

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, March 7, 1961

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

Prayer by the Rev. Dr. Raymond Hall of the Trinity Episcopal Church, Portland.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that an additional one hundred dollars (\$100) shall be allotted to the Joint Committee created by House Paper 645 to commemorate the 100th Legislature, for the purpose of covering expenses incurred in carrying out the program. This amount shall be taken from the Legislative Appropriation (S. P. 485)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

**Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Agriculture on Bill "An Act relating to Inspection of Slaughterhouses" (S. P. 369) (L. D. 1180) reporting Leave to Withdraw

Report of the Committee on Highways reporting same on Bill "An Act relating to Designation and Expenditures under Town Road Improvement Fund Law" (S. P. 373) (L. D. 1184)

Report of the Committee on Natural Resources reporting same on Bill "An Act relating to Transporting Wastes for Disposal in Maine" (S. P. 121) (L. D. 266)

Report of the Committee on Sea and Shore Fisheries reporting same on Bill "An Act relating to Method of Measuring Lobsters" (S. P. 355) (L. D. 1088)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Claims reporting "Ought not to pass" on Resolve to Reimburse General Beverages, Inc. of Auburn for Unused Liquor License (S. P. 251) (L. D. 768)

Report of the Committee on Inland Fisheries and Game reporting same on Bill "An Act relating to Open Season to Hunting with Bow and Arrow" (S. P. 375) (L. D. 1186)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Immunity for Information under Oath in Sex Crimes" (S. P. 68) (L. D. 168)

Report of the Committee on Natural Resources reporting same on Bill "An Act to Provide for Industrial Waste Elimination Research Program" (S. P. 180) (L. D. 426)

Report of the Committee on State Government reporting same on Bill "An Act Increasing Compensation of Members of Maine State Park Commission" (S. P. 125) (L. D. 270)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Ought to Pass
Recommended**

Report of the Committee on Highways reporting "Ought to pass" on Bill "An Act relating to Private Roads in Unorganized Territory" (S. P. 374) (L. D. 1185)

Came from the Senate with the Report and Bill recommitted to the Committee on Highways.

In the House, the Report was read and the Report and Bill recommitted to the Committee on Highways in concurrence.

**Ought to Pass in New Draft
Joint Order**

Report of the Committee on State Government to which was referred Joint Order relating to Joint Rules, Amendments to Nos. 1, 10, 11 (S. P. 53) reporting same in a new draft (S. P. 479) (L. D. 1471) as follows:

"ORDERED, the House concurring, that the Joint Rules be amended by adding thereto a new Rule No. 11A to read as follows:

'11A. Introduction of any memorial shall not be in order unless approved by a majority of the Committee on Reference of Bills.'

AND BE IT FURTHER ORDERED, that the Joint Rules be amended by adding thereto a new Rule No. 19C to read as follows:

'19C. Any bill or resolve to be introduced after the cloture date must be presented to the Clerk of the House, or the Secretary of the Senate, who shall transmit same to the Joint Committee on Reference of Bills.

The Committee will ascertain from the sponsor the facts supporting a request to introduce legislation after the effective date of the cloture rule, and if a majority of the Committee approves, the bill or resolve shall appear on the calendar of the appropriate house, duly noted as having been approved by a majority of the Committee, and if, at that time, at least one-tenth of the members present rise as objectors, the document shall not be received.' and that the new draft "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed.

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

Non-Concurrent Matter

An Act relating to Spot or Auxiliary Lights on Motor Vehicles and Lights on Snow Removal Equipment (H. P. 282) (L. D. 396) which was passed to be enacted in the House on February 15 and passed to be engrossed as amended by Senate Amendment "A" on February 9.

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

In the House: The House voted to recede from its action of February 15 whereby the Bill was passed to be enacted and to recede from its action of February 9 whereby the Bill was passed to be engrossed as amended by Senate Amendment "A."

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

SENATE AMENDMENT "B" to H. P. 282, L. D. 396, Bill, "An Act Relating to Spot or Auxiliary Lights on Motor Vehicles and Lights on Snow Removal Equipment."

Amend said Bill in the 25th line of "Sec. 2." by striking out the underlined word and punctuation "state,"

Further amend said Bill in the 44th line of "Sec. 2." by inserting after the underlined words "chiefs of police" the underlined words and punctuation ', state fire inspectors, inland fisheries and game wardens, sea and shore fisheries wardens, sheriffs and deputy sheriffs'

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

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Amending the Christmas Tree Law" (H. P. 265) (L. D. 379) which was passed to be engrossed as amended by House Amendment "A" in the House on February 15.

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

In the House: On motion of Mr. Williams of Hodgdon, tabled pending further consideration and specially assigned for Friday, March 10.

Non-Concurrent Matter

Bill "An Act relating to Employment of Women and Children in Lodging Places" (H. P. 504) (L. D. 703) which was passed to be engrossed in the House on February 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

Communication and Order

The following Communication was read by the Clerk:

New York, New York
 March 2, 1961
 The Honorable Vinal G. Good
 Speaker of the House
 of Representatives
 State House
 Augusta, Maine
 Sir:

I hereby resign as Representative to the 100th Maine Legislature from the class towns of Dexter and Garland.

Respectfully yours,
 (Signed) JAMES F. COX

The Communication was read and ordered placed on file and the resignation accepted.

Mr. Wellman of Bangor presented the following Order and moved its passage:

WHEREAS, the resignation of the Honorable James F. Cox as a member of the House of Representatives of the 100th Legislature has been accepted, now, therefore, be it

ORDERED, that the House of Representatives declares a vacancy to exist in the representation in this House of the class towns of Garland and Dexter, and be it further

ORDERED, that a copy of this Order, certified by the Clerk of the House, be sent to the Governor, the Secretary of State, and the Municipal Officers of the Town of Garland.

The Order received passage.

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

Mr. BERMAN: Mr. Speaker and Members of the House: In view of the resignation of Mr. Cox, I thought the members would like to know the reason. Mr. Cox was operated on at the St. Luke's Hospital in New York City two days ago. I have received a letter from his secretary, and this morning I received a letter from Mrs. Cox, indicating that he is going to be in for quite a siege. He will remain in the hospital approximately two to four weeks and finds that he of course will be unable to attend to his duties in the Legislature.

I am taking the liberty of having his address placed on today's blue notices and I am sure he

might like to hear from any members who may care to write or drop him a note. I understand the Clerk has already sent flowers on behalf of the House, last week. Thank you.

Orders

Mr. Gardner of Orono presented the following Order and moved its passage:

WHEREAS, Orono High School, whose basketball team known as the "Red Riots", was winner in the Class L State Championship Tournament held at the Portland Exposition Building on Saturday, March 4, 1961:

BE IT ORDERED, that the members of the House of Representatives extend congratulations to the team and the Orono High School for their victory and wish them well in their game against a New Hampshire team in the Boston Garden on March 18; and

BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of the Order to the school, to the attention of William Folsom, Athletic Coach.

The Order received passage.

Mrs. Hendricks of Portland presented the following Order and moved its passage:

WHEREAS, Cheverus High School of Portland has won the State LL basketball championship and will represent the State in the New England championships at Boston Garden;

BE IT ORDERED, that the Maine House of Representatives commend this team and its coach, Bill Curran, for their accomplishments in the field of sports and wish them continued success in their efforts to bring recognition and honors to our State;

AND BE IT FURTHER ORDERED, that a copy of this Order be sent to Cheverus High School of Portland.

The Order received passage.

On motion of the gentlewoman from Chelsea, Mrs. Shaw, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Mr. Durgin of Raymond presented the following Order and moved its passage:

WHEREAS, Pennell Institute was winner in the Class M State Championship Tournament;

BE IT ORDERED, that the members of the House of Representatives extend congratulations to the basketball team and Pennell Institute for their victory;

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to the school.

The Order received passage.

The SPEAKER: At this time the Speaker would like to recognize the presence in the gallery of twenty-three representatives of the Sebago Extension Group, including Mrs. Walter Bachelder, Chairman of the Sebago Extension Group, Mrs. Ray E. Southgate, Chairman of the Cumberland County Women of Extension, and five brave men, who have come to observe the 100th Legislature.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

House Reports of Committees Leave to Withdraw

Mr. Gardner from the Committee on Agriculture on Bill "An Act Providing for a Tax on Eggs for Human Consumption" (H. P. 953) (L. D. 1339) reported Leave to Withdraw

Mr. Smith from the Committee on Judiciary reported same on Bill "An Act Creating an Administrator for the Courts" (H. P. 33) (L. D. 67)

Mr. Chapman from the Committee on Liquor Control reported same on Bill "An Act relating to Sales of Liquor to Minors under Eighteen Years of Age" (H. P. 829) (L. D. 1144)

Mr. Lowery from the Committee on Sea and Shore Fisheries reported same on Bill "An Act Prohibiting Hauling Lobster Traps on Sundays" (H. P. 899) (L. D. 1233)

Mr. Pike from same Committee reported same on Bill "An Act

Prohibiting Sale of Lobsters Taken by Skindivers" (H. P. 941) (L. D. 1289)

Mr. Tyndale from same Committee reported same on Bill "An Act relating to Taking Lobsters by Skin Diving" (H. P. 350) (L. D. 502)

Mr. Haughn from the Committee on State Government reported same on Resolve Authorizing State to Lease Certain Land to Cumberland County (H. P. 541) (L. D. 738)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Covered by Other Legislation

Mr. Dostie from the Committee on Liquor Control on Bill "An Act Permitting Sale of Malt Liquor in Restaurants on Sunday Afternoons" (H. P. 414) (L. D. 589) reported "Ought not to pass", as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Mr. Boothby from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act Regulating Poultry Service Personnel" (H. P. 957) (L. D. 1324)

Mr. Lane from same Committee reported same on Bill "An Act Regulating Certain Poultry Workers" (H. P. 955) (L. D. 1322)

Mr. Gallant from the Committee on Claims reported same on Resolve to Reimburse Town of Danforth for Aid Extended to Fredrick Frye (H. P. 583) (L. D. 803)

Mr. Hughes from same Committee reported same on Resolve to Reimburse Town of Swan's Island for Aid Extended to Leverett and Marie Carter (H. P. 188) (L. D. 284)

Mr. Johnson from same Committee reported same on Resolve to Reimburse Town of Danforth for Aid Extended to Lillian Murray (H. P. 584) (L. D. 804)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Prue from the Committee on Highways reported "Ought not to pass" on Resolve Designating a Third Traffic Lane for Waterville-Winslow Bridge (H. P. 745) (L. D. 1031)

Report was read.

(On motion of Mr. Dostie of Winslow, tabled pending acceptance of Committee Report and specially assigned for Friday, March 10.)

Mr. Dodge from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Closing Three Mile Pond, Kennebec County, to Ice Fishing (H. P. 670) (L. D. 948)

Mr. Hanson from same Committee reported same on Bill "An Act relating to Daily Bag Limit on Fish in Somerset County" (H. P. 876) (L. D. 1211)

Mr. Knight from the Committee on Judiciary reported same on Bill "An Act relating to a Chattel Mortgage Recording Law" (H. P. 314) (L. D. 466)

Mr. Edgerly from the Committee on Retirements and Pensions reported same on Bill "An Act relating to Fish and Game Warden Benefits under Maine State Retirement System" (H. P. 774) (L. D. 1056)

Mr. Wood from same Committee reported same on Resolve Providing for Pension of Louise Gagnon of Fairfield (H. P. 531) (L. D. 729)

Mr. Pike from the Committee on Sea and Shore Fisheries reported same on Bill "An Act Regulating Lobster Traps on Trawls" (H. P. 900) (L. D. 1234)

Mr. Tyndale from same Committee reported same on Bill "An Act relating to Lobster and Crab Fishing License Fees" (H. P. 270) (L. D. 384)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Berry from the Committee on Transportation reported "Ought not to pass" on Bill "An Act Authorizing Green Blinker Lights on Doctors' Vehicles" (H. P. 438) (L. D. 613)

Report was read.

(On motion of Mr. Crockett of Freeport, tabled pending acceptance of Committee Report and specially assigned for Friday, March 10.)

Mr. Dunn from the Committee on Transportation reported "Ought

not to pass" on Bill "An Act relating to Registration of Self-Propelled Wheelchairs" (H. P. 1050) (L. D. 1450)

Mr. Finley from same Committee reported same on Bill "An Act Requiring Private Motor Vehicle Carriers to Comply with Public Utilities Commission Safety Rules" (H. P. 442) (L. D. 617)

Mr. Nadeau from same Committee reported same on Bill "An Act Requiring Lighted Signs on School Buses" (H. P. 863) (L. D. 1177)

Reports were read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Brown from the Committee on Natural Resources on Resolve Authorizing Construction of Causeway or Bridge in Little Sebago Lake (H. P. 694) (L. D. 972) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 694, L. D. 972, Resolve, Authorizing Construction of Causeway or Bridge in Little Sebago Lake.

Amend said Resolve by striking out the words "or Bridge" in title.

Further amend said Resolve by striking out the words, "or bridge" in the first line of the headnote of the Resolve.

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

Passed to Be Engrossed

Bill "An Act relating to Duty Upon Damaging Property by Motor Vehicles" (S. P. 140) (L. D. 323)

Bill "An Act relating to Attending School in Administrative Units in Another State" (S. P. 192) (L. D. 525)

Bill "An Act relating to Education of Children of Estcourt, Maine" (S. P. 224) (L. D. 629)

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

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

Bill "An Act relating to Close Time on Lobsters About Monhegan" (H. P. 119) (L. D. 159)

Was reported by the Committee on Bills in the Third Reading and read the third time.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: I suppose this is one of the most unpleasant tasks that I will have to perform this session, because I have to oppose my good friend, the gentlewoman from Bristol, Mrs. Sproul, on the passage of this bill, and I would like to speak briefly to the bill, and then I will make a motion.

First, I would like to read the law. The law says: "Close time about Monhegan. It shall be unlawful to take, catch, kill or destroy any lobster or lobsters, or set any lobster trap or other device for the purpose of taking, catching, killing or destroying any lobster or lobsters within 2 nautical miles of the shore of Monhegan Island between the 25th day of June of each year and the first day of January following."

Now the fishermen that I represent think that is a very good law as it is, and we oppose any change, and in case you haven't studied this law and followed this bill, it was scheduled for hearing the first part of the winter, and no people from Monhegan came to that hearing. The Sea and Shore Fisheries Committee kicked it out as "Ought not to pass," which made me very happy. And then my good friend, the gentlewoman from Bristol, Mrs. Sproul, wondered what she could do about it, so we suggested she ask for another hearing, so they gave her another hearing, and at that time a good many people from Monhegan were able to be there, but no one from my area hardly, and so then the Sea and Shore Fisheries Committee brought it out "Ought to pass." And the reason I think is, on Monhegan they work very closely with each other, and they set their traps out the first day of January and they

wait for each other to be ready on the first day of January, and I remember several years ago, one man's wife became sick, and he had to bring her off onto what we call the "main," and so they all waited for him to get back, and during that time they were waiting, a terrific storm came up and they were very glad they waited, because all their traps were on the bank instead of in the water.

Now this law says that that two miles around Monhegan is open to fishing, but as the law has been interpreted and as people obey it, nobody fishes in that two miles except a resident of Monhegan. The wardens don't enforce it, they don't have to. And one more point I would like to make, why the Friendship fishermen all came to the first hearing was that they were probably frozen in tight, and why the Monhegan fishermen came to the second hearing, was they got by the peak of their season. When they first set those traps out, they have extra good catches, and as the season gets along toward spring, it is wiser to let them set over three or four days and you get a better catch that way, and at the last hearing Friendship Harbor had been plowed out by a big coast guard cutter, so the Friendship boats were all fishing that day. That was a good day to fish from Friendship.

Now I think I have explained my position quite clearly, and I just move indefinite postponement of this bill.

The SPEAKER: The question now before the House in reference to this item, item 4, L. D. 159, is the motion of the gentleman from Friendship, Mr. Winchenpaw, that this bill be indefinitely postponed.

The Chair recognizes the gentlewoman from Bristol, Mrs. Sproul.

Mrs. SPROUL: Mr. Speaker, I would like to speak on this bill. It is a bill I feel very deeply about, and I think I can best explain this by a remark made to me yesterday afternoon at our Town Meeting. A woman came up to me, a Mrs. Josephine Townsend, who is a former resident of Monhegan, and she said, "Mrs. Sproul, how is that bill coming?" Well, I thought I could report that it was coming

along favorably, but I see at the moment it probably isn't. So anyway, we had a little discussion, and she said: "Mrs. Sproul, it is all that they have left on Monhegan. If they don't have this they are going to have to move off the island." For the information of the gentlemen and ladies of the House, I would like to say this is an island several miles out to sea. I feel that they need the protection that this law gives them.

They came to me in the early part of December and said that this law now read two miles; we would like to have it read two nautical miles. As anyone knows, the customary way to measure on the sea is by nautical miles. We certainly would not go out here on the street and measure by a nautical mile. We had a good hearing on it this last time, and I fully believe the only reason the gentlemen from Friendship didn't come was because they thought they had the matter in the first place.

Now we were fortunate enough to have two licensed pilots at this hearing and they explained fully that the customary way to measure on the ocean is by a nautical mile. This does not give them any more territory than they thought that they already had. This is something they need. If you will look around the islands you will see that the population is diminishing fast. If we don't have people on these islands, I maintain that it is going to work a hardship. They set pilots on and off, and I might add that there was a night not too long ago when the gentlemen from Friendship were very glad that there were people on Monhegan because they found it necessary to spend the night. This is a picture of Monhegan Island which shows you that it is not too lively out there. Again I say that this is something that is absolutely necessary to these people, they do work closely together, they have to work closely together. I certainly hope that the motion of the gentleman from Friendship, Mr. Winchenpaw, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, as my friend the gentleman from Friendship, Mr. Winchenpaw says, we had two hearings on it which might have been about two separate things.

It is true, as we found on Sea and Shore, that the lobstermen along the coast are pressing closer and closer together and they are hunting for more territory. Apparently until a few years ago there was never any question that this protection of Monhegan did run two nautical miles, a nautical mile being about eight hundred feet longer than a statute mile, it makes a difference of sixteen hundred feet around the island whether the protection does or does not take hold.

The population of Monhegan at the last census came to the magnificent total of sixty-five people. There are seventeen licensed lobstermen on the island which seems to me to take care of about all the male population in a population of sixty-five, the grown-up males. I really hope that these people who are doing a good fishery, they have the only closed season in Maine, it is about the only place where it is practical to have one, they don't take lobsters during the shedding or the soft period when the market is all shot, they have done a good job and I sincerely hope that the motion to indefinitely postpone does not prevail.

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

Mr. CROCKETT: Mr. Speaker, I probably am a little sentimental about this but, however, I went to Monhegan Island when I was a little boy; I knew when there were three or four hundred stone cutters and quarrymen on that island. It is nothing but a big rock. The only livelihood they have to get their livelihood from is from fishing, and I am telling you they are good, honest, upright people there and I believe they should be given the privilege to fish as they wish there in the bill. I do hope that the motion of the gentleman from Friendship does not prevail.

The SPEAKER: The House is ready for the question?

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

Mr. WINCHENPAW: Mr. Speaker, Ladies and Gentlemen of the House: Just in case I didn't make myself clear, we are not opposed to them having the two miles. I tried to find out how long that has been on the books, but as far as I know the two miles has been on the books for a long, long time. Our opposition is to allowing them to extend it any more. We are opposed to giving them that extension of that sixteen hundred feet because that means quite a bit of lobster bottom, and the other point I want to make clearly is, no man from the mainland is allowed to set his traps inside of that two miles. That two miles is exclusively for the Monhegan fishermen, and we are not opposed to them having the two miles, we are just opposed to any extension of that area.

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

Mr. LOWERY: Mr. Speaker, in the course of the hearing, we did discuss this cloture very closely. At that time we asked the Commissioner of Sea and Shore Fisheries what the practice had been of the Department in enforcing the laws out there. At that time he did state that they had always assumed the distance to be nautical miles, and I certainly hope that the House will go along with the—will not go along with the motion to indefinitely postpone.

The SPEAKER: The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that item four, L. D. 159, an Act relating to Close Time on Lobsters About Monhegan—

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

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

The SPEAKER: A division has been requested.

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

Mr. CURTIS: Mr. Speaker, I don't know a thing about lobsters and I ask to be excused from voting.

The SPEAKER: The question before the House—the House will be in order. The gentleman from Bowdoinham, Mr. Curtis, has requested that he be excused from voting. All those in favor of excusing the gentleman from Bowdoinham, Mr. Curtis, from voting, say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Two members arose.

The SPEAKER: Obviously, the the vote being against the gentleman being excused from voting, the gentleman is not excused.

The question now before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that Bill "An Act relating to Close Time on Lobsters About Monhegan," L. D. 159, be indefinitely postponed. All those in favor of indefinite postponement, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Two having voted in the affirmative and one hundred twenty-nine having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

Bill "An Act to Amend and Repeal Certain Private and Special Laws Relating to Sea and Shore Fisheries" (H. P. 205) (L. D. 300)

Bill "An Act to Correct Errors and Omissions in Sea and Shore Fisheries Public Laws" (H. P. 207) (L. D. 302)

Bill "An Act Providing for Municipal Court Conferences" (H. P. 321) (L. D. 473)

Bill "An Act to Authorize the Municipalities of Carthage, Dixfield and Weld to Form a School Administrative District" (H. P. 472) (L. D. 672)

Bill "An Act Requiring Public Utilities Commission Approval of Rates for Ferry Service for North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation" (H. P. 475) (L. D. 675)

Bill "An Act Placing Directors of Health and Social Welfare un-

der Personnel Law" (H. P. 537) (L. D. 735)

Bill "An Act to Create the Bureau of Maine Archives" (H. P. 539) (L. D. 737)

Bill "An Act to Incorporate the 'Maine Credit Union League'" (H. P. 654) (L. D. 932)

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

Tabled

Bill "An Act Classifying Certain Tidewaters Bordering Thomaston" (H. P. 693) (L. D. 971)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Williams of Hodgdon, tabled unassigned pending passage to be engrossed.)

Bill "An Act relating to Taking Clams from Batson's River in the Town of Kennebunkport" (H. P. 703) (L. D. 981)

Bill "An Act Repealing Grassy Pond Game Preserve and Gribbel Game Preserve" (H. P. 749) (L. D. 1035)

Bill "An Act to Prevent the Pollution of the Waters of Oyster River Pond, Knox County" (H. P. 769) (L. D. 1055)

Bill "An Act to Protect the Traveling Public and Persons Working on Highways" (H. P. 807) (L. D. 1121)

Bill "An Act Protecting the Source of Public Water Supply" (H. P. 835) (L. D. 1150)

Bill "An Act relating to Number of Lobster Traps on Trawls in York County" (H. P. 838) (L. D. 1153)

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

Tabled and Assigned

Bill "An Act relating to Night Hunting of Wild Birds" (H. P. 879) (L. D. 1214)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Moore of Casco, tabled pending passage to be engrossed and specially assigned for Wednesday, March 8.)

Bill "An Act relating to Boundaries of Merrymeeting Bay Game Sanctuary" (H. P. 880) (L. D. 1215)

Bill "An Act relating to Speed of Power Boats in Merrymeeting Bay" (H. P. 881) (L. D. 1216)

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

Tabled

Bill "An Act Regulating Vaccine Dealers and Distributors" (H. P. 956) (L. D. 1323)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: Item twenty-three, Bill "An Act Regulating Vaccine Dealers and Distributors"; this is an attempt to bypass the regular accepted practices of professional distribution, and until we can resolve our differences I move that this be tabled unassigned.

Thereupon, the Bill was tabled unassigned pending passage to be engrossed.

Tabled

Bill "An Act relating to Definition of Owner under Motor Vehicle Law" (H. P. 1049) (L. D. 1449)

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

Tabled and Assigned

Bill "An Act to Create the Fort Kent Sewerage and Water District" (H. P. 1072) (L. D. 1477)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker and Members of the House: On item twenty-five, it looks as if there were one fairly serious and two minor technical errors in draftsmanship. I should beg the House's indulgence to table that until Friday of this week.

Thereupon, the Bill was tabled pending passage to be engrossed and specially assigned for Friday, March 10.

Tabled and Assigned

Bill "An Act to Create the Bethel Utilities District" (H. P. 1073) (L. D. 1478)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. PIKE.

Mr. PIKE: Mr. Speaker and Members of the House: In item twenty-six, it looks as though there were one fairly serious drafting error and I should like to table that until Friday for the same purpose.

Thereupon, the Bill was tabled pending passage to be engrossed and specially assigned for Friday, March 10.

Resolve Regulating Fishing in Roach River, Piscataquis County (H. P. 24) (L. D. 43)

Resolve in favor of Elude Cantara of Biddeford (H. P. 43) (L. D. 84)

Resolve Increasing Pension of Merle Merrill of Montville (H. P. 104) (L. D. 144)

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

Third Reader Amended

Resolve Regulating Taking of Smelts in Kingsbury Pond and Mayfield Pond (H. P. 148) (L. D. 211)

Was reported by the Committee on Bills in the Third Reading and read the second time.

Mr. Dodge of Guilford offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 148, L. D. 211, Resolve, Regulating Taking of Smelts in Kingsbury Pond and Mayfield Pond.

Amend said Resolve by inserting after the title the following emergency preamble:

'Emergency Preamble. Whereas, acts and resolves do not become effective until 90 days after the adjournment of the Legislature unless enacted as emergencies; and

Whereas, fishing is one of Maine's greatest natural resources and should be encouraged and promoted as much as possible; and

Whereas, it is vitally necessary that the following legislation be passed in order to aid in the conservation of this natural resource; and

Whereas, such conservation should be instituted in the spring of 1961; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it'

Further amend said Resolve by adding at the end the following emergency clause:

'Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.'

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

Mr. DODGE: Mr. Speaker and Members of the House: The reason for this amendment is the fact that it would not become effective this year and the fact that smelts run in the spring. We would have to wait another year before this law would go into effect; we would like to have it go into effect this spring. Thank you.

The SPEAKER: Is it the pleasure of the House that House Amendment "A" shall be adopted?

Thereupon, House Amendment "A" was adopted and the Resolve passed to be engrossed as amended and sent to the Senate.

Resolve Closing South Brook, Piscataquis County, to All Fishing (H. P. 241) (L. D. 355)

Resolve Reimbursing Town of Weston for Aid Extended to Henry Lee (H. P. 299) (L. D. 451)

Resolve Increasing State Pension for Mrs. Katie Libby of Charleston (H. P. 530) (L. D. 728)

Resolve Authorizing State to Convey Certain Land to Cumberland County (H. P. 542) (L. D. 739)

Resolve Reimbursing Town of Exeter for Aid Extended to Mrs. Virginia Smith (H. P. 580) (L. D. 800)

Resolve Opening Baker Pond, Somerset County, to Fly Fishing (H. P. 595) (L. D. 816)

Resolve Increasing Pension of Martha Morey of Shirley Mills (H. P. 626) (L. D. 843)

Resolve Authorizing the Director of the Bureau of Public Improvements to Convey Certain Land in Hallowell (H. P. 635) (L. D. 852)

Resolve Changing Survivor Payments to Mrs. Anita K. Lyons of Bangor, as Guardian for Minors (H. P. 1071) (L. D. 1473)

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

Amended Bills

Bill "An Act relating to Jurisdiction of Violations of Maine Forestry District Laws" (H. P. 115) (L. D. 155)

Bill "An Act relating to Removal of Ice Fishing Shacks" (H. P. 137) (L. D. 200)

Bill "An Act Providing for a Review of Laws of Forestry Department" (H. P. 143) (L. D. 206)

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

Tabled and Assigned

Bill "An Act Revising the Maine Milk Law" (H. P. 219) (L. D. 334)

(On motion of Mr. Kimball of Mount Desert, tabled pending acceptance of the Report of the Committee on Bills in the Third Reading and specially assigned for Friday, March 10.)

Bill "An Act Regulating Emergency Calls on Party Lines" (H. P. 700) (L. D. 978)

Bill "An Act to Authorize Greenbush, Greenfield, Howland, Maxfield, Passadumkeag, LaGrange

and Seboeis Plantation to Form a School Administrative District" (H. P. 737) (L. D. 1025)

Bill "An Act relating to Disability Retirement under Maine State Retirement Law" (H. P. 837) (L. D. 1152)

Bill "An Act Revising the Laws Relating to Veterinarians" (H. P. 865) (L. D. 1200)

Bill "An Act relating to Transportation of Certain Poultry" (H. P. 954) (L. D. 1321)

Resolve Closing Hayden Brook, Somerset County, to All Fishing (H. P. 244) (L. D. 358)

Resolve Regulating Fishing in Ireland Pond, Penobscot County (H. P. 597) (L. D. 818)

Resolve Authorizing Director of Public Improvements to Grant Certain Easements on Land of the State in Augusta (H. P. 639) (L. D. 856)

Resolve in favor of Irving L. Leach of Bluehill (H. P. 657) (L. D. 935)

Resolve Designating Island in Little Sebago Lake as "Dav Brian Island" (H. P. 695) (L. D. 973)

Resolve Designating the Augusta-Waterville Portion of the Interstate System in Maine as Clinton A. Clauson Memorial Highway (H. P. 808) (L. D. 1122)

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

Passed to Be Enacted Emergency Measure

An Act relating to the Ogunquit Village Corporation (H. P. 262) (L. D. 376)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Incorporate the Town of Newburgh School District (H. P. 323) (L. D. 480)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 124 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Increasing Indebtedness of Deer Isle School District (H. P. 332) (L. D. 484)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 124 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Trapping Season on Muskrats in Aroostook County (H. P. 388) (L. D. 563)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 123 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure
Tabled**

An Act relating to Student Rates for Ferry Service for North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation (H. P. 476) (L. D. 676)

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

(Upon request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar.)

Emergency Measure

An Act relating to Sewage Treatment Plant for City of Saco (H. P. 508) (L. D. 783)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Incorporate the Castine Water District (H. P. 527) (L. D. 725)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure
Tabled**

An Act Revising the Law on Tax on Transient Rentals (H. P. 551) (L. D. 748)

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

The SPEAKER: The Chair recognizes the gentleman from Smithfield, Mr. Johnson.

Mr. JOHNSON: Mr. Speaker and Members of the House: Inasmuch as this bill could be an appropriation bill in reverse, I move that it be placed upon the special appropriations table.

The SPEAKER: The Chair would advise the gentleman from Smithfield, Mr. Johnson, that the only one who can place a bill upon the special appropriations table is a member of the Appropriations Committee.

Mr. JOHNSON: Mr. Speaker, I would ask that someone from the Appropriations Committee please place this on the—

The SPEAKER: The gentleman from Smithfield, Mr. Johnson, has suggested that if any member from the Appropriations Committee cares to do so, they may place this upon the special appropriations table.

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, for the present I would suggest to the gentleman from Smithfield, would he ask to have this matter tabled temporarily or unassigned until we have time to discuss it.

Mr. JOHNSON: Mr. Speaker, I move that this be tabled unassigned.

Thereupon, the Bill was tabled unassigned pending passage to be enacted.

Emergency Measure

An Act Increasing Borrowing Capacity of Newport School District (H. P. 687) (L. D. 965)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act relating to Deduction of Sentence in County Jails (S. P. 18) (L. D. 18)

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

(On motion of Mr. Waterman of Auburn, tabled pending passage to be enacted and specially assigned for Wednesday, March 8.)

Passed to Be Enacted

An Act Clarifying the Time of Payment of Wages (S. P. 22) (L. D. 47)

An Act relating to Record of Facts Used to Impose Sentence on Persons Convicted (S. P. 67) (L. D. 167)

An Act relating to State Humane Agents (S. P. 132) (L. D. 315)

An Act Authorizing Construction and Maintenance of a Wharf in Sebago Lake at Standish by Virgus A. Chick (S. P. 179) (L. D. 425)

An Act relating to Motor Vehicle Excise Tax (S. P. 263) (L. D. 780)

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

Tabled

An Act Creating a Committee to Plan for an Institution Serving as a Reception and Treatment Center (S. P. 322) (L. D. 997)

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

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: With reference to item sixteen, I move that this be tabled unassigned since it does carry an appropriation.

The SPEAKER: In reference to item sixteen, L. D. 997, the gentleman from Perham, Mr. Bragdon, moves that this item be tabled unassigned pending passage to be enacted. Is this the pleasure of the House?

The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, I would debate the time of tabling. I move that it be tabled to Friday next.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves that this item be tabled until Friday next. However, the pending motion is the motion of the gentleman from Perham, Mr. Bragdon, that it be tabled unassigned; and this could be the longer period of tabling.

The Chair will request a division. Now the question before the House is the motion of the gentleman from Perham, Mr. Bragdon, in reference to L. D. 997, that it be tabled unassigned. All those in favor of the motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred eleven having voted in the affirmative and twelve having voted in the negative, the Bill was tabled unassigned pending passage to be enacted.

An Act relating to Use of Motor Vehicles Without Authority in Any Place (S. P. 465) (L. D. 1464)

An Act to Grant a New Charter to the City of Hallowell (H. P. 63) (L. D. 105)

An Act relating to Superintending School Committee of Town of Winslow (H. P. 260) (L. D. 374)

An Act Increasing Indebtedness of Fort Fairfield School District (H. P. 264) (L. D. 378)

An Act Repealing the Windham Game Preserve (H. P. 308) (L. D. 460)

An Act relating to Leases of Facilities for State Government (H. P. 352) (L. D. 504)

An Act to Clarify State Disbursements (H. P. 353) (L. D. 505)

An Act relating to Penalty for Violating Vesicular Exanthema Laws (H. P. 375) (L. D. 550)

An Act relating to Boundaries of Limington, Hollis and Waterboro Game Preserve (H. P. 391) (L. D. 566)

An Act Providing an Advisory Committee for Security Dealers (H. P. 458) (L. D. 658)

An Act Repealing Oosoola Stream Game Preserve (H. P. 479) (L. D. 679)

An Act relating to Open Season on Deer in Vinalhaven (H. P. 480) (L. D. 630)

An Act Amending the Charter of the City of Bangor (H. P. 524) (L. D. 722)

An Act relating to Sales Tax on Sales of Food Products for Immediate Consumption (H. P. 548) (L. D. 745)

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

Tabled

An Act Making Mandatory the Reporting of Blindness to Health and Welfare Department (H. P. 805) (L. D. 1119)

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

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: With regard to item thirty-one, I move that this be placed on the Special Appropriations Calendar.

The SPEAKER: In reference to item thirty-one, L. D. 1119, the gentleman from Perham, Mr. Bragdon, has requested that this item be placed on the special appropriations table.

The Chair recognizes the gentleman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker, would I be in order to have that item thirty-one tabled unassigned?

The SPEAKER: No. The Chair would like to advise the gentleman that the tabling motion made by the gentleman from Perham, Mr. Bragdon, is made under an order passed by this House, which authorized him to table matters to the special appropriations table by simply making a request, and it does not require a vote of the House.

Thereupon, the Bill was placed on the Special Appropriations Calendar.

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

Mr. PHILBRICK: Mr. Speaker and Members of the House: I arise I think to a point of order, or at least a parliamentary question of some sort. Item thirty-one, "An Act Making Mandatory the Reporting of Blindness to Health and Welfare Department," a quick look at the bill fails to disclose to me that there is any appropriation attached to the bill; so my question is this—are bills to lie unassigned on the special appropriations table if there is no price tag attached?

The SPEAKER: The House will be at ease.

House at Ease

Called to order by the Speaker.

The SPEAKER: In reference to the question of the gentleman from Bangor, Mr. Philbrick, in relation to item thirty-one, L. D. 1119, he made a parliamentary inquiry as to

whether or not the motion of the gentleman from Perham, Mr. Bragdon, was in order since he questioned as to whether or not a requirement for the appropriation of money was in the bill. I will read from the order that authorizes a member of the Appropriations Committee to table bills and place them on the appropriations table, and I quote:

"All bills and resolves carrying or requiring an appropriation that in order to be passed to be engrossed or to be passed to be enacted or finally passed shall at the request of a member of the Committee on Appropriations and Financial Affairs be placed on a special calendar to be called up for consideration."

Now this bill although on the face of it does not carry an appropriation, it will require an appropriation later; therefore the Chair will state in answer to the parliamentary inquiry that the tabling motion of the gentleman from Perham, Mr. Bragdon, was in order.

An Act Exempting Taxicab Drivers from the Minimum Wage Law (H. P. 1056) (L. D. 1265)

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

Tabled

An Act relating to Tattooing (H. P. 1087) (L. D. 1468)

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

(Upon request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar.)

Finally Passed

Resolve Regulating Fishing in Parmachenee Lake, Parmachenee and Lynchtown, Oxford County (S. P. 227) (L. D. 632)

Resolve Refunding Motor Vehicle Fees to Certain Canadian Residents (H. P. 466) (L. D. 666)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed,

signed by the Speaker and sent to the Senate.

Orders of the Day

Mr. BAXTER: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. BAXTER: I would like to ask permission to briefly address the House.

Thereupon, Mr. Baxter of Pittsfield was granted unanimous consent to address the House briefly.

Mr. BAXTER: Mr. Speaker, as I assume that this is the point at which I would proceed on this matter, and if not, it can be changed. I happened to be in the office when the tabling motion on item eight, An Act Revising the Law on Transient Rentals, was brought up. As I heard it over the intercom, it was my impression that the gentleman from Smithfield, Mr. Johnson, felt that this had to do with appropriations and that it should therefore lie upon the appropriations table, and it was my impression that the gentleman from Perham, Mr. Bragdon, suggested that this be tabled until later in the day pending ascertaining whether or not that was that case.

In the meantime, I have checked with the Taxation Department and find that there is no loss of revenue to the State in connection with this bill, and therefore, it would not be a matter for the appropriations table.

Now I may be wrong in my judgment of what the gentleman from Smithfield, Mr. Johnson, wished to do. However, this bill of course has been discussed and has passed through to this point, and if it is the pleasure of the House and Mr. Johnson that it continue, merely having been held up at this point pending the matter of money, it could proceed. So for that reason, and to clarify the matter, if it is in order at this time, I will move that we reconsider our action whereby we tabled this matter unassigned earlier in the day.

The SPEAKER: A tabled matter cannot be reconsidered, because obviously that would be debating the tabled matter; so the motion is not in order.

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act Revising Statutes Regulating Branching and Consolidations by Banks" (H. P. 459) (L. D. 659) (Committee Amendment Filing H-34).

Tabled — February 21, by Mr. Johnson of Smithfield.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Smithfield, Mr. Johnson.

Mr. JOHNSON: Mr. Speaker, Ladies and Gentlemen of the House: I now move that this bill be retabled until Friday next pending passage to be engrossed.

The SPEAKER: The gentleman from Smithfield, Mr. Johnson, in reference to item one moves that this be retabled until Friday next pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act relating to Employment of Minors Under 16 Years of Age" (H. P. 759) (L. D. 1045) (Filing H-66)

Tabled — March 1, by Mr. Jobin of Rumford.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, reference is made to item two, L. D. 1045, I move that the rules be suspended for the purpose of reconsidering the action of the House on March 1, 1961 whereby it adopted House Amendment "A".

The SPEAKER: The gentleman from Rumford, Mr. Jobin, has moved that the rules be suspended for the purpose of reconsidering the adoption of an amendment. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, Ladies and Gentlemen of the House:

Last week this House in its wisdom—

The SPEAKER: The Chair understands that the gentleman from Rumford, Mr. Jobin, now moves that the House reconsider its action whereby it adopted House Amendment "A". Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. JOBIN: Mr. Speaker, Ladies and Gentlemen of the House: Last week this House in its wisdom accepted the Labor Committee's unanimous "Ought to pass" Report on L. D. 1045, entitled "An Act relating to Employment of Minors Under 16 Years of Age." The bill added four new categories to the law because these particular occupations were considered dangerous to young children. In order to refresh our memories, the occupations added were construction work, tree surgery, woods operations, and transportation. Since then certain individuals saw fit to oppose this bill and moved indefinite postponement. This action was rejected by the House.

Now those in opposition have introduced an amendment which attacks not the categories mentioned in the bill, but other categories which have been part of the existing law for many, many years. These categories are namely hotels, rooming houses, bowling alleys, poolrooms. Ladies and Gentlemen of the House, if we are to expect those in charge of our Child Labor Laws to enforce these laws and do a job for us, we must give them the tools to do so.

One of the first questions which may come to mind is this: How could a child hurt himself in a poolroom, a hotel, or a rooming house? I would remind each and everyone of you, that our responsibility to protect these children is not only a physical one but also a moral one. I will admit that many of our hotels are very fine and come very highly recommended. But we must not forget that all such places are not desirable. In many cases these facilities attract only a rough element and since there would be no age limit whatsoever, it is conceivable that

very immature girls of twelve or thirteen years of age could be exposed to very serious moral hazards.

The same general reason may apply to poolrooms. Most of us probably at one time or another have seen the average poolroom. And those of us who have not have undoubtedly seen them either in movies or television, and various other mediums. It is easy to deduce from the inferences made by these various mediums and the characters depicted just what the objection to these places is. I would like to know just how many parents here in this room would like to have her children under sixteen working in a poolroom.

I submit to you Ladies and Gentlemen I do not believe that this amendment is an effort to aid in the protection of our youngsters, but in reality it is an effort to relax the rules which, in my opinion, would be to the detriment of our children. Therefore, I move that House Amendment "A" be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Rumford, Mr. Jobin, that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I agree wholeheartedly with what was said by the gentleman from Rumford with regard to the employment of our boys and girls under sixteen years of age in certain places. I know that most of us are grandfathers or fathers and mothers and I think that we all would be much concerned particularly with where our children work and also as to whether or not they are working in places that are hazardous or where they might be injured.

The original purpose of this bill was to add two or three categories which were thought to be dangerous places for children of that age to work. And I for one, since the incoming of power saws and the like, I certainly wouldn't want any child of mine working around those saws in the woods as

they are today, or around tree surgery, where again power saws are used; and I think that the protection that has been afforded our young children of tender age, and the bill as it originally was, has worked very well, and I think perhaps to bring it up to date that we should add one or two more categories. That is the intention of this bill, and I hope that the amendment that was presented the other day, the vote on the amendment on reconsideration, will prevail. Thank you very much.

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

Mr. TURNER: Mr. Speaker, Ladies and Gentlemen of the House: I think this is just another bill to handicap the young fellow around fourteen, fifteen or sixteen years old from getting a job, even if he is ambitious, he can't get a job. This bill "An Act Relating to Employment of Minors Under 16," well this poolroom and some of that other stuff has always been in here, but what this bill is trying to do now is to take on to forbid a boy from working on construction, woods work, tree surgery, or something else, there, I forget, just what it was, and transportation.

Well, now I have a boy fifteen, he worked all summer last summer for a construction company. It is a small outfit and all he had to do was, he drew one dollar and a quarter an hour, was to rivet metal onto steel posts, and I'm a good deal happier for my boy to be working than he is out racing the streets, and you don't know where he is.

I have spoken to a couple of the members of this Labor Committee and they say they are not in love with this bill. It's nothing but a Department bill, seeking more power, and of course I know these fellows pretty well and, but I've got to rub it into them a little. You know the head of this Department being a beautiful woman, I can see why this committee could be easily led, but after all, there comes a time when you must say no. And I move indefinite postponement of the whole bill.

The SPEAKER: The Chair will advise the gentleman that there is

a motion now before the House pertaining to the indefinite postponement of an Amendment. A motion to amend has precedence over a motion to indefinitely postpone. Therefore, the prevailing motion still is the motion of the gentleman from Rumford, Mr. Jobin, that the Amendment be indefinitely postponed.

The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker, Members of the House: We are all concerned with the safety of our children, but just where is the dangerous place? Now if you will look through the little booklet I had passed around here from the State Police, you will find the automobile is the most dangerous place they can be in. And also the roads. So when we are talking about safety let's get some figures on this just to see where they are in danger. That is the thing we want to know. Are they in danger in construction work, have children been dangerously hurt in this construction work, and just how many, and tree surgery and so on? That is the particular thing we want to know, not what people think but what has happened.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Brewer.

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment reminds me of a little game I used to play when I was a little boy, with a little toddle top, you put three and you take two. Now those of us that are concerned with the welfare of minor children, are concerned not with the parents that want to know what their children are doing at all times, but parents that are not concerned with what their children are doing.

Now I may refer to a statute on the books relative to school children attending school until they are sixteen years of age, now that statute is not concerned with parents that are concerned with their education but parents that don't care what their children are doing, whether they are attending school or not, and I might say as a former member of the school board, there are many of those

parents. And in the City of Bath, we have taken many of those parents into Court for action. I highly agree with Mr. Jobin from Rumford that this amendment should not have passage.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to debate the items in this bill, I was the one that put the amendment in, and as I understand it the Labor Department is interested in the children, the dangers to children; and now I find out that we are trying to give the Labor Department power to legislate morals. And I believe that if we stop these children from working altogether, as these items will do in the book, I think we're going to have more trouble on our hands.

Now we have construction activity listed here. I would go along with that one hundred percent if that was spelled out. There is construction work that children shouldn't be working on, but we have contractors, especially in my area, building outdoor fireplaces, that's all they do all summer, there's no power tools used, I can't see any harm in the children working on it, but as long as we have a general coverage of construction activity, these boys can't do a thing in that line.

I think that if my friend from Auburn had made a move for indefinite postponement of this bill and all accompanying papers, it would have taken care of that amendment.

The SPEAKER: The motion was not in order.

The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker and Members of the House: I would rise to clarify my position on this particular issue because I think the issue has become somewhat confused. The question before the House at this time is the adoption or the indefinite postponement of the amendment. Now I am opposed to the amendment and I would be in favor of the indefinite postponement of the amendment because

I think a basic issue is involved here because the amendment as it is presented is getting into a dangerous field of legislation without benefit of an L. D. or without benefit of a public hearing. If you will read the amendment closely, and read the bill as it was introduced, you will see that certain portions of the amendment are in no way related to the bill that was presented. The amendment in effect would be legislating by amendment by removing from the original Child Labor Law certain categories which have not been considered in the bill. Now I personally believe that this is a very dangerous means of legislation and for that reason I will be opposed to the amendment.

The SPEAKER: The question now before the House is the motion of the gentleman from Rumford, Mr. Jobin, that the amendment be indefinitely postponed. The Chair will request a division.

All those in favor of the indefinite postponement of the amendment please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred thirty-three having voted in the affirmative and none having voted in the negative, the motion to indefinitely postpone the amendment prevailed.

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

Mr. TURNER: Mr. Speaker, Ladies and Gentlemen of the House: This Mr. Jobin over here speaks about boys being hurt in doing some of these — or being abused by working under different agencies — and I'd like to hear from any member of the committee that can show proof whereby in a single case a minor has received abuse while working. You know and I know that boys around fourteen or fifteen don't stand for much abuse, and I move indefinite postponement of the bill.

The SPEAKER: The Chair would like to advise the members of the House that in reference to a fellow colleague, you refer to him as the gentleman from Rumford, Mr. Jobin.

The question now before the House is the motion of the gentleman from Auburn, Mr. Turner, that this Bill be indefinitely postponed.

The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, in answer to my esteemed colleague from Auburn, Mr. Turner, I would be very happy to answer any question that he may have, in regard to these figures, provided that I am given a little bit of time to get them together.

However, I would request that he answer to me also the statement that he made a while ago about the members of the Labor Committee not being too crazy about this bill. I submit to you that anyone who is not too crazy about this bill is certainly violating the trust put in them by this Legislature, by signing an unanimous "ought to pass" report. We, as members of the committee, have an opportunity to accept or reject any bill that comes before us, so I submit that the fact that it was unanimously signed, to me anyway, amounts to the fact that the committee was wholeheartedly behind the bill. Thank you.

The SPEAKER: The question now before the House is the motion of the gentleman from Auburn, Mr. Turner, that the Bill be indefinitely postponed.

The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I don't like to take exception with the gentleman from Auburn, my good friend, Ben Turner, because Ben I have known for a great many years, I know how sincere he is, I know what a good Legislator he is, but I do feel that as far as the employment of children under sixteen years of age is concerned, that there should be some thought given to their protection.

The gentleman from Auburn spoke of some accident that had happened to any of these children. I recall at one time that my boy in the tender years under sixteen years of age was helping deliver a load of lumber in the City of Lewiston, and much to my wife's consternation and my own, we re-

ceived a telephone call that that load of lumber had unfortunately slipped some way and that he was badly injured and in the Central Maine General Hospital. He was laid up for quite a little while and we wondered whether or not the injury that he suffered in that connection was one that might be with him for some time and perhaps the rest of his life. But for my friend, the gentleman from Auburn, I would say that I recall that quite definitely, and I do think that, as has been said to the House today, that perhaps it wasn't our fault that our boy was on that load of lumber, but certainly had we known that he was on that load of lumber, we never would have let him be connected with such a hazardous situation as that was, and I hope that the House will consider carefully before they vote for indefinite postponement of this particular legislation which, as has been said, received the unanimous support of your Committee. Your Committee is working hard, and considered this and came out with a unanimous report that it "Ought to pass" and I hope that that Committee Report will prevail.

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

Mr. WELLMAN: Mr. Speaker, I would like to ask a question if I may of the gentleman from Rumford, or if he can't answer, perhaps another member of the Committee. Section 22 of Chapter 30, being the labor laws of the state, specify that employment of minors under eighteen years in certain establishments, and there it says "in any capacity the Commissioner determines to be hazardous." Section 23 with which we are now concerned, does not make this reference. Does anything in Section 22 pertain to Section 23 that would give the Commissioner that same right to determine what would be hazardous in woods operations or any of the other listed sections of 23?

The SPEAKER: The gentleman from Bangor, Mr. Wellman, has asked a question through the Chair of any member on the Committee on Labor who may answer if they choose.

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

Mr. BROWN: Mr. Speaker, being a member of the Labor Committee, I would like to straighten out a few counts that have been brought to light, and one is that the Commissioner of Labor reported to the Committee that these are in the top category in regard to hazardous employment, all these categories, and she has the figures to back that up.

Also, it would seem to me in answer to the gentleman that asked the question, from Bangor, Mr. Wellman, that he might understand if things are not clarified as this law does clarify, it would be costly to the state in regard to litigation. I hope that answers the question.

The SPEAKER: Does the gentleman from Bangor, Mr. Wellman, consider his question answered?

Mr. WELLMAN: I am sorry, I don't, and I would like this tabled until the next legislative day.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Wellman, that Bill "An Act Relating to Employment of Minors Under 16 years of Age," House Paper 759, Legislative Document 1045, be tabled and specially assigned for the next legislative day pending the motion of the gentleman from Auburn, Mr. Turner, that the bill be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

The Chair laid before the House the third tabled and today assigned matter:

Bill "An Act Permitting Bars in Taverns" (S. P. 235) (L. D. 639) — in Senate Passed to be Engrossed.

Tabled — March 1, by Mr. Morrill of Harrison.

Pending — Motion of Mr. Chapman of Norway that the Bill be Indefinitely Postponed.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker and Members of the House: This bill did not come out unanimously "Ought to pass," I think it was

eight to two "Ought to pass." I think the heading on this bill is a little misleading, it says permitting bars in taverns, and the only purpose of the bill is to allow stools at the bars, so that patrons can be served either remaining seated or standing at the bar. It is not what you would call an important bill, but it just allows stools at the bars in taverns, and I think that in Committee we were told there are only eight taverns in the State of Maine.

That is the sole purpose of the bill, that is, to allow stools.

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

Mr. CHAPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps it might be due that I would express my sentiment relative to this bill and describe why I voted as I did.

Several years ago when the industry requested a service of this type, we were told that if the customer came in on his way home from work to get a glass of beer, stood at the bar, he might drink two, but he would get tired of standing after two and would go on home about his business. We were told that there would be no ladies present to tease him to buy another drink; there would be no food involved, and for that reason I think the bill was originally passed. Now they come in and wish an addition; they are creeping all the time, to which I object. It is not a momentous bill, but I think you are entitled to know my views and why I voted as I did in the Committee. Thank you.

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

Mr. DODGE: Mr. Speaker and Members of the House: Years ago when they first had the bars so they could sell beer and so on in Maine, we had places that you could go in and sit down and drink beer. At that time I was attached to some of the police work in my town. Those people would sit down there and didn't know how much beer they had until they tried to get up, and many of them had to be lugged out. I think a place where they could go in and stand

up and drink their beer is fine, but I would object to a place where they can sit down.

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

Mr. LACHARITE: Mr. Speaker and Members of the House: This bill has had its hearing before the Liquor Control Committee, and the Committee reported a Divided Report in favor of the bill. Now, in the State all restaurants and hotels are required to have patrons seated before they are served any malt beverages or liquors. I think we are being inconsistent when we say to one your patrons must be seated, and we say to another they must be standing up.

This bill does not broaden the liquor law in any way. It will not increase the sale of liquor. There are only a few taverns in the State, and it is simply to allow them to have stools at the bars. I think to be consistent, we must go along with this bill, and I hope that the motion to indefinitely postpone will not prevail.

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

Mr. ANDERSON: Mr. Speaker and Ladies and Gentlemen of the House: I merely want to confirm the statement made by the gentleman from Norway, Mr. Chapman. I was on the Committee when this provision was originally established, and it was — and I did review the notes that I took on that Committee at the time of the establishment of the bars or taverns so-called, and so what Mr. Chapman has told you is exactly true.

I might point out that the original sponsor of the act in his remarks stated that if there were to be a change in the law as was being requested at that time, that he would oppose any change. I might also point out that the sponsor of the original act is currently a member of the Legislature. I just want to bring those facts to you for your own consideration. I have no feeling on it one way or the other, but I do want to say and confirm Mr. Chapman's remarks that those are the sentiments that were expressed and those were the statements made in 1953.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Winslow, Mr. Dostie.

Mr. DOSTIE: Mr. Speaker, I would like a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Norway, Mr. Chapman, that Bill "An Act Permitting Bars in Taverns," S. P. 235, L. D. 639, be indefinitely postponed. All those in favor of the motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Sixty-one having voted in the affirmative and sixty-three having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The Chair laid before the House the fourth tabled and today assigned matter:

HOUSE REPORT—Ought to Pass with Committee Amendment "A"—Committee on Business Legislation on Bill "An Act Amending Charter of the Telephone Workers Credit Union of Maine." (H. P. 655) (L. D. 933)

Tabled — March 3, by Mr. Lowery of Brunswick.

Pending — Acceptance of Report.

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

Mr. LACHARITE: Mr. Speaker, Ladies and Gentlemen of the House: This bill was tabled by my colleague from Brunswick, Mr. Lowery, during my absence because it was reported out with an amendment—with a committee amendment. I know now what the committee amendment is, I am in favor of it, and I move the acceptance of the Committee Report.

The SPEAKER: Is it the pleasure of the House to accept the Committee Report?

The motion prevailed, the Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 655, L. D. 933, Bill, "An

Act Amending Charter of the Telephone Workers Credit Union of Maine."

Amend said Bill by striking out all of section 1 and inserting in place thereof the following:

"Sec. 1. P. & S. L., 1921, c. 93, § 3, amended. Section 3 of chapter 93 of the private and special laws of 1921, as amended by chapter 32 of the private and special laws of 1943, is further amended to read as follows:

'Sec. 3. Shareholders and capital. The capital of a credit union shall be unlimited in amount and shall consist of shares, and may, in the board of directors elects also consist of deposits. No person, unless employed in the telephone business, shall become or continue to be a shareholder and the by-laws of the corporation shall, subject to the approval of the Bank Commissioner, contain provisions to carry into effect this section. Shares of capital stock may be subscribed and paid for in such manner as the by-laws may prescribe except that the par value of shares shall not exceed \$5. No person shall own more than 500 shares. The maximum amount of shares which may be held by any one member shall be established from time to time by resolution of the board of directors.'

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

The Chair laid before the House the fifth tabled and today assigned matter:

Resolve, Regulating Fishing in Moose River, Somerset County. (H. P. 242) (L. D. 356)

Tabled — March 3, by Mr. Anderson of Greenville.

Pending — Adoption of Committee Amendment "A" (Filing H-80)

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I note the Calendar says this is House Amendment "A," and however Filing No. 80 is Committee Amendment "A." I tabled this because the Committee Amendment

did not appear to be in order, I discussed it with the House chairman of the Committee and he informs me that it is not in order; therefore I move the indefinite postponement of Committee Amendment "A."

The SPEAKER: The question now before the House is the motion of the gentleman from Greenville, Mr. Anderson, that Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I now offer House Amendment "A" and move its adoption.

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

HOUSE AMENDMENT "A" to H. P. 242, L. D. 356, Resolve, Regulating Fishing in Moose River, Somerset County.

Amend said Resolve in the 8th line by striking out the figure "2" and inserting in place thereof the word 'one'

Further amend said Resolve by adding at the end, before the period, the following: 'for the calendar years 1961 and 1962'

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

The Chair laid before the House the sixth tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority "Ought to Pass" — Minority "Ought Not to Pass"—Committee on Sea and Shore Fisheries — on Bill "An Act Repealing Certain Laws Permitting Taking of Clams for Bait Purposes in Polluted Areas." (H. P. 342) (L. D. 494)

Tabled — March 3, by Mr. Lowery of Brunswick.

Pending — Acceptance of Either Report.

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

Mr. LOWERY: Mr. Speaker, I would request that we accept the Majority Report, and I would like to speak briefly on the measure.

The SPEAKER: The gentleman may proceed.

Mr. LOWERY: Mr. Speaker, Ladies and Gentlemen of the House: The repeal measure that I have proposed is essentially a health and safety measure, taking from the books permissive acts which should have been removed long ago. It is only by the grace of God that we have not had serious repercussions from these flats being in operation. One has only to review the reports of the Water Improvement Commission on the waters in these three areas to realize the danger that we have been in.

It was brought to our attention during the hearings, that the York County Lobstermen's Association was opposed to the repeal measure. May I point out that there are sixty-one polluted areas along the Maine coast, all in areas in which lobstermen operate. Yet these three areas are the only ones in which this permission is granted.

Let me say that such permissive legislation gives rise to some very serious problems which affect not only the fishermen in this area but in the entire state, not to mention the general public as well.

Law enforcement is a big problem. Although the clams may have been reported as dug for bait on the flats, the State has no control over these clams once they have left the flats. We cannot afford to pay a warden to watch over these clams from the time they are dug until the time they are used for bait. The State and the public, therefore, is without any effective means to prevent these clams from reaching the open market or for home consumption.

With the number of roadside stands and restaurants in this coastal area that specialize in sea food, steamed clams, clam chowder, fried clams etc., it is doubtful if there are many questions asked as to the source of supply of the raw product. Yet the danger is very great. It is dangerous not only to the people directly affected but to the entire shellfish industry of the State of Maine.

Let me give you an example. I have in my possession a copy of

a letter issued February 27, 1961, this year, from the U. S. Public Health Service with a report of an epidemic of infectious hepatitis in Pascagoula, Mississippi, stating that oysters were believed to be the vehicle of transmission. It was found: (1) raw sewage had been discharged in the vicinity of the state-approved shellfish beds; and (2) that some privately-harvested oysters were taken from the non-approved area for local consumption. As a direct result of this investigation, a telegram was sent to all health officials in every state of the Union. I quote in part:

Telegram was dated February 27—

" To all Health Services— Evidence indicates sewage pollution of approved oyster beds in the vicinity of Pascagoula, Mississippi. Beds involved closed on February 8 and 18 respectively. . . The extent of interstate shipment through repackers in Mississippi and other states now being investigated. We recommend that sale in your State of oysters originating from these shippers prior to February 18, be halted on a basis of suspected pollution."

I also have with me a report from our own Sea and Shore Fisheries Department, describing the area and the waters. I will quote that in part:

" The three bait digging areas listed under Legislative Document 494 are Closed Areas No. 6 Mousam River, No. 7 Kennebunk River and No. 9 Biddeford Pool and Saco River.

"The clam producing flats of Biddeford at Hills Beach and Biddeford Pool were surveyed regularly by the Department of Sea and Shore Fisheries from 1946 to 1957. During that period a portion of Biddeford Pool was open for approximately two weeks in 1953 as a result of a reduction in contamination. At other times scores obtained from sampling the clams and the waters overlying them have ranged from moderately to grossly polluted.

"The Kennebunk River was closed in 1946 because of gross pollution. This area was re-surveyed in 1957 and results of this survey indicated

that the area was still grossly polluted.

"Closed Area No. 6 the Mousam River has a consistent record of gross pollution.

"No one of these areas can be opened until there has been a significant reduction of contamination.

"Since these areas are grossly polluted, health officials are extremely concerned with the possibility of bait clams being used for food by individual diggers or by reaching the public market through normal distribution channels because of diseases which are associated with contaminated shellfish."

You will note in the previous telegram that this referred to only a local epidemic in Mississippi. It has repercussion on the oyster industry throughout the nation. The same thing could happen here in Maine, if an epidemic were traced to clams taken from these areas. That is why we, who are much concerned with the shellfish industry in the State of Maine, would like to see these flats closed completely, so that nothing of that sort could happen here.

I therefore ask for acceptance of the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: Ever since this bill was presented and I heard it in the Sea and Shore Committee, I've been in a quandary as to why they directed this bill at this particular area. There is an assortment of facts which have been presented to you—some of them correct and some of them totally incorrect. In 1946, it was true that area was considered totally polluted. At the present time, there is sewerage on Kennebunk River and in view of the fact that my esteemed colleague from Brunswick would not know whether they clammed on one side of the river or the other, they might be clamming on the good side of the river which in this particular case is as good as the other.

There is another item which I would like to bring up at this time, that they have been clamming in

that area for over fifty years or more that I know of. There has never been one single violation of the law reported. There has never been one single violation of illness reported. And if you would like to see a healthier lot of men than there are in that area, I want to see them. This is the finest group of fishermen there is, I think, along the coast, and they compare with any, they are men who abide by the laws — now, if you'll examine the facts very carefully, you will find that these clams are used totally for bait. And if any of these gentlemen wanted to eat them themselves, it would be up to them. They certainly are not looking for their own demise, and if they did, they would cook them very thoroughly. And you can get any number of thousands of diseases if food is not cooked because they contain bacteria before they are cooked. And if you want to do this, you might as well close the whole polluted areas to lobstering. This is the same thing. You are taking shellfish from a polluted area, why don't they aim this at that? Because, my dear friends, if they did, they would have five thousand six hundred and sixty-seven lobstermen shooting at them.

As I have said before this seems a very singular instance that this should be directed at this particular area, and there is not one shred of evidence why any chemist, and I defy any chemist to say, that pollution lasts more than five minutes in any salt water, it oxidizes itself in five minutes and sometimes less.

Gentlemen you have been eating lobsters from these areas for a great many years, and I don't think anybody—you seem to be still here—and I don't think that these men in that area would particularly want to violate and if you should come into that area, you might have to spend four hours to dig one peck—now, that's a poor commercial business. You might even take eight hours to dig a peck—and I've seen men go down there and spend whole days and come out with less than a peck—that's not a commercial business.

In the summertime we do have a great many summer visitors

down there who buy these clams from these fellows for bait, and there isn't very much of that. It is a very small picayune matter, and I presume that if one of the phases of this is to lessen law enforcement in the Sea and Shore Fisheries Department, and I realize their problem that enforcement is a problem with them. But that does not clear up the original problem. That there has not been one single case of violation reported during these fifty years, or one single case of illness reported in fifty years. Now someone is at fault here. And in the vein of this thought, I would ask my esteemed colleagues if they would not—and I move that the Minority Report be accepted and request a division.

The SPEAKER: The Chair would advise the gentleman from Kennebunkport, Mr. Tyndale, that the motion of the gentleman from Brunswick, Mr. Lowery, to accept the Majority "Ought to pass" Report prevails, since the two motions the gentlemen have made are of equal rank, the motion first made takes precedence.

The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, Ladies and Gentlemen of the House: I hesitatingly interject a controversial note into this discussion and I must say I admire the folks from York County if they are as sturdy as they must be. That would not apply to Washington County, I'm sure. Now when it comes to prices, I say this is getting very vulgar, and shucked clams sell for from sixty to eighty cents a pound. The two things that are usually used for lobster bait, herring or what they call the racks of the redfish, herring sell for rather less than two cents a pound, and redfish racks sell for four dollars a barrel which is about two cents a pound. I'm sure our boys from around the eastern end of Washington County couldn't resist the temptation, some of them, selling the clams at one dollar and one-half a quart, and going out and buying seventy-five pounds of otherwise very acceptable bait. Somehow there's an Alice in Wonderland quality in here, and I respect

the views of my brother from Kennebunk on this very much. However, I must go along with the fact that with the view that all the other polluted areas in the State being closed, these ought to be closed too until they clean up their mess in their own back yard.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker and Members of the House: I have a great deal of respect for my colleague, Mr. Tyndale, and I always am in favor of legislation that has a tendency to be working for the commercial fishermen; but in this case there is that potential danger to mankind whereby someone may dig these clams and peddle them out house to house, and I would like to remind Mr. Tyndale that all clams are not cooked. And I hope that we stay with the majority report "Ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, there is one thought I would like to bear in mind with my esteemed colleague and also on the same committee, Mr. Pike, I did not say that the clams were used for lobster bait, number one. It would be very unwise to use clams for lobster bait due to the expense and the time and the nature of the work in getting these clams. Secondly, I would like to determine at this point now, if anybody can prove to me along the lines, which areas are polluted and which areas are not. Only those which are classified by the Water Pollution and Water Improvement Department, and these facts are still immersed in a great deal of controversy throughout the State.

Now I am saying this, that I do not believe that Kennebunk River can now be classified in the same classification it was classified last year due to the sewage in Kennebunk, number one. Number two, in the area that they are caught in the Biddeford Pool area, has not been classified, or if it has been classified, it has not been requested by the Water Improvement Commission to make any improvements in the classification of that

water. So the facts are distorted here, and it seems to me that we are not weighing them in general. They are assumptions, presumptions and everything else, but the facts remain, that over a fifty-year period, there has been not one single case of violation of law nor one single violation as far as I know of, and I have checked the facts very carefully, and I want to read a letter which I didn't read before, which was sent to me by Mr. Crowley, the Secretary of the Biddeford Pool Lobstermen's Association, which is a branch of the York County Lobstermen's Association, and they in effect have gone on record as objecting to this piece of legislation. "I have been authorized as Secretary of the Biddeford Pool Fishermen's Association to write you concerning the Legislative Document No. 494. This law repealing the taking of clams for bait we feel is unjust and will become a hindrance to our profession if allowed to go through.

Therefore, the thirty members of the association would like to go on record as opposing this document."

Until the facts are further secured; until there are more facts put on the table, I certainly still feel that the minority report should be accepted, and in view of the fact that you said the other motion comes before, I would request a division.

The SPEAKER: Is the House ready for the question?

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

Mr. LOWERY: Mr. Speaker, I would like to clarify one or two items here regarding the water pollution. These are not necessarily by the Water Improvement Commission, but also by the technicians from the Sea and Shore Fisheries Department. We have a complete report here, Sanitary Criteria for Shellfish. The report that I had given you before that I quoted from the Sea and Shore Fisheries Department was by their own laboratory men and not by the Water Improvement Commission.

And furthermore, I can say this, that there is a little life being shown in this area. From what I gather from the Water Improvement Commission, the Mousam River will, after the completion of a

plant at Sanford, may become clean enough to open the flats at the mouth of the Mousam sometime in the future for all diggers.

At Kennebunk, it is true that at Kennebunk itself, the waters are clean, but the trouble there is coming from Kennebunkport, because the sewage over there is not treated. These things must be cleaned before these areas can be safely considered as operational areas. I therefore ask your support for the Majority Report.

The SPEAKER: The question before the House is the motion of the gentleman from Brunswick, Mr. Lowery, that the House accept the Majority "Ought to pass" Report of the Committee on Bill "An Act Repealing Certain Laws Per-

mitting Taking of Clams for Bait Purposes in Polluted Areas," House Paper 342, Legislative Document 494. A division has been requested. All those in favor of that motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty having voted in the affirmative and thirty-four having voted in the negative, the motion did prevail.

Thereupon, the Bill was read twice and tomorrow assigned.

On motion of Mr. Baxter of Pittsfield.

Adjourned until ten o'clock tomorrow morning.