

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, April 16, 1959

Senate called to order by the President.

Prayer by Capt. William Ash, Salvation Army, Augusta.

On motion by Mr. Thurston of Oxford,

Journal of yesterday read and approved.

Mr. Lessard of Androscoggin was granted unanimous consent to address the Senate.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I know that this is a late date and perhaps one should not do these things. However, I am going to ask this morning, for unanimous consent to present a bill and I would like to explain the matter first.

This bill concerns the St. Mary's Hospital in the city of Lewiston. It is owned and operated by the Sisters of Charity. We have on our statute books a law which says that corporations of this type cannot hold property over a value of \$200,000. The Sisters of Charity at St. Mary's Hospital are in the process of constructing a new wing to their hospital which will probably be one of the finest in New England. It is a wing which is going to be almost completely dedicated to diagnostic services for cancer and other diseases. In the midst of this construction and as I say they have already started construction, they found that they would have to issue some bonds. The wing when completed will cost somewhere over a million dollars and they find now on a legal opinion from attorneys who represent the bonding company that the statutes prohibit them from holding property over \$200,000. I think you will find in your private and special laws many of such corporations have come to this legislature and have been given relief to own and hold property over that amount. That is the purpose of this bill, to allow the St. Mary's Hospital to hold property over the amount of \$200,000.

The Secretary read the title of the bill.

There being no objection, Bill, "An Act Relating to St. Mary's Hospital" was received by unanimous consent and on further motion by the same Senator was referred to the Committee on Legal Affairs and ordered printed.

Sent down for concurrence.

Papers from the House

Bill, "An Act Relating to Powers of Ricker Classical Institute and Ricker College." (S. P. 325) (L. D. 901)

In Senate on April 9, passed to be engrossed as amended by Committee Amendment A (Filing No. 174)

Comes from House, passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (Filing No. 196) in non-concurrence.

In the Senate, that Body voted to recede and concur with the House.

Bill, "An Act Relating to Legislative Jurisdiction over Federal Lands Within the State." (H. P. 643) (L. D. 934)

In Senate on April 9, passed to be engrossed in concurrence.

Comes from House, under suspension of rules passage to be engrossed reconsidered, House Amendment A (Filing No. 195) adopted, and bill as so amended passed to be engrossed in non-concurrence.

In the Senate, that Body voted to recede and concur with the House.

"Resolve in Favor of Grand Falls Hospital, Grand Falls, New Brunswick." (H. P. 483) (L. D. 701)

The Senate on April 7 accepted in non-concurrence the Minority Report (Ought not to pass) of the Committee on Claims.

Comes from the House, that body having insisted upon its former action whereby the Majority Report (Ought to pass) was accepted and the resolve passed to be engrossed, now asks for a Committee of Conference.

In the Senate, on motion by Mr. Parker of Piscataquis, the Senate voted to insist on its former action and to join with the House in a Committee of Conference.

The President appointed as Senate members of said Conference, Senators: Parker of Piscataquis, Weeks of Cumberland and Cole of Waldo.

House Committee Reports Ought Not to Pass

The Committee on Towns and Counties on Bill, "An Act Relating to Use of Municipal Highway Equipment." (H. P. 223) (L. D. 314) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Territorial Distribution of and Increasing Number of Medical Examiners of Somerset County." (H. P. 256) (L. D. 367) reported that the same Ought not to pass.

The same Committee on Bill, "An Act to Incorporate the Town of Harpswell Neck." (H. P. 428) (L. D. 634) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Increasing Number of Medical Examiners for Somerset County." (H. P. 570) (L. D. 803) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on Bill, "An Act Relating to Powers of York Beach Village Corporation." (H. P. 863) (L. D. 1231) reported that the same Ought to pass.

The Committee on Taxation on Bill, "An Act Relating to Isolated Motor Vehicle Transactions Under Sales Tax Law." (H. P. 674) (L. D. 966) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Taxation on Sparkling Wines." (H. P. 821) (L. D. 1159) reported that the same Ought to pass.

Which reports were severally read and accepted in concurrence, the bills read once and tomorrow assigned for second reading.

Ought to Pass — N.D.

The Committee on Judiciary on Bill, "An Act Relating to Records of State Police." (H. P. 557) (L. D. 791) reported same in New Draft (H. P. 920) (L. D. 1298) under

new title: "An Act Relating to Records of the State Police and Certain Other Agencies." and that it Ought to pass.

The same Committee on "Resolve Authorizing Flora Burrill Tibbetts to Bring Suit at Law Against the State of Maine." (H. P. 442) (L. D. 648) reported same in New Draft (H. P. 919) (L. D. 1297) under the same title, and that it Ought to pass.

The Committee on Legal Affairs on Bill, "An Act Repealing the York Beach Village Corporation." (H. P. 864) (L. D. 1232) reported same in New Draft (H. P. 921) (L. D. 1299) under the same title, and that it Ought to pass.

Which reports were severally read and accepted in concurrence, the bills in New Draft read once and tomorrow assigned for second reading.

Ought to Pass — as amended

The Committee on Claims on "Resolve in Favor of Lloyd Moore of Gouldsboro." (H. P. 538) (L. D. 773) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 184)

The Committee on Judiciary on Bill, "An Act to Clarify the Inheritance Tax Law." (H. P. 244) (L. D. 355) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 185)

The Committee on Legal Affairs on Bill, "An Act Relating to Payments by Town of York to York Beach Village Corporation." (H. P. 868) (L. D. 1236) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 186)

Which reports were severally read and accepted in concurrence and the bills and resolve read once. Committee Amendments A were read and adopted in concurrence, and the bills and resolve as so amended were tomorrow assigned for second reading.

The Committee on Welfare on Bill, "An Act Relating to Salary and Travel of Representatives of Indian Tribes to the Legislature." (H. P. 596) (L. D. 842) reported that the same Ought to pass with

Committee Amendment A (Filing No. 188)

Comes from the House, report accepted and bill passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (Filing No. 194)

In the Senate, the report was read and accepted in concurrence; House Amendment A and Committee Amendment A were read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber, members of the sixth grade of Lincoln School in South Portland, accompanied by their principal Mr. Jay Darling and by nine mothers and one grandmother as their chaperones. It certainly is a pleasure on behalf of the entire membership of the Maine State Senate to welcome all of you here this morning. We hope that you will enjoy your visit here in the Capitol and I am sure that every one of us will do all in our power to make it a pleasant day for you. A cordial welcome to you all.

In addition we have another group of guests, students of the seventh and eighth grades in the Town of Whitefield, Lincoln County, accompanied by their teacher Mrs. Grady who is a former member of the Maine House of Representatives. It is a real pleasure to have Mrs. Grady and all of the students here this morning. I am sure that all of the members of the Maine Senate join me in extending a very cordial and hearty welcome to the visitors here this morning.

Majority — ONTP
 Minority — OTP

The Majority of the Committee on Agriculture on Bill, "An Act Repealing the Bounty on Porcupine." (H. P. 809) (L. D. 1164) reported that the same Ought not to pass.

(Signed)

Senator:
 DOW of Lincoln

Representatives:

HILTON of Anson
 CASWELL of New Sharon
 JEWELL of Monticello
 BROCKWAY of Milo
 EDMUNDS
 of Fort Fairfield
 JEWETT of Pittston

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass.
 (Signed)

Senators:

HILLMAN of Penobscot
 St. PIERRE of Androscoggin

Representative:

LANE of Waterville

In House, report and Bill Indefinitely Postponed.

In the Senate, on motion by Mr. Dow of Lincoln, the bill and accompanying papers were indefinitely postponed in concurrence.

Majority — OTP
 Minority — ONTP

The Majority of the Committee on Labor on Bill, "An Act Defining Agricultural Labor Under Employment Security Law." (H. P. 443) (L. D. 649) reported that the same Ought to pass.
 (Signed)

Senators:

BATES of Penobscot
 ROSS of Sagadahoc
 MacDONALD of Oxford

Representatives:

TREWORGY of Orono
 HANCOCK of Nobleboro
 HARDY of Hope
 WINCHENPAW of
 Friendship
 LETOURNEAU of Sanford
 KARKOS of Lisbon

The minority of the same Committee on the same subject matter, reported that the bill Ought not to pass.

(Signed)

Representative:

MILLER of Portland

In House, Majority Report Accepted and the Bill Passed to be Engrossed.

In the Senate, on motion by Mr. Bates of Penobscot, the Majority Report "Ought to Pass" was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

Majority — ONTP

Minority — OTP

The Majority of the Committee on Taxation on Bill, "An Act Relating to Exemption from Taxation of Certain Property Owned by Municipalities." (H. P. 508) (L. D. 721) reported that the same Ought not to pass.

(Signed)

Senators:

WYMAN of Washington

WILLEY of Hancock

Representatives:

PARSONS of Hartford

MAXWELL of Jay

WALSH, Jr. of Verona

COUSINS, Jr. of Bangor

BAXTER, Jr. of Pittsfield

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass.

(Signed)

Senator:

FOURNIER of York

Representatives:

CYR of Augusta

ROLLINS of Belfast

In House, both Report and Bill Indefinitely Postponed.

In the Senate, on motion by Mr. Fournier of York, the bill was laid upon the table pending acceptance of either report.

Report A — OTP

Report B — ONTP

Five members of the Committee on Taxation on Bill, "An Act Relating to Taxation of Manufacturers' Inventories." (H. P. 509) (L. D. 722) reported (Report A) that the same Ought to pass.

(Signed)

Senator:

WILLEY of Hancock

Representatives:

BAXTER, Jr. of Pittsfield

CYR of Augusta

COUSINS of Bangor

WALSH, Jr. of Verona

Five members of the same Committee on the same subject matter reported (Report B) that the Bill Ought not to pass.

(Signed)

Senators:

WYMAN of Washington

FOURNIER of York

Representatives:

ROLLINS of Belfast

PARSONS of Hartford

MAXWELL of Jay

In House, Report A Accepted and the Bill Passed to be Engrossed.

In the Senate, on motion by Mr. Wyman of Washington, the bill was laid upon the table pending acceptance of either report.

Senate Order

Mr. Weeks of Cumberland presented the following Order and moved its passage.

WHEREAS, it appears to the Senate of the 99th Legislature that the following is an important question of law and the occasion a solemn one; and

WHEREAS, there is pending before the Senate of the 99th Legislature a bill entitled "An Act Creating a Motor Vehicle Accident Indemnity Fund," (Senate Paper 167, Legislative Document 388); and

WHEREAS, it is important that the Legislature be informed as to the constitutionality of the proposed bill, be it therefore

ORDERED, that in accordance with the provisions of the Constitution of the State the Justices of the Supreme Judicial Court are hereby respectfully requested to give the Senate their opinion on the following questions:

1. Do any of the provisions of Senate Paper 167, Legislative Document 388, result in a diversion of revenues derived from fees, excises and license taxes relating to registration, operation and use of vehicles on public highways, in violation of Section 19 of Article IX of the Constitution of Maine?

2. Do any of the provisions of Senate Paper 167, Legislative Document 388, provide for the raising of money by taxation for a private purpose in violation of Article 1, Sections 6 and 21, and Article IV, Part Third, Section 1, of the Constitution of Maine?

3. Would Senate Paper 167, Legislative Document 388, "An Act Creating a Motor Vehicle Accident Indemnity Fund," if enacted by the Legislature, be constitutional?

Which was Read and Passed.

Mr. HILLMAN of Penobscot: Mr. President, I have an Order which I would like to present and in explanation I would like to say that we had in the Committee on State Government a number of bills pertaining to salary increases and in order not to have to handle them individually, we thought we would incorporate them in one bill.

ORDERED, the House concurring, that whereas there are many bills relating to salary increases for various department heads, the committee on State Government may if the committee deems it desirable, report these several bills in consolidated form and on the consolidated bill include if they so desire, such additional department head salaries as may not have been covered by individual bills.

Which was read and passed.
Sent down for concurrence.

**Senate Committee Reports
Referred to Next Legislature**

Mr. Weeks from the Committee on Judiciary on Bill, "An Act Relating to Determination of Damages Caused by Taking of Land for Highway Purposes." (S. P. 232) (L. D. 615) reported same to be Referred to the Next Legislature.

On motion by Mr. Martin of Kennebec, tabled pending acceptance of the committee report.

Sent down for concurrence.

Leave to Withdraw

Mr. Coffin from the Committee on Education on Bill, "An Act Relating to Heating, Lighting, Ventilation and Sanitation of School Buildings." (S. P. 316) (L. D. 878) reported that same be granted Leave to Withdraw.

Mr. Martin from the Committee on Legal Affairs on Bill, "An Act Relating to Inspection and Licensing of Ski Lifts." (S. P. 394) (L. D. 1138) reported that same be granted Leave to Withdraw.

Mr. Noyes from the Committee on Public Utilities on Bill, "An Act to Incorporate the Knox County Water District." (S. P. 310) (L. D. 856) reported that same be granted Leave to Withdraw.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Coffin from the Committee on Education on Bill, "An Act Relating to Reapportionment of School Directors of School Administrative Districts." (S. P. 345) (L. D. 972) reported that the same Ought not to pass.

Mr. Hillman from the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Free Fishing Licenses for Old Age Assistance Recipients." (S. P. 273) (L. D. 735) reported that the same Ought not to pass.

Mr. Carpenter from the same Committee on Bill, "An Act Relating to Private Shooting Preserves." (S. P. 402) (L. D. 1170) reported that the same Ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Hillman from the Committee on Agriculture on Bill, "An Act Revising Laws Relating to Animal Industry." (S. P. 359) (L. D. 1042) reported that the same Ought to pass.

Mr. Dow from the same Committee on Bill, "An Act Relating to Definition of Misbranded Food." (S. P. 426) (L. D. 1244) reported that the same Ought to pass.

(On motion by Mr. Dow of Lincoln, tabled pending acceptance of the committee report.)

Mr. Briggs from the Committee on Inland Fisheries and Game on Bill, "An Act Repealing Gero Island, Piscataquis County, as a Game Preserve." (S. P. 411) (L. D. 1195) reported that the same Ought to pass.

Mr. Hillman from the same Committee on "Resolve Opening Portland Lake in Aroostook County to Ice Fishing for Salmon and Trout." (S. P. 114) (L. D. 264) reported that the same Ought to pass.

Mr. Briggs from the same Committee on "Resolve Opening County Road Lake in Aroostook County to Ice Fishing." (S. P. 274) (L. D. 736) reported that the same Ought to pass.

Mr. Hillman from the same Committee on "Resolve Regulating Fishing on Deer Meadow Pond in

Lincoln County," (S. P. 275) (L. D. 737) reported that the same Ought to pass.

Mr. Weeks from the Committee on Judiciary on "Resolve Relating to Determination of Damages Caused by Taking of Land for Highway Purposes." (S. P. 233) (L. D. 616) reported that the same Ought to pass.

Which reports were severally read and accepted, the bills and resolves read once and tomorrow assigned for second reading.

Ought to Pass — as amended

Mr. Dow from the Committee on Agriculture on Bill, "An Act to Create the Maine Fertilizer Law." (S. P. 254) (L. D. 667) reported that the same Ought to pass as amended by Committee Amendment A.

The same Senator from the same Committee on Bill, "An Act Relating to Marking and Detention of Substandard Grade Sardines." (S. P. 409) (L. D. 1193) reported that the same Ought to pass as amended by Committee Amendment A.

Mr. Bates from the Committee on Public Health on Bill, "An Act to Revise Certain Laws of the Department of Institutional Service." (S. P. 406) (L. D. 1174) reported that the same Ought to pass as amended by Committee Amendment A.

Which reports were severally read and accepted and the bills read once, Committee Amendments A were read and adopted, and the bills as so amended were tomorrow assigned for second reading.

Majority — OTP

Minority — ONTP

The Majority of the Committee on Legal Affairs on Bill, "An Act to Prohibit the Selling of Motor Vehicles on Sunday." (S. P. 381) (L. D. 1107) reported that the same Ought to pass.

(Signed)

Senators:

MARTIN of Kennebec
CHARLES of Cumberland
MacDONALD of Oxford

Representatives:

GOOD of Sebago
TRUMBULL of Fryeburg
BROWN of Cape Elizabeth

LINNELL

of South Portland

COTE of Lewiston

KELLAM of Portland

The Minority of the same Committee on the same subject matter, reported that the bill Ought not to pass.

(Signed)

Representative:

HUTCHINSON of Carthage

On motion by Mr. Martin of Kennebec, the Majority Report "Ought to Pass" was accepted, the bill read once and tomorrow assigned for second reading.

Majority — OTP

Minority — ONTP

The Majority of the Committee on State Government on "Resolve Proposing an Amendment to the Constitution to Provide for the Apportionment of Senators for and Within Each County." (S. P. 371) (L. D. 1054) reported that the same Ought to pass.

(Signed)

Senators:

HILLMAN of Penobscot

ROSS of Sagadahoc

Representatives:

SMITH of Exeter

DENNETT of Kittery

SANBORN of Gorham

WADE of Auburn

The Minority of the same Committee on the same subject matter, reported that the resolve Ought not to pass.

(Signed)

Senator:

LESSARD of Androscoggin

Representatives:

PLANTE

of Old Orchard Beach

BARNETT of Augusta

On motion by Mr. Hillman of Penobscot, the bill and accompanying papers were laid upon the table pending acceptance of either report.

Second Readers

The Committee on Bills in the Second Reading reported the following bills and resolves:

House

Bill, "An Act Relating to Inheritance Taxation of Jointly

Owned Property." (H. P. 245) (L. D. 356)

Bill, "An Act Relating to Powers of Community School District Trustees." (H. P. 540) (L. D. 775)

Bill, "An Act Relating to Vehicle Entering Stop Intersection." (H. P. 396) (L. D. 579)

Bill, "An Act Relating to Mortgages for Future Advances." (H. P. 640) (L. D. 931)

Bill, "An Act Relating to Negotiable Notes." (H. P. 641) (L. D. 932)

Bill, "An Act to Create the Bureau of Maine Archives." (H. P. 785) (L. D. 1117)

"Resolve Charging Off Funds Advanced for the Purchase, Stocking and Equipping of the Blueberry Experimental Farm." (H. P. 60) (L. D. 98)

"Resolve Authorizing Use of Passamaquoddy Trust Funds for Housing." (H. P. 233) (L. D. 344)

"Resolve Appropriating Moneys for LP Gas Prover for State Sealer of Weights and Measures." (H. P. 271) (L. D. 403)

"Resolve in Favor of Ernest S. Stone of Garland." (H. P. 635) (L. D. 927)

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

House — as amended

Bill, "An Act Relating to Lights on Rear of Certain Trucks." (H. P. 228) (L. D. 318)

Bill, "An Act Relating to Westbrook Parking Authority." (H. P. 249) (L. D. 360)

Bill, "An Act Establishing a Representative Town Government in Town of Scarborough." (H. P. 591) (L. D. 845)

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

Senate

Bill, "An Act Increasing Number of Medical Examiners in Somerset County." (S. P. 106) (L. D. 224)

Bill, "An Act Relating to Automobile Travel by State Employees." (S. P. 408) (L. D. 1176)

Bill, "An Act Relating to Employment of Minors." (S. P. 449) (L. D. 1302)

(On motion by Mr. Parker of Piscataquis, tabled pending passage to be engrossed.)

Bill, "An Act Relating to Duties of the Clerk of the House of Representatives." (S. P. 419) (L. D. 1203)

Bill, "An Act Relating to Uniforms for Deputy Sheriffs." (S. P. 453) (L. D. 1303)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills:

Bill, "An Act Relating to Interstate Compact on Welfare Services." (H. P. 205) (L. D. 296)

Bill, "An Act Relating to Valuation of Inter Vivos Transfers of Property for Inheritance Tax Purposes." (H. P. 243) (L. D. 354)

Bill, "An Act Relating to Excise Tax on House Trailers." (H. P. 255) (L. D. 366)

Bill, "An Act Relating to Tax Collector's Warrant." (H. P. 293) (L. D. 440)

Bill, "An Act Increasing Number of Members of School Board in North Berwick." (H. P. 523) (L. D. 758)

Bill, "An Act Relating to Penalty for Furnishing Liquor to Certain Persons." (H. P. 592) (L. D. 838)

Bill, "An Act Relating to Jurisdiction Over Offshore Waters and Submerged Lands." (H. P. 642) (L. D. 933)

Bill, "An Act Exempting Lambs Under One Year Old from Taxation." (H. P. 672) (L. D. 964)

Bill, "An Act Relating to Penalty for Violation of Laws Regulating Operation of Motor Vehicles at Grade Crossings." (H. P. 721) (L. D. 1026)

Bill, "An Act to Provide Pensions for Widows and Children of Deceased Public Works Employees of City of Lewiston." (H. P. 764) (L. D. 1082)

Bill, "An Act Increasing Members of Planning Board of City of Belfast." (H. P. 845) (L. D. 1208)

Bill, "An Act to Revise the Fraternal Beneficiary Association Law." (H. P. 856) (L. D. 1224)

Bill, "An Act Relating to Petition for Support of Wife or Minor Children." (H. P. 877) (L. D. 1251)

Bill, "An Act Relating to Maintenance and Rehabilitation of Wire Bridge in Town of New England, Somerset County." (H. P. 915) (L. D. 1291)

Bill, "An Act Relating to Warrants on Sales and Use Tax Assessments." (S. P. 231) (L. D. 614)

Bill, "An Act Relating to the Pineland Hospital and Training Center and the Commitment of the Insane." (S. P. 330) (L. D. 906)

Bill, "An Act Increasing Fees for Plumbing Permits." (S. P. 347) (L. D. 974)

Bill, "An Act Relating to Fiduciary's Transactions by Check." (S. P. 375) (L. D. 1102)

Bill, "An Act Relating to Examination by Judge into Causes of Criminal Character of Prisoners." (S. P. 379) (L. D. 1105)

Bill, "An Act Authorizing Informations at Terms of Court in Cumberland County." (S. P. 380) (L. D. 1106)

Bill, "An Act Increasing Payments to Penobscot County Law Library." (S. P. 392) (L. D. 1136)

Bill, "An Act Relating to Qualifications of Applicants for Registration as Licensed Physicians or Surgeons." (S. P. 397) (L. D. 1139)

Bill, "An Act Relating to Relocation Facilities in Federal Aid Interstate Highway Projects." (S. P. 410) (L. D. 1194)

Bill, "An Act Providing for Capital Improvements in Androscoggin County." (S. P. 424) (L. D. 1220)

Bill, "An Act Relating to Maintenance of Guide-posts by Municipalities." (S. P. 442) (L. D. 1289)

Bill, "An Act Relating to Pensions for Widows and Children of Deceased Policemen of the City of Lewiston." (S. P. 444) (L. D. 1292)

Which were severally passed to be enacted.

Emergency

Bill, "An Act Relating to the South Portland Park and Recreation Commission." (H. P. 422) (L. D. 606)

Which bill, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Emergency

"Resolve Prohibiting Use and Possession of Live Fish as Bait in Auburn Lake, Androscoggin County." (H. P. 495) (L. D. 708)

Which resolve, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was Finally Passed.

Orders of the Day

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table Bill, "An Act Regulating Open Season on Deer by Zones." (S. P. 92) (L. D. 210) tabled by that Senator on March 27 pending consideration.

Mr. CARPENTER of Somerset:

Mr. President and members of the Senate — I have placed on each Senator's desk this morning a diagram showing our three-zone deer bill set-up. I hope, as we discuss this this morning, that you will follow along on these maps, which should give you a better idea concerning this bill.

In Maine, as in other northern states, our winters are a tough time for deer to pass through from one hunting season to another. As colder weather arrives and snow piles up, deer gather in the shelters or other places that offer the most comfort. These are so-called deer yards. Now, the deer that remain in these areas depend upon the food which consists, of course, of twigs of trees and shrubs, to carry them through the winter. How they come out in the spring depends upon the food supply, and the number of deer in the yards, and the severity of the winter.

We find that deer will not move from one yard to another, even when food is scarce and non-existent. Therefore, the number of deer that any part of the state can support depends upon the amount of food available in their winter yards.

There has been a survey of winter yards throughout the state. In the past several winters, game management divisions have cruised some 423 yards. All these yards were given a rating depending upon the amount of food found, and how fast it was being used. Twenty-five per cent of

the yards had more deer than could be supported without causing a damage to the range. Deer and food were in balance in fifty-four per cent and more deer could be carried in eighteen per cent of the yards. When all the yards were plotted on a map, lines were drawn enclosing particularly all the over-browsed yards in one area. This problem area fits into the forest region of the state, a region which has been set off from the Aroostook farmland and the southern farm woodlands. Of the 260 yards surveyed in the food problem area, thirty-eight per cent showed greater deer use than the food could stand on a sustained basis, while only five per cent of the one hundred sixty-three yards in the farm and farm woodland regions were in that condition. Therefore, our best winter deer range occurs in the farm and farm woodlands section of the state.

Since human population is higher in those sections, hunting is heavier than it would be elsewhere. On the other hand, in the forest problem area, timber cuts are necessarily on a larger scale; and while the deer have an abundance of food for a time following the cutting, much of the food supply gets out of reach of deer. When this stage is reached, deer are faced with a lesser amount of food each year, unless the herd is brought into balance with the food supply.

Under these conditions, deer should come out of the yards in the spring in good condition capable of producing and raising a large fawn crop. And in order to have a healthy herd of deer and good productivity, it is necessary to have a good food supply. Lower productivity is the evidence of range deterioration. With all evidence pointing to an unbalanced condition between the deer herd and its winter food, some attempt at remedying the situation is necessary. Thus, this is the reason for the three-zone bill.

The northern zone should carry earlier hunting than the southern zones, because of the fact that the cold weather and snow come earlier; and this area is not so accessible in the latter part of the season as it is in the earlier part. So, a line, which is indicated on the maps on your desks, which is the Appalachian

Trail, from the Maine-New Hampshire line in Oxford County to a junction with the Canadian-Pacific tracks south of Greenville, then easterly along the tracks to Vanceboro, meets these requirements.

This half of the state, north of the Appalachian Trail, contains the bulk of the problem area. Therefore, this bill recommends a season from October 15 to November 30. Now, south of the Appalachian Trail and west of the Penobscot River would carry an open season of from November 1 to November 30; and east of the Penobscot River and south of the Appalachian Trail would carry a November 1 to December 5 season. However, I believe House Amendment "A" is presently on the bill and would place the opening dates in the eastern section October 27 and would leave the closing date November 30 state-wide. Biologically, I believe this to be a very sound plan.

The members of our game-management division have studied this for a great many years, and they are indeed a very unselfish group. The recommendations they make are for the benefit of the herd.

At the moment we use county lines as our divisions between our opening season throughout the state, and they are by no means definable. Northern counties open October 21 to November 30 from Somerset County up, and south of Somerset from November 1 to November 30. Now speaking from a practical standpoint, if this so-called three-zone deer bill goes into effect, it will take the heavy pressure off from our farmland areas in the counties that have a lot of farmland, which, of course, are those south of the Appalachian Trail, and place some of the pressure in our wooded areas that can stand more hunting.

At the moment when the season opens in Somerset County, we have a terrific amount of hunters from the southern counties who come into that area to hunt. Consequently, we have had a great amount of posted lands, because of this condition. If we open the counties south of the Appalachian Trail with all the counties south of the now so-called county lines, they would all be open at the same time; thus, equalizing the hunting pressure.

Now I will agree with you that this is probably not a perfect bill, and there is no way possible to draw up a perfect bill. Probably there has never been a perfect bill written in one sense of the word.

This particular bill does not seriously change our present law, but it does in my estimation set up a much better plan as an over-all picture. I most certainly do not contend that I am an individual who knows the answer to all of our deer problems and just what is best for the herd itself, but I have studied the situation very thoroughly. I have discussed it with game-management officials, who are as unselfish in their belief, and who are dedicated to their jobs to do the best thing for the state as a whole in this wildlife proposition. These so-called zone lines, of course, may penetrate or go near someone's private hunting grounds that they, themselves, do not approve of. However, you will always find this situation; and this should not interfere with a good game-management plan.

In substance, you could call this a two-zone bill, north and south; and in very simple language, it will put the earlier hunting in the northern zone and into the wooded areas where it rightfully belongs; then the later hunting from November 1 to November 30 in the southern farmlands, where it rightfully belongs.

It only seems logical to me that this particular program has been set up for us by good game-management officials, and I believe that we should at least try it out for one year. If we find we're not right, at the convening of the next Legislature, it can be readjusted back to where it is now.

Research is going on all the time in industry, agriculture and other particular types of businesses that require research. It is only in this way that we will ever progress in our ideas.

This bill, as I stated before, will not go in effect until 1960, on account of the camp owners having their 1959 schedule all set up, as far as advertising is concerned, and their brochures, which have been sent to their patrons.

I have great faith in our Inland Fisheries and Game Department,

and I am certainly willing to accept their program. I hope the bill receives passage as amended by House Amendment "A". I know that this bill has been lobbied heavily by different individuals, who are not members of the Legislature, for their own pecuniary interests, simply because they happen to be situated in a section of the zone area where their little deal will be affected by a few days, one way or the other. This should have no bearing upon the merits of this bill.

Therefore, I move here, Mr. President, that this bill pass to be engrossed as amended by House Amendment "A".

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: After the fine statement given to us by the Senator from Somerset, Senator Carpenter, it would be repetitious if I talked over the matters that he has been referring to. I do want to say this: that in the three terms I have been in the Senate this matter has come before the Inland Fish and Game Committee. Two years ago it was satisfactorily received, but there was opposition brought before the committee by the sporting camp owners saying they could not inform people who had made reservations for that year. Now this bill here this year eliminates all that, as the Senator from Somerset, Senator Carpenter, has said, because it does not take effect until a year from this time.

To my way of thinking, this is a good bill. I think if we have biologists and are paying them the salaries we are paying them that certainly we should consider the reports that they give us. For instance, you men who run a business and hire auditors to go over your books and make recommendations to you, you certainly would carry them out and you wouldn't discard them. That is exactly the way I feel about the biologists: we hire them and I think we should certainly put into practice those things which they recommend.

Now at the first meeting of the Fish and Game Committee this year we went over this matter thoroughly and I felt that we had a unanimous vote in the committee in favor of this bill, but apparently, as the Sen-

ator from Somerset, Senator Carpenter, has mentioned, there was some lobbying done by petty interests outside. I am surprised that that influenced the members of the committee but it apparently did. Therefore I want to concur with the Senator from Somerset, Senator Carpenter, in his motion.

Mr. NOYES of Franklin: Mr. President, I would like to take this opportunity to attempt to explain to the members of the Senate, without offering an amendment, just what the three-zone deer bill does to our county.

As the Senator from Somerset, Senator Carpenter, has said, upon your desks is a map of the State of Maine, and if you will please look at Franklin County for a moment you will see that there are approximately sixteen townships and the average township is approximately six miles by six miles. Now there are sixteen townships which lie north of the Appalachian Trail, and if some of you still have your Highway book perhaps you would turn to the page which shows Franklin County in expanded form. Now these sixteen townships, with the exception of Rangeley Township which is forty-eight square miles, total 576 square miles of land. Now the biologists, or whoever drew the bill, have looked at the entire area here and have immediately concluded that here is 576 square miles of land available for hunting. That, unfortunately, is not the case.

Without taking the townships name by name, if you will refer to this map you will find I have crossed out those townships which are completely inaccessible to anyone. Many of them are owned by our paper companies; they do not have roads into them. There are really only two roads through this whole section, one being State Route No. 16 and the other being State Route No. 27.

Now I have been very fair in my calculation here. I have taken out those townships which are completely inaccessible, where you or I, if we wished to go hunting, could not get, because, after all, when you are talking about 576 square miles you have either got to have a road to it or an airplane to get into it. So, after you take out over 90 per cent of the area — or, putting it

another way, when you take out all of the plantations and townships excepting Rangeley and Dallas Plantation, you have eliminated from this area in Franklin County in the third zone fifty-seven square miles.

Now the hunting proposition has changed. Years ago people went back into the woods. Today it has become the fashion, I presume with the coming of comforts in other sports, that people must go to the place where they are going to hunt by automobile. After they get there very few of them will go more than a mile or two miles or perhaps three miles from the road.

Any of you who are acquainted with hunting, particularly in the north country, know that on the first day of the deer season it looks like an army had gathered. As a matter of fact, they gather in the early hours of the morning.

This bill is going to put too much pressure upon a little strip of land of approximately fifty square miles, and in some parts of our county, particularly along State Route 16, in some places we are going to have a mile strip, that being half a mile on each side of the road up to a mile, where hunting is going to be concentrated. Because in the third zone the proposal is to open that zone first, it follows that not only the out-of-state hunters but the hunters of Maine are going to concentrate in that area. We are now opened up on October 21st. That is too early as it is now, but we are willing to leave things as they are. But to open up another six days and to put some twenty thousand hunters into this region or this zone, and to have them pursue the same policy which they do, is naturally going to create a shooting gallery in many sections of the upper part of Franklin County.

Now when the two-zone deer bill came along — and I agree with the biologists on the academic proposition — what happened? Land is being posted in the upper end of Franklin County. I will not talk about any other county. Last year over fifteen thousand more acres of land was posted. The farmers, in self-protection, have had to post their land, the camp owners, the business people.

Now we do not want to post any more land. That is one of the things which to me is most disgraceful, and yet you cannot blame the property owners for doing so. They perhaps do not mind losing a few cows, but they certainly do not want to have their wives and their children shot.

Hunting today is moving into a mass proposition. We are getting more and more hunters who perhaps are trigger-happy, so to speak, but when you concentrate a large group of thousands of hunters into a given area you are concentrating a lot of hot lead. That is a serious problem, gentlemen.

I did not come here just to plead for the upper end of Franklin County; the other people can speak for their own. It is not a selfish interest. It has been suggested that there are selfish, petty interests that have been lobbying against the bill. This is a safety proposition. We have got to remove this hazard. In the State we have for years been spending money to encourage deer hunting. As you know, the bird-hunting season in our county opens up October 1st. I think that most of you know that bird-hunting has come to be a man and wife proposition, and we are getting more and more people interested in deer hunting. Now I do not know of many people who want to go bird-hunting with an army of men in red around with 30-30's at their back. We are going to discourage bird-hunting because we are overlapping and taking away from that season another six days. Likewise, over the country a new sport is coming into being, and in Maine it is relatively new. The Fish and Game Department and other agencies are spending money to encourage people to come into Maine for archery. Now you cannot encourage archery, you cannot encourage bird-hunting and you cannot encourage many of the other recreational activities such as the fall foliage program, hiking, camping and State parks, if you are going to take any given area if you are going to move the season up and have hunters concentrated in the third zone, particularly in Franklin County where there are many concentrations of hunters.

Now to say that they are irresponsible is not polite. Every year the State is spending more money; they are doing research on jackets, proper colors for hunters to wear so they won't kill each other. It is getting to be a problem, but it would not be half the problem if we did not attempt to squeeze and narrow and restrict it to put them all into this small area.

Without offering a series of amendments, because I feel that there are other people who would like to speak about their particular county, I assure you that we are not speaking as a petty interest. I am as interested in the recreational industry as any of you are, but this is strictly a question of geography. Idealistically you can look at this map as it pertains to Franklin County and you see, without analyzing the situation, 576 square miles, and then you start subtracting. As far as we are concerned, the three-zone deer bill means practical annihilation to us.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: I hope that you will bear with me for a moment on this issue because it does concern the most valuable game animal in our state and it also relates to a principle that in my view at least, and I presume in the case of many of you, is one of considerable importance.

It is an odd fact that, with the "scientific age" all about us, many otherwise astute individuals pride themselves on a kind of "hard headed realism" that won't see through any technology more complicated than a double-play, and which tends to write of the scientist as a chair-warming professor. They would feel much better if it were possible to stick to the simple system of yesterday under which the answer to every conservation problem was another hatchery, a bounty, or to import something. It was a case of all cats being gray in the dark.

Frequently enough, the wildlife brand of biologist was just a guy who liked hunting and fishing so much he found a way to make hard work out of it. Many such men today have had not only their technical training, but ten to twenty years of practical experience. Their opinions are not all theory. They don't

have the solution to all of our problems, but they do have the means of learning whether or not there is a practical and satisfactory solution to some of our wildlife quandaries. Their all-important tool of course is game research.

It seems to me unique that a person with little formal education should be one to find it necessary to stand and defend the man of technical knowledge which he has gained through these years of education and practical experience.

In our State over the years our greatest failures in wildlife management have been right where they are this day, in the routine management of native species on native range. The Maine deer problem is an ideal case in point.

For many years now we have employed technical men to examine the status of this most valuable big game animal which we have. These men quickly saw the dangers which have been described to you of overpopulation and of the proper function of the gun in preventing this. There was already abundant good background material which they could draw upon, and this, plus their extensive local investigation, in which they spent approximately six thousand hours and over a hundred thousand dollars in this State, brought about a relatively good understanding of management; but in some areas deer specialists have pretty nearly worn out their welcome as they stood with hat in the hand and out at the elbow pleading for something which would bring the deer population into a little bit more realistic balance with the available food supply.

Now we have discussed here in the Senate previously that the primary thing in all wildlife populations which perhaps results in their declines and rises in populations is the available food supply, and it is the same in deer. The problem that we find is that deer research and management are not both operating on the same shaft. Our deer research studies are being carried out by technical game men of experience, but our deer, alas, are being managed by our legislature.

The multitude of issues which we have here and the speed with which it is necessary for us to handle them

naturally precludes, I think, our doing a real good job on year to year matters such as these regulations of seasons and bag limits. Of necessity — and I am no different than the rest — I think that legislators are very alert to attitudes. They are completely incurious, however, about unpopular facts.

Conservation agencies will not always be right. Everyone is in agreement on that. I think it has been demonstrated frequently. But over the long haul it is quite likely that they will work their way through to the truth of our issues and equate our conflicts more efficiently than can be done on a purely public opinion legislative basis.

An important weakness in public opinion which we find in game management matters is that very frequently, as I know everyone here has witnessed, as have I in these last three terms, there is much public thinking which does not agree, hence as often as not one can be played against the other, sometimes when there is even a deeper motive in by-passing an important issue. This was the situation that made possible the frittering away of many a valuable wildlife specie, not only in Maine but almost everywhere in the nation.

Now as far as the county line problem is concerned, there is not any question, we think, but what this line is better both from the point of deer management and from the point of limiting the posting of lands. As the Senator from Somerset, Senator Carpenter has mentioned to you, this to a large extent at least removes the long line bisecting our State from the rural areas a little more into the wilderness areas. So we feel that not only is it better from the point of view of the deer but it is an advantage from the point of view of posted lands, that this proposition be set up as it has been outlined.

Now it is not a perfect plan, and I doubt very much if there is any perfect plan except the one that you and I draw, and sometimes I even question you.

Franklin County, which is a bit of a problem in some respects, is an awful problem already as I understand it from some of my friends over there. There is a tremendous

influx of people coming to their boundary lines and crossing those lines when their season opens, and this is causing a great deal of posted land. Now the posting of land is not going to stop, because the popularity of pursuing the stag, or the white-tailed deer in the case of Maine, is growing by leaps and bounds. These sports are getting increasingly popular, so the posting of land will continue. But we maintain that this bill and its boundaries will lessen the posting rather than cause it to be increased, and we think that even in Franklin County there are a great many persons who will stand to benefit a great deal from this.

This bill has been tabled, as you probably know, in the other branch for months; it has been tabled for nearly a month in this branch, so everybody has had all the opportunity necessary to work it over and give it their full consideration. It was fortunate in receiving a very good acceptance as it was sent along to us for our consideration today, and we are very anxious to send it back in its present form with the amendment attached. All the amendment does, incidentally, is that it makes all of the seasons close on November 30th, which is probably the way we should have passed it out of committee in the first place.

I am a bird hunter first and foremost; I prefer upland gunning very much to hunting deer in the woods. Be that as it may, our most valuable game animal is the deer, and it is the most valuable from the point of view of economic activity in this State. This item which we are discussing I hope you will realize is important not only from the possibility of correct game management but also as to whether or not we will accept the trained man's opinion in our actions in trying to manage properly these species.

Now if the Senator from Franklin, Senator Noyes, wanted to inquire of someone about banking I am sure he would consult a banker, and I would hope that if he wanted to inquire of someone about securities that he would inquire of someone familiar with securities — although one of the members did tell me the other day that a biscuit salesman informed him of a very good secu-

urity. (Laughter) The best information is none to good in any of these problems which have large economic value, and the best information comes from the people who are trained to know what the right answers are, and that is all we are pleading for in urging the passage of this bill. I hope that the motion of the Senator from Somerset, Senator Carpenter, will prevail. Thank you.

Mr. NOYES of Franklin: Mr. President, when the vote is taken I ask for a division.

Mr. PARKER of Piscataquis: Mr. President, first may I request that the Secretary read the endorsements for and against this bill.

The Secretary read the endorsements on the bill.

Mr. PARKER: Thank you very much. I find that I must rise in opposition to my good friend, Senator Carpenter of Somerset, because I have taken the time and the difficult problem to try and ascertain the actual feeling in my County of Piscataquis on this bill. As you know, Piscataquis County is the second largest county in the State of Maine. We have the largest lake in the State of Maine, Moosehead Lake. Moosehead Lake area is one of the leading hunting and fishing areas in the state. We have three fish and game associations in my county. They are — or at least eight out of ten in these three game associations are opposed to this bill. We have two sporting camps. I have to be honest in this — we have two sporting camps that would favor the bill because they are going to make a little more money from six days more hunting fees. But I am very sure that we are going to have more lands posted. From those that I have contacted they indicate that if this six more days of hunting is going to bring in a larger number of hunters, as you and I know will happen, those that have not posted their land, to a large extent are going to do that and how are we going to be of help in answering the questions that biologists are attempting to answer in this bill when they are not going to be able to hunt on certain lands? For a great many years, in the last four or five I am sure, the deer kill in the State of Maine has been at least forty thousand every

year. I am not aware that that isn't a good way of removing our present over supply of deer and I am also not aware that the people of the State of Maine that raise these deer on our farm, fatten them up and get them ready for hunters are going to be favorable to changing the present boundaries of our zones. I do want emphatically to state that from a very exhausting work that I have done on this bill as far as my county is concerned, they are very much opposed to it and, Mr. President, I move that the bill be indefinitely postponed.

The PRESIDENT: The Chair would just inform the Senate, that the Chair cannot entertain that motion at this time because the motion to recede and concur made by Senator Carpenter of Somerset, has precedence over the motion to indefinitely postpone.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I will be brief. I only want to say this: that I happen to be a member of one of the largest fish and game associations in the State, the Penobscot County group. They went on record as unanimously in favor of this bill. I also have friends in Piscataquis County. I hate to contradict my good friend, Senator Parker from Piscataquis, but I have a camp at Moosehead Lake, and to my knowledge, from conversation with a group of sportsmen from that county, they are in hearty accord with this bill which we are presenting to you today. Also I happened to sit in at a meeting with a group of sportsmen representing sportsmen's associations from all over the State of Maine in the Penobscot Exchange Hotel a short time ago, with representatives from Piscataquis County there, and they did not have any objection to this bill; they did not show any objection nor did they speak against it. I just want to make the record clear in that respect so far as I am concerned.

Mr. ROGERSON of Aroostook: Mr. President, it was not my intention to speak on this but since the matter of attitudes in the counties has been brought up, I feel that I should mention that the Aroostook federation of fish and game clubs has endorsed this three zone bill. Since I am standing, I might add that I be-

lieve after listening to the presentations of both sides that this is indeed a matter that was intended to be a constructive move for the benefit of the whole state and I think that the opposition which appears is due to the fact that it is almost impossible to enact a measure which is intended to benefit the whole state without in some way infringing on what seem to be the rights or interests of small groups here and there.

Now with particular reference to the allusions which my friend the Senator from Franklin made concerning the areas in his county which would receive tremendous hunting pressure. It has been my experience in the limited amount of hunting that I have done, that when I get together with one of my friends the evening before going out hunting, that we decide where to go and decide it quite often on the basis of where we won't find hunters and will find deer. I feel that if the Senator from Franklin, Senator Noyes, knows that there's going to be a shooting war going on in a certain area, that probably the hunters will know it and will avoid going into that area.

Mr. LEWIS of Somerset: Mr. President, I also will be brief. I have not prepared anything special but I must rise I think to oppose my distinguished colleague, the Senator from Somerset, Senator Carpenter. If you will notice by looking at this map, Somerset County seems to be the hardest hit, and people from my section, the east end of the county have been getting in touch with me lately and they would like to see the deer season stay as it is. I have not checked up on the areas there. I don't know how many towns there are in that lower part of Somerset, but it is of course larger than Franklin County that Senator Noyes has talked about and also what he said in regard to Franklin County would more or less apply to Somerset County. In the northern part of Somerset County there are no roads, just unorganized territory and there are no camps to speak of in that territory where out of state hunters could be accommodated.

I want to say that I do a little hunting and I just want to leave this thought with you, that most people who hunt deer, hunt in the same

territory every year, every season, and once they get accustomed to the valleys and the hills and where the deer are, they do better than they do in strange territory. We have hunters coming here from out of state, from all the states, into the southern part of Somerset County on the 21st of October. In that territory there are guides who have camps that take hunters. There are motels, and overnight camps and some farmers who put up the hunters, and the hunters are used to that territory. They are used to hunting in that section and I doubt very much if they would go up to the northern part of the state into new territory where the accommodations are not so good during the hunting season. If that is true, they are going to have to wait until November first. On November first we have another crowd of hunters coming from the lower part of the state into our County to go hunting on November first. And so those folks that come on opening day, on October 21 are going to come also on November first and we are going to have a double influx of hunters in the lower section and I am afraid I have to agree that there will be more posting, more hunters and there are apt to be more accidents. For that reason I am opposed to the three zone bill.

Mr. WYMAN of Washington: Mr. President, I move that this bill be tabled.

Mr. CARPENTER of Somerset: Mr. President—

The PRESIDENT: The Chair would remind the Senate that the motion to table is not debatable.

Mr. CARPENTER: Mr. President I ask for a division on the motion to table.

A division of the Senate was had.

Obviously an insufficient number having risen, the motion to table did not prevail.

Mr. WYMAN of Washington: Mr. President, I have heard a lot of objection to this down in my county. We have four or five fish and game associations and so far as I know they are all opposed to this bill. I have talked with several of the proprietors of inspection stations and they tell me that the biologists not-

withstanding, the deer that they have inspected this last fall have been healthy and in good condition. It would seem to boil down to a question of whether we represent the biologists or whether we represent the people who sent us here.

We recently had an experience with Atlantic Sea Run Salmon. About eight years ago the biologists came to Washington County and told us that the black salmon should not be caught, that they are the salmon that stay in the lakes and ponds in the winter and then come down and go to sea and although a small percentage of them are the ones that return, those are the large ones, the ones that make newspaper headlines and the ones that the sportsmen like best to catch. On that basis the Narraguagus River was closed for about eight years. This year they came down and they wanted the Narraguagus River open and they wanted it not because it would help the salmon. The law says that the Atlantic Sea Run Salmon commission can hold a hearing if there is anything that adversely affects the salmon. There is nothing that adversely affects the salmon but the commission felt that there would be a little more business, a little more business for the camps and motels and hotels and even though the hotels and motels opposed this and the present fish and game association opposed it, the biologists prevailed and the river has been opened.

Now in this case, the biologists were not thinking of the salmon. I don't know what they were thinking of. I think that is a fair sample of biologists. I think it is a question of whether or not father knows best. I think we are sent here to represent the people of the state and I think that the people who live here year round know more about it than the biologists. I therefore present Senate Amendment A to this bill which will give Washington County the same open season as the other associated counties and I move its adoption.

The PRESIDENT: The Chair will rule that the amendment would have to be delayed until later action takes place on the other amendment because we would have to suspend the rules and reconsider engrossing.

Mr. BRIGGS of Aroostook: Mr. President, may I speak a second time very briefly. There was a lot of opposition in the coastal area referred to by the previous speaker until the House Amendment was accepted which we are including in this bill. It seems as though they didn't want the thing extended along into December. They wanted all seasons to close on the same day. Our House Chairman who speaks for that area to a degree is in concurrence with this bill as amended, and as it is now. I am most reluctant to go into the field of Atlantic Salmon but I am fully equipped to do so on a most technological basis provided we could recess until after lunch and have a good long time for it. I am, however, most reluctant to do that and will refrain from doing so. Thank you for your time.

Mr. CARPENTER of Somerset: Mr. President, I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter, that the Senate recede and concur with the House in the passage of the bill to be engrossed as amended.

A division of the Senate was had.

Eighteen having voted in the affirmative and thirteen opposed, the motion prevailed and the Senate voted to recede and concur.

On motion by Mr. Coffin of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Sea and Shore Fisheries, "Ought to pass as amended by Committee Amendment A" on Bill, "An Act Relating to Use of Dragers in Sheepscot Bay." (S. P. 194) (L. D. 490) tabled by that Senator on April 8 pending acceptance of the report.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate: I would like to make a few remarks before I make a motion, and I am going to make my remarks very brief.

As you people all know, we have been catching lobsters with traps for the last three hundred years all along the shores of Maine. We at the present time have some six thousand men who are interested in this business and make a living at it. We also have fishermen, and I am

not here to say anything derogatory, but the draggers have been dragging and there has been trouble in this area for about thirty years.

When we first started dragging most of it was done in deeper waters, but in late years the smaller draggers have been inclined to fish more or less along our shores or near our shores in the three-mile limit. There has in the past been more or less trouble relative to these draggers coming in close to shore, especially where the lobstermen are in the habit of fishing.

Now this bill is really not a conservation measure in my opinion; it is a measure to create this situation so that it will be a little fairer for the lobster fishermen.

Now this particular area in Sheepscot Bay is a very small area and it seems that during the winter months — as you will note by this bill, we only want to close it to dragger fishermen from November to March inclusive, four months.

Now draggers are primarily interested in catching fish, not lobsters, and when they are dragging these four months in Sheepscot Bay they are in there for only one purpose and that is to drag for lobsters, because in those particular months there are no whiting, cod or haddock there.

We are asking to have the draggers kept from this bay only during that period. Because of the nature of dragging, it means they use nets and chains or sinkers to keep the nets down on the bottom, and in dragging on the bottom they disturb not only the bottom but drag everything along with it. The nature of lobsters is such that at this time of year in mud bottoms they have a tendency to go into the mud to some extent.

Now it is known that draggers mutilate a lot of lobsters, which certainly can not be helped if you are dragging in an area where they are. As I understand it, they take the mutilated lobsters and eat them on board. Those they catch along with their fish they sell when they are getting poor. Actually the dragger occupation is counted in only a few hundred men whereas, as I said before, there are six thousand lobstermen trying to eke out a living.

All these years we have been able to keep a fairly equal and even supply of lobsters, although occasionally there would be a year or two when this would drop down. I hope that for three hundred years we will still be catching lobsters in traps, because it is my opinion, and not mine alone, that dragging is detrimental to the lobster industry.

Now we feel that the draggers when they are outside dragging if they kill a few lobsters with the fish that is essential, because they are mixed in. However, inside, during the winter months, the dragger is in there for only one purpose and that is to catch lobsters, because there are no fish there to catch, and we feel that for the benefit of our lobster industry that this is a good substantial bill, and I now move that we accept the majority report.

Mr. DOW of Lincoln: Mr. President and members of the Senate, I feel that is my duty to defend the position that I have taken as the signer of the minority report ought not to pass. I have heard bills like this for four sessions. I have heard the same people put up the same arguments and have given them the same answers time after time. In my mind, nothing has changed in my county. I would just like to say that the lobstermen outnumber the draggers perhaps a hundred to one, in fact I have a number of lobster fishermen in my own family — no draggers. Despite this, I find that I must stand here to defend the principle in which I firmly believe. I can merely say this: I do not believe it is good policy for us to pass legislation that restricts one class of fishermen for the benefit of another kind of fisherman especially in an area as vast as the Atlantic Ocean. There should be room for everybody.

The PRESIDENT: The Chair will ask the Secretary to read the two reports of the committee in reference to this bill.

The Secretary read the Majority and Minority Reports.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Coffin, to accept the Majority "Ought to Pass" report.

Mr. ROSS of Sagadahoc: Mr. President, since this affects some of the

areas in my county, and I believe most of the lobstermen down there want this bill to go through, I am quite certain that I will go along with the motion to accept the bill, but I have one question I would propose to the Senator from Cumberland, Senator Coffin, and that is: Do any of the lobstermen themselves drag for shrimp during these months that they will be excluded.

The PRESIDENT: The Senator from Sagadahoc, Senator Ross, proposes a question to the Senator from Cumberland, Senator Coffin. The Senator may answer if he chooses.

Mr. COFFIN of Cumberland: Mr. President, I have to answer that I do not know. I have not heard of any of them dragging for shrimp.

Mr. ROSS: Mr. President, perhaps somebody else could answer the question.

Mr. DOW of Lincoln: Mr. President, I cannot answer the question in regard to Cumberland County but I can answer in this way. There are a great many fishermen who fish for lobster a part of the year and drag part of the year, and when they are dragging they have lobster licenses. We sell them lobster licenses, and I wonder if it would be fair to pass a bill so they cannot take lobsters.

The point that we have been doing this for three hundred years is a good one. For three hundred years the draggers and lobstermen have gotten along reasonably well. We have to admit that there are one or two outlaws in any pack that may make trouble, but we also have laws on our books to take care of those. There may come a time when it may be economical and practical and feasible to catch lobsters by skin-diving, in fact it has already been done. Those fishermen will be opposed, I am sure, by those who want to do it by another method. My whole point is this: I do not think we should pass legislation for the benefit of one type of fisherman to the harm of another.

I hope I have answered the Senator's question. Lobstermen do drag part of the year and they do different types of fishing.

Mr. COFFIN of Cumberland: Mr. President, I would like to disagree with one thing that my good friend, the Senator from Lincoln, Senator

Dow, said, and that is that we have actually only had dragger fishing in this area for about thirty years and of that thirty years for only about the last dozen or fifteen years have we had any difficulty with draggers inshore. I mean by "inshore" within three miles. We already now have legislation on the books that does not allow inshore dragging in Washington County, and that is because of the fact that they realized down there that the dragging industry was interfering with the lobster industry.

These lobsters live on the bottom and a lobster does not swim around; he walks on the bottom. Therefore if you disturb his natural home it does interfere with the catching of the lobster, also it interferes with the rearing of the lobster, whether he is large or whether he is small.

The dragger actually is not interested in dragging where there are traps set. The legitimate dragger is not interested because lobster traps interfere with his gear. As you all know, I am not a fisherman or a lobsterman, but I do live on the shore and I am familiar more or less with all the phases of these two industries, and I have heard the pros and cons of both parties all my life, or for thirty years. So actually we have not had the draggers vs. the lobstermen for three hundred years: the lobstermen had things pretty much their own way for two hundred and seventy years. However, in late years — actually when these traps are pulled up the law is that if a dragger pulls up a lobsterman's gear he is supposed to put the gear back or bring it into port and notify the lobsterman that he has disturbed some of his traps. However, as Senator Dow said, there are a few renegades, as there are in every business, and it is these few who are spoiling it for the majority.

In Massachusetts — and I do not like to refer to Massachusetts either — but they have closed nearly all of their shore front to insure dragging and they have closed it for the year round. So they have realized down there that dragging interferes greatly with the lobster industry.

I would like to prevail upon you good senators here today. We are only asking for a four-months interim for the lobsterman to have

his chance to make a living during these winter months. I thank you.

Mr. DOW of Lincoln: Mr. President, I did not plan to fight this thing when it started because I am going to wind up with a lot of in-laws mad at me besides others, but I would like to tell you about this Washington County situation. They do have a law against draggers up in Washington County and for a very good reason. The tides in Washington County are high and they are different from ours down there, so on a high tide all the lobster pot markers, these buoys, go under water and the fellows in the draggers cannot see them, so there is a good reason to keep them away from the lobster, buoys so they won't get tangled up in them. But we do not have those kind of tides on the rest of the coastline in Maine; there is no time but what a dragger can see where he is going and see these bright-colored painted pot buoys. So the situation in Washington County does not apply to Sheepscot Bay down here in the lower part of the state. At all the hearings I have attended on this I have never heard anyone yet who was able to say with any reasonable accuracy that dragging does damage the breeding grounds of lobsters. There is no proof of it at all; it is a speculation.

Mr. BROWN of Washington: Mr. President and members of the Senate: I did not want to get into this but now they are talking about Washington County I suppose I have got to. The reason they stopped dragging in Washington County was due to just one thing. Certain outlaws from down in the middle of the state who ran big draggers came down there about six years ago and dragged from, well I will say thirty miles, and unfortunately they got a lot of lobsters. We found out when they came in. They came into Eastport with five thousand pounds of lobsters and we could prove it. They have got no business dragging lobsters. Nobody has got any business dragging lobsters in my opinion, because when it is done, especially that type, you are going to ruin the lobster business.

Now that is why we got that bill. We had the goods on them. They dragged up fellows' traps along the

coast and they did most of this in the night. It just happened that I was interested because I was on this same committee, and I got the proof that they sold those lobsters. Well, they didn't catch them in traps so they must have dragged them. In fact, the skipper pleaded guilty and he paid a fine. So we managed to get that bill through the legislature, I think it was about six years ago.

Now as Senator Dow has said — he is on this committee all the time with me, and we have a great many arguments with draggers and lobstermen and clambers, and sometimes it is quite a headache to sit there and listen to a bunch of fellows from the same area arguing on these problems.

The particular problem on this bill as I see it is that down to Sheepscot, in this small area, there are quite a few lobstermen who fish there the year round when the lobsters are in there and there are a few draggers coming in there at certain seasons; but these fellows could go in there if the section was closed for four months and fish for lobsters and would not be bothered because that is the season when the draggers are not dragging. I signed the "Ought not to pass" report for that reason. I really do not believe in setting up certain places, but we have had a lot of situations down in Washington County that we can prove, and it was for that reason we wanted to keep draggers out of there from the three mile limit, because if you let draggers go in there in this area in ten years you won't have any lobsters, in my judgment. It is not only the lobsters they get but it is the number they smash and spoil and make them cheaper lobsters.

Now you have got six thousand lobstermen who are making a living and a good living. I must say though there are no lobstermen and draggers in Eastport: they do not go down below Lubec where we were the other day. It is a big business. Now this particular bill protects I will say probably fifty lobstermen who could make a living in four months when the draggers should not be in there. But in our experience in committee, you get thirty of them in there and they won't agree on anything themselves in the

committee. I have been listening to that for ten years and I know a little about it. I do not believe in setting out certain areas but as long as I am in the legislature and on this committee I am going to be very strong against anybody dragging lobsters. I will say that a dragger dragging on the ground could get some lobsters, but there are fellows who right in the committee will tell you, "We are going to drag lobsters if we get a chance and sell them."

Mr. ROSS of Sagadahoc: Mr. President, this seems to be the wildlife section of the Senate over here. This morning the Senators on my right debated the deer bill, the good Senator on my left, Senator Dow, told us all about fisher and this morning he was talking about lobsters. Yesterday I tabled a bill, and I will give a little dissertation next week on quahogs. I do feel that the majority of the lobstermen in my county would like this bill passed and so I certainly support the motion of the Senator from Cumberland.

Mr. FARLEY of York: Mr. President and members of the Senate: I am a little mixed up between the Senator from Cumberland and the Senator from Washington. I do not know much about the dragger, but does the dragger down in Washington County interfere with the two-inch clam?

The PRESIDENT: The Senator from York, Senator Farley, proposes a question. Does any Senator desire to answer?

Mr. DOW of Lincoln: Mr. President, I do not care to answer but I would like permission to speak for a third time.

The PRESIDENT: Is there objection to the Senator's request? The Chair hears none and the Senator may proceed.

Mr. DOW: Mr. President, I just want to say this: that the opposition speaks of a small area they want to block off. If you will look at the map you will see that it shows the lines of the area they want to block off, and to me it is a large area.

They have mentioned the three-mile limit. The three-mile limit is out beyond the outer islands. This area is a vast area in my estimation because in some cases it goes as much as ten miles offshore, off the

mainland. I would just like to ask this one question and then I will stop: Are we going to penalize all the draggers because one or two renegades are making a little bit of trouble for the lobstermen where we have laws to take care of such cases if they can be caught?

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Coffin, that the Senate accept the Majority "Ought to pass" report of the committee.

A viva voce vote being had

The motion prevailed, the Ought to pass report was accepted, the bill read once, Committee Amendment A was read and adopted, and the bill tomorrow assigned for second reading.

On motion by Mr. Hunt of Kennebec, the Senate voted to reconsider its action taken earlier in today's session whereby it accepted the "Ought not to pass" report of the Committee on Education on Bill, "An Act Relating to Reapportion-

ment of School Directors of School Administrative Districts." (S.P. 345) (L. D. 972); and on further motion by the same Senator, the bill was laid upon the table pending acceptance of the report.

Mr. ROGERSON of Aroostook: Mr. President, I would like to call the attention of the members of the Senate to the form which you found on your desks this morning, a detailed list of the acts and resolves which have been placed on the Special Appropriations Table. You will notice that the status of each of these bills is indicated on here and it will give you an opportunity to follow the bills you are interested in and to line out the ones as they are passed and as they fail and follow that procedure with all money bills from this point forward.

On motion by Mr. Weeks of Aroostook,

Adjourned until tomorrow morning at ten o'clock.