

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***Ninety-Fifth Legislature***

**OF THE**

**STATE OF MAINE**

**VOLUME II**

**1951**

**DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## HOUSE

Friday, April 27, 1951

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

Prayer by the Rev. Mr. M. Gerry Plummer of Brunswick.

The journal of the previous session was read and approved.

### Papers from the Senate Senate Reports of Committees Leave to Withdraw

Report of the Committee on Agriculture on Bill "An Act relating to Indemnities for Control and Eradication of Bang's Disease" (S. P. 351) (L. D. 868)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

### Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Appropriating Moneys for the Leasing, Operation and Maintenance of a State Office Building in the City of Augusta (S. P. 248) (L. D. 547) as it is covered by other legislation

Report of the Committee on Legal Affairs reporting same on Bill "An Act to Create the Maine State Safety Council" (S. P. 207) (L. D. 456)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

### Ought to Pass in New Draft

Report of the Committee on Natural Resources on Resolve Permitting the Building of a Wharf in Maranacook Lake (S. P. 503) (L. D. 1214) reporting a new draft (S. P. 556) (L. D. 1314), under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted.

In the House: Report was read and accepted in concurrence and the Resolve was read once.

Mr. Maxwell of Winthrop, offered House Amendment "A" and moved that it be adopted.

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

**HOUSE AMENDMENT "A" to S. P. 556, L. D. 1314, Resolve, Permitting the Building of a Wharf in Maranacook Lake.**

Amend said Resolve by striking out the words "if it is attached to town property" in the last sentence thereof.

The SPEAKER: Is it the pleasure of the House to adopt House Amendment "A"?

The Chair recognizes the gentleman from Waterboro, Mr. Bradeen.

Mr. BRADEEN: Mr. Speaker and Members of the House: This particular bill had the most careful and impartial consideration of your Committee on Natural Resources. We have heard, I think, representatives of all the parties in interest, and we came to the conclusion that it would be for the fairest and the best interests of all if we reported a new bill, and in view of that I move the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Waterboro, Mr. Bradeen, moves the indefinite postponement of House Amendment "A".

The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: When this resolve was first introduced in its original form, there was much opposition to the resolve in that form because it permitted the building of a wharf on town property, and the people felt that they should have some voice as to what happened to their property, so the committee drew up a new draft and attached a referendum clause to it, but in this new draft there is this phrase that says: "If it is attached to town property"—it is a technicality, and I have been informed by several legal minds here in the House that the referendum could be gotten around if that clause were left in there.

Now it is the wish of the people, and I think that they should have a say as to what goes on with their town property.

We are very proud of our shore front there, which extends for about four hundred yards on the east side of the lake, and we feel that it should be left to the use of anybody and not given to any person as his own private property. Therefore I hope that the motion of the gentle-

man from Waterboro, Mr. Bradeen, does not prevail, and I assure you people that it was the intent of the Committee on Natural Resources that there should be a referendum vote on this.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Waterboro, Mr. Bradeen, that House Amendment "A" to Resolve, Permitting the Building of a Wharf in Maranacook Lake be adopted.

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

Mr. **WILLIAMS**: Mr. Speaker and Members of the House: I would like to go along with the gentleman from Winthrop, Mr. Maxwell, in saying that it was the intent of the members of the Natural Resources Committee that the people of Winthrop would have the right of referendum on the building of this wharf. There seems to be a lot of controversy in that place about the wharf.

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

The question before the House is on the motion of the gentleman from Waterboro, Mr. Bradeen, that House Amendment "A" to Resolve, Permitting the Building of a Wharf in Maranacook Lake be indefinitely postponed.

The Chair recognizes the gentleman from Norridgewock, Mr. Taylor.

Mr. **TAYLOR**: Mr. Speaker and Members of the House: In the Committee on Natural Resources, we have heard several controversies on this, and we feel that if that was left to the town, that would be the thing to do. We did not feel that we knew enough about it to stop them building a wharf or permit them to. We felt that if the town felt they could build a wharf on their property, that was all right with us, and I will go along with the adoption of House Amendment "A" presented by the gentleman from Winthrop, Mr. Maxwell.

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

The question before the House is on the motion of the gentleman from Waterboro, Mr. Bradeen, that House Amendment "A" to Resolve, Permitting the Building of a Wharf in Maranacook Lake be indefinitely postponed.

All those in favor of the indefinite postponement of House Amendment "A" will say aye; those opposed, no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, House Amendment "A" was adopted and the Resolve was assigned for second reading the next legislative day.

Report of the Committee on Towns and Counties on Bill "An Act relating to the Salaries of the Judge and the Recorder of the Northern Aroostook Municipal Court" (S. P. 191) (L. D. 406) reporting a new draft (S. P. 545) (L. D. 1286) under title of "An Act relating to the Salary of the Judge of the Northern Aroostook Municipal Court" and that it "Ought to pass."

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

In the House, Report was read and accepted in concurrence, and the Bill had its two several readings and was assigned for third reading the next legislative day.

#### Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Attorney's Fee for Foreclosure of a Mortgage" (S. P. 362) (L. D. 876)

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

In the House, Report was read and accepted in concurrence, the Bill was read twice, and assigned for third reading the next legislative day.

#### Ought to Pass in New Draft Senate Amendment Adopted

Report of the Committee on Natural Resources on Bill "An Act relating to Prospecting for Minerals and Metals" (S. P. 310) (L. D. 661) reporting a new draft (S. P. 548) (L. D. 1312) under same title and that it "Ought to pass"

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

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

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

SENATE AMENDMENT "A" to S. P. 548, L. D. 1312, Bill "An Act Relating to Prospecting for Minerals and Metals."

Amend said Bill by inserting after the enacting clause the following new sections:

"Sec. 1. R. S., c. 36, §1, amended. The 1st sentence of section 1 of chapter 36 of the revised statutes is hereby amended to read as follows:

"The Maine mining bureau, as heretofore established, shall consist of [3] 5 members, one each from the state department of agriculture and the forestry department, each of whom shall be appointed by the head of his respective department, [and] the deputy secretary of state, **the executive director of the Maine development commission and the state geologist.**"

Sec. 2. R. S., c. 36, §6, amended. Section 6 of chapter 36 of the revised statutes is hereby amended to read as follows:

'Sec. 6. Location of claim. The location or record of any claim shall be construed to include all surface ground within the surface lines thereof, and all ledges throughout their entire depth, but shall not include any portion of such ledges beyond the end and side lines of the claim or timber and grass. **The claim shall in no way interfere with harvesting timber until actual mining operations are being carried on.**'"

Further amend said Bill by inserting at the beginning of the 1st line thereof the following: 'Sec. 3.'

Further amend said Bill by adding at the end thereof, before the single quotation mark, the following underlined sentence: **'This claim shall expire in 20 years from date of filing of claim unless a new agreement is made.'**

Thereupon, Senate Amendment "A" was adopted in concurrence and the Bill was assigned for third reading the next legislative day.

Report of the Committee on Towns and Counties on Bill "An Act to Increase the Salary of the Judge of the Van Buren Municipal

Court" (S. P. 280) (L. D. 619) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 280, L. D. 619, Bill "An Act to increase the Salary of the Judge of the Van Buren Municipal Court."

Amend said Bill by striking out in the next to the last line thereof the underlined figures "\$2,500" and inserting in place thereof the underlined figures "\$2,100"

Committee Amendment "A" was adopted in concurrence, and the Bill was assigned for third reading the next legislative day.

On motion of Mrs. Hanson of Lebanon, Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

#### Non-Concurrent Matter

Bill "An Act relating to Duties and Powers of Aroostook County Fire Marshal" (H. P. 1678) (L. D. 1246) which was passed to be engrossed in the House on April 3.

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

In the House: The House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Bill "An Act relating to Elevator Inspection Fees" (H. P. 1017) (L. D. 577) which was passed to be engrossed in the House on April 24.

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

In the House: The House voted to recede and concur with the Senate.

**Non-Concurrent Matter**

Bill "An Act relative to Revision and Publication of Municipal Ordinances" (H. P. 1543) (L. D. 1136) which was passed to be engrossed as amended by Committee Amendment "A" in the House April 18, which was recalled to the Senate by Joint Order.

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

In the House: The House voted to recede and concur with the Senate.

**Non-Concurrent Matter**

Bill "An Act Repealing the Merit Award Board" (H. P. 1252) (L. D. 826) on which the House substituted the Bill for the "Ought not to pass" Report of the Committee on Appropriations and Financial Affairs and passed the Bill to be engrossed April 25.

Came from the Senate with the Report accepted in non-concurrence.

In the House. Report was read.

On motion of Mr. Brown of Wayne, the House voted to insist upon its former action whereby it substituted the Bill for the "Ought not to pass" Report of the Committee and ask for a Committee of Conference.

From the Senate: The following Order:

**ORDERED**, the House concurring, that the following bill be recalled from the Governor to the Senate:

(H. P. 1679) (L. D. 1247)—An Act Relating to Fees for Boiler Inspection and Certificates. (S. P. 562)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

**Orders**

Mrs. Moffatt of Bath presented the following Order and moved its passage:

**ORDERED**, that there be printed in pamphlet form five hundred (500) copies of the remarks in the House April 26 of Representative Marguerite R. Fay of Portland on

"An Act Imposing a Sales and Use Tax" (H. P. 1695) (L. D. 1273)

The **SPEAKER**: Is it the pleasure of the House that the order receive a passage?

(Calls of "No" and "Yes")

The **SPEAKER**: All those in favor of the order receiving a passage will say eye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had. Fifty-five having voted in the affirmative and thirty-one having voted in the negative, the order received passage.

The **SPEAKER**: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, in view of the approach of daylight saving time, the following order is presented and I move its passage.

The **SPEAKER**: The gentleman from Cape Elizabeth, Mr. Chase, presents an order and moves its passage. The Clerk will read the order.

**ORDERED**, that each adjournment of the House be until 9:00 o'clock Eastern Standard Time of the following morning unless otherwise ordered.

The **SPEAKER**: Under the rules, the order will lie on the table until the next legislative day.

On motion of Mrs. Hanson of Lebanon, it was

**ORDERED**, that Mr. Dow of Eliot, be excused from attendance during his illness, and the Clerk of the House is hereby directed to send flowers from the members, and express to him their hopes for his very speedy recovery.

The **SPEAKER**: The Chair recognizes the gentleman from Norway, Mr. Lord.

Mr. LORD: Mr. Speaker, under suspension of the rules I would like to move that the House reconsider its action taken the other day whereby we receded and concurred with the Senate on L. D. 604, Bill "An Act Relating to Greely Institute," as I understand the sponsor of the bill would like to dig his own hole for that particular bill.

The **SPEAKER**: The House will be at ease for a few moments.

**House at Ease**

Called to order by the Speaker. The SPEAKER: The gentleman from Norway, Mr. Lord, presented an order and moved its passage.

The order was read by the Clerk as follows:

ORDERED, the Senate concurring, that H. P. 1070, L. D. 604, Bill "An Act Relating to Greely Institute" be recalled from the Engrossing Department to the House (H. P. 1790)

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

Mr. DOW: Mr. Speaker and Members of the House: I apologize for causing the delay, but I assumed that the document was still in the possession of the House. I should have notified the Clerk last night, but we had more important business and I neglected to do it.

The SPEAKER: Is it the pleasure of the House that the order receive a passage?

Thereupon, the order received passage.

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

Mr. DOW: Mr. Speaker and Members of the House, what I am trying to do is to carry out the wishes of the people of the town of Cumberland.

This particular bill, the Senate passed to be engrossed L. D. 604.

The SPEAKER: Would the gentleman defer for just a moment?

The Chair would inform the gentleman that before the House can act upon the Greely Institute Bill, the Senate must pass the order in concurrence.

Thereupon, the order was sent up for concurrence.

The following paper from the Senate was taken up out of order and under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 30th, 1951, at 3:30 o'clock in the afternoon Eastern Standard Time. (S. P. 563)

Came from the Senate, in that body read and passed.

In the House, read and passed in concurrence.

**House Reports of Committees  
Leave to Withdraw  
Tabled**

Mr. Bearce from the Committee on Inland Fisheries and Game on Bill "An Act relating to Crop and Orchard Damage by Protected Wild Animals" (H. P. 1532) (L. D. 1125) reported leave to withdraw as it is covered by other legislation.

Report was read.

(On motion of Mr. Parker of Sebec, a viva voce vote being taken, tabled pending acceptance of Committee Report)

**Ought Not to Pass**

Mr. Carville from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Free Hunting and Fishing Licenses for Maine Veterans on Leave" (H. P. 57) (L. D. 23)

Report was read and accepted and sent up for concurrence.

**Ought to Pass in New Draft  
Tabled and Assigned**

Mr. Carville from the Committee on Inland Fisheries and Game on Bill "An Act relating to Crop and Orchard Damage by Deer" (H. P. 1308) (L. D. 861) reported same in a new draft (H. P. 1788) (L. D. 1355) under same title and that it "Ought to pass"

Report was read.

(On motion of Mr. Carville of Eustis, tabled pending acceptance of Committee Report and specially assigned for Wednesday, May 2nd.)

**Ought to Pass in New Draft**

Mr. Archer from the Committee on Public Utilities on Bill "An Act to Create the Bangor Water District" (H. P. 546) (L. D. 297) reported same in a new draft (H. P. 1787) (L. D. 1347) under same title and that it "Ought to pass"

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules and assigned for third reading the next legislative day.

**Ought to Pass with Committee  
Amendment**

Mr. Center from the Committee on Agriculture on Bill "An Act

relative to Health Certificates in the Sale of Cattle" (H. P. 1464) (L. D. 1080) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

**COMMITTEE AMENDMENT "A"** to H. P. 1464, L. D. 1080, Bill "An Act Relative to Health Certificates in the Sale of Cattle."

Amend said Bill by inserting before the period and after the underlined word "agriculture" in the 4th line from the end thereof the following underlined words: 'except that the provisions of this section shall not apply to certified (accredited) or certified vaccinated herds'

Committee Amendment "A" was adopted and the Bill was assigned for third reading the next legislative day.

#### First Reading of Printed Resolves

Resolve in favor of Robert George Llewellyn, of South Portland, (S. P. 143) (L. D. 1349)

Resolve in favor of Merle Libby, of Caribou (S. P. 211) (L. D. 1350)

Resolve in favor of Peter Spanos, of Portland (S. P. 485) (L. D. 1351)

Resolve in favor of George Panages, of Portland (S. P. 486) (L. D. 1352)

Resolve in favor of the Town of Nobleboro (S. P. 525) (L. D. 1353)

Were read once, and assigned the next legislative day.

#### Resolve in First Reading Amended

Resolve Appropriating Moneys to Reimburse Town of Phippsburg for Snow Removal (S. P. 296) (L. D. 1354)

The Resolve was read once.

Committee Amendment "A" was read by the Clerk as follows:

**COMMITTEE AMENDMENT "A"** to S. P. 296, L. D. 1354, Resolve Appropriating Moneys to Reimburse Town of Phippsburg for Snow Removal.

Amend said resolve by striking out the figures "\$585.73" in the 2nd

line thereof, and inserting in place thereof the figures '\$773.65'.

Committee Amendment "A" was adopted and the Resolve was assigned for second reading the next legislative day.

#### Passed to be Engrossed

Bill "An Act Creating a Zoning Board for the City of Lewiston" (S. P. 554) (L. D. 1313)

Bill "An Act relating to Aid to Dependent Children" (S. P. 555) (L. D. 1311)

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

#### Amended

Bill "An Act relating to Hunting and Fishing by Certain Persons (H. P. 314) (L. D. 172)

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

Mr. March of Bridgton, offered House Amendment "A" and moved its adoption.

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

**HOUSE AMENDMENT "A"** to H. P. 314, L. D. 172, Bill "An Act Relating to Hunting and Fishing by Certain Persons."

Amend said Bill by adding at the end of section 2 thereof, before the period and single quotation mark, the following underlined words: 'upon satisfactory proof of such age and the payment of 25c to the town clerk'

Further amend said Bill by adding at the end of section 4 thereof, before the period and single quotation mark, the following underlined words: 'upon satisfactory proof of such age and the payment of 25c to the town clerk'

Thereupon, House Amendment "A" was adopted and the bill was given its third reading, passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

#### Tabled Temporarily

Bill "An Act relating to Open Season on Muskrats" (H. P. 1752) (L. D. 1296)

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

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Brown.

Mr. BROWN: Mr. Speaker, I would like to table Item 3 until later in today's session. I have an amendment to offer.

The SPEAKER: The gentleman from Wayne, Mr. Brown, moves that Bill "An Act relating to Open Season on Muskrats" lie on the table pending third reading and be specially assigned for later in today's session. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled and so assigned.

#### Passed to be Engrossed (Cont'd)

Bill "An Act relating to Guides' Qualifications, License and License Revocation" (H. P. 1783) (L. D. 1340)

Bill "An Act relating to the Liquor Commission" (H. P. 1786) (L. D. 1346)

Resolve in favor of Christian M. Jensen of Westbrook (H. P. 11) (L. D. 1321)

Resolve in favor of Oscar Pinette of Portland (H. P. 12) (L. D. 1322)

Resolve in favor of Jackman Plantation (H. P. 38) (L. D. 1323)

Resolve in favor of C. Curvin Hovis of Gorham (H. P. 71) (L. D. 1324)

Resolve in favor of Leo Smith of Pittsfield (H. P. 579) (L. D. 1325)

Resolve in favor of the Town of Warren (H. P. 810) (L. D. 1326)

Resolve in favor of Guy L. Chretien of Westbrook (H. P. 815) (L. D. 1327)

Resolve in favor of Arthur H. Molasky of Gorham (H. P. 880) (L. D. 1328)

Resolve to Reimburse Percy E. Severance of Hampden for Taxes, Etc. (H. P. 965) (L. D. 1329)

Resolve in favor of Carrie M. Longfellow of Machias (H. P. 1015) (L. D. 1344)

Resolve Providing for State Pension for Mrs. Minnie Fenderson of Saco (H. P. 1455) (L. D. 1343)

Resolve to Compensate Edwin Blanche of Augusta for Personal Injuries (H. P. 1521) (L. D. 1330)

Resolve to Reimburse Freeport Grain Company for Damage Done by Escapee (H. P. 1523) (L. D. 1331)

Resolve in favor of Arthur W. McLellan of Topsfield (H. P. 1559) (L. D. 1332)

Were reported by the Committee on Bills in the Third Reading, Bills

read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

#### Amended

Resolve in favor of Emile Couillard of Auburn (H. P. 1567) (L. D. 1333)

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

Mr. Jacobs of Auburn, offered House Amendment "A" and moved its adoptions.

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

HOUSE AMENDMENT "A" to H. P. 1567, L. D. 1333, Resolve in Favor of Emile Couillard, of Auburn.

Amend said Resolve by inserting in the 2nd line thereof, after the word "appropriated" the words 'from the funds of the state liquor commission'

Thereupon, House Amendment "A" was adopted, the Resolve had its second reading and was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

#### Passed to be Engrossed (Cont'd)

Resolve in favor of C. H. Mallory of Strong (H. P. 1569) (L. D. 1334)

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

#### Amendment Offered Tabled

Resolve in favor of Helen G. McShea of Fort Fairfield (H. P. 1585) (L. D. 1157)

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

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Crabtree.

Mr. CRABTREE: Mr. Speaker, in the absence of the gentleman from Fort Fairfield, Mr. Dorsey, I offer House Amendment "A" to House Paper 1585, Legislative Document 1157, and move its adoption.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, offers House Amendment "A" to Resolve in favor of Helen G. McShea of Fort Fairfield and moves its adoption.

The Clerk will read the amendment.

HOUSE AMENDMENT "A" to H. P. 1585, L. D. 1157, Resolve in Favor of Helen G. McShea, of Fort Fairfield.

Amend said Resolve by adding at the end thereof the following sentence:

'Such pension shall be paid from the funds of the Maine State Retirement System.'

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Fuller.

Mr. FULLER: Mr. Speaker and Members of the House: I am sorry to seem to oppose in any way what I think is a just cause, but I rise in opposition to this amendment, for this reason: That when we are dealing with the funds of the Maine State Retirement System, it appears to me, and I think it appeared to the other members of the Judiciary Committee, that we were actually dealing with trust funds of the State, which should be used only for particular purposes.

From the wording of the bill, and the information that goes with it, it appears that this person may be entitled to part of her compensation from the funds of the retirement system, but the rest of it is merely a claim based upon hardship, or rather a grant based upon hardship, and I am opposed to extending the portion to be paid from the Maine State Retirement System any more than it was before, so I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bangor, Mr. Fuller, moves that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Island Falls, Mr. Crabtree.

Mr. CRABTREE: Mr. Speaker, I am not prepared to talk about the intricacies of this matter, but a member of the Judiciary Committee did bring this matter to my attention. I made what I thought were suitable inquiries, and it seemed understood that it met with the favor of the departments involved. I am sorry that I do not have more and exact information on it, but the question did arise and I did, before the session, make an attempt to clear this matter and

understood that it met with the satisfaction of the departments and funds involved. That is all that I can say about it.

The fact that the gentleman from Fort Fairfield, Mr. Dorsey, is not here today leaves me somewhat in doubt as to the proper move.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, in view of the absence of the gentleman from Fort Fairfield, Mr. Dorsey, and in view of the fact that there appears to be controversy in the matter, I move that the matter lie upon the table.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that Resolve in favor of Helen G. McShea of Fort Fairfield, together with House Amendment "A," lie on the table pending the motion of the gentleman from Bangor, Mr. Fuller, that House Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the matter was so tabled.

#### Passed to be Engrossed (Cont'd)

Resolve in favor of Dwight D. Dixon of Clinton (H. P. 1604) (L. D. 1335)

Resolve in favor of W. I. Hamilton of Bath (H. P. 1648) (L. D. 1336)

Resolve Granting a Pension to James E. Harvey of Readfield (H. P. 1785) (L. D. 1342)

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

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Brown.

Mr. BROWN: Mr. Speaker, I move that Item 3, an item which I tabled just a few minutes ago, be now given its third reading.

The SPEAKER: The gentleman from Wayne, Mr. Brown, requests unanimous consent to take from the table at this time, out of order, Bill "An Act relating to Open Season on Muskrats," H. P. 1752, L. D. 1296. Is there objection? The Chair hears none.

The Chair recognizes the same gentleman.

Mr. BROWN: Mr. Speaker, I now move that Bill "An Act relating to Open Season on Muskrats" be given its third reading at this time.

The SPEAKER: The gentleman from Wayne, Mr. Brown, now moves that Bill "An Act relating to Open Season on Muskrats" be given its third reading.

Thereupon, the bill had its third reading and was passed to be engrossed and sent up for concurrence.

#### Amended Resolves Tabled

Resolve in favor of Charles Norton Pratt of Leeds (H. P. 881) (L. D. 1338)

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

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker, in the absence of the gentleman from Sabattus, Mr. Wood, this morning I think I would like to lay this matter on the table, and I so move.

The SPEAKER: The gentleman from Auburn, Mr. Turner, moves that Resolve in favor of Charles Norton Pratt of Leeds lie on the table. Is this the pleasure of the House?

The motion prevailed, and the resolve was tabled pending second reading.

Resolve in favor of Folsom Brothers of Monticello (H. P. 1074) (L. D. 1339)

Resolve in favor of Allagash Plantation (H. P. 1560) (L. D. 1337)

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

#### Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Hayes.

Mr. HAYES: Mr. Speaker, I ask unanimous consent for the immediate consideration, out of order, of

the thirty-fifth item of unfinished business.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Hayes, asks unanimous consent to take from the table, out of order, the thirty-fifth item of unfinished business on today's calendar, House Order requesting opinion of the Justices of the Supreme Judicial Court regarding constitutionality of creating by Special Act a private corporation to engage in the business of making loans in excess of three hundred dollars.

Does the Chair hear any objection? The Chair hears none.

On further motion of Mr. Hayes, the order received passage.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, at the request of the committee, I ask unanimous consent to take from the table the thirty-third item of unfinished business on today's calendar, Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, out of order, requests unanimous consent to take from the table the thirty-third item of unfinished business on today's calendar, Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees, H. P. 804, L. D. 477, tabled by that gentleman on April 19 pending passage to be enacted. Is there any objection? The Chair hears none.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Martin.

Mr. MARTIN: Mr. Speaker, might I approach the rostrum for a moment?

The SPEAKER: The gentleman may.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: I am about to offer the clarification amendment to this resolve, and therefore I move that this House, under suspension of the rules, reconsider its action whereby it passed to be engrossed this resolve with Senate

Amendment "A", and I further move for the reconsideration of the adoption of Senate Amendment "A".

The SPEAKER: The gentleman from Augusta, Mr. Martin, moves that under suspension of the rules, the House reconsider its action whereby it passed to be engrossed, on April 12th, Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The same gentleman further moves that the House now reconsider its action whereby it adopted Senate Amendment "A" on April 12th? Is this the pleasure of the House?

The motion prevailed.

Mr. Martin then offered House Amendment "A" and moved its adoption.

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

**HOUSE AMENDMENT "A" to H. P. 804, L. D. 477, Resolve, Appropriating Moneys to Effectuate Salary Plan for State Employees.**

Amend said Resolve by striking out the first 2 paragraphs after the "Emergency preamble" and inserting in place thereof the following paragraph:

**'Appropriation for proposed salary plan.**

**Resolved:** That there be, and hereby is, appropriated from the general fund of the state the sum of \$183,088 for the balance of the fiscal year ending June 30, 1951 to place into effect as of the week ending March 10, 1951 the proposed salary plan for the employees of the state of Maine developed in accordance with chapter 201 of the resolves of 1949 and to grant to each state employee affected by the salary plan, a salary increase of one step in said salary plan by assigning each class of employment to the salary range next above that range to which it is allocated in the salary plan; and be it further'

House Amendment "A" was adopted and the Resolve was passed to be engrossed as amended by House Amendment "A" in non-concurrence and was sent up for concurrence.

### House At Ease

The House was called to order by the Speaker.

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

Mr. McGLAUFFLIN: Mr. Speaker, I ask unanimous consent to address the House on an emergency matter, briefly.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, requests unanimous consent to address the House on an emergency matter. Does the Chair hear any objection? The Chair hears none, and the gentleman may proceed.

Mr. McGLAUFFLIN: Mr. Speaker and Ladies and Gentlemen of the House: There was a bill before the Judiciary Committee to give the Attorney General certain powers to go into another county and take part in the Grand Jury proceedings or other proceedings that might be necessary.

Because of what the Attorney General has undertaken in the last week or so, trying to clear up certain crimes that have been going on, he feels that it is very important that he be given the powers that were set forth in Legislative Document 1236 which yesterday the Judiciary Committee amended and passed out unanimously and which has now passed the Senate without having been printed, and has had its two readings and been sent on to us.

I now ask unanimous consent to introduce in this House Legislative Document 1236 as amended.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, requests unanimous consent to take up out of order a Senate report relating to Powers of the Attorney General. Is there any objection? The Chair hears none and unanimous consent is granted.

The CLERK: (Reading)

Senate Report of the Committee on Judiciary on Bill "An Act Relating to Powers of Attorney General" (S. P. 517) (L. D. 1236) reporting the same in new draft, (S. P. 565) and that the new draft "Ought to pass."

Came from the Senate with the report read and accepted and the

new draft read twice under suspension of the Joint Rules without being printed and passed to be engrossed today.

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

The bill was then given its first reading in its entirety and was read the second time by title only.

On motion of Mr. McGlauffin, under suspension of the rules, the bill was given its third reading.

Mr. McGLAUFFLIN: Mr. Speaker, may I approach the rostrum?

The SPEAKER: The gentleman may.

Thereupon, on further motion of Mr. McGlauffin, under suspension of the rules, the bill was passed to be engrossed in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Keene.

Mr. KEENE: Mr. Speaker, at the request of the committee I wish unanimous consent, out of order, to take up the thirteenth item of unfinished business on today's calendar.

The SPEAKER: The gentleman from Clinton, Mr. Keene, requests unanimous consent to take up for consideration the thirteenth item of unfinished business on today's calendar, House Report "Ought not to pass" of the Committee on Claims on Resolve Reimbursing the Town of Clinton for Support of the Family of Frank S. Smith (H. P. 1520) tabled by that gentleman on April 13 pending acceptance of the report. Is there any objection?

The Chair hears none, and the Chair recognizes the same gentleman.

Mr. KEENE: Mr. Speaker, since the committee reported to this House on House Paper 1520 they have, in their possession, new evidence. The Senate Chairman and the House Chairman of the committee have requested that I have this resolve recommitted to the committee. I therefore move that the matter be recommitted to the committee.

The SPEAKER: The gentleman from Clinton, Mr. Keene, moves that House Report "Ought not to pass" of the Committee on Claims on Resolve Reimbursing the Town

of Clinton for Support of the Family of Frank S. Smith be recommitted. Is this the pleasure of the House?

The motion prevailed, and the Resolve was recommitted to the Committee on Claims and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Damariscotta, Mr. Gay.

Mr. GAY: Mr. SPEAKER, I request unanimous consent to take from the table, out of order, the 42nd unfinished piece of business tabled by me this week.

The SPEAKER: The gentleman from Damariscotta, Mr. Gay, requests unanimous consent to take up out of order the 42nd item of unfinished business, Bill "An Act Prohibiting Claims of Damage to Motor Vehicles by Wild Animals and Birds," H. P. 1759, L. D. 1303, tabled by that gentleman on April 23 pending the motion of Mr. Boothby of Livermore to indefinitely postpone.

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

Mr. GAY: Mr. Speaker and Members of the House: The reason that I tabled this bill the other day was simply that I, being a member of the Claims Committee, did not have the facts and figures which may be of extreme interest to the members of the House in their action relating to this L. D. 1303.

I have been able to get the figures, and in order that you can be well-acquainted with what is happening over a period of years and vote a little more intelligently in your action on this particular bill, I would like to remind you that in 1945 the Claims Committee had a total of \$5342.54 worth of claims for automobile damage by deer. In 1949 that amount increased to \$7840.24. Again in 1949 it increased considerably to the amount of \$21,174.44. Now in 1950, between the months of July, 1950 and March, 1951, it has jumped to \$16,997.06. From January to April of this year already the Inland Fisheries & Game Department has been confronted with one hundred and sixty accidents caused by automobiles of which fifty-one of them have a fifty-dollar deductible clause in their policy. At the present time

they have paid a total amount of \$8174.86 to the policyholders.

It does not seem to me that this is good business on the part of the State, especially of the Inland Fisheries & Game Department, for them to have to continue with any such mounting costs as this apparent racket causes. I grant that there are a few legitimate accidents, but certainly they cannot go to any such proportion as that. I therefore move the passage of the bill.

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

Mr. BOOTHBY: Mr. Speaker and Members of the House: You have just listened to the damages which have been presented here by the gentleman from Damariscotta, Mr. Gay. It certainly is getting to a very large figure, I will admit that. I think it is a great deal too large for these motorists to absorb. As I said the other day, the deer are the State's deer, I do not think the motorist should be asked to stand all that damage. When we are damaged on the road by another car we are usually able to obtain the damage from the other party if they are to blame, but as far as this deer damage is concerned, they come out of the woods and jump onto the car or in front of the car and in a great many instances there is nothing that you can do about it. You have no protection unless you carry collision insurance, and I do not know how good that would be in that case. I don't carry collision insurance and never have. I have driven a car ever since 1913 and I don't think that I need collision insurance very much. I don't think that I want to pay for collision insurance for the sake of protecting myself from the State's deer.

I would like to bring to the attention of the House here today that we farmers in the southern part of Maine are absorbing damage by deer and moose, mostly deer. Probably it was brought out here that the amount that they actually damaged us was a half a million. Not too much is paid. Not too many of those claims are put in.

There is a bill in the House which is on my desk this morning,

a new bill, and they want us to cut the whole damage out, the farmers group—the Fish & Game Commission. They are giving us some concessions on that. I don't know but what I will go along with that one, but this one I do not think we should stand. We have got too many deer in our State, and that is why the build-up in this damage is so great. There may be some cases of fraud in this, but every case, I presume, is investigated by a game warden. I think they should be able to tell in the most of the cases whether there is fraud or not. I cannot imagine anyone running into a deer on purpose. I certainly wouldn't if I could help it. So far I never have, and I hope I won't.

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

The SPEAKER: The Chair at this time notes the presence in the rear of the House of the President of the National Education Association of the United States, Dr. Corma Mowery, of Clarksburg, West Virginia, accompanied by the gentleman from Island Falls, Mr. Crabtree. In behalf of the House the Chair bids the Doctor a cordial welcome. (Applause)

The gentleman from Livermore, Mr. Boothby, moves that the bill be indefinitely postponed.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: I didn't even know such a bill was here until just this moment, but I am in favor of the indefinite postponement, because if we pay damages that deer do to crops why shouldn't we pay damages done to automobiles? I am in favor of the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Members of the House: I am another who is in favor of the indefinite postponement of this bill. I have not been unfortunate enough to meet one of these deer, but I have neighbors who have. As one example, one of my neighbors, a

young lady who is teaching in Portland, not very long ago was on her way to school. She had just gotten out of the city limits of Bath, and the first that she knew a moose hit the side of her car, drove her into the ditch. Perhaps it was one of these bills which I presume have been presented and termed as exorbitant because it cost something over \$400. But that lady, to say nothing of her fright and her physical difficulties, has had to pay that bill and then wait until it could be collected. Now do you think it would be right for us to turn down any such claims for difficulties that any of us might meet on the road?

Also I have a bill here which has been presented; it has not been passed yet. That was investigated by the deputy sheriff as the party was unable to get in touch with the warden. I called the sheriff up the other day and I asked him about it, and I told him about this bill which was up. He says, "Well, there is just one thing: either pay the bills or we will kill every moose in Sagadahoc County." Now we have a bill in here to that effect. Which way do you want to do? Do you want to pay on this debt which these deer and moose create to the people or do you want to give us a chance to get out and do our part? Simply open up your deer season, your moose season, or else pay the bill.

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

Mr. BEARCE: Mr. Speaker and Ladies and Gentleman of this House: As Mr. Gay has just previously stated, this has gone from \$5000 in 1945 until it is \$16,000, almost \$17,000 for this year now.

Obviously this thing is becoming a definite racket from start almost to finish. There probably are some just claims. You only have to look at the figures to see that, and those are actual figures. I think that most cases are caused from the car running into the deer rather than the deer running into the car, and in a number of cases the deer is not even involved. There have been some cases where they have not been able to find

even a deer hair on the car. I do not think that deer jump into windows and break the windows out of your car. I don't think they run into the car very often.

This is the only state in the union, if I am rightly informed, which pays any such claim; in fact I understand that there are states where you pay if you kill a deer on the road.

Now this is a just bill and should pass. You have a little department that is trying to live on their own. They have no appropriations, they have to live from the licenses and revenues received in this department. And certainly if this bill should not pass, this money should be taken from the general fund and not from a department that is trying to live on its own and pay as it goes.

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

The SPEAKER: The Chair recognizes the gentleman from Hebron, Mr. Bearce.

Mr. BEARCE: Mr. Speaker and Members of the House: I dislike to take issue with my friend, the gentleman from Caribou, Mr. Bearce, but I must arise to protect the interests of the residents of my part of the state where the deer have become so numerous that there are extensive damages to automobiles through no fault whatever of the drivers of the automobiles.

It has been suggested that people sometimes intentionally run into deer. That is certainly not the case. When a deer jumps out of the bushes six feet in front of your car you are bound to hit the deer. Now the reason the damages are mounting to such an alarming extent may be in part due to fraud; but those cases, it seems to me, are the responsibility of the game wardens and the inspectors who look into these cases and not the fault of the people who are legitimately damaged.

Now these deer belong to the State; they are protected by the State. We are not allowed to go out and destroy the deer because they are very precious in the eyes of certain people. Now if these

same deer eat up your orchards, as they do, we are not allowed to collect even twenty-five per cent of the damage they actually do. There is a bill in at the present time which will cut off the damage done to orchards and field crops, and which, so far as I am concerned, is perfectly all right. These damages that we can collect for tree damage and crop damage are relatively insignificant, and those conditions can be protected against. You can put deer repellent around your garden and around your field crops and keep the deer away. You cannot put repellents around an orchard. Therefore the damages that you get in that field are insignificant compared with the damage actually done, so I will forget about that.

But the damage done by deer to automobiles certainly is not the fault of the driver. The deer belong to the State; they are protected by the State, they do damage, and I see no reason why that damage should not be paid by the State just as much as though done by some other animal. If I have a dog and he goes down and kills my neighbor's chickens, I pay for the chickens. If I have a cow that goes into my neighbor's garden and does damage, I pay for the garden. In the case of the deer, the State owns the deer, the deer do damage, so why shouldn't the State pay for the damage?

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

Mr. **HALL**: Mr. Speaker, as Chairman of your Claims Committee and having worked on the Claims Committee two years ago, I feel that I should put a few facts before the House on this matter.

The gentleman from Damariscotta, Mr. Gay, of your Claims Committee, has given you the figures on deer damage and actual payment. However, it runs even greater than that. It costs in the neighborhood of eighteen dollars apiece to process a claim through your Claims Committee and through your Legislature. In the past two years, and in the years 1950-51 and 1951-52 the estimate of what it will have cost to pay

car damage plus the cost of processing the claims will amount to approximately \$200,000. Your entire hatchery program as set up by the Legislature amounts to \$240,000. In other words, if the motion of the gentleman from Livermore, Mr. Boothby, for indefinite postponement is defeated, the Fish and Game Department are going to have almost as much money to work with as they now put in the entire hatchery program, \$200,000 as against \$240,000.

As the gentleman from Caribou, Mr. Bearce, has stated, there is no other state which pays these damages. We have at least one state that sets a fine of up to \$100 for hitting a deer.

Two years ago, if I remember correctly, we had about four hundred deer car damage claims before the Claims Committee. They ranged anywhere from five dollars to four hundred and fifty. Even after your game wardens or other law officials have investigated the cases we have found many cases which we have had to turn down and turn out as ought not to pass because your Claims Committee has felt that there was insufficient evidence just to prove that a deer was there. We do not turn out any claims unless the actual animal is found. We have had to turn out some which may have been legitimate, I am not saying they were not, where car damage was claimed in the process of avoiding a deer. In other words, somebody has put in a claim saying they have sustained injury to their car, damage to their car, where they have gone into a ditch trying to avoid a deer. I am not saying they were not attempting to avoid a deer, but we have had to turn them out that way.

Coming as I do from a county where deer are plentiful, I realize that in a good many cases it is actually impossible to avoid a deer. However, if we are to continue to pay car deer damage at the rate which it is increasing now, it will be a very, very short time before the Fish and Game Department are going to be forced to come before this Legislature and ask for an appropriation. As it is now, they are paying their own way, but it will be impossible for that depart-

ment to continue to pay its own way if the deer damage to cars tends to increase in the amount which it is now increasing. I put these figures before you because I think the Legislature should realize just how much this figure is growing and just how much it means to your Fish and Game Department.

When you stop and realize that we as a state seek to get the tourists in the State and advertise that Maine is one of the greatest fishing and hunting states in the union, when you realize that it would be possible for the Fish and Game Department to double their hatchery program, I think you will realize just how far this thing has gone. I hope that the motion to indefinitely postpone does not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Moose River Plantation, Mr. Watson.

Mr. **WATSON**: Mr. Speaker and Members of the House: I rise in defense of our committee's action. It is the consensus of our committee that the state should pay no claims for damages out of the Fish and Game Department. I was not quite consistent with that the other day when I signed a minority report on porcupines, but that is the consensus of our committee. As it has been brought out here and well presented by the Claims Committee what would happen, just what the cost of this program is, I think that most of the members see it should be done away with.

In regard to the deer hitting cars or cars hitting deer, I drive a lot myself in my business, I average fifty to sixty thousand miles a year, and I would say at least fifty per cent of that is in the night-time; I see hundreds of deer along the road, and it is my own opinion that most of these accidents of hitting deer are carelessness on the part of the drivers. If there are deer in the particular section you are driving in there is always the flashing of the eyes alongside of the road that will give you adequate warning.

If we do not pay the claims I think you will see a big decrease in the number of accidents caused by deer, because if people know they are not going to get paid for the damage, then they will be more careful. On the other hand one

gentleman said that if we protect the deer we should pay for the damage that they do. However, we also protect the pedestrians, and if you hit one of them who pays the damage to the pedestrian?

I hope the motion to indefinitely postpone this bill does not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. **TURNER**: Mr. Speaker and Members of the House: I would like to support the committee report. I cannot see any need, because you have a little bellyache, of running down here and wanting some money. I know I carry collision insurance on a couple of cars and a couple of trucks, and I think it is a good deal easier to get a settlement out of the insurance company on a little dent in your car than it would be to run down here and put in a claim. So I hope this motion does not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. **TOTMAN**: Mr. Speaker and Members of the House: I would like very much to second and endorse the statements made by the gentleman from Moose River Plantation, Mr. Watson. I had occasion, not too long ago, in the past two or three days, to get very close to this question of deer damage. I had a friend of my family who lives out of state who hit a deer on the Maine Turnpike. It was over two years ago they presented a claim and they never got a definite answer as to why that claim was never paid. So, just out of courtesy, I went down to the Department of Fish and Game and inquired, and I found out that the answer was very simple: "We just do not pay any claims to out of state cars." Well, that is fine. If it is the policy, it is the policy. But it seems rather strange to me that we advertise the State of Maine as Vacationland and urge people to come here and we pay our own residents deer damage to their cars, and our out of state guests, whose cars are probably just as valuable, have no recourse, they are just automatically refused.

Now I wish you would take seriously some of the comments of Mr. Watson, whom I happen to know

does a great deal of driving. I, too, in my business, do a great deal of driving on rural roads, and I have done a great deal of driving over the Air Line to Calais, and if you do not see at least one or two deer on that road every time you drive it I am very much surprised. I am firmly convinced that if you pay attention to your driving as you should and are not talking to some friend or listening to the radio, that if you see a deer and do not try to kill him yourself or try to hit him, you can stop; you do not have to try and keep on going; you can stop dead in your tracks and wait until the deer gets out of the way, or blow your horn and frighten him. But I have heard too many stories of people who live in such places as Chester and out of the way places where they brag about how they tried to run a deer down with a truck.

I think, members, that this bill has a great deal of merit, and I certainly hope that the indemnities will not continue to be paid.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: This issue has been pretty well covered, but I would like to see the House be consistent. I have heard quite a lot of talk in the last few days about thirty-three states having a sales tax. Now we have got one. And as no states are paying damage on deer why should we pay damage on deer? We should be consistent with other states, the same as we did here yesterday. But I have driven in the past years in the woodland roads which many of you know above Greenville. I used to maintain a winter road there and drove with an automobile before the State Highway Commission ever opened the highway for winter driving. I used to drive fifty thousand miles a year, year after year, and I never struck a deer in my life. I agree with the gentleman from Bangor, Mr. Totman, that a man who is driving and paying attention to his business there is no reason to hit a deer and that much of it is a racket. I hope that the motion of the gentleman does not prevail.

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

Mr. CARVILLE: Mr. Speaker and Members of the House: I do not believe that much can be added. Mr. Watson covered this very well. I certainly do not want to see this bill indefinitely postponed. It is a good bill and it is a bill that the State needs. It will save us a lot of money; it will save the department a lot of headaches and the Legislature a lot of time.

I sincerely hope that the motion of the gentleman does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Lacharite.

Mr. LACHARITE: Mr. Speaker and Members of the House: I kind of hesitate to rise on this question because I come from a section where there are not too many deer and therefore the claims are relatively few. But I have been quite close to the Department of Inland Fisheries and Game, and in checking with them I find that there are cases where the same person has had as many as four claims in one year. I think that this is going a little bit too far, although there may be some cases that are justified. I think that this thing should be done away with, and I hope that the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Hudson, Mr. Chaples.

Mr. CHAPLES: Mr. Speaker and Members of the House: I am in a section where there are a lot of deer and I know that a lot of them are run down intentionally. I also know that there are a whole lot of legitimate claims where they could not avoid hitting the deer if they wanted to. Now in the same section that Mr. Rollins is telling about, perhaps years ago there might have been a lot of deer in that section, but today you can drive all night long and not see a deer.

Four years ago there was a bill presented in this Legislature where they intentionally ran into a deer, and I knew it, and I refused to bring the claim in. Well, Freeman Wight brought it in. He had no reason to bring it in. But it didn't

pass. Now that is still in the Legislature today; it is still before us. However, these claims on these deer are not investigated soon enough. Sometimes it is four or five days before the warden can get there. On this particular claim that I told you about they ran into the deer intentionally and hauled him around two days. Then they notified the warden and the warden came and got it. I don't know what he did do with it.

Now I am not in favor of the indefinite postponement of this bill, although I do think that our wardens should take care of these claims and investigate them a good deal earlier and find out actually what has been done. Therefore I am not going along with the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Plummer.

Mr. PLUMMER: I think, Mr. Speaker, the subject has been pretty well covered, but I would just like to bring to your attention that this money that is being paid for these claims is not being paid from the general fund of the State, not being paid by the State as a whole: the money comes from the money that is paid for hunting and fishing licenses, it comes from that comparatively small group. As the gentleman from Hudson, Mr. Chaples, has said, if the department was freed from having to pay such large sums in claims they would have more money, they could have better warden service and no doubt a lot of these things could be alleviated.

The matter of fair play has been brought up. I see no reason why, if the State is obliged to pay for hitting a deer, since the deer, they say, is owned by the State, why the State could not collect for damage to their own property. I therefore hope that the motion of the gentleman will not prevail.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Livermore, Mr. Boothby, that Bill "An Act Prohibiting Claims of Damage to Motor Vehicles by

Wild Animals and Birds" (H. P. 1759) (L. D. 1303) be indefinitely postponed.

All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion to indefinitely postpone did not prevail.

Thereupon the bill was given its third reading, passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, before moving to adjourn, I ask unanimous consent to address the House briefly on a matter of procedure.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, requests unanimous consent to address the House. Is there any objection? The Chair hears none, and the gentleman may proceed.

Mr. CHASE: Mr. Speaker, I think it is the right and the duty of the members of the House who have matters under unfinished business to protect their position on the calendar by objecting, if they see fit, to having brought before them any controversial matter which will result in delaying their own right to take up their own matter. I hope they will do so. Hereafter, when unanimous consent is asked to take up a matter out of order, it seems to me that the member making the request should either show that action at that time is necessary to expedite legislation or that it is a matter which does not involve controversy. I repeat: I think it is the duty of the individual members to protect their own position on this calendar of unfinished business.

Now, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the House do now adjourn until Monday, April 30th at 3:30 p.m. Eastern Standard Time. Is this the pleasure of the House?

The motion prevailed and the House so adjourned.