

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

1959
and
SPECIAL SESSION
1960

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

ERRATA:

The header on page 1949

in the Regular Session

should read

“SENATE, MAY 21, 1959”

instead of

“SENATE, MAY 20, 1959”

SENATE

Thursday, May 21, 1959

Senate called to order by the President.

Prayer by Rev. John Brett Fort of Bangor.

On motion by Mr. Dow of Lincoln,

Journal of yesterday read and approved.

The PRESIDENT: At this time it is the Chair's pleasure to invite another distinguished member of the Maine Senate to act as President pro tem during a portion of today's session and the Chair would ask the Sergeant-at-Arms to escort the Senator from Washington, Senator Wyman to the rostrum.

This was done amidst the applause of the Senate, and Mr. Wyman assumed the Chair, the President retiring.

Papers from the House

Bill, "An Act Establishing a Minimum Wage." (S. P. 472) (L. D. 1337)

In Senate on May 14, passed to be engrossed as amended by House Amendments: A (Filing No. 319) C (Filing No. 338) and Senate Amendments: B (Filing No. 379) C (Filing No. 380) D (Filing No. 381) F (Filing No. 382) in non-concurrence.

Comes from the House, passed to be engrossed as amended by House Amendments A, C, G (Filing No. 383) and Senate Amendments B, C, D, F, in non-concurrence.

In the Senate:

The Secretary read House Amendment G.

Mr. ROSS of Sagadahoc: Mr. President, I move that the Senate recede and concur with the House.

Mr. LESSARD of Androscoggin: I would like to call your attention to this House Amendment G which was the same amendment presented, practically the same as presented here in the Senate, which the Senate voted against when the bill was before the Senate on the last occasion. At that time I stated that this amendment practically took the insides right out of the law because this amendment provides that in regard to any viola-

tion of Section 136D which is the proviso that you shall pay a dollar an hour, it would have to be upon a written complaint setting forth the violation by the employee.

Now if that is required then that means that any employee who is not receiving a dollar per hour and is entitled to it, that nothing could be done unless he filed with the Commissioner of Labor a written complaint. Immediately he goes upon record and immediately he loses his job. I am going to point this thing out because I want it on the record. However, the purpose was establishing the one dollar an hour minimum wage law in the State of Maine and give them something on the books and in spite of these amendments which have practically torn the thing down, I would hope that maybe some day we can make it workable and more effective.

I am not going to object to the motion of the Senator from Sagadahoc, Senator Ross. However, I just wanted to point out that this amendment actually would compel the employee to reduce his complaint to writing before it could be considered as a violation of the law.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, since the good Senator Lessard of Androscoggin, has been so kind as to let this go notwithstanding his objections, we probably should not even explain it, but this amendment does not do what he says. He has made the statement that it takes the teeth out of the law.

I wish you would please turn to L. D. 1337, you who have it. Page 3, Section 132 A and see what this amendment does do. In prior years, the biggest complaints of those who said they "would not mind a minimum wage but —" were these: They said they didn't like wage board set ups; they didn't like record keeping; they said they didn't like blanket authority to be given to the Commissioner of Labor and Industry so in the original bill, both the Democratic sponsored bill and the Republican sponsored bill, this whole section was deleted but as we thought it over in committee, and when this redraft which was a committee redraft, was prepared, this was included to make the bill

workable. Now the first part of this amendment. Let me read the first part of that sentence. "The Commissioner or his authorized representative shall have the authority to enter any place of business and inspect the books, registers, pay-rolls" and so forth. Now this just says, so that you won't be giving carte blanche and so that the Commissioner won't helter skelter run around and go into any place, that they can only go in and inspect those records if a complaint has been made, and it says a complaint in writing, and of course that is obvious that you couldn't just have somebody calling up on the telephone at any time they so desired. It doesn't say that this complaint even has to be signed. That's all the first part of that does.

Then the next section. Section 2. As it is right now it says that the Commission may promulgate any rules and regulations that they so desire. That is pretty broad coverage. The second part of this amendment just says that they can promulgate these rules and regulations after they have had a public hearing where both employee and employer may be present to see that the rules and regulations are in conformity with what both of them desire, both the employer and the employee. So I fail to see how this amendment takes the teeth out of any part of the law.

Mr. LESSARD of Androscoggin: Mr. President, I find no fault with the second part of the amendment. I am merely referring to the first part of the amendment and what it does. The amendment reads that the Commissioner or his authorized representative upon written complaint setting forth the violation shall have the right to enter upon the premises and investigate the so-called complaint.

In effect, if that were true in the enforcement of all our laws, our police officer would have to wait in the police station until he got a written complaint from somebody before he went out to see if there was any violation of the law. That is what I am objecting to. I think that this accusation that the Commissioner of Labor would go helter skelter around the state is truly unfortunate. I don't think that is

what the Commissioner of Labor would do in any case. I have confidence in the Commissioner and our Labor Department that they wouldn't go helter skelter around the state trying to find violations. However, it would give them the power to look over certain industries from time to time to find out whether or not they were in compliance with the law.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Ross, that the Senate recede and concur.

Thereupon, the motion to recede and concur prevailed.

**Majority — OTP as amended "A"
Minority A — OTP as amended "B"
Minority B — ONTP**

The Majority of the Committee on Labor on Bill, "An Act Relating to Compensation for Injuries Under Workmen's Compensation Law." (H. P. 649) (L. D. 940) reported that the same Ought to pass with Committee Amendment A (Filing No. 391)

(Signed)

Senators:

BATES of Penobscot
ROSS of Sagadahoc
MacDONALD of Oxford

Representatives:

HANCOCK of Nobleboro
WINCHENPAW
of Friendship
TREWORGY of Orono
LETOURNEAU of Sanford
MILLER of Portland

One member of the same Committee on the same subject matter, reported (Report A) that the bill Ought to pass with Committee Amendment B (Filing No. 392)

(Signed)

Representative

KARKOS of Lisbon

One member of the same Committee on the same subject matter, reported (Report B) that the bill Ought not to pass.

(Signed)

Representative

HARDY of Hope

In House, Majority Report accepted; subsequently, the bill was indefinitely postponed.

In the Senate, on motion by Mr. Bates of Penobscot, the bill and reports were tabled pending acceptance of either report.

**Report AA — OTP — N. D.
Minority A — ONTP
Minority B — OTP**

Five members of the Committee on Labor on Bill, "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 651) (L. D. 942) reported (Report AA) same in New Draft (H. P. 969) (L. D. 1378) Same Title, and that it Ought to pass.

(Signed)
Senators:

BATES of Penobscot
MacDONALD of Oxford

Representatives:

WINCHENPAW
of Friendship
MILLER of Portland
LETOURNEAU of Sanford

Four members of the same Committee on the same subject matter, reported (Report A) that the bill ought not to pass.

Senator

ROSS of Sagadahoc

Representatives:

TREWORGY of Orono
HARDY of Hope
HANCOCK of Nobleboro

One member of the same Committee on the same subject matter, reported (Report B) that the bill Ought to pass.

(Signed)

Representative

KARKOS of Lisbon

In House, Report AA accepted; subsequently, the bill was indefinitely postponed.

In the Senate, on motion by Mr. Bates of Penobscot, the bill and reports were tabled pending acceptance of either report.

**Report A — OTP
Report B — OTP as amended
Report C — ONTP**

Five members of the Committee on Taxation on Bill, "An Act Relating to the Amount of the Annual Excise Tax on Railroads." (H. P.

254) (L. D. 365) reported (Report A), that the same Ought to pass.

(Signed)

Senators:

WILLEY of Hancock
FOURNIER of York

Representatives:

MAXWELL of Jay
ROLLINS of Belfast
BAXTER of Pittsfield

Three members of the same Committee on the same subject matter reported (Report B) that the bill Ought to pass as amended by Committee Amendment A (Filing No. 273)

(Signed)

Senator

WYMAN of Washington

Representatives:

CYR of Augusta
PARSONS of Hartford

One member of the same Committee on the same subject matter, reported (Report C) that the bill Ought not to pass.

(Signed)

Representative

WALSH of Verona

The following member requested permission of the Committee to refrain from voting:

Representative

COUSINS of Bangor

In House, Report A accepted and bill passed to be engrossed as amended by House Amendment A (Filing No. 375)

In the Senate, on motion by Mr. Willey of Hancock, Report A was accepted in concurrence, the bill read once, House Amendment A read and adopted; and under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

Communication

State of Maine
HOUSE OF REPRESENTATIVES
Office of the Clerk
Augusta

May 20, 1959

Hon. Chester T. Winslow
Secretary of the Senate
99th Legislature

Sir:

Today the House voted to insist and joined conference on the dis-

agreeing action of the two branches of the Legislature on:

“Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational and Industrial Park Purposes.” (S. P. 178) (L. D. 422) and the Speaker appointed the following Conferees on the part of the House:

Mr. DENNETT of Kittery
Mrs. SMITH of Falmouth
Mr. PLANTE
of Old Orchard Beach
Respectfully,

(Signed) HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate, I request unanimous consent to introduce a bill.

The Secretary read the title of the bill:

Bill, “An Act to Extend the Rights, Powers and Privileges of the Passamaquoddy District Authority.”

Thereupon, on motion by Mr. Briggs of Aroostook, the request was laid upon the table pending reception of the bill.

Senate Committee Report Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, “An Act Relating to Licensing of Horse and Ox Pulling Contests.” (S. P. 433) (L. D. 1280) reported that they are Unable to agree.

Which report was read and accepted.

Sent down for concurrence.

Second Reader

The Committee on Bills in the Second Reading reported the following bill:

Senate

Bill, “An Act Permitting Injured Employee under Workmen’s Compensation Act to Choose Physician from Panel Named by Employer.” (S. P. 346) (L. D. 973)

Which bill was read a second time.

Mr. BATES of Penobscot: Mr. President, I present Senate Amendment A, following which I ask that the bill be laid upon the table because there is one more amendment coming up.

Thereupon, Senate Amendment A was read and adopted, and the bill was laid upon the table pending passage to be engrossed.

Enactors

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

Bill, “An Act Relating to Tolls on Bridge Across Jonesport Reach.” (H. P. 190) (L. D. 282)

Bill, “An Act Relating to Construction of a Building for Maine Employment Security Commission.” (S. P. 496)

Which bills were passed to be enacted.

Emergency

Bill, “An Act Relating to Completion of Josias River Project in Ogunquit.” (H. P. 964) (L. D. 1368)

On motion by Mr. Briggs of Aroostook, and on request by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table pending enactment.

Emergency

“Resolve Appropriating Moneys for a Sprinkler System in Andrews and Robie Halls at the Gorham State Teachers’ College.” (H. P. 471) (L. D. 689)

On motion by Mr. Briggs, the resolve was placed on the Special Appropriations table pending final passage.

Emergency

“Resolve Appropriating Moneys for Construction of Enclosures for Stairwells in Corthell, Robie and Andrews Halls at Gorham State Teachers’ College.” (H. P. 786) (L. D. 1118)

On motion by Mr. Briggs of Aroostook, the resolve was laid upon the Special Appropriations Table pending final passage.

At this time the President assumed the Chair, Mr. Wyman re-

tiring amidst the applause of the Senate.

The PRESIDENT: The Chair wishes to thank the Senator from Washington, Senator Wyman, for his excellent services as President pro tem for a portion of today's calendar.

At this time the Chair would like to welcome to the Senate Chamber this morning, members of the 4th grade from the Hallowell Grammar School, accompanied by Mrs. Anne Blake, their teacher.

On behalf of the Maine Senate, I extend to you a hearty welcome this morning and trust you will enjoy your day here and profit by your experience of your visit.

Orders of the Day

The President laid before the Senate, the first tabled and today assigned item being Senate Report from the Committee on Labor on bill, "An Act Relating to Second Injury Fund and Vocational Rehabilitation under Workmen's Compensation Act." (S. P. 393) (L. D. 1137) tabled on May 20 by the Senator from Sagadahoc, Senator Ross, pending acceptance of the report.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, I had intended to offer an amendment but I found out that you cannot amend a committee report, so in order to make a minor correction, I move that this bill be recommitted to the Committee on Labor and in so doing I promise that this will not slow this session up one single moment.

The motion to recommit prevailed.

Sent down for concurrence.

The President laid before the Senate the second tabled and especially assigned item being bill, "An Act Directing a Study of Property Tax Administration." (S. P. 129) (L. D. 324) tabled on May 20 by the Senator from Aroostook, Senator Rogerson pending motion by Senator Pierce of Hancock to recede and concur; and on motion by Mr. Woodcock of Penobscot, the bill was retabled.

The President laid before the Senate the third tabled and today assigned item being bill, "An Act

Revising Election Provisions in Charter of City of Lewiston." (H. P. 844) (L. D. 1207) tabled on May 20 by the Senator from Cumberland, Senator Weeks pending consideration; and that Senator yielded to the Senator from Kennebec, Senator Martin.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate, a very unusual thing has happened here in that there seems to be some confusion in regard to this bill and in order to straighten it out I would move that it be retabled.

The motion to retable prevailed.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table the request for unanimous consent to introduce a bill, requested by Mr. Woodcock of Penobscot earlier in today's session, and tabled by Mr. Briggs of Aroostook, pending reception of the bill.

Mr. WOODCOCK of Penobscot: Mr. President, would it be possible for the Secretary to again read the title of the bill?

Bill, "An Act to Extend the Rights, Powers and Privileges of the Passamaquoddy District Authority."

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate, this bill, if enacted into law would serve to keep alive for the next few years the Passamaquoddy District Authority. There is soon to be released, a report from the corps of engineers dealing with the feasibility of harnessing the great tides off the northeast Maine and Canadian coasts. It would make good sense to retain this standby authority it seems to me pending the report from the corps of engineers.

Thereupon, there being no objection the bill was received and under suspension of the rules, the bill was given its two several readings and passed to be engrossed without reference to a committee.

Sent down for concurrence.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table the 66th tabled item being bill, "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators." (H. P. 950) (L.

D. 1346) tabled by that Senator on May 20 pending motion by Senator Cole of Waldo for adoption of Senate Amendment A.

Mr. HILLMAN of Penobscot: Mr. President, I rise in opposition to the amendment presented by Senator Cole of Waldo. However, I read the amendment and the refund provided for by this amendment should apply to privately owned and operated vehicles. This destroys the whole intent of this bill. If other amendments should come in accordingly, it could cost the state many thousands of dollars. Under the present bill covering transit companies only, the maximum it would cost the State of Maine is \$28,000 if all the transit companies took advantage of this refund. This type of company operates on a schedule established by the Public Utilities Commission. The rates are established and the sections of the city that they cover are established and this is a service to the public.

No transit company can take advantage of this refund on gasoline unless the transit company is in distress in the city in which it operates. That means that the city of Bangor, if the transit company were in dire need of help, would have to abate the excise tax on the vehicle. Therefore I certainly am opposed to the attempt by Senator Cole of Waldo to amend this measure and I oppose it.

Mr. COLE of Waldo: Mr. President and members of the Senate, I am glad my friend, the Senator from Penobscot, Senator Hillman, has brought out the facts that this bill will cost the Highway fund twenty-eight to thirty thousand dollars. I think in fairness, if we are to subsidize the buses of this state to that amount, we certainly should subsidize other people that are running similar buses. I know in one particular instance we have cars that are operating from the rural towns into the cities of Augusta, and Belfast, carrying workers to the processing plants, the poultry plants and it seems to me they should have the same advantage that the local bus operators are having. That was my main objective and it also points out that even though we have a strong motor ve-

hicle tax in the State of Maine, once again we are trying to raid that fund to the amount of \$28,000 or more.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I too rise to oppose the amendment offered by the Senator from Waldo, Senator Cole. I would like to tell the Senate about a situation which occurred in the cities of Lewiston and Auburn. Just recently or sometime last winter we received a notice from the local transit authority that they were going out of business. Now it could have been a very serious situation. Fortunately, luckily they did agree to continue until we found someone to come in and replace that bus service. A lot of compromises were made. We attempted in many ways, the people of that area did, to retain them and to retain their services. It would have been a very bad situation, because as you know, in our manufacturing plants in Lewiston and Auburn, many of the people do not have transportation and it is necessary for them to use the buses. However, we did have a bus line which agreed to take on a curtailed schedule. At the present time I don't think the bus line that replaced the old one, is doing sufficiently well to insure a continuation of their service. We feel that in that area we ought to have something, some kind of a law on the books that we can give them, and in view of the proposed expansion in the city of Lewiston as no doubt you have heard, that we are looking forward to having very shortly a major industry come here into our area. A bus line will be absolutely necessary. Without it we don't expect to have any new industry because any city or town that can't show transportation for workers surely will not be looked on with favor by any industry coming to settle in their city or town. We are faced with that problem in the city of Lewiston. We have got to have something.

Now if this bill which is now before you is going to be amended to death; this one is for the chicken industry and I assume there will be other amendments offered, then you are going to do a very serious harm

to your industrial expansion program.

As I said before, when a new industry intends to come into a city or town, one of the first things they look for is what kind of transportation you have for workers. In the Lewiston-Auburn area we faced it last year when the local bus company told us they were going out of business. This bill is a must for us. We must have it if we are going to continue to expand industrially because we have got to have workers, and workers have got to get back and forth to work. And it isn't everyone who has an automobile and can do that sort of travel.

I hope and trust that the amendment offered by Senator Cole of Waldo will be defeated, and that the bill will go through in its original form.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I too rise in support of the motion of the Senator from Penobscot, Senator Hillman, to indefinitely postpone the amendment. I believe that there is a wide difference between the activities conducted by those mentioned in the amendment and what is in the bill itself. It is very important, and Senator Lesard has mentioned the fact that it is very vital to his area and it is equally vital to us. We have the same problems of transportation. You have heard about curtailment of service; it has been curtailed repeatedly, and the bus lines are not being patronized to the extent that would be desirable under present rates to make them an economic unit which can continue for any great length of time. It would be a severe blow to my area to have the buses go off the road, no question about it. I therefore hope that the pending motion will prevail.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I cannot understand why any man or lady in this chamber today would be opposed to helping the transit companies in the cities. After all, what is good for Bangor is good for the people in Waldo County, and what is good for the City of Lewiston is good for the City of Bangor. I think if we stopped and thought for just one moment

we would realize that it helps the whole economy of the State of Maine to have these transit companies operate in the cities which we all visit during the year, perhaps on business trips, perhaps on shopping trips, or whatever it might be. Therefore I will make the motion that this amendment be indefinitely postponed.

Mr. FARLEY of York: Mr. President and members of the Senate, I am going to vote against the amendment and I am not going to vote for the bill. The amendment would help me out considerably in my little trucking business. We have buses in our community but we do not have any chance to secure from them any excise tax because all of the excise tax is contributed to the City of Saco. I voted against it two years ago. I do not believe in it from a national standpoint or a state standpoint. I think if the citizens of the State of Maine are going to pay in for a highway program it should go in for that. I feel just as bad as others do about losing buses in those communities, but as we move—and we have been moving for years—we can see a lot of things today that have been changed in the last twenty years. In my own line of business, we pay taxes and insurance but we are being passed by and put out of business by the large truckowners, trailer trucks that come in here from the forty-eight states of this country. I am going to vote against the amendment although it might help me in my business.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Hillman, that Senate Amendment A to L. D. 1346 be indefinitely postponed.

Mr. COLE of Waldo: Mr. President, I have sympathy for the cities that are having trouble in keeping their bus operators, but is it fair for the motorists of Maine who live outside of the city and do not get the credit of being able to ride on these buses within the city? Is it fair to the taxpayers and motorists of Maine to subsidize these cities to keep the buses in operation? The main purpose of my amendment I think has been brought out, the fact

of how unfair the bill is, and I hope to have a motion later after this question has been decided.

Mr. WILLEY of Hancock: Mr. President and members of the Senate: I rise to support the motion of the Senator from Penobscot, Senator Hillman. The Federal Government is already providing relief for transit operators, the New England Governors' Conference has recommended the same, the Public Utilities Commission of this State has recommended relief for them, and in many states relief has already been established to a much larger degree than we are in this bill.

Mr. WYMAN of Washington: Mr. President and members of the Senate: It seems to me that this is a discriminatory bill if I ever saw one. We pick out a few workers in the cities and we subsidize their transportation, but the people who live outside of these areas, if this amendment is killed, not only will they not have any help or subsidy in their transportation but when they pay their gas tax they will pay their own gas tax and a portion towards these city transit lines.

The good Senator from Penobscot, Senator Hillman, says that what is good for Bangor is good for Waldo County. I think if he would take those words strictly and literally he would be right: if he would just give Waldo County, the rural areas, what he wants to give Bangor. But he doesn't want to do that; he opposes this amendment. I agree with him, I say what is good for the cities is good for the counties, and I cannot see why these struggling industries, just because they do not happen to be fortunate enough to be in the cities, must provide their own transportation and part of the taxes they pay being used to subsidize the city bus lines.

I certainly hope that the amendment of Senator Cole will be adopted.

Mr. BOUCHER of Androscoggin: Mr. President, I notice that the amendment now offers us the same opposition that we had to a similar bill two years ago and I think the amendment would serve the same purpose, to kill the bill.

I cannot reconcile myself to think that a private industry, a public

utility, should be tied up. The bill is for the public utilities, transportation for the general public and not transportation for private industry. The amendment would kill the bill and would be a bill by itself. I think that is the purpose of the amendment, and therefore I shall vote for the motion to indefinitely postpone this amendment because I cannot see any sense in it.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: Believe me, the cities of your state are not asking for sympathy. I might refer to the remark made by the Senator from Waldo, Senator Cole, in which he says that he questions whether or not we should show sympathy for the cities. Just a short number of years ago, I, together with other senators, surveyed the distribution of the income from motor vehicle taxes as a whole, and we found that pretty nearly sixty-six or seventy per cent were raised in the three counties to the south: Oxford, Cumberland, Androscoggin, and part of Sagadahoc, if not the whole of it. On the other hand, that money was distributed all over the State of Maine.

Now these bus lines do not use your traveled highways; they use the highways maintained by the cities within the city limits and very few ever go out beyond the city limits. Now these bus lines are very important. We have paid the gas tax in the past few years for the benefit of all of the highways in the State of Maine and it is distributed quite widely and not to the lower counties. I ask you not to extend any sympathy on this proposition; we do not ask for it. We are just asking for a little consideration. If we are going to have bus lines it is rightly the responsibility of the municipalities, and in case you have not been reminded of it before let me now do so.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: It was once said that what is good for General Motors is good for the United States. I say that what is good for our cities and towns is good for our rural districts also.

We in Rumford also have a very serious transportation problem, even though the Literary Digest said

there are more automobiles per capita in Rumford than any place in the world. Nevertheless, we need the buses for transportation in that town.

Our buses go outside of town three times a day and people have an opportunity to ride into town, do business, and go home. Now in the last two years the ownership of our bus line has changed four times. We have been trying to keep it going, and the taxpayers of Rumford, who have spoken to me about it in large numbers, have asked me to do all I can for the passage of the bill as it is. For that reason, I am going to vote for the motion to indefinitely postpone the amendment.

One other matter: In the amendment, if I remember correctly, it says that any individual, if he takes somebody with him, would be entitled to a refund if he accepts any money. If he accepts any money he is going to find himself in jail, because he is collecting money on a private license.

Mr. HILLMAN of Penobscot: Mr. President, to clarify one situation here, I would say that in the City of Bangor our transit company runs on regular schedules and in areas established by the Public Utilities Commission. We have outside of the City of Bangor a housing development that was financed by the federal government for personnel of Dow Field. Recently the people who live in this housing development petitioned the Public Utilities Commission to have a bus schedule for that housing development, and the transit company did as they were ordered to do by the Public Utilities Commission. Now the only time those buses are filled is in the morning when the children are going to high school, and the rest of the day they run a regular schedule with perhaps one or two people on that bus line. You can see what that costs the transit company, but it is a service to the public that they are giving. I say they should have relief for that very reason. Of course that happens in other cities too. Then we have the students from the University of Maine, they render service to those students, but the only time perhaps those buses are filled is early morn-

ing or late at night. Therefore I do not think that we need any further debate on this subject.

I move that when the vote is taken it be taken by a division.

Mr. ROSS of Sagadahoc: Mr. President, since that euphonious name of Sagadahoc has been mentioned, I am delighted today to be able to concur with my colleagues from Androscoggin, Senator Lessard and Senator Boucher, and from Oxford, Senator MacDonald.

I also do not like subsidies, but certain ones are necessary when they are in the interest of the overall public. A few moments ago in this body, railroad relief went under the hammer, and this bill that we are talking about now is just a drop in the bucket to help an ailing business and to provide necessary transportation for thousands of persons, so I also am opposed to the amendment but firmly support the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Hillman, that Senate Amendment A to L. D. 1346 be indefinitely postponed, and a division has been requested.

A division of the Senate was had.

Twenty having voted in the affirmative and five opposed, the motion prevailed.

On motion by Mr. Hillman of Penobscot, the bill was passed to be engrossed in concurrence.

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate, I hope to start to remove from the table the various items that have been referred to the legislative research committee and in preface to that I wish the Senate to be advised that I have conferred with the Minority Floor Leader of the Senate on the motion I will make to these sixteen items before you today on your calendar.

Thereupon, on motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 4th tabled item being Joint Order Relative to Legislative Research Committee to Study Insurance Companies." (H. P. 852) tabled by that Senator on March 12 pending passage in concurrence; and on further motion by the same Senator, the

Joint Order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 11th tabled item being, Joint Order Relative to Legislative Research Study of Federal Social Security for State Employees." (S. P. 432) tabled by that Senator on March 24 pending passage and on further motion by the same Senator the Joint Order received passage.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 14th tabled item being, Joint Order Relative to Legislative Research Committee Study of Pension Income Stabilization under Retirement System." (H. P. 917) tabled by that Senator on April 15 pending passage; and on further motion by the same senator, the Joint Order received a passage in concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 20th tabled item being Joint Order Relative to Legislative Research Committee Study of Regulation of Merchandizing Club Demonstrators (S. P. 451) tabled by that Senator on April 14 pending passage; and on further motion by the same Senator, the Joint Order was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 21st tabled item being Joint Order Relative to Legislative Research Committee Study of Mobile Banking (S. P. 450) tabled by that Senator on April 14 pending passage; and on further motion by the same Senator, the Joint Order received a passage.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 22nd tabled item being Joint Order Relative to Legislative Research Committee Study of Veterans' Credit Under Maine State Retirement System. (S. P. 454) tabled by that Senator on April 15

pending passage; and on further motion by the same Senator, the Joint Order received a passage.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 31st tabled item being Joint Order Relative to Legislative Research Committee Study of Personnel Law (H. P. 941) tabled by that Senator on April 24 pending passage; and on further motion by the same Senator, the Joint Order received a passage in concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 32nd tabled item being Joint Order Relative to Legislative Research Committee Study of Trucks on Four Lane Highways." (S. P. 474) tabled by that Senator on April 24 pending passage, and on further motion by the same Senator, the Joint Order was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 33rd tabled item being, House Report from the Committee on Labor: Legislation Inexpedient at present time. Recommend that subject matter be considered by Legislative Research Committee: on bill, "An Act Relating to Unlawful Discrimination Against Race, Color, Age or Ancestry." (H. P. 160) (L. D. 254) tabled by that Senator on April 24 pending acceptance of the report; and on further motion by the same Senator, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table Senate Report from the Committee on Labor: Legislation Inexpedient at this time. Recommend that Subject Matter be Referred to Legislative Research Committee, on bill, "An Act Relating to Workmen's Compensation Insurance." (S. P. 37) (L. D. 35) tabled by that Senator on April 29, pending acceptance of the report.

Mr. WOODCOCK of Penobscot: Mr. President, this matter ties in closely with a matter which earlier

in today's session was recommitted to the Committee on Labor. After a conference with the Chairman of the committee in which he assures me that this would not slow up the session at all, I move that the bill be recommitted to the Committee on Labor.

The motion prevailed.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 45th tabled item being Joint Order Relative to Legislative Research Committee Study of Municipal Tax Revenues Losses." (H. P. 956) tabled by that Senator on May 5 pending passage; and on further motion by the same Senator the Joint Order received a passage in concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 49th tabled item being Joint Order Relative to Legislative Research Committee Study of Regulation of Rural Electrification Cooperatives. (H. P. 961) tabled by that Senator on May 8 pending passage; and on further motion by the same Senator, the Joint Order received a passage in concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 51st tabled item being Resolve, Creating a Tax Policy Advisory Committee." (H. P. 131) (L. D. 189) tabled by that Senator on May 8 pending motion by Senator Wyman of Washington for adoption of Senate Amendment A; and Mr. Woodcock yielded to the Senator from Washington, Senator Wyman.

On motion by Mr. Wyman of Washington, Senate Amendment A was adopted.

On motion by Mr. Woodcock of Penobscot, the rules were suspended, the bill given a second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 52nd tabled item being Joint Order Relative to Legislative Research Committee Study of Unfair Sales and Corrective Leg-

islation (S. P. 489) tabled by that Senator on May 8 pending passage; and on further motion by the same Senator, the Joint Order received a passage.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table the 59th tabled item being Joint Order Relative to Legislative Research Committee Study of Health and Welfare Dept. Administrative Positions. (H. P. 965) tabled by that Senator on May 15 pending passage; and on further motion by the same Senator, the Joint Order received a passage in concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table Joint Order Relative to Legislative Research Committee Study of Maine Herring Fishery (S. P. 497) tabled by that Senator on May 19 pending passage; and on further motion by the same Senator, the Order received a passage.

Sent down for concurrence.

The PRESIDENT: At this time the Chair would like to take this opportunity to welcome two visiting groups of students. The first is in the balcony where we have seventy students from Bridgton High School accompanied by Mr. Glover. The second group are students from Lisbon High School in the charge of Mrs. Elizabeth Gilman. We are most honored to have you young people and your teachers with us this morning. We trust you will all enjoy your day here and profit by your visit. On behalf of the entire Maine Senate, a most cordial and hearty welcome to you all. (Applause)

On motion by Mr. Charles of Cumberland, the Senate voted to take from the table the 46th tabled item being House Report from the Committee on Legal Affairs: Ought not to pass on bill, "An Act Relating to Business and Recreation on Sunday." (H. P. 758) (L. D. 1076) tabled by that Senator on May 6 pending acceptance of the report; and on further motion by the same Senator, the ought not to

pass report was accepted in concurrence.

Mr. THURSTON of Oxford: Mr. President, I would like to inquire if L. D. 201 is in the possession of the Senate?

The PRESIDENT: It is, having been held at the request of the Senator from Oxford, Senator Thurston.

Mr. THURSTON: Mr. President, reserving my right to vote against the motion, and the bill, I move that the Senate reconsider its action whereby it indefinitely postponed bill, "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island (H. P. 145) (L. D. 201)

The PRESIDENT: The Chair would inquire if the Senator voted with the prevailing side?

Mr. THURSTON: I did, Mr. President.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I rise in opposition to the motion for reconsideration, and in explanation of my feelings on this, I will say that I am sorry that we have to go over this whole question again which we debated at length yesterday. We gave it thorough consideration. There are those away from here today, we have several absentees, and I do not think it is fair to discuss it at this time. I do believe that we will be able to bring up anything that wasn't discussed here yesterday, and I oppose the motion for reconsideration.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I rise in support of the motion to reconsider and to state that in view of the absences I understand that several of the members have paired their votes for this reconsideration vote. I also wish to state before the Senate that in the event reconsideration is granted that I shall table the bill for further consideration.

Mr. PARKER of Piscataquis: Mr. President, I ask for a division.

Mr. WYMAN of Washington: Mr. President, if I voted on this motion for reconsideration, I would vote against it. The Senator from Han-

cock, Senator Willey has left, and he asked me to pair his vote with mine because he would vote for it. Therefore I ask that my vote and that of the Senator from Hancock, Senator Willey be paired.

Mr. Wyman was thereupon excused from voting.

Mr. CARPENTER of Somerset: Mr. President, I would like to pair my vote with Senator Lewis of Somerset. If he were present he would vote Yea and I would vote Nay.

Thereupon, Mr. Carpenter of Somerset was excused from voting.

Mr. CHARLES of Cumberland: Mr. President, I request a division.

The PRESIDENT: A division has already been requested.

Mr. THURSTON of Oxford: Mr. President, I would like to pair my vote with the Senator from Hancock, Senator Pierce. I should vote No on my own motion and he would vote Yes.

Thereupon, Mr. Thurston of Oxford was excused from voting.

Mr. ROSS of Sagadahoc: Mr. President, I asked to be excused from voting. I would like to pair with Senator Brown of Washington. If he were present and voting, he would vote Yea. If I were to vote, I would vote Nay.

Thereupon, Mr. Ross of Sagadahoc was excused from voting.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Thurston, that the Senate reconsider its action of yesterday whereby L. D. 201 failed of enactment.

A division of the Senate was had. Twelve having voted in the affirmative and six opposed, the motion to reconsider prevailed.

Mr. CHARLES of Cumberland: Mr. President, I move that the bill be tabled pending enactment.

Mr. PARKER of Piscataquis: Mr. President, I wonder if the Senator from Cumberland, Senator Charles would set a date to take this from the table.

Mr. CHARLES of Cumberland: Mr. President, in answer to the Senator from Piscataquis, I would be very happy to set a specific date and I am thinking as to what that date shall be. I certainly want to specify a date when we will be here. If we are here on Wednesday of next week I shall move that the

bill be specifically assigned for that day.

Thereupon, the motion prevailed and the bill was laid upon the table and especially assigned for Wednesday of next week.

On motion by Mr. Woodcock of Penobscot

Recessed for five minutes.

After Recess

The Senate was called to order by the President.

The PRESIDENT: At this time the Chair would like to welcome two more visiting groups. First we have the members of the 8th grade of Lou Buker school in Augusta, accompanied by Mr. Gray and Mr. Barbour. This group is in the gallery. On the Maine floor of the Senate are the 4th grade students from the Pettengill School in Lewiston, accompanied by Miss Nicholson and a group of mothers. On behalf of the Senate, I am very pleased to welcome both groups here this morning. It is a real pleasure to have you here and we trust you will profit by your visit at the statehouse and the legislature this morning. A very hearty and cordial welcome to you.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table the 43rd tabled item being bill, "An Act Relating to Formation and Operation of Mutual Trust Investment Companies Under Supervision of Bank Commissioner." (H. P. 740) (L. D. 1059) tabled by that Senator on May 4 pending enactment.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, while there are some features of this bill which I am not over-enthusiastic about, I feel nevertheless that in the interest of trying to be cooperative with the general intent of the legislature, that I will move at this time the pending question.

Thereupon, the bill was passed to be enacted.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 3rd tabled item being bill, "An Act Repealing Boun-

ty on Bobcat, Loupcervier and Canada Lynx." (S. P. 133) (L. D. 328) tabled by that Senator on March 12 pending consideration; and that Senator moved the pending question.

The PRESIDENT: The pending question is: Shall this bill be sent to the House; it has been passed to be engrossed.

Mr. PARKER of Piscataquis: Mr. President, I rise in opposition to the motion made by the Senator from Somerset, Senator Carpenter, because I realize that this is an important bill. First, I would like to ask the Secretary if he will read the report of the committee.

The reports and endorsements on the bill were read by the Secretary.

Mr. PARKER: Mr. President and members of the Senate: Prior to making a motion for indefinite postponement, I would like to explain my reasons.

First of all, anyone who is familiar with what bobcats, loup-cervier and Canadian lynx, which are all the same animal, do to our deer herds in the State of Maine, unless they happen to feel as some of the Senate members of the Fish and Game Committee do, which in my opinion they do honestly, except I would add with ill-considered effect on what it would mean to remove the bounty — anyone who lives in rural areas, especially in the northern part of the state, realizes full well that if you remove the bounty you are going to increase the numbers of these bobcats, and in doing that you are going to reduce the deer.

Now we debated at great length on zoning the State of Maine as far as the hunting season was concerned. Those who were in favor of it, and I wish to explain I was not, but those who were in favor of it said that it would remove over-populated sections and build up sections that were depleted of deer; and yet these very same people will tell you that we should remove the bounty on animals that deplete the deer herds, in my estimation, as much or more than any effect that will ever come from rezoning the State of Maine so far as the hunting season is concerned. I do not propose, at this hour in the day, before lunch, to take any

great length of time to explain my position, but I do sincerely and honestly believe that this is a step in the wrong direction and I believe it will reduce our deer herds in the State of Maine, which we can ill afford to do. I move for the indefinite postponement of this bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that L. D. 328 be indefinitely postponed.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: To be consistent with my voting this year, I must oppose the motion of my good friend, the Senator from Piscataquis, Senator Parker.

Bounties have not been the answer to any predator control, and it is so recognized by many of our states throughout the United States. Very few states do have bounties. Most of our bobcat hunters do not want any bounties whatsoever.

The Senator from Piscataquis, Senator Parker, has spoken of the control of bobcats. Many of you here are familiar with housecats, and it is a well-recognized fact that any tomcat, if it can, will kill its young, and hunters going out to hunt bobcats themselves will generally run an old male cat and eventually get him. Consequently he is not left. He would do the same thing that a house tomcat would do: if he could find his young he would kill them. So I contend that animals will look after themselves as far as control is concerned. This is costing the taxpayers of the State of Maine many thousands of dollars and it is just a needless waste of money. Therefore I am opposed to the motion of the Senator from Piscataquis, Senator Parker.

Mr. PARKER of Piscataquis: Mr. President, I ask for a division.

A division of the Senate was had. Eight having voted in the affirmative and eleven opposed, the motion did not prevail.

The PRESIDENT: The bill having been engrossed, it will now be sent to the House for concurrence.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 28th tabled item being "Resolve Opening Portage

Lake, Aroostook County, to Ice Fishing for Smelts." (H. P. 875) (L. D. 1249) tabled by that Senator on April 23 pending consideration.

Mr. CARPENTER of Somerset: Mr. President, I now move the acceptance of the minority ought to pass report of the committee.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: I rise to oppose the motion of my outstanding friend and colleague, the Senator from Somerset, Senator Carpenter.

This question which is before us regarding opening Portage Lake to fishing through the ice is one which we have considered, like the one yesterday, during each subsequent session to my three-session experience in the legislature. Each previous time it has been successfully defeated.

The position of the committee, I believe, in endorsing the 9 to 1 "Ought not to pass" report was that our northernmost lakes, which are primarily the habitat of those chosen specie of game fish, salmon and trout, probably should not be open to ice fishing. It is true, of course, that this bill requests that there will be fishing only for smelts. There is one other lake in this nine-lake Fish River Chain which has smelt fishing allowed, that being the largest lake of the chain, Long Lake, and the one in which we took care of the smelt-dippers with the emergency enactor yesterday.

There are many people who view the opening of Portage Lake to fishing through the ice for any kind of fish with some considerable concern. I am standing to represent their position.

I am not myself altogether sure whether or not my position or the one represented by the Senator from Somerset, Senator Carpenter, is correct. However, I feel strongly enough on it so that it seems to me that inasmuch as we have seen fit to keep this particular trout and salmon lake closed to ice fishing, and inasmuch as there seems to be a majority of persons who would represent that opinion, I am speaking for them. Therefore, with quite some reluctance, I move that the bill and any accompanying papers, if any, be indefinitely postponed.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate; for years we have had come before committee a most humble group of people from Portage Lake. They have come down here asking that they be permitted to fish only for smelts. I have the greatest sympathy for them. They are situated in a section of the country where during the winter they would like to have this opportunity for a pastime, and also for the food value, so to speak.

Many of our other lakes in the state that contain trout and salmon are open to ice fishing. I can only think that it might possibly help the economy of the small town, because many years ago when this lake was closed to smelt-fishing, people who owned cottages around the lake could not get there by motor vehicles, and therefore, of course, their cottages were closed during the entire winter. Now that it is open and they can come down to do some ice-fishing for smelts I feel that it would provide a certain amount of economy for Portage Lake.

As I stated before, for many years this group of humble people have appeared before us and asked for this small permission, to just fish for smelts in that particular lake. I feel that we should grant them that privilege. I do not think there would be too many salmon or trout taken there during the winter months. I think it might be a fairly good thing for juvenile delinquency in that particular town, if they happen to have any. I am opposed to the motion of the Senator from Aroostook, Senator Briggs.

Mr. BRIGGS: of Aroostook: Mr. President, this group of juvenile delinquents if any, are the same ones who were successful during the previous day's session in getting their resolve passed to appropriate \$15,000 to make a swampy trail through the woods from Ashland to Daaquam. Many of these persons who want to open this lake for fishing for smelts are the same folks.

I must state again, for the information of the members of the Senate, that my colleague, Senator Carpenter, is speaking for the minority of the committee. In this in-

stance the division in the committee was nine votes to one, if I need to remind you again, without any urging whatsoever on the part of the speaker. The camp owners around the lake are overwhelmingly and outspokenly opposed to opening the lake for fishing. I don't know as that alone should be a criterion for our decision, but inasmuch as it was mentioned by the previous speaker that there might be some benefit if the camp-owners could get there, and there will be some benefits accrue because there is one tavern and dance hall and one store adjacent to the lake, and there is bound to be some benefit to those two industries. However, I still think that the overwhelming proportion of evidence is in favor of keeping it closed, and therefore I hope that my motion will prevail.

Mr. CARPENTER of Somerset: Mr. President, just briefly: biologically speaking, the Fisheries Department stated it would do no harm or injury to the salmon and trout population of the lake, and, knowing that the Senator from Aroostook, Senator Briggs, is biologically a thinking man, I hope he will go along with my motion.

Mr. WYMAN of Washington: Mr. President and members of the Senate: All through this session I have felt safe in voting opposite from the good Senator from Aroostook, Senator Briggs and my close friend the Senator from Somerset, Senator Carpenter, but now that they are divided in their opinion it poses one of the most difficult decisions I have had to make this session. However, I think in this instance I will follow the majority report of the committee and go along with the Senator from Aroostook, Senator Briggs.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Briggs that the bill be indefinitely postponed.

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

A division of the Senate was had.

Thirteen having voted in the affirmative and seven opposed, the motion prevailed, and the bill was

indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot

Recessed until this afternoon at one-thirty.

After Recess

The Senate was called to order by the President.

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate: In view of the fact that this afternoon one of our close friends and one of our colleagues of the 99th Maine Legislature is going to be buried, I think it would be appropriate and proper at this time if this group would stand and observe a moment of silence in loving memory of Myron Shepard, and I would at this time ask that the Chair request that we do stand and observe that moment of silence.

The PRESIDENT: The Chair thanks the Senator from Penobscot, Senator Woodcock, for his appropriate comments. I think it most appropriate that we do recognize the revered memory of our friend and colleague in the 99th Legislature, Myron Shepard, by rising for a brief period of silence.

Thereupon, the Senate arose and observed a moment of silence in memory of Legislator Myron Shepard.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 1st tabled item being House Reports from the Committee on Inland Fisheries and Game: Majority report, Ought not to pass; Minority Report, Ought to pass, on bill, "An Act Providing for Bounty on Bears." (H. P. 61) (L. D. 99) tabled by that Senator on February 18 pending acceptance of either report.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I think this is a good bill. I do not think that we should allow the bobcat, the foxes, the porcupines, the raccoon, and in this case the bear, to destroy our property and our crops even though they may be considered game animals, nor do I subscribe to the theory that Mother Nature will cause these animals

to reproduce just as many as are killed and that therefore the bounty is useless. Again, I do not subscribe to the tomcat theory so ably expounded by my good friend, the Senator from Somerset, Senator Carpenter.

You perhaps wonder why I have held this bill on the table for so long. The answer is that in the early days of this session I hoped I might prevail upon the Senate to pass it. However, in view of past events, I realize that even though the Senate should pass this bill there is little likelihood that the other branch would recede and concur. That has not been the practice with fish and game bills during this session. Therefore, while I do not want to throw the bill out of the window, as was suggested yesterday in regard to the bill for the Quebec Highway survey, I would like to put it quietly to sleep, and, with this in mind, I move that we concur with the house by accepting the majority "Ought not to pass" report.

Mr. PARKER of Piscataquis: Mr. President, I do not rise with the thought of debating this bill. Had my good friend, the Senator from Washington County, Senator Wyman decided to do that I certainly would have backed him up although I know the effort would be futile.

However, there is one point I would like to have the members of the Fish and Game Committee, before which this bill was heard, explain to me, if they would, and that is: if there is no bounty on bear do they propose to pay the damages caused by the increase in the number which certainly is already taking place and will also increase greatly in the years to come. I would like to have that question answered.

The PRESIDENT: The Senator from Piscataquis, Senator Parker, poses a question through the Chair to a member of the Committee on Inland Fisheries and Game, and any member may answer if he chooses.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: At the present time the Department of Agriculture does pay for the damages that bear do. I think they are prepared and have

sufficient money on hand for any additional damages that may occur during the next two years.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: I am going along with the motion, but I wish they would do something and that is send a guide up on my street to keep the bears in the woods instead of prowling in the street. In addition to that, although there is no bounty on moose, we have had two of them stick their heads through the school window the other day and scare the life out of the children. We still have the bear coming out of the woods and right down onto our street.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: Surprising as it may seem to some persons here today, this is an exceedingly important question. I think that as we look around and recognize that we do not have a very full body here, as a matter of fact only barely enough for a quorum, it may be that this is a poor time to discuss a question which is so important.

We seem to have had, right from the beginning of organized effort, people that have displayed a particular kind of gullibility in regard to the system of reward for predator control. There always has been kind of a St. George and the Dragon element in this which makes the payee feel good. Likewise there is an undeniable charm in the simplicity with which an onerous problem can be solved merely by placing a price on the head of an unpopular scapegoat.

Under the ruse of the bounty, hundreds of thousands, perhaps millions of dollars have siphoned off as a subsidy to trappers and others who found it convenient to aid in living off the land. The bounty was one of the three tools in the kit of the amateur and often political game and fish manager down through the years. The others, by official stocking and the importation of exotic species. All three achieved an almost unassailable standing in the public mind. They were taken for granted for so long that it became almost heresy to question it, and they have had a strong carry-over into the period of

our attempt to convert to a scientific basis of operation.

Just two years ago we were the forty-seventh state at that time to remove the bounty from the head of one of our most valuable game animals. As a fundamental principle in the proper and intelligent management of our game creatures, there is no basis of fact whatsoever to support claims, whatever evidence you may hear notwithstanding, that a bounty will in any way reduce the population of this animal which is being referred to as a damaging predator. There is further no evidence whatsoever, evidence that can be substantiated as a scientific fact that has been done on a careful basis, there is absolutely no evidence to show that because there is no bounty on bears that there will actually be a larger population of bears. As a matter of fact, evidence is abundant which will display, for all persons who are interested to see, that bounties only siphon off the surplus of creatures; that bears do not live on blueberries exclusively, on sheep or any other of man's chosen and economic critters. As a matter of fact, the majority of their food comprises things far removed from the domestic scene. It would be a terrible shame and a mark on this legislature, so far as its work on conservation and wildlife matters is concerned, to restore the bounty on bear which was removed only two years ago. I certainly hope that no such action as that will be taken or will be found necessary by this group.

I will stand here and say that any person who is willing to face this question on the basis of facts exclusively and not on emotion or on the proposition of some sheep that some bear was reputed to have killed, or some blueberry damage that may have been done, and who is willing to go to our library down on the second floor and ascertain from whatever material they can find there what the true facts are regarding the food habits of bear all over the United States and all over the world, if they will go to the division head of the Department of Inland Fisheries and Game and get an unbiased, two-sided point of view on this question, I cannot pos-

sibly see how any member then could vote to restore the bounty on bear. I certainly hope that the motion will not prevail. (Laughter)

Mr. President, I had better stay up here until I find out for sure what is going on. This bill has been tabled for so long I cannot remember myself what the question is. I see that the present tabling is pending consideration of the reports.

The PRESIDENT: The pending question now is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the majority "Ought not to pass" report of the committee in concurrence.

Mr. BRIGGS: Mr. President and members of the Senate; You could have spared me all this. (Laughter) The humor of this incident is gladly accepted in the manner I know it is intended. I congratulate the good judgment of the Senator from Washington, Senator Wyman.

Mr. STILPHEN of Knox: Mr. President, I would like to inquire through the Chair of the good Senator from Aroostook, Senator Briggs whether he wants the motion to prevail or not?

The PRESIDENT: The Senator from Knox, Senator Stilphen, proposes through the Chair a question of the Senator from Aroostook, Senator Briggs, and the Senator may answer if he chooses.

Mr. BRIGGS of Aroostook: The motion, as I understand it, Mr. President, is to accept the majority "Ought not to pass" report, and inasmuch as the bill was An Act Providing for a Bounty on Bears and the majority report was ought not to pass an act providing for said bounty, I am most heartily in accord with that position.

The PRESIDENT: Is it the pleasure of the Senate that the "Ought not to pass" report of the committee be accepted in concurrence?

The motion prevailed, and the "Ought not to pass" report of the committee was accepted in concurrence.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 27th tabled item being "Resolve, in Favor of Ray Thompson of Prentiss." (H. P. 683) (L. D. 983) tabled by that Senator on April 23 pending consideration.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: If you will turn to your file of legislative documents and look at L. D. 983 you will find that there is a resolve in favor of Ray Thompson of Prentiss, to compensate him for damage done to his large field of grain by bear, and I can think of no better time to take that resolve off the table. I might say to those who might be interested that the reason I have held this on the table for this length of time was to find out if the members on the Committee on Fish and Game felt that damages done to crops by bear should be paid. I have been assured by them that they think damages should be paid so far as bear are concerned, and so I think this is the time to remove this resolve from the table. I do not wish to seem at all humorous, because I realize this claim is a very legitimate claim and I am very sure it is very deserving of being paid.

This Mr. Thompson, who lives in the town of Prentiss, has a large acreage of grain. There is no question but what the amount of \$510 was not excessive, and he, being unable to collect through the regular channels, filed a claim. This claim was presented by Mr. Fraser of Lee in the other branch. The bill was indefinitely postponed in the House, according to my records, I believe largely because they were not aware of conditions, not aware of the need for paying this claim and the justice of it. The report of the committee, I believe — I will have to ask the Secretary to tell me just what the report of the committee was, in order that I may make the proper motion.

The PRESIDENT: The Secretary will read the committee report.

The committee report was read by the Secretary.

Mr. PARKER: And might I also have the amendment read?

The PRESIDENT: The Secretary will read Committee Amendment A. Committee Amendment A was read by the Secretary.

Mr. PARKER: Mr. President, in view of the testimony that we heard before the committee and in view of the 7 to 3 report "Ought to pass", I move that we accept the

"Ought to pass" report of the committee.

The PRESIDENT: Will the Senator kindly approach the rostrum?

Mr. PARKER: Mr. President, I wish to withdraw my motion, and I will now move that we insist on our former action and ask for a committee of conference.

Mr. HILLMAN of Penobscot: Mr. President, I am certainly in wholehearted accord with the Senator from Piscataquis, Senator Parker, in this respect. I am one of those culprits who voted against bounties and I do not believe that bounties serve the purpose; but when it comes to damages by animals that are not protected but still are doing damage to our crops, I think some relief should be given to those who are hurt.

This man, Mr. Thompson, I know personally. He used to be one of the biggest farmers in Penobscot County. He is now a cripple, operating a large farm from a wheelchair. He has a large herd of dairy cattle and of course he tries to grow his own grain. The bear got into his grain and did the damage that the Senator from Piscataquis, Senator Parker, told you about. The damage was reviewed by the fish and game warden in that area and he came up with a figure much larger than what has been submitted to the Claims Committee. Therefore I believe, in view of the fact that this man has been damaged by bears, I feel that we should show him the courtesy of approving such a claim as he presented to the Claims Committee. There are many more things that could be said in behalf of this gentleman. I know the claim is sincere and honest and I think we should respect it. I will go along with the motion of the Senator from Piscataquis, Senator Parker.

Mr. STILPHEN of Knox: Mr. President and members of the Senate: Again I stand on principle. It was only a short time ago that we turned down a claim here which was establishing a precedent for loss of business on a highway claim by Jim Adams, Inc. of Bangor. Only yesterday we killed a move to reconsider a turkey claim from a Mr. Adams of Cumberland County, and now we are here faced with

the same proposition today whereby an animal has done damage to a grain crop. I think that what is good in one instance is good in another. For that reason, I would move that we recede and concur.

The PRESIDENT: The pending question is on the motion of the Senator from Knox, Senator Stilphen, that the Senate recede and concur with the House.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: I am sincerely touched by the sentimental problems referred to in this matter. However, I am more completely motivated by the previous actions which have just been mentioned by the Senator from Knox, Senator Stilphen. I find it difficult, regardless of the individual circumstances, to support a resolve of this type which is not the type of claim on which damages are normally paid. It is the same question again of whether or not we will insure these types of industries against acts of nature or acts caused by nature's creatures. We did twice deny a similar item, finally doing so during just the immediate previous day's session. I support the motion of the Senator from Knox, Senator Stilphen.

Mr. PARKER of Piscataquis: Mr. President, I hesitate to rise and continue this debate, especially now that it has reached the proportion that it has, because this is a just claim, there is no question about that. There is no question but what the Fish and Game committee chairman in his remarks intends that claims on account of bear damage should be paid. There is no question but what Mr. Thompson in the town of Prentiss in all probability lost many, many more dollars than this claim amounts to. That is what we understood before the committee. I cannot understand how you are going to differentiate between one damage claim and another, if they are legitimate. This is an honest claim. It was caused by bear. I believe it is entitled to payment, and I certainly oppose the motion of the Senator from Knox, Senator Stilphen.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator

Stilphen, that the Senate recede and concur with the House.

Mr. PARKER of Piscataquis: Mr. President, I ask for a division.

A division of the Senate was had.

Twelve having voted in the affirmative and ten opposed, the motion prevailed and the Senate voted to recede and concur.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table the 16th tabled item being House Reports from the Committee on State Government: Majority Report, Ought not to pass; Minority Report, Ought to pass, on "Resolve, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and their Confirmation." (H. P. 850) (L. D. 1213) tabled by that Senator on April 10 pending motion by Senator Hillman to Indefinitely postpone.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: As you know, this resolve is nothing new to you here. This has been before other legislatures and this has been debated many, many times. However, it is brought up again. Now this is covered better than I could state it in two editorials and I am going to ask your indulgence while I read them. I might state to you that they are editorials, one from the Lewiston Evening Journal, which as you men and women know, is classified as a Republican newspaper, and I will read one from the Lewiston Daily Sun, which is classified as more or less an independent newspaper, however it is classed as a Republican newspaper too. With your indulgence, I would like to read them into the record. Perhaps I should state, for the benefit of some of you people who have not read the editorials, the one in the Lewiston Evening Journal is dated April 10, 1959. The heading is "GOP Wants the Council."

"House Republicans displayed a surprising amount of party discipline Thursday in voting solidly against a resolve to abolish Maine's Executive Council. The vote of the House was strictly along party lines, as 84 Republicans voted

against the resolve and 52 Democrats for it.

"The Democratic bloc of votes had been expected, but the GOP membership has shown a tendency to wander all over the area in voting on a number of measures, and it was a revelation to discover that behind the scenes whip cracking could be so effective. Our only wish is that the GOP could have displayed this unanimity on some other proposal.

"The Executive Council issue has been brought up at many legislative sessions. Each time the Republicans have opposed bringing the matter before the people in referendum. The vote yesterday flaunted the one-sided opinion expressed by the Citizens Committee on Survey of State Government, which voted 22-5 in favor of eliminating the Executive Council from Maine's governmental machinery. We think it of some significance that the Citizens Committee vote came from a group composed of 32 Republicans and 12 Democrats.

"Perhaps the reason for the Republican stand in the House was expressed best in the observation of Rep. Leon Sanborn of Gorham, who declared the Citizens Committee report was based on opinion rather than fact. Our comment on this score is that a decision to change a state constitution cannot be made on the sort of facts which prevail in the study of mathematics or the sciences. Obviously constitutional issues are decided more by opinion than anything else.

"Our contention has been that Maine's Republican party is losing support because of its too frequent insistence upon retaining 19th century machinery to operate 20th century government. We have stated these things in sorrow, since our political philosophy is akin to that held by middle-of-the-road, Eisenhower-wing Republicans, but we are certain our appraisal is right.

"If there is any doubt regarding the GOP's loss of stature in Maine, one only needs look over political events during the current decade. The loss by the Republicans of important national and state level offices, along with tremendous losses in the Maine Legislature, cannot be

charged entirely to the widespread appeal of the Democratic party's two outstanding young men — Sen. Edmund S. Muskie and U. S. Representative Frank M. Coffin.

"In essence the Republicans in the Maine Legislature have been too much "against" change and not often enough for constructive changes. They have appeared negative in their thinking on many important issues, and the Maine electorate has expressed its opinion of this at the polls."

I will now read to you an item from the Lewiston Daily Sun, dated April 11, 1959. The heading is "More Republican Heel-Dragging."

"Republican members of the Legislature at Augusta, in their dogged resistance to change in State government are fond of saying that the system established by the founding fathers nearly 140 years ago is so excellent that it could not possibly be improved upon.

"Yet we note, in the case of the Hanson bill, that this deference to reactionary tradition is easily cast aside when the GOP seeks to retain its political power. Then it is a simple matter to support a new way of doing things.

"The Hanson bill, reported out by a favorable 6-4 party line vote of the State Government committee on Friday, compels a two-thirds vote of the people in order to adopt amendments to the State Constitution. The present requirement is a majority vote, so what the Republicans propose is to change the Constitution in order to make future changes in it far more difficult.

"All this is in the pattern of current Republican resistance to even the slightest reforms in State government, whether the intent is to give the taxpayers more efficiency, or make government more responsive to the people of Maine.

"Where this philosophy has been applied elsewhere it has not worked; instead the voters have turned away from Republicanism, and we are seeing the same thing happen here. If the Democrats can hold their ranks firm, this bill cannot gain the necessary two-thirds House or Senate vote, and behind that is the gubernatorial veto.

"What dismays us is this consistent GOP campaign of heel-dragging and backward-looking, which utterly ignores the new viewpoint of Maine voters. The people are sovereign, and legislation they desire cannot indefinitely be sidetracked by obstruction within the legislative branch."

I submit to you these two editorials which state that here is a present piece of legislation which is 20th Century legislation, which will make for better efficiency in the operation of our state government, and it is my opinion that this should be adopted at this session, that we should give it to the people, to have their expression of whether they do or do not want to do away with the executive council. Let them speak once and for all, and let the issue no longer come up in further legislatures. I hope and trust that when the vote is taken we will vote against the motion of the Senator from Penobscot, Senator Hillman, to indefinitely postpone, and when the vote is taken I will ask for a roll call vote.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I do not look at this from a political standpoint the way that the Senator from Androscoggin, Senator Lessard does.

If each and every one of you were at the committee hearing on this measure I am sure that most of you would agree that abolition of the Governor's Council would be a step in the wrong direction.

I have great respect for the members of the Citizens' Committee and I am sure they were sincere in their recommendations. I am in complete disagreement with newspaper editorials in regard to charges made by Republicans regarding brainwashing and the committee being stacked with Democrats, and so forth. Those charges were made by only a very, very few and do not reflect the thinking of the great majority of the Republicans in both bodies. However, I am not in complete agreement with the report. In fact, we on the committee never saw a copy of the complete report until late in this session. I do not intend to be critical of the report, but it was very brief and in my mind ineffectual.

Perhaps the committee could not find too much wrong with the way the council had been operating. The major objection, that of pardons and paroles, might have merit, but it is not, in my mind, grounds for total abolition of the Governor's Council.

The word "progress" was used many times in the report. Now the dictionary defines "progress" as "improvement, steady advancement toward perfection, moving toward a higher state." Nothing wrong with that. So the trouble must be one of definition, what the word means for different people. Just what is progress anyway? Among the so-called common people, and many well above the common level of intelligence, there exists a pathetic belief that progress is synonymous with the march of time; that by some strange and mysterious law life itself is bound to improve as the years pass.

If we take the long, long view, encompassing tens of thousands of years, some such law or principle may operate in human affairs. I like to think that there is such a law, even though it is difficult to prove. But the widespread belief that progress is automatic, synchronized with the mere passage of time is mischievous, and dangerous. It gives rise to unreasoning worship of the new, the novel, the contemporary, and rules out all sound objective appraisal of the merits and real value of modern trends, fads, and fashions.

Progress, the sacred cow of the masses, the graven image of those unable or unwilling to think soundly, has come to mean an urge for constant change and innovation for its own sake, with little concern for betterment, improvement, and a gradual movement towards perfection. With millions clinging to this belief, is there much wonder that the world has experienced many violent swings of the pendulum during much of its long history?

Materially, we are still on a progress binge. But this morning's paper carries the startling news that twenty-five per cent, one out of four youths of seventeen, gets into serious trouble with the law. Is this progress? The use of dope has reached alarming proportions. This,

too, must be a desirable state of affairs if we believe those who claim that every substitution of the new for the old means progress.

In our attempt to demolish the belief that the new is better than the old, because it is new, it would be foolish to defend the old on the same just grounds. When our limited government concept was set up on this continent, it was truly "something new". Nothing in the history of governments had been like it before. It is still new, much newer than anything Russia or China has to offer. Yet its great success was not due to its innovations, its shining modernity, but because it appealed to man's oldest but timeless longing: the desire to be free.

St. Paul said: "Test (try) all things. Hold fast to that which is good." This piece of profound advice ought to be enough and sound enough to reconcile the most divergent views. Note well the part about "holding fast! to that which is good" or true. That the "good" might be new, or old, is implicit in Paul's words. He neither said nor implied any merit in a thing because it possessed or lacked age.

Mind, I'm not "agin" progress. But the only kind that I am interested in is the kind defined in the dictionary — that which will improve my condition and not just change it.

The formula for progress, the only kind that will help man move upward and forward toward his destiny, was clearly set forth by the Apostle. "Test all things. Hold fast to that which is good." These words can be applied to the Governor's Council, and I certainly hope that my motion prevails.

Mr. HUNT of Kennebec: Mr. President, I also would like to read into the record a short excerpt from the Kennebec Journal of December 12, 1958, entitled "Republicans Join End-Council Vote," by Peter M. Damborg, staff writer:

"A Predominantly Republican committee of the Citizens Committee on the Survey of State Government has voted to abolish the Executive Council, it was learned Thursday.

"According to reliable sources, nine of the eleven committee mem-

bers voted by ballot to do away with the present all-GOP, seven-man council — a move long advocated by the Democrats and more recently key demands of Governor Muskie and Governor-elect Clinton A. Clauson.

“Included among those voting to do away with the council was State Sen. Pres. Robert N. Haskell (R-Bangor), who previously had not taken such a stand.

“In fact, based on information on hand at the State House, at least eight of the 11-man group are Republicans.”

The names of those who had a part in making this report on the Executive Council were: Sam Collins, James Storer, King Cummings, Richard Dubord, Robert Haskell, Norman Rogerson, Paul Thurston, Clinton Barlow, Harold Clifford, Sheldon Noyes and J. H. Page.

Some parts of the committee report are worth bearing in mind as we debate this subject. The recommendations of this particular panel or survey group are as follows; on Page 9 of their report: “That the Executive Council be abolished and that constitutional and statutory amendments be adopted to dispose of the existing powers and duties of the Council.”

The resume of what they found I think is very interesting. Here is the resume of their reasons:

“The Executive Council was established in 1820, the year Maine became a State, on the theory that a Council is a necessary checkrein on the power of the Executive. There were strong doubts even then that an Executive Council is a useful appendage of government. Those early misgivings were indicated by the words of one of the Constitutional Convention delegates, as reported in the record of debates of the 1819 Convention:

“‘I believe,’ said Dr. Rose, ‘we can get a Governor as capable of doing the business of the Executive alone, as other states. If we give him a Council, we not only incur a useless expense, but divide the responsibility, and open a door for intrigue.’”

This, gentlemen, was said in the year 1819, when this matter of the Council was first being debated.

Now this committee goes on and states as follows:

“However, the present tendency in government is to give an elected executive adequate power to cope with his responsibilities. A system of checks and balances among the branches of government can be retained despite the elimination of the Council. The Council is an unnecessary fetter upon the authority of the Governor.”

One of the principal points, I think, that we gather from this is that back in the year 1820 there was an existing question as to how much authority any executive should be given. That, of course, was a carry-over from the days of the Revolutionary War, when the King and other executives were looked upon with suspicion, and at that time in 1820 there was still some question about how much power to give the executive, and so the council was established as a checkrein on the then executive. However, in these modern days, when practically everyone in the State has an opportunity to see the Governor in person, to hear him talk, to view him on television, to read his speeches in both the morning and afternoon papers and become entirely acquainted with the Governor, and in the experience of this State from 1820 until the present time, I think all of us have overcome any possible doubt that there might ever have been as to giving the executive at least reasonable authority. And so the very purpose, it seems to me, for which the council was established has long since ceased to exist. With everybody having a chance to see and hear and know the Governor, they in effect are giving him a vote of confidence when they elect him to office, and I think they want him to have a chance to exercise reasonable authority, especially in the matter of appointments. It does not seem fair, as we have given the Governor more and more duties, more and more things he must be responsible for, to hamstring him in the matter of having to check and gain approval for each and every appointment, no matter how minor, with the council.

I want to say here that I have no objection to any member of the

Council; I think they are all very fine gentlemen and I have no quarrel with any of them; but it does seem to me that in this day when we are continuing adding more responsibility on the Governor's shoulders that this certainly would be one way of relieving him of the burden of having to clear his appointments. If the people have enough confidence in him to name him Governor, I think they have enough confidence to let him make his appointments.

In the federal government the President picks the members of his cabinet and he names the officers, and we expect him to do so. I do not see why here in the State of Maine we should require our Governor to clear his appointments with anyone. If he makes a wrong appointment then he would be the one held responsible for it. As it is now, you have a divided authority. On this matter of appointments it is often a question of just whose appointment was this particular candidate, and the question must necessarily be asked: Was this the Governor's choice, or was this the Council's choice? I think it would mean not only more streamlining of the executive branch of the government but it would also place the responsibility where it should be, in the hands of the Governor. If an appointment was wrong, then the Governor and the Governor alone would be responsible. You would not have to question as to whose candidate a particular man was. And so it seems to me, as pointed out in the editorial by the good Senator from Androscoggin, Senator Lessard, and as pointed out here by this group who was studying the executive council, the reason for the executive council in the first place back in 1820 was as a check-rein on the executive branch, and they felt at that time they needed it. But certainly we have long outgrown any thought that any such thing was needed. We are not using the modes of travel or any of the other things that we used in 1820, and I do not see why we should stick to this particular matter of government, this particular phase of the machinery that was then set up for government, any more than we stick to the horse and bug-

gy or the tallow candle, or any of the other items that were in use then. Just as we have to progress in other things, I think that we have to progress in government, and certainly when we find that something has outgrown its usefulness it is time to drop it. For that reason, I want to support the motion of the Senator from Androscoggin, Senator Lessard.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate: As we had before us this morning, it is very seldom that in this session we have had debatable legislation where I have been in accord with my good friend, the astute barrister from Androscoggin, Senator Lessard.

In the State of Maine, the two most important arrows that are in the Democratic quiver are that the Republicans are against the working man, and, secondly, that they are antique in their thinking and are unwilling to change. This, in my opinion, has been built up not from fact but by repeated propaganda and verbal gymnastics. In my opinion, both of these premises are false. Today we are talking about the second premise, that we as Republicans are unwilling to change.

Now I was a member of that Citizens Committee; I was a member of that committee for four years, the committee that studied the Public Service Administration report. This was a report written by an outfit in Chicago, and much of it was written in the State of Illinois and done there and not in the State of Maine. Many of the results were based on theory and not on local conditions. I certainly will admit that many of the things contained in that report were sound. I want to remind the Senators that it was I, a Republican, who sponsored at the last session of the legislature the four-year term for Governor; I fought it through the House of Representatives, and we now have a Governor in for four years.

Our friends, the Democrats, accept this PAS report in whole, whereas the Republicans consider each recommendation carefully and vote accordingly, and when they vote down any one of these recom-

mendations they are accused of being backward. I feel that these barbs are unjust and used only to arouse public opinion. It has been repeatedly said that the Citizens Committee favored the abolition of the Council. Now on that Citizens Committee there were five who voted against it, but out of the forty-four members of that committee only twenty-eight voted. Unfortunately, I had other duties in the State House and was not able to be at that meeting. Had I been there, I would have been one other who voted against it. It certainly was not a unanimous report.

I do not favor this principle; I do not favor the principle of too much centralized control in our government. I care not how many other states practice this; I feel that it is good government to have a body of advisors to our Governor who can assist our Governor in certain of his actions and certain arduous details. Even our Democratic friends admit this, because in the companion bill they suggested that the Senate carry on these duties like confirmations. The Senate could do that if we were in session; but let me remind you: if they say it is too difficult to please seven councillors and get a unanimity of opinion from them, how difficult would it be to get unanimity from thirty-three Senators? Perhaps, and I will admit this, there are inequities in the manner in which the councillors are elected, and since I felt that way I was one of the signers of a bill that would allow Democratic representation on the Council. But, once again, the Democrats would not go along with that because they wanted abolition of the Council. In other words, once again we see them not willing to compromise but wanting the whole hog or none. I certainly support the motion before us today.

Mr. BATES of Penobscot: Mr. President and members of the Senate: Basically, I do not believe in change for change's sake. You must demonstrate to me the justification and the need for such a change and the improvements that would ensue from such a change by constructive alternative.

I do not have to read editorials; I have had four years on the Executive Council, as you know. I doubt very much if anything I say here this morning will change a single vote in this Senate, and yet I would like to share with you as honestly as possible just two or three of my experiences while serving on the Executive Council.

In the first place, to my honest knowledge, the PAS group did not spend more than three-quarters of an hour in studying the Executive Council in session, and perhaps another ten minutes in conference with me. In the second place, to my knowledge in the four years I served on the Executive Council no member of the Citizens study group appeared in the council chamber for any more than a few seconds or a few minutes at a time, on business pertaining to themselves or something in which they were particularly interested, which I very definitely state could not place them in a position of being an authority on the functions of the Executive Council in this State. Let me repeat for you, as nearly as my mind can remember it, two or three statements made to the Executive Council by the then Governor in the last four years.

Among other things, he has said, "Thank heaven, what I don't think of one of you fellows do." Among other things, he has said, "You fellows certainly know what is going on in your area better than I can because I have the whole State to think about." Among other things, he has said — I well recall having him ask us to check on the reaction to a certain item or items in our particular area to report back to him by telephone or at the next executive council meeting.

I maintain that we will always be dealing with personalities as far as any Governor is concerned and personalities as far as any one or all seven members of the executive council are concerned, but that proper utilization by any Governor of the executive council can and will continue to be a most emphatic adjunct to the proper administration of our government in the State of Maine.

Let me also tell you from my personal experience, that I have

received communications from, approximately and without exaggeration, seven other states in this country, asking me to send them information concerning the executive council of the State of Maine because they in their individual states wish to heaven they had some instrument whereby there could be a more adequate check on the expanding powers at the executive level in many instances of a one-man power.

The good Senator from Kennebec, Senator Hunt, has said that there is no need for the executive council now as compared to 1821. Members of this Senate, I believe that there is a greater need now than ever before. With the tempo of activities and the complexities of State government, you need a combination of earnest and sincere-thinking individuals, each dedicated, as Senator Hunt says he knows each councillor to be, to the progress of the State of Maine and coming up with the best possible answers.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate: As one of the eleven-man subcommittee which was assigned the task of studying the Governor's council, I think it is my duty at this time to make a report to this body. It is not a pleasant duty, because I am aware that I do it at the risk of becoming something of a pariah among my fellow party members.

Prior to this assignment as a member of this sub-committee, I too felt that the Governor's council was a desirable part of State Government. However, at the conclusion of the work which I did as a member of that committee, I was forced by the facts which came to my attention to change my position.

First, let me correct a statement made by the Senator from Kennebec, Senator Hunt, that a twelfth member of the Committee studying State government was Senator Shelton Noyes. I believe that Malcolm Noyes was the twelfth member of that committee.

The Senator from Kennebec, Senator Hunt, refers to the period when the council was formed and in-

dicates that one of the basic reasons for the formation of the council at that time was the necessity for establishing a watch-dog on the Executive branch. But as I read the reports of the Constitutional Convention at the beginning of our history, the thing that seems to stand out most in my mind is the necessity which seems to have been established in those debates, of a watch-dog on the Treasury. In fact, I think that was the crucial point in debate as to whether or not the State of Maine should have a Governor's council. But despite the humorous observation of one of the participants in that convention to the effect that the only state which in his opinion had had its treasury plundered was the State of Massachusetts and that state had an executive council, in spite of the fact, Maine did adopt a Governor's council for several purposes, among them the purpose of having a watch-dog on the treasury, because the treasury function in those days was not the complex one it is today and somebody did have to keep a watch on the activities of the treasury.

At the time of that convention, one of the things which was debated at some length was the number of people who should serve on the council, and I mention this because I think it indicates something of the nature of the work that was anticipated for the council. Many held that the council should be five in number and others argued that seven would be a more desirable number, because the council, if it were to function as they hoped it would, would be divided into committees and would study and act in various branches of government in aiding the Governor. They felt that seven would be a better number to work with in the committees which studied the various areas of government and worked in these various areas, so the number was set at seven. I believe that subsequently the committee arrangement of governor's councils was abandoned and it was not, as I understand, until the era of our esteemed colleague from Penobscot, Senator Bates, that the committee system of council work was inaugurated for a second time.

But in the beginning, in addition to watching the treasury and seeing that no money escaped the treasury, the council was aiding a chief executive who was at the State capitol only part time. In some cases I understand he didn't even live in the City of Augusta at the capital, he commuted and was on duty only part time, so he did need somebody to do some of the work while he was absent or to help him catch up on accumulated work.

And so the council from the beginning, in addition to working as the watch-dog of the treasury, functioned in the areas of highways. We had no highway department in those early days, and so the Governor's Council functioned in a sense as a Highway Department. We had no Department of Personnel as such, and so they functioned in that area as a personnel department. They were a board of pardons, as they are today; they functioned in the matter of public buildings for the State, approving contracts and making other decisions in connection with them. But it seems to me that the important thing to recognize at this time is that in these areas where they originally worked we have, because of the increasing complexity of government, competent agencies of government now performing those functions. And so, in response to several previous speakers who have pleaded against change for the sake of change, might I point out that those of us who believe that the Governor's Council has passed the point where it is an essential part of government, believe that we should not change for the sake of change, we recognize change when it has taken place. For instance, since the council no longer functions in the area of highways as it originally did, since we have a very competent highway department to do that work, then it appears that in that area there is no need for the council; and since we have a fully-integrated finance department with a controller and other officers which we did not have in the beginning of our history, then it would appear that a change has already taken place, a change which makes it unnecessary for the council to continue to attempt to function in this

field and we should recognize that change. And so, as we go down through the various branches of government and personnel, we have a well-organized personnel department, which again makes it unnecessary for the council to do some of the work which it was originally intended the council should do.

We come into the area of pardons, where the council is still functioning, and I do not think it will take anyone very long to conclude that here lay people are not qualified to perform the function which the council is currently performing. The matter of advising the Governor in the case of pardons, in my opinion, and I think in the opinion of all who have studied this problem at all, is one which calls for professional people who can evaluate the cases which come before the Governor seeking pardon.

We go down to the insurance function which the Council has performed and is still performing, and, so far as I have been able to determine from the incomplete study which I have done, I fail to find any constructive function performed by the Governor's Council, no constructive action which could not be performed by the Insurance Department and other existing agencies of state government. So I say again, that rather than suggest change, the abolition of the Governor's Council would simply recognize change which has taken place and would abolish a body which originally was most useful, but which, because of the changing nature, and the increasing complexity of state government, makes the council, in the opinion of many, a withered vestige of government.

Now I do not think that the subcommittee studying the Governor's Council are the only ones who recognize the fact that because of changing conditions the nature of the work of the Governor's Council has changed, because one student of state government who has written something of a treatise on the subject, points out a rather interesting observation to the effect that in the period 1919-1938, which I presume was a period taken somewhat arbitrarily, that in that period the Governor's Council was in composi-

tion men of forty-nine years of age on the average and three-quarters of them were college graduates. In the same period following the period of 1938 the composition of the Governor's Council changed somewhat, because during that period only one-half of these men were college graduates and the average age had changed upwards to fifty-five years. Now that is not to say, of course, that college graduates are necessary on the Governor's Council, nor is it to say that young people are necessarily more useful on the Governor's Council than older people. But they point to the fact that along with this it should be noted that the people who served prior to 1938 served in that position and then moved on to positions of greater responsibility in state and federal government, and that since the period of 1938, as the importance of this job decreased, people who have served in this position have, for the most part, chosen the spot as a place in which to finish their careers in public service. I think that when you take these two things together you may make the reasonable deduction that the position of being on Governor's Council, because the functions have changed in nature, is less challenging and offers men less of an opportunity to perform a constructive and useful service. For those reasons, people who are still interested in going on in public service are somewhat reluctant to take this position, whereas people who have finished their work in public service, generally speaking, have more interest in the position. It emphasizes, I believe, the fact that the council has, because of the change of government, had an increasing amount of trivial duties assigned to it, while the substance of their work, the original and important part of their work has diminished because state agencies have grown to meet the needs which they formerly filled.

Now there still remains one area in which the Governor's Council functions and one which perhaps is a reasonable excuse for continuing the council, and that is the area of confirmations. If there were no Governor's Council it would be necessary to have some other body to confirm the appointments of the

Governor, and while it has been mentioned by the Senator from Sagadahoc, Senator Ross, that numerous states, more than twenty have biennial sessions, and do call upon their senate to confirm the appointments of the governor, it still may be, in the opinion of many, a desirable thing to retain the council for that specific purpose. That is debatable, of course.

Finally, those who find no other suitable reason for maintaining the council beyond the function of confirmations quite often refer to it as a board of directors, and probably no statement which could be made in justification of continuing a council could be farther from the truth, because I think everyone recognizes that a board of directors normally concerns itself with policy matters, whereas the Governor's Council certainly is not concerned in the main with policy matters: it is concerned with the day to day details, minor for the most part, of everyday administration.

To indicate the possibility of continuing to have the council function in certain areas where professional help is necessary, several years ago we had the experience which has been referred to by some as the comedy of errors connected with the building of the new state office building. Here matters which needed professional opinions of architects and engineers were, I am told, referred to the Governor's Council for final determination, and although these men were very competent in various areas and although they gave the best advice which they were able to give, the results were not as satisfactory as they would have been had we had at that time the organization which we now have, the Bureau of Public Improvements, where we have a staff of professional people, who might still have made some errors, but, by the law of averages, would have made less of them.

I had hoped that before making this report for the subcommittee that I would have an opportunity to jot down some related and more coherent remarks than I have made, but just before this session opened this afternoon at 1:30 I found time to make several notations. I am sure that there are other areas

which I should have covered if I were to make the kind of report which the subcommittee on state government would have wished to have made, but I recite only the facts which seem to stand out in my mind as some of the reasons why nine men out of the eleven-man committee supported the view that the Governor's Council should be abolished. I was one of those nine, and as the only one in this body, as I said at the outset, I feel it is my duty to acquaint you with some of these observations.

Mr. BATES of Penobscot: Mr. President and members of the Senate: Without intending in any way to be disrespectful, I could review statement after statement after statement just made by the Senator from Aroostook, Senator Rogerson, based on my personal experience and knowledge, which now clears in my mind why Senator Rogerson and others may have felt compelled to vote as they did on the information they had before them. Where in the name of heaven they got that type of information is beyond my comprehension. I will not bother to review those things one by one.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: I have sat here and enjoyed the debate on this question pro and con, I have enjoyed it immensely, and they were good talks or good speeches, call them what you will; but there came to my mind that each and every one of us here was elected from the people of our own county, and when they elected us we thought they were pretty good fellows, that they showed good judgment, and we were thankful that they did it. Now before this change can be made those very same people have got to vote on it. Now why wouldn't they have just as much commonsense in voting on this question as they did when they were voting for us to elect us? I know that I can trust my people from Oxford County without any question whatsoever, and I hope that the rest of the Senate can trust the people from their counties.

Mr. HILLMAN of Penobscot: Mr. President, many references have been made today to the PAS re-

port. On Page 14 of the PAS report it acknowledges that there are many people in the State of Maine who believe that the Governor's Council should be abolished, and with that they agree. If this council is kept, they say, No. 2 on the recommendations, that the duties to be held by the council should be that of advising the Governor on requests for pardons, reprieves and commutations submitted by the parole board with specific recommendations. I do not disagree with the citizens' group in that respect, but they say it should be left in there.

In the second paragraph before the end, Page 15, they say: "It may be that the executive council, through concentration upon matters of sufficient significance to permit group deliberation of a select body of the council experienced in government management can render effective service to the state." Now this bill does not attempt to change the function of the Governor's Council, it seeks to abolish it, and to that I am opposed.

Mr. THURSTON of Oxford: Mr. President, Mr. Wyman of Washington just called and asked that I pair my vote with him.

Thereupon, Mr. Thurston of Oxford was excused from voting.

The PRESIDENT: The pending question is on the motion of the Senator from Penobscot, Senator Hillman that the Senate indefinitely postpone the bill in concurrence, and a roll call has been requested.

The affirmative vote of one-fifth of the members present being required to grant the request for a roll call, a division of the Senate was had.

Obviously more than one-fifth having risen, the roll call was ordered.

The Secretary called the roll, and the Senators responded as follows:

YEAS: Bates, Carpenter, Charles, Coffin, Cole, Hillman, Lord, Martin, Parker, Ross, Stulphen, Weeks, Woodcock — 13.

NAYS: Boucher, Briggs, Dunn, Farley, Fournier, Hunt, Lessard, MacDonald, Rogerson — 9.

ABSENT: Brown, Dow, Duquette, Lewis, Noyes, Pierce, St. Pierre, Willey — 8.

PAIRED: Thurston and Wyman.

Thirteen having voted in the affirmative and nine opposed, the motion to indefinitely postpone in concurrence prevailed.

The Chair declared a short recess.

After Recess

The Senate was called to Order by the President.

Mr. CARPENTER of Somerset: Mr. President, I would like to inquire if L. D. 328 is in the possession of the Senate?

The PRESIDENT: The Chair would state that it is.

Thereupon, on motion by Mr. Carpenter of Somerset, the Senate voted to insist on its former action on bill, "An Act Repealing Bounty on Bobcat, Loupervier and Canada Lynx." (S. P. 133) (L. D. 328); and to send the bill forthwith to the House.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 39th tabled item being House Reports from the Committee on Inland Fisheries and Game; Majority report, Ought to pass, Minority report, Ought not to pass, on bill, "An Act Relating to Open Season for Fishing on Brooks and Streams in Cumberland County." (H. P. 240) (L. D. 351), tabled by the Senator on April 27 pending acceptance of either report.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: This bill would place Cumberland County with a May 1st open season to August 15th, and as it is at present it is April 1st to August 15th. Several years ago the members of the Fish and Game Committee made up a set of simple open-water and ice fishing rules and regulations on many lakes and we arrived at April 1st as the opening date, and that is what the opening date is now practically throughout the state, with the exception of perhaps a few special regulations.

Now this would place Cumberland County in a category by itself. I think the reason behind the bill is perhaps a fairly reasonable one,

yet I cannot agree with it. Our streams are now stocked with hatchery trout and it is more or less of a put and take proposition. In other words, I think the idea behind the bill was that if the fish were stocked prior to May 1st they would more or less have a chance to circulate around through the various parts of the stream and would not be so susceptible to being caught out immediately.

It is said, and it is true, that our stocking program in the brooks is more or less of a put and take proposition. The fish that we put in there are raised from the hatchery where they live in a so-called normal water condition; they are hand-fed, they are not subject to many of the predators they find when they get into the open streams and brooks, so, therefore, in order to give the fisherman an equal value for his dollar as far as his license is concerned it is just as well to let him go and catch the fish out after they are put in.

A fish raised in this habitat, naturally, when it goes into these open waters, cannot find himself as far as forage for food is concerned; he is not accustomed to the turbulent waters he encounters and he is not accustomed to searching for foods to eat because he has been hand-fed. Therefore it is ridiculous in itself actually to leave the fish in the streams and brooks too long because their mortality reaches a very high degree. Therefore, with these brief remarks, I am going to move the indefinite postponement of this legislative document.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I rise in opposition to the motion submitted by the Senator from Somerset, Senator Carpenter. I will also submit at the beginning that there is no one here less qualified to talk about any part of fishing than I am. In spite of the fact that I have spent a good many summers on Sebago Lake, I doubt if you can find more than one when I had even a fishing license. However, I have sat around with the guides and hard and fast fishermen for years and heard them fight out the issue of what should be done to improve fishing: the smelts should be netted

out, or we should catch the small smelts or the big smelts, or we should not do exactly that; we were not putting the new stock at the right time or under the right conditions, we were not doing anything right, according to some. Of course that raised the issue and the battle was on indefinitely. But I do not recall that at any time there was any unanimity of opinion among any given member as to what should be done, so, knowing nothing about fishing, I have relied upon those who at least profess to know. I am informed that all of the associate sportsmens' clubs of the County of Cumberland are unanimously behind this bill. Whether they are right or wrong, I do not know, but I think they know more about it than I do. I also spoke with Mr. Wade in the department and he said that he personally was in favor of the measure, that he thought some good would come from it, and he submitted the fact that some of these, shall we say infirm fish, were easy meat for the predators. He also spoke of repeated occasions where fishermen would follow behind the trucks which were leaving the fish in the brooks and the fish would hardly have a chance to get wet; they would be in some fisherman's creel before they had a chance to find where they were. In fact, on several occasions the wardens had caught them within a very few minutes for having too many. I think that is one of the reasons why some limitation should be put on the activity. Whether or not this will be productive of good ends is something to be seen, but I think you ought to favor Cumberland County with this measure and give it a trial for one time.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: I am glad that the Senator from Cumberland, Senator Weeks, has pointed out for us some of the problems of fish conservation over the years. These problems have arisen, as you have heard, because almost everyone is an expert on the management of fish, and those same experts are the persons who have apparently endorsed this regulation. This would be a special regulation for one county to place their fishing open dates at a dif-

ferent time than those established now statewide. There is absolutely no scientific basis for it at all. We have come a long way in trying to liberalize the fishing regulations so that they will be easier to understand and to put them exclusively so that they will benefit the fish, so that they will benefit us all from a long-range point of view. There are going to be countless attempts, I suppose, to come before this legislature with well-intended ideas, usually sponsored and promoted by these same persons that the Senator from Cumberland, Senator Weeks, has just referred to, whereby they can have a special regulation governing one of the whole sixteen counties, and it would be a very sad thing indeed to accept that kind of special regulation and it would not in any way benefit fishing.

The hatchery trout condition is more or less as has been explained by the Senator from Somerset, Senator Carpenter. It was believed for years that hatcheries were a panacea that would make for better fishing, and it has now been proved that is not correct. It was also imagined by many persons and still is, that the best thing we can do is raise these hatchery fish and then put them in some secluded spot where they will be left alone and go wild more or less. We now know by many exhaustive tests that the survival is often as little as one per cent, and that they don't go wild, they go dead. So they may as well be placed in some spot, I think it is now recognized, where they can be harvested or utilized, because they do not survive under the wild conditions, as has been adequately pointed out.

It is very discomfoting to seem so out of sorts with the aims and well-intended desires of some of our fellow senators, but I am sure that I can stand here with absolute faith and conviction and tell you that this would just be the beginning of other regulations placed on our statute books that would be unnecessary, impractical and of no advantage whatsoever to the fish.

Mr. CHARLES of Cumberland: Mr. President, certainly if this is a bad bill, somebody would have written me a letter or called me

up or sent me a telegram. There is no question that some people are interested in some of the bills that we have passed here in this legislature. But there isn't one here that says anything about being in opposition to this bill. All I have had is favorable opinions on it and those of us in Cumberland County know what we want. It is our county and I think we are better qualified to know what our needs are. Certainly there is ample support in our county and I see no reason why we can't go along with this. We all like to fish but we like to do it our way and I see no reason why we cannot go along with this. I certainly am strongly opposed to the motion to indefinitely postpone.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, I hope you will tolerate me just a little longer while I point out for the information of Senator Charles of Cumberland and anyone who may not be appraised of this fact, that the fish in Aroostook County and in Cumberland County and, for that matter in any other county are not the exclusive property of that county. They belong to people everywhere, and the fishing license which is purchased by persons all over the state, doesn't restrict them to fishing in one county or another. It permits them to have an interest in and fish for trout and salmon in any county. Therefore there is no reason for us to take an exclusive attitude about our own county. All we are trying to do, those of us in the Senate portion today of the Inland Fish and Game Committee is to keep in effect the type of regulation which will be easy to understand and which will be for the benefit of our fish exclusively and not placed upon the books because some person or other had a notion they might help our fishing.

Mr. WEEKS of Cumberland: Mr. President, again I preface my remarks by saying that I don't know anything about fish but I don't have to have the Senator from Aroostook telling me that we don't own the fish. I am very well aware of that. I doubt if the time will ever come when I will own a fish and I am

not concerned with ever owning a fish.

However, I am surprised that at this late date, in the year 1959, that I have found the supreme authority on all fish problems. The fact of the matter is that the basis for this bill is conservation. I dare say there will always be disputes about whether one thing is good for the fish or whether something else is good for the fish and I dare say that the Senator from Aroostook, Senator Briggs, will not be the final answer. We say "Give this a try in Cumberland County", and I don't think it is going to do any harm, especially if there is some basis to the thinking that we may accomplish something in the line of conservation.

Again I say, "We don't own the fish". I knew that before I started.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate, if I myself thought for one moment that closing these streams and brooks to May first would result in our license holders taking seventy-five or eighty per cent of the trout replaced in those waters, I certainly would be in accord with it.

However, as I stated before our hatchery fish is more or less of a "put and take" program. You might just about as well go into the fish hatchery and have them allot you ten fish and for dollar received and dollar paid out, you'd be much better off.

You would find if you liberated eight or nine hundred or a thousand fish in a stream and held them one month, there would be anywhere from fifty per cent to seventy per cent mortality. Therefore which is better to let them catch the fish out and enjoy them, or let them have thirty to thirty-five per cent of the fish that have been planted.

Mrs. LORD of Cumberland: Mr. President, I do my fishing in Oxford County where I have a farm so this does not apply to me, but I have sat here through the session and seen one pond closed and one pond opened with no rhyme or reason and I cannot see why if we want to have this law — it is a conservation measure whether you believe it or not, because more fish will

live if you don't catch them all, I am sure of that. If you catch them all they can't live. I think that we should have the privilege because of the fact that the members of the fish and game associations in our county, the private game associations have told that they want to try this legislation and see how it works. For that reason I oppose the motion.

Mr. BRIGGS of Aroostook: Mr. President, it is always very interesting in the pattern of events to watch the unanimity among the members of some county in seeking legislation which they want.

These questions, as has been pointed out in this legislation. It is a very serious question. The reason that it is, is that three sessions ago there were seven hundred and some odd regulations in our fish and game chapter. By a great deal of effort, as has been pointed out by the Chairman of that committee, Senator Carpenter of Somerset, these regulations have been cut approximately in half. They were needless, ridiculous, unnecessary and had no basis whatsoever in fish conservation or scientific fact. This is another one of that type of conservation regulation.

It has no merit at all and will just begin to confound the regulations again and build up the Chapter 37 as it was before we were able to reduce those nonsensical special regulations.

These questions, as has been pointed out many times, should not be brought before this body at all because more often than not we are sensitive to the ideas and prejudices of persons who are influential in our area and that is what built up the maze of regulations where a pond, out to a certain colored stake would have a limit of three fish, and from that stake to a stump on another side of the lake would have a limit of six fish, and the thoroughfare between that lake and the next lake would have a limit of sixteen and we have had those for years and trying to get rid of them. Now this is not exactly the same, but it is a special regulation which won't benefit the fish or the fishing. It is not a conservation measure and will help to

begin again to confound our fish and game regulations and laws.

Mr. COFFIN of Cumberland: Mr. President and members of the Senate, I would like to ask the good Senator from Aroostook Senator Briggs a question, through the Chair. Why do we go to the trouble of having these hatcheries if it isn't any good putting these fish out and letting them get used to the waters they are put in originally. Personally, I think if you want to buy a pound of liver and go to the store, you'd be a lot better off then catching these fish a couple of hours after they've been put in. As a matter of fact, I enjoy the liver much better myself and probably the fish would enjoy themselves better too. I have listened to the Senator all winter and up to today he has seemed somewhat reasonable about a lot of things, but today I think he is ridiculous.

Mr. BRIGGS of Aroostook: Mr. President, that was a question which I take it should be answered. I am only surprised to find that I seemed so reasonable to the Senator from Cumberland, Senator Coffin all during the winter and today, all of a sudden, on a simple subject, he finds no reason in me whatsoever. That is the way of life and the way of the world so I will have to accept it.

But to answer as quickly as possible the question of the Senator, which I believe he posed, here it is. Many years ago we found out that we could strip the eggs from fish and fertilize them and hatch them under artificial conditions. Along with many other of the little schemes that mankind has tried through the last couple of centuries it was imagined that this was indeed quite a new trick and would improve the fishing and that we could continue to plunder the forests, pollute the waters, destroy the topsoil on the land and let it silt up all the streams, and produce fish in hatcheries while we let the brooks dry up, and have good fish.

You will be shocked when I tell you that many people still believe this. It is not true. Fish stocking is just one of the fish conservation tools and the real truth is that it is probably one of the weaker conservation tools at that. It is useful,

however, in certain industries. One instance is where in good water conditions, fish populations because of one extreme cause of nature or another have been eliminated altogether or practically entirely. A natural stock can be started to be built back up through the hatcheries. Also in reclaimed ponds where all runt fish are removed hatchery stock can be put in and they are quite successful. They are more successful as a matter of fact in ponds and lakes than they are in brooks and streams. But it is substantially correct that the survival of hatchery stock fish in brooks and streams is a little as one per cent. In other words there is practically no survival at all.

It is also very true that the cost of one pound of hatchery reared fish is about five dollars and that makes them a very expensive proposition indeed. You can see that one fishing license will not even pay for one legal limit of trout.

There are all of these rather interesting sidelights in the fish conservation picture but I am sure I must not impose by dwelling on them any longer. I did want to try to answer the question as well as I could.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter, that L. D. 351 be indefinitely postponed.

Mr. COFFIN of Cumberland: Mr. President, I ask for a division.

A division of the Senate was had.

Ten voted in the affirmative and eleven opposed, the motion did not prevail.

Thereupon, on motion by Mr. Charles of Cumberland, the Majority Ought to pass report was accepted and the bill read once; House Amendment A was read and adopted in concurrence and under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

All papers that had been acted upon in the Senate and were ready for House action, were ordered sent forthwith to the House.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table the 18th tabled

item, being House Reports from the Committee on Judiciary: Report A, Ought to pass, Report B, Ought not to pass, on bill, "An Act Relating to Restricting Certain Trustee Process Until After Judgment." (H. P. 116) (L. D. 171) tabled by that Senator on April 14 pending acceptance of either report.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I would like to make the motion now to indefinitely postpone the bill and accompanying reports.

I have sat here and listened to the Damon and Pythias of the Fish and Game Committee and the experts on state government. Now this is a bill that involves attorneys, and I am going to ask the laymen to let us lawyers fight it out. I do not know who is for it or against it, but this is simply a lawyers' bill.

Now what this piece of legislation proposes to do is to restrict any attachment of wages until after you have gone to court and brought suit, gone to court and got a judgment, and then after you have obtained that judgment then you can do the very same thing you are allowed to do before you get that judgment now. In other words, all you are doing is postponing the time when you can attach wages.

At the present time, under our rules of practice, we can bring suit, bring an action on some kind of claim that we have for collection and we make an attachment of wages and there is now a thirty-dollar exemption, and then after judgment is obtained if there is money there it is paid over by the person who is trustee.

Now this bill provides you can no longer do this, and you can now bring suit, go to court, get your judgment, and then after judgment bring another suit on the judgment and then attach the wages. I really don't know what the purpose is. I suppose it is, as some of the proponents of the bill said, to stop anyone from bringing a false claim and therefore have the matter adjudicated first. There may have been some abuses, there is no doubt about it, but I say it is up to us as members of the bar associations of our respective counties to find those attorneys who do abuse these things

and call them to account, and I think we have sufficient power within ourselves to do so.

The good Senator from Waldo, Senator Cole, showed you a letter which you all received from David Nichols, representative to the American Bar Association House of Delegates — I think you all received that letter — in which he was against this bill. Also, I might say that the Knox County Bar met and they were against it. At the Androscoggin County bar meeting an informal vote was taken and the majority there expressed their opinion against this piece of legislation. If there is a wish on the part of some to do away with trustee process completely, that would be one thing, or to do away with attachments completely, that would be another thing, but this bill here merely provides to postpone it until after they obtain judgment.

Now here is the way it will work out. Let us say that Mr. X brings a claim into my office and says so and so owes me money for milk, or some doctor says I have got a bill I want you to collect, the usual procedure is that you write the debtor a few letters and ask him to come in and pay the bill, and if you do not hear from him or if he does not reply to your letters then if he is employed you proceed to make out a writ and bring suit against him and trustee his pay. Usually what happens is that the man comes in the office to see you and some arrangement is made to settle the bill and release the attachment and the whole matter is settled.

Now if this type of legislation goes through and a bill is brought into my office — let us assume it is a bill for thirty-five dollars from a milkman. I write the debtor a letter and he does not answer it. The milkman gets after me and says, "I want my money. Bring suit". If this bill becomes law I cannot make an attachment at that time, I cannot attach his pay, so I sue him and it is entered in court. What happens is that if he has no defense to it, if he actually owes that milkman thirty-five dollars, I get judgment. When I get that judgment I get some costs; not only do I get the disbursements paid to

the sheriff but to that is added court costs of eight or eleven dollars. So the thirty-five dollar bill now becomes a forty-five dollar bill. These costs go to attorneys, they do not go to the milkman. Then I take my judgment and bring suit on the judgment and then I make an attachment of his wages. What happens is that I have now added more costs to it, so the forty-five dollar bill now becomes a fifty or sixty dollar bill. Then after I have made the attachment either he will come in or by that time he has left his job and he is not going to pay the bill anyway. If he does not pay and he is still working I attach his wages and go through the same procedure. What it does in effect, it takes a thirty-five dollar bill and brings it up to fifty dollars or sixty dollars. It makes it harder for him to pay because he couldn't pay the thirty-five dollars in the first place. And clutters up the courts, because now I can no longer bring an attachment and have the man come into the office and talk with me and get things settled up, and I have got to put it in court. The recorders will come in here and say, "We have got many more cases now," and the judges will come down to the next legislature and say, "With the case-load we have got now we need more money, we need more pay," and they will go before the Towns and Counties Committee and get Senator Farley all upset again. So that is the reason why I say that unless we can present legislation to do the job that wants to be done I think it should be indefinitely postponed.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I notice that the Senator from Androscoggin, Senator Lessard, said something about fights among lawyers. As far as I can tell from canvassing the semi-circle here both ways there is not going to be any fight. We both signed the same report. It is interesting to note that in the last few years — and possibly I may be the most qualified one to talk about this particular subject, because in 1951 I introduced this same bill, and at that time I was quite excited about some dastardly deed that had been committed by somebody. Incidentally,

I also was the one responsible for raising the exemption from twenty to thirty dollars over considerable objection, so I was looking out for the poor working man, at least in some respects. I know that in presenting my argument in favor of this measure at this time I talked about the plight of the poor workingman, and I thought it was a good bill and I thought there were some who agreed with me, but the results of the poll in both places around here did not seem to carry a majority vote.

I agree with everything that the Senator from Androscoggin, Senator Lessard, has said. After listening to his complete coverage of the subject, I think it would work adversely. I am not convinced that something could not be done to alleviate in some respects, or remove some of the wrong-doing which is committed on occasion in these actions. I have been seeing quite a few of them, because I do not represent anybody but poor people anyway. That is the kind of case I usually come in on. But, as Senator Lessard has said, there is plenty of room for policing in our own profession, and if you would only take it up and proceed with it I guess most of the wrong-doing which is being committed could be stopped. I support the motion of the Senator from Androscoggin, Senator Lessard.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: The Senator from Androscoggin, Senator Lessard, has referred to this as a lawyers' bill, but I think it is a small businessman's bill, and I am sure it would affect me. He referred to me many times as a milkman. If I would not be out of order, I would like to move that we all sing "Shall we gather at the river." Instead of that I will now concur with his motion that he has made for indefinite postponement.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: My good friend, the Senator from Androscoggin, Senator Lessard, has made a wonderful argument. As I said yesterday, an attorney is supposed to make an argument on any side he is employed to make it or feels he should make an argu-

ment on that side. I do not mean in here, but I mean in the practice of law. He made a good argument, but there is another side to it.

While I have not served a trustee out of my office probably for twenty years, yet some of my clients have been trustee, and I use the illustration of Oxford County to show what happens. Now in Oxford County we have three municipal courts: Fryeburg, Norway and Rumford, and they have concurrent jurisdiction. Now here is what they are doing. A owes B some money, and they both live in Rumford. He sues and brings the trustee process over in Fryeburg, which he has got a right to do under the concurrent jurisdiction. Now that fellow has got to go way over to Fryeburg if he wants to go to court. In the meantime his pay is tied up and he has got no money to get there. That is one of the abuses. Another abuse is this: the Oxford Paper Company has an office in Portland and they have one in Rumford. Now they can sue in either county. What they will do is take the bills from Rumford and send them down to the collection attorney in Portland and he will trustee the Oxford Paper Company in Portland and that gives them jurisdiction in Cumberland County. Now the poor fellow is trustee and he hasn't got any money. He has got to go down to Portland to see the attorney down there to try to work out some kind of agreement. Now if a lawyer will bring his suit first where it will be the less cost, and that is the nearest court to where this man is living, this man will come in to see you and you can work out just as good an agreement with him as you can when you trustee.

Now we are trustee in the banks frequently; people are trustee probably up to fifty dollars, and we have got trustee's accounts in that bank now for thirty-seven years where the trustee never went ahead or did anything about it, so we have got to carry that along from month to month, and those run from about \$1.17 to about \$35. Matters bigger than that are generally taken care of. When you trustee is where the man is punished. If a man is sued and they

finally get judgment and he is then trustee, it is his own fault, and he has got to pay those costs. He has got to pay some costs anyway when he is trustee, but not as much as if he let it go to judgment and was sued on what we call debt on judgment. It is very unfair to handle it in that way.

Now what I say is that if all the attorneys would bring their suit or their trustee process where the man is living, if the trustee is there in that same county, it would save a lot of trouble, and that is why they oppose this bill. But they won't do it because they want to get this man at a disadvantage, and they do get him at a disadvantage, you can see that.

Here is another matter that came into my office. A fellow was trustee, so I told him to go and talk to the man, and I talked to the attorney. He told me afterwards — now this is hearsay of course — that he went to see the attorney and talked with him about it. The item is a balance of fifteen dollars rent and twenty dollars for damages to the house. From there he went to see the plaintiff and the plaintiff gave him an itemized statement of what the damages were to the house. Some of it was for wear on the linoleum in the kitchen after all of these years, a crack in the glass of the kitchen window, another item of \$20. Well, he scared that fellow so bad that fellow agreed to pay the thirty-five dollars by weekly payments. He paid ten dollars down and then he paid the rest by the week, which he never should have done. That man was not entitled to recover that extra twenty dollars, but he scared the man into doing it and the man had to do it because he had to get a release of his money in the mill. Of course he had an exemption of thirty dollars. That reminds me of the minimum wage law. Although he had an exemption of thirty dollars it was not enough for him to live on, so he had to agree to weekly payments for an exorbitant sum plus what costs there were.

Those are actual facts I know about myself, and I think it is unfair to the man who is trustee. We have dead-beats, no question about that, we always have had

them and we always will, and even if they are trustee they are not going to pay.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate: I think any legislation that is tried to be passed to correct a few abuses in any profession or industry usually turns out to be poor legislation. For that reason, I certainly shall support the motion of the Senator from Androscoggin, Senator Lessard. I know that the Senator from Oxford, Senator MacDonald, gave you the law correctly in regard to the various methods of trusteeship, but I think it boils down to the fact, as the Senator from Androscoggin, Senator Lessard, said, of whether you wish to saddle the working man with additional costs in an attempt to collect a bill. Of course as lawyers we would make more money if this law passes, but I think it would be unfair to the workingman to pass this bill. Therefore I support the motion of the Senator from Androscoggin, Senator Lessard.

Mr. MacDONALD of Oxford: Mr. President, I oppose this bill because I know it is costing the poor man more money right now. He has got to drive from Rumford to Portland or from Rumford to Fryeburg and he may have to borrow money to make that trip and talk to the attorney in Fryeburg or in Portland. That is more than all the cost of the whole thing would be.

Of course we have some attorneys who make a business of that, and I am sorry to say that our bar association does not take care of them the way they should.

Mr. LESSARD of Androscoggin: Mr. President, I think the last remark made by the Senator from Oxford, Senator MacDonald, is correct. This situation that exists in Oxford County may be true, but that is less than one per cent, perhaps less than one-tenth of one per cent of the attorneys in Maine, probably just one or two at the most. That is what I said in my first remarks, that perhaps we should do something ourselves, and that is to get our bar associations in our respective counties to take care of them. If we have lawyers that abuse the process they could be taken in before the bar association to straight-

en them out. I think we should do some policing ourselves rather than ask the legislature to do it.

In regard to what the Senator from Oxford, Senator MacDonald, said about the banks, that is an attachment under trustee process. I must say to you, in regard to the thirty-dollars exemption, that there is also a provision where you can give bond to release the attachment. But you will find that ninety-nine per cent plus of the attorneys do not practice law that way. I have been practicing for many years in Androscoggin County and in my county suits are brought in the respective towns in which the debtor lives. I do appreciate that perhaps there may be something wrong in Oxford County but that is probably from one lawyer, and perhaps, he should be straightened out by the bar association rather than by this legislature.

Mr. MacDONALD of Oxford: Mr. President, I think our bar association in Oxford County is as good as any in the United States, but here is what happens: the collection agency gets it and sends it to some of these attorneys in Portland and they will trustee down there these people who live in Rumford. I am using those towns as an illustration. I don't say that it is just these towns. There are other towns. It is sent to them generally by a collection agent who is in Rumford, that is they have got a branch there.

Mr. WEEKS of Cumberland: On behalf of the members of the bar, I move the pending question. If we keep on talking, they will lose their case.

Mr. HUNT of Kennebec: Mr. President, I simply want to point out one thing: it means he is going to be saddled with a double set of

costs, and in the time I have been practicing the average sheriff's fees have mounted from about one dollar to, many times, three or four dollars. As it is now, there is only one set of fees connected with trustee actions, but if this bill goes through you have got to go and serve the papers and have one sheriff's fee, have a court entry fee, have what they call an execution fee in court, and, as the Senator from Androscoggin, Senator Lessard, pointed out, it will cost you up to ten or twelve dollars. Then you have got to start another action, so it means that the defendant in the case is saddled with two sets of costs, and I do not think that that benefits anybody, especially the fellow who is probably having all he can do to pay the original bill. It certainly is not going to help the man who owes the bill, and it will make the chances of the creditor collecting it less. It is aimed, as has been pointed out, to try to correct perhaps one or two instances of violation and it penalizes all of the defendants who may be subject to trustee process and helps nobody so far as I can see.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, that L. D. 171 be indefinitely postponed.

A viva voce vote being had,

The motion prevailed and the bill and accompanying papers were indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot,

Adjourned until tomorrow morning at nine-thirty o'clock.