act Relating to Gasoline Tax is in the possession of the Secretary of the Senate.

Mr. BARNES: Mr. President, for the purpose of later introducing a minor amendment that I believe no one will have objection to, I move the Senate reconsider its action whereby this bill was passed to be engrossed.

Thereupon, the Senate voted to reconsider its action whereby the bill was passed to be engrossed; and on further motion by Mr. Barnes, the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table Bill, An Act Creating an Agency to Rehabilitate the Atlantic Sea Run Salmon (S. P. 510) (L. D. 1396) tabled by that Senator on April 25th pending passage to be enacted.

On further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

Mr. SAVAGE: Mr. President, I now yield to the Senator from Hancock, Senator Noyes.

Mr. NOYES of Hancock: Mr. President, I present Senate Amendment "A" and move its adoption. In explanation of that amendment, all it does is strike out the figure \$3.00 and insert 25c in the second paragraph on page 3. The purpose of this amendment is to allow the residents of the State of Maine to fish for Atlantic salmon as they always have, for a very nominal fee. As you know, there is a bill pending in this legislature to increase the fishing license from \$1.00 to \$2.00. If Legislative Document 1396 should become a law, as I understand it, those of us who live near the few salmon rivers we have — if we wish to indulge in the sport of salmon fishing for an hour, we would have to pay a \$3.00 license in addition to the \$2.00 license. I question whether or not the bill is enforceable.

I know from past experience that Narraguagus river which is a salmon river also has trout in it and I know that a great many of the men, women and boys who fish for salmon use a trout fly and a trout

rod, and I question whether or not the law could prove he was actually salmon fishing. He might be fishing for trout.

I can see no reason why we should put this increased cost upon the natives of Maine and create the club of salmon fishing; and I hope the amendment will be adopted.

The Secretary read Senate Amendment "A":

"Senate Amendment 'A' to S. P. 510, L. D. 1396. Amend said Bill by striking out the underlined figure \$3 in the 10th paragraph of that part designated 'Sec. 47-A' thereof, and inserting in place thereof the underlined figures '25.'"

Mr. MORRILL of Cumberland: Mr. President, this is the first time I have heard about this amendment. The amendment says one thing and Senator Noyes' remarks concern another thing. As far as I am concerned, it is immaterial whether the license fee is 25 cents or \$3.00. The bill provides for the creation of an agency for the purpose of rehabilitating the Atlantic salmon. We simply set up a schedule of license fees which seemed commensurate with what other States do in similar cases, and what seemed consistent. The other fees involved, the resident fees for sport fishing was \$3.00 for individuals, and non-resident \$5.00 and commercial, \$15.00; and if you want the 25 cent fee, it is immaterial as far as I am concerned.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, I feel I should oppose the amendment. As the Senator from Cumberland, Senator Morrill, has said, the purpose of this measure is to try to rehabilitate the Atlantic salmon within the waters of the State of Maine, and really it is to rehabilitate salmon in Washington county because there are not many salmon in the rivers of Maine other than the rivers of Washington county.

The Senator from Hancock, Senator Noyes, speaks of Narraguagus River at Cherryfield, which is a fine salmon river. The fishing of salmon is a real man's sport and if the Senator from Hancock had read further in the bill, in the second paragraph below the one he was amending he would see the real purpose of the revenue that is being asked: "Funds received from the sale of licenses authorized under this section shall constitute an

'Atlantic Sea Run Salmon Restoration Fund', so called, to be expended under the direction of the commission for the sole purpose of improving conditions affecting this species. Said funds shall not lapse; but funds so collected in any one year may be used in that or any succeeding year for said purpose."

In order to debate this amendment—it is not, in my opinion, germane to this issue to argue that there will probably be passed by this legislature a \$2.00 license fee, increasing hunting and fishing license fees up to \$2.00. It may or may not be passed. It may pass with an amendment. And if this law is not enforceable it makes no difference whether the license fee is \$2.00 or 25 cents. Personally, I think it is enforceable.

If this amendment failed of adoption, I would not have any objections to keeping these license fees at \$3.00 but permitting all under 21 years of age—and that is what I am looking forward to not only in this bill but in others—keeping it at \$3.00 for those over 21, but for those under 21, to take care of the younger boys make the license fee as to them \$1.00. I hope the amendment in its present form will not be adopted.

Mr. NOYES of Hancock: Mr. President and members of the Senate, I would remind the Senator from Washington that if anything is going to be done to amend this bill, that it is high time to do it. The bill has been enacted in the House and is ready for enactment here in the Senate and as I understand it, after it has been enacted there isn't very much chance to amend it. I am glad to know, however, that he is interested in the boys under twenty-one. In the present bill, there is no provision whatever for a boy whether he be twenty-one or eleven, they must all pay a three dollar license fee. And those of you who have visited the Narraguagus River, I am sure, have seen those boys down there barefooted and in their overalls casting flies into the water, and once in a while a salmon would rise. The boy gets quite a kick out of it. Under this present bill, unless it is amended, that boy has got to pay three dollars for a license fee, and if he doesn't and the warden catches him and convicts him, he is going to pay a fine of thirty dollars.

Another reason for amending this

bill is that it gives the commission the authority to designate where Atlantic Salmon shall be caught. It says that they shall promulgate rules and regulations providing for the times, number and manner in which Atlantic Sea Run Salmon shall be taken in all waters of the state and to designate waters frequented by this species where special Atlantic Salmon fishing licenses shall be required. It also says, "a special license, to be issued by the commission, shall be required, for taking, catching or killing Atlantic Sea Run Salmon in such waters as the commission shall designate." That would be all right if we wanted to have a three dollar license to fish in the Bangor Salmon Pool of the Penobscot River but down in some of these little trout streams where there are some salmon I should think a three dollar license fee would be excessive, and I hope the amendment is adopted.

Mr. DUNBAR of Washington: Mr. President I am afraid that, as the Senator from Hancock has said, if this bill is going to be amended it is time it was done. Of course I had no way of knowing that any attempt was going to be made to amend the bill until about ten minutes before the Senate convened, and therefore, I haven't had time to give it much thought. I will take the responsibility, however, of saying to the Sen-

ate, that if this proposed amendment is defeated, I will offer an amendment that for the residents of the State of Maine under twenty-one years of age, the license fee shall not exceed one dollar, and for residents over twenty-one, the license shall be three dollars.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes, that the Senate adopt Senate Amendment A.

A viva voce vote being had Senate Amendment A was not adopted.

Thereupon, on motion by Mr. Dunbar of Washington, the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Cleaves of Cumberland, the Senate voted to take from the table bill, An Act Relating to Salary of Superintendents of Schools (H. P. 111) (L. D. 95) tabled by that Senator on March 5 pending passage to be engrossed, and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Blanchard of Aroostook

Adjourned until tomorrow at nine o'clock in the forenoon, Eastern Standard Time.