

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

Thursday, May 3, 1951

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

Prayer by the Rev. Mr. Christopher of Augusta.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the following bill be recalled from the Engrossing Department to the Senate:

Bill, "An Act Relating to Signals for Stopping and Turning Motor Vehicles" (H. P. 93) (L. D. 38) (S. P. 570)

Came from the Senate read and passed.

In the House: The Order received passage in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the following bills be recalled from the Engrossing Department to the Senate:

(H. P. 742) (L. D. 428) "An Act to Incorporate the Public Loan Corporation of Portland."

(H. P. 743) (L. D. 429) "An Act to Incorporate the Public Loan Corporation of Bangor."

(H. P. 744) (L. D. 430) "An Act to Incorporate the Public Loan Corporation of Lewiston."

(H. P. 319) (L. D. 185) "An Act to Incorporate Town Finance Corporation."

(H. P. 1052) (L. D. 632) "An Act to Incorporate the Exchange Finance Corporation."

(H. P. 1111) (L. D. 691) "An Act to Incorporate the Rumford Finance Co., Inc." (S. P. 571)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Liquor Control on Bill "An Act relating to Retail Store Liquor License in Unincorporated Places" (S. P. 84) (L. D. 111) which was re-

committed reported leave to withdraw as it is covered by other legislation.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass with Committee Amendment

Report of the Committee on Highways on Bill "An Act Clarifying Certain Highway Laws" (S. P. 478) (L. D. 1142) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report 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. 478, L. D. 1142, Bill "An Act Clarifying Certain Highway Laws."

Amend said Bill by striking out, in the section numbered "7-D", the underlined words "**public roads administration**" wherever they appear and inserting in place thereof the underlined words '**Bureau of Public Roads, Department of Commerce**'

Further amend said Bill by inserting, in the section numbered "7-F", after the underlined word "**alignment**" the underlined word '**of**'

Further amend said Bill by striking out, in the 1st sentence of the section numbered "7-H", the underlined word "**herein**" and inserting after the underlined word "**provided**" the underlined words '**in this chapter**'

Further amend said Bill by striking out, in the 1st sentence of the section numbered "7-J", the underlined word "**hereof**" and inserting in place thereof the underlined words '**of this chapter**'

Further amend said Bill by striking out, in the 2nd sentence of the section numbered "7-J", the underlined word "**section**" and inserting in place thereof the underlined word '**chapter**'

Further amend said Bill by striking out, in the 4th sentence of the

section numbered "7-K", the underlined words "3 public places" and inserting in place thereof the underlined words '1 conspicuous place'

Further amend said Bill by striking out all of the section numbered "8-H" and inserting in place thereof the following:

'Sec. 8-H. State liable for certain judgments recovered against towns and counties on account of defects in state and state aid highways and for attorney fees, costs and expenses in defending. The state shall be liable to towns and counties for any judgment recovered in any action against such town or county and for reasonable attorney fees, costs and expense incurred in defending such action under the provisions of sections 88 to 92, inclusive, of chapter 84, but only when pertaining to those state and state aid highways to the improvement of which the state has contributed; or to which sections 46 or 50 may apply; provided, however, that within 24 hours after any of the various officials mentioned in said section 88 of chapter 84 first has notice of such defect or want of repair or sufficient railing, such officials shall give written notice thereof to some member of the commission; provided also that within 10 days after any of the various officials mentioned in said section 88 first has notice of any injury to any person, such officials shall give written notice thereof to some member of the commission; provided also that the state shall not be liable for any injury sustained upon the sidewalk of any such state or state aid highway or sustained during the construction of such state or state aid highway within its limits; provided also that the state shall not be liable for any injury under the provisions of this section in an amount exceeding \$4,000; provided also that any sums recoverable under the provisions of section 93 of chapter 84 shall be deducted from the judgment against such town or county in determining the liability of the state under the provisions of this section. The commission may appear and take upon itself the defense of any action affecting the liability of the state under the provisions of this section.'

All judgments, fees, costs and expenses reimbursable to towns and counties under the provisions of this section shall be a proper charge against the fund for maintenance.'

Further amend said Bill by adding at the end thereof 2 additional sections to read as follows:

'Sec. 9. R. S., c. 19, §91, amended. The 1st sentence of section 91 of chapter 19 of the revised statutes is hereby repealed and the following 3 sentences enacted in place thereof:

'The state highway commission, county commissioners and municipal officers are authorized to promulgate such reasonable rules and regulations as in their judgment may be necessary to insure the proper use and to prevent abuse of all highways under their maintenance or supervision by motor driven and animal drawn vehicles during such seasons of the year as said highways require such special protection. These rules and regulations shall be kept on file. The state highway commission shall designate state and state aid highways and improved 3rd-class highways and bridges, or sections thereof, over which, during such periods of each year as may be determined by the commission, it shall be unlawful for any motor truck or other vehicle or team to pass having a weight, with or without load, exceeding that prescribed by said commission; or to pass except according to restrictions as to weight, speed, operation and equipment prescribed by the commission and pursuant to its permit or notice.'

Sec. 10. R. S., c. 84, §§126 and 127, repealed. Sections 126 and 127 of chapter 84 of the revised statutes are hereby repealed.'

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

Report of the Committee on Judiciary on Bill "An Act Authorizing Mainente School of Music to Confer Degrees" (S. P. 116) (L. D. 206) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith

Came from the Senate with the Report 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. 116, L. D. 206, Bill "An Act Authorizing Mainente School of Music to Confer Degrees."

Amend said bill by adding at the end thereof before the period the following:

' and who have a high school diploma or a state high school equivalency certificate issued by the commissioner of education of the Maine State Department of Education.'

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

Ought to Pass in New Draft Senate Amendment Adopted

Report of the Committee on Public Utilities on Bill "An Act relating to Private Carriers in Operating Motor Trucks for Hire" (S. P. 441) (L. D. 1004) which was recommitted reporting same in a new draft (S. P. 566) (L. D. 1356) under same title and that it "Ought to pass"

Came from the Senate with the Report 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 was read twice.

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

SENATE AMENDMENT "A" to S. P. 566, L. D. 1356, Bill "An Act Relating to Private Carriers in Operating Motor Trucks for Hire."

Amend said Bill by striking out, in the 6th, 7th, 8th and 9th lines thereof, the underlined words "**unless such ownership is for the purpose of avoiding regulation as a carrier for hire, which shall be presumed to be the purpose unless**" and inserting in place thereof the underlined word 'if'

Senate Amendment "A" was adopted in concurrence, and the Bill was assigned for third reading tomorrow morning.

Non-Concurrent Matter

From the Senate:

Bill "An Act relating to Hunting and Fishing by Certain Persons"

(H. P. 314) (L. D. 172) on which the House substituted the Bill for the "Ought not to pass" Report of the Committee on Inland Fisheries and Game and passed the Bill to be engrossed as amended by House Amendment "A" on April 27.

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

In the House:

The **SPEAKER**: The Chair recognizes the gentleman from Bridgton, Mr. March.

Mr. **MARCH**: Mr. Speaker and Members of the House: I introduced this bill and since I just don't like the sound of a motion to recede and concur, I am going to move indefinite postponement.

The **SPEAKER**: The gentleman from Bridgton, Mr. March, moves that Bill "An Act relating to Hunting and Fishing by Certain Persons" be indefinitely postponed.

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

A viva voce vote being taken, the motion prevailed, and the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

From the Senate:

Resolve in favor of Emile Couillard of Auburn (H. P. 1567) (L. D. 1333) on which the House substituted the Resolve for the "Ought not to pass" Report of the Committee on Claims and passed the Resolve to be engrossed as amended by House Amendment "A" on April 27.

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

In the House:

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

Mr. **JACOBS**: Mr. Speaker, this is a small matter, but I would like to move that the House insist and ask for a Committee of Conference on this matter.

The **SPEAKER**: The gentleman from Auburn, Mr. Jacobs, moves that the House insist upon its former action and request a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

From the Senate:

Resolve Proposing an Amendment to the Constitution Providing for Additional Signers for Direct Initiative of Legislation (H. P. 1114) (L. D. 694) which was finally passed in the House on April 12 and passed to be engrossed as amended by Committee Amendment "A" on April 4.

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

Mr. CHASE: Mr. Speaker, I wish to make such motions as may be necessary in order to concur with the Senate in the adoption of the Senate Amendment and the passage of the Resolve to be engrossed as so amended.

Thereupon, on motion of Mr. Chase, the House voted to recede from its former action whereby it finally passed the Resolve on April 12th.

The House then voted to recede from its former action whereby it passed the resolve to be engrossed on April 4th.

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

SENATE AMENDMENT "A" to H. P. 1114, L. D. 694, Resolve, Proposing an Amendment to the Constitution Providing for Additional Signers for Direct Initiative of Legislation.

Amend said Resolve by striking out the 2nd and 3rd paragraphs thereof and inserting in place thereof the following paragraphs:

Constitution, Art. IV, Part Third, §18, amended. Section 18 of Part Third of Article IV of the constitution is hereby amended to read as follows:

'Section 18. The electors may propose to the legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the state constitution, by written petition addressed to the legislature or to either branch thereof and filed in the office of the secretary of state

or presented to either branch of the legislature within forty-five days after the date of convening of the legislature in regular session. Any measure thus proposed by [not less than twelve thousand] electors, the number of which shall not be less than ten percent of the total vote for governor cast in the last gubernatorial election preceding the filing of such petition, unless enacted without change by the legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next general election to be held not less than sixty days after the first vote thereon be submitted by itself if it receives more than one-third of the votes given for and against both. If the measure initiated is enacted by the legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The legislature may order a special election on any measure that is subject to a vote of the people. The governor may, and if so requested in the written petitions addressed to the legislature, shall, by proclamation, order any measure proposed to the legislature [by at least twelve thousand electors] as herein provided, and not enacted by the legislature without change, referred to the people at a special election to be held not less than four nor more than six months after such proclamation, otherwise said measure shall be voted upon at the next general election held not less than sixty days after the recess of the legislature, to which such measure was proposed.'

Further amend said Bill by striking out the 3rd paragraph from the end thereof and inserting in place thereof the following paragraph: "Shall the constitution be amended as proposed by a resolution of the legislature providing that direct initiative of legislation shall re-

quire not less than 10% of the total vote for governor as cast in the last previous gubernatorial election?"

Thereupon, Senate Amendment "A" was adopted and the Resolve was passed to be engrossed as amended by Committee Amendment "A" and by Senate Amendment "A" in concurrence.

The SPEAKER: The Chair appoints, on the disagreeing action on Resolve in favor of Emile Couillard of Auburn (H. P. 1567) (L. D. 1333) the following conferees: The gentleman from Auburn, Mr. Jacobs, the gentleman from Auburn, Mr. Turner, and the gentleman from Turner, Mr. Ricker.

Non-Concurrent Matter

From the Senate:

Bill "An Act relating to the Salary of the Mayor of the City of Lewiston" (S. P. 313) (L. D. 664)

Came from the Senate with that body voting to insist on its former action whereby it passed the Bill to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" and asking for a Committee of Conference and with the following conferees appointed on its part:

Messrs. BOUCHER of Androscoggin
DENNETT of York
TABB of Kennebec

In the House:

The SPEAKER: The Chair awaits a motion.

On motion of Mr. Cote of Lewiston, the House voted to insist and join in a Committee of Conference.

Messages and Documents

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER
AUGUSTA

May 2, 1951

Hon. Harvey R. Pease
Clerk of the House of
Representatives
95th Maine State Legislature
Dear Sir:

The President of the Senate today appointed the following conferees on the part of the Senate on disagreeing actions of the two Branches of the Legislature on—

Bill, "An Act to Repeal the Charter of the Bay Point Village Corporation." (H. P. 1183) (L. D. 738)

Senators:

Sen. WEEKS of Cumberland
Sen. HASKELL of Penobscot
Sen. ELA of Somerset

Bill, "An Act Repealing the Merit Award Board." (H. P. 1252) (L. D. 826)

Senators:

Sen. WARD of Penobscot
Sen. HASKELL of Penobscot
Sen. BARNES of Aroostook

Very truly yours,

(signed)

Chester T. Winslow
Secretary of Senate

The Communication was read and ordered placed on file.

The gentleman from Portland, Mr. Burkett, was granted unanimous consent to address the House.

Mr. BURKETT: Mr. Speaker, earlier in the session I introduced a bill having to do with composite certificates of corporations, which was referred to the Judiciary Committee, reported out unanimously and finally enacted and signed by the Governor.

An error along the line somehow was made in the bill in that it placed the new act under the wrong section of the statutes. I have accordingly had a new bill prepared by Mr. Slosberg and I ask unanimous consent for its introduction.

The SPEAKER: The gentleman from Portland, Mr. Burkett, requests unanimous consent to introduce a new bill. The Clerk will read the title of the bill.

The CLERK: (reading)

Bill "An Act Relating to Composite Certificates of Organization of Corporations." (H. P. 1796)

The SPEAKER: Does the Chair hear any objection to the introduction of the bill? The Chair hears no objection, and the bill is admitted.

On motion of Mr. Burkett, under suspension of the rules, the bill was given its first two readings without reference to a committee.

On further motion of Mr. Burkett, the bill was ordered printed and assigned for third reading tomorrow morning.

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

Orders

On motion of Mr. Senter of Brunswick, it was

ORDERED, that Rev. Thompson E. Ashby of Brunswick, be invited to officiate as Chaplain of the House on May 4, 1951.

House Reports of Committees Leave to Withdraw

Mr. Edwards from the Committee on Towns and Counties on Bill "An Act relating to Students at Opportunity Farm, New Gloucester" (H. P. 205) (L. D. 127) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Farley from the Committee on Highways reported "Ought not to pass" on Bill "An Act relating to Controlled Access Highways" (H. P. 464) (L. D. 284)

Mr. Lackee from the same Committee reported same on Bill "An Act to Authorize the Construction of a Bridge Across the Penobscot River" (H. P. 184) (L. D. 115) as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Lackee from the Committee on Highways reported "Ought not to pass" on Bill "An Act to Authorize the Construction of a Bridge Across the Androscoggin River" (H. P. 462) (L. D. 282)

Report was read.

(On motion of Mr. Jacobs of Auburn, tabled pending acceptance of Committee Report and specially assigned for Tuesday, May 8th)

Mr. Spear from the Committee on Highways reported "Ought not to pass" on Bill "An Act to Provide for the Issue of State of Maine Highway Bonds for the Construction of State Highways" (H. P. 1078) (L. D. 681)

Same gentleman from the same Committee reported same on Bill "An Act relating to Controlled Access Highways" (H. P. 1342) (L. D. 917)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Lackee from the Committee on Highways on Bill "An Act to Authorize the Construction of a Bridge Across the Penobscot River Between the Cities of Bangor and Brewer" (H. P. 1081) (L. D. 684) reported same in a new draft (H. P. 1795) (L. D. 1363) under title of "An Act to Authorize the Construction of a Toll Bridge Across the Penobscot River Between the Cities of Bangor and Brewer" and that it "Ought to pass."

Mr. Chase from the Committee on Inland Fisheries and Game on Resolve Regulating Open Season for Fishing in Somerset County (H. P. 1416) (L. D. 1024) reported same in a new draft (H. P. 1794) (L. D. 1362) under title of Resolve Regulating Fishing in Somerset County and that it "Ought to pass".

Reports were read and accepted, and the Bill and Resolve, having already been printed, the Bill was read twice under suspension of the rules, the Resolve read once, and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Chaples from the Committee on Highways reported "Ought to pass" on Resolve in favor of Indian Island for Construction and Repair of Roads (H. P. 969) (L. D. 798)

Mr. Parker from the same Committee reported same on Bill "An Act relating to Method of Issuance of State Highway and Bridge Bonds" (H. P. 1197) (L. D. 761)

Same gentleman from the same Committee reported same on Bill "An Act relating to the Operation of Trucks During the Months of December, January and February" (H. P. 1473) (L. D. 1193)

Reports were read and accepted and the Bills and Resolve having already been printed, the Bills were read twice under suspension of the rules, the Resolve read once, and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Chaples from the Committee on Highways on Bill "An Act relating to Installations in Public

Highways" (H. P. 1528) (L. D. 1121) 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. 1528, L. D. 1121, Bill An Act Relating to Installations in Public Highways."

Amend said Bill by inserting after the word "district" in the 12th line thereof the underlined words 'or to underground pipe lines'

Committee Amendment "A" was adopted and the Bill was assigned for third reading tomorrow morning.

Mr. Farley from the Committee on Highways on Bill "An Act relating to Clearance Markings on Railroad and State Highway Overpasses" (H. P. 1531) (L. D. 1124) 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. 1531, L. D. 1124, Bill "An Act Relating to Clearance Markings on Railroad and State Highway Overpasses"

Amend said bill by striking out "7-A" wherever it occurs and inserting "7-M" in place thereof.

Further amend said bill by adding at the end of the second paragraph thereof, the following underlined sentences: 'The same requirements shall apply to highway bridges when the vertical underclearance is limited by the portal, bracing or other structural members. This section shall apply only when the vertical clearance is less than 14 feet 6 inches. The clearance indicated is to be the normal summer clearance.'

Further amend said bill by inserting after the underlined words "railroad overpasses" in the second line of the paragraph lettered "93-A" the underlined words, 'which pass over highways', and by adding at

the end of said paragraph the following underlined words, 'This section shall apply only when the vertical clearance is less than 14 feet 6 inches. The clearance indicated is to be the normal summer clearance.'

Thereupon, Committee Amendment "A" was adopted, and the Bill was assigned for third reading tomorrow morning.

Mr. Lackee from the Committee on Highways on Bill "An Act relating to Entrances to Highways" (H. P. 1529) (L. D. 1122) 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 then read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 1529, L. D. 1122, Bill "An Act Relating to Entrances to Highways"

Amend said Bill by striking out the underlined word "access" in the 12th line thereof and inserting in place thereof the following underlined words: 'reasonable ingress and egress'

Thereupon, Committee Amendment "A" was adopted, and the Bill was assigned for third reading tomorrow morning.

Mr. Parker from the Committee on Highways on Bill "An Act to Increase the Salaries of Members of the State Highway Commission" (H. P. 1080) (L. D. 683) 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. 1080, L. D. 683, Bill "An Act to Increase the Salaries of Members of the State Highway Commission."

Amend said Bill by striking out the underlined figures "\$4,500" in the 5th line thereof, and inserting in place thereof the underlined figures '\$4,000'

Committee Amendment "A" was adopted and the Bill was assigned for third reading tomorrow morning.

Mr. Parker from the Committee on Highways on Bill "An Act relating to Temporary Loans for Highway Purposes" (H. P. 1258) (L. D. 832) 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. 1258, L. D. 832, Bill "An Act Relating to Temporary Loans for Highway Purposes."

Amend said Bill by striking out the words "after the 1st sentence" in the 1st paragraph thereof and inserting in place thereof the words: 'at the end thereof'

Further amend said Bill by striking out in the 2nd paragraph thereof, wherever it occurs, the underlined word "calendar" and inserting in place thereof the underlined word 'fiscal'

Further amend said Bill by striking out at the end thereof the underlined words "derived from the gasoline tax" and inserting in place thereof the underlined words 'credited to the general highway fund during that fiscal year'

Thereupon, Committee Amendment "A" was adopted and the Bill was assigned for third reading tomorrow morning.

Mr. Frechette from the Committee on Inland Fisheries and Game on Resolve Closing All Tributaries to Lake Moxie, Somerset County, to All Fishing (H. P. 1612) (L. D. 1172) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 1612, L. D. 1172, Resolve, Closing All Tributaries to Lake Moxie, Somerset County, to All Fishing.

Amend the title of said Resolve by striking out the word "All" where it first appears therein, and inserting in place thereof the word 'Certain'

Further amend said Resolve by adding before the period at the end thereof the following words: 'except Alder stream, Big Sandy stream and Baker stream'

Committee Amendment "A" was adopted and the Resolve was assigned for second reading tomorrow morning.

The SPEAKER: The Chair at this time will appoint the gentleman from South Portland, Mr. Fuller, Speaker pro tem, and the Assistant Sergeant-at-Arms will escort the gentleman to the rostrum.

Thereupon, the Assistant Sergeant-at-Arms escorted Mr. Fuller to the rostrum, where he assumed the Chair amid the applause of the House, and Speaker Silsby retired.

Passed to be Engrossed

Bill "An Act relating to Depositing Rubbish on Another's Land" (S. P. 103) (L. D. 154)

Bill "An Act relating to Disclosure Commissioners" (S. P. 439) (L. D. 1002)

Bill "An Act relating to the Town of York School District" (S. P. 568)

Bill "An Act relating to Certain Structures Used by the Public as Spectators" (H. P. 1651) (L. D. 1221)

Resolve Authorizing Maine General Hospital to Convey Certain Lands to Maine Medical Center (S. P. 547) (L. D. 1288)

Resolve in favor of George S. Bradbury, of West Franklin (H. P. 1483) (L. D. 1090)

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.

The SPEAKER pro tem: The Chair notes in the balcony of the Hall of the House the presence of the Problems of Democracy Class of Jay High School, under the leadership of Principal Norman Smith.

In behalf of the House, the Chair bids you a cordial welcome. (Applause)

Amended Bill

Bill "An Act relating to Uniforms for Members of Police Department of the City of Lewiston" (H. P. 1587) (L. D. 1159)

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

At this point Speaker Silsby returned to the rostrum.

The SPEAKER: Mr. Fuller, in order that you may have something with which to remember this occasion, may I present you with this little gavel.

Mr. FULLER: Thank you, Mr. Speaker.

Thereupon, Mr. Fuller retired to his seat on the floor, amid the applause of the members, and Speaker Silsby resumed the Chair.

Finally Passed

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)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

Tabled

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. JACOBS: Mr. Speaker, in behalf of the Appropriations Committee, these resolves carry considerable money, Items 4 and 5. I move that these two resolves be placed on the table temporarily.

We are not against those resolves, but just for this purpose I move that they be tabled temporarily.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves that Resolve Providing for State Pension for Mrs. Minnie Fenderson of Saco lie on the table pending final passage. Is this the pleasure of the House?

The motion prevailed, and the resolve was so tabled.

Tabled

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves that Resolve to Compensate Edwin Blanche of Augusta for Personal Injuries lie on the table pending final passage. Is this the pleasure of the House?

The motion prevailed and the resolve was so tabled.

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)

Resolve in favor of C. H. Mal-lory of Strong (H. P. 1569) (L. D. 1334)

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)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day

The SPEAKER: The Chair lays before the House Special Order of Business, House Order re special calendar for Appropriation Matters, pending passage.

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

Mr. WOODWORTH: Mr. Speaker, I introduced this order yesterday because it seemed that we had arrived at a point where there were quite a few appropriation bills

coming up for enactment or engrossment, and nobody seemed to know just how they were going to fit into the financial program.

The order has been customary in the past. If the House thinks it will be useful this year, I will be glad if they vote for it; if they don't think so, they can vote against it; I have no personal feelings one way or the other.

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

Mr. CHASE: Mr. Speaker, it had been my intention, when the matter of taxation had been disposed of one way or the other, so that the House could know what money, if any, might be available to take care of certain appropriations bills, to suggest to the Appropriations and Financial Affairs Committee that it make a report to the House on pending bills involving appropriations, including an estimate of a supplemental appropriation bill which may be necessary, and that such report might show the estimated revenue, the amount which had already been appropriated or would have to be appropriated, and the balance, the estimated balance, available, if any, for other bills carrying appropriations.

Obviously, until the question of taxation is disposed of, such a summary could not be made.

The Republican members of the House will remember, and I think the others will remember, if they read the newspaper account of the Republican Caucus, that a procedure was agreed upon by which, at some time, some committee would recommend to the House the order in which such appropriation bills should be considered, having in mind that the House ought to know the order in which the bills were coming up, so that with the knowledge of the approximate amount available, and with the further knowledge that some bills would have to be passed and some would have to be defeated, they could vote more intelligently in the selection of the bills which they wanted to pass.

Obviously, as I say, such a report could not be made at the present moment with any assurance, but it had always been my intention that

the Committee on Appropriations and Financial Affairs should recommend to the House, in such a report, the order in which the bills should be taken up, so that the House itself might have an opportunity to consider this recommendation as priority for its consideration.

I have no objection to the House passing this order if it sees fit to do so, but I must call to the attention of the House the language of the order. The order gives any member of the Appropriations Committee, not the committee, but any member of the committee the right to table a bill which carries or requires an appropriation when it has reached the stage of being passed to be engrossed or passed to be enacted.

There are a great many bills here which require an appropriation, if the word is used in its broadest sense. There are many bills which require an appropriation where the appropriation is a relatively small part of the bill. For example, a bill was tabled yesterday which carries a provision that if certain work is done, somebody will be paid \$20 a day. Now that \$20 is a pretty small part of the bill itself, and those who are interested in the major content of the bill should bear in mind that these words "requiring an appropriation" are capable of pretty liberal interpretation.

I want to point out, too, that under the language of the order, any member of the Appropriations Committee can table, and any member of the Appropriations Committee can remove from the table the items on this proposed special calendar. Under the language of the order it does not have to be the same member who takes it from the table. It does not require authorization on the part of the committee of the manner of consideration. Ordinarily, if someone tables one of our bills, we see that particular person in regard to his plans for taking up the matter. Under the language of this order, if an appropriation measure was put on this Special Calendar by Member A, it could be taken from this calendar by Member B of the Appropriations Committee.

I think the Appropriations Committee should have the responsibility for bringing the information in this House to enable the House to consider these matters intelligently. I would be glad if the Appropriations Committee would list all the bills which it contemplates bringing within the scope of this order or at this time at least give us an explanation of their own interpretation of the order and how far they intend to carry the authority which the order gives. These small claims, for example, I think one item was tabled yesterday requiring about \$61. It looked like an item where the State owes the man \$61. I should think, if we owed \$61, we ought to pay it, whether we have the large amount of money or not. I would hope that those small claims, if the State really owes the money, could go along and not be snarled up with the others in the Special Calendar.

Now the point here is simply one of responsibility, and speaking for myself, and if the gentleman from Orono, Mr. Bates, doesn't agree with me, he can speak for himself, obviously I cannot accept the responsibility for the order in which these bills are called up if I don't have anything to say about it, because they are on the Appropriations Committee's Special Calendar. I don't object to that at all, but I simply want to make it clear to the House that if the order is passed, and some of their pet measures are involved in this calendar, that those to whom they should go for the order of bringing them up would be the members of the Appropriations Committee and presumably all of the members of the Appropriations Committee.

This order, I believe, is in the language in which it passed at the last session. At the last session we had to kill all the bills. This time our hope is, at least, that we can select certain bills which can be passed, and with that explanation of my position with respect to the order, I leave the matter entirely in the hands of the House.

The SPEAKER: The question before the House is on the passage of the order.

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

Mr. WOODWORTH: Mr. Speaker, I am not in a position to state what the Appropriations Committee thinks about the order, but I would like to express to the gentleman from Cape Elizabeth (Mr. Chase) my sincere thanks for his remarks concerning the Resolve in Favor of Mrs. Florence Goodwin, which carries with it a payment of \$61.80. That was introduced by the gentleman from Clinton at my request, and it is really one of my resolves, and I am glad to have his endorsement. (Laughter)

The SPEAKER: The question before the House is on the passage of the order.

The Chair recognizes the gentleman from Presque Isle, Mr. Jamieson.

Mr. JAMIESON: Mr. Speaker and Members of the House: If I should be in order, I would like to move the passage of this order.

The SPEAKER: The gentleman from Presque Isle, Mr. Jamieson, moves that the order have a passage.

All those in favor that the order receive a passage will say aye; those opposed will say no.

A viva voce vote was doubted.

Mr. JALBERT of Lewiston: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. JALBERT: I would like to speak on the order, Mr. Speaker.

The SPEAKER: The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: It certainly is not my intention to take issue with any member of the House, particularly with the gentleman from Cape Elizabeth, Mr. Chase.

Returning to the order yesterday that was tabled, that had a \$61 price tag on it, I might state this: That for the past few days some of us have taken these enactors and thought out what the figures would be, and yesterday morning, for instance, there were four enactors of bills that had been introduced through the Senate. Those were left to ride into the Senate, and the other four that were tabled were House Papers. The one of \$61 naturally was a small amount. I did not have the amount at the time. Another measure that was

tabled will be lifted and will be passed on because it calls for no revenue, but the other two matters that were tabled called for large sums of money, one of them for \$190,000 and the other for \$188,000, House Papers. There has been a question that those matters necessarily should be tabled.

This morning seven enactors out of the ten enactors called for money. Five of them were small amounts, two of them, the first one \$500 each year, the second one, \$3,000, a claim, Resolve to Compensate Edwin Blanche. The thought behind this might be that if the committee had this Special Calendar, and I might say at the outset that in the six years that I have been here there has been such a calendar, and I well recall four years ago when the now Senator Brewer was House Chairman of the committee and two years ago when Harry Brown was House Chairman, the work of taking off the table was left to him. There was certainly no discord on the committee, but if you have these measures, it would be much simpler if they were sent over to the Senate, for instance, and if an amendment has to be put on or if they had to be killed, they would have to come back here, and we well know that in the closing hours of the session that we stand around waiting for bills to be engrossed and we wait for Senate Papers and the Senate waits for House Papers.

If we are going to expedite things, it might be advisable to have this, if you are going to have a clear and concise picture of what the picture is financially, it might be well to have this order.

I am certainly not speaking as a member of a certain party. I am speaking as a member of a certain committee which honestly is trying to do the job that they were charged with, and do it right, and I certainly hope that the order receives passage as in the past.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Jamieson.

Mr. JAMIESON: Mr. Speaker, I heard quite a few say "doubted." I ask for a division when the vote is taken.

The SPEAKER: The question before the House is on the passage

of the order for Appropriation Matters.

All those in favor of the order receiving a passage will please rise and remain standing —

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

Mr. CHASE: Mr. Speaker, in view of my neutral position in this matter, I ask to be excused from voting.

The SPEAKER: Is it the pleasure of the House that the gentleman from Cape Elizabeth be excused from voting on this particular matter?

Thereupon, Mr. Chase was excused from voting.

The SPEAKER: The question before the House is on the passage of the Special Order of Business, House Order re Special Calendar for Appropriations Matters.

All those in favor of the order receiving a passage will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Sixty-three having voted in the affirmative and twenty-eight having voted in the negative, the order received passage.

Mr. SPEAR of South Portland: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. SPEAR: Mr. Speaker, yesterday we concurred in a measure with the Senate, and I desire to ask unanimous consent to have reconsideration on this bill, in order that the committee might consider it again.

The SPEAKER: Does the gentleman wish to move reconsideration?

Mr. SPEAR: Yes, Mr. Speaker.

The SPEAKER: The gentleman from South Portland, Mr. Spear, moves that the House reconsider its action of yesterday, whereby it passed to be engrossed, as amended by Senate Amendment "A", Resolve Authorizing a Reclassification of the Highways, (H. P. 1780) (L. D. 1518). Is it the pleasure of the House to reconsider?

The motion prevailed, and on further motion of Mr. Spear, the resolve was tabled pending passage to be engrossed and specially assigned for Wednesday, May 9th.

The SPEAKER: The Chair now lays before the House the 1st item of unfinished business on today's calendar, Resolve in favor of the Town of New Sharon for School Building (H. P. 109) (L. D. 83) tabled on April 24 by the gentleman from New Sharon, Mr. Caswell, pending consideration; and the Chair recognizes that gentleman.

Mr. CASWELL: Mr. Speaker, if I be in order—I am not very clear in my mind about this special order; I couldn't hear the whole of it yesterday—but if it be in order, I move to retable this matter. I still want to be able to vote for this bill, if nobody else does.

The SPEAKER: The gentleman from New Sharon, Mr. Caswell, moves that Resolve in favor of the Town of New Sharon for School Building (H. P. 109) (L. D. 83) lie on the table pending consideration. Is this the pleasure of the House?

The motion prevailed and the Resolve was so tabled.

The SPEAKER: The Chair now lays before the House the 2nd item of unfinished business on today's calendar, Senate Report "Ought to pass" as amended by Committee Amendment "A", of the Committee on Transportation on Bill "An Act Relating to Penalties for Violation of Truck Weight Laws" (S. P. 460) (L. D. 1074) tabled on April 25 by the gentleman from Portland, Mr. Burkett, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. BURKETT: Mr. Speaker and Members of the House: This bill seeks to increase the penalties for violation of overloading trucks, and with that general proposition of stopping overloading trucks every good citizen, of course, is in full sympathy. The matter of overloading trucks is a matter of unfair competition with the railroads and with licensed truckmen, it is bad for our highways, and bad for everyone. I don't wish to be interpreted as speaking here in favor of any measure that would make it easier for people to overload trucks.

The present statute on overloading provides for a fine of not exceeding \$100 and for a jail sentence and in the southern part of the State, through the cooperation of

the State Police, the Public Utilities Commission and even the licensed truckmen, the matter of overloading has, I think everyone will agree, been reduced to a minimum.

This bill raises the penalties, and with that I have no particular objection. The only reason I tabled it was that as I read it I did not like, and do not still like, the mandatory feature of the bill which requires a Judge or a Trial Justice to impose a certain definite fine for a certain definite amount of overloading, thereby taking away from the court any discretion. While, as I say, the matter of overloading trucks is a very serious matter, it is not always true that it was deliberate, and there are in many instances factors which enter into it which would show that the overloading was not deliberate. There are many places in this State where there are no scales. A truckman sends a driver out for a load of merchandise and no shipper in the State ever, to my knowledge, overestimated the amount of the load which he was furnishing.

However, there have been called to my attention since I tabled this bill certain conditions existing in a certain section of the State, which are apparently getting no better from time to time and which would seem to require, in the minds of many people, the passage of this act, and because of that, and because I understand there are some amendments—at least one amendment that I know of in the House to be offered—and because certain agreements and commitments have been made which I was not informed of at the time I tabled it, I now move that the report of the committee be accepted.

The SPEAKER: The gentleman from Portland, Mr. Burkett, now moves that Senate Report "Ought to pass" as amended by Committee Amendment "A" be accepted in concurrence.

The Chair recognizes the gentleman from Bowdoinham, Mr. Jones.

Mr. JONES: Mr. Speaker, is it proper at this time to offer an amendment?

The SPEAKER: Not at the moment, the Chair would inform the gentleman. As soon as the report

is accepted and the Bill is read twice, it will be in order.

The question before the House is on the motion of the gentleman from Portland, Mr. Burkett, that the House accept the Senate Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Transportation on Bill "An Act Relating to Penalties of Violation of Truck Weight Laws."

All those in favor of accepting the report of the committee will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed, and the report was accepted in concurrence.

Thereupon, the bill was given its two several readings.

Committee Amendment "A" was then read by the Clerk as follows:
COMMITTEE AMENDMENT "A" to S. P. 460, L. D. 1074, Bill "An Act Relating to Penalties for Violation of Truck Weight Laws."

Amend said Bill by striking out the last underlined sentence of that part designated "Sec. 100-A" and inserting in place thereof the following underlined sentence:

'Neither the arresting officer, the state of Maine nor any political subdivision or agency thereof shall be responsible for loss or damage to such vehicle, its contents or any part thereof as a result of such unloading.'

Further amend said Bill by striking out the 6th, 7th and 8th lines of that part designated "Sec. 100-B".

Mr. Jones of Bowdoinham, then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE "A" to S. P. 460, L. D. 1074, Bill "An Act Relating to Penalties for Violation of Truck Weight Laws."

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

"Further amend said Bill by striking out the 2nd underlined blocked paragraph under that part designated "Sec. 100-B", which blocked paragraph reads as follows: "\$20 and costs of court when such

excess is 1,000 pounds or over but less than 2,000 pounds;"

and inserting in place thereof the following underlined blocked paragraph:

"\$20 and costs of court when the gross weight is in excess of the limits prescribed in section 100, provided such excess is 1,000 pounds or over but less than 2,000 pounds;"

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" was then adopted and the bill as amended in non-concurrence was assigned for third reading tomorrow morning.

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House of the Winterport High Junior and Senior Classes in Problems of Democracy, American History, under the supervision of Mrs. Gould and Mrs. Nelson. In behalf of the House, the Chair, at this time, bids you a cordial welcome. (Applause)

The SPEAKER: The Chair now lays before the House the 3rd item of unfinished business, House Report "Ought to pass" in New Draft, H. P. 1783, L. D. 1355, of 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, tabled on April 27, by the gentleman from Eustis, Mr. Carville, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. CARVILLE: Mr. Speaker and Members of the House: We have given this bill a lot of study in our committee. The department has been very cooperative and they have had many of the orchardists and the farmers in and we have tried to work out something that seems to be agreeable to most all concerned. Now, these crop damage claims are increasing rapidly here in Maine as they are in a few other states that have them. If the present trend is not interrupted, it is going to practically bankrupt the department. It is like the dog whose tail grew and grew until the dog was all tail.

In 1936, the department paid out \$4,037.23 for claims on deer damage.

That was to 211 gardens and orchards. In 1950, 14 years later, the department paid out \$79,918.14 for claims on deer damage to 9,061 gardens and orchards. Now, this represents the outstanding increase of \$5,347 every year since 1936. Granted that there must be a peak somewhere along the line and that we may have reached that peak, the claim of 1949 was slightly higher than in 1950. This sum of approximately \$30,000 annually is close to a ruinous figure for a single State department with increasing costs and increasing demands on the department in trend with the times.

Another phase of the problem is the increasing demand on our wardens' time and the increased mileage annually in chasing out these claims. At the present time, this occurs when the wardens should be occupied with their regular work of enforcing the fishing laws, our men in the Fish and Game Department are travelling annually 150,000 miles and spending 15,000 precious hours to protect gardens and orchards under these existing laws.

The laws in similar states that have no damage that have an abundance of deer, like Pennsylvania, New York, Michigan, Connecticut, New Jersey, Oregon and Washington pay no claims and in Wisconsin where they raise annually \$40,000, that covers all costs. In Massachusetts, they allow some payments for deer killed because of damage to the crops, they become the property of the commonwealth. Vermont and New Hampshire are the only states with similar laws to ours and these two states are as much concerned with this problem as we are and are trying to eliminate it. A bill was introduced into the New Jersey Legislature recently which met defeat based on the experience of Maine, New Hampshire and Vermont.

Keep in mind that from 1936 we have gone from a little over \$5,000 to practically \$80,000. It is easy to see that something has got to be done about it. It is abused. Many claims come in that take a lot of the wardens' time to fathom to the bottom of to find where the trouble is and we feel that we have got a good bill here; it gives a lot more privileges to the farmer than he

has ever had before; the orchardist can take care of his own trouble, the meat is his own, he can keep his deer meat and we have made it as lenient as we can with regard to the way he has to report it to the warden. I certainly hope that this will be given a fair trial. I think it will work out.

I understand there is an amendment to be offered and I will say while I am on my feet that from the committee's standpoint, we are glad to go along with the amendment. Thank you.

THE SPEAKER: Does the Chair understand that the gentleman moves the acceptance of the "Ought to pass" report?

MR. CARVILLE: That is right, Mr. Speaker.

THE SPEAKER: The gentleman from Eustis, Mr. Carville, moves that the House accept the "Ought to pass" in New Draft, H. P. 1788, L. D. 1355, report of 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.

The Chair recognizes the gentleman from Sebec, Mr. Parker.

MR. PARKER: Mr. Speaker and Members of the House: It gives me a great deal of pleasure to find one bill that has been presented by the Fish and Game Department where the farmers and orchardists, dairymen, and so forth of our State can really see eye to eye and I want to congratulate the gentleman from Eustis, Mr. Carville, for a very fine presentation of the facts of this bill that he has moved "Ought to pass."

I want to say that after many meetings of the fish and game associations of the State and representatives of the different branches of agriculture and the Department of Fish and Game that we believe this is the fairest bill that could be presented to take care of this situation. There are many things about this bill that we hope will work out better than appears but we are willing to see, as far as we are able, that it has a fair chance of success.

There is one point especially, I want to mention because two years from now we may have to do some revising. There is no chance for redress to any farmer or orchardist

or gardener or some of our large truck gardens down on the Cape, if, after doing everything in their power, to prevent deer damage and still having something that is large in that respect, there is no provision in this bill for him to be reimbursed in any way. I certainly had hoped that there would be some method proposed in this bill whereby they could present a fair claim for actual damage but that wasn't presented and rather than try to hold this up in any way, we are going along with this bill and we certainly will make every effort from the farmers' standpoint to see that this bill has an opportunity to prove that it will do the job and, if it will, we will do our best to see that it continues to do the job. But if we find at the end of two years there are some things that need to be revised, we will come back here and try to do that very job. And I wish to say that with this amendment that I expect will be offered, we want to go along and do everything we can that this meets with success.

The SPEAKER: The question before the House is on the motion of the gentleman from Eustis, Mr. Carville, that the House accept the "Ought to pass" in new draft, H. P. 1788, L. D. 1355, report of 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.

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

A viva voce vote being taken, the motion prevailed and the "Ought to pass" in new draft report was accepted.

Thereupon, the new draft having been printed, under suspension of the rules, was given its two several readings.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: I now offer House Amendment "A" to House Paper 1788, Legislative Document 1355 and move its adoption.

I would like to inquire, I think that I made a typographical error in this amendment where it says in the last paragraph "in the 1st line

of sub-section V", according to the printed bill it is sub-section IV.

The SPEAKER: Does the gentleman wish to examine the bill?

Mr. CENTER: Yes, Mr. Speaker.

The SPEAKER: Will the gentleman approach the rostrum, please?

The Clerk will read House Amendment "A" presented by the gentleman from Standish, Mr. Center.

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

HOUSE AMENDMENT "A" to H. P. 1788, L. D. 1355, Bill "An Act Relating to Crop and Orchard Damage by Deer"

Amend said Bill by inserting after the word "crop" in the 4th line of sub-section I the underlined words 'including legumes'.

Further amend said Bill by inserting after the word "crop" in the 1st line of sub-section II the underlined words 'including legumes'.

Further amend said Bill by inserting after the underlined word "crops" in the 1st line of sub-section V the underlined words 'including legumes'.

Thereupon, House Amendment "A" was adopted and the bill as amended was assigned for third reading tomorrow.

The SPEAKER: The Chair lays before the House the 4th item of unfinished business, Majority Report "Ought not to pass" and the Minority Report "Ought to pass" of the Committee on Sea and Shore Fisheries on Bill "An Act Regulating the Taking of Marine Worms," H. P. 1131, L. D. 698, tabled on April 30 by the gentleman from Damariscotta, Mr. Gay, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. GAY: Mr. Speaker, I now move the acceptance of the minority report "Ought to pass."

The SPEAKER: The gentleman from Damariscotta, Mr. Gay, moves that the House accept the minority report "Ought to pass" of the Committee on Sea and Shore Fisheries on Bill "An Act Regulating the Taking of Marine Worms," H. P. 1131, L. D. 698.

The Chair recognizes the same gentleman.

Mr. GAY: Mr. Speaker and Members of the House: It was stated here earlier in the session this morning that this was a humane House. I agree with that thoroughly. This House in a large majority is composed of men from the rural areas who have an opportunity to think clearly on topics and to give to them a sense of justice. They do this because they are protecting their heritage that their forebears have given them and I say justice when I speak of this group, I speak of men who follow the plow, who have time to think on topics which are of vast import to perhaps a minority, that that minority group, in some cases, will be given just consideration.

In this particular case, it is a very small minority group, a group of young men who are residents of this State of Maine who are willing to go down to the flats of the sea shore and in the muck and the mire attempt to earn a living for their families rather than have to call upon the relief rolls of the State when we have a depression period. There are only 368 of these men in this entire State. They buy from the State of Maine a \$3.00 license for the privilege of going to the sea shore below the clam area and endeavor to protect their families. It is a new industry. It is something that many of you have not heard of until extremely recently.

Now, I have had displayed on my desk and I have moved about the different sections of the House the last several days with two bottles of these so-called marine worms of which I am going to speak this morning. One is the sand worm which we saw displayed here in this vial, known as *neresis*. He is an elongated fellow with a lot of little feelers sticking out of his side. The other one is the glycera, which is this little fellow here known as the bloodworm. In both instances these are dug from the mire and the flats next to the lowest point of the tide for the purpose of being shipped along the Atlantic Coast from Florida to Massachusetts for the one purpose of the sports fishermen.

It has been discovered that the sand worm or marine worms, using the plural, is a bait which the striped bass along our Atlantic seaboard go into the surf for and dig their nose down into the sand and the muck for their food. Naturally that would be the correct bait for the sports fisherman and commercial fishermen along our coast to use. They are not found anywhere except on the Maine coast in such quantities that it becomes of commercial value for any other state on our Atlantic seaboard to take these worms.

As you well know, the balance of our Atlantic seaboard is composed of ledge, gravel and sand. Fortunately the ebb and flow of the tide on our tributaries and on our coast here in the State of Maine is such that there are large areas of the marine flats left open at low water.

I said a few minutes ago that this was a House of justice, and I am sure that this fine group of members who are sitting here before me today as my colleagues and my friends are going to give careful consideration to the passage of this bill despite the majority report that it should not pass, for this reason: You are not going to allow, I am sure, this fine stalwart group of students of American democracy which we have here in the gallery as our visitors this morning to go home, go back to their classes and to their homes and to be disillusioned by a decision that a minority group of citizens of the State of Maine should be deprived of earning their livelihood and thrown upon the relief rolls to the tune of some \$300,000 annually, if you allow the majority report to prevail.

Now you want to be instructed, probably, further in why I am taking issue and why I stand upon my feet fighting for the existence of a minority group of American citizens of the State of Maine. I do it for this reason: In almost every instance from Kittery to Eastport the coastal municipalities have closed their flats where they have the marine worm, so that only the resident of that municipality has the privilege of going to those flats and earning a livelihood, yet

at the same time the State will issue a three-dollar license for somebody in Aroostook County, Penobscot County, Kennebec County, or any other county in the State of Maine, giving the God-given privilege of that individual going to the coastline of his own state and trying to earn a livelihood, and he finds what? That the municipalities say, "You shall not earn your livelihood within the confines of my municipality." Members, that is probably one of the greatest injustices that has ever been perpetrated in the history of the State of Maine.

Members, fairness to the municipality also has to be considered. I know that there have been certain acts perpetrated by some of these marine worm boys. There is no question about it. But the laws of our State give the municipal officers, especially the trespass law which is on our statutes, the opportunity to see that justice is meted out to their community.

Now we are getting along more or less to the legal aspect of this particular law.

I introduced this bill in 1945 at the request of the Commissioner at that time of Sea and Shore Fisheries. It was an industry which was in its infancy, and the Commission recognized that there was a potentiality of a great many dollars which would help the Sea and Shore Fisheries to be self-supporting, self-sustaining through licenses.

I know this particular industry from A to Z. I saw the birth of the act, I followed it to this very moment, and I am extremely afraid at this moment that I am seeing the death of a \$500,000 industry, \$500,000 that is going to leave the coffers and the pockets of the State of Maine.

I have here before me factual evidence which I can go on at great length with, telling you all exactly what a survey has shown in every single coastal municipality from Eastport to Kittery. I shall not bother you or bore you by telling you or reading from the report, but I tell you this, and I know you believe me, because I stand before you in your humble opinion and mine as an honest legislator. Some of these municipalities have closed

their flats within the confines of their shores when they have not got a single marine worm licensed digger in their area.

Last week the buyers of this marine worm came to me and said, "Gay, you have got to do something. We have orders for 57,000 worms this week and we can find but 26,000 worms." Are you going to allow the continuance of an injustice which is going to prohibit men from earning a livelihood because of the greed of a municipality which has no legitimate right to close their flats to a citizen of the State of Maine when the Department of Sea and Shore Fisheries issues a license to that individual and says you have that right? I will prove it to you, members.

I have spent five months digging back into the archives of the history of this awful perpetration of an injustice upon the citizens. I can take you back to the thirteenth century when the king took the grant of these flats here, and that act has never been repealed yet. That act at that time opened up the coast line to every citizen of this particular area. I take you back to the act under the Colonial days when the grant was given in 1641, when the Court ruled, in the case of *Martin v. Waddell*—and this decision was handed down by the Supreme Court: "The State holds them in trust for the public, and as to them they exercise not only the rights of sovereignty but also the rights of property."

By the Colonial Ordinance of 1641 of the Massachusetts Bay Colony which by usage and judicial adoption is taken to be a part of the common law of this State—*Lapish v. Bangor Bank*, 8 Maine 85, "The title to the seashore between high and low water mark, not exceeding one hundred rods, was vested in the owner of the upland. But it has always been held that the title is held subject to public rights of fisheries, for the right of each householder to have free fishing so far as the sea ebbs and flows was declared in the same ordinance."

Now I am giving you there the adverse opinion so that I can give to the opposition, which is going to speak in opposition to this bill, a

fair and just opportunity. They do not know that, and I am sure of it. I am telling it to them so that they can use it for an argument, just to prove that I like to play fair and just with everybody.

I have here decision after decision handed down from the Supreme Court of the States of this country, that the municipalities, the riparian owners of the sea and the land, do not control that which is underneath the sea where the ebb and flow of the tide is an Act of God, at high water or at low.

Now I can go on here indefinitely. I am not going to do it. There is one thing you would like to know which is pertinent to the question here today, to give you some idea of the growth of this industry and its opportunity in the future, if you will only bear with me and go along.

In 1946 there were 59,269 pounds of blood worms dug in the State of Maine of a value of \$57,125. Sand worms were 58,379 pounds of a value of \$47,188, and so forth and so on down to 1950, when it shows there were 311,404 pounds of blood worms dug of a value of \$242,681. For the sand worm it was 56,873 pounds of a value of \$37,158. The loss in the sand worm was due entirely to the fact that the municipalities of the coastline here had deprived the men from earning their livelihood and digging within the confines of their own State of Maine.

In this session there have been enacted laws which prevent it in seven more of the coastal areas of this State, prohibiting a free people from back in the rural areas earning a livelihood. Another injustice! In fact seven of them.

Members, would you pass a bill in this House during this session which said that only the residents of Kennebec County could shoot deer here? Of course you wouldn't. The State issues a license that says we can shoot deer anywhere within the confines of the State of Maine.

This morning in the paper I find that some of my poor and down-trodden minorities have got to go to court; they have got to spend some of their hard-earned dollars; they have got to deprive their families and their children of cloth-

ing and of food to the extent that they can in some method continue to earn a living, groveling down in the muck and the filth of two tides a day, looking for this lowly little worm, that they can support their families.

Members, I am going to say no more, but I plead and I beg of you as Americans and as honest, open-minded citizens of this State, please go along with this minority group and give them the God-given right to earn a living for their families!

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. BARTON: Mr. Speaker, I rise in support of the majority report of the committee. We are not unmindful of the problems which the marine worm industry have. However, we were—at least I was sure that it would complicate the enforcement problems which the towns already have in the enforcement of the town clam laws if this bill became a law on our books. It would give men an excuse for being on the flats which have been restricted by previous Legislatures, which precedent has been followed by this Legislature in the passage of several laws which limit the digging of clams and marine worms to the residents of the towns involved. We felt that the clam industry is far more important dollarwise in the State than is the worm industry, and therefore we could not go along with breaking down the protection that the clam industry has. Furthermore, many of us felt that with considerable effort or more effort than had been put in at the present time, that the worm buyers could obtain worm diggers in the towns which have laws which limit the digging of marine worms to the residents. For that reason, I rise in opposition to the motion of the gentleman from Damariscotta, Mr. Gay, and hope that eventually we may accept the majority report.

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

Mr. BAILEY: Mr. Speaker, in answer to some of the statements that have been made to the effect that there is a five hundred thousand dollar industry and that, if

this legislature did not pass certain recommendations or laws, that that industry would be ruined, I wish to say that taking just that one item in itself, we have evidence to show that if that law is passed the industry will be ruined.

This bill was presented principally for the little counties of Lincoln and Sagadahoc. In Sagadahoc County ten years ago there was a law put through in regard to protecting the worm industry in the town of Woolwich. Previous to that time, it was known that there was the marine worm there in the town and it was growing in popularity and demand by the sports fishermen all along the coast. As that industry was increasing, the diggers were coming from even forty or fifty miles, many of them coming from as far as Portland up there, digging the worms. It was not only taking the worms from the flats, but those diggers, with no definite law prohibiting them taking them, it caused a lot of difficulty and injury to property along the shores, because, as you know, people coming in with no interest whatever in regard to certain properties there, surely there are many of them that care very little what damage is done. It is true that there are some who are considerate, but, so far as the class that has been spoken of, it is a dirty job for anyone digging. A lot of those who came had very little interest.

Through the advice and recommendation of the land-owners, as well as those in the towns who were interested in conserving the industry, they came to me as chairman of the selectmen in the town to see if something could be done to protect the property as well as the industry, and when I came here we worked out a law and it was put through in the year 1941. Since that time, it has worked very favorably in that town.

About that time there were one or two others put through. Since that time there have been quite a good many, and now, I take it, from running through the laws, there are eleven towns from Woolwich to Kittery in Cumberland and York County. And here today, as you have already seen, there are several towns now asking for the law to

be put on the books to protect them under the laws of the State.

If this law goes through, it will eliminate any restrictions, and there will be practically no conservation laws so far as the industry is concerned. In towns where the boys are vitally interested in conserving their flats so as to make it a continual industry, those coming from a distance, as I have said before, have but very little interest in that line; they just simply get what they can, and then they will go somewhere else.

Now as to the matter of legality, I think that we have nothing to worry about there. These laws have been on the books, the special law for at least ten years, and during those ten years there have been quite a number of cases, as has been spoken about here. This morning I read in the paper where last week there were one or two who stole in on certain flats to try to get the worms and were arrested. I never have heard of any cases where the constitutionality was brought up. I think we do not need to worry at the present time. When that time comes there will be something for us to answer.

As to the matter of justice which is spoken of, I have read the Constitution before now, and I think under Section 1 it says each person's property shall be protected. Under that, when the people took over a lot of this land back in the early days the fishing industry and the clam industry had its value, and there are many old deeds along the shore to these clam flats where it says "to low-water mark." Now do you want anything more clear in regard to justice than that? I think that is all at the present time.

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

Mr. WALLACE: Mr. Speaker and Members of the House: I rise in support of the minority report on this bill. First, I want to state that I am not a fisherman, I am not engaged in the fishing industry. However, I do live in Portland where we have many like my friend over here from Woolwich has mentioned who go fifty miles down the coast to dig worms, and on their behalf and at their request, I have

entered into this picture. I can assure each and every one of you that if I didn't think they had some justification I wouldn't have said "Yes" to them.

A few years ago I travelled the State of Maine from Kittery to Fort Kent or anywhere along the line, especially on the coastline, selling fishing supplies. I think perhaps I know the problems of the fishermen of the State of Maine as well as anyone here, because I have kept in touch with them and with the problems which face them.

Too often we believe that they are a bunch or a crowd of irresponsible men, men who are rough and ready. I will leave it to you, gentlemen and ladies of this House, that anyone who engages in that occupation is bound to be rough and ready. Now we have heard stories here this morning about the damage they have done in encroaching upon people's property and various other things. It is my understanding that in this land of ours each and every one of us has a part in it, that we have a right to the land, we have a right to the sky and the air, and we have a right to the waters and all of those things.

This matter has given me considerable anxiety when you stop and figure out that you are gradually closing the shores of your State of Maine to men who are engaged in this business and making a living. If they cannot make that living, what is the answer? They are simply going to fade away from digging worms and perhaps any other line of industry along the shore or the coast of Maine and go back or try to go back to some other occupation. There are many men among that group to whom another occupation would not be acceptable. In the first place, there are too many qualifications for other industries and other jobs, so they perhaps could not get the jobs if they might want them.

We are engaged, in my mind, in passing laws here in closing these flats which are violating the rights of the citizens of Maine, in that we are closing them off and saying to them: this is our section, this is somebody else's section, and so on down the line. To be sure, it may

be the fishing industry; but if we continue to do this it is just a question of time before you will not be able to go anywhere in the State of Maine and do anything in regard to taking these worms because it is all closed territory.

I am not going to take very long and take up much of your time, but I feel sure that if each and every one of you here, if someone said to you up in Aroostook County next fall, "You can't come down here and shoot the deer; we want our deer ourselves;" I am sure that if we had said down in Portland back in 1941, "We have a shipyard down here but you can't come down here to work from some other part of the State because we want to save this territory for ourselves," I do not believe anybody here would have liked that situation.

Now we have a few facts and figures. We have here fourteen areas which are closed at the present time and in those fourteen areas there are only forty-eight diggers. Now, just stop and figure that out, ladies and gentlemen, that is just a little bit more than three to an area, and I am going to go along with my good friend, Brother Gay, the gentleman from Damariscotta. It isn't hardly fair to say to these folks all along the line that three people in all these areas are going to control the industry and bar 319 licensed diggers in towns without laws from making a living and having an occupation to carry on because if we do, members, we certainly are going to have some of these same folks back on our hands looking for welfare from the Health and Welfare Department. In all sincerity, I urge you, ladies and gentlemen of this Legislature, please, when you vote on this matter, remember that you should vote for the best interests of the citizens of the State of Maine as a whole and not for one favored locality or one favored few. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Knapp.

Mr. KNAPP: Mr. Speaker and Members of the House: As a member of the Sea and Shore Fisheries Committee, I arise to support the majority report of the committee. On our flats in Yarmouth we have blood worms, sand worms, clams,

quahogs and mussels. We have just passed an act to protect our four licensed worm diggers and eleven clam diggers and I cannot go along to support my friend, the gentleman from Damariscotta, Mr. Gay, and I request that when the vote is taken it be taken by division.

The SPEAKER: The Chair recognizes the gentleman from Machiasport, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: Down in Washington County, we are not, up to the present moment, very wormy. (Laughter) But still, we have been informed that they are on the march and closely pursued by the lions.

Now, it seems to me that it is unnecessary for anyone to talk here an hour on this worm question. But we feel that if there is any money to be gained by this worm industry, it should belong to the people in the towns where they discover the worms, and that the citizens of the town should have the privilege of producing those worms and offering them to the buyer. In this way, the buyer is getting his share and the citizens of the town in which the worm flats are located are receiving their benefit.

So I am opposed to the motion of the gentleman from Damariscotta, Mr. Gay, and I fully support the majority report.

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

Mr. LACHARITE: Mr. Speaker and Members of the House: I rise in opposition to the passage of this bill. I hate very much to oppose my good friends from Damariscotta and Portland. I agree with them that the marine worm industry is probably a growing industry and that the marine worm diggers have to live but we also have a much larger industry, the clam industry, and the clam diggers also have to live.

We have, in Brunswick, organized an association of clam diggers and the purpose of this association is to protect the clam flats. There is a great possibility of ruining the clam flats and driving the industry out. The several towns that have presented bills before this session, and

some of them have already been enacted, had in mind the protection of an industry in their own locality and we are mindful of that fact in Brunswick, also.

If this bill should pass, these bills which have already been enacted would be nullified because they bring the regulation on a local level. I would like to point out that in these bills we do provide for marine worm digging. It is authorized on a local level and marine worm diggers may get licenses from the towns and go on with the digging of worms. But the purpose of these bills is to protect the flats and I hope that this bill does not receive passage.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker and Members of the House: Believing as I do that some of these licenses are overlapping, in the first place, you have to buy a \$3.00 license from the State then you have to go down to the Town of Woolwich and buy a license there provided you live in the Town of Woolwich, something is wrong there. Nobody seems to know what it is but, believing as I do I feel that I should go along with the motion of the gentleman from Damariscotta, Mr. Gay, because I have several clam bills in here of my own trying to repeal some of these clam laws that affect our local situation. Now, we have the same situation in the section I come from, Waldoboro and Bremen joined together and had a clam law. Waldoboro River freezes up quite early some years, then they all come down to Friendship digging clams. Well, the same situation happened on the Thomaston River.

Now, I can take you to an area in the Town of St. George where the clams are dying for want of digging. It was only last spring that four or five Friendship boys were over there and they got over there before the town constable happened to see them and they dug a little while. I think you can get a half bushel hod in half an hour. Well, the wardens came along and they dumped over thirty-seven dollars worth that morning and took the boys to jail, to court rather, they didn't jail them, they took

them to court. Well, now, I firmly believe that something should be straightened out here and I don't believe that the worm diggers will ruin the clam industry.

One thing that is worrying the clam industry is the dealers themselves. Right now, in certain sections the dealers are paying \$11 a barrel for little clams and \$10 a barrel for the larger clams and what is ruining the clam industry is digging them day and night, Saturday and Sunday. Now, you say, how do they dig them nights? Well, three or four fellows go along together, one carries a storage battery, one carries a set of old car headlights and they set them up on the flats and they dig them nights and they are hauling out these little inch and a half clams, which the shucking house wants. Some shucking house is advertising 800 clams to a gallon, 700 clams to a gallon and so I have got to have small clams in my shucking house to compete with that proposition.

Now, right there is what is ruining the clam industry and I believe that something should be done so I am going along with the gentleman from Damariscotta, Mr. Gay, and hope that some of this will be clarified.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker and Ladies and Gentlemen of the House: I arise in support of the majority report of the committee. This bill was advertised and, if you all remember, it was heard at length and we heard from diggers, dealers, lawyers and about everything. We even heard scripture from the Bible read to us in regard to it. When Mr. Wallace, the gentleman from Portland, says they don't tell us we can't shoot deer in counties, I call his attention to the fact that they have game preserves and tell us that we can't shoot the deer because they want to keep them. I hope that the motion of the gentleman from Damariscotta, Mr. Gay, does not prevail.

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

Mr. CHASE: Mr. Speaker and Members of the House: This bill

deals with the natural resources of our State and I ask of you: Should these resources be restricted to the use of a privileged few solely because those resources come from their town? This bill entails the survival of a half a million dollar industry in the State of Maine and I hesitate while a member of this House to jeopardize any industry in the State while we are, at all times, trying to get more industry in the State. I voted the other day to save the billboard industry. If we continue trying to eliminate these small industries, where are we going to get off in the State of Maine? The gentleman from Vinalhaven, Mr. Barton, spoke a minute ago here about if this bill was passed it would be too hard to enforce the clam laws. I could ask you: Should we stop people from hunting in a town, hunting for deer when the law is on moose and the law is off the deer, should we stop those people from hunting deer just because the law is on moose? Should we stop them from fishing for trout in a pond just because the law was on bass in that same pond?

I have a letter here from the Judge of the Municipal Court of Lincoln County, which I would like to read to you.

"Dear Representative:

It has come to my attention that you are a proponent of L. D. 698 and you may be interested in receiving some information from me relative to this bill.

First, I want you to know that I am in favor of the bill as a citizen. Second, I am in favor of it as a Judge of the Lincoln Municipal Court, having had quite some experience in worm diggers being brought before my court for digging in areas apparently reserved to citizens of the town where the area is located. It appears to me that the banning of citizens of Maine from special districts such as Wiscasset, Boothbay Harbor, Warren or other parts where marine worms are dug is unconstitutional. It does not seem to me to be an act of conservation but quite clearly political or economical.

It is my opinion that any citizen of Maine whether he comes from Houlton, York, or Eastport should be entitled to earn a living in any

other part of Maine, unless the ban be solely for conservation. From what information I have been able to gather from worm diggers they generally agree that even though one place may have been dug over yearly for a period of years, the worms again appear in abundance. It is a very big business within the State.

I cannot see why a man living inland should be deprived of earning a living anywhere within the state and especially in tidal waters. Therefore, I hope that the bill of which you are a proponent will be passed.

It seems a pity that a large group of marine worm diggers should be forced to make a test case in the courts of Maine relative to the constitutionality of special laws governing separate communities. I have been approached by a delegation of marine worm diggers who appear to represent a major part of the industry who have assured me that they have made financial arrangements for a test case if this bill does not pass, and are prepared to take it up to the law court. It hardly seems fair that these hard-working men should be forced to spend part of their earnings to fight such a legal battle. However, this is the situation as it now stands, and I am sure that in justice to all the industry you will do your utmost for the passage of this bill.

With kindness personal regards,
I am,

Sincerely,
Ralph A. Gallagher"

With these thoughts in my mind, I certainly hope that the minority report of the committee as moved by the gentleman from Damariscotta, Mr. Gay, will be accepted.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. West.

Mr. WEST: Mr. Speaker and Members of the House: I rise in opposition to this bill for the same reason given by the gentleman before me. I do believe that the industry is so large that we have got to maintain it by closing some areas to the diggers, which I understand they refuse to do, saying that they will send their own diggers in and get it all. My town is one that has this special privilege.

I have been given notice several times lately by non-resident diggers: this area, when and if it is closed it will be useless because they contend that by that time there will be nothing there to close it for. I think they are doing a very good job of it now; I doubt if there will be anything left there. I hate to oppose my good friend, the gentleman from Damariscotta (Mr. Gay) because, strange as it may seem, I like him and I am opposed to his motion. (Laughter)

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker and Members of the House: Now, this isn't exactly a new industry. I can remember when they were digging these worms about 20 years ago. About 10 years ago it had reached such proportions that the people all around the seacoast became quite alarmed, feeling that there were not too many industries in the coastal areas before the war to give them much work and they thought that what was within their towns they should be able to receive, dig and sell.

It is an economic picture to the people along the sea coast but there is another way that these diggers can go there and dig. The law, which I have drawn up and which was introduced by a Senator here in 1941 reads: "Anyone who is a resident of that town may dig worms." You become a resident while living within that town for three months. It was brought to my attention the other day that they would like to have some of the diggers in Georgetown. I gave one of the dealers the names of several boys in Georgetown who would be very anxious to go to work and earn the money digging these worms. But instead of taking the names of those boys they sent men in from out of town, which does seem very, very unfair. Those boys are staying there in Georgetown, paying their taxes, trying to take care of their families there. It does seem that what is there within the town, it is an industry, should be theirs first. If they are not willing to dig, that is something else, but they are willing to dig and are ready to work.

One example of how hard the boys are struggling to keep this and how serious it is with them, they have even resorted to nice little wars. And if you have seen these clam hoes, the tines on them are about eight inches long, and you have seen a war between clam diggers and worm diggers, it isn't pleasant. It is getting right down to the basic fact that the man who lives within the town feels that that should be his living and I do hope that the majority report "Ought not to pass" is accepted.

The SPEAKER: Is the House ready for the question?

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

Mr. SENTER: Mr. Speaker and Members of the House: At the request of the clam diggers and marine worm diggers in Brunswick, my colleague, Mr. Lacharite, introduced a bill in this session of the Legislature to protect the rights of the clam diggers and worm diggers in Brunswick, closing that area to outsiders. You passed that legislation, giving us that protection. Now, the necessity for our introducing this bill was caused by the fact that the clam diggers and the worm diggers in Brunswick could not go to Bath or West Bath or to Freeport to dig because those areas were all closed. Yet the diggers from those areas could come into Brunswick and dig to their heart's content. As a result, many of the clam diggers and worm diggers in Brunswick were on the relief rolls of the town. So, our town authorities as Mr. Lacharite has told you organized the diggers and tried to give them some protection.

Now, if the minority report, as was moved by the gentleman from Damariscotta, Mr. Gay, is passed, it will nullify the action which you took to bring us that protection. But it is absolutely necessary for us to protect the diggers in Brunswick and, as one member, the Senator from West Bath, one member of the Sea and Shore Fisheries Committee said at the hearing to Mr. Lacharite: "Brunswick is twenty years late in putting this bill in." But, as I say, we were forced to do it. I believe that the clam diggers and worm diggers in Brunswick deserve that protection which

you have given them. I ask you not to nullify your action.

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

Mr. GAY: Mr. Speaker, I would just like to clarify one thing for the benefit of everybody here. This statement comes from a survey of the Sea and Shore Fisheries Commission. Please get the significance of it. "Almost without exception, the portion of a flat which supports a commercial clam fishery does not support a commercial worm fishery." The report shows that on the length and breadth of the shore line from Eastport to Kittery there is only a five per cent overlap.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Perry.

Mr. PERRY: Mr. Speaker and Members of the House: I arise in the same position as the gentleman from Portland, Mr. Wallace, representing some of the marine worm diggers in Kennebec County and for the same reason. They have requested that I support the minority report of the committee, which I am glad to do. As to some of the points brought out by the gentleman from Woolwich, Mr. Bailey, with regard to trespass: In my humble opinion, we have adequate trespass laws on our books and statutes at the present time that cover completely any trespassing or damage that might be done if it wanted to be enforced. They do not need special legislation to each individual town to cover it.

Also, he brought out the point of conservation. In this particular bill, as I get from the bill, the conservation angle is completely covered through the Sea and Shore Fisheries Department where they may close any flat they deem necessary for conservation.

I think the far more intelligent and sensible way to handle this whole problem is to do it on the state level and leave open the marine worm flats to the diggers and the people who want to, which is not prohibiting any particular person living in that town from digging. He also has as fair a chance to dig as anyone else has to dig and by closing certain towns and

so forth, which is being done, the diggers in the vicinity of Gardiner have had to drive thirty miles to dig worms and now, if they continue, they will have to drive 70 and 80 miles to get to a particular town that hasn't gotten up to date as Mr. Senter just said about Brunswick which is twenty years behind. Next session of the Legislature we probably will have twenty or thirty more towns coming in requesting that their particular town be closed to protect themselves. I think if this law is repealed and put on the state level then Brunswick will be protected, and Freeport and the rest of the towns that have been closed, by the mere fact that there will be open competition and they can compete as well as any outsider.

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

Mr. WALLACE: Mr. Speaker and Members of the House: I am confused at some of the remarks which have been made here. I understand that we have clam wars between the boys digging clams and those digging worms. I can see now that might happen but nevertheless these worms are dug entirely in a different section of the flats. I do want to point that out, that the clams are dug nearer the shore and the worms are dug out of a point that is nearer the water as the water flows through.

Incidentally, we have fourteen towns that have laws governing the digging of these worms and out of those fourteen towns there are eleven of them which do not have a licensed marine worm digger in the town.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. BARTON: Mr. Speaker, I think there is an attempt here to misinterpret some of the statements which have been made. One is that on the areas in which clams and marine worms are found. It is true that the marine worms and clams are found in different strata of our flats. The blood worms are found at low water mark, the commercial clam areas are found slightly above that and the sand worms are found at half tide or above.

However, and this is the import-

ant thing in the minds of the majority members of the committee, the same cove, the same river, the same general area may have both commercial clam and commercial worm areas and if we pass this law, it would open that area up and we will find both resident and non-resident diggers within the area. To my way of thinking, this would impose a tremendous burden on the enforcement of the clam laws and these clam laws have been passed in an attempt to conserve the resources of our coastal towns to the residents.

The reason this bill is receiving so much support and has been worked so hard on is the fact that the worm diggers have pretty much depleted their home areas and now they say to us: "We want to go into the areas which have been closed and we want the right to deplete those areas." I say to you: There can be found in the town which has a town clam law boys who will dig worms because they live in that town and it is the place where they get their living. They will attempt to dig those worms in such a manner that they can conserve the resources of the town. I thank you.

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

Mr. LACHARITE: Mr. Speaker and Members of the House: I only want to say a few more words in answer to some of the remarks which have been made here this morning. There was a remark made relating to getting new industries to come into the State. We absolutely want new industries to come in but certainly not to the detriment of some other well-established business.

There was another remark made relating to the digging of small clams. I was very happy to hear those remarks because in my mind that is one more reason why we should keep this under local supervision where we can handle it to the better advantage of all those concerned.

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

Mr. BAILEY: Mr. Speaker, I was quite interested in some of the statements and figures that have

been given here. We heard from the gentleman from Damariscotta, Mr. Gay, how the industry had increased in the last five or six years. I told you how the Town of Woolwich had been operating under these conservation measures for ten years. Then the gentleman from Portland, Mr. Wallace, goes ahead and says there are 43 diggers licenses issued. I got figures since the Legislature began on the 1950 licenses issued in the Town of Woolwich through our town clerk and he gave me 34 licenses issued in the Town of Woolwich. I think there is no question in the world but what with 34 issued in the Town of Woolwich and if this industry is all maintained in the Town of Woolwich, you can plainly see why I am here pleading with you to protect our industry in the Town of Woolwich. But I can't believe that there aren't other parts of the State in these other fourteen areas which you say are under conservation. It is very true that some of these areas have started too late. I can name areas that I have been told in which the industry is almost past but they are trying to get them under the law so they can conserve and they may have an industry later whereby, if this law passes, we will all be free. You will see us lose this \$500,000 industry, which has been stated.

And this matter of deer that was spoken of why, we don't go out and dig deer, deer as I have always understood, these animals, like fish or whatever you might call them, travel from one area to another. They are different from a worm which you dig out of the ground. Therefore, they should have different protection.

There is also the matter of clams. I think the gentleman from Machiasport took good care of that because that is an established industry. You let these people in here to dig worms; you have your clam flats protected, it would be so easy for them if they were once down there to get into the clams and help destroy those.

So, ladies and gentlemen, I hope that this motion of the gentleman from Damariscotta, Mr. Gay, will not prevail.

The SPEAKER: The Chair recog-

nizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: Two minutes, no more.

As I appeared before the committee in opposition to this bill, I will just repeat what I said there. If this minority report should be accepted, you would, in effect, confer the power of eminent domain on marine worm diggers and I don't believe the time has come to do that.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. March.

Mr. MARCH: Mr. Speaker and Members of the House: I know absolutely nothing about marine worms or clams, but one of my colleagues, in whose integrity I place the highest confidence, or did until he voted to violate the mandates of the Constitution, I place considerable in him now because I think he was misled. I was asked to say just a little or read just a little in regard to the trespass laws. I won't bother to read the law; you have all read it and know it. But this law may have been passed to protect the land owners against hunters and fishermen trespassing or destroying property. I haven't seen any bill introduced in this Legislature to restrict hunting and fishing to residents of certain towns. This law covers the matter very thoroughly. It fully protects the land owner against irresponsible worm diggers just as much as it protects him from the irresponsible hunter or fisherman. It is time that we used the laws that we have already enacted instead of using a round-about method of punishing a trespasser, especially when these laws for this purpose, such as the town laws, prevent people from earning an honest living.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Damariscotta, Mr. Gay, that the House accept the minority "Ought to pass" report of the Committee on Sea and Shore Fisheries on Bill "An Act Regulating the Taking of Marine Worms", H. P. 1131, L. D. 698, and the gentleman

from Yarmouth, Mr. Knapp, has requested a division.

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

A division of the House was had.

Forty-two having voted in the affirmative and fifty-four in the negative, the motion did not prevail.

Thereupon, the majority "Ought not to pass" report was accepted and sent up for concurrence.

On motion of the gentleman from Cape Elizabeth, Mr. Chase, the House recessed until 1:00 o'clock, E. S. T., this afternoon.

Afternoon Session

1:00 P.M., E.S.T.

Called to Order by the Speaker.

The SPEAKER: The Chair lays before the House the 5th item of unfinished business on today's calendar, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Judiciary on Bill "An Act Amending the Maine Housing Authorities Act" (H. P. 159) (L. D. 90) tabled on April 30th by the gentleman from Portland, Mrs. Fay, pending acceptance of the report; and the Chair recognizes that gentlewoman.

On motion of Mrs. Fay, the report of the committee "Ought to pass" as amended by Committee Amendment "A" was accepted.

This being a printed bill, under suspension of the rules it was given it two several readings.

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

Committee Amendment "A" to H. P. 159, L. D. 90, Bill "An Act Amending the Maine Housing Authorities Act."

Amend said bill by striking out the second and third paragraphs of the emergency preamble.

Further amend said bill by striking out section 1 thereof.

Further amend said bill by striking out in the fifteenth line of section 4 thereof the underlined words "or a special."

Further amend said bill by adding at the end of section 4 thereof, the following underlined words and figures 'prior to January 1, 1951.'

Further amend said bill by renumbering the remaining sections 2, 3 and 4 of said bill to be sections 1, 2 and 3.

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

The SPEAKER: The Chair lays before the House the 6th item of unfinished business on today's calendar, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Bill "An Act Liberalizing Certain Limitations on Old Age Assistance" (H. P. 1245) (L. D. 799) tabled on April 30th by the gentleman from Blaine, Mr. Bubar, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. BUBAR: Mr. Speaker and Members of the House: I sponsored this bill on the request and on behalf of the vast majority of my constituents. This bill is following closely another bill, and if the bill preceding it is killed this bill dies a natural death, and for me to take this bill off and discuss it now would be unfair and unjust to my constituents. For that reason, that I am following closely a bill which should have been attended to before this but which has not, for that reason I would like to retable this bill.

The SPEAKER: The gentleman from Blaine, Mr. Bubar, moves that the 6th item of unfinished business on today's calendar lie on the table, pending acceptance of report.

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

A viva voce vote being taken, the motion prevailed, and the bill was tabled pending acceptance of report.

The SPEAKER: The Chair lays before the House the 7th item of unfinished business of today's calendar, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Inland Fisheries and Game on Bill "An Act Assenting to Act of Congress relating to Fish Restoration and Management Projects" (H. P. 525) (L. D. 287) tabled on April 30th by the gentleman from Vinalhaven, Mr. Barton, pending motion of Mr. Rollins of Greenville to recede. (In Senate Report ac-

cepted, Bill engrossed as amended by Committee Amendment "A". In House indefinitely postponed.)

The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

Mr. BARTON: Mr. Speaker and Members of the House: I find myself in a very uncomfortable position again in that Mr. Rollins is absent today also. I understand he will be here tomorrow. I ask you to be considerate of him. I would like to retable this item and specially assign it for tomorrow.

The SPEAKER: The gentleman from Vinalhaven, Mr. Barton, moves that the 7th item of unfinished business on today's calendar lie on the table and be specially assigned for tomorrow morning.

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

A viva voce vote being taken, the motion prevailed and the bill was so tabled and assigned.

The SPEAKER: The Chair lays before the House the 8th item of unfinished business on today's calendar, Resolve Providing Funds for Maintenance at Teachers' Colleges and Normal School, tabled on April 30th by the gentleman from Orono, Mr. Bates, pending final passage; and the Chair recognizes that gentleman.

Mr. BATES: Mr. Speaker; I move that this item be transferred to the Appropriations Special Calendar pending final passage.

The SPEAKER: The Chair would inform the gentleman that the motion is out of order under the order passed this morning.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

On request of Mr. Jalbert of Lewiston, the Resolve was placed on the Special Appropriations calendar.

The SPEAKER: The Chair lays before the House the 9th item of unfinished business on today's calendar, House Report "Ought to pass in new draft" of the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season for Fishing for Black Bass" (H. P. 1753) (L. D. 1302) tabled on May 1st by the gentleman from Bath, Mr. Fenn, pending acceptance of report; and the Chair recognizes that gentleman.

On motion of Mr. Fenn, a viva voce vote being taken, the House voted to accept the "Ought to pass in new draft" report of the committee.

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 10th item of unfinished business on today's calendar, Resolve Proposing an Amendment to the Constitution to Clarify the Provisions That Relate to the State's Borrowing Power (H. P. 1782) (L. D. 1320) tabled on May 1st by the gentleman from Fairfield, Mr. Woodworth, pending second reading; and the Chair recognizes that gentleman.

Mr. Woodworth 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. 1782, L. D. 1320, Resolve, Proposing an Amendment to the Constitution to Clarify the Provisions That Relate to the State's Borrowing Power.

Amend said Resolve by striking out the title thereof, and inserting in place thereof the following:

'Resolve Proposing an Amendment to the Constitution to Clarify the Provisions Relating to Borrowing Power of the State, and to Place a Limit of \$10,000,000 on the Right of the Legislature to Borrow'

Further amend said Resolve by inserting after the word "power" in the 11th line of that part of the Resolve designated "Form of question and date when amendment shall be voted upon." the following ', and to place a limit of \$10,000,000 on the right of the legislature to borrow without a vote of the people'.

House Amendment "A" was adopted.

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

Mr. WOODWORTH: Mr. Speaker, when this resolve came off the table last week the gentleman from Cape Elizabeth, Mr. Chase, thought that someone ought to explain what this amendment meant.

This amendment — Section 14 of Article IX of the Constitution was amended last year in accordance with the vote of the Legislature in 1949. At that time we thought we were going to change the Constitution so that it would not be necessary to put every highway bond issue into the Constitution and have it become a part of it. Unfortunately, we did a great deal more than that. Some of the things we did we should not have done. I am not going to explain why we did that; I cannot, and I hope nobody will ask me.

Prior to the amendment of 1949 and ever since 1933, the provision was that the credit of the State should not be directly or indirectly loaned in any case. "The Legislature shall not create any debts which singly or in the aggregate at any one time exceed two million dollars, except for building state highways" and so forth, "to repel invasion" and "for the purposes of war," and so forth.

When we amended that by vote taken in 1949, the thing that we did and which made the trouble was this: We agreed that there should be a limit of two million dollars, but, going beyond that, we did not give the State the power to borrow as much as ten cents without a vote of the people, that is in the case of insurrection or invasion or anything else. The result is that if there should be any catastrophe happen at this time the State's hands would be tied up until we could have a referendum to the people.

This amendment as set forth in this bill recreates the same three classes of borrowing that they had before this last amendment. Under this present resolve, "The Legislature shall not create any debt or debts which shall singly or in the aggregate exceed ten million dollars except to suppress insurrection or invasion or for war purposes, and excepting also that whenever two-thirds of both houses shall deem it necessary, by proper enactment ratified by a majority of the electors, the legislature may authorize the issuance of bonds."

We therefore have three classes of bond issues; One, ten million dollars for general purpose; one of

unlimited amount for war purposes, and one of unlimited amount when the Legislature so votes and specifies the purpose.

This ten million dollars is intended to take care of certain buildings if and when the legislature so votes, and first among them is that three million dollar State House addition which we hope to have some day in the future. None of these things can be done without a vote of the people. Up to ten million dollars, the legislature may vote without reference to the people, and for war the Legislature may vote without reference to the people. I think that the ten million dollar item is the only case where the article has been modified over what it has been for many years, and that amendment therefore changes the borrowing power of the legislature from two million dollars to ten million dollars.

Thereupon the resolve was given its second reading, passed to be engrossed as amended and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the 11th item of unfinished business, An Act Relating to Boards of Registration in Towns Under Three Thousand Five Hundred Inhabitants and to Time of Registration of Voters in Towns, H. P. 1638, L. D. 1263, tabled May 1 by the gentleman from Standish, Mr. Center, pending passage to be enacted; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Center of Standish, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair now lays before the House the 12th item of unfinished business, House Report, Leave to Withdraw as Subject Matter is covered by other Legislation of 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, tabled on April 27 by the gentleman from Sebec, Mr. Parker, pending acceptance of the report; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Parker of Sebec, the report of the

committee was accepted and sent up for concurrence.

The **SPEAKER**: The Chair lays before the House the 13th item of unfinished business on today's calendar, Resolve in Favor of Helen G. McShea, of Fort Fairfield, H. P. 1585, L. D. 1157, tabled on April 27 by the gentleman from Cape Elizabeth, Mr. Chase, pending the motion of the gentleman from Bangor, Mr. Fuller, to indefinitely postpone House Amendment "A"; and the Chair recognizes the gentleman from Bangor, Mr. Fuller.

Mr. **FULLER**: Mr. Speaker and Members of the House: My opposition to House Amendment "A" had no bearing on the merits of this matter. It was merely a question which fund of the State this lady's pension should come from. If my motion to indefinitely postpone House Amendment "A" prevails I would offer House Amendment "B" which will provide that she continue to receive from the funds of the retirement system of the State the same amount that she has been hitherto and that is what she is entitled to from that source, and that the balance of the \$900 will be paid from the general fund.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Bangor, Mr. Fuller, that House Amendment "A" be indefinitely postponed.

All those in favor of indefinitely postponing House Amendment "A" will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and House Amendment "A" was indefinitely postponed.

Thereupon, Mr. Fuller of Bangor presented House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" 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:

'Of said pension, \$434.75 per year shall be paid from the funds of the Maine State Retirement System and the amount in excess thereof from the General Fund of the State.'

House Amendment "B" was then adopted, the resolve was given its second reading, passed to be engrossed as amended and sent to the Senate.

The **SPEAKER**: The Chair now lays before the House the 14th item of unfinished business on today's calendar, Resolve in Favor of Charles Norton Pratt, of Leeds, H. P. 881, L. D. 1338, tabled on April 27 by the gentleman from Auburn, Mr. Turner, pending second reading; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Turner of Auburn, the resolve was given its second reading, passed to be engrossed and sent to the Senate.

The **SPEAKER**: The Chair now lays before the House the 1st tabled and today assigned matter, House Report "Ought to pass" in New Draft, H. P. 1784, L. D. 1341, of the Committee on Inland Fisheries and Game on Bill "An Act Relating to Bulldozing of Streams," H. P. 1643, L. D. 1211, tabled on April 26 by the gentleman from Woolwich, Mr. Bailey, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. **BAILEY**: Mr. Speaker, I present House Amendment "A".

The **SPEAKER**: The Chair will have to advise the gentleman that the report will have to be accepted first.

Mr. **BAILEY**: I move that the report be accepted, Mr. Speaker.

The **SPEAKER**: The gentleman from Woolwich, Mr. Bailey, moves that the House accept the report of the Committee on Inland Fisheries and Game, "Ought to pass" in New Draft, H. P. 1784, L. D. 1341, on Bill "An Act Relating to Bulldozing of Streams," H. P. 1643, L. D. 1211. Is this the pleasure of the House?

The motion prevailed and the bill having already been printed, was given its two several readings under suspension of the rules.

The gentleman from Woolwich, Mr. Bailey, 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. 1784, L. D. 1341, Bill "An Act Relating to Bulldozing of Streams."

Amend said Bill by inserting after the underlined word "brook" in the 5th line thereof the underlined words: "in unorganized territory"

House Amendment "A" was adopted and the bill as amended was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the 2nd tabled and today assigned matter, House Order re holiday on Memorial Day tabled on May 2, under the rules, pending passage.

The Chair recognizes the gentleman from Orono, Mr. Bates.

Mr. BATES: Mr. Speaker, I move that this matter be retabled and be specially assigned for Wednesday, July 4th. (Laughter)

The SPEAKER: The gentleman from Orono, Mr. Bates, moves that House Order re holiday on Memorial Day lie on the table and be specially assigned for July 4th. Is this the pleasure of the House?

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

A viva voce vote being taken, the motion prevailed and the Order was so tabled and so assigned.

Mr. PERRY of Chelsea: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. PERRY: To make an inquiry.

The SPEAKER: The gentleman may make his inquiry.

Mr. PERRY: Mr. Speaker, I would like to know if the gentleman from Paris, Mr. Stewart, got permission from the Chair to change his seat?

The SPEAKER: The Chair will read the rules to the gentleman from Chelsea, Mr. Perry. It is Rule 10 under the Rules of the House. "The seat which a member draws at the commencement of the session shall be his during the session, unless he shall have leave of the Speaker to change it and no other person shall be permitted to occupy a member's seat at any time during a session of the House."

The Chair does not care to give permission to change seats, and the gentleman will please return to the seat assigned him. (Laughter)

The SPEAKER: The Chair now lays before the House the 3rd tabled and today assigned matter, Bill "An Act Relating to Regulation of Posts and Wires", S. P. 560, L. D. 1345, tabled on May 2nd by the gentleman from Casco, Mr. Hancock, pending third reading; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Hancock of Casco, the bill was given its third reading and was passed to be engrossed in concurrence.

The SPEAKER: The Chair now lays before the House the 4th tabled and today assigned matter, Resolve, in Favor of Florence Goodwin, of Clinton, H. P. 1625, L. D. 1184, tabled on May 2 by the gentleman from Limestone, Mr. Burgess, pending final passage; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Burgess of Limestone, the resolve was finally passed, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair now lays before the House the 5th tabled and today assigned matter, Resolve, for Development of State Park Facilities, H. P. 1125, L. D. 697, tabled on May 2 by the gentleman from Cape Elizabeth, Mr. Chase, pending final passage; and the Chair recognizes that gentleman.

Mr. CHASE: Mr. Speaker, I drop this matter in the lap of the House in the hope that some member of the Appropriations Committee will pick it up. (Laughter)

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Jamieson.

Mr. JAMIESON: Mr. Speaker, I request that this be placed on the Special Calendar of Appropriations.

The SPEAKER: The gentleman from Presque Isle, Mr. Jamieson, requests that the 5th tabled and today assigned matter, Resolve, for Development of State Park Facilities, H. P. 1125, L. D. 697, be a part of the Special Calendar and it will be so done.

The SPEAKER: The Chair now lays before the House the 6th tabled and today assigned matter, An Act Relating to Elevator Inspection Fees, H. P. 1017, L. D. 577,

tabled on May 2 by the gentleman from Fairfield, Mr. Woodworth, pending passage to be enacted.

The question before the House is the passage of the bill to be enacted.

Thereupon, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair now lays before the House the 7th tabled and today assigned matter, Joint Order Creating a Special Investigating Committee to Study Criminal Activities and Crime in the State, tabled on May 2 by the gentleman from Portland, Mr. Burkett, pending consideration; and the Chair recognizes that gentleman.

Mr. BURKETT: Mr. Speaker and Ladies and Gentlemen: As I explained briefly, yesterday, at the time I tabled this order the last of several times, it was not because I had any objections to the results which were sought to be obtained by the order but rather an objection based upon the fact that as a House Order I did not believe and do not now believe it will be proper to legislate along the lines that the order contemplates. House Orders, as I said before, are designed for the expedition of the business of the House and this order, as it reads, seeks to set up a Crime Commission in the State which will have the right to summon witnesses, subpoena documents, and punish for contempt and, in addition to that, carries an appropriation of a number of thousand dollars, the exact amount I have forgotten. So if my idea of the matter is correct, and I think it is, as I have said before without having any objection to the results which the sponsor seeks to obtain, many of which have, incidentally, been rendered less necessary because of the crime investigation which has been undertaken by the Governor and the Attorney General, I still think it is not the way to proceed and I raise a point of order that the order, as it is drafted, is not in order.

The SPEAKER: Is there any debate on the point of order before the Chair rules?

Mr. BUBAR: Mr. Speaker —

The SPEAKER: The Chair must inform the gentleman from Blaine, Mr. Bubar, that the issue is confined to the point of order only.

Mr. BUBAR: Am I not permitted Mr. Speaker, to give the reason why?

The SPEAKER: The Chair will state that the gentleman is permitted to give the reason for its being in order or not in order.

Mr. BUBAR: Well, Mr. Speaker, that is all I want to give is the reason why—

The SPEAKER: The gentleman may proceed on that point.

Mr. BUBAR: Mr. Speaker, very well. Now, it is objected to that this is a bill instead of an order and Rule 18 of the House, I will read it, you have it in your books: "Every act, resolve or order appropriating monies shall be referred to the appropriate committee for consideration and no further action shall be had thereon in either branch until the same shall have been reported back by said committee." The point is that this calls for an appropriation. But, this is an order that does not call for an appropriation. It doesn't even mention an appropriation. This is a vital matter and this is why I want you to see that I didn't agree to this this morning. When I was shut off without having the advice of the best parliamentarian in the State. This is what it says in the order: "The expense of the committee shall not exceed \$50,000 and shall be paid from the contingent fund of the State on vouchers approved by the chairman of the committee." We are not asking for any appropriation because the appropriation has already been made and the money is on the barrel head and I will read all it says in the statutes about the contingent fund. "The Governor with the advice and consent of the Council may allocate from the State contingent fund amounts not exceeding in total the sum of \$450,000 in any fiscal year. Such allocation shall be made to meet any expense necessarily incurred under any requirement of law or for the maintaining of government within the State within the scope existing at the time of the previous session of the legislature or contemplated by laws enacted thereat, or to pay

ills arising out of some emergency which calls for expenditures of money not provided by the Legislature. The Governor and the Council shall determine the necessity for such allocation and all such allocation shall be supported by a statement of fact setting forth the necessity for the allocation. At the close of each fiscal year there shall be transferred from unappropriated surplus an amount sufficient to restore the State's contingent fund." That is all there is in the statutes concerning the contingent fund. The money is there; we are not asking for more appropriation; the money has already been appropriated and, as I repeat, it was often stated here that the money is on the barrel head and to be used for this very purpose.

Now, members, I am not allowed this afternoon to speak on the virtue of the bill and I am not going to attempt to because I have never, as far as I know, in this House at any session, I have never willingly, knowingly persisted in violating any rule and I am not going to attempt it this afternoon but I do contend, strenuously that this is an order and it is not asking for an appropriation. The appropriation is already made and it is there to be used for this purpose. And, therefore, that is as far as I am allowed to go at this time.

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

Mr. McGLAUFFIN: Mr. Speaker and Members of the House: The gentleman from Blaine, Mr. Bubar, says that this money is already appropriated but if you will notice it is appropriated for the use of the Governor and Council. If this order should pass, you could pass orders using the whole appropriation and leave the Governor and Council nothing. I agree with the gentleman from Portland, Mr. Burkett, that this is a bill and not an order.

The SPEAKER: The Chair rules that joint order creating a Special Investigating Committee to Study Criminal Activities and Crime in the State presented by the gentleman from Blaine, Mr. Bubar, authorizes the committee to subpoena witnesses and also requires

an appropriation and thereby has the force of law as defined under the Constitution of the State of Maine, Article 4, Section 2 and further that the joint rule of the House and Senate provides that every act, resolve or order appropriating money shall be referred to the Appropriation Committee for consideration and no further action shall be had thereon in either branch until the same shall have been reported back by said Committee. Therefore, the Chair rules that the Order in its present form and substance is out of order and cannot be admitted.

Mr. BUBAR: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. BUBAR: Just for clarification, Mr. Speaker. I want to be sure. You contend that this calls for an appropriation.

The SPEAKER: The Chair so rules. Does the gentleman wish to appeal?

Mr. BUBAR: I still contend it calls for no appropriation but I do not wish in any way to violate any rule. I never have and I am not going to now and I am leaving this to the decision of the Speaker where it rightfully and virtually belongs.

The SPEAKER: Does the gentleman desire to appeal the decision of the Speaker?

Mr. BUBAR: Well, no, Mr. Speaker; I am not going to. (Applause).

The SPEAKER: The Chair now lays before the House the 8th tabled and today assigned matter, Majority Report "Ought to pass in new draft", H. P. 1789, L. D. 1358, and Minority Report "Ought to pass" of the Committee on Sea and Shore Fisheries on Bill "An Act relating to the Taking of Soft-Shelled Clams in Jonesport", H. P. 62, L. D. 28, tabled on April 30 by the gentleman from Machiasport, Mr. Hanson, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. HANSON: Mr. Speaker and Members: I now move the acceptance of the minority report "Ought to pass", of the original bill, and in so doing I wish to lay before the House the facts on which I base this motion. This matter in-

volves two towns located down in Washington County and if you will note the report of the three members of the committee who signed the minority report, they are members who live in Washington County. They understand, perhaps, the conditions as well as any other member of the committee.

Now, this matter involves the town of Beals and the town of Jonesport. Formerly Beals was a part of the town of Jonesport then for some reason I presume which they thought was right and proper the town of Beals, at that time the citizens of Beals Island which was a part of Jonesport, asked to be separated from the Town of Jonesport. They came up here to the Legislature at three different sessions, praying to be set off and finally their prayer was granted. Now, the towns are located about one-half a mile apart. The population of the town of Beals is practically 600. The population of Jonesport is seventeen hundred.

At the beginning of the session Jonesport filed with me a bill asking for protection of their clam flats. Heretofore Washington County has been quite well supplied with clams, and up to this time Jonesport had no protection, had no law. The surrounding towns were all provided with protection, prohibiting nonresidents from coming in to their towns and digging their clams. Due to the fact that Jonesport seemed to have enough clams for the time being, they asked for no such a law; everybody was welcome to come and dig.

The demand for clams and the scarcity on the west Maine coast for the past two years has driven the buyers and diggers down into Washington County. Jonesport, like all the other towns in Washington County, had begun to see that the supply of clams had been depleted, and it was up to them to take some steps in order to protect their clams, as the surrounding towns had this protection. So they sent a bill here praying for the same law that the towns of Harrington, Addison, Roque Bluffs, Jonesboro, Machiasport, Cutler and Lubec already had.

As soon as the bill was presented and it became known, the town

of Beals sent me a remonstrance. And, by the way, I represent both towns. That is an unhappy moment for me at the present time.

We had a public hearing; people came here from Jonesport, the selectmen and a few others, stated their claims; a large number came from Beals. As I recall it Beals put in no real claim for any right to dig clams in the territory of Jonesport, but they objected to the passage of this bill which protected the town of Jonesport from outside diggers because they, with other towns, had been in the habit of going there and digging clams.

Now at that hearing I do not recall that the people of Beals put in any legal claim that they had a right to go there, but in the absence of any legal claim, they raise the claim here of unconstitutionality or sympathy. They gave us to understand that the people of Beals would suffer if they were forbidden from coming across the Reach and digging clams in the Town of Jonesport.

Now during the time that they asked to be sawed off from the mother town, Jonesport objected, and of course it would be natural for the town not to want to lose any part of its territory or population.

It now comes to this: Are you going to grant Jonesport the same privilege that you have been granting other towns at this session and last session and sessions back for ten or more years? They feel that they have the same right to come here and ask that their clam flats be protected as the other towns and not be compelled to hook up with the town of Beals.

The Committee of Sea and Shore Fisheries saw fit to bring in a bill in a new draft, granting the town of Beals and Jonesport this privilege together. Now Jonesport does not care for that kind of a bill. They want to be as independent as any other town. At their annual town meeting, if they see fit to close their flats or if they see fit to close a certain portion of their flats, they want that privilege without being compelled to talk it over with some other town.

To show what effect outsiders do have on some of the unprotected towns, there is a portion of the

town of Jonesport which had been pretty well dug a couple of years ago, and they closed that section known as Great Barter. They kept that closed for around two years and last fall they opened it up. Now what was the result? There were plenty of clams. People came forty miles, they came from Ellsworth, they came from Machias, and from Addison and surrounding towns, and in about three weeks they got practically all the clams there were there.

Now I tell you this to show you the necessity of protecting the clams in the flats of Jonesport. But the great question here today is: Shall they be compelled to be hooked up with the town of Beals? As I said before, it is a matter of sympathy. Beals comes in and says, "We don't want to be shut out." Now legally it appears to me—and that is why I made the report that I have—legally Beals has no more claim on the Town of Jonesport than they have on the Town of Addison, Machiasport or any other town. For instance, we have clam diggers in the town of East Machias adjoining our town. We have a larger area. Now suppose the clam diggers of East Machias come up here and ask you to pass a law to compel us to take the diggers of East Machias into our clam flats because we happen to have a larger area—do you think that is right. This is a matter for you to decide.

Now then, as to forcing the town of Jonesport to accept the diggers from the town of Beals and compelling them to live in quiet and peace and love, it is a matter for you to consider.

It seems to me that these diggers have a right, regardless of law, rather than to see the diggers from Beals coming onto their territory, digging out their clams, they are going to resent it. And really, if you allow this hook-up of the two towns it may result in a tragedy on the clam flats. Please bear that in mind.

Now I have heard in the lobby that there was some kind of a trade made: in case some other bill went through this hook-up of the two towns would be satisfactory to Jonesport. I have investigated that with the people of Jonesport, and

they tell me there has been no such trade. They know nothing of the kind. If anything of that kind was talked over they had nothing to do with it.

Now as to the ability of the clam diggers of Beals to exist provided they are shut out from going on the territory of Jonesport, as near as I can find out, the town of Beals has about fifty clam diggers. They have a certain amount of clam flats of their own. Their clam flats are limited and the clam diggers are practically unlimited for a small town. But they are a prosperous class of people, both towns, people that would stand for the average intelligence and endeavor of any class of people in any town in the State of Maine. Since their separation from Jonesport, as far as can be determined, they have been satisfied, they have prospered, and at this term of the legislature they have come up here and asked for a charter to establish a ferry. They raised money at their town meeting to provide boats for cars. They are going right along.

Of course we must admit that we are sorry. It may be some disappointment. These clam diggers have been digging there for years and they will be shut out, but nevertheless, misfortune falls upon all classes of people, and I think it is nothing more than right—and, as I said before, I base my opinion upon the facts; and after talking this matter over with the leading citizens of each town and showing them my position, they said to me: "We realize the spot you are on, and the only thing we will ask you is to go there and present the facts."

Now, Mr. Speaker and members, I think I have presented the facts, and I hope that you will sustain my motion.

THE SPEAKER: The gentleman from Machiasport, Mr. Hanson, moves that the House accept the minority report "Ought to pass" on Bill "An Act Relating to the Taking of Soft Shelled Clams in Jonesport," H. P. 62, L. D. 28.

The Chair recognizes the gentleman from Vinalhaven, Mr. Barton.

MR. BARTON: Mr. Speaker, I feel very much like a weakling to attempt to oppose my good friend, the

gentleman from Machiasport, Mr. Hanson, but I am more than sympathetic with the problem which the people in Beals are faced with if this bill goes into effect, and therefore I feel that I must stand in support of the majority report and in opposition to his motion.

At the hearing statement was made by the counsel representing Jonesport that this bill was not aimed at the town of Beals but was aimed at other diggers who had been coming in and digging the clams in the town of Jonesport, but I maintain that this will seriously affect the economy of the town of Beals.

As the gentleman from Machiasport, Mr. Hanson, has explained, he is in a very difficult position, and that is further magnified by the fact that the two towns were once one. Because of the peculiar location of the town of Beals, which is across Moosebec Reach from the town of Jonesport, all the foodstuffs and material moving in or out of Beals pass through Jonesport, and I dare say that there is considerable revenue which comes into the town of Jonesport from the town of Beals.

If you pass this law, you will be depriving many of the clam diggers on the Island of Beals a chance to earn a livelihood.

There is another factor which enters into this, and that is that the main objection to the diggers of Beals digging in Jonesport, as brought out at the hearing, was due to summer digging, and I was told by the counsel in private conversation that should the Washington County law go into effect, they would have no objection to the towns of Beals and Jonesport having a joint law. I understand that since that time their position has changed.

Here in this House we passed a law just the other day which closed the county of Washington to the digging of clams from June 1st to October 1st, therefore I feel that it is only fair that the island of Beals be written in with the town of Jonesport.

Now in this law there is nothing which would prohibit the town of Jonesport or the town of Beals individually from closing any section of their flats if they so desire. The

Sea and Shore Fisheries Laws, Chapter 34, provide that in cases of depletion and in the interests of conservation, a town may close any portion of its flats that it deems advisable. In addition to that, after due hearing the Commissioner of Sea and Shore Fisheries is authorized to close whatever flats in his opinion should be closed.

I therefore hope that the motion of the gentleman from Machiasport, Mr. Hanson, does not prevail, and if you support me in this I shall move the acceptance of the majority report.

The SPEAKER: The Chair recognizes the gentleman from Whiting, Mr. Bucknam.

Mr. BUCKNAM: Mr. Speaker and Members of the House: During the two sessions that I have been in this Legislature we have had many complicated bills before us, but in my way of thinking this is the simplest one we have. The town of Jonesport is only asking for the same protection that all the other towns on the coastal waters of our State have. They have a perfect right to it, and I can see no reason to do anything but to accept the minority report.

During the discussion—we discussed it quite thoroughly—and finally I told them that I was going to sign the bill if I signed it alone, which was the only thing we could do, and the only question that I want to leave with you is: If you were a citizen of the town of Jonesport, and you were denied the same right of the benefit of a law that all of the other towns on the coast were receiving, how would you like it?

I hope that the motion of the gentleman from Machiasport (Mr. Hanson) prevails.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Machiasport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, I ask for a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Machiasport, Mr. Hanson, that the House accept the minority "Ought to pass" report of the Committee on Sea and Shore Fisheries on Bill "An Act re-

lating to the Taking of Soft-Shell Clams in Jonesport," H. P. 62, L. D. 23; and the same gentleman further moves that the vote be had by division.

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

A division of the House was had.

Eighty-four having voted in the affirmative and four having voted in the negative, the motion prevailed, and the minority "Ought to pass" report was accepted.

Thereupon, the bill, having already been printed, was read twice under suspension of the rules and was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the 9th tabled and today assigned matter, 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, tabled on April 30 by the gentleman from Portland, Mr. McGlauffin, pending passage; and the Chair recognizes that gentleman.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves that the order have a passage. Is it the pleasure of the House that the order receive a passage?

The motion prevailed and the order received passage.

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

Mr. LORD: Mr. Speaker, I notice that L. D. 604 now being in possession of the House, I would like to move, under suspension of the rules, to reconsider our action whereby we receded and concurred with the Senate.

The SPEAKER: The gentleman from Norway, Mr. Lord, moves that the House reconsider, under suspension of the rules, its action whereby it receded and concurred with the Senate on April 25th in the passage to be engrossed of Bill "An Act Relating to Greely Institute,"

H. P. 1070, L. D. 604. Is this the pleasure of the House?

The motion prevailed.

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

Mr. DOW: Mr. Speaker and Members of the House: In speaking of any action taken by another body, I shall only mention what is a matter of record. Is that permissible?

The SPEAKER: The Chair will read to the House Reed's Rules which are the rules of the House, Section 224, on page 166:

"It is not permissible to allude to the action of the other House of the Legislature or refer to a debate there. Such conduct might lead to misunderstanding and ill will between two bodies which must cooperate in order to properly serve the people, so also the action of the other body should not be referred to, to influence the body the member is addressing."

Does that answer the gentleman's question?

Mr. DOW: Thank you, Mr. Speaker. I had no intention of trying to influence the House by any action. I simply wanted to refer to what action had been taken. This bill has been before us for a long time.

The SPEAKER: The gentleman may state facts.

Mr. DOW: Mr. Speaker and Members of the House: As you all remember, this thing has been riding along for a long time. It cannot possibly affect anyone outside of the town of Cumberland. I have been trying to carry out the wishes of a large majority of that town.

You have twice sustained my motions on this bill, first to indefinitely postpone and second, to amend the motion, but as you will recall, it came back from the other body both times in "non-concurrence." The last action of the other body taken was to insist which leaves the way open for the House to insist, if you will so vote, and ask for a Committee of Conference.

This was my bill originally. It is dead. I recognize that, but not yet buried. What I am asking is to be allowed to attend the funeral with a few supporters and possibly to

say a few words at the grave. I hope you will sustain me in the motion to insist and ask for a Committee of Conference.

The SPEAKER: The question before the House is on the motion of the gentleman from Falmouth, Mr. Dow, that the House insist upon its former action on Bill "An Act Relating to Greely Institute" and request a Committee of Conference. Is this the pleasure of the House?

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

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair will appoint the following conferees in behalf of the House: The gentleman from Falmouth, Mr. Dow, the gentleman from Freeport, Mr. Pat-

terson, and the gentleman from Waterboro, Mr. Bradeen.

The SPEAKER: The House is proceeding under Orders of the Day.

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

Mr. CHASE: Mr. Speaker, I move that the House do now adjourn until 8:30 A. M. Standard Time tomorrow.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the House adjourn until 8:30 Eastern Standard Time tomorrow morning. Is this the pleasure of the House?

The motion prevailed, and the House so adjourned.