

# 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 18, 1951.

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

Prayer by Rev. Dr. Bubar of Blaine.

The journal of the previous session was read and approved.

**Conference Committee Report**

Report of the Committee of Conference 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) reporting that they are unable to agree.

(Signed)

Messrs. WATSON of Moose River Pl.

LORD of Norway

BEARCE of Caribou

—Committee on part of House.

ELA of Somersct

TABB of Kennebec

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

**Papers from the Senate****Senate Reports of Committees  
Senate Divided Report**

Majority Report of the Committee on Highways on Resolve Providing for the Construction of a Ferry Landing and Approaches Thereto in the Town of Bar Harbor (S. P. 390) (L. D. 938) reporting a new draft (S. P. 591) (L. D. 1404) under title of "An Act Providing for the Construction of a Ferry Landing and Approaches Thereto in the Town of Bar Harbor" and that it "Ought to pass"

Report was signed by the following members:

Messrs. CROSBY of Franklin

GREELEY of Waldo

—of the Senate.

LACKEE of Addison

SPEAR of So. Portland

PARKER of Sebec

FARLEY of Biddeford

ROBBINS of Houlton

—of the House.

Minority Report of same Committee reporting "Ought not to pass."

Report was signed by the following members:

Messrs. CHRISTENSEN of

Washington  
—of the Senate.

CHAPLES of Hudson

—of the House.

Came from the Senate with the Majority Report accepted and the new draft passed to be engrossed as amended by Senate Amendment "A".

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I move we accept the majority report of the committee.

The SPEAKER: The gentleman from Bar Harbor, Mr. Peterson, moves that the House accept the majority "Ought to pass in new draft" report.

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

Mr. CHAPLES: Mr. Speaker and Members of the House: As a member of the Highway Committee I heard this discussed both pro and con. We could not find wherein the State of Maine was going to benefit one penny from this ferry if this bill was passed. If this bill is passed we are going to go into a considerable amount of money from the loss on the gasoline tax when we build a road for the benefit of the Canadian interests, and we now know that the money that is now asked for is just a starter. Eventually it will be over \$200,000, and I do not know where the money is coming from.

I cannot see where the town of Bar Harbor will benefit by this bill. The tourists coming there will stop for a couple hours and then go on their way to Canada by ferry, and I hope that the members of this House, before voting upon this bill, will give it a thorough study.

Now this ferry boat is not even, at this time, under construction, and nobody knows when it is going to be constructed, and I don't see wherein we should be appropriating money for something that we don't know whether will materialize or not.

I therefore move for the indefinite postponement of this bill, and when the vote is taken I ask that

it be taken by a division. Thank you.

The SPEAKER: The gentleman from Hudson, Mr. Chaples, moves that the two Reports and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Bar Harbor, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I don't agree with the gentleman from Hudson, Mr. Chaples. I think it is going to help the whole State of Maine. This boat is going to be built by the Canadians and with the facilities at Yarmouth it is going to amount to about \$5,000,000 that the Canadians are putting into it, and it is going to be over 300 feet long; it is going to carry 150 cars and 600 passengers, and the boat will leave Bar Harbor in the morning and return at night and the pier is going to be built and operated by the port authority on land that is now owned by Bar Harbor, and it is estimated that over 85,000 people would make use of this ferry and even if they spend only a few dollars here, it is going to amount to something.

I certainly would like to see the bill pass, and feel it would help the whole State of Maine, especially down in the vicinity of Mt. Desert Island.

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

Mr. CHAPLES: Mr. Speaker, it is true, that they would probably haul 5,000 people on this boat but I don't see wherein the State of Maine is going to get any cut out of the Canadian interests on hauling by water. Now if they go by road, we will get our gasoline tax, but we are going to get nothing out of this ferry.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Hudson, Mr. Chaples—

The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, I think it will be probably one of the best developments that the State of Maine could possibly perform.

The gentleman from Hudson (Mr. Chaples) says that people will come

in and spend a few hours. On the other hand, if you will notice the schedule, the boat leaves Bar Harbor in the morning. People will come from all over the eastern part of the country. They will have to spend the night somewhere, probably in overnight camps or hotels, and in coming in here they will spend gasoline money.

On the other angle, the evening boat returns somewhere around seven, bringing back the Canadians. They will have to stay here somewhere; they will spend money.

I know a little something about this business because my father was with the Eastern Steamship Company for forty-seven years. I worked for many summers in my younger days on the Eastern Steamship boats between Boston and Bangor and Boston and Yarmouth. I have seen repeatedly—my job was cashier on there and I know something about the figures on these boats—that invariably the fellow who takes the boat ride one way will drive back to his home the other way; it is very seldom that they make the return trip.

I sincerely believe in this and I hope the motion to indefinitely postpone will not prevail.

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

Mr. FULLER: Mr. Speaker and Members of the House: This is one of these instances where we have a name involved. There is nothing in here that the rest of us in any other section of the State could do that would cause a name to be publicized the way the name of the town of Bar Harbor has been publicized and been known for years and years. It makes it the logical place for a terminus for this ferry, from the fact that it is so widely known, and the other attractions around there are widely known.

This bill is merely to give an added attraction to tourists which will cause them to come here and see the rest of the State too. If you have driven an automobile south to Florida, or over other routes, you know those ferry trips are rather well managed; they are a big attraction to tourists, and this will give Maine the same kind of an

attraction that there is in some other sections.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Hudson, Mr. Chaples, that Bill "An Act Providing for the Construction of a Ferry Landing and Approaches Thereto in the Town of Bar Harbor," with the two reports, be indefinitely postponed, and the same gentleman has requested a division.

All those in favor of indefinitely postponing the two reports, with accompanying bill, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ten having voted in the affirmative and seventy-eight having voted in the negative, the motion did not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Bar Harbor, Mr. Peterson, that the House accept the majority "Ought to pass in new draft" report.

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

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

Thereupon, the new draft, having already been printed, was read twice under suspension of the rules.

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

SENATE AMENDMENT "A" to S. P. 591, L. D. 1404, Bill "An Act Providing for the Construction of a Ferry Landing and Approaches Thereto in the Town of Bar Harbor."

Amend said Bill by striking out the 7th line of section 2 thereof and inserting in place thereof the following:

'piers and terminal facilities at the port of Portland and the port at Bar Harbor, with all the rights,'

Senate Amendment "A" was adopted in concurrence, and the Bill was assigned for third reading at eleven o'clock this morning.

On motion of Mrs. Daggett of

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

### Senate Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act relating to Incurable Insanity as a Cause for which a Divorce may be Granted" (S. P. 82) (L. D. 107) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WEEKS of Cumberland

ELA of Somerset

—of the Senate.

BURKETT of Portland

HAWKES of Saco

MARTIN of Augusta

STEWART of Paris

THOMAS of Waterville

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. HASKELL of Penobscot

—of the Senate.

WOODCOCK of Bangor

HAND of New Limerick

—of the House.

Came from the Senate with the Minority Report accepted.

In the House: Report was read.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: I move the acceptance of the majority report.

This will probably be the last major address that I shall give in this House, and, before discussing this measure, I wish to express to the members of this House the great pleasure that it has been to me to associate with you. We have had many little skirmishes. Sometimes we have clashed quite considerably, but we have made up and we are still friends.

One of the greatest compensations of being in this Legislature is the friends that you make while you are here. From the long experience that I have had in this House, and two years in the Senate,

I have made the acquaintance of a great many men, and I can scarcely travel to any section of the State of Maine but what I find someone whom I can call a friend.

Prejudice blinds men's brains or minds just as much as fog blinds the eyes. That has been demonstrated in this House repeatedly. Men vote largely according to their prejudices or their self-interests. The Spanish Inquisition was an illustration. It was carried on by religious people, people who thought they were doing God's service by putting heretics to death, but we have outgrown that prejudice.

In the course of time we saw the same thing in regard to the Salem Witchcraft. Quite a number of people right in the city of Salem, Massachusetts, were put to death because they were charged with being witches. Fortunately, we have outgrown that.

There are twenty-one states in this country where divorce is allowed for the cause of insanity, and it is nothing at all except your prejudice and the minds of people who haven't given the matter careful consideration that causes them to vote against such a measure as we have before us today.

This measure provides, with the amendment, as I understand it, that if a person has been in an insane hospital for a period of five years and thereafter at least two, and I don't know but three—I have forgotten at the moment—psychiatrists have testified that from all appearances the disease is incurable, even then you must go before a court and the court, instead of having a one-sided hearing as you do in most court cases, the court appoints an attorney to represent the man or woman who is in the hospital so that both sides can be heard.

The strongest argument that I have ever heard against allowing divorce on the ground of incurable insanity is that when you took the marriage oath, you took it for better or for worse. If that was carried out logically, you never could have a divorce for any reason whatsoever, but society is interested in these domestic relations, and the State has decided that

when conditions arise in a family where there can be no more happiness in that family, that it is better that the spouses be separated, it is better for them, it is better for the State, it is better for the children themselves; therefore the court does grant divorces on many grounds: Cruel and abusive treatment, extreme cruelty, adultery, gross and confirmed habits of intoxication, and so on. These are all grounds for divorce.

I, myself, have obtained a divorce for a woman on the ground of extreme cruelty where the husband threw a pie in her face. I have known of two cases where women obtained divorces on the unconfirmed testimony of the women themselves. I had one case, and I brought an action against the man on two grounds, cruel and abusive treatment and adultery, and for evidence I had the statement of the man himself that he had been to a house of prostitution. The court would not allow the divorce on the ground of adultery because the judge said that that was self-serving testimony, but he did allow it on the ground of cruel and abusive treatment because, to make such a statement to his wife, he considered cruel.

I give these illustrations merely to show that divorces are granted quite readily in these days, and for the most part it is one-sided testimony. I have known case after case where if a contest had been put up, no divorce would have been granted.

In a normal home you find that the wife gets the meals, she makes the beds, she washes the dishes, she dusts the furniture, she keeps herself looking attractive, she tries to make the home attractive, and the husband, on his part, works during the day with the main object of his life to take care of his wife and family. In the evening they may go out together; they may go to movies or parties; they go to Church together; they have their children attend Sunday School, they love each other, and the home is a happy home. Such a home is only a little short of Heaven itself.

But when a man, I'll say, for instance,—it may be either way—loses that spouse, there is no longer

anyone in that home to get up the meals, to take care of the children, to mend his clothing, to see that his necktie is properly adjusted in the morning. There is nobody to go out with in the evening or to attend Church with on Sunday. And naturally that man misses his spouse when she is in the insane asylum, and after a period of five years, when it has been pronounced that her case is incurable, to him that woman is virtually dead. All that he can hold is memories of the happy days that have passed. He has days and days of loneliness with no companion to share that loneliness.

I feel this a little because I lost my first wife, killed by an automobile, and I know the lonely days that I had to endure before I got my second splendid wife. I want to say that the normal man tries to take care of his family, tries to do the right thing, and when you find a man that will beat his wife, that man is abnormal; he is not a normal individual because a normal man doesn't do that thing. When you find a man that doesn't support his family, that man is abnormal, because the normal man works day and night with the main object of his life to take care of that family. When you find a man that goes chasing other women and neglecting his wife, that man is abnormal, because if he is the man he ought to be, no matter what the temptations may be to him, he will have principle enough and honor enough and stability enough to stand on his own feet and resist the temptation and take care of his family. So I say that man is abnormal.

When you find men that get addicted to gross habits of intoxication, that man is abnormal, and as I analyze the matter I find that in any case where divorce is allowed, one party or the other is abnormal mentally.

Now here is my point: Here is a person in the hospital, insane asylum, that has been there for five years at least, who is pronounced by experts to have an incurable insanity, and yet you grant divorce after divorce in the case of partial insanity, and isn't it utterly absurd

to say that you cannot get a divorce if the insanity is total?

I have had several doctors, at least two psychiatrists, at least one pastor of an important church in Portland, who have urged me to do what I could to help get this bill through. A similar bill came up when I was in the Senate in 1943. At that time I favored the bill and I recall that I had a letter from a woman whose husband has been in the asylum for some ten years, and she told how hard the struggle had been to get along, and she had been a comparatively young woman and could have gotten another person to care for her if it hadn't been that we did not allow divorce on the ground of insanity, and the letter appealed to me tremendously. I was just told by the pastor of my church, a few days ago, of a case that he knew of where there were two children that were losing the benefit of a mother and no hired woman can take the place of a mother.

But there is another reason why you should give this matter consideration. It is the matter of honor. I happen to know of two men in Portland. I know them well. One is now dead. For more than twenty years his wife was in the asylum at Augusta with no hope of ever returning, and he could not marry again and so he waited and suffered, as any man must suffer who had a good wife and loses her, but so far as I know he kept himself straight. The other man—his wife has been and still is in the hospital twenty years or more, but he lives with another woman in adultery. That may satisfy the passions for the moment but it does not satisfy the soul. A man that lives in such condition is living in hell.

I don't know that we have gotten far enough along today in this House to realize that this matter is important. I see they didn't have in the Senate, but the time will come without a doubt, and I am speaking here this morning, not with the expectation that I can convince any of you with anything, but I want to go on record and that record will be where others can see it in the future, to help bring about the day when divorce

can be granted on the ground of insanity in this State.

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

Mr. **WOODCOCK**: Mr. Speaker, it is disheartening indeed for me to arise this morning in opposition to the gentleman from Portland, Judge McGlauffin, with whom I consider it a great honor indeed to serve. However, I signed the minority report on this bill, and here I am.

Some forty-four years ago the State of Maine enacted a bill which granted as a ground for divorce incurable insanity after the libelee, which would be the person in the institution, had been there for fifteen years. In 1913, by unanimous consent in both branches, the law was repealed. Seven times thereafter attempts have been made to place once more on the statute books of the State similar legislation. These attempts have not been successful. I feel that the reasons assigned by those who voted against a similar bill so many times are valid today.

At the hearing before the Legal Affairs Committee, I for one was hoping that we would have a psychiatrist present to give us the benefit of his knowledge. None was there.

Judge McGlauffin, in his address, spoke about competent physicians or psychiatrists, whichever it was. I think we all realize that any one of us can go to reputable and honest physicians and have them testify diametrically opposite to each other on the same issue. We may take patient "X" and five physicians will say yes, he is insane, while the others might take a contrary approach in all good judgment.

In a hearing of this sort, the libellant would appear with physicians, of course, who would support his position. The Court would then appoint an attorney for the libelee, who at that time would be helpless behind the institution walls, and the hearing would be on. After the testimony was in, the judge could grant or refuse to grant the divorce.

The heart of the matter in this bill, to me, is in the title itself:

"An Act relating to Incurable Insanity." I wonder how many physicians there are who would admit that their opinions on permanent or incurable insanity are more than educated guesses, for, indeed, what yesterday was considered incurable today is not. Although bodily operations are not perfect, they have helped people who hitherto have been considered hopelessly insane. You are all familiar with the shock therapy treatment. Medical science is advancing slowly but surely. And who is wise enough to say that one committed today as incurably insane will not be free of mental blackness before 1956?

The gentleman from Portland, Judge McGlauffin, stressed the for better or worse angle in the marriage vow. I do not consider that a weighty argument at all. It seems to me that what we are doing is taking advantage of a person who, through no fault of his or her own, goes through the horrors of a change in mental personality and has to be treated for it.

One of the previous speakers spoke of the other grounds for divorce. Under the common law there was no such thing as divorce; it is all statutory. The theory of it now is to free one party from a contract with another when the latter has been wilfully guilty of fault. You may review in your own minds the grounds today for divorce you will see that the libelee is at fault in all cases theoretically. If this ground is added, it affronts the legal theory of divorce, for I cannot well imagine any person who would assign guilt to a party who was in an institution. It would indeed be a crippled sense of logic for one to so argue.

The children involved in a matter of this moment are perhaps the greatest victims of all. The custody of a child, in the case of one of the parents being in an institution, would go to the other, if the child is under fourteen years of age. That child may be eventually adopted by another party. If the libelee later regains his or her sanity, the child is gone forever.

To backtrack for one moment, I know of one case of a young woman who was married a year or two ago, a Maine girl, and on the wedding



trip they were involved in an automobile accident. She received a head injury and had to be institutionalized. The husband, a resident of another state where this bill is law, or a similar bill, received a divorce on this ground. The wife has recovered, the family is gone, she is as good as new, and so is her husband, but he is living legally with another woman. Fortunately there was no issue from this marriage, but that was only a force of circumstance.

I cannot bring myself to vote for legislation which I think moves toward grief, unhappiness, and even more family disintegration and desolation. I move the acceptance of the minority "Ought not to pass" report.

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

The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the majority "Ought to pass" as amended by Committee Amendment "A" report on Bill "An Act relating to Incurable Insanity as a Cause for which a Divorce may be Granted," S. P. 82, L. D. 107.

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

The **SPEAKER**: The same gentleman requests a division.

All those in favor of accepting the majority report "Ought to pass" as amended by Committee Amendment "A" will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The **SPEAKER**: The question before the House is on the motion of the gentleman from Bangor, Mr. Woodcock, that the House accept the minority "Ought not to pass" report. All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the minority "Ought not to pass" report was accepted in concurrence.

the Hall of the House the presence of the Freshman and Sophomore Classes of the General Business Class of the Bristol High School of Pemaquid, under the supervision of Mr. Bayne Drown, and in behalf of the House the Chair at this time bids you all a cordial welcome. (Applause)

### Senate Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Provide for Number of State Senators (S. P. 185) (L. D. 397)

Report was signed by the following members:

Messrs. HASKELL of Cumberland  
WARD of Penobscot  
BARNES of Aroostook  
—of the Senate.

Mrs. FAY of Portland  
Messrs. McGLAUFFIN of Portland  
FULLER of Bangor  
DELAHANTY of Lewiston  
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Messrs. WOODWORTH of Fairfield  
HARDING of Rockland  
HAYES of Dover-Foxcroft  
—of the House.

Came from the Senate with the Majority Report accepted.

In the House: Report was read. Thereupon, the majority "Ought not to pass" report was accepted in concurrence.

### Ought to Pass

Report of the Committee on Reapportionment reporting "Ought to pass" on Resolve Dividing the State into Senatorial Districts" (S. P. 368) (L. D. 867)

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

In the House, Report was read and accepted in concurrence, the Resolve read once, and assigned for second reading at 11:00 o'clock this forenoon.

### Ought to Pass in New Draft

Report of the Committee on Highways on Resolve Authorizing the

The **SPEAKER**: The Chair at this time notes in the balcony of

State Highway Commission to Construct a Road and Terminal in Rockland, Knox County (S. P. 319) (L. D. 725) reporting a new draft (S. P. 590) (L. D. 1403) under title of Resolve Authorizing the Construction of a Road and Terminal in Rockland, Knox County and that it "Ought to pass"

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

In the House, Report was read and accepted in concurrence, the Resolve read once, and assigned for second reading at 11:00 o'clock this forenoon.

#### Non-Concurrent Matter

Bill "An Act to Provide Training to Organized Fire Companies" (H. P. 377) (L. D. 217) which was passed to be enacted in the House on March 14, and passed to be engrossed on March 2.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Travis.

Mr. TRAVIS: Mr. Speaker and Members of the House: This is one of the bills that I sponsored early in the session which apparently had pretty smooth sailing. It was heard in the Committee on Education, it had a unanimous "Ought to pass" report, it went through the House and was tabled in the Senate because it carried a price tag. It appropriates \$20,000 for the training of organized fire companies in a mobile unit.

Now yesterday I went along with the House and we gave \$30,000 for improvements to Indians. I feel that we cannot afford not to invest \$20,000 which will definitely help save human lives and property.

I therefore hope the House will go along with me, and I now move that we insist on our former action and ask for a Committee of Conference.

The SPEAKER: The gentleman from Westbrook, Mr. Travis, moves that the House insist upon its former action and ask for a Committee of Conference. All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: Will the gentleman from Westbrook, Mr. Travis, approach the rostrum, please.

The SPEAKER: The Chair will appoint the following Conferees on the disagreeing action on Bill "An Act to Provide Training to Organized Fire Companies": The gentleman from Westbrook, Mr. Travis, the gentleman from South Portland, Mr. Spear, and the gentleman from Bucksport, Mr. Pierce.

#### Non-Concurrent Matter

Bill "An Act relating to the Salary of the Judge of Probate in Penobscot County" (H. P. 939) (L. D. 544) which was indefinitely postponed in the House on May 10.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Paris, Mr. Stewart.

Mr. STEWART: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Paris, Mr. Stewart, moves that the House recede and concur with the Senate.

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

Mr. DeBECK: Mr. Speaker, I move that the House adhere to its former action and I ask for a division of the House.

The SPEAKER: The gentleman from Holden, Mr. DeBeck, moves that the House adhere to its former action.

The question before the House is on the motion of the gentleman from Paris, Mr. Stewart, that the House recede from its former action whereby it indefinitely postponed on May 10th Bill "An Act relating to the Salary of the Judge of Probate in Penobscot County."

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

A viva voce vote being doubted,

A division of the House was had.

Thirty-one having voted in the affirmative and fifty-nine having voted in the negative, the motion did not prevail.

The SPEAKER: The question before the House is on the motion of

the gentleman from Holden, Mr. De-Beck, that the House adhere.

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

A viva voce vote being taken, the motion prevailed, and the House voted to adhere.

#### Non-Concurrent Matter

Bill "An Act Amending the Maine Housing Authorities Act" (H. P. 159) (L. D. 90) which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 4.

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

In the House:

On motion of Mrs. Fay of Portland, the House voted to recede from its action of May 4th whereby it passed the bill to be engrossed as amended by Committee Amendment "A."

The House then voted to recede from its former action whereby it adopted Committee Amendment "A."

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

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 159, L. D. 90, Bill "An Act Amending the Maine Housing Authorities Act."

Amend said Amendment by striking out the underlined word "January" in the 3rd line from the end thereof and inserting in place thereof the underlined word "April"

Senate Amendment "A" to Committee Amendment "A" was adopted.

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

#### Non-Concurrent Matter

An Act to Confer the Right of Eminent Domain Upon Wiscasset Water Company (H. P. 1781) (L. D. 1319) which was passed to be enacted in the House May 8, and passed to be engrossed on April 26.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur with the Senate in the indefinite postponement of the Bill.

From the Senate: The following Order:

ORDERED, the House concurring, that the first sentence and the first word of the second sentence of Joint Rule 8 be deleted and that there be inserted in place thereof the following:

"When a Bill, Resolve, Order or Memorial which shall have passed one assembly, if rejected in the other, it shall be returned to the other assembly by the Secretary or Clerk, as the case may be, for further consideration." (S. P. 598)

Came from the Senate read and passed.

The Order was read. In the House:

The SPEAKER: All those in favor of the order receiving a passage will say aye —

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

Mr. WOODWORTH: Mr. Speaker, may I inquire if this is the order about the rule changing the Joint Rules?

The SPEAKER: The gentleman is correct. It is.

Mr. WOODWORTH: Mr. Speaker, at the present time the order says: "When a bill, resolve or order which shall have passed one House be rejected in the other, notice thereof shall be given to the House in which the same shall have passed."

The vote of only one House is necessary to kill the bill. That is what I would think it meant, but as a matter of fact I don't recall that they have observed the rule for several terms. As I understand, this change just puts it back to what we have been doing instead of what the book says.

I personally consider it rather unfortunate that if a bill is killed in one House, it has to go back and be killed in the other, and it keeps bouncing back and forth the way the Marine Worm Bill and two or three others have in the last few weeks.

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

All those in favor of the order receiving passage will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the order received passage in concurrence.

The **SPEAKER**: The Chair at this time notices the presence in the balcony of the Hall of the House of the 7th Grade of the Bluehill Consolidated School, in charge of Mr. Heilsberg, and in behalf of the House the Chair at this time bids you a cordial welcome. (Applause)

From the Senate: The following Order:

**ORDERED**, the House concurring, that there be prepared, under the direction of the Clerk of the House, a Register of all Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve, and that there be printed five hundred copies of the same. The Clerk of the House is hereby authorized to employ the necessary clerical assistance to prepare such Register.

One copy of the Register shall be mailed to each member of the Legislature and to each officer of the House and Senate. Each department head shall be supplied with a copy, and 25 copies shall be delivered to the State Library. (S. P. 595)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

#### Messages and Documents

The following Communications:

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA

May 17, 1951

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

Dear Sir:

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

Bill, "An Act Relating to Exemptions from Taxation." (HP 336) (LD 194)

Sen. Noyes of Hancock  
Sen. Savage of Somerset  
Sen. Haskell of Penobscot

Bill, "An Act Relating to Payments to Towns by State in lieu of Taxes." (SP 549) (LD 1305)

Sen. Leavitt of Cumberland  
Sen. Reid of Kennebec  
Sen. Brewer of Aroostook

Very truly yours,

(Signed) Chester T. Winslow  
Secretary of the Senate

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA

May 17, 1951

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

Dear Sir:

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

Bill, "An Act relating to Trespassing on Commercial or Residential Property." (S. P. 411) (L. D. 971)

Sen. Barnes of Aroostook  
Sen. Haskell of Cumberland  
Sen. Ward of Penobscot

Very truly yours,

(Signed) Chester T. Winslow  
Secretary of Senate

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA

May 15, 1951

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

Dear Sir:

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

Bill, "An Act relating to Public Burying-Grounds in Unincorporated Places." (HP 1240) (LD 792)

Sen. Haskell of Penobscot  
Sen. Ela of Aroostook  
Sen. Barnes of Aroostook

Bill, "An Act relating to Funeral Expenses under Old Age Assistance Law." (HP 1285) (LD 823)

Sen. Ela of Somerset  
Sen. Dennett of York  
Sen. Greeley of Waldo

Very truly yours,

(Signed) Chester T. Winslow  
Secretary of Senate.

The Communications were read and ordered placed on file.

#### Orders

On motion of Mr. Jacobs of Auburn, it was

ORDERED, that there be printed for use of the Legislature 1000 additional copies in pamphlet form, of the Report of the Liquor Research Commission to the 95th Maine Legislature.

On motion of Mr. Chase of Cape Elizabeth, it was

ORDERED, that Mr. Hayes of Dover-Foxcroft be excused from attendance beginning May 19, on account of his having been recalled to active duty in the armed forces.

On motion of Mr. Cole of Liberty, it was

ORDERED, that the Clerk of the House be directed to prepare and have printed a list of the members of the 95th Legislature, including therein their seat numbers.

#### House Reports of Committees Ought Not to Pass

Mr. Robbins from the Committee on Highways reported "Ought not to pass" on Resolve Creating a Legislative Interim Committee to Implement the Engineering and Economic Study of "Maine Highway Needs" (H. P. 1115) (L. D. 746)

Report was read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft

Mr. Cole from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for Municipal Airport Construction (H. P. 956) (L. D. 568) which was recommended, reported same in a new draft (H. P. 1821) (L. D. 1407) under same title and that it "Ought to pass"

Report was read and accepted, and the Resolve, having already been printed, was read once under suspension of the rules and assigned for second reading at 11:00 o'clock this forenoon.

#### Ought to Pass Printed Bill

Mr. Dickey from the Committee on Education reported "Ought to pass" on Bill "An Act relating to Academies" (H. P. 1525) (L. D. 1107)

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules and assigned for third reading at 11:00 o'clock this forenoon.

#### Ought to Pass with Committee Amendment

Mr. Jacobs from the Committee on Appropriations and Financial Affairs on Resolve to Construct and Equip a Hospital Building at Central Maine Sanatorium (H. P. 874) (L. D. 522) 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. 874, L. D. 522, "Resolve to Construct and Equip a Hospital Building at Central Maine Sanatorium."

Amend said Resolve by adding after the word "fund" in the 2nd line thereof the words: 'surplus at such time as the governor with the consent of the council may determine that sufficient funds are available in the general fund surplus account without reducing the surplus balance to a point where it may be detrimental to the normal operations of state government.'

Committee Amendment "A" was adopted and the Resolve was assigned for second reading at 11:00 o'clock this forenoon.

#### Consolidated Resolve Ought to Pass

Mr. Jacobs from the Committee on Appropriations and Financial

Affairs reported on the following Resolves:

S. P. 52, L. D. 62, Resolve in Favor of Robert W. Traip Academy.

S. P. 92, L. D. 147, Resolve in Favor of Portland Junior College.

S. P. 94, L. D. 145, Resolve in Favor of Lincoln Academy for Classroom Building.

S. P. 140, L. D. 264, Resolve in Favor of Corinna Union Academy for Construction of an Agricultural Workshop.

S. P. 141, L. D. 263, Resolve in Favor of Corinna Union Academy for Construction of Fireproof Room.

H. P. 109, L. D. 83, Resolve in Favor of the Town of New Sharon for School Building.

H. P. 800, Resolve in Favor of Foxcroft Academy for Building.

H. P. 1511, L. D. 1105, Resolve, in Favor of Hampden Academy.

reported a Consolidated Resolve (H. P. 1822) (L. D. 1408) under title of Resolve in favor of Construction and Repairs for Certain Academies, Institutes and Seminaries and that it "Ought to pass."

Report was read and accepted, and the Resolve having already been printed, was read once under suspension of the rules, and assigned for second reading at 11:00 o'clock this forenoon.

#### Passed to be Engrossed

Resolve Providing for Indexing and Filing Old Probate Records (S. P. 513) (L. D. 1232)

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

#### Constitutional Amendment Finally Passed

Resolve Proposing an Amendment to the Constitution Relating to Voting by Citizens in the Armed Forces and Others Absent or Physically Incapacitated (H. P. 1813) (L. D. 1393)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had. 118 voted in favor of same and none against, and accordingly the Re-

solve was finally passed, signed by the Speaker and sent to the Senate.

#### Constitutional Amendment Finally Passed

Resolve Proposing an Amendment to the Constitution to Make Temporarily Inoperative any Measure Adopted by the People which Fails to Provide a Revenue Adequate for its Service (H. P. 1014) (L. D. 576)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had. 120 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Emergency Enactor Tabled

An Act relating to the Conservation of Clams in Washington County (H. P. 1329) (L. D. 892)

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

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

Mr. BUCKNAM: Mr. Speaker and Members of the House: I ask that we rescind from our previous vote in which we passed this bill to be engrossed, in order that I may add an amendment.

The SPEAKER: The gentleman, from Whiting, Mr. Bucknam, moves that the House, under suspension of the rules, reconsider its former action where it passed to be engrossed on May 1st An Act relating to the Conservation of Clams in Washington County (H. P. 1329) (L. D. 892). All those in favor of reconsidering will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Mr. Bucknam 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. 1329, L. D. 892, Bill "An Act Relating to the Conservation of Clams in Washington County."

Amend said Bill by striking out all of the Emergency preamble thereof.

Further amend said Bill by striking out all of the Emergency clause at the end thereof.

Thereupon, House Amendment "A" was adopted.

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

Mr. BUCKNAM: Mr. Speaker, I now move that the bill be passed to be engrossed.

The SPEAKER: The gentleman from Whiting, Mr. Bucknam, moves that the bill be passed to be engrossed.

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

Mr. BROWN: Mr. Speaker and Members of the House: I am going to ask for indefinite postponement of this bill and the amendment, and I shall state my reasons. This L. D. 892 was passed as a conservation measure in Washington County, Bill "An Act Relating to the Conservation of Clams in Washington County." In my judgment it is not a conservation measure at all. It closes the flats in Washington County to diggers of clams only for home consumption, one bushel. It closes them for over 100 people along Route 1 that are in the same business that I am in.

I want to read to you, to make it plain, my advertising, and this advertising is like a hundred others and more through Washington County: "Our dining room is a large log cabin, skilfully looked-after by a competent cook and helper. Vegetables fresh from the garden. All kinds of fish, including clams and lobsters in abundance." This bill, if it passes, will mean that all of this advertising that I and over a hundred others have done, to satisfy the people who come into this State with clams will be as nothing. I cannot even go down on my own beach, and near to my place I have twenty-five acres of clams; I cannot go down there, if I interpret this bill rightly—and I have just had it interpreted by the Attorney General's office—and sell one clam in my dining room.

And when I say that about myself, remember I am speaking about

over a hundred places similar to mine from Steuben to Calais, Maine.

This winter I went along with this bill up until yesterday because I thought it would allow us at least one bushel to be sold for fried clams or in the hotels, in the restaurants and in the dining rooms, but it has been interpreted so now that we cannot even sell one, even from my own beach, and I do not believe that that is a fair thing to do.

As I said, I held my nose this winter and went along with it because I thought we would be allowed at least one bushel, and there are lots of days when we sell, to accommodate our people, six bushel.

If it were a conservation measure, I wouldn't say a word, but it is not a conservation measure. Four months closing the clam flats in any county is not conservation, and any of you people who know clams, as I think I know them, know very well that you have to close those flats for two, three or four years. This is a measure for a few of the canneries in Washington County, probably. It will put out of employment a great many workers who depend on clams and up until yesterday noon, or up until an hour ago, I really didn't think that I was going to say anything on clams because there has been so much said here this winter, and I hope I don't say anything on marine worms.

That, among lots of other reasons, is the reason now that I move the indefinite postponement of this vicious measure.

The SPEAKER: The gentleman from Robbinston, Mr. Brown, moves that the bill, with accompanying papers, be indefinitely postponed.

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

Mr. BUCKNAM: Mr. Speaker and Members of the House: This bill was thoroughly considered by the Washington County Representatives in this Legislature and was thoroughly discussed and it was unanimously approved that it should be presented to this Legislature, and I was the one that happened to be selected to present it.

I assume that they took the ground that, not having a relative in the State of Maine, if anybody was to get killed I would be the one that would cause the least suffering. (Laughter)

Now this is a conservation measure and the gentleman who has just spoken has told you so. He is too conservative. That is the trouble with it with him. I admit that it is going to injure people, but the purpose of it is to try to help everybody. I am thinking about the people who are digging clams today, and those that want to dig ten years from now and twenty years from now. I am not saying that this is the best law that could be made, but I do say that we are trying to do something in a direction to conserve our clams.

This law that we have now was on the statutes for several years up to two years ago. We weren't digging clams in Washington County in the summertime. This is the time of year when there is plenty of work everywhere else, and there is no reason to think that anybody is going to starve to death if they don't go down and dig these clams at this time.

As far as I am concerned personally, it is of no interest to me. I can get a living; I am not going to starve to death, and no one else is going to starve to death, and any member of this Legislature that has argued along that line must have very little respect for their colleagues in this session.

Now all I want to say is that we are just trying to save the clams. They are going just as fast as they can. Sixty-five per cent of the clams that were dug in the State of Maine last year were dug in Washington County, and I can remember just a few years back when the clam flats at Old Orchard Beach were considered of more value than the uplands; they valued them at \$3,000 per acre. And now, where are they? They haven't got any clams. They will all tell you that the clams that we have are in Washington County, and now the people of Washington County are suffering as much as anyone. This is a conservation measure and we are all going along together, and which-

ever way you vote, it won't make any difference to me. I thank you.

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

Mr. BARTON: Mr. Speaker, I have been in favor of this measure right along, for one reason, and that reason was not because I thought this was the best measure that could come before this Legislature, but rather because I felt that we in the State of Maine are faced with a very serious problem as to clam conservation, and I felt that anything which we could do to save the clams in the State of Maine was desirable.

However, in view of the objections which have been raised this morning, I would like to attempt to work up an amendment which would relieve the roadside houses in Washington County and allow them to stay in business. I think that can be done without seriously injuring the bill; I think we can achieve what we want to achieve in saving the clams of Washington County and still allow these houses to be open. Therefore, Mr. Speaker, I move that this item lie on the table until later in today's session, pending the motion of the gentleman from Robbinston, Mr. Brown.

The SPEAKER: The gentleman from Vinalhaven, Mr. Barton, moves that An Act relating to the Conservation of Clams in Washington County, H. P. 1329, L. D. 892, lie on the table until later in today's session, pending the motion of the gentleman from Robbinston, Mr. Brown, to indefinitely postpone the bill.

All those in favor of laying the matter on the table will say aye; those opposed, no.

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

#### Finally Passed Emergency Measure

Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Connor to Paul Damboise (S. P. 552) (L. D. 1309)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-



thirds vote of all the members elected to the House being necessary, a division was had. 127 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**Passed to be Enacted  
Emergency Measure**

An Act Enacting the Sabotage Prevention Act (H. P. 1316) (L. D. 852)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 126 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to be Enacted**

An Act to Clarify Certain Procedures Under Maine State Retirement Law (S. P. 217) (L. D. 470)

An Act relating to Service Retirement Benefits Under State Employees' Retirement Law (S. P. 237) (L. D. 508)

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

An Act relative to the Disposal of Assets in the Hands of Liquidating Trustees (S. P. 323) (L. D. 721)

An Act Continuing Bounty on Bear (S. P. 393) (L. D. 940)

An Act to Allow City and Town Employees to Receive Federal Social Security Benefits (S. P. 574) (L. D. 1376)

An Act Abolishing the Polling Place in Rockwood in Somerset County (H. P. 168) (L. D. 99)

An Act relating to Police Authority of Director of Aeronautics and Inspectors (H. P. 195) (L. D. 117)

An Act to Provide for the Issuance of Bonds of the State to Refund Kennebec Bridge Loan Bonds (H. P. 443) (L. D. 272)

An Act relating to the Ogunquit Village Corporation (H. P. 1121) (L. D. 708)

An Act relating to Head and Rear Lights on Railroad Cars (H. P. 1352) (L. D. 927)

An Act relating to Filing of Liens on Vehicles (H. P. 1420) (L. D. 1028)

An Act relating to Fishing Licenses for Boys' and Girls' Camps (H. P. 1797) (L. D. 1372)

An Act relating to Salaries of Sheriffs of All Counties (H. P. 1799) (L. D. 1375)

An Act relating to Schooling of Children of Parents Who Reside on State-owned Property (H. P. 1805) (L. D. 1380)

An Act relating to the Digging of Shellfish and Marine Worms in the Town of Freeport (H. P. 1811) (L. D. 1392)

**Finally Passed**

Resolve in favor of the Block House at Fort Kent (H. P. 402) (L. D. 246)

Resolve Regulating Fishing for White Perch in Penobscot County (S. P. 576) (L. D. 1377)

Resolve Providing for the Payment of Certain Damages Caused by Protected Wild Animals (S. P. 580) (L. D. 1387)

Resolve Providing for Certain Construction at the Maine State Airport (H. P. 957) (L. D. 569)

Resolve to Reimburse Robert Ballard of Hallowell (H. P. 1808) (L. D. 1385)

**Passed to be Enacted**

An Act relating to State Owned Cars (S. P. 332) (L. D. 748)

An Act Continuing Pensions of Retired Members of the State Police (H. P. 198) (L. D. 120)

An Act to Incorporate the Guardian Finance Co. (H. P. 641) (L. D. 383)

An Act relating to Prevention of Subversive Activity (H. P. 1315) (L. D. 851)

An Act relating to Sanitary Facilities for Certain Places (H. P. 1328) (L. D. 891)

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

An Act relating to Rights of Married Persons (H. P. 1803) (L. D. 1379)

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

**Passed to be Enacted  
Emergency Measure**

An Act relating to Temporary Loans of Cumberland County (H. P. 1814) (L. D. 1394)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Finally Passed  
Emergency Measure**

Resolve Appropriating Moneys to Reactivate Mile Light at Cove Point Gore (H. P. 1778) (L. D. 1316)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 120 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**Passed to be Enacted**

An Act relating to the Banking Department (H. P. 1282) (L. D. 848)

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

**Orders of the Day**

The SPEAKER: Under Orders of the Day, the Chair lays before the House the 1st tabled and today assigned matter, Resolve in favor of Veterans of Spanish American War, H. P. 36, L. D. 797, which was passed to be engrossed in the House on March 2. (In the Senate indefinitely postponed in non-concurrence) which was tabled on May 17 by the gentleman from South Portland, Mr. Berry, pending further consideration; and the Chair recognizes that gentleman.

On motion of Mr. Berry of South Portland, a viva voce vote being taken, the House voted to insist on

its previous action whereby it passed the Resolve to be engrossed on March 2, and to ask for a committee of conference.

Thereupon, the following members were appointed as members of the Committee of Conference on the part of the House on the disagreeing action between the two branches of the Legislature: The gentleman from South Portland, Mr. Berry; the gentleman from South Portland, Mr. Spear, and the gentleman from Dover-Foxcroft, Mr. Hayes.

The SPEAKER: The Chair now lays before the House the 2nd tabled and today assigned matter, Bill "An Act relating to Definition of 'Average Final Compensation' under State Employees' Retirement Law", S. P. 235, L. D. 506, tabled on May 17 by the gentleman from Portland, Mrs. Fay, pending third reading; and the Chair recognizes that gentleman.

On motion of Mrs. Fay of Portland, the Bill was then given its third reading, passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair lays before the House the 3rd tabled and today assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Natural Resources on Bill "An Act relating to Interstate Water Pollution Control", H. P. 936, L. D. 534, tabled on May 17 by the gentleman from Wayne, Mr. Brown, pending his motion to accept the majority report.

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

Mr. BATES: Mr. Speaker and Members of the House: I rise to oppose the motion of the gentleman from Wayne, Mr. Brown, in the hope that the "Ought to pass" minority report of the committee will receive your favorable consideration.

The New England Interstate Water Pollution Control Compact was conceived not by the federal government but by the state sanitary engineers of New England and New York as a means of developing a plan whereby the states might cooperate in the control of pollu-

tion of the interstate waters of New England drainage basin. The Compact was ratified by the states of Connecticut, Massachusetts and Rhode Island in 1947 and was approved by Congress in that same year. In 1949 the State of New York enacted enabling legislation and New York became a signatory to the Compact.

On March 29th of this year, Governor Lee E. Emerson of Vermont signed Senate Bill 34, an act to amend No. 148 of the Acts of 1949 relating to the New England Interstate Water Pollution Control Compact. This amending legislation provides for Vermont's full participation in the Compact with the present signatory states of Connecticut, Massachusetts, New York and Rhode Island.

In New Hampshire, the bill now before the New Hampshire legislature authorizing that State to ratify the New England Interstate Water Pollution Control Compact received a unanimous favorable report by the House Committee on Resources, Recreation and Development. It was then presented to the House Committee on Appropriations which is reporting it out unanimously "Ought to pass". This legislation also has the endorsement and support of the state administration and the State Council on Resources and Development and its forthcoming enactment is anticipated.

The pollution of our waters by domestic sewage and various wastes from the diversified industries of the area is the result of decades of stream abuse during extensive population growth and industrial expansion. Recent years have witnessed deep public concern over the present condition of many of our waters and an apparent lack of progress in keeping abreast of the increasing problems and needs. New England is virtually a network of interstate streams and the approach to the control of pollution of interstate waters is logically under such an agreement and arrangement as this compact.

The New England Interstate Water Pollution Control Compact is built around a classification of interstate waters according to their highest use based on physical,

chemical and bacterial standards adopted by the Commission. Each signatory state agrees to submit classifications of its interstate waters to the Commission for approval and then to establish programs of treatment of sewage and industrial wastes to bring about the improvements required to meet the approved classifications. Each of the signatory states is pledged to provide for the abatement of existing pollution and for the control of future pollution of interstate inland and tidal waters and to put and maintain the waters thereof in a satisfactory condition consistent with the highest classified use of each body of water.

The success of the Compact depends on the cooperation and support of all the states. There are no provisions for the exercise of broad mandatory powers by the Commission. The Commission has no power to issue orders or to finance or construct treatment works but, in reality, is an agency of the signatory states coordinating a mutually agreed upon plan to improve the sanitary condition existing in this area.

In regard to the financing of this particular measure, it is specifically set up that funds are appropriated annually by the signatory states for administrative and operating expenses of the Commission in accordance with Article VIII of the Compact. It provides that Massachusetts obligates itself only to the extent of \$6500 in any one year, Connecticut only to the extent of \$3,000 in any one year, Rhode Island to the extent of \$1500 in any one year, and Maine, New Hampshire and Vermont each only to the extent of \$1000 in any one year. New York under its enabling legislation obligates itself only to the extent of \$4500 in any one year. This is pro-rated for each state on the basis of its population and valuation within the Compact area.

From the federal angle, the Federal Water Pollution Control Act, which is Public Law 845 enacted in 1948, declares it to be the policy of Congress to recognize, preserve, and protect the primary rights and responsibilities of the states in controlling water pollution and to

assist the states in their programs by providing technical and financial aid. However, and this is an important point, as I see it, there was introduced into the 81st Congress H. R. 4568, which would have changed this cooperative approach by investing the federal government with water pollution control authority. This legislation failed of enactment when Congress acceded to the request of the states that legislation of this nature be not passed until Public Law 845 had been afforded a reasonable trial.

I believe that less can be done by a federal program than can be done by the states themselves, individually and especially in a compact arrangement, these states having similar problems and a geographical connection. Pollution problems cannot be solved by directives from Washington. But they may have to be if the various states do not band themselves together. Do you realize that public health, sea and shore fisheries, public welfare, conservation, public utilities, inland fisheries and game, agriculture, industry, natural resources, economics are all involved?

The ability of states to band themselves together in workable interstate compacts, such as this already functioning in New England Interstate Water Pollution Control Commission, is a fine example of how states can help to solve problems at the state level and stay away from too much federal intervention.

How long can Congress be convinced that the states will attempt to handle their problems, with the help of adjacent states, if each state does not implement its program? Maine has a great deal, in fact more than some of these other states, in the line of natural resources to protect. Clean waters is everybody's business.

It seems, therefore, entirely logical to me, at a cost of but \$1000 a year to provide legislation to enable Maine to become a member of this Compact with the other New England States and New York, to learn what is being done to protect our own state and to participate in this worthwhile program. I hope the motion of the

gentleman from Wayne, Mr. Brown, will not prevail.

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

Mr. BROWN: Mr. Speaker and Members of the House: I rise to defend the position of the Natural Resources Committee which reported this bill by a majority "Ought not to pass."

In the first place, I do not think that this type of legislation is needed. We are, as a State, up here geographically by ourselves. The only state which borders the State of Maine is New Hampshire. We have but one river of real importance and size, at least, the Androscoggin, which originates in Maine and does go through New Hampshire somewhat and comes back into Maine, which is already adequately being provided for under the jurisdiction of the courts. I would find no fault with a compact with New Hampshire alone if it was necessary, but I see no need to tie the State of Maine in with New York, Rhode Island, Connecticut, Vermont and Massachusetts in this work.

A few days ago this House passed L. D. 1397 — it has been passed to be engrossed in both houses — which sets up a Water Improvement Commission within the State of Maine and for the purpose of studying the pollution and to make recommendations to the parties responsible and to the Legislature as to the most effective method of taking care of pollution within our own state.

This compact bill is quite broad; it takes in every lake, stream, tributary and also the tidal waters which ebb and flow past any two of the signatory states. Another thing is that I believe it is the primary duty of the Legislature of the State of Maine to approve the classification of its own streams and rivers and tidal waters, and I think that we can best do that as a State. Under this L. D. 534, the Commission has the right to set up those classifications.

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

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

Mr. BRADEEN: Mr. Speaker and Members of the House: Your Natural Resources Committee gave the most careful consideration to two proposed measures covering water pollution in the State of Maine. The pros and cons were heard at great length, and we considered it to be for the best interests of the people of this State to report out one measure, which we did, as I recall it, unanimously. And I might say this: That we did not report that measure until we had considered both bills which came before us most carefully.

When we reported out the first measure which passed the House and Senate a day or two ago, it included those features which we felt to represent a constructive approach to the water pollution problem in this State.

This second bill, you notice, came out with a divided report, eight to two. My name is included among those who signed the majority report, and I certainly want to go on record at this time as traveling in the same boat with the Chairman, Mr. Brown of Wayne, and I support that majority report "Ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Carter.

Mr. CARTER: Mr. Speaker and Members of the House: I think this measure has been covered by the other two speakers so far as the objections to it are concerned.

The thing that bothered me about this bill is that it pertains only to the two rivers, you might say, on the western borders of the State, the Androscoggin and the Saco. I do not think the Saco has so much pollution or has so many industries on it as the Androscoggin. But this bill, in effect, would give us two pollution bills in Maine, one for the western border of the state and one for the rest of the state, which is a thing I do not think we want. I think that the first bill which was passed by us some time ago is adequate for the study of the problem and to arrange for some solution. I do not think I can understand where New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut would be interested in an inter-

state pact. They have the Connecticut River, which is the boundary between New Hampshire and Vermont all the way down and which then flows through Massachusetts and Connecticut, and they do have a real problem on that river. But I do not see any reason for Maine to enter into this pact. I think one law for the whole state is what we need, not two laws. Thank you.

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

Mr. HAYES: Mr. Speaker and Members of the House: I wish briefly to go on record as favoring the majority "Ought not to pass" report, and I wish to discuss, also briefly, the intervention aspect of this situation.

It has been suggested that unless the State of Maine joins in this compact the Federal government will take over active control. To me this argument is completely fallacious. If the Federal government determines that there is need for control, the existence of the compact, in my opinion, does not prevent it from asserting its rights.

I examined recently the act of Congress which authorizes the New England Water Pollution Control Compact, and I find that Congress has not disposed of its entire rights over State waters which become subject to the compact, but has expressly reserved its right to take further action.

I further call your attention to the fact that the compact as authorized by Congress does not provide for the withdrawal of any state once it has entered the compact. The bill before you, in Article 11, authorizes the State to withdraw from the compact if the Governor deems it wise, upon giving sixty days notice. This provision, I am informed, is ineffective without a further act of Congress. In either event, the Legislature, by the enactment of this bill, would not be accomplishing its purpose. I hope that the motion of the gentleman from Wayne, Mr. Brown, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Norridge-wock, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker and Members of the House: I feel that the Natural Resources Committee have done a good job on this bill, have taken careful consideration of it, and if this measure goes through it will be all we feel we should do this year without further consideration of the other bill. I hope that the motion of the gentleman from Wayne, Mr. Brown, prevails.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Westbrook, Mr. Travis.

Mr. TRAVIS: Mr. Speaker and Members of the House: I am sorry to differ with my good friend, the gentleman from Orono, Dr. Bates, but he well knows my position on this bill. I heartily endorse the motion of the gentleman from Wayne, Mr. Brown, to accept the majority "Ought not to pass" report.

Here in Maine we are very friendly with our sister states and we get along pretty well that way. I do not see any need for this bill or any necessity for delegating any authority to them over us.

The gentleman from Dover-Foxcroft, Mr. Hayes, has mentioned the escape clause of sixty days, in regard to which there is some doubt as to how effective and binding it might be.

In Westbrook we have a very serious pollution problem, both from the municipal and industrial standpoints, but I feel that with the commission that is being set up in L. D. 1397 which we passed a few days ago we can improve this condition. I certainly hope that the motion of the gentleman from Wayne, Mr. Brown, prevails.

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 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 Wayne, Mr. Brown, that the House accept the majority "Ought not to pass" report of the Committee on Natural Resources on Bill "An Act relating to Interstate Water Pollution Control." (H. P. 936) (L. D. 534), and the same gentleman has requested a division.

All those in favor of accepting the majority "Ought not to pass" report will please rise and remain standing until the monitors have made and returned the count.

Eighty-nine having voted in the affirmative and twelve in the negative, the majority "Ought not to pass" report was accepted and sent up for concurrence.

On motion of Mr. Chase of Cape Elizabeth, the House voted to take from the table the 1st tabled and unassigned matter, Resolve Authorizing a Tax and Cutting Practice Committee, H. P. 1672, L. D. 1240, tabled on May 17 by the gentleman from Cape Elizabeth, Mr. Chase, pending final passage.

The SPEAKER: The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker and Members of the House: I have always been more or less interested in forestry and forest economics, partly as a vocation and partly as an avocation. Forestry has been defined as the growing of the treated crops of timber on land unsuited for agriculture but these crops of timber are not grown just for the fun of it; they are grown as a measure of economy. In any agricultural project, income is generally the first consideration.

I am not thinking so much of the taxes and the cutting practices on

the large unorganized townships where they only pay the state tax. I am thinking of the taxes on the small wood lots which furnish probably 85 per cent of the pulp wood used in the State of Maine by our pulp and paper companies, one of the big industries.

Now, the taxes on these small wood lots become almost unbearable. In some towns, they amount to as high as 50 cents an acre and, at that rate, the forest isn't going to reproduce itself fast enough to pay the taxes. In some towns the system has been to cut the lots off and turn them back to the towns under the tax lien law, which leaves the town holding the bag with a piece of property which is valueless, which they can't sell and it brings in no taxes.

I am thinking of one 640 acre lot, which the town offered to give away and no one would accept it as a gift because it wasn't worth the taxes, and yet at one time that was a very fine wood lot.

Some states have certain laws whereby they exempt the taxes for a certain period of time and that is taken care of by the state until such time as that land is cut and it has to be cut under a management plan whereby they do not cut down the small trees. They are allowed to grow because if you take a tree that is six inches in diameter, it grows about one-quarter of an inch, around that, every year. Naturally a tree that is ten inches in diameter will increase the amount of wood that grows in a year a lot faster than one that is six. It is not good practice to cut the forests off clean and yet a good many with small wood lots have cleared everything until, as you drive along the roads, you will see large areas where there is nothing growing but a little pine and brush and alders. This land, when it becomes in that stage, is of no value to anybody. It would be probably a hundred years before that produces anything. Yet some man either has to pay taxes on it or it becomes municipal town property and produces nothing.

It was with this thought in mind that I introduced this resolve for a committee to study the method of taxation on these small wood lots to see if something could not be

done to relieve the owners. I still think this should be done but, where we have a Legislative Research Committee, I feel that perhaps as a measure of economy, and I don't like to see money spent unless we absolutely have got to spend it, perhaps the Legislative Research Committee can make a study of this and report to the next Legislature rather than use a thousand dollars for a special committee of study.

Therefore, as an economy measure, I move the indefinite postponement of this resolve.

The SPEAKER: The gentleman from Medway, Mr. Potter, moves that Resolve Authorizing a Tax and Cutting Practice Committee, H. P. 1672, L. D. 1240, be indefinitely postponed.

The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: I agree with the gentleman from Medway, Mr. Potter, that we have here quite a problem and I do hope that one way or another we can arrive at some solution to it. Now, I have no real objection to the Legislative Research Committee making a study of this problem. I think that the members of that committee are very capable people and, no doubt, if they had the time they would bring in a good report on it.

My only fear is that we have given them so many problems to work on that the time they can devote to this particular one would be limited and it wouldn't get the full consideration it deserves.

This particular committee here, which is lined up with the best that is possible that will represent the whole State as near as can be from the Legislature to the Forestry Commissioner, the State Tax Assessor, different members of the Legislature will be on it, one from the House and one from the other body and a timber land owner will also be represented. And this expenditure of \$1,000 here, I think is not too much when we consider the returns that we may get from that.

I would like to remind you that this bill was examined and considered by the Committee on Natural Resources and came out in a new draft with a unanimous "Ought to pass" report.

I therefore hope that the motion of the gentleman from Medway, Mr. Potter, to indefinitely postpone this bill does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Medway, Mr. Potter, that the House indefinitely postpone Resolve Authorizing a Tax and Cutting Practice Committee, H. P. 1672, L. D. 1240.

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

Mr. PARKER: Mr. Speaker and Members of the House: I had no idea up until a few minutes ago that I would have any remarks on this bill. I do find myself somewhat in opposition to indefinitely postponing this measure. I will mention my reasons.

As Mr. Potter used in his argument for indefinite postponement, it would be saving the State some money by having the Research Committee perform this service. I think there are two things we should consider when we ask the Research Committee to do this.

One is that I have every reason to believe we have some very efficient members on that committee, but my objection is in leaving this with them that they would not, in my estimation, have as efficient men for this special problem as this committee that is proposed to be appointed, which any of you can read for yourselves if you will read the resolve. There are on that committee men who are trained in this very important industry.

Number two, my objection is this, and I think it really bears some weight: If the Research Committee does this job and does it thoroughly with the salary that they receive, you will find, I am sure, that the \$1,000 that this bill appropriates will be spent more than twice by this Research Committee. In other words, the appropriation that this bill calls for sets up the sum of \$1,000 only for the travelling expenses of this proposed committee. They receive nothing for their work, for their salary. There is no paid member of this committee. There is only a thousand dollars set up for their expenses.

Therefore, I certainly hope that the motion of the gentleman from

Medway, Mr. Potter, does not prevail.

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

Mr. FINNEGAN: Mr. Speaker and Members of the House: Just to speak very briefly on this matter, I go along with the previous speakers who are opposed to the indefinite postponement of the resolve.

This is an educational program which must be administered by people who are familiar with the subject. The committee is certainly capable of that and I hope that the motion to indefinitely postpone will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Medway, Mr. Potter, that the House indefinitely postpone Resolve Authorizing a Tax and Cutting Practice Committee, H. P. 1672, L. D. 1240, and the gentleman from Sebec, Mr. Parker, has requested a division.

All those in favor of the motion to indefinitely postpone will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Four having voted in the affirmative and seventy-three in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker, and sent to the Senate.

The SPEAKER: The Chair, at this time, would like to state to the members of the House that their cooperation in giving their attendance here so faithfully for the last twenty-four hours is greatly appreciated.

It appears at this moment, I am informed by the good Clerk, that the House is in splendid shape so far as his office is concerned. We haven't too much ahead of us as far as it concerns the House. I do hope you will continue giving your faithful attendance. It appears that we will probably get through tomorrow, the latter part of the afternoon or early evening, if you give us your attendance. It is very important that you come in the



House when you hear the gong.  
(Applause)

The SPEAKER: The Chair now lays before the House the 2nd tabled and unassigned matter on today's calendar, Bill "An Act Relating to Education in Unorganized Territory," S. P. 352, L. D. 880, tabled on May 17 for reproduction of amendment, pending adoption of House Amendment "A." The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to S. P. 352, L. D. 880, Bill "An Act Relating to Education in Unorganized Territory."

Amend said Bill by striking out that part designated "Sec. 148-A" of section 3 thereof and inserting in place thereof the following underlined paragraph:

**'Sec. 148-A. Unorganized territory capital working fund; appropriation. There is hereby created the unorganized territory capital working fund, hereinafter referred to as the "fund," which shall be a continuing fund in the books of the state, and for which there shall be appropriated the sum of \$140,000 during the fiscal year 1951-52 to be used as provided in section 148-B. Any unexpended balances shall not lapse, but shall remain a continuing carrying account.'**

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

The SPEAKER: The House will please just remain in their seats; they may be at ease. I am sure we will have some more matters in a matter of two or three minutes, and it is very important that we have you all here. The House may be at ease for a few minutes.

#### House at Ease

Called to order by the Speaker.

#### Passed to be Engrossed

Bill "An Act relating to Academies" (H. P. 1525) (L. D. 1107)

Resolve Dividing the State into

Senatorial Districts (S. P. 368) (L. D. 867)

Resolve Authorizing the Construction of a Road and Terminal in Rockland, Knox County (S. P. 590) (L. D. 1403)

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

#### Amended Resolve

Resolve Appropriating Moneys for Municipal Airport Construction (H. P. 1821) (L. D. 1407)

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

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

Mr JACOBS: Mr. Speaker, I have an amendment to that resolve just read and I move its adoption, presented by the gentleman from Eustis, Mr. Carville, who was called away and I am speaking for him.

The SPEAKER: The gentleman from Eustis, Mr. Carville, presents House Amendment "A" to the fourth item on the supplemental calendar and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 1821, L. D. 1407, Resolve Appropriating Moneys for Municipal Airport Construction.

Amend said Resolve by striking out the figures "\$46,000" wherever they appear in said Resolve and inserting in place thereof the figures '\$48,500'

Further amend said Resolve by inserting after the line reading

"Greenville airport 4,000"  
a new line to read

'Rangeley airport 2,500'

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

Resolve in favor of Construction and Repairs for Certain Academies, Institutions and Seminaries (H. P. 1822) (L. D. 1408)

Was reported by the Committee on Bills in the Third Reading, read

the second time, passed to be engrossed and sent to the Senate.

#### Amended Resolve

Resolve to Construct and Equip a Hospital Building at Central Maine Sanatorium (H. P. 874) (L. D. 522)

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.

#### Amended Bill

Bill "An Act Providing for the Construction of a Ferry Landing and Approaches Thereto in the Town of Bar Harbor" (S. P. 591) (L. D. 1404)

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.

The following papers from the Senate were taken up by unanimous consent:

#### Senate Conference Report

Report of the Committee of Conference 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) reporting that they are unable to agree

(Signed)

Messrs. LARRABEE of Sagadahoc  
ALLEN of Cumberland  
BREWER of Aroostook

—Committee on part of Senate

MAXWELL of Winthrop  
HANCOCK of Casco

TAYLOR of Norridgewock

—Committee on part of House

Came from the Senate with the report read and accepted.

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

#### Senate Report of Committee Ought to Pass in New Draft

Report of the Committee on Highways on Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1952, and June 30, 1953" (S. P. 47) (L. D. 57) reporting a new draft (S. P. 594)

(L. D. 1405) under same title and that it "Ought to pass"

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

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

Thereupon, on motion of the gentleman from Houlton, Mr. Robbins, the Bill was given its third reading under suspension of the rules, and passed to be engrossed in concurrence.

#### Non-Concurrent Matter

An Act Appropriating Moneys for Revision of State Valuation (H. P. 1066) (L. D. 646) which was passed to be enacted in the House on May 17, and passed to be engrossed as amended by Committee Amendment "A" on May 9.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. CHASE: Mr. Speaker, this is a bill which calls for a revision of the state valuation. Under existing law the State Board of Equalization has to make a state valuation. Probably over ten million dollars a year of state expenditure is in the nature of equalization, which is based on that valuation. It is well known that the figures are obsolete and I believe that the present valuation is inequitable in important respects. As a result the State spends considerably more money than it would have to spend if equalization were based upon a valuation recognizing relative need.

This measure was unanimously reported by the committee; it was never opposed at any time; it passed without any objection being made to it until today when it comes back to us indefinitely postponed.

It is a measure which is of no particular consequence to my own community but there are many here in the House to whom it is, I think, very important that this valuation should be revised and brought to realistic figures. I don't want to detain the House or to have any other committee of conference unless there is some dis-

position in the other body to concur. But I do move, since I deem this to be an important matter, that the House do insist.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the House insist upon its former action on An Act Appropriating Moneys for Revision of State Valuation, H. P. 1066, L. D. 646.

The Chair recognizes the gentleman from Bangor, Mr. Finnegan.

Mr. FINNEGAN: Mr. Speaker and Members of the House: I am happy to be able at least on one occasion here to concur with the gentleman from Cape Elizabeth, Mr. Chase.

I think it is a very important, far-reaching proposition and should be undertaken. At the present time all of these programs are based on a valuation which is illogical, unsound, unfair in many cases and without the proper valuation they simply have no standing from any sort of an economic standpoint so again I say I heartily concur, without prolonging the discussion, with the gentleman from Cape Elizabeth (Mr. Chase).

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: Mr. Speaker, I am going along with the gentleman from Cape Elizabeth, Mr. Chase. I would like to say that after this was heard in committee, the committee reported the bill "Ought to pass" unanimously without even discussing it. They thought it was of great importance and that the need of it was important and I certainly want to go along with Mr. Chase.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House insist on its former action on An Act Appropriating Moneys for Revision of State Valuation, H. P. 1066, L. D. 646.

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

A viva voce vote being taken, the motion prevailed.

#### Non-Concurrent Matter

Resolve in favor of Indians at Pleasant Point Reservation for

Building and Repair of Homes (H. P. 1146) (L. D. 678) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" on May 17.

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

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

Mr. BROWN: Mr. Speaker and Members of the House: As I rise to speak on the three following matters that are before us, I speak with a feeling of sadness and remorse.

Before us this morning, in this House, stands the flag of the United States and the flag of the State of Maine, which have stood down through the ages in defense of minority groups. In your day and mine, we have seen the money poured out from this country of ours in support of minority groups over the world, who are not one-half as deserving as the people who are concerned in the three resolves that are before us at the present time.

These people, down through the ages, have been driven by the white man into the very conditions under which they are living at the present time. This condition does not exist only in the State of Maine, it exists throughout this country, and any of you who have followed it know that that statement is true. Our Indians have been driven to the far reaches of this country. If you take the condition that exists in the central states of this country, they were driven to the most barren sections and now, after they have found oil there, when it would bring the Indians back into some of the things that they would enjoy, they are even trying to drive them off from those places.

I just wish, today, that I could take the members of this House down to the Indian Reservation that is only eleven miles from my home and I am sure every one of you would stand up here today and fight for just the thing that I was fighting for yesterday, to try and do something that would clear the name of the State of Maine and

show to the people, not only to the people of the State of Maine but to the tourists who come into this State, that we have still got a heart beating inside of us.

It has been said to me: Why doesn't the Indian get out and shake himself and try to do something? Many of them are. I pointed out, yesterday, in my remarks that the Indian Reservation in Old Town was in far better shape than the two that are in my district and there is a reason for that. There is employment in the surrounding towns there so that those Indians can earn part of their living. But what is there down in my area other than a little seasonal work?

We say the Indian is lazy. Yes, and we have got plenty amongst our own white race who are just as lazy as the Indians, people who are not trying to take care of themselves. We have heard a lot about the morale of the Indians. I happen to know something about that. In the two tribes in my area, the blood is mixed up. What brought that about? Nothing but the cheap white trash who have gone in there and invaded the sanctity of those reservations. Not one thing is being done by the employees of this State to remedy that situation at the present time. I had to come in here to this department under which these tribes exist and put up a battle to even have constable protection in the tribe at Peter Dana Point.

What about sanitary conditions down there? I found one condition and the councillor from my district, who visited with me, found something that if this House knew that it had existed, I don't know what would have happened. That condition has not been remedied yet but I understand there is a movement on foot to do it. Today, I am going to tell you what that condition was. I have gone along very easy, hoping that we would try to remedy the Indian situation. For over five years, there has existed in one home there a case where there are three mentally deficient people. One of these, a woman about 45 years old, who has been in that condition some seven or eight years, was locked up in a cage with grates over the door, no

heat, no sanitary conditions, no bed clothes to cover her up and when I called this to the attention of the authorities what was their answer? "We did not want to put her in an institution because it would hurt the feelings of her parents." I wonder what would hurt the feelings of the parents more: to see her suffering in that condition or know she was in an institution where she was having proper care. There are no sanitary conditions whatsoever on this reservation.

Last fall the priest in charge of the people on that reservation had the water taken and sent here to Augusta for analysis. It came back unfit for human consumption, and yet not one move was made by the authorities of the State to remedy that condition and not one move has been made since to remedy that condition. It still exists.

On this reservation there are about five homes where the entire family of children are illegitimate and no move is made to remedy that situation. As fast as the illegitimates come along, the mother gets additional aid to dependent children. Is it any wonder that people start to get burned up when a condition like that exists here in the civilized State of Maine?

I am going to leave this matter with you people here and let you make the decision. I trust that after the action I started yesterday that they haven't gone against me because it is me. If there is anything that they want to take out on me, let them take it out on me but let's not take it out on these people.

Already two of the newspapers in this State have gone to these reservations, especially the reservation I am talking about today. They have got the story; they have got the pictures of the conditions that exist. The only reason that it has not been published up to this time is the fact that we wanted the Legislature to take some definite action to remedy this situation but I am going to say right here and now that I am going to leave no stone unturned to see that the conditions that do exist in my area have the fullest pub-

licity so that the rank and file of the people of the State of Maine will know just what exists within the State of Maine.

I trust that you will give these matters your serious consideration and that someone in this House will make the proper move so that this condition can be remedied.

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

Mr. **ROUNDY**: Mr. Speaker and Members of the House: It seems to me that after listening to Mr. Brown and in consideration of what is before us, the proper motion is that we insist and ask for a committee of conference and I so move.

The **SPEAKER**: The gentleman from Portland, Mr. Roundy, moves that the House insist on its action on Resolve in favor of Indians at Pleasant Point Reservation for Building and Repair of Home, H. P. 1146, L. D. 678, and ask for a committee of conference.

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

A viva voce vote being taken, the motion prevailed.

The following members were appointed to the Committee of Conference on the part of the House in the disagreeing action between the two branches: The gentleman from Baileyville, Mr. Brown; the gentleman from Portland, Mr. Roundy, and the gentleman from Bath, Mr. Fenn.

#### **Non-Concurrent Matter**

Resolve in favor of Indians on the Indian Island Reservation at Old Town for Building and Repair of Homes (H. P. 1145) L. D. 677) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" on May 17.

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

In the House, on motion of Mr. Roundy of Portland, the House voted to insist on its former action and ask for a committee of conference.

The following members were appointed to the Committee of Con-

ference on the part of the House in the disagreeing action between the two branches: The gentleman from Baileyville, Mr. Brown; the gentleman from Portland, Mr. Roundy, and the gentleman from Bath, Mr. Fenn.

#### **Non-Concurrent Matter**

Resolve in favor of Indians at Peter Dana Point Reservation for Building and Repair of Homes (H. P. 1144) (L. D. 676) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" on May 17.

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

In the House: On motion of Mr. Roundy of Portland, the House voted to insist on its former action and ask for a committee of conference.

The following members were appointed to the Committee of Conference on the part of the House in the disagreeing action between the two branches: The gentleman from Baileyville, Mr. Brown; the gentleman from Portland, Mr. Roundy, and the gentleman from Bath, Mr. Fenn.

The **SPEAKER**: The Chair recognizes the gentleman from Orono, Mr. Bates.

Mr. **BATES**: Mr. Speaker, I ask unanimous consent that unless previous notice is given to the Clerk of the House of intention to move reconsideration, the Clerk be authorized to send to the Senate thirty minutes after the House recesses all matters acted upon this morning and which were passed to be engrossed or that require Senate concurrence and after that time no motion to reconsider any of such matters shall be entertained.

The **SPEAKER**: Does the Chair hear any objection? The Chair hears none and it is so ordered.

Thereupon, on motion of Mr. Bates of Orono, the House recessed until 2:30 P. M., Eastern Standard Time.

**After Recess—2:30 P. M. (E. S. T.)**

The House was called to order by the Speaker.

The **SPEAKER**: Members of the House: I have, on my right, here at the rostrum, a gentleman from our neighboring state, New Hampshire, and as a matter of introduction to you all I would like to have you know that at this time our neighboring state is experiencing the same difficulties that we have put behind us in matter of new revenue.

This gentleman is the presiding officer of the House in the State of New Hampshire, and he and his friends have this day honored us by visiting with the good old State of Maine, to see how we operate, and it is a great pleasure that I introduce to you the Honorable Lane Dwinell, Speaker of the House of the New Hampshire Legislature. (Prolonged applause, the Members rising)

Mr. **DWINELL**: Thank you very much.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Place a Bounty on Porcupines (H. P. 1415) (L. D. 1023) reporting that they are unable to agree.

(Signed)

Messrs. **DENNISON**

of East Machias

**FRECHETTE** of Sanford

**BUCKNAM** of Whiting

— Committee on  
part of House

**ELA** of Somerset

**WIGHT** of Penobscot

— Committee on  
part of Senate

Was read and accepted and sent up for concurrence.

The **SPEAKER**: Is there any objection to the House taking up, under unanimous consent, papers from the Senate? The Chair hears none and the Clerk may proceed.

**Senate Divided Report  
Tabled and Assigned**

Report "A" of the Committee on Judiciary on Bill "An Act relating

to Liens on Insurance Policies for Hospitals" (S. P. 33) (L. D. 18) which was recommitted, reporting a second new draft (S. P. 584) (L. D. 1409) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. **HASKELL** of Cumberland  
**WARD** of Penobscot

— of the Senate.

**DELAHANTY** of Lewiston

**HAYES** of Dover-Foxcroft

**FULLER** of Bangor

— of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. **BARNES** of Aroostook

— of the Senate.

**McGLAUFILIN** of Portland

**WOODWORTH** of Fairfield

Mrs. **FAY** of Portland

Mr. **HARDING** of Rockland

— of the House.

Came from the Senate with Report "A" read and accepted and the new draft passed to be engrossed.

In the House: Report was read.

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

Mr. **WOODWORTH**: Mr. Speaker, our House Chairman of the Judiciary Committee, the gentleman from Portland, Mr. McGlauflin, was forced to go to Waterville this afternoon to keep an appointment with the physician at two o'clock. He said he would be back as soon as he could, and I hope the House will grant him the indulgence of permitting me to lay this on the table until later in the day, and I so move.

The **SPEAKER**: The gentleman from Fairfield, Mr. Woodworth, moves that the reports and bill lie on the table and be specially assigned for later in today's session. Is this the pleasure of the House?

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

**Senate Committee Report**

Report of the Committee on Appropriations and Financial Af-

fairs reporting "Ought to pass" on Bill "An Act relating to the State Liquor Stock" (S. P. 219) (L. D. 494)

Came from the Senate with the Bill and Report indefinitely postponed.

In the House: Report was read and on motion of Mr. Pierce of Bucksport, the Report and Bill were indefinitely postponed in concurrence.

#### Ought Not to Pass Tabled and Assigned

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Repealing Running Racing" (S. P. 134) (L. D. 242)

Came from the Senate read and accepted.

In the House: Report was read.

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

Mr. CARVILLE: Mr. Speaker and Members of the House: Owing to the fact that there is a bill pending now which is in the Governor's office, regarding the night racing, I would like to have the privilege of tabling this until tomorrow morning.

The SPEAKER: The gentleman from Eustis, Mr. Carville, moves that the report with accompanying bill lie on the table pending acceptance and be specially assigned for tomorrow morning. Is this the pleasure of the House?

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

A viva voce vote being doubted

A division of the House was had.

Fifty-eight having voted in the affirmative and thirty-nine having voted in the negative, the motion prevailed, and the matter was so tabled and so assigned.

Mr. LOW of Rockland: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. LOW: I ask unanimous consent to explain the following item.

The SPEAKER: The gentleman from Rockland, Mr. Low, requests unanimous consent to address the House. Is there any objection?

The Chair hears none and the gentleman may proceed.

Mr. LOW: Mr. Speaker, I have been asked to explain the resolve which follows next on the calendar. The subject of this resolve is not new but it comes to us now in a different form than it previously did. Originally, the new office building was expected to be financed by the authority which was set up for that purpose. However, this was declared unconstitutional by the Supreme Court, and after that the item was included in a blanket amendment, amounting to \$10,000,000.

This has been turned down by the Senate, and therefore a separate amendment, which only applies to the office building, is now introduced in the amount of \$3,000,000. The Senate did not feel that a blanket amendment amounting to \$10,000,000 was wise and that they ought to go along with just an amendment for the office building.

The SPEAKER: The Clerk will read the title.

#### **New Resolve by Unanimous Consent**

Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue in the Amount of \$3,000,000, the Proceeds of Which to be Expended for the Erection of a State Office Building (S. P. 597) (L. D. 1410)

Came from the Senate received by unanimous consent, given its several readings under suspension of the rules and passed to be engrossed without reference to a committee.

In the House:

The SPEAKER: Is there any objection to the resolve being received? The Chair hears none and the resolve is received.

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

Mr. ALBERT of Augusta: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. ALBERT: Mr. Speaker, I ask unanimous consent to address the House on a matter of interest to every member in the House.

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

Mr. ALBERT: Mr. Speaker and Members of the House: It is at this time a great privilege for me to make a slight presentation as a token of our appreciation to a charming young lady. This person is one whom we all admire for her sincerity, integrity and faithfulness. She is probably the friendliest and most cordial person in this House, never failing to say "Hi" or a friendly "How are you?" when she meets you in the House or outdoors.

This young lady has been given a seat in this House and, although she has no vote, I dare say that, were she allowed to vote on a measure, she would have every member of the House with her. She has gained the admiration of every person here and the respect of everyone who knows her.

On behalf of the members of the 95th Legislature, I take personal pride, and regard it as a special privilege, to present Mrs. Eugenia Gilman with a bouquet of flowers, and I will ask the Assistant Sergeant-at-Arms to escort her to the well of the House please.

Thereupon, Mrs. Gilman was escorted to the well of the House by the Assistant Sergeant-at-Arms, where she was presented with a bouquet of red roses, among prolonged applause of the members.

Mrs. GILMAN: I thank you.

#### Non-Concurrent Matter

Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (S. P. 596) (L. D. 1406) on which the House accepted the Minority Report and passed the Resolve to be engrossed as amended by House Amendment "A" in non-concurrence.

Came from the Senate with that body voting to adhere to its action whereby the Majority Report was accepted.

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

Mr. DICKEY: Mr. Speaker and Members of the House: I well remember the fencing contest we had yesterday on this bill. I am reminded of the time that I intended to take up fencing, and the fencing instructor said "Dickey, this is an art that needs a great deal of poise and grace, and with your bow legs I think it is a waste of money because you're cut out for a flag-pole sitter," therefore I didn't have many lessons.

But, yesterday, in defending my position on this bill, I did want to resort to a few of the rules of fencing that I picked up. One was to parry, which I tried to do, one was to be on guard, which I tried to do. There is also part of fencing that is in the lunge. I suppose that in my desire to win my point perhaps I lunged a little too furiously and I may have injured some member of this House. I did not intend to draw blood and if so, I offer my apologies, and with permission of the Speaker of the House I would like to present to the House some cotton and methiolate in hopes that the wounds will be healed quickly. (Laughter)

The SPEAKER: To whom is the gentleman presenting the articles, the Speaker?

Mr. DICKEY: To the Speaker.

The SPEAKER: Thank you very much. I think I can use it. I plan to go fishing next week. (Laughter)

The Chair awaits a motion.

The Chair recognizes the gentleman from Westbrook, Mr. Travis.

Mr. TRAVIS: Mr. Speaker, I move we recede and concur with the Senate.

The SPEAKER: The gentleman from Westbrook moves that the House recede and concur with the Senate.

The Chair recognizes the gentleman from Calais, Mr. Hall.

Mr. HALL: Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER: The gentleman may state his point.

Mr. HALL: Mr. Speaker, the Senate, in adhering, didn't that kill the measure?

The SPEAKER: Yes, it supports the contention of the House, to adhere.



Mr. HALL: Mr. Speaker, if I am in order, I would like to move that the House adhere to our former action.

The SPEAKER: The gentleman from Westbrook, Mr. Travis, moves that the House recede and concur. All those in favor of that motion will say aye; those opposed, no.

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

The SPEAKER: The gentleman from Calais, Mr. Hall, moves that the House adhere. All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the House voted to adhere.

Mr. PARKER of Sebec: I would like to make a parliamentary inquiry, Mr. Speaker. Where does that leave us now? In regard to this last matter that we took up, where do we stand now?

The SPEAKER: The Chair will state that the matter is dead. The House has maintained its point and the Senate has maintained its point.

Mr. PARKER: Thank you, Mr. Speaker.

#### Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution to Clarify the Provisions That Relate to the State's Borrowing Power (H. P. 1782) (L. D. 1320) which was passed to be engrossed in the House May 3 as amended by House Amendment "A".

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

On motion of Mr. Woodworth of Fairfield, the House voted to recede from its action of May 3rd whereby the resolve was passed to be engrossed.

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

House Amendment "A" was then indefinitely postponed.

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

SENATE AMENDMENT "A" to H. P. 1782, L. D. 1320, Resolve Proposing an Amendment to the Constitution to Clarify the Provisions That Relate to the State's Borrowing Power.

Amend said Resolve by striking out the underlined word "ten" in the 6th line of that part designated "Section 14" and inserting in place thereof the underlined word 'two'

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

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, authorized to make a complete study of the manufacturing, importing, storing, purchasing, transporting and sale of all liquors in the state; and be it further

ORDERED, that the Committee report to the 96th Legislature the result of its study together with any recommendations it deems necessary. (S. P. 593)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

On motion of Mr. Barton of Vinalhaven, the House voted to take from the table Bill "An Act Relating to the Conservation of Clams in Washington County" (H. P. 1329) (L. D. 892) tabled by that gentleman earlier in today's session pending motion of Mr. Brown of Robbinston to indefinitely postpone.

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

Mr. BROWN: Mr. Speaker and Members of the House: I withdraw my motion temporarily without debate.

The SPEAKER: The gentleman from Robbinston, Mr. Brown, withdraws his motion to indefinitely postpone the bill. Is this the pleasure of the House?

Thereupon, the motion was withdrawn.

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

Mr. BARTON: Mr. Speaker, under Filing Number 483 you have on your desks an amendment which I have had drawn, and which I think answers the questions which the gentleman from Robbinston, Mr. Brown, had. It allows anyone in Washington County who operates a local restaurant to dig from the flats of that county one bushel of clams per day to be used in his restaurant. It also clarifies the provisions of the law as to the importation of clams into the county during the summer months from outside the county.

You will notice that it does nothing with the exportation provisions in the original bill. I think it clarifies the situation, and Mr. Speaker, I now present House Amendment "B" and move its adoption.

The SPEAKER: The gentleman from Vinalhaven, Mr. Barton, presents House Amendment "B" to Bill "An Act Relating to the Conservation of Clams in Washington County" and moves its adoption.

At this point the Honorable Lane Dwinell was escorted by the Sergeant-at-Arms to his party in the rear of the hall, amid the applause of the House, the members rising.

Mr. DWINELL: Thank you, Sir, very much.

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

HOUSE AMENDMENT "B" to H. P. 1329, L. D. 892, Bill "An Act Relating to the Conservation of Clams in Washington County."

Amend said Bill by striking out the last sentence of that part designated "Sec. 88-A" and inserting in place thereof the following underlined sentences:

**'Except, however, any person may be permitted to dig clams for fish bait, home consumption or for local restaurant use during the period aforesaid within the limits of said county; provided, however, that no such person shall dig, for purposes mentioned in this section, during any 1 day more than 1 bushel of clams. Nothing in this section, nor in sections 88-B or 88-C, shall be construed to prohibit the importa-**

**tion, sale, transportation or possession of clams from outside of Washington county.'**

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

Mr. DOW: Mr. Speaker and Members of the House: Ten years ago I made the longest speech I have ever inflicted on the four sessions of the Legislature. The subject was clams. It was too long to be repeated but it has been preserved in the archives of the State and any member who wishes to peruse will find it in the Legislative Record of 1941. I think the only thing that I omitted at that time, as I remember it, was the original of the name "Bivalves." And clams, oysters, quahogs are considered bivalves for the reason that they have an inlet valve and an exhaust valve. I trust that that explanation clears up that matter. (Laughter)

In all seriousness, Ladies and Gentlemen, this bill before us is very much too far-reaching in my opinion. A man in Washington County could not, under this bill, serve clams to his guests. If he digs for more than one bushel, he may be fined \$50. to \$100. and costs, and if he is in possession of in excess of one bushel, he may be subject to the same fine, and it shall be prima facie evidence of violation if they find him in possession of more than one bushel.

A man in the position of the gentleman from Robbinston, Mr. Brown, for instance, could not have under this bill more than one bushel on his premises, even though he might serve five or six bushels in one day.

Whether or not it was initiated by the canners, it is a canner's bill without any question. It closes the flats at the time the canners do not want to can clams, and if the gentleman from Robbinston, Mr. Brown, has withdrawn his motion, I would offer the motion to indefinitely postpone the bill. It is a vicious bill in its provisions. Thank you.

The SPEAKER: The question before the House is on the adoption of House Amendment "B".

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

Mr. BUCKNAM: Mr. Speaker and Members of the House: You must remember that during the summer months the law of the State does not allow the canners to pack; they pack in the fall and in the spring, but these people are going out there and getting the clams in the summer time when it is good digging and easy to dig, and the people that have got their money invested in these factories, and the people in those localities that are depending on those factors for a living, cannot work then, so I think that this bill is as fair a bill as you could get for an experiment.

We don't claim that this law is right, and we are just trying to do something in the line of conservation. The State has never tried to do anything, and it is time somebody started to do something.

Now this bill had an emergency clause to it, and it had fifteen more days closed season. In looking over the labor situation I found that the labor situation was gradually decreasing along the latter part of May, and in June, July, August and September it was at lowest ebb many times in the county, so I suggested, and did have, fifteen days taken off in the month of May, so it put it to the first of June.

Now we have taken the emergency clause off, so this law does not take effect in 1951, and in 1952 it will be in force, and it will only be in force for one year because the Legislature will be meeting, and if the emergency is necessary, they can pass a law and have this taken off.

Now if anybody has got a law that would be any better for us, we would like to have it, but there is one thing certain, and that is that the clams are disappearing and if we don't do something, it will be too late.

Now last fall a man came to me, a poor man—I'm for the poor man; I would do as much for the poor fellow as anybody—and I have let more people have \$5, \$10, \$25 or \$100 or enough to bury some member of his family, that nobody on the face of this earth would have done but me, and I am happy to say that I lost only \$15 in so doing, so I am for the poor man,

but this law is to protect him, and I don't think it is fair not to let us try it.

Now in regard to this fellow: He came to me last fall and wanted to buy a home, and I asked him how much he had to pay. He said he had to pay a thousand dollars. I asked him how much he wanted me to put in. Why, he said, "a thousand dollars." I said: "How are you going to pay it?" Oh, he said, "I have got a nice job now. I am buying clams all the way from Whiting to Eastport"; that is twenty miles up the river, and in this same area a few years ago some of the diggers dug as high as seven barrels in a tide, five to seven barrels. And he said: "I am paying \$9 for them, and I am getting \$1 for buying them, and I am hauling them to Portland at the weekend; I am getting \$60, \$70, \$80 and \$90 a week out of it. I can pay it." Good fellow! So I, being chickenhearted, let him have the money; I am not sorry; and he gave me his first payment as he agreed, \$50 and the next payment he made three payments, \$150, but when the time came for the next payment he didn't show up, and I saw him afterward and said: "I haven't seen you lately. Where have you been?" Well, he said, "I will tell you. I couldn't get diggers enough from Whiting to Eastport so I could get a small load each week even though I was paying \$9 a barrel, and I had to give it up."

That shows you what has happened in that area where clams were tremendously thick a few years ago, so if we are going to have any clams in five years from now or ten years from now, we have got to start now. Now supposing this isn't exactly right, if they have a year to think it over I think that they will come to some conclusion that will be for the benefit of all. This law that we have got now is the same law that was on the statutes for fifteen years prior to two years ago, and there was no complaint about it; it was in four counties. And two years ago we tried to have it cover twelve counties and we got it through. Finally, over in the Senate they wanted to compromise; they said if we would

eliminate that law, that they would put a law on not to ship any out of the State, and we agreed to it and we withdrew our bill about on the afternoon of the next to the last day of the session—that was Saturday afternoon—and along in the morning a note was sent to me saying that they could not pass this law in the Senate unless there was an amendment on it, allowing them to ship a few out for steamers, and when they did that they destroyed the whole law, and we were penalized.

The SPEAKER: The question before the House is on the adoption of House Amendment "B."

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

Mr. TAYLOR: Mr. Speaker and Members of the House: I certainly feel that this has been talked over a lot and the boys in the northern part of the State probably do not understand the clam industry as well as we do our own. Of course we protected almost every animal in our northern country and our fish and I guess even to porcupine — we don't know yet — but we do feel that the boys in Washington County should have protection of their clams.

There are four canning factories in Washington County. They go along through the early summer months and do a nice business, employ a lot of people, and we feel that they are doing a nice job for the State, and that this whole thing is discriminatory. We feel just the same as one packer feels — I won't read all of this but it is very interesting and all true: "The canner is forbidden by law to pack clams in the summer time and this I feel is a good law and I don't see why the same law should not apply to the shuckers and all the shucking houses. Now a shucking house can move itself onto a truck and move into New Brunswick or anywhere else, when they have got all the clams there are, but the packing house has to stay right where they are because of their investment in plants that couldn't be moved from one place to another the same as these little shucking houses."

Now that Mr. Barton's amend-

ment is on this bill, I feel that this House should go along with it.

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

Mr. DOW: Mr. Speaker and Members of the House: There is no conservation or protection to the clams in closing the flats for four months in the summer. I have seen just how a partial closing works in my own town. The town of Falmouth is entirely closed under the pollution laws. In times passed there have been samples, not the clams, but samples of the seawater taken, and at that time it was found that there was no pollution present, and the next day, well in one instance there were about fifty men appeared in trucks at a public landing before the inhabitants of Falmouth knew that the flats were open, and those trucks and diggers came from two canning houses, and as far as protection goes, by the time the canners got through with the pack of clams and another sample was taken, right near the mouth of a sewer. I imagine, and pollution was found, and they were again closed; by that time there was hardly a clam left on the shore. That is your protection and conservation you get.

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

Mr. HANSON: Mr. Speaker and Members of the House: If I get out of this clam cycle and get home with two eyes I am going to be very thankful. (Laughter). But I feel that I should tell the story about as it exists. I am fearful that there is a misunderstanding to some extent.

When I came up here in January my people, the people of my town and the representatives of the towns that I represent, gave me to understand that they desired to have the clam flats closed during the summer season and we had a public hearing there on another matter, but the closing of the clam flats was taken up at that time. Ninety per cent, at least, or perhaps around 100 people who attended that public hearing, were in favor of closing the clam flats.

Now this morning I discovered what I thought might be a clause

in the law that would be an injury to my friend, the gentleman from Robbinston, Mr. Brown. I called his attention to it, and the way I feel about it, that matter has been remedied. Inasmuch as he has withdrawn his motion I presume he is satisfied.

Our people felt that the clams were fast being depleted and the diggers, the storekeepers and in fact the townspeople, were willing to make a sacrifice to some extent in order to try to save what clams we had and possibly increase the fast-disappearing clam flats production. So, at their annual town meeting in my home town, I had the honor of being moderator. Knowing the condition in regard to the clams and the law that was pending, I took the matter up at the annual town meeting. I told them the situation and then I said: "I would like to have an expression of this meeting; I would like to have every person here vote" — it was a nice day and we had a large meeting. I said: "I don't care how you vote but I would like to have you vote. All those in favor of closing the clam flats in the summer time stand up, and stand there until counted." Every man and woman in the hall stood up, and when the other vote was called there was no response.

Now that expresses the feeling in my home town. I have had letters from selectmen and I have talked this thing all winter. I have been honest, and I feel that there should be something done, just as those people feel. The clam diggers in my sections, at the beginning of the session, agreed — and it was the only thing that I ever knew the clam diggers to agree on — that the clams were being depleted and something must be done.

Now then, for some reason, we find some people in here wanting it changed. I am not in favor of the motion made to indefinitely postpone. As for the penalty, there isn't much use in having a law unless you have a penalty, and as to the conservation measure, if we save 10,000 bushels of clams in the summer, they will have that 10,000 to dig in the winter. And during the period of the four-county law, so-called, when no clams were dug in the summer months, our clam flats

held up, but as soon as that law was repealed two years ago and they dug all of the time, such as they do in the summer season, both morning and night time, our clams have fast been disappearing, and unless something is done these people that are hollering to keep the clam flats open will have no clams to dig.

I am not in favor of the motion.

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

Mr. WINCHENPAW: Mr. Speaker, I feel that I would be neglecting my duty if I didn't say a word or two in favor of this bill. I might say that I regret that the emergency clause was taken off, but that may be political expediency, because I would like to see that law go in force June 1st.

There are one or two points here that have been overlooked. Those little clams, when they are first growing, are about as big as parsnip seeds and the flats are covered with them, and if you go down there and stir those flats every day all summer, they don't get much chance to seed in, and I know that a clam doesn't grow big enough to put on the market in three or four months, but if you leave those flats alone for three or four months, the action of the tide and the water coming in there every day levels them off and gives those little clams a much better chance to get seeded in.

Now the economy of the town of Friendship is tied right in with this Washington County clam law and we had a four-county clam law that we couldn't enforce very well, but the Washington County people think they can enforce this law, so I am very much in favor of it.

The SPEAKER: The question before the House is on the adoption of House Amendment "B".

All those in favor of adopting House Amendment "B" to Bill "An Act relating to the Conservation of Clams in Washington County" will say aye; those opposed, no.

A viva voce being taken, the motion prevailed, and House Amendment "B" was adopted.

The SPEAKER: The question before the House, is on the motion of the gentleman from Fal-mouth, Mr. Dow, that Bill "An Act

relating to the Conservation of Clams in Washington County", H. P. 1329, L. D. 892, be indefinitely postponed, and the gentleman from Machiasport—

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

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

The SPEAKER: The request has already been made.

The question before the House is on the motion of the gentleman from Falmouth, Mr. Dow, that Bill "An Act relating to the Conservation of Clams in Washington County" be indefinitely postponed, and the gentleman from Machiasport, Mr. Hanson, has requested a division.

All those in favor of indefinitely postponing the bill will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

Twenty-eight having voted in the affirmative and seventy-eight having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and House Amendment "B" in non-concurrence and was sent up for concurrence.

#### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act relating to Payments to Towns by State in Lieu of Taxes" (S. P. 549) (L. D. 1305) reporting that they are unable to agree.

(Signed)

Messrs. EDWARDS of Raymond  
KNAPP of Yarmouth  
HANCOCK of Casco  
—Committee on  
part of House.

LEAVITT of Cumberland  
BREWER of Aroostook  
REID of Kennebec  
—Committee on  
part of Senate.

Was read and accepted and sent up for concurrence.

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

Mr. WOODWORTH: Mr. Speaker, I move that Bill "An Act Relating to Liens on Insurance Policies for Hospitals", which I tabled earlier in the day be now taken from the table.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the Report of the Judiciary Committee on Bill "An Act Relating to Liens on Insurance Policies for Hospitals", S. P. 33, L. D. 18, be taken from the table. Is this the pleasure of the House?

The motion prevailed.

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

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: This is not the bill that I argued on some length once before, and you went along with me then two to one; but several members who are very much interested in trying to help the hospitals, particularly in the Bangor district, persuaded you to have that recommitted to the Judiciary Committee. The Judiciary Committee have reported this bill, if that is what you can call it, which was drawn up by the lobbyist who proposed the bill in the first place. I want to point out to you that it is the same wolf that it was before, only it is dressed up in a little more attractive clothing so that at first blush you would think it was very desirable.

Now my opposition to it is the fact that it does not possess any of the qualities of a lien as I understand a lien, which, as I pointed out to you some days ago, is increasing the value of some product that wasn't there before. This is not a lien at all; it is a preference. The reason I oppose it isn't that I don't want to help the hospitals. The Lord knows they need the help. But I am opposed to our putting laws on our books for which there is no logical common sense and sound judgment shows that they should not be there. There is not any reason at all that I can see why a hospital should have preference over the doctor. They argued the other day that the hospital might save somebody's life. It is not the hospital that saves the life; it is the doctor, and you do not

give him any benefit of such a lien.

I am not going to waste your time by arguing this all over again. I say that it is unsound; I say that it does not possess the qualities of a lien law at all, and I therefore move that the bill be indefinitely postponed, and if you are so unwise as to vote otherwise the responsibility is yours.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves that the two reports and bill be indefinitely postponed.

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

Mr. FULLER: Mr. Speaker and Members of the House: When we discussed this matter before there were several objections which I want to take up. The first one was that this type of a claim did not have the attributes of a common law lien for materials and labor. Now a lien is what the law says it is. We have had before this House laws relative to tax liens which were imposed by the Constitution and by the revised statutes; we have had liens for sewer assessments; we have even had one law dealing with the lien of the dissenting stockholder against the property of the corporation when the assets of the corporation were being distributed and the corporation was being dissolved, so there is more than one type of lien and it is just what the law says in each individual case.

The other time we discussed the matter there was also some question about it being too far-reaching in that it might affect accident insurance policies which were carried by people for their own benefit. This has now been changed so that it now applies only to the proceeds of a casualty insurance policy for damages issued by a company authorized to do business in this State which will indemnify a third party for liability to the patient. Now by the third party they mean the driver of the automobile or any person in that position, the one who does the damage and who is sued. And of course your standard policy, with which you are all familiar, says that the company will pay the claim or pay the judgment.

The third question that was raised

was about death cases, so if you have your printed bill, L. D. 1409, you will notice that the last part of it has been changed to make it absolutely sure that the lien will be on a parity with the expenses of the last sickness of a person and will not come in ahead of the widow's allowance and will not come in ahead of the undertaker. That places the claim in the right position in case the person should die and his estate should not be adequate to pay all claims.

Now of course there is always this question about preference. As I see it, the situation is this: If a nurse was employed by the hospital, on the hospital's payroll, she would be covered anyway. If the doctor was on the hospital's payroll, of course he would be covered too, but most doctors, of course, are not in that position. But the point about this is that it was the medical profession themselves, the members of the medical profession, who sponsored this in the first place, and they were satisfied for the hospitals to be first. There still would not be any strong reason perhaps for offering this type of legislation but for this other point. We have every session of the Legislature this item in the State budget to help finance the public and private hospitals. That has risen now to the tune of some \$750,000 in our present budget, and it was with the hope that this item could be reduced and the hospitals could be more self-sustaining, that this legislation was offered. So I hope that the motion to indefinitely postpone will be defeated.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the two Reports and Bill "An Act Relating to Liens on Insurance Policies for Hospitals" be indefinitely postponed.

The Chair recognizes the gentleman from Bangor, Mr. Finnegan.

Mr. FINNEGAN: Mr. Speaker and Members of the House: I shall certainly be very brief on this one. We heard all the arguments before as to the invasion of personal rights, which have all been removed. The legal fraternity has voiced their approval of the bill, and I

simply, like little Red Ridinghood and the Big Bad Wolf, say that all we ever contended for, was that we would like to receive the money that the insurance company pays for a victim's hospitalization. I cannot quite reconcile the position of the doctor who can come and go if he wants to. He does not have to stay. But if they haul one of these victims into the hospital he stays there until he recovers, and we have no choice. We could lock him out in the first place, but that would be a little inhuman and we would not do it anyway.

I do not know about all this legal verbiage; I leave that to the learned legal department, but if in the wisdom of this House they decide that some unworthy person who would avoid a hospital bill by having the hospital release them before they actually have their money, and he runs away with the money — he may be out of the state, he may be anywhere — if you believe that he is entitled to protection rather than the hospital then of course you will vote to indefinitely postpone the bill; otherwise I hope that the motion of my good friend, the gentleman from Portland, Mr. McGlauffin, will not prevail.

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

Mr. WOODWORTH: Mr. Speaker, one of the arguments which I had in favor of this bill was that it would make business for lawyers. I do not object to the bill on that account. But one of the objections which has not been removed from this bill by the changes which have been made is this: It puts the hospital in front of a man's wife and family; no matter whether they starve to death or not, the hospital must be paid. On that basis, if for no other reason, I am opposed to that bill, and I hope that the motion to indefinitely postpone may prevail.

The SPEAKER: Is the House ready for the question?

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

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

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

of the gentleman from Portland, Mr. McGlauffin, that the reports and bill "An Act Relating to Liens on Insurance Policies for Hospitals" (S. P. 33) (L. D. 18) be indefinitely postponed, and the same gentleman has requested a division.

All those in favor of indefinitely postponing the reports and Bill will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Fifty having voted in the affirmative, and thirty-eight in the negative, the motion prevailed and the Reports and Bill were indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The House will recess until 4:00 o'clock P.M., E.S.T. We have five more matters that are being processed in the Clerk's office and the gong will ring at approximately 4:00 o'clock and I would appreciate it very much if you would remain in attendance.

Thereupon the House recessed at 3:45 P.M., E.S.T.

#### After Recess - 4:25 P.M.

The House was called to order by the Speaker.

The following papers from the Senate were taken up by unanimous consent:

From the Senate: The following Orders:

ORDERED, The House concurring, that the following bill and resolve be recalled from the Governor to the Senate:

(H. P. 344) (L. D. 203) An Act Relating to the Military Law.

(H. P. 795) (L. D. 474) Resolve, Providing Funds for Nursing Attendant Education. (S. P. 539)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

ORDERED, the House concurring, that the Attorney General be, and hereby is, instructed at his earliest convenience to confer with the Law Enforcement Agencies in the County of Oxford and examine whatever evidence, if any, they may have relative to the murder of either Dr. James Littlefield or Mrs. James Littlefield, or both; and in



cooperation with said Law Enforcement Agencies to take, depending upon his findings, whatever steps are necessary to promote full justice in this matter; and be it further

ORDERED, that the Attorney General, after reaching a determination of the matter, communicate his findings to each member of the 95th Legislature by mail. (S. P. 600)

Came from the Senate read and passed.

In the House: Order was read.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. FOGG: Mr. Speaker, I had my say on this matter once before and I think that everybody was here to hear me and I think they are quite familiar with what I did have to say and I believe that in all fairness to everybody concerned, this order should receive a passage and I so move.

The SPEAKER: The gentleman from Madison, Mr. Fogg, moves that the order receive passage. Is it the pleasure of the House that the order receive passage?

The Chair recognizes the gentleman from Calais, Mr. Hall.

Mr. HALL: Mr. Speaker and Members of the House: You also heard me express my opinion and the opinions of the committee particularly in regard to the Carroll case. At that time, I stated that I believed if Mr. Carroll thought injustice had been done, it was up to Mr. Carroll and his attorneys to sue the State of Maine. That still remains my position. I therefore move the indefinite postponement of this order.

The SPEAKER: The gentleman from Calais, Mr. Hall, moves that the order be indefinitely postponed.

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

Mr. CRABTREE: Mr. Speaker and Members of the House: I was somewhat shocked at what I heard about this case, and that is the first knowledge I had about it, during the hearing and the formal discussion in this body.

I do not like to hear the names of those in respected places in our state and community bandied around. Neither do I, like you, want

to see any injustices done. I don't like to have anything left up in the air without clarification when the good names of people whom we respected are at stake.

I hope the gentleman's motion to indefinitely postpone does not prevail because I think that all of us here would like to see the air clarified in this matter and good names cleared up. I hope the motion to indefinitely postpone does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Hall, that the order be indefinitely postponed.

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

Mr. McGLAUF LIN: Mr. Speaker

The SPEAKER: Does the gentleman desire the floor?

Mr. McGLAUF LIN: Yes, Mr. Speaker.

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

Mr. McGLAUF LIN: Mr. Speaker, I want to go along with the motion to indefinitely postpone. It isn't that I am trying to help Mr. Carroll but I think he has been found guilty once. He has escaped on what probably was a mere technicality but I see no reason to try to crucify a man simply because he was fortunate enough to escape the entire penalty that was imposed upon him. If it isn't too late, Mr. Speaker, I would like to ask for a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Hall, that the order be indefinitely postponed and the gentleman from Portland, Mr. McGlaufflin, has requested a division.

All those in favor of the motion to indefinitely postpone the order will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-seven having voted in the affirmative and sixty-seven in the negative, the motion to indefinitely postpone did not prevail.

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

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

A viva voce vote being taken, the order received passage in concurrence.

#### Non-Concurrent Matter

Resolve in favor of Indians at Peter Dana Point Reservation for Building and Repair of Homes (H. P. 1144) (L. D. 676) on which the House voted to insist on its former action whereby the Resolve was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A", and asked for a Committee of Conference.

Came from the Senate with that body voting to adhere to its former action whereby the Resolve was passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.

In the House:

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

Mr. BROWN: Mr. Speaker and Members of the House: I have always believed that when you can't get a whole loaf, it is better to be satisfied with half a loaf. I think I can see what is in the mood at the present time. I think if I press this issue that the three resolves will be indefinitely postponed. That is something that I do not want to see happen. I want to see some move made whereby a start will be made on two of these reservations to give these people something that I believe they justly deserve.

I talked this matter over with the members who were appointed on the committee here and I think I will move, at the present time, to recede and concur.

The SPEAKER: Does the gentleman so move?

Mr. BROWN: I do, Mr. Speaker.

The SPEAKER: The gentleman from Baileyville, Mr. Brown, moves that the House recede and concur on Resolve in favor of Indians at Peter Dana Point Reservation for Building and Repair of Homes, H. P. 1144, L. D. 676.

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

A viva voce vote being taken, the motion prevailed.

#### Non-Concurrent Matter

Resolve in favor of Indians on the Indian Island Reservation at Old Town for Building and Repair of Homes (H. P. 1145) (L. D. 677) on which the House voted to insist on its former action whereby the Resolve was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A", and asked for a Committee of Conference.

Came from the Senate with that body voting to adhere to its former action whereby the Resolve was passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.

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

#### Non-Concurrent Matter

Resolve in favor of Indians at Pleasant Point Reservation for Building and Repair of Homes (H. P. 1146) (L. D. 678) on which the House voted to insist on its former action whereby the Resolve was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A," and asked for a Committee of Conference.

Came from the Senate with that body voting to adhere to its former action whereby the Resolve was passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.

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

The following papers from the Senate were taken up by unanimous consent:

#### Divided Report

Majority Report of the Committee on Sea and Shore Fisheries reporting "Ought not to pass" on Bill "An Act relating to the Legal Length of Lobsters" (S. P. 260) (L. D. 557)

Report was signed by the following members:

Messrs. BROWN of Washington  
— of the Senate.

STEVENS

of Boothbay Harbor

CLAPP of Brooklin

KNAPP of Yarmouth

**HANSON** of Machiasport  
**BUCKNAM** of Whiting  
**LITTLEFIELD**

of Kennebunk  
 — of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. **SLEEPER** of Knox  
**LARRABEE** of Sagadahoc  
 — of the Senate.

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

In the House:

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

Mr. BARTON: Mr. Speaker and Members of the House: If there is one bill in which I am vitally interested in this session it is this legal length of lobster proposition. At the conclusion of my talk I shall move the acceptance of the majority "Ought not to pass" report.

This bill is before us because of the fact that the State of Massachusetts in its last annual session passed a measure which would increase the length of lobsters legal within that State from three and one-eighth inches body measurement to three and three-sixteenths as of July 1, 1951, and a length of three and one-quarter inches as of July 1, 1952. A measure was introduced into this Legislature, the Department of Sea and Shore Fisheries conducted a poll, attempting to determine what reaction there was in the lobster industry in Maine and how much demand there would be for a change of the measure. Subsequently, we had the hearing, and now we are faced with the proposition of shall or shall not we increase the Maine measure.

I want to say, first of all, that, in my opinion, this is an economic issue pure and simple. It is not, as we have heard, in any way a conservation measure. We had a display in the hall which attempted to show that this law would allow female lobsters to reproduce prior to their being caught. There are rarities, it is true, but the fellows who have been engaged in research in our Sea and Shore Fisheries Department have found that lobsters in Maine do not reproduce until

they reach approximately a pound and a half or better; and these lobsters, if you change the law, would still weigh just about a pound.

This issue is an economic issue. It is an issue, primarily, between the dealer and the fisherman. This is a dealers' bill. The majority of the fishermen in my district are opposed to the passage of the measure. They do not want it. The law which we have now has been in effect in substantially the same form for eighteen years. It has worked well. Under this law Maine landings of lobsters have increased from a little over ten and a half or eleven million pounds a year to the present figure of nineteen or twenty million pounds annually. The fishermen like the present law and have been very cooperative in enforcement.

I can remember back when we had the old so-called ten and a half inch law which was a body length of three and a half inches, and I can well remember the amount of bootlegging of short lobsters which we had at that time. I do not want to see a return of that situation. At the present time we have very little traffic in short lobsters; and no law, I would like to point out, in the lobster industry is enforceable unless it has the wholehearted support of the lobster fishermen.

Secondly, I object to this measure because I see no reason why Maine should be led around by Massachusetts. Massachusetts produces less than eight per cent of all the lobsters caught in North America; and, by the way, North America is the only place true lobsters are caught. Maine produces approximately thirty-five per cent of the total catch, and the balance comes from Canada, which produces nearly fifty per cent, and the other Atlantic Coast states, reaching as far south as Pennsylvania. Boston, it is true, is a large market. However, I would point out to you that the New York market is by far much larger than the Boston market, and there is no indication at the present time that New York will follow the lead of Massachusetts.

Furthermore, I am told on good authority that there is some indication—and this information is contrary to the published newspaper reports—that should Maine refuse

to change their measure Massachusetts will repeal the law which they have. They do not produce the lobsters; they are one of the marketing centers.

I say that the fishermen of Maine generally are opposed to any change in the measure. Under Question 4 of the poll which was conducted, which question read: "Would you leave the measure exactly as it is?" of some twenty-two hundred fishermen who replied, eleven hundred and two said yes, and eight hundred and forty-nine said no, a difference of two hundred and fifty-three. Under Question 1, I wanted to point out—and this is a point on the opposition — there were about a hundred more who favored following Massachusetts than were opposed to it. However, when we break that down by counties, we find that the major producing counties oppose the change in the measure. For instance, York County said no, 141 to 74; Washington County said no, 130 to 106; Knox County said no, 244 to 131; and Cumberland County said no, 209 to 107. The balance of the counties were about evenly divided.

Now at the hearing of which I have spoken over one hundred fishermen appeared and there wasn't a single fisherman who stood up in favor of the law; they were all opposed. There were several dealers present, and they were all in favor of it.

The reduction in catch for the first year that this law would be in operation would average at least twenty per cent. It depends on the area in which a man fishes how great that percentage would be. The offshore fisherman or the deep water fisherman who goes fifteen or twenty miles to sea, would probably find a reduction of only from five to eight per cent, but the inshore fishermen—and these, may I point out, are by far the greater number of our lobster fishermen—would find at least a forty per cent reduction in their annual catch.

And as to later years, will the catch increase? We have been told yes, because every lobster, they say, that you throw back into the water will come out a larger lobster. If the fisherman had any assurance that the lobster which he throws back will be in his traps a year

from then, I would have no objection. However, I will point out to you, and I speak now from experience, being a lobster fisherman, that the larger the lobster the harder it is to trap. As a result, when we catch larger lobsters we have fewer of them. There is also the matter of natural mortality, and no one knows the exact mortality rate of lobsters in this category. I will point out to you, however, that based on a survey made in southern Nova Scotia two years ago, that in a one-year period the fishermen caught but ten per cent of lobsters which had been tagged by the Canadian government.

We have the argument of price differential. In other words, the question is: Will the price increase be sufficient to offset the decrease in catch? The dealer would have us believe that the change in the law will increase substantially the price of lobsters to the fishermen. I cannot agree with that. The size which would be affected, these one-pound lobsters, are still chickens. Under the three and a quarter measure, the market price would not stand any more than a five or a seven cent increase per pound. However, due to the fact that the dealer would be handling fewer pounds of lobsters, he will have to absorb part of that increase in order to maintain his fixed expenses. Lobsters are bought on an average price. That average price to the fisherman is usually the average Boston market price for chickens. I cannot see where the price increase would be sufficient to offset the loss in income through the reduction in poundage.

We have the problem also of competition. We are all familiar with the effort which has been going on to have the crawfish or rock lobster labeled differently than it is today. The only product which we have which competes with the crawfish trade is the chicken lobster. If we withdraw from the small chicken field we will automatically throw that field wide open to the crawfish interests. After they have absorbed that market, with the facilities which they have, there is no reason to believe that they will not encroach upon the next larger size market which we have.

My next point is one which I think is very important, and that is the fact that our chicken lobsters are sold in the main part by our larger chain stores as leader sales. The dealer sells these lobsters to the chain stores at a very small profit. In turn, the chain stores sell them also for a very small profit, so that we find lobsters in the retail market sometimes for as little as seven, eight or ten cents above the price to the fishermen. These leader sales are very important to the lobster industry because they are the major advertising medium which we have. I lived for ten years in an interior community in Massachusetts. I know of many people who have told me that they were first introduced to the lobster taste through chickens which they had bought in the chain stores at thirty-nine or forty-nine cents a pound. At that price, the poor man can afford to eat lobsters. If we change the measure we are going to throw out that avenue of sales, we are going to deny the poor men in our cities a chance to eat lobster, and we are going to destroy the only major advertising medium which we have.

I maintain that the dealers do not lose money on the chicken lobsters which they handle. As I have said before, they buy these lobsters at an average price. When they buy them they know that they buy some of a select product, a superior product, and at the same time they buy some which are an inferior product or a cheaper product. When you make an effort to tie those costs back into what they expect to get for those lobsters, you will find their chicken sales are a profit item.

Getting back to the enforcement problem of the law, as I have said before, the present law has worked well, it is well enforced. I know of many fishermen who have turned in their neighbor fishermen because of violation of the law because they thought that this law was a desirable law and it should be enforced. I maintain that the policing power of our Department of Sea and Shore Fisheries is insufficient to enforce this changed measure once it is put in over the fishermen's objections.

The decreased earnings of the fishermen—and, by the way, they are undergoing at the present time a very difficult period—those decreased earnings will force many of those boys over the line into non-law-abiding citizens.

I will point out to you that our summer residents, many of them, demand a chicken lobster at a cheap price, and, because of that demand, there will be many of the boys, particularly on the mainland, who will be tempted to sell those lobsters in the illegal market.

I further maintain that if this law should be passed this is not the proper time. Last fall the lobster fishermen of the State of Maine went through a very difficult and trying period. From September through the first day of December, we experienced the stormiest fall that we have had in years. During the month of September, the hurricanes from the south came up, and, in several cases, wiped out strings of gear that various fishermen had out. In October we got another blow, and in the month of November came the crowning climax. You will remember the newspaper reports of Red Cross aid and R.F.C. loans that were made to the fishermen at that time. One of the fishermen who moors his boat right next to mine suffered a loss of between fifteen hundred and two thousand dollars in that two-day stretch alone. During the last six months, in addition to these losses, the cost of rope has gone up from thirty-nine cents per pound for quarter-inch sisal rigging to the phenomenal price of sixty cents a pound. The cost of rigging one pair of traps has risen from last June a figure of \$10.00 to \$17.50, and, mind you, once these traps are put overboard, no man knows whether or not he will get any of them back.

The average income last year for the lobster fisherman was in the neighborhood of \$2500. That was the net income. If we pass this measure, the annual net income in the next year or two-year period will be less than \$2000. Therefore, Mr. Speaker and members of the House, I move the acceptance of the majority "Ought not to pass" report.

The **SPEAKER**: The gentleman from Vinalhaven, Mr. Barton, moves that the House accept the Majority "Ought not to pass" report.

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

Mr. **BUCKNAM**, Mr. Speaker and Members of the House: I just want to say a word. This was the most difficult problem, I think, that we had on the committee this year. I spent considerable time considering it, and I signed the majority "Ought not to pass" report. My reason for this was that there was no one who knew exactly what the effects of this change would be. The measurement of only a sixteenth of an inch on a lobster is a pretty fine figure. But I did feel at our hearing that the hearing was overwhelmingly in favor of keeping the law as it is, and there is a feeling that Massachusetts may come back to our law, our measure, if we do not reach up to theirs. Therefore I felt that it would be a matter for the fishermen. If they do not change and come back to our measurement by the next legislature, they would know whether they could get along the way they are now or whether it would be better to come in to the next legislature and ask for a change in the law. In that way we would be letting them decide their own problem.

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

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

Mr. **WINCHENPAW**: Mr. Speaker and Members of the House: I hate to oppose my good friend from Vinalhaven, Mr. Barton, but it seems to me to be my duty. I might say at the outset that it is quite natural maybe that I oppose him, because quite often the number two man opposes the number one man, and Vinalhaven is supposed to produce more lobsters than any other town along the coast and Friendship is second.

I would like to point out that I have canvassed the town pretty well in my section, and the majority of them would like to go along with the Senate and change the measure, because a majority is

only one more than a half, that is fifty-one out of a hundred.

I would also like to say that this is a conservative measure; it is an economic measure; it is a support price program. We have no support price like the Aroostook farmer does on potatoes so I believe we should set up our own support price program. It is also a dumping program. We dump them back and let them grow a little larger. Some of the fishermen will say: "Why give Massachusetts what she wants?" Well, ever since I was a small boy, I can remember we always gave Massachusetts what she wanted. Massachusetts had a 9 inch law from jib boom to tail and we had a 10½ inch law from jib boom to tail and I can remember hearing those smacks pounding away in the night, when I was about ten or eleven years old, going to Boston with those 9 inch lobsters out of George's Island, Monhegan, and Port Clyde and Pleasant Point, and they gave Massachusetts just what she wanted then and I don't know how the lobster ever survived all of that trial he went through unless it was by benefit of the fish hatchery down in Boothbay that kept raising little ones and dumping them over.

Now, those smacks ran those 9 inch ones during the night. It was also during the time when Maine was very dry and if you developed an insatiable thirst, you could go aboard one of those smacks down forward and pry around a little and you would find something you could quench that thirst with. Those smacks carried a pay load both ways and so I am in favor of going along with Massachusetts. I have talked with lobster dealers in Massachusetts and I don't believe that Massachusetts is going to change their law back to ours because they are the market.

Now, one or two more points. I am told that Massachusetts and Maine and New Hampshire and Canada produce about fifty million pounds a year, and if we change this measure, that would cut the production down about five million pounds and some of the dealers say that that ought to up the price a few cents. I have been figuring on this thing pretty close and one hundred pounds of lobsters at

twenty-five cents a pound is \$25. Eighty pounds of lobsters at forty cents a pound is \$24. That is very little difference. I know the fishermen are going to take a licking but most of them are going to take a licking anyway because on last April, lobsters were sixty-five cents in Friendship, I mean a year ago April, sixty-five cents. This April, they were forty-five cents to the fishermen; right now they are thirty cents and a few days ago I bought some of these chicken lobsters and nine of them weighed 8½ pounds and some of those chicken lobsters were full of coral and that coral is what turns into the seed. Now, these lobsters would reproduce if they were left in the water another season.

This measure has no emergency on it and it wouldn't go into force until August anyway, so I hope that the motion made by the gentleman from Vinalhaven, Mr. Barton, does not prevail and that we go along with the Senate.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hawkes.

Mr. HAWKES: Mr. Speaker, I realize that everybody is certainly anxious to get out of here but I do feel compelled to say a few words once Mr. Winchenpaw started talking about little York County. Down in York County, we also have a little lobster business and they have been, as far as I can find out, unanimously opposed to this measure.

It has even gone so far that one of the better dealers in nearby Pine Point in Cumberland County came down here and appeared opposed to this measure.

Now, it seems to me, ladies and gentlemen of this House, that it is a perfectly obvious thing. The fishermen had a tough fall last fall. There is no question about it at all. We all like to talk about self-reliance and rugged individualism. I have sometimes doubted our stand on this particular measure with some of the measures that have gone through the Legislature at this present session; however, it would certainly seem to me only fair to the lobster fisherman to leave the length the way they feel will be most profitable to them. Nobody in this House is naive enough, I am certain, in any way to kid

themselves that this is anything but a dealers' measure. We all know that economically we like to make the most that we can and the dealers are certainly in that category. Their hearts aren't going out to the lobstermen or the poor little lobsters in the ocean at this particular time, I am certain.

The gentleman from Friendship, Mr. Winchenpaw, admitted that the lobstermen were going to take a licking under this bill. Now does it seem perfectly fair to you to force those lobstermen after a very rugged fall, which Mr. Barton described to you, where the Red Cross and R. F. C. had to come into the State of Maine to help them, to add to their licking.

When the question is put, I ask for a division.

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

Mr. HANSON: Mr. Speaker and Members of the House: I can't go on with any lobster story the same as you have been listening to but I can give you the feeling of the lobster fishermen in my district. My district is made up of lobster fishermen as one of the principal industries in each of the towns. I have taken pains to inquire of those fishermen as to just what they want and that is what I want them to have. I am not here to dictate what any lobster fisherman should have or attempt to dictate, but if they feel that the present law is good enough for them, I want them to have it. If they want this sixteenth of an inch, it seems to me it is quite a small matter to be fighting over. But as near as I can obtain from the inquiries I have made among the lobster fishermen in my district, they are perfectly satisfied with the law as it is and I signed the majority report and that is the report I am supporting.

The SPEAKER: Is the House ready for the question?

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

Mr. WINCHENPAW: Mr. Speaker, I would like to straighten out the gentleman from Saco, Mr. Hawkes. I did not mean that under this bill they were going to take a licking. They are going to take a licking

anyway just under the economic situation because the price of thirty cents right now to the fishermen, the shadders haven't struck, and lobsters are very scarce. I talked with the fishermen a few days ago. They hauled 160 traps and got 45 pounds of lobsters. Now, if lobsters are as scarce as that, why isn't the price higher? The only answer is that too many are coming in from Nova Scotia, too many African tails entering the New York market.

There is one more point I would like to bring out while I am on my feet here and that is that I attended that hearing also that day and it was pretty well packed with Vinalhaven and York County fishermen. There were hardly any other fishermen here from any other district. They said: "What's the use of going up there? They will do what they want to anyway, so we might as well stay at home and mend our traps."

I feel that we should go along with the Senate because in the long run the fishermen will be better off. If you talk to a fisherman, he says: "Well, I don't know what to do about the bill. Well, I guess you had better change it." They believe, most of them, a majority, in my section anyway, that is 51 out of 100, that we should go along and change the measure.

Now, there is one more point I want to make. It doesn't have much bearing on the bill, I am not planning to make too many more speeches, I am not a fisherman. The only reason I am not a fisherman is my ears aren't on even and I get very seasick. (Laughter)

The **SPEAKER**: The question before the House is on the motion of the gentleman from Vinalhaven, Mr. Barton, that the House accept the majority "Ought not to pass" report on Bill "An Act relating to the Legal Length of Lobsters," S. P. 260, L. D. 557, and the gentleman from Saco, Mr. Hawkes, has requested a division. All those in favor of accepting the majority "Ought not to pass" report will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-five having voted in the affirmative and eight in the nega-

tive, the motion prevailed and the majority "Ought not to pass" report was accepted in non-concurrence and sent up for concurrence.

#### Conference Committee Report

Report of the Committee of Concurrence on the disagreeing action of the two branches of the Legislature, on H. P. 1233, L. D. 786, Bill "An Act Relating to Her Own Business Program" reporting that they are unable to agree.

(Signed)

Mrs. **MOFFATT** of Bath  
Messrs. **JACOBS** of Auburn  
**PLUMMER** of Lisbon  
— Committee on  
part of House.

**COLLINS** of Aroostook  
**REID** of Kennebec  
**MARSHALL** of York  
— Committee on  
part of Senate.

Was read and accepted and sent up for concurrence.

From the Senate: The following Communication:

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA

May 18, 1951.

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

Dear Sir:

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

Bill, "An Act to Provide Training to Organized Fire Companies." (H. P. 377) (L. D. 217)

Sen. **BREWER** of Aroostook  
Sen. **LEAVITT** of Cumberland  
Sen. **REID** of Kennebec

Resolve in Favor of Veterans of Spanish American War." (H. P. 36) (L. D. 797)

Sen. **REID** of Kennebec  
Sen. **BARNES** of Aroostook  
Sen. **NOYES** of Hancock

Very truly yours,

(signed)

Chester T. Winslow  
Secretary of Senate



Was read and ordered placed on file.

Thereupon, on motion of Mr. Bates of Orono, the House recessed until 7:00 P. M., Eastern Standard Time.

**After Recess — 7:00 P. M., E. S. T.**

The House was called to order by the Speaker.

The following papers from the Senate were taken up by unanimous consent:

**Senate Insisted**

An Act Appropriating Moneys for Revision of State Valuation (H. P. 1066) (L. D. 646) on which the House earlier in the day insisted on its former action whereby the Bill was passed to be enacted.

Came from the Senate with that body insisting on its former action whereby the Bill was indefinitely postponed and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. ELA of Somerset  
BREWER of Aroostook  
REID of Kennebec

In the House:

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

Mr. CHASE: Mr. Speaker, the House having already voted to insist, I move that we join in a committee of conference.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the House join in a committee of conference on the disagreeing action between the two branches of the Legislature. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the following members were appointed as Conferees on the part of the House: The gentleman from Cape Elizabeth, Mr. Chase; the gentleman from Bethel, Mr. Carter, and the gentleman from Pittsfield, Mr. Sinclair.

The SPEAKER: The Chair would like to make this comment at this time. I hope all of the members who have been appointed as conferees will make every effort to have your meeting tonight; in any event early in the morning.

**Non-Concurrent Matter**

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act to Revise Educational Subsidy and Tuition Regulations" (S. P. 264) (L. D. 552)

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

In the House: Report was read and accepted in concurrence, and the Bill read twice. Senate Amendment "A" was read by the Clerk as follows:

SENATE AMENDMENT "A" to S. P. 264, L. D. 552, Bill "An Act to Revise Educational Subsidy and Tuition Regulations."

Amend said Bill by adding at the end thereof the following new section:

'Sec. 6. Effective date. The provisions of this act shall become effective July 1, 1952.'

Senate Amendment "A" was adopted in concurrence and the Bill was given its third reading under suspension of the rules and passed to be engrossed as amended by Senate Amendment "A" in concurrence.

**Non-Concurrent Matter**

Bill "An Act relating to Academies" (H. P. 1525) (L. D. 1107) which was passed to be engrossed in the House earlier in the day.

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

In the House:

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

Mr. DICKEY: Mr. Speaker and Members of the House: I move that we recede from our former action and concur with the Senate.

The SPEAKER: The gentleman from Brooks, Mr. Dickey, moves that the House recede from its former action whereby earlier in today's session it passed Bill "An Act relating to Academies," H. P. 1525, L. D. 1107, to be engrossed. Is this the pleasure of the House?

The motion prevailed.

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

**SENATE AMENDMENT "A"** to H. P. 1525, L. D. 1107, Bill "An Act Relating to Academies."

Amend said Bill by striking out the figure "1952" in the last line thereof and inserting in place thereof the figure '1953'

Senate Amendment "A" was adopted in concurrence and the Bill was passed to be engrossed as amended in concurrence.

#### Senate Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve in favor of George S. Bradbury, of West Franklin (H. P. 1483) (L. D. 1090) reporting that the Senate recede from its former action, adopt House Amendment "A" in concurrence, adopt Committee Amendment "A" submitted herewith and pass the Resolve to be engrossed as amended by House Amendment "A" and Committee Amendment "A"

That the House recede from its former action, adopt Committee Amendment "A" and pass the Resolve to be engrossed as amended by House Amendment "A" and Committee Amendment "A".

(Signed)

Messrs. BARNES of Aroostook

HASKELL of Cumberland

FULLER of Oxford

—Committee on part of Senate.

DUNHAM of Ellsworth

DICKEY of Brooks

FULLER of So. Portland

—Committee on part of House.

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

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

The House receded from its action whereby the Resolve was passed to be engrossed.

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

**COMMITTEE AMENDMENT "A"** to H. P. 1483, L. D. 1090, Resolve in Favor of George S. Bradbury, of West Franklin.

Amend said Resolve by striking out the figures "\$42.70" in the 4th line thereof and inserting in place thereof the figures '\$17.70'.

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

Mr. CHASE of Whitefield: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. CHASE: To make an inquiry, Mr. Speaker.

The SPEAKER: The gentleman may make his inquiry.

Mr. CHASE: Mr. Speaker, in regard to Committee Amendment "A" on the last resolve in favor of George S. Bradbury of West Franklin, isn't there some error there? It seems to me that figure was different, \$42.70.

The SPEAKER: The gentleman from Whitefield, Mr. Chase, asks a question through the Chair. The gentleman from Ellsworth, Mr. Dunham, may answer if he chooses.

Mr. DUNHAM: Mr. Speaker and Members of the House: The Committee of Conference, much to my regret, changed the figure from \$100 to \$75 so I agreed to go along with them.

#### Senate Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Regulating the Taking of Marine Worms" (H. P. 1131) (L. D. 698) reporting that the Senate recede and adopt Committee Amendment "A", submitted herewith, and pass the Bill to be engrossed as amended by Committee Amendment "A".

That the House recede and adopt Committee Amendment "A", and pass the Bill to be engrossed as amended by Committee Amendment "A".

(Signed)

Messrs. REID of Kennebec

SAVAGE of Somerset

CHRISTENSEN

of Washington

—Committee on part of Senate.

CRABTREE of Island Falls

GILMAN of Portland

CHASE of Whitefield

—Committee on part of House.

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.

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

Mr. BARTON: Mr. Speaker, I move that the Conference Committee Report and attached amendment be indefinitely postponed.

The SPEAKER: The Chair will state that the gentleman's motion is out of order at the moment, and the Chair will inform the gentleman that the question before the House is on the acceptance or rejection of the Committee Report.

Mr. BARTON: Mr. Speaker, after the report is accepted, would it be in order to indefinitely postpone?

The SPEAKER: That is right, or you may reject the committee report.

Mr. BARTON: Mr. Speaker, I move that the report be rejected.

The SPEAKER: The gentleman from Vinalhaven, Mr. Barton, moves that the House reject the Senate Conference Report on Bill "An Act Regulating the Taking of Marine Worms", H. P. 1131, L. D. 698.

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

Mr. GAY: Mr. Speaker and Members of the House: I have only one comment to make at this time. I want to thank wholeheartedly the gentlemen who supported this measure and those who did not I will forgive graciously.

I move the acceptance of the Report, Mr. Speaker.

The SPEAKER: The question before the House is on the motion of the gentleman from Vinalhaven, Mr. Barton, that the House reject the committee report.

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

Mr. BARTON: Mr. Speaker, I don't think it is necessary for me to go to any great length to explain to the Members of the House my reasons for not liking the bill or the amendment which was attached to this committee report.

I would like to remind the members of the House that if the report is accepted we are bound to pass the bill. I am still convinced, regardless of the amount of lobbying or pressuring that has been

attempted, and I will say that in line with other measures that have come before us the amount of pressure has been very little, this bill is inherently bad. This Legislature has gone on record as favoring the towns' rights to close their clam flats to the resident diggers and we have also gone on record as being in favor of giving to the towns the right to limit the digging of marine worms also to their residents. I still think that is a good move, I think it is wise, I think if we pass this bill we will jeopardize our town clam and marine worm laws to the point where they will be of no value to us and we will thereby be sacrificing a great deal of livelihood that comes to the small towns on our seacoast. I hope my motion to reject the conference committee report will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Vinalhaven, Mr. Barton, that the House reject the Senate Conference Report.

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

Mr. CHASE: Mr. Speaker and Members of the House: The objections to this marine worm bill have been consistently that the marine worm diggers would be trespassing on property in regard to the trespassing law and the other one was that they would be breaking the clam laws.

I feel that the committee did a good job in making this amendment and making it so that their license would be revoked if they broke the law in regard to these two things.

I certainly hope that the committee's amendment will be adopted.

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

Mr. GAY: Mr. Speaker, I realize how tired you are of this thing. I know it has been monotonous but I do want to ask you: Give me your continued support. (Laughter)

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

Mr. SENTER: Mr. Speaker and Members of the House: You did give me and my colleague, the gentleman from Brunswick, Mr. Lacharite, your support when, dur-

ing this session, you closed the clam flats of Brunswick and also you prevented worm diggers from outside of our community from coming in. You passed that measure during this session. Now, if you accept this report, you will nullify your action. It doesn't seem to me that this is consistent. I do hope the motion made by Mr. Barton will be accepted.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Patterson.

Mr. PATTERSON: Mr. Speaker and Members of the House: Last year, our town gave out 68 licenses to dig clams and worms and all of those things. If you are going to let those others in and nullify that, you are going to take the living away from those people who are getting their living right off those propositions there.

I would say further, I remember one man made the remark that some of these were rough and ready but I understand that some of them were rough and ready. I understand that one did get killed in a fight. I understand another one is down to Thomaston for about 8 years or more for offenses and who in the devil wants those people running around at night with those lights on, going around by cottages and on those flats there at all times of night and they have to go at low water. Now, there are your rough and ready men. I don't contend that they are all that way but there are some that way and some of them have been taken care of and if these things continue and they do those things, I hope they will be taken care of.

I hope the motion of the gentleman from Vinalhaven (Mr. Barton) will be carried.

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

Mr. DOW: Mr. Speaker and Members of the House: I hope this will be rejected but if it is not, at the proper time I wish to offer an amendment to the committee amendment. (Laughter)

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from South Portland, Mr. Spear.

Mr. SPEAR: I request a division, Mr. Speaker.

The SPEAKER: The question before the House is on the motion of the gentleman from Vinalhaven, Mr. Barton, that the House reject the conference report on Bill "An Act Regulating the Taking of Marine Worms", H. P. 1131, L. D. 698, and the gentleman from South Portland, Mr. Spear, has requested a division.

All those in favor of rejecting the conference report will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy-one having voted in the affirmative and thirty in the negative, the motion prevailed.

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

Mr. BARTON: Mr. Speaker, I now move that the House adhere to its former action.

The SPEAKER: The gentleman from Vinalhaven, Mr. Barton, moves that the House adhere to its former action.

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

Mr. GAY: Mr. Speaker, perhaps I shouldn't be up here ahead of that gentleman down there from Brunswick.

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

Mr. GAY: Mr. Speaker, I would like, at this time, to refer this to the 96th session of the Legislature. (Laughter)

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

Mr. SENTER: I would like to make a parliamentary inquiry. I was wondering if it is possible under the constitutional rights for anyone to ask for a third committee of conference? (Laughter)

The SPEAKER: The Chair will state that the gentleman may.

Mr. GAY: Mr. Speaker, I welcome that action.

The SPEAKER: The question before the House is on the motion of the gentleman from Vinalhaven, Mr. Barton, that the House adhere to its former action on Bill "An

Act Regulating the Taking of Marine Worms", H. P. 1131, L. D. 698.

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

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair would inform the members of the House that there is one more stencil being cut which will evidence the balance of the work which we will be privileged to do today and I hope you will all remain in attendance or in or about the corridors so that you can answer at the sound of the gong. Probably it will be seven minutes or such a matter.

The House may be at ease.

#### House at Ease

Called to order by the Speaker.

#### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve in favor of Veterans of Spanish American War (H. P. 36) (L. D. 797) reporting that the House recede and adopt Committee Amendment "A" submitted herewith, and pass the Resolve to be engrossed as amended by Committee Amendment "A".

That the Senate recede and adopt Committee Amendment "A" and pass the Resolve to be engrossed as amended by Committee Amendment "A".

(signed)

Messrs. BERRY of So. Portland

SPEAR of So. Portland

HAYES of Dover-Foxcroft

—Committee on part of House.

BARNES of Aroostook

REID of Kennebec

Noyes of Hancock

—Committee on part of Senate.

Report was read and on motion of Mr. Spear of South Portland, the House voted to accept the Conference Committee Report.

The House then voted to recede from its action of March 2nd whereby Resolve in favor of Veterans of Spanish American War, H. P. 36, L. D. 797, was passed to be engrossed.

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

COMMITTEE AMENDMENT "A" to H. P. 36, L. D. 797, Resolve, in Favor of Veterans of Spanish American War.

Amend said Resolve by inserting in the Title after the word "Favor" the words 'of Marking the Unmarked Graves'

Further amend said Resolve by striking out all after the title thereof and inserting in place thereof the following:

**'Identifying graves of veterans of Spanish American War; appropriation for.**

RESOLVED: That there be, and hereby is, appropriated from the general fund the sum of \$1,000 for the fiscal year ending June 30, 1952 for the purpose of providing suitable identification of unmarked graves of deceased veterans of the Spanish American War. Such appropriation shall not lapse, but shall be a continuing carrying account, and shall be expended under the direction of the adjutant-general.

Committee Amendment "A" was adopted and the Resolve as amended was passed to be engrossed and sent to the Senate.

The SPEAKER: The House has disposed of all matters which we have for consideration at the moment and the House may be at ease. Will the House please give its attendance at the sound of the gong.

#### House at Ease

The House was called to order by the Speaker at 8:45 P. M., E.S.T.

#### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Provide Training to Organized Fire Companies" (H. P. 377) (L. D. 217) reporting that they are unable to agree.

(Signed)

Messrs. TRAVIS of Westbrook

SPEAR of So. Portland

PIERCE of Bucksport

— Committee on part of House.

BREWER of Aroostook

LEAVITT of Cumberland

REID of Kennebec

— Committee on part of Senate.

Was read and accepted and sent up for concurrence.

The following additional papers from the Senate were taken up by unanimous consent:

**Senate Insisted — Asked Conference**

Bill "An Act relating to Liens on Insurance Policies for Hospitals" (S. P. 584) (L. D. 1409) on which the House indefinitely postponed the Reports and Bill earlier in the day.

Came from the Senate with that body insisting on its former action whereby Report "A" reporting "Ought to pass" was accepted and the Bill passed to be engrossed and asking for a Committee of Conference with the following Conferees on its part:

Messrs. WARD of Penobscot  
TABB of Kennebec  
HASKELL of Cumberland

In the House:

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

Mr. WOODWORTH: Mr. Speaker, I move that the House insist on its former action and join in a committee of conference.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the House insist on its former action and join in a committee of conference.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In view of the fact earlier in today's session the other branch saw fit to not join in a committee of conference, in this particular instance I move that we adhere.

The SPEAKER: The question before the House is on the motion of the gentleman from Fairfield, Mr. Woodworth, that the House insist upon its former action on Bill "An Act relating to Liens on Insurance Policies for Hospitals", S. P. 584, L. D. 1409, and join in a committee of conference.

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

A viva voce vote being doubted.

A division of the House was had.

Sixty-six having voted in the affirmative and twenty-nine in the negative, the motion prevailed.

The SPEAKER: The Chair will appoint the following Conferees on the part of the House: The gentleman from Fairfield, Mr. Woodworth; the gentleman from Portland, Mr. McGlaulin, and the gentleman from Madison, Mr. Fogg. Will the gentlemen appointed as conferees make every effort to have their meeting tonight or the first thing in the morning at an early date?

**Non-Concurrent Matter**

Bill "An Act relating to the Conservation of Clams in Washington County" (H. P. 1329) (L. D. 892) which was passed to be engrossed as amended by House Amendments "A" and "B" and as amended by Committee Amendment "A" in the House in non-concurrence earlier in the day.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. BROWN: Mr. Speaker and Members of the House: I move you that we recede and concur with the Senate.

This bill, regardless of what my Washington County friends, and every one of them is a friend, think about this bill, it is a vicious bill and if it were not, I would not stand here and say so. I am for conservation as much as any man that comes from Washington County or in the State of Maine. This bill I wanted to go along with. I could not go along with it and I am sorry because I am the only one in Washington County who evidently objects to it. It may be it is because I do not expect to return here and it may not be. I am sincere when I say it is a vicious bill. I have consulted with three mighty good lawyers in this House, they went over it with me. They all agree with me. I have been into the Attorney General's office and he has agreed.

I do not think this is a conservation measure. I know that if it goes back the way it has been, it will be much better for Washington County and the State of Maine.

The SPEAKER: The question before the House is on the motion of the gentleman from Robbinston,

Mr. Brown, that the House recede and concur with the Senate on Bill "An Act relating to the Conservation of Clams in Washington County," H. P. 1329, L. D. 892.

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

A viva voce vote being taken, the motion prevailed.

#### **Non-Concurrent Matter**

Resolve Authorizing a Tax and Cutting Practice Committee (H. P. 1672) (L. D. 1240) which was passed to be enacted in the House earlier in the day.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The **SPEAKER**: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. **HANCOCK**: Mr. Speaker and Members of the House: Due to the overwhelming vote which the House gave this bill this morning, I move that the House insist on its former action and ask for a committee of conference.

The **SPEAKER**: The gentleman from Casco, Mr. Hancock, moves that the House insist on its former action taken earlier in today's session whereby Resolve Authorizing a Tax and Cutting Practice Committee, H. P. 1672, L. D. 1240, was

passed to be enacted, and ask for a committee of conference.

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

A viva voce vote being taken, the motion prevailed.

The **SPEAKER**: The Chair will appoint as Conferees on the part of the House the following members: The gentleman from Waterboro, Mr. Bradeen; the gentleman from Sebec, Mr. Parker and the gentleman from Casco, Mr. Hancock, and the Chair will state again I hope you will have your meeting at an early time.

The **SPEAKER**: The Chair wants to thank you for your cooperation today and, by your constant attendance, we have been able to do the work that we have done. The end looks much nearer and I am sure if you will give your attention here tomorrow that we can probably, and as far as the House is concerned we can, adjourn without day sometime the latter part of tomorrow.

The gentleman from Cape Elizabeth, Mr. Chase, now moves that the House adjourn until 9:00 A.M., Eastern Standard Time, tomorrow. Is this the pleasure of the House?

The motion prevailed and the House so adjourned.