

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

VOLUME II

1951

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, May 4, 1951.

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

Prayer by the Rev. Mr. Thompson E. Ashby of Brunswick.

The journal of the previous session was read and approved.

The Speaker announced the appointment of the following Conferences on the part of the House on the disagreeing action 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)

Mrs. MOFFATT of Bath
Messrs. BAILEY of Woolwich
JONES of Bowdoinham

On the disagreeing action of the two branches of the Legislature on Resolve Permitting the Building of a Wharf in Maranacook Lake (S. P. 556) (L. D. 1314)

Messrs. HANCOCK of Casco
TAYLOR of Norridgewock
MAXWELL of Winthrop

On the disagreeing action of the two branches of the Legislature on Bill "An Act Repealing the Merit Award Board" (H. P. 1252) (L. D. 826)

Messrs. BROWN of Wayne
JALBERT of Lewiston
FULLER of Bangor

On the disagreeing action of the two branches of the Legislature on Bill "An Act relative to Fishing Contests" (H. P. 1725) (L. D. 1280)

Messrs. WATSON of Moose River Pl.
BEARCE of Caribou
LORD of Norway

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to the Salary of the Mayor of the City of Lewiston" (S. P. 313) (L. D. 664)

Messrs. COTE of Lewiston
JALBERT of Lewiston
COUTURE of Lewiston

Conference Report

Report of the Committee on Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to

Fishing Licenses for Boys' and Girls' Camps" (H. P. 1410) (L. D. 1018) reporting that the Senate recede and concur with the House in recommitting the Report and Bill to the Committee on Inland Fisheries and Game, and the Committee recommends that the Committee on Inland Fisheries and Game report a New Draft, a draft of which accompanies this Report. (Signed)

Messrs. DAVIS of Harrison
SANBORN of Gorham
BROWN of Wayne

—Committee on part of House
ELA of Somerset
WIGHT of Penobscot
SMART of Hancock

—Committee on part of Senate.

Was read and accepted and sent up for concurrence.

Senate Reports of Committees Ought Not to Pass**Papers from the Senate**

Report of the Committee on Highways reporting "Ought not to pass" on Bill "An Act relating to Location and Alteration of State and State Aid Highways" (S. P. 333) (L. D. 749)

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 relating to Construction of State Aid Highways" (S. P. 354) (L. D. 869) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 354, L. D. 869, Bill "An Act Relating to Construction of State Aid Highways."

Amend said Bill by inserting at the beginning of the 1st line there-

of the underlined abbreviation and figure: 'Sec. 1.'

Further amend said Bill by striking out the underlined words "joint fund" in the 12th line thereof and inserting in place thereof the underlined word 'appropriation'

Further amend said Bill by inserting a comma after the underlined figure "25" in the 13th line thereof.

Further amend said Bill by adding at the end thereof the following section:

'Sec. 2. **Limitation.** The provisions of the amendment in section 1 hereof shall not apply to towns which have already anticipated future state aid apportionments, until such towns shall have been reimbursed in accordance with the provisions of section 109 of chapter 20 of the revised statutes, as amended. This act shall become effective July 1, 1952.'

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

Report of the Committee on Highways on Bill "An Act relating to Use of Joint Fund for State Aid Road Construction" (S. P. 320) (L. D. 726) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 320, L. D. 726, Bill "An Act Relating to Use of Joint Fund for State Aid Road Construction."

Amend said Bill by inserting at the beginning of the 1st line thereof the following underlined abbreviation and figure: 'Sec. 1.'

Further amend said Bill by striking out all after the underlined words "discretion of the commission" in the 9th and 10th lines thereof and inserting in place thereof the following underlined words and punctuation: '**and all state aid joint funds so transferred**

shall be expended in accordance with the provisions of sections 42-A to 42-F, inclusive. Roads constructed under the provisions of this section shall be maintained by the towns.'

Further amend said Bill by adding at the end thereof the following section:

"Sec. 2. R. S., c. 20, §42-B, amended. Section 42-B of chapter 20 of the revised statutes, as enacted by section 1 of chapter 371 of the public laws of 1945, and as amended, is hereby further amended to read as follows:

'Sec. 42-B. **Towns to receive funds.** The various towns and unorganized townships in the state shall receive from the fund for the purpose of improving such roads as the municipal officers of the towns shall designate, not less than \$200 and such other amounts as they shall be entitled to, figured on the basis of mileage of unimproved roads, including unimproved sections of state aid roads located within their respective limits as compared with the total amount of mileage of unimproved roads within the state, **except that in towns where the fund is unexpendable in the judgment of the highway commission, under the limitations of sections 42-C and 42-D, no apportionment shall be made, and unexpendable balances shall be lapsed into the town road improvement fund.** Such designation and the expenditure of money under the provisions of sections 42-A to 42-F, inclusive, shall be under the [general] supervision and approval of the state highway commission."

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

Report of the Committee on Liquor Control on Bill "An Act to Clarify Provisions of the Liquor Law" (S. P. 118) (L. D. 209) which was recommitted, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A"
to S. P. 118, L. D. 209, Bill "An Act to Clarify Provisions of the Liquor Law."

Amend said Bill by striking out the period at the end of section 4 of said Bill and inserting in place thereof the following: " and the following enacted in place thereof:

'No applicant whose application is denied by the commission shall be eligible to apply for a liquor license of the same type again for a period of 6 months from the date of such denial unless the commission denial is overruled by the court under appeal provided by section 60-A.'"

Further amend said Bill by adding before the single quote at the end of section 5 the following underlined paragraph:

'No license shall be issued to any law enforcement official who benefits either directly or indirectly.'

Further amend said Bill by striking out, at the end of section 10, the underlined punctuation and words **" , or both "**

Further amend said Bill by adding at the end thereof the following sections:

"Sec. 12. R. S., c. 57, §22, amended. Section 22 of chapter 57 of the revised statutes, as amended, is hereby further amended by adding at the end thereof a new paragraph to read as follows:

'Any applicant for license aggrieved by the refusal of municipal officers or county commissioners to approve any application for license requiring their approval or a transfer of location of licensed premises under the provisions of section 35 may appeal to the commission, who shall hold a public hearing thereon in the city, town or unincorporated place where such license is applied for and, if it finds the refusal arbitrary or without justifiable cause, it may issue license or transfer notwithstanding the lack of such approval. Upon notification of appeal as herein provided, the municipal officers or county commissioners refusing approval shall certify to the commission their reasons for refusal and

evidence on such appeal shall be limited to the reasons specified. The commission shall furnish the appellant with a copy of such reasons for refusal and give adequate public notice of the time and place of such hearing.'

Sec. 13. P. L., 1951, c. 13, §1, repealed; limitation. Section 1 of chapter 13 of the public laws of 1951, heretofore passed by this legislature, amending section 22 of chapter 57, of the revised statutes, is hereby repealed and shall not be printed as part of the session laws of 1951.

Sec. 14. P. L., 1951, c. 174, §2, repealed; limitation. Section 2 of chapter 174 of the public laws of 1951, heretofore passed by this legislature, amending section 28 of chapter 57 of the revised statutes, is hereby repealed and shall not be printed as part of the session laws of 1951.

Sec. 15. P. L., 1951, c. 174, §3, repealed; limitation. Section 3 of chapter 174 of the public laws of 1951, heretofore passed by this legislature, amending section 40 of chapter 57 of the revised statutes, is hereby repealed and shall not be printed as part of the session laws of 1951.

Sec. 16. R. S., c. 57, §2, sub-§V, repealed and replaced. Subsection V of section 2 of chapter 57 of the revised statutes, as amended, is hereby repealed and the following enacted in place thereof:

'V. Shall licenses be granted in this city or town for sale therein of wines and spirits to be consumed on the premises of part-time hotels and clubs?'

Sec. 17. R. S., c. 57, §2, amended. The 13th and 5th paragraphs from the end of section 2 of chapter 57 of the revised statutes, as amended, are hereby further amended to read as follows:

'If a majority of the votes cast in a city or town in answer to question V are in the affirmative, the commission may issue licenses for the sale of wines and spirits to be consumed on the premises of [a hotel or club] part-time hotels and clubs therein [that operates only during the months of June, July, August and September] for the 2 calendar years next following, subject to all provisions of law.'

If a majority of the votes cast on question V are in the negative, licenses shall not be issued for the sale of wines and spirits to be consumed on the premises of [a hotel or club] **part-time hotels and clubs that [operates] operate** therein [only during the months of June, July, August and September] for the 2 calendar years next following.

Sec. 18. R. S., c. 57, §23, amended.

The 2nd paragraph of section 23 of chapter 57 of the revised statutes, as enacted by chapter 245 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

‘Provided, however, that licenses in an unincorporated place, where no local option vote is taken under the provisions of section 21-A, shall require the approval of the county commissioners of the county.’

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

Non-Concurrent Matter

From the Senate:

Bill “An Act relating to Signals for Stopping and Turning Motor Vehicles” (H. P. 93) (L. D. 38) which was passed to be engrossed as amended by House Amendment “A” in the House on April 24.

Came from the Senate passed to be engrossed as amended by House Amendment “A” and Senate Amendment “A” in non-concurrence.

In the House: On motion of Mr. Jennings of Strong, the House voted to recede from its former action whereby the Bill was passed to be engrossed on April 24th.

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

SENATE AMENDMENT “A” to H. P. 93, L. D. 38, Bill “An Act Relating to Signals for Stopping and Turning Motor Vehicles.”

Amend said Bill by striking out the last 3 underlined lines thereof and inserting in place thereof the following underlined subsections:

I. Left turn—hand and arm extended horizontally with the index finger pointed to the left;

II. Right turn—hand and arm extended horizontally and rotated from the rear to the front;

III. Stop or decrease speed — hand and arm extended horizontal-

ly in a steady position with palm to the rear.’

Senate Amendment “A” was then adopted, and the Bill was passed to be engrossed as amended by House Amendment “A” and by Senate Amendment “A” in concurrence.

Non-Concurrent Matter

From the Senate:

Bill “An Act Authorizing Cities and Towns to Collect Garbage and Rubbish and Make Service Charge Therefor” (H. P. 942) (L. D. 538) on which the House accepted the Minority Report of the Committee on Towns and Counties reporting “Ought to pass” and passed the Bill to be engrossed on May 2.

Came from the Senate with the Majority Report reporting “Ought not to pass” accepted in non-concurrence.

In the House: On motion of Mr. Burgess of Limestone, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

From the Senate:

Bill “An Act relating to Special Deputies in Cumberland County” (H. P. 1241) (L. D. 793) on which the House accepted the Minority Report of the Committee on Towns and Counties reporting “Ought to pass” and passed the Bill to be engrossed on April 24.

Came from the Senate with the Majority Report reporting “Ought not to pass” accepted in non-concurrence.

In the House: On motion of Mr. Spear of South Portland, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

From the Senate:

An Act relating to Public Burying-Grounds in Unincorporated Places (H. P. 1240) (L. D. 792) which was passed to be enacted in the House on March 21, and passed to be engrossed on March 8.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Parker of Sebec, the House voted to recede from its former action whereby it passed the Bill to be enacted on March 21st.

On further motion of the same gentleman, the House voted to recede from its former action whereby it passed the Bill to be engrossed on March 8th.

The same gentleman 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. 1240, L. D. 792, Bill "An Act Relating to Public Burying-Grounds in Unincorporated Places."

Amend the title of said Bill by striking out the words "Unincorporated Places" and inserting in place thereof the words "Townships of Medford and Orneville"

Further amend said Bill by striking out all after the enacting clause and inserting in place thereof the following paragraph:

'Ancient or public burying-grounds in townships of Medford and Orneville to be cared for by county commissioners. The county commissioners of Piscataquis county shall cause the ancient or public burying-grounds in the townships of Medford and Orneville to be maintained and kept in proper condition, and the expense thereof not in excess of 1 mill on the dollar of valuation shall be by them assessed upon the property owners in such townships in the same manner in which the expense of road repair and maintenance are assessed in the same, in accordance with the provisions of section 62 of chapter 79 of the revised statutes.'

House Amendment "A" was adopted and the Bill under the title of Bill "An Act Relating to Public Burying-Grounds in Townships of Medford and Orneville" was passed to be engrossed in non-concurrence and was sent up for concurrence.

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

Non-Concurrent Matter

From the Senate:

An Act relating to Fire Protection Tax in Unorganized Territory (H. P. 1327) (L. D. 890) which was passed to be enacted in the House

on April 17, and passed to be engrossed on April 4.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: (On motion of Mr. Brown of Baileyville, tabled pending further consideration)

Non-Concurrent Matter

From the Senate:

Bill "An Act relating to Rental of Western Somerset Municipal Court" (S. P. 312) (L. D. 663) which was passed to be engrossed as amended by House Amendment "A" in the House on May 2.

Came from the Senate with that body voting to adhere to its action whereby the Bill was passed to be engrossed without amendment.

In the House: On motion of Mr. Woodworth of Fairfield, the House voted to recede from its former action whereby it passed the Bill to be engrossed as amended by House Amendment "A" on May 2nd.

On further motion of the same gentleman the House voted to recede from its former action whereby it adopted House Amendment "A".

On further motion of Mr. Woodworth, House Amendment "A" was indefinitely postponed, and the Bill was passed to be engrossed in concurrence.

On motion of Mr. Bates of Orono, it was

ORDERED, that there be printed 1,000 copies in pamphlet form of "An Act Imposing a Sales and Use Tax" (H. P. 1695) (L. D. 1273) enacted, for use of the Legislature.

House Reports of Committees Ought to Pass with Committee Amendment

Mr. Potter from the Committee on Claims on Resolve in favor of Peter J. Beaulier of Ashland (H. P. 808) (L. D. 1367) 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. 808, L. D. 1367, Resolve in

Favor of Peter J. Beaulier of Ashland.

Amend said Resolve by striking out the figures "\$1500" in the 2nd line thereof, and inserting in place thereof the figures '\$1000'.

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

Passed to be Engrossed

Bill "An Act relating to the Taking of Soft Shelled Clams in Jonesport" (H. P. 62) (L. D. 28)

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

Tabled

Bill "An Act relating to Method of Issuance of State Highway and Bridge Bonds" (H. P. 1197) (L. D. 761)

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

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

Mr. CHASE: Mr. Speaker, there are some things about this bill which are not clear to me, and in the absence of its sponsor, the gentleman from Houlton, Mr. Robbins, I should like to table the bill.

It will be taken up at the earliest possible moment, and I so move.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the bill be tabled pending third reading. Is this the pleasure of the House?

The motion prevailed.

Bill "An Act relating to the Operation of Trucks During the Months of December, January and February" (H. P. 1473) (L. D. 1193)

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

Tabled

Bill "An Act relating to Open Season for Fishing for Black Bass" (H. P. 1758) (L. D. 1302)

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

Mr. DUNHAM of Ellsworth: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. DUNHAM: Mr. Speaker, I don't know whether I am in order or not, but there is an item here, Item 4, that I want to get a little more information about and I would like to lay it on the table if I am in order.

The SPEAKER: The gentleman from Ellsworth, Mr. Dunham, moves, that the House reconsider its action just taken whereby it passed to be engrossed Bill "An Act relating to Open Season for Fishing for Black Bass" (H. P. 1758) (L. D. 1302). Is this the pleasure of the House?

The motion prevailed, and on further motion of the same gentleman the bill was tabled pending passage to be engrossed.

Amended

Bill "An Act to Authorize the Construction of a Toll Bridge Across the Penobscot River Between the Cities of Bangor and Brewer" (H. P. 1795) (L. D. 1363)

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

The gentleman from Addison, Mr. Lackee, offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1795, L. D. 1363, Bill, "An Act to Authorize the Construction of a Toll Bridge Across the Penobscot River Between the Cities of Bangor and Brewer."

Amend said bill by striking out the words "general highway fund" at the end of Section 7 thereof, and inserting the words 'income received from the tolls collected'.

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

Bill "An Act relating to Composite Certificates of Organization of Corporations" (H. P. 1796) (L. D. 1365)

Resolve in favor of Indian Island for Construction and Repair of Roads (H. P. 969) (L. D. 798)

Resolve Regulating Fishing in Somerset County (H. P. 1794) (L. D. 1362)

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

Amended Bills

Bill "An Act Authorizing Main-ente School of Music to Confer Degrees" (S. P. 116) (L. D. 206)

Bill "An Act Clarifying Certain Highway Laws" (S. P. 478) (L. D. 1142)

Bill "An Act Amending the Maine Housing Authorities Act" (H. P. 159) (L. D. 90)

Bill "An Act to Increase the Salaries of Members of the State Highway Commission" (H. P. 1080) (L. D. 683)

Bill "An Act relating to Temporary Loans for Highway Purposes" (H. P. 1258) (L. D. 832)

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

Bill "An Act relating to Entrances to Highways" (H. P. 1529) (L. D. 1122)

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

Tabled

Bill "An Act relating to Clearance Markings on Railroad and State Highway Overpasses" (H. P. 1531) (L. D. 1124)

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

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

Mr. SENTER: Mr. Speaker and Members of the House: I don't quite know how to proceed but I want to do two things. First I want to introduce House Amendment "A" and then I have been requested to table the bill and the amendment.

The SPEAKER: The gentleman from Brunswick, Mr. Senter, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

HOUSE 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 inserting in the 2nd paragraph thereof before the underlined word "overpass" and also before the underlined word "overpasses" wherever either word appears the underlined word 'highway'

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

Mr. SENTER: Mr. Speaker and Members of the House: I would now like to table the matter and specially assign it for next Wednesday morning.

The SPEAKER: Does the gentleman desire to have the amendment adopted first?

Mr. SENTER: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Brunswick, Mr. Senter, moves that House Amendment "A" to Bill "An Act Relating to Clearance Markings on Railroad and State Highway Overpasses" be adopted. Is this the pleasure of the House?

The motion prevailed and House Amendment "A" was adopted.

On further motion of Mr. Senter, the Bill, with accompanying papers, was tabled pending third reading and specially assigned for Wednesday, May 9th.

Resolve Closing Certain Tributaries to Lake Moxie, Somerset County, to All Fishing (H. P. 1612) (L. D. 1172)

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

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

Mr. CHASE: Mr. Speaker, a point has arisen in connection with the item relating to the Bangor Bridge amendment. May I inquire if that bill has already been passed to be engrossed? It is Item 5, Bill "An Act to Authorize the Construction of a Toll Bridge Across the Penobscot River Between the Cities of Bangor and Brewer."

The SPEAKER: The Chair would inform the gentleman that the Bill

has already been passed to be engrossed.

Mr. CHASE: Mr. Speaker, would it be in order at this time to move that the House reconsider Item 5 under Bills in the Third Reading in order to clarify a point which has arisen?

The SPEAKER: A motion to reconsider is in order at this time.

Does the gentleman move for reconsideration?

Mr. CHASE: I do, Mr. Speaker.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the House reconsider its action taken earlier in today's session whereby it passed to be engrossed as amended by House Amendment "A", Bill "An Act to Authorize the Construction of a Toll Bridge Across the Penobscot River Between the Cities of Bangor and Brewer" (H. P. 1795) (L. D. 1363). Is it the pleasure of the House to reconsider?

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

Mr. CHASE: To make my point on the motion to reconsider, Mr. Speaker: Under the terms of the amendment to Section 7, this morning adopted, it provides that the interest on the bonds to be issued shall be paid out of the tolls to be collected from the bridge. The bridge is to be paid for, apparently, from the proceeds of the bonds to be issued. It will presumably take some time to build the bridge and construction will proceed on the bridge, I take it, for a considerable time before any tolls will be collected. I therefore would like to inquire how interest on the bonds is to be paid before the money begins to come in from the proceeds of the tolls.

The SPEAKER: The Chair recognizes the gentleman from Addison, Mr. Lackee.

Mr. LACKEE: Mr. Speaker, this amendment was framed by the Assistant Attorney General. It is not intended that the amortization of the bonds shall wait until after the construction. There may be a legal technical point to be cleared up there, and I therefore move that the bill be tabled.

The SPEAKER: The gentleman would have to assign a day certain

as the pending motion is on the reconsideration.

Mr. LACKEE: Mr. Speaker, I will assign next Tuesday.

The SPEAKER: The gentleman from Addison, Mr. Lackee, moves that Bill "An Act to Authorize the Construction of a Toll Bridge Across the Penobscot River Between the Cities of Bangor and Brewer" lie on the table and be specially assigned for Tuesday next, May 8th, pending motion of the gentleman from Cape Elizabeth, Mr. Chase, to reconsider its action whereby the Bill was passed to be engrossed as amended by House Amendment "A". Is this the pleasure of the House?

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

Passed to be Engrossed (Cont'd)

Bill "An Act relating to Private Carriers in Operating Motor Trucks for Hire" (S. P. 566) (L. D. 1356)

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

Bill "An Act relating to Crop and Orchard Damage by Deer" (H. P. 1788) (L. D. 1355)

Bill "An Act relating to Bulldozing of Streams" (H. P. 1784) (L. D. 1341)

Were 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.

Bill "An Act relating to Penalties for Violation of Truck Weight Laws" (S. P. 460) (L. D. 1074)

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

The SPEAKER: Is there any objection to the House, at this time, taking up out of order a paper from the Senate?

The Chair hears no objection.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, May 7th, 1951, at 3:30 o'clock in the afternoon, Eastern Standard Time. (S. P. 572)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

Orders of the Day

The SPEAKER: The Chair lays before the House the 1st tabled and today assigned matter, Joint Order requesting Joint Standing Committee on Highways to report out all special road resolves for the next 2 fiscal years as "Ought not to pass," tabled May 1 by the gentleman from Pittsfield, Mr. Sinclair, pending passage; and the Chair recognizes that gentleman.

Mr. SINCLAIR: Mr. Speaker and Members of the House: I tabled this Joint Order for the sponsor, Mr. Jacoby, from Dixmont, during his absence, and if it be the pleasure of the House, I would like to turn this matter over now to Mr. Jacoby.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Jacobs, in his own right.

Mr. JACOBY: Mr. Speaker and Members of the House: I hope the members of this House had an opportunity over the long week-end—I tabled this bill on Thursday and had it come up on Tuesday—to give them an opportunity to study the tabulation of the Town Road Improvement Fund which took in also the Special Resolve Fund.

When I presented this order I tried to explain the outmoded and uneconomical procedure of allocating a few pork barrel dollars of highway funds. From reliable sources it is estimated that the printing, the advertising and the processing of these resolves alone approaches \$5,000.

In the 94th Legislature these Special Road Resolves took up 56 pages or 2 per cent of the entire publication. It is also stated on good authority that our Highway Committee spends as much time, if not more, on these outmoded special resolves which allocate to the towns \$150,000, than is taken the rest of the time on all of their bills, which

go into several millions of dollars. I think this one fact alone should be convincing proof that the time has come, and as I said the other day, the time is overdue, when this method of distributing pork barrel funds should be abolished once and for all.

When I introduced this order I was very well aware of the fact that by passing this order, we, the members of this 95th Legislature, could not go home to our constituents and say: "See what I got for you." Gentlemen, and Ladies too, I hope your record is not dependent on a few dollars of these pork barrel funds. If it is, and I am going to repeat myself again, you are skating on terribly thin ice.

I also appreciate the fact that these special road resolves provide a good excuse for the selectmen and the town managers to take half a day off at the State Capitol and argue their pet road projects with the committee.

I wonder how many of the members of this House really tell their town managers and their selectmen how important their pleas before the Highway Committee are, when in reality their allotment is all cut and dried and entirely in the hands of their Representative.

I have had several days to observe the reaction of this House, and I am fully aware that there is going to be some token opposition to this order. The principal objections I believe are, first, the mechanics of these resolves have already been disposed of and the cost cannot be refunded. To this I agree.

Second, the members of this House and the towns they represent are expecting these special resolves. To this one I am not quite certain.

The third, I can go home and tell my constituents that they are not going to get these few dollars because my re-election depends on it. That could be. I believe these special resolves make friends or influence voters but precious little.

Fourth, you cannot do away with the special resolves anyway. I believe you can if you really want to and want to make the effort. I am firmly convinced that these special road resolves, I repeat again, are outmoded, impracticable and economically unsound, and I sin-

cerely hope that if any member of this House opposes this order, he or she can offer a better plan to do away with this uneconomical method of spending highway funds, because some of the most bitter opponents of this order have stated to me personally: "We agree with the principles of this order and heartily endorse it, but not this year." To this I ask: "Why not now?"

Mr. Speaker, I now move the passage of this order, and move that when the vote is taken, it be by a division.

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

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

Mr. CHAPLES: Mr. Speaker and Members of the House: Our program for the coming 1952 and 1953 year has already been set up. If this joint order goes through, it will cut some of our special resolves drastically for a lot of towns. If it does go through the town has no say whatever on what road this money shall be expended; it is up to the Highway Commission entirely.

I am definitely opposed to this order. This Joint Order has nothing to do with our bridges and will cut out our highway program entirely for the year 1952 and 1953, and therefore I make a motion that this Joint Order is indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Hudson, Mr. Chaples, that Joint Order requesting Joint Standing Committee on Highways to report out all special road resolves for next 2 fiscal years as "Ought not to pass" be indefinitely postponed. Is the House ready for the question?

The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker and Members of the House: I would like very briefly to point out the facts of the case as I see it, and I certainly do not pretend to know all about this or any other matter, and wherever I am in error I hope some member of the Highway Committee will correct me.

The order as presented by the

gentleman from Dixmont, Mr. Jacoby, proposes to do two things. First, to do away for this session with the special resolves and place the same amount of money only for each of the next two years in the Town Road Improvement Fund.

Now with respect to the Town Road Improvement Fund, that item was set up several years ago as a result of what was then known as the Mail Carriers' Fund and the mail carriers at one time came down here in groups to propose small allocations of funds for bad spots on their mail routes. That has gradually grown into the Town Road Improvement Fund.

Several sessions ago the gentleman who is now President of the other body, as a member of the Highway Committee, with the help of this committee was able to set up \$200,000 known as the Town Road Improvement Fund. Later the amount was increased by a later Legislature to half a million dollars, which I believe is the sum which was allocated two years ago. Now that was intended at the time to induce members of both branches to do away or forget about putting in these special resolves which take up so much of the committee's time and does run into advertising costs and printing in the Legislative Record and in your laws. There is also an engineering cost that goes with it, and if the Highway Department has given me the correct figure, that runs between \$1,500 and \$2,000 a year.

Now just in case some of us do not understand the method of allocating the Road Improvement Fund, may I point out that I believe it is prescribed in the statute that every municipality throughout the State receives \$200 annually and the remainder of the fund is apportioned on this basis: That a town would receive an amount of money which percentage-wise equals their percentage of unimproved roads to the total percentage of unimproved roads in the State. Now at the time that law was enacted it was believed, and I for one still believe, that it is an equitable method of distributing highway funds.

I do not care one way or the other, naturally, how the House votes, but I do think it is very proper

that the House have an opportunity to decide for itself if it wishes to take a stand for a change which in my opinion would be a good one. I know, as everyone in this room knows, that what we do at this session will have no bearing on what the next Legislature might do. It is hoped that it will establish a precedent and that if the towns want more money for their Road Improvement Fund, that they would put in a proper bill at the next session asking that that fund be increased, and that, in my opinion, is the proper approach to the problem, to do away with the resolves and increase the Town Road Improvement Fund.

Now as to the matter of where the money could be expended, the municipal officers in every town can make a request through their Road Supervisors where they would like to spend their Town Road Improvement Fund. That request, as far as I know, is always granted, so that if you should vote against the gentleman from Hudson, Mr. Chaples, and with the gentleman from Dixmont, Mr. Jacoby, on the passage of this order, you are not depriving the selectmen of any city or town of putting this fund where it is needed, and of course I think we have throughout the session agreed that the municipal officers should have that say. I don't care, naturally, how you do it. You are going to vote as you wish and that is the way you should. I, for one, under the situation, will have to vote against my good friend, the gentleman from Hudson, Mr. Chaples, and for the order.

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

Mr. DOW: Mr. Speaker and Members of the House: I believe there is considerable merit in the argument of the gentleman from Dixmont, Mr. Jacoby. It so happens that my own town has a very small mileage of unimproved roads and therefore would not benefit by this proposal, but I believe the method of distribution is a just method, and I think the subject should be well considered, and I hope the motion to indefinitely postpone will not prevail.

The SPEAKER: The Chair recog-

nizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker and Members of the House: I dislike very much to oppose these good friends of mine who I think are taking a forward step, but nevertheless we of this House come up here and spend our time with very little salary. Here is just a little thing that we have our hands on which we can go back home and put it where we want it, this little bit of money. I have seen that happen in my own case, and I just don't want to go along with this because I think that we can do a few things that we want to do in our own towns which will be a benefit to us. Although I think these gentlemen are on the right track, nevertheless I don't want to go along with them. (Laughter)

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

Mr. WINCHENPAW: Mr. Speaker, I am almost in the same position as my good friend, the gentleman from Ellsworth, Mr. Dunham. It we had done this on January 3rd, say, we would have been taking a step forward.

Now some of my neighbors here say that they have tried this every session. Well, the first I knew about it was that in one caucus Mr. Dow from Falmouth, got up and made a half-hearted motion to do away with road resolves, and it failed right there.

Now, after all the winter and now the winter's work is over, they come down here and want to do away with these road resolves. I probable represent some of the smallest towns in the State of Maine, and I am informed, maybe wrongly, but I believe it, that if we dump this thing all back into the Town Road Improvement Fund, some of those small towns are going to get less than they are getting under this resolve situation even though the resolves are all cut and dried. I for one, didn't tell the town managers or the selectmen that came down here; I appeared in the committee myself and said a very few words and told them that I didn't want to bother them or take their time, and I think a lot of others did the same thing, so I certainly

hope the motion made by the gentleman from Hudson, Mr. Chaples, prevails.

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

Mr. **SENDER**: Mr. Speaker and Members of the House: I hope the motion made by the gentleman from Hudson, Mr. Chaples, will not prevail. I congratulate the gentleman from Dixmont, Mr. Jacoby, on this progressive step. I think that in this session that I have had the pleasure of attending and being a member of we have made several forward, progressive steps. I think we have corrected a number of things that have been going on in the past, and I refer particularly to deer damage, damage caused by deer to cars, and I think that we should go along with Mr. Jacoby. We all agree in our own minds that he is right and we know it is the right thing to do, but we hate to give it up, particularly this year. It will be all right next year. But let's go along with Mr. Jacoby. He is right and we know it.

The **SPEAKER**: The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. **CASWELL**: Mr. Speaker, I hate to confess my ignorance, and perhaps some member of the Highway Committee can enlighten me. I still cannot understand why, in putting these two funds together, all towns will not receive the same amount that they are now receiving. We are not increasing or decreasing the total amount to be offered to the towns. By this schedule it appears that some towns will receive less and perhaps some towns will receive more. If there were some way that all towns would receive the same total that they are now receiving, I cannot see any objection to Mr. Jacoby's idea.

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

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

Mr. **MARCH**: Mr. Speaker and Members of the House: I of course will gain a little something for my town. I wanted it earmarked so I could get it all in 1951, but I think it is never too late to forget your own personal petty interests and vote for what is better for the whole

State. The gentleman from Dixmont, Mr. Jacoby, has presented this in an admirable manner and I am back of him 100 per cent.

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

Mr. **BAILEY**: Mr. Speaker, I very much dislike going against the statements of my friend, the gentleman from Brunswick, Mr. Senter, but I shall have to disagree with him in this proposition. If this matter had been taken up in the first of the session, as for me I would have looked somewhat differently upon the situation, but I think so far the most of our work has been progressive, and I feel that the people from outside will have to look at it in that way, that we have been advancing. Possibly, as I say, with regard to this special bill, if it had been taken up in the first of the season, it might be considered as such, but as Mr. Jacoby explained, there are the costs of these various resolves which we have been to, they have all been printed, there is the expense of our hearings, and the carrying of them along. Now if we go to work and dump the whole thing overboard, the people will say: "What are you throwing all of that money away for?"

I know, in the past, that these special resolves have been going on very favorably with the towns, and we know, and I think most of the members here can say, that the small amounts that the towns receive have been of more actual benefit in the line of road work in the towns than any other appropriations which they have had, and the principal argument that I have heard in the past against these special resolves is the nickname which they have had. I think that is very wrong and I am willing to say that if that is all we come up here for, is just to get a few hundred dollars for a few of our friends, I think we are really side-stepping, but we are trying to do what we can for the State as a whole; therefore I shall go along and support the motion of my friend, the gentleman from Hudson, Mr. Chaples, to indefinitely postpone this order.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I am not too interested in this, but at the same time I happen to have a town with only fourteen miles of road. That being the case, under the distribution I would get very little. Some of you other members may be in the same situation. My town this year has got enough; I have asked for nothing for them. Even at that, I felt it was my duty to put it in the town that had the big mileage, that had the poor roads, that needed the money. I put the bulk of mine into the town of Monson, which has about seventy-five miles of road to maintain against my fourteen miles. The most of the road through my town is State road. Fortunately, I have got Route 15 right through the middle of my town and it kind of helps things along. But I just hope that you members when you vote will think of one thing. I have an alarm clock to take home, if I don't have any special resolves, thanks to my colleagues. You members who do not take the special resolves, what have you got to take home? (Laughter)

The **SPEAKER**: The Chair recognizes the gentleman from Norridgewock, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker and Members of the House: I represent four small towns that really need a little assistance. One town is paying a tax rate of a dollar twelve, and a little assistance would do a lot for them. I certainly want to go along with the motion of Mr. Chaples.

The **SPEAKER**: The Chair recognizes the gentleman from Sebec, Mr. Parker.

Mr. PARKER: Mr. Speaker and Members of the House: It is with a great deal of reluctance that I rise to oppose this joint order that was introduced by Mr. Jacoby and supported by my good friend, Mr. Burgess; but I certainly believe that by combining these two funds, one for \$500,000, the Town Road Improvement Fund, plus the Special Resolves of \$150,000, that we are not in any way improving our road situation in our small towns.

First of all, this joint order, this bill, adds nothing, as has been brought out—the question was asked—to the amount of funds available. It is nothing but the two funds combined. It adds nothing to their ultimate disposition on the road construction, and the very same procedure can be followed if any board of selectmen so desire at the present time. Now I will explain that.

If any board of selectmen in any of our towns in Maine today wish to use their special resolve fund on the same road that they are now using their Town Road Improvement Fund, the only thing necessary is to have it set up for that road, which can be done when they offer their resolve. By so doing they can do exactly what this bill is proposed to do. But if this bill is passed and the two funds are combined—now this is the danger, and why I oppose this most strenuously—if there is a law that says these two funds must be used on the same road—and it is necessary occasionally in all towns to repair certain small pieces of road whereby we have used the special resolves in the past and are doing it today—if the law says these two funds must be used together in the new composite fund, it will be impossible to separate those in any way. Now why should we legislate to impose a burden on the people, as I believe it will be on our small towns that under our present set-up—call it anything you want to—why should we impose a burden on those small towns to make it harder for them to handle these small town roads that we all have in many of our towns? Why not leave it as it is at the present time? In my district I would say this; there is no misuse to my knowledge and there has not been within the past twenty-five years, of this special resolve fund. It serves a purpose and a badly needed purpose, of allowing the board of selectmen to designate to their representative or Senator when he comes down here, explain to them certain bad places in their town road where there is no other fund available to repair it. This fund is set up especially for that purpose and is used as such in my district.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Campbell.

Mr. CAMPBELL: Mr. Speaker and Members of the House: I am opposed to this order presented by Mr. Jacoby, not for any political reason whatever. I agree with Mr. Parker that this does fill a need that could not be taken care of in any other way.

I just want to tell you of a case in my own town. Last year we constructed a piece of State Road, and, through poor judgment or poor estimates, we ran into an overdraft of something like four thousand dollars. This year we asked for a special resolve of seven hundred dollars to aid us in tarring that piece of road, which request has been granted. If this fund was set up for our unimproved roads, we would not be able to use that amount of money on our state aid project. I hope that the motion of the gentleman from Hudson, Mr. Chaples, prevails.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, I enjoyed the talk of Mr. Senter very much, but I have also looked at the figures. It looks very nice for the representative from Brunswick, but look at my towns. There are three towns that are going to lose money. I certainly am not going to vote with Mr. Jacoby. I can at least go along this time with Mr. Chaples. Even though we cannot agree on hens, we can agree on roads. (Laughter)

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Dennison.

Mr. DENNISON: Mr. Speaker and Members of the House: It seems to me to be a very unfair time to bring up this matter. Now you know what most of us fellows have done in the small towns. We figure on getting a certain per cent of this special resolve money, and this bill was not presented in time for us to take it up in any way before our town meetings. Now we went before our town meetings in the different towns. I want to say that in my own town we were expecting to get a bridge on a state aid highway, the State paying a part and the town paying a part

and the county. Now we talked in town meeting, and the town raised a certain amount of money and set it aside for their part of the building of this bridge, and I assured them that out of our special resolve money there would be a certain part for that bridge. Now if we pass this bill I have got to go back and tell them I was wrong. Now I had promised them that on the idea of getting this special resolve money, and then they come in with this bill and want to upset the whole thing.

Now there is still another thing. Together with my seven towns I have three unorganized townships for which we did not ask for any money. Now in two of them there was a bridge that went out last winter and they are not going to replace it and are not going to use that road, but still in this allocation, out of what I might have got, a thousand dollars is taken for these three unorganized townships.

I hope the motion to indefinitely postpone prevails.

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

Mr. CARVILLE: Mr. Speaker and Members of the House: My district mostly consists of townships that go through wild lands. It has been customary to pool the amount which we are allotted to put on some definite stretch of road that needs improvement. I am wondering just what would happen, whether the County Commissioners would have the allotment of that money that was laid out for these townships or whether the towns which are in the neighborhood would have jurisdiction over that money. I would be afraid that if the County Commissioners had it we would not get it where we want it. I certainly am not going along with the gentleman, and I hope the motion to indefinitely postpone prevails.

The SPEAKER: The Chair recognizes the gentleman from Holden, Mr. DeBeck.

Mr. DEBECK: Mr. Speaker and Members of the House: I am one who cannot understand why Mr. Jacoby didn't present this bill last January, when, in my estimation, it should have been presented. Why wait until all this work has been

done and then spring it on us? I represent eight rural towns, and they are going to be more disappointed if I do not bring them back some money than they were because I did not vote for the sales tax. (Laughter)

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

Mr. WINCHENPAW: Mr. Speaker, Mr. Caswell raised a question, hoping that someone from the Highway Committee would answer it. I am not on the Highway Committee, but I would like to try to answer it in my humble way. The gentleman from Limestone, Mr. Burgess, gave half of the fact, but then he stopped.

As I understand it, this Special Resolve, this separate fund of \$150,000 and some odd and this Town Road Improvement Fund under this new set-up would be lumped together. The plan for distributing the Town Road Improvement Fund is \$200 per municipality. Now listen to that—\$200 for each municipality, the base sum, and then it is allocated at forty dollars a mile, so I am told, for the amount of unimproved roads they have in that municipality.

That will answer Mr. Caswell's question as to why they will not get the same amount in a lot of these small towns, because when that is dumped in there and reallocated on a percentage basis some of our small towns are going to get cut pretty sadly.

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

Mr. WOODWORTH: Mr. Speaker, I represent three towns; one of them is over five thousand and two of them have about four hundred people. In recent years our special resolve money has been divided evenly in the three towns. Under the plan proposed by the gentleman from Dixmont, Mr. Jacoby, my town, the large town, gets more than it has been getting; these two small towns get less. I would much rather have it the other way.

If this order is passed, it seems to me it has the effect of practically repealing laws that we have on the books, and I do not like legislation by indirection. I think that

is one principle that killed the order introduced by the gentleman from Blaine, Mr. Bubar. He had a good idea, but he went about it wrong. I do not think that at this late stage we ought to kick the laws of the State of Maine overboard. If we are going to change our method of subsidizing towns and the building of roads, I think we should do it by a statute.

I can understand, as the gentleman from East Machias, Mr. Denison, has said, that many of these towns have made their plans. I know that my three towns have made their plans for the next two years. My own town, getting more money under the plan of Mr. Jacoby, would not complain, but it would work a real hardship on those two small towns. I am not disposed to support the plan of Mr. Jacoby at this time. I shall support the motion.

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

Mr. CHAPLES: Mr. Speaker and Members of the House: I want it understood that I am not entirely against this bill or order of Mr. Jacoby's, but I do believe that it should have been brought up before we have put in all this time. We have spent our money for advertising and we have spent our money for printing. I think this bill or order—it should be a bill—should go to the 96th Legislature and let them do whatever they are of a mind to. Certainly now we cannot do anything to get any money back. We have put in our time, we have sat in there for hours listening to this thing and in executive session. I would like to see it go to the 96th Legislature. I am not opposed to the bill. I know it has merit. But the way it is set up here it just puts something over on us.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker, I would like to please my friend, the gentleman from Fairfield, Mr. Woodworth, and go at it right this time.

Before I came down here I had an understanding with all my five

towns as to just where this pork should go and where I would take the bacon. Some admitted that the smaller towns should have so much, and some of the larger towns said, "We will surrender to these towns." That was all understood. Well, now the bacon is on the way and I have told them all where it was going and how much. This is going to upset everything that I have done in that line, and I want to go along with the motion of the gentleman from Hudson, Mr. Chaples, for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Jennings.

Mr. JENNINGS: Mr. Speaker and Members of the House: I ask that when the vote is taken it be taken by a division.

The SPEAKER: The Chair recognizes the gentleman from Fal-mouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: I do not know as I understand correctly what is meant by a "small town," whether they mean a town small in population or in mileage. If I understand the Town Road Improvement Fund distribution correctly, with the exception of the two hundred dollars that has been mentioned, it is done on a percentage basis. If it were divided, for instance, between only two towns and one town had ten miles of unimproved road and the other twenty miles, then the town having ten miles would get half as much as the town having twenty miles.

The gentleman from Sebec, Mr. Parker, I think, said that it adds nothing to the funds available. That is correct. But it would result, I think, in a more equitable and economical distribution. A good many times a town will get \$500 perhaps or a thousand dollars to be expended in a certain place. By the time the engineering work is finished and that five hundred or a thousand has been expended, you can hardly see what has been done. It is uneconomical in that way. I hope the motion to indefinitely postpone will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Phillips.

Mr. PHILLIPS: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Phillips, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained.

The question before the House now is: Shall the main question be put now? All those in favor of the main question being put now will say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House is on the motion of the gentleman from Hudson, Mr. Chaples, that Joint Order requesting Joint Standing Committee on Highways to report out all special road resolves for the next 2 fiscal years as ought not to pass, be indefinitely postponed.

Mr. MARTIN of Augusta: Mr. Speaker, —

The SPEAKER: For what purpose does the gentleman rise?

Mr. MARTIN: To make a parliamentary inquiry.

The SPEAKER: The gentleman may state his point.

Mr. MARTIN: Mr. Speaker, if it is in order, could we have a ruling from the Chair as to whether or not this is the correct method of disposing of the road resolves?

The SPEAKER: Does the gentleman raise a point of order on the motion?

Mr. MARTIN: I do, Mr. Speaker.

The SPEAKER: The gentleman is within his rights.

The Chair will rule that the motion to indefinitely postpone is the proper motion.

The question before the House is on the motion of the gentleman from Hudson, Mr. Chaples, that Joint Order requesting Joint Stand-

ing Committee on Highways to report out all special road resolves for next two fiscal years as ought not to pass be indefinitely postponed; and the gentleman from Strong, Mr. Jennings, has requested a division.

All those in favor of the joint order being indefinitely postponed will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Sixty-nine having voted in the affirmative and thirty-seven in the negative, the motion prevailed, and the joint order was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the 2nd today assigned matter, House Report "Ought to Pass in New Draft" (H. P. 1755) (L. D. 1299) of the Committee on Inland Fisheries and Game on Resolve, Regulating Fishing in Red River and Birch River (H. P. 1540) (L. D. 1133) tabled on May 1st by the gentleman from Moose River Plantation, Mr. Watson, pending acceptance of report.

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

Mr. BEARCE: Mr. Speaker, I have permission from the Fish and Game Committee to substitute the resolve for the report "Ought to pass in new draft."

The SPEAKER: Does the Chair correctly understand that the gentleman moves to substitute the original resolve for the "Ought to pass" report on the New Draft?

Mr. BEARCE: Yes, Mr. Speaker.

The SPEAKER: The question before the House is on the motion of the gentleman from Caribou, Mr. Bearce, that the House substitute the original resolve for the "Ought to pass in new draft" report of the committee on Inland Fisheries and Game on Resolve Regulating Fishing in Red River and Birch River. (H. P. 1540) (L. D. 1133)

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

A viva voce vote being taken, the motion prevailed, and the resolve was substituted for the "Ought to pass in new draft" report of the committee.

Thereupon the resolve, having already been printed, was given its first reading and assigned for second reading on the next legislative day.

The SPEAKER: The Chair now lays before the House the 3rd tabled and today assigned matter, "Joint Legislative Committee to Study the Tax Structure of the State," tabled on May 2nd by the gentleman from Limestone, Mr. Burgess, pending passage.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I want to take this opportunity to thank the members of the House for all of the courtesies that they have shown me in tabling my orders in my absence, and also when I was even in town they showed me courtesy. The gentleman from Brunswick, Mr. Senter, I especially want to thank him for delivering my breakfast to my desk; and to Mr. Dow of Falmouth and Mr. Brown of Robbinston and their colleagues, I am especially grateful for that alarm clock that I am taking home along with you members taking home your resolves. I am glad you are taking them home too.

However, events have happened in the past few days that have kind of changed the complexion of the situation before us, and I feel that perhaps at this time this order is unnecessary; therefore, Mr. Speaker, I move that it be indefinitely postponed.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the third today assigned matter be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the order was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the 4th tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on "Resolve in favor of Hampden Academy" (H. P. 1511) (L. D. 1105) tabled on May 2nd by the gentleman from Hermon, Mr. Nowell, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. NOWELL: Mr. Speaker and Members of the House: As the State's financial structure has not yet been clarified, I would like to retable this resolve until May 9th, next Wednesday, and I so move.

The SPEAKER: The gentleman from Hermon, Mr. Nowell, moves that the fourth tabled and unassigned matter lie on the table pending acceptance of the report, and be specially assigned for Wednesday, May 9th. Is this the pleasure of the House?

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

The SPEAKER: The Chair lays before the House the 5th tabled and today assigned matter, 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 May 3rd by the gentleman from Vinalhaven, Mr. Barton, pending motion of Mr. Rollins of Greenville, to recede. (In Senate Report accepted, Bill engrossed as amended by Committee Amendment "A". In House indefinitely postponed)

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

Mr. BROWN: Mr. Speaker and Members of the House: I have worked up a head of steam on this bill on several occasions only to have my fires drawn by the method of tabling. First, I would like to outline my position with respect to this bill and also with respect to the Fish and Game Department.

I have the utmost confidence in the Fish and Game Department, I think that it is a well-run, well-organized department, and I do not wish at this time or at any time to take issue with the department as a whole. But I do take issue with respect to this particular bill, L. D. 287.

L. D. 287 proposed that the Fish and Game Department enter into a pact with Congress whereby on their putting up a certain sum of money they will receive back a certain sum of money, and I take issue with it because of the principle in-

involved in receiving federal funds back. I think the whole system is wrong, and I think that at this time we should not enter into more agreements with Congress with respect to receiving Federal funds. I realize that practically every department in the State of Maine today is receiving some money back from the federal government, and in many instances I think it is to the detriment of the State of Maine.

You may perhaps not realize it, but the federal government is taking out of the State of Maine in all forms of federal taxes, according to the figures of the year 1949 which are the last official figures which I have, around one hundred and seventy-one million dollars. They are giving back to the State of Maine in all forms of grants in aid, subsidies, including payment of federal officials in the State of Maine, the Post Office Department, Internal Revenue and so forth, the sum of thirty-one million dollars. You can readily see that the cream is being rapidly drawn off by the federal government and that we are getting back a little of the skim milk. I am not going to talk too long on that aspect because I have a Memorial to Congress which will probably reach the floor of this House some time within the next few days, and I will talk more in that respect at that time.

L. D. 287 has been amended so that it makes it a permissive legislation by which the Commissioner of Fish and Game at his discretion can say that we will no longer accept federal money. That is fine, but I submit to you that as this program builds up and the money becomes greater and greater and as the department makes its plans in the future to use this money, it becomes increasingly difficult to give up such money, especially when the bait is so large—and I understand that under this particular proposal that the federal government puts up seventy-five per cent of the money and the state only twenty-five per cent. With that bait dangling before them it becomes increasingly difficult for a department to give it up.

The Department of Interior, a federal department, has been growing steadily and has been get-

ting more and more power. The Legislative Document refers directly to Public Law No. 681, Chapter 658, second section, and if you will read that Public Law No. 681 you will find that all projects have to be approved and under the control of the Secretary of the Interior. Now you can say what you want about the federal departments cooperating with the State of Maine, and the department is already receiving money under the Patman-Robinson Act from the Wild Life Service, and it is my understanding and I believe it, that they have been very cooperative towards the states and towards the departments. I understand that this bill would be administered by the same people, and they probably would be cooperative for a time. But as the program builds up, and should the people who are now administering the program be changed, the law does not change, the language does not change, and they would be taking a great risk in accepting the money under the conditions under which it is given back to us.

Now you have been told that this amount of money would amount to around twenty thousand dollars. Within the past few days we have passed legislation in this House to the benefit of the Fish and Game Department, namely damage to property by wild birds and animals, which, according to the figures given to us at that time would amount to around \$21,000, which will be a saving to the department; and also, if you remember the figures given to you at that time, that it cost considerably more than the \$21,000 because of the cost of administration. Yesterday I believe we also passed another piece of legislation whereby the State would save the Fish and Game Department around \$80,000 in crop damage payments. So I say that that department without doubt will have sufficient funds to put into effect the program which they wish to put into effect without calling on federal money.

At this time I would like to read into the record a couple of articles which will probably clarify the situation in your minds better than I can. The first one is from the

Lewiston Sun. I haven't the date on that one. It states: "Nichols Hits Dingell Bill. Shooting Expert Praises Legislature for Rejecting Federal Act." And I will read just the pertinent part of it, and I will quote what Mr. Nichols said as written in the Lewiston Daily Sun. Mr. Nichols said—and I quote: "I note where a well known and widely respected rod and gun columnist takes the Maine Legislature rather severely to task for turning down recently the Dingell Bill. In turning down this Dingell Bill, personally I can only fervently commend our Maine Legislature. I only wish there were forty-seven other State Legislatures of the sturdy stature and rugged individualism of our Maine Legislature."

"This Dingell Bill, which is a Federal act, is smooth as satin on top. Underneath it is the identical type of the brand of sucker bait so dear to the hearts of the wheelhorses of the New Deal and the Fair Deal oligarchy. The ultimate goal of this oligarchy is gradually to usurp States' rights and to transfer super-control to Washington, D. C., in which case our Augusta would be no more than a whistle stop on a branch line."

Also, I would like to quote or read into the record an editorial dated Tuesday, April 3rd, 1951, from the Lewiston Daily Sun. It is headed "A New Gesture of Seduction."

"On March 7th the House of Representatives at Augusta struck down by a decisive 90-33 vote, a bill that would have accepted Federal funds for fish-stocking in Maine, in return for a voice in the program.

"But then the Senate approved the measure, and the House a motion for reconsideration. So the bill comes up again tomorrow, the reported beneficiary of new support."

The editorial was a little premature, I believe. This was dated on April 3rd.

"What pressure has been brought to bear we do not know. Surely it is not the size of the Federal grant. The State's Inland Fisheries and Game Department is not so poor that it must renounce part of its independence in order to secure a

measly \$20,000 from Washington. It may be that some legislators have been convinced by the argument, which could be said of every other form of Federal bounty, that since Maine sportsmen pay excise taxes on fishing equipment they might as well get some benefit from them in the form of a kickback.

"The bad part of this measure is the entering wedge it gives the U. S. Fish and Wildlife Service to interfere in the business of the Inland Fisheries and Game Department. It may be that Washington's ideas on the use of the money would be wholly constructive, and that relations between the two departments would be mutually pleasant. But that is not the principle involved. The principle is one of independence from Washington, of sovereignty to let us tend our own affairs without any meddling, however well-intentioned it may be."

Mr. Speaker and Members of the House: with those remarks I hope that the motion of the gentleman from Greenville, my good friend Mr. Rollins, to recede, does not prevail.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I, too, have confidence in our Fish and Game Department and our Fish and Game Commissioner as has my good colleague, the gentleman from Wayne, Mr. Brown, and as this bill is, as Mr. Brown admits, permissive legislation, I feel that we should leave it to those with whom we both admit we have the utmost confidence, the Fish and Game Department.

The bill has passed our Congress, it was passed in '49, it was vetoed by the President; it was again passed last year and every one of our Congressmen and Senators approved the measure. I have letters from them before me and they each state they voted for it. I won't take your time to read the letters. There is a letter from Charlie Nelson, here, and there is a letter from Frank Fellows, and there is one from Margaret Chase Smith and one from Robert Hale, and I have one from Senator Brewster but I don't seem to find it right at the moment.

This bill is a permissive bill with the amendment as it now stands. The Commissioner of Fish and Game can accept or not. The idea is they set up a program that they want. True, it has to have the approval of the Department of the Interior, a federal agency, but should they not approve it, okay, we do not go ahead with it. We make up another program and try it. But, if they do approve of it, that is the end. The work is done by our Commissioner and our employees of the State of Maine. True, perhaps they may check to see that they are doing it according to the specifications but there is no project put up except from the initiative of our Commissioner and his department. It is initiated here, the project is planned, the blue print is drawn, and then it has the approval of Washington.

The bill, itself, which I won't take the time to read because we have debated this thing some time previously, perhaps the members have forgotten some of it, and in part I will read from the bill: "Any construction work and labor in each state shall be performed in accordance with its laws and under the direct supervision of the State fish and game department." As to refusing federal funds, I just can't understand that. I have a list here before me of the federal funds which we are now receiving, which I will read into the record.

Federal Funds Allocated To Maine

	Paid 1950
Experiment Station	\$ 176,703
Cooperative Ext. Work	230,807
Nat'l. School Lunch	379,428
Research and Marketing	23,459
Forest Fire Cooperation	153,054
Nat'l. Forest Fund	5,576
Cooperative Farm Forest	
Ext. work	7,542
Federal Airport Program	23,083
Child Welfare	50,430
Crippled Children	69,651
Maternal Child Health	88,282
Colleges for Agric. &	
Mech. Art	79,699
Vocational Education	167,809
Vocational Re-Habilitation	100,138
Marine Schools	50,000
State Adm. of Empl.	
Security	999,975
Veneral Disease Control	36,928

T. B. Control	31,097
General Health	99,547
Mental Health	25,733
Heart Disease Control	10,000
Cancer Control	27,653
Hospital Construction	226,224
Water Pollution Control	10,941
Highways Primary	1,954,518
Highways Secondary	1,197,821
Highways Urban	589,589
Public Assistance, Aged	4,735,000
Public Assistance, Blind	222,000
Public Assistance, Dependent Children	1,586,000
Wildlife Conservation	105,322

We are receiving those monies now. Those are monies paid to the State of Maine by the federal government in 1950.

This bill which passed Congress as the Dingell Bill has taken from our people who buy fishing equipment, the tax, and I believe that we should have the returns. My good colleague said that we have lots of money now, owing to the bills we have passed recently, all the more, all the more have we the money to match \$5,000 against that \$20,000 and use it for the future of our fishing in the State of Maine.

We have that permissive clause in the bill. The gentleman from Wayne, Mr. Brown, says this thing will grow and grow and as it does they will get more of a hold. Well, the permissive clause is there and at any time that the Fish and Game Commissioner and the department in whom we both have the utmost trust see that the regulation is taking too stiff a hold on it, they have not got to receive the money; they have not got to even apply for the money.

Therefore, I feel that we would be remiss if we did not recede and accept this money. I hope my motion to recede prevails.

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

Mr. CHASE: Mr. Speaker, I was a member of this Legislature in 1929 when the Secretary of Agriculture Department, Division of Roads, told the Maine Legislature that if it didn't get rid of one of its highway commissioners, federal road money would be withheld. At that particular time, I happened to be in accord with the objectives entertained by the federal depart-

ment. But, under different circumstances, I might not have been.

Speaking as a former trustee of the University of Maine, I am in position to testify that federal aid there, however desirable in many respects it may be, has operated to increase State expenditures for the University of Maine in a substantial degree. It need not be necessary at this time to testify to the desirability of the results obtained, but they have had a very considerable influence on the board of trustees in the determination of the budget. The matching federal fund has created an influence which has operated at times to the detriment of other objectives which the trustees might have deemed even more desirable than what the federal government wanted to accomplish. Only last year it was reported that this same federal department, and I believe it was the Department of the Interior, told Governor Dewey in the State of New York that if the State of New York did not change its state laws to conform to what this federal department deemed desirable for the laws of the State of New York, this money would be withheld and it was withheld for a while. I don't know whether it has since been paid.

We have in our Fish and Game Department a splendid institution, which has been developed through great work over a period of years. It is strongly and well supported throughout the State. It is in good financial condition. If it follows the history of other departments in accepting federal aid, I think the tendency will be in the long run that the State will withhold from it. That the more inclination the federal government may have to pump funds into that department, the greater will be the disposition of the Maine Legislature and especially the Maine people who are interested in fish and game to withhold their support. I was with Mr. Brown of Wayne in the beginning and I am still with him. I hope the House will not recede.

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

Mr. CRABTREE: Mr. Speaker and Members of the House: I find it so refreshing to be in entire accord with the gentleman from Greenville, Mr. Rollins, it even overshadows my sorrow in not being able to agree with our Floor Leader. I am startled into just a few words.

Nobility and purity are wonderful virtues. It seems to me I remember an ad once that said something about purity: "Pure as a lily, toothsome as honey" referring to Five Brothers Chewing Tobacco, and I don't know as our ability and purity of purpose ought to cost \$25,000. I think we will have to be kind of realistic.

Everybody agrees that we have faith in our fine Fish and Game Department. So do I. This is permissive legislation. I am perfectly willing and happy to leave this matter in their capable hands. If it is a fact, and I have no reason to doubt it, that the federal government extracts \$171,000,000 out of Maine and only returns \$31,000,000, I can't see that that is any argument for tipping the scales \$20,000 more the wrong way.

It looks to me as though we have got to be realistic about this thing. We all pay our share of this money when we buy fishing tackle and it seems to me that we had better be realistic at this point and go along and recede and concur and I hope that is the result of this action.

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

Mr. PLUMMER: Mr. Speaker and Members of the House: I hesitate to rise in opposition to our Floor Leader but he used the term "federal aid". It doesn't seem to me that this is federal aid. This money is coming out of our sportsmen in the State when they buy fishing tackle, fishing equipment, and it is money that is rightfully due us and I think we should have it.

Mr. Brown says that he has the utmost confidence in our Commissioner and the present department but does not have enough confidence to let them administer this law. We have taken this matter up several times with the department and Mr. Cobb appeared before us

and he stated he would withdraw from this agreement the minute that any interference appears from Washington, and I believe him. Further, Mr. Cobb and his deputies spent several days in Washington, a month or six weeks ago, going over this matter and I think they have perhaps a more thorough picture of the situation than people who have just read about it in the paper, read comments in the paper.

Most of this money will be used for the furtherance of the sea run salmon program. At the time of the appropriations hearing, Commissioner Reed appeared before them and, feeling sure that the money would be available from this source, I understand he deducted \$7500 a year from the request for appropriations for his department. It seems to me that this boils right down to the question of whether we have confidence enough in our Commissioner, and in his department, to go along with them or not. I certainly hope the motion to recede and concur with the Senate prevails.

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

Mr. CARVILLE: Mr. Speaker and Members of the House: I think all the points have been covered very well here but I cannot see or understand why we should not accept this money. The teeth have been taken out of the bill; we brought it back into committee, it is left where it is a permissive bill and I certainly don't think there is anyone here who questions the ability of the Fish and Game Department to decide as to whether the federal government is interfering with our Fish and Game Department and I am sure they wouldn't hesitate to immediately throw this thing out if they did.

I am as much opposed to federal funds as we get them in the State as anyone and probably more so than most of them. I never have liked it but this is the first time that I have ever seen how we can get \$3 for \$1, the rest of the time we have been paying out \$100 and getting back \$40 and \$50. And I certainly don't want to muff this one and see this money go to other

states. The money is there and I can see no reason in the world why we shouldn't accept it.

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

Mr. **LACHARITE**: Mr. Speaker and Members of the House: I, too, have a great deal of respect for the Commissioner and the members of the Inland Fisheries and Game Department. I appreciate the wonderful work they are doing in that department and all that without any appropriation from the State. They are self-supporting. Now, they want this program and I know that they can put it to very good use and I don't see any reason why we should keep them from having this program, and I hope that the motion to recede and concur will prevail.

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

Mr. **BEARCE**: Mr. Speaker and Members of the House: I think the subject has been very well covered. I just want to make this point. In this bill at any time that the Commissioner of Fish and Game does not want to continue, he can get out. There is \$20,000 or thereabouts which could come here and be rejected or accepted at any time at his discretion. I cannot see why we should turn down getting that money under those conditions.

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

Mr. **MARCH**: Mr. Speaker and Members of the House: Our Congressmen, as I understand it, approved this measure; our Senator approves it, our Fish and Game Department approves it and your Representative from Bridgton approves it. (Applause and Laughter)

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

Mrs. **MOFFATT**: Mr. Speaker and Members of the House: I go along with our Floor Leader; I go along with Mr. Brown. I sincerely feel that as innocent as this bill looks, we do not realize what it is going to do to the State. I could reiterate what happened to the people along the sea coast for two or three years simply because

there was an agreement between the federal government and one man in the department here within the State. This Dingell Bill does not further the inland fish and game alone but it covers marine waters. It covers under the guise of the sporting fish. Now you can take the trout and call it a sporting fish; you can take the tuna and call it a sporting fish but the tuna fish is quite a big business too in canning and I do not believe that I could stand here and talk too loudly and too longly to try to convince you people that the fishing industry in the State of Maine, our coastal areas, needs protection.

One example of the lack of protection which we are getting is the idea coming back to the difficulty that the sea coast had when the federal government put our soft shelled clam in the category with the oyster. Therefore, the soft shelled clam had a difficult time on the market and no shipments were allowed because someone died of poisoning in Chicago in 1941 from eating an oyster. The oyster industry said: "We are not going to take this blame alone. The shell fish will have to go along with us." And the federal government put the clam under the shell fish. They have never been able to find bacteria in a clam. They have never found disease in a clam out of the flats and yet the federal government has been trying, and I think the Sea and Shore Fisheries Committee will bear me out on it, that the federal government has been trying to control that and it kept the boys out of the clamming industry two or three years by fining them, by telling them they could not send clams out of the State. There was no disease. First, they called it pollution, then they called it contamination. The only thing that broke it down and got recognition for the clam diggers along the coast, and the facts will bear me out in this and newspaper accounts will bear me out in this, the only way we got them to leave the clam diggers alone, give them a chance to go back and make their living and support their families, was to turn around and bring in the fact if the waters were so bad which the federal government was trying to say, the polluted waters

were hurting the clams, then it must be hurting the lobster industry. And one man rose up in holy horror and said: "Do not kill the lobster industry."

Now the Dingell bill which is covered by this proposition here covers your marine life and if you do not have protection and it is not a joke, as much as some people would like to think it is a joke, if you let the federal government come in and take an industry here in the State and treat it with as little regard as they did, knowing that they had no law to back them up but simply an understanding, I think that we should think a long time and not go ahead and go into any program of this nature.

We had a long list of federal participations read to us. There was one thing in there that brought back to my mind of how the federal government does control you when they give you five cents. My good friend, the gentleman from Greenville, Mr. Rollins, read the article on venereal disease. The federal government came into the State of Maine. I was on the Public Health Committee. They came before our committee and said: "If you do not give us the names and addresses of all the people we will withhold our funds." And it goes down the line as our good friend, the gentleman from Cape Elizabeth, Mr. Chase, has borne out and I think that instead of thinking that we are going to get a little money back by participation in what they consider is one of the finest vacation sports in the State of Maine, we should wait, look it over and find out exactly how much it is going to cost. I can't speak too sincerely and I am not speaking out of a supposed fear, I am speaking from something that I saw happen, know for a fact happened, with no law on the books. I do hope we will not recede and concur. Thank you.

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

Mr. GAY: Mr. Speaker and Members of the House: Two or three years ago when this session started, it feels like that anyway but I guess it was only a couple of months ago, I was on my feet and I made some kind of an impassioned speech

against this very bill. I have got to arise now and admit that I was wrong in my thinking, having given considerable study to this particular question and now finding that it is a permissive bill. Having in the meantime had the opportunity to associate with our Inland Fisheries and Game Commissioner so that I know beyond any reasonable question of doubt that he is a man of justice and fairness and has the ability to do that which is best for the vast majority of the citizens of the State of Maine, I would care to go along with this bill this morning.

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

Mr. WATSON: Mr. Speaker and Members of the House: I did not intend to rise and say anything on this. I will make my talk very brief.

I do think that all the members are much better informed on this bill than they were the last time it hit the Floor. I know I am speaking as a committee member, and I am, there is one thing I would like to bring out that I don't think has already been brought out this morning: That we have had the Patman-Robinson Act for the past eleven years without any federal domination. In fact, they have leaned over backwards to give us complete control within the limits of the law in the Inland Wild Life Division and, as I remember, when this was debated on the Floor last time, most of the members thought there were no federal funds in the Fish and Game Department. There has been for the past eleven years.

I sincerely hope the motion of the gentleman from Greenville (Mr. Rollins) prevails.

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

Mr. WOODWORTH: Mr. Speaker, the point has been made that this is permissive legislation. I think that all of these federal aid programs have been permissive legislation. I know that the Health and Welfare program was permissive legislation. Earlier in the year, the House passed an order requiring the Commissioner of Health and Welfare to show us what his program was. The

Commissioner sent word that he didn't know what the order means so a meeting was arranged in the Speaker's office, at which several members of the Legislature attended and I was invited. I invited the gentleman from Greenville, Mr. Rollins, to come along because the others were all bigger than I and I wanted protection.

Now, you have heard about this program business. The Commissioner of Welfare showed up with a bunch of papers and books about a foot or a foot and a half high and he said: "Here it is. Will you please pick out what you would like." You know, when I thought we had a program, I thought he would lay something down that a man could read at least the same day but nothing like that. He says: "You know this all started before I was Commissioner. I don't know anything about any program except this." So we picked out one small book and each of you got a copy of it. I hope you read it. It was the best we could do to give you something that you could read in one day.

The gentleman from Cape Elizabeth, Mr. Chase, covered the matter of expense. The gentleman from Wayne, Mr. Brown, has covered the matter of policy. My position is that I don't think we can afford to take on another department of federal subsidy. We have just passed—you have just passed a sales tax (Laughter) to pay for the one we have now and there must be a limit and we might as well get ready for it by defeating this motion.

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

Mr. BOOTHBY: Mr. Speaker and Members of the House: I voted against this bill before and I shall today if I have to vote alone. We listened a few days ago in this House for about three-quarters of an hour to the gentlewoman from Cumberland, Mrs. Fay. She brought out very plainly where we were, but that was some time ago when the thing started. I wasn't in the House twenty years ago; if I had been probably I would have voted against it. We have gone along with that and it is pretty hard work to get

away from it. But this is one department that we are not mixed up with the federal government and I think we had better stay that way.

First, the Fish and Game Commissioner would like it. Just the other day you ladies and gentlemen passed a bill taking away from some of the people in the State of Maine what you honestly owed them in damages to their cars. Yesterday, we had another bill. We finally went along with it knowing very well that you wouldn't pay the damages that were being done by the tame deer. We take it in our hands now from there on but that probably liberated them from the payment of several thousand dollars, along with the other.

I am against this bill and I move that it does not pass.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker and Members of the House: Time hasn't erased my thoughts on this matter. We find ourselves with all the other departments in this State hamstrung by the federal government. I don't want to see this department, which I like and which is one of the things closest to my heart, I don't want to see them hamstrung by the federal government.

I would expect that if we accepted federal funds they would tell me when I was trawling down the lake somewhere: "You can't, you just can't get within thirty feet from the shore somewhere. You can't go up this stream because here is a sign that says you can't do so and so." No. Somewhere along the line, my friends, there has got to be a State in this Union which is going to say to the Federal Government: "You can hang out these signs, you can point the way to us, but we are going to say no." Somewhere along the line you have got to get rid of this profligate spending and let's say to ourselves: "Here is one State, here is one department, we don't want your federal funds." Let's say "No" on this proposition.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I can't understand why they don't want to

have any federal control here when the Robinson Bill which we are operating under from 1940 and under which last year the State received \$105,322 is a federal bill and we are spending their money. This bill is much less harmful than the Robinson bill because we have the permissive clause in it. The gentleman, our efficient Floor Leader, from Cape Elizabeth, Mr. Chase, says that the University of Maine is receiving the funds up there and it has kind of upset the applecart a little bit for them and made it more expensive. He is talking about an organization that is maintained by taxation. I am talking about an organization that maintains itself.

The gentleman from Fairfield, Mr. Woodworth, says that you, I will admit not he and I, have passed a sales tax. But, ladies and gentlemen, the Fish and Game Department doesn't get one cent out of that sales tax. They have no money out of there. They are a self-maintained organization and, as I heard one of my colleagues say this morning, if they keep on closing these ponds to everything but fly fishing, there won't anyone buy a license. So perhaps this might be more essential to have this money to propagate our fish.

The lady from Bath, Miss Deering, I beg your pardon, Mrs. Deering Moffatt, was quite worried about the innocence of this bill. Well, now the innocence of this bill is not striking at anything because it is permissive and, as I stated before, and as my opponents have all stated, they have the utmost faith in our Commissioner and I will say that I have the utmost faith in Commissioner Reed of the Sea and Shore Fisheries and his department and I have no question to think that he would get in there under a permissible clause if it was not advantageous to his department.

As far as the control, my colleague, Mr. Chase, spoke about the highway department, which, in the next breath, he said he was in full accord with them at that time. Evidently—I don't know just who the gentleman was he was speaking of but there must have been someone on that commission who

wasn't very satisfactory even to the boys back home. But as far as their telling you who to put on and who to put off, there is nothing in this bill that gives the federal government any jurisdiction over the appointment of a Commissioner of Fish and Game and I hope, Mr. Speaker, that the House will go along with my motion and when the vote is taken I would ask for a division.

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

Mr. BROWN: Mr. Speaker and Members of the House: I will be as brief as possible. There have been several things said here that I think I should speak a few words further. There has been much ado made about the word "permissive". I will submit to you that every act whereby we entered into a contract with the federal government in any other department is permissive legislation. We, of this House and this Legislature, can say at any time: "We don't want your federal money." But, I haven't seen too much courage by people who advocate cutting down on federal money for the simple reason that the money is in here and all they can see is the money; they don't see the principles involved.

It has been intimated that I have given lip service to my confidence in Mr. Cobb and the Fish and Game Department but I am not sincere. I want to tell you right here and now that I am sincere. I am sincere because I believe that this thing will grow and I also believe that the time will come when our commissioner and his department will probably be on the spot because there will be things that perhaps they won't like, perhaps they would like to get rid of the whole business but they would have projects undertaken or in view and they would be, perhaps, reluctant. They would be on the spot and I don't want to see our Commissioner on the spot or any member of his department.

I would like to read just Section 6 of the Dingell Bill. It says: "Any State desiring to avail itself of the benefits of this Act shall, by its State fish and game department, submit to the Secretary of the In-

terior full and detailed statements of any fish-restoration and management project proposed for that State. If the Secretary of the Interior finds that such project meets with the standards set up by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications and estimates therefor as he may require: **Provided, however,** That the Secretary of the Interior shall approve only such projects as may be substantial in character and design, and the expenditure of funds hereby authorized shall be applied only to such approved projects and if otherwise applied—if otherwise applied—they shall be replaced by the State before it may participate in any further apportionment under this Act."

Now, if that isn't control, what have you?

Something has been said about being realistic. I think it is about time we were realistic about this whole federal program and I am not blaming the powers that be for the state it's in, either. I think we have been remiss in our own home towns in not taking care of our own situations, and in our own State of Maine in not taking care of its own problems without going to the federal government and asking for a hand-out.

The money involved under this particular bill and at this particular time is small but it can grow and, by just reading this part of that bill, you can see that you have got to submit plans, specifications and have them approved and all the legal red tape that goes with it. I say that we can manage our own projects in our own State of Maine to much better advantage to the people of Maine and at much less cost irrespective of federal money.

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

Mr. **LORD**: Mr. Speaker and Members of the House: I have risen several times in support of the committee in their recommendations but I imagine there is always an exception, and I think this will have to be it.

We have heard about the pro-

grams in which we are participating on federal aid. I think you will all agree that the health and welfare and education of our citizens is certainly of primary importance. In less critical times I think possibly we should consider spending of appropriations of this type. However, with the tremendous drain that is being put upon the country for the purpose of self-preservation I think this should be considered non-essential.

We have seen headlines of an added sixteen billion dollars in taxes needed in Washington. We have raised ten billion and we will be after forty billion more shortly. I think that with all the cries that we have heard down there to cut non-essential spending in favor of the proven needs of rearmament and the other programs that this could be one step in saving just a few cents of non-essential spending. Therefore, I want to go along with the gentleman from Wayne, Mr. Brown, and hope that the motion to recede does not prevail.

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

Mrs. **MOFFATT**: Mr. Speaker, I apologize sincerely for taking more time, members, but there is one thing that I want to clear up. I do not want to leave the impression with you members that it was our Commissioner of Sea and Shore Fisheries who made it difficult for our boys. And, after I sat down I thought that might be your impression. It was not. I watched that poor man and listened to him practically begging to be released from the bargains he was in. He did all he could and was not to blame. Thank you very much.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the House recede from its action whereby it indefinitely postponed the "Ought to pass" as amended by Committee Amendment "A" report 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, and the same gentleman has requested that the vote be taken by division.

All those in favor of the House receding from its former action will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-one having voted in the affirmative and forty-seven having voted in the negative, the motion prevailed.

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

Mr. ROLLINS: Mr. Speaker, I now move that the bill be given its first reading.

The SPEAKER: The Chair will inform the gentleman that the question before the House is on the acceptance of the report. Does the gentleman so move?

Mr. ROLLINS: Mr. Speaker, I move that the House accept the report of the committee.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the House accept the "Ought to pass" as amended by Committee Amendment "A" report 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. Is this the pleasure of the House?

The motion prevailed and the bill was given its two several readings under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 525, L. D. 287, Bill "An Act Assenting to Act of Congress Relating to Fish Restoration and Management Projects."

Amend said Bill by striking out, in the 12th line thereof, the underlined comma and inserting in place thereof the underlined word 'and', and by striking out in said 12th line thereof the underlined words "and directed".

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Harding.

Mr. HARDING: Mr. Speaker, I move that this bill be tabled pending assignment for third reading.

The SPEAKER: The Chair will state that the question before the House is on the adoption of Committee Amendment "A".

Is it the pleasure of the House to adopt Committee Amendment "A"?

Thereupon Committee Amendment "A" was adopted in concurrence.

The SPEAKER: The gentleman from Rockland, Mr. Harding, now moves that the bill lie on the table pending assignment for third reading. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: All those in favor of the motion to table will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

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

Thereupon, the bill as amended was assigned for third reading the next legislative day.

The SPEAKER: The Chair now lays before the House the 6th tabled and today assigned matter, An Act Relating to Automobile Travel by State Employees, H. P. 791, L. D. 471, tabled May 1, by the gentleman from Auburn, Mr. Jacobs, pending passage to be enacted.

The Chair recognizes the gentleman from Liberty, Mr. Cole.

Mr. COLE: Mr. Speaker and Members of the House: Due to the absence of Mr. Jacobs, I would like permission to table this bill, L. D. 471, and have it specially assigned for Tuesday, May 8th.

The SPEAKER: The gentleman from Liberty, Mr. Cole, moves that the sixth tabled and today assigned matter, An Act Relating to Automobile Travel by State Employees, H. P. 791, L. D. 471, lie on the table and be specially assigned for Tuesday, next, May 8th. Is this the pleasure of the House?

The motion prevailed and the bill was tabled pending passage to be enacted and was specially assigned for Tuesday, May 8th.

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

Mr. CHASE: Mr. Speaker, I move that the House do now adjourn until next week at the time established by the Joint Order.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, now moves that the House adjourn until next week in accordance with the joint order passed this morn-

ing. Is this the pleasure of the House?

The motion prevailed and the House adjourned until 3:30 P.M. Eastern Standard Time, Monday, May 7th.