

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, March 31, 1961

Senate called to order by the President.

Prayer by Rev. Malcolm A. MacDuffie of Hallowell.

On motion by Mr. Boisvert of Lewiston, Journal of Wednesday was read and approved.

On motion by Mr. Noyes of Franklin, out of order and under suspension of the rules,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, April 4th, at ten o'clock in the morning. (S. P. 502)

Which was read and passed.

Sent down for concurrence.

The PRESIDENT: The Chair recognizes in the Senate Chambers the lovely daughter of one of our Senators. It gives me great pleasure at this time to introduce to you Miss Susan Lovell, who is attending Swarthmore College in Philadelphia, Pennsylvania, and who is home on her Easter vacation. Will Miss Lovell please rise? (Applause)

It is nice to have you with us.

Paper from the House

Bill, "An Act Relating to Practicing Dental Hygiene by Students in Schools." (H. P. 1095) (L. D. 1508)

Comes from the House approved by a majority of the Committee on Reference of Bills, and referred to the Committee on Health and Institutional Services.

In Senate, referred to the Committee on Health and Institutional Services in concurrence.

Order

On motion by Mr. Noyes of Franklin, out of order and under suspension of the rules:

ORDERED, the House concurring, that the following Bill and Resolves be recalled from the Governor to the Senate:

Senate Paper 163, Legislative Document 409, Bill, "An Act Relating to Purchase of Land by Municipalities for Industrial Parks."

House Paper 233, Legislative Document 347, Resolve, in Favor of Myron Reynolds of Brooks.

House Paper 298, Legislative Document 450, Resolve, to Reimburse Canton Water District for Damage from Highway Construction.

House Paper 465, Legislative Document 665, Resolve, in Favor of Richard S. Foster, of York.

House Paper 478, Legislative Document 678, Resolve, Appropriating Funds to Complete Survey for a Maine-Quebec Highway. (S. P. 505)

Which was read and passed.

Sent down for concurrence forthwith.

On motion by Mr. Brooks, out of order and under suspension of the rules:

ORDERED, the House concurring, that S. P. 331, L. D. 1006, bill An Act Increasing Salary of the Adjutant General be recalled from the legislative files to the Senate.

Which was read and passed.

Additional House Report — Out of Order

The Committee on Natural Resources on Bill, "An Act relating to Removal of Bushes and Trees from Around Dams Erected for Flood Control." (H. P. 1078) (L. D. 1487) reported the same in a New Draft (H. P. 1103) (L. D. 1516) under New Title: An Act to Authorize a Flood Control Dam in the Town of Cherryfield, and that it ought to pass.

Comes from the House Report read and accepted and the Bill in New Draft passed to be engrossed.

In Senate, report read and accepted in concurrence.

The bill, in new draft, read once, and under suspension of the rules, given its Second Reading and passed to be engrossed in concurrence.

Mr. WYMAN of Sagadahoc: Mr. President, I move that this bill be sent forthwith to the House.

Mr. MAYO of Sagadahoc: Mr. President, may I, through the Chair, ask the Senator from Washington, Senator Wyman, what this is all about. I cannot find it on my calendar.

The PRESIDENT: It is a bill that just came in before the Reference of Bills Committee, but Senator Wyman can answer the question if he sees fit.

Mr. WYMAN of Washington: Mr. President, I will be very happy to answer, because I am one of those who do not like to have bills brought before us which are not on the calendar. This bill, in this particular case, involves a flood control project in the town of Cherryfield and the building of a dam with Federal funds which will lapse, or at least the opportunity to have the Federal money will lapse on April 1st. We do have on our statutes a law that refers to clearing areas which are flooded. This particular dam would involve clearing some area, which the town of Cherryfield is endeavoring to avoid. The land has been flooded before and for years there was a dam there with a sawmill, and the new dam will not be as high as the old dam. I think after reviewing it that all concerned feel that there will be no damage and that there is no reason to put Cherryfield to the expense of clearing this particular land of bushes, which is about all there is on it. Therefore they have asked to be exempted from this particular statute which provides that they would have to clear the flooded area of alders and bushes, and that is the purpose of this bill.

The PRESIDENT: Does than answer the question of the Senator from Sagadahoc, Mr. Mayo?

Mr. MAYO: Yes, Mr. President.

On motion by Mr. Noyes of Franklin,

ORDERED, the House concurring, that the following resolve be recalled from the Governor to the Senate: S. P. 491, L. D. 1486, Resolve Providing for Publication of Information on the Public Lots by the Forestry Department.

Which was read and passed.

The PRESIDENT: I will say that it was discussed thoroughly by the Reference of Bills Committee, and that committee was unanimous that it should be considered by the Legislature.

Mr. FERGUSON of Oxford: Mr. President, as Chairman of the Natural Resources Committee I will say that that first bill came before our committee and we had the Army engineers in there to ratify this bill. They claim that

leaving the small bushes in there would anchor the ice for the benefit of flood control and that it would be a benefit to make an exception for only this one project.

(Recess)

House Committee Reports Leave to Withdraw

The Committee on Judiciary on Bill, "An Act Relating to Trial Terms and Location in Oxford County." (H. P. 819) (L. D. 1134) reported that the same should be granted Leave to Withdraw.

The Committee on State Government on Bill, "An Act Providing Group Hospital, Medical and Surgical Insurance Plan for State Employees, Public School Teachers and Local Governmental Employees." (H. P. 906) (L. D. 1240) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Health and Institutional Services on Bill, "An Act Clarifying the Plumbing Law." (H. P. 741) (L. D. 1028) reported that the same Ought not to pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Municipal Officers in the City of Lewiston." (H. P. 156) (L. D. 219) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Number of Members and Terms of Office of Boards and Commissions of City of Lewiston." (H. P. 204) (L. D. 299) reported that the same Ought not to pass.

(On motion by Mr. Couture of Androscoggin, tabled pending acceptance of the report.)

The Committee on Transportation on Bill, "An Act Relating to Weight of Certain Three-Axle Trucks." (H. P. 436) (L. D. 611) reported that the same Ought not to pass.

The Committee on State Government on Bill, "An Act to Reimburse Town of Thomaston for Cost of Municipal Services Provided for the State." (H. P. 705) (L. D. 983) reported that the same Ought not to pass.

(On motion by Mr. Stilphen of Knox, tabled pending acceptance of the report.)

The same Committee on Bill, "An Act Increasing Salary of Commissioner of Inland Fisheries and Game." (H. P. 778) (L. D. 1060) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to the Insurance Commissioner." (H. P. 903) (L. D. 1237) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Increasing Expense Allowance for Advisory Council of Department of Inland Fisheries and Game." (H. P. 1024) (L. D. 1425) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Education on Bill, "An Act Relating to Formation of School Administrative Districts for Certain Towns in York County." (H. P. 470) (L. D. 670) reported that the same Ought to pass.

The Committee on Legal Affairs on Bill, "An Act to Repeal the Charter of the Cousins and Little-Johns Islands Village Corporation." (H. P. 203) (L. D. 298) reported that the same Ought to pass.

The same Committee on Bill, "An Act Repealing Certain Obsolete Private and Special Laws Relating to City of Portland." (H. P. 408) (L. D. 583) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Incorporate the Town of St. Albans School District." (H. P. 516) (L. D. 714) reported that the same Ought to pass.

The same Committee on Bill, "An Act Transferring South Portland Sewerage District to City of South Portland." (H. P. 606) (L. D. 823) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Notes of Augusta Parking District." (H. P. 613) (L. D. 830) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Power of Squirrel Island Village Corporation to Borrow Money." (H. P. 615) (L. D. 832) reported that the same Ought to pass.

The same Committee on Bill, "An Act Repealing Law Enabling School District Number One in Gorham to Hold Trust Funds for Educational Purposes." (H. P. 762) (L. D. 1048) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Superintending School Committee of Town of Gorham." (H. P. 763) (L. D. 1049) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Holding of Property by Non-profit Corporations Operating Educational Television or Radio Stations." (H. P. 826) (L. D. 1141) reported that the same Ought to pass.

(On motion by Mr. Farris of Kennebec, tabled pending assignment for second reading.)

The same Committee on Bill, "An Act Enabling Municipalities to Obtain Additional Federal Grants for Urban Renewal Projects." (H. P. 938) (L. D. 1286) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Incorporate the Town of Athens School District." (H. P. 1007) (L. D. 1408) reported that the same Ought to pass.

The Committee on Transportation on Bill, "An Act Relating to Specially Designed Motor Vehicle Number Plates for Representatives of Indian Tribes at the Legislature." (H. P. 1047) (L. D. 1447) reported that the same Ought to pass.

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

Ought to Pass — As Amended

The Committee on Legal Affairs on Bill, "An Act Relating to Municipal Regulation of Subdivisions of Land." (H. P. 258) (L. D. 372) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-126)

The same Committee on Bill, "An Act Relating to Allowance for Uniforms of the Police Department of the City of Lewiston." (H. P. 279) (L. D. 393) reported that the same Ought to pass as amended

by Committee Amendment "A" (Filing H-127)

Which reports were read and accepted in concurrence, and the Bills read once. Committee Amendments "A" were read and adopted in concurrence and the Bills, as amended, tomorrow assigned for second reading.

Ought to Pass — As Amended — Indefinitely Postponed in House

The Committee on Inland Fisheries and Game on Resolve Regulating Ice Fishing on Umsaskis Lake and Long Lake, Aroostook County. (H. P. 488) (L. D. 688) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-52)

Comes from the House, report read and accepted, and subsequently the Bill was indefinitely postponed.

(In the Senate, on motion by Mr. Cyr of Aroostook, tabled pending acceptance of the report.)

The same Committee on Resolve Regulating Ice Fishing on First Musquacook Lake and Second Musquacook Lake, Aroostook County. (H. P. 486) (L. D. 686) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-55)

Comes from the House, report read and accepted, and subsequently the Bill was indefinitely postponed.

(In the Senate, on motion by Mr. Cyr of Aroostook, tabled pending acceptance of the report.)

Ought to Pass — New Draft —

The Committee on Transportation on Bill, "An Act Providing Motor Vehicle Stickers for Handicapped Persons." (H. P. 1046) (L. D. 1446) reported that the same Ought to pass in New Draft under New Title: "An Act Providing Added Special Designating Plates for Handicapped Person." (H. P. 1087) (L. D. 1497) and that it Ought to pass.

Which report was read and accepted in concurrence, the Bill read once in New Draft and tomorrow assigned for second reading.

Senate Committee Reports Leave to Withdraw

Mr. Parker from the Committee on Agriculture on Bill, "An Act Relating to Payment by Dealers to Producers for Milk Purchased." (S. P. 402) (L. D. 1345) reported that the same should be granted Leave to Withdraw.

Mr. Lovell from the Committee on Industrial and Recreational Development on Bill, "An Act Authorizing State Park Commission Fees for Services and Accommodations." (S. P. 83) (L. D. 184) reported that the same should be granted Leave to Withdraw.

(On motion by Mr. Parker of Piscataquis, tabled pending acceptance of the report.)

Ought Not to Pass

Mr. Pike from the Committee on Agriculture on Bill, "An Act Relating to Milk Purchased by Dealer from Sources Other than his Regular Producers." (S. P. 391) (L. D. 1257) reported that the same Ought not to pass.

Mr. Chase from the same Committee on Bill, "An Act Relating to Collection of Dues by Milk Dealers for Cooperative Dairy Farmers Corporations." (S. P. 401) (L. D. 1344) reported that the same Ought not to pass.

Mr. Parker from the same Committee on Bill, "An Act Relating to the Shucking of Shellfish." (S. P. 442) (L. D. 1396) reported that the same Ought not to pass.

Mr. Brooks from the Committee on Education on Bill, "An Act Relating to Tuition for Students Attending Secondary Schools Outside the State." (S. P. 411) (L. D. 1352) reported that the same Ought not to pass.

Mr. Boardman from the Committee on Judiciary on Bill, "An Act Clarifying Validation of Street Installations." (S. P. 376) (L. D. 1187) reported that the same Ought not to pass.

(On motion by Mr. Gilbert of Kennebec, recommitted to the Committee on Judiciary. Sent down for concurrence.)

Mr. Marden from the Committee on Retirements and Pensions on Resolve to Provide a Retirement Benefit for Doris E. Bourgeois, of

Portland. (S. P. 123) (L. D. 268) reported that the same Ought not to pass — Covered by Other Legislation.

Change of Reference

Mr. Lovell from the Committee on Industrial and Recreational Development on Resolve, Appropriating Moneys to Promote and Advertise Maine's Ski Business. (S. P. 2) (L. D. 2) reported that the same should be referred to the Committee on Appropriations and Financial Affairs.

Which reports were severally read and accepted.

Sent down for concurrence.

The PRESIDENT: The Chair recognizes in the Senate Chamber two lovely young daughters of one of our Senators. I would like to introduce Nancy Ferguson, who is a student at Mt. Ida College, Newton, Mass., and Margaret Ferguson, a student at Gould Academy, Bethel, Maine. Will you kindly rise and be recognized. (Applause)

It is nice to have the sons and daughters of our legislators visit with us, and it is nice to have vacations too.

Mr. Brown from the Committee on Business Legislation on Bill, "An Act Relating to Authorized Insurers False Advertising Process Act." (S. P. 406) (L. D. 1348) reported that the same Ought to pass.

Mrs. Lord from the Committee on Health and Institutional Services on Bill, "An Act Relating to Transfer of County Jail Prisoners." (S. P. 197) (L. D. 530) reported that the same Ought to pass.

Mr. Farris from the Committee on Retirements and Pensions on Bill, "An Act Relating to Amount of State Retirement Benefits for Teachers." (S. P. 205) (L. D. 538) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Relating to State Retirement Benefits for Teachers." (S. P. 204) (L. D. 537) reported that the same Ought to pass.

Which reports were severally read and accepted, the Bills

read once and tomorrow assigned for second reading.

Mr. Stilphen from the Committee on Inland Fisheries and Game on Resolve Relating to Opening Date for Open Water Fishing on Certain Waters. (S. P. 34) (L. D. 59) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-76)

The same Senator from the same Committee on Resolve Regulating Fishing in Spencer Pond, Piscataquis County. (S. P. 70) (L. D. 170) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-74)

Mr. Carpenter from the same Committee on Bill, "An Act Relating to Open Season for Trout in York County." (S. P. 107) (L. D. 252) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-77)

Mr. Stilphen from the same Committee on Bill, "An Act Relating to Driving Deer by More than Four Persons." (S. P. 287) (L. D. 838) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-75)

Mr. Marden from the Committee on Retirements and Pensions on Bill, "An Act Defining Mother, Father and Parent Under Maine State Retirement Law." (S. P. 382) (L. D. 1192) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-83)

Mr. Lovell from the Committee on State Government on Bill, "An Act Increasing Limits of Industrial Mortgage Insurance Under Maine Industrial Building Act." (S. P. 358) (L. D. 1091) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-78)

Which reports were read and accepted and the Bills and Resolves read once. Committee Amendments "A" were read and adopted, and the Bills and Resolves, as amended, tomorrow assigned for second reading.

Ought to Pass in New Draft

Mrs. Lord from the Committee on Health and Institutional Services

on Bill, "An Act Repealing Commissioner of Mental Health and Corrections' Authority to Inspect County Jails." (S. P. 39) (L. D. 81) reported that the same Ought to pass in New Draft.

Mr. Marden from the Committee on Retirements and Pensions on Bill, "An Act Relating to Survivor Benefits and Budget Estimates Under Maine State Retirement System." (S. P. 13) (L. D. 13) reported that the same Ought to pass in New Draft, under New Title: "An Act Relating to Survivor Benefits under Maine State Retirement System."

Mr. Edgar from the Committee on Taxation on Bill, "An Act to Eliminate Intangibles from Property Taxation." (S. P. 241) (L. D. 645) reported that the same Ought to pass in New Draft." (S. P. 500) (L. D. 1507)

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

MAJORITY — Ought Not to Pass
MINORITY — Ought to Pass

The Majority of the Committee on Liquor Control on Bill, "An Act Defining Public Place Under Law Regulating Drinking in Public Places." (S. P. 352) (L. D. 1085) reported that the same Ought not to pass.

(Signed)

Senators: MAYO of Sagadahoc
JACQUES of Lewiston

Representatives:

MORRILL of Harrison
COOPER of Albion
HUMPHREY of Augusta
STEVENS of Portland
DOSTIE of Winslow
LACHARITE

of Brunswick

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

(Signed)

Senator: CHRISTIE of Aroostook
Representative:
CHAPMAN of Norway

Mr. MAYO of Sagadahoc: Mr. President, I move that the Senate accept the Majority Ought Not to Pass Report.

Thereupon, on motion by Mr. Boardman of Washington, the bill and accompanying papers were tabled pending motion by Mr. Mayo.

REPORT A — Ought to Pass
REPORT B — Ought Not to Pass

Five members of the Committee on Education on Bill, "An Act Merging Portland University with the University of Maine." (S. P. 161) (L. D. 407) report that the same Ought to pass in Report "A" (Signed)

Senator: BROOKS of Cumberland
Representative:

DURGIN of Raymond
SIROIS of Rumford
HICHBORN of Medford
ESTEY of Portland

Five members of the same Committee on the same subject matter reported that the same Ought not to pass — in Report "B" (Signed)

Senators: BATES of Penobscot
SAMPSON of Somerset

Representatives:

LEVESQUE
of Madawaska
HANSON of Lebanon
CURTIS of Bowdoinham

(On motion by Mr. Brooks of Cumberland, tabled pending acceptance of either report.)

At this point, the Senate voted to take up out of order and under suspension of the rules, Item 7-17, bill, "An Act Relating to the Allocation of Moneys from Eastport-Perry Causeway to City of Eastport, State Park Commission and Washington County Development Authority," (H. P. 1088) (L. D. 1499)

Which was read a second time and passed to be engrossed.
Sent forthwith to the House.

Second Readers

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

House

Resolve, Authorizing the Setting Out of Buoys in Moosehead Lake. (H. P. 8) (L. D. 27)

Resolve, Closing Bowker Brook, Oxford County, to Smelt Fishing. (H. P. 41) (L. D. 75)

Bill, "An Act Relating to Use of Motor Boats on Jerry Pond, Penobscot County." (H. P. 323) (L. D. 475)

Bill, "An Act Clarifying the Renewal of Motor Vehicle Operators' Licenses." (H. P. 444) (L. D. 619)

Bill, "An Act Prohibiting Wrongful Removal of Fish from Private Ponds." (H. P. 497) (L. D. 696)

Bill, "An Act Relating to Settlement of Inheritance Taxes When Computation is Impossible." (H. P. 502) (L. D. 701)

Resolve, to Reimburse Town of Bristol for Aid Extended to Charles Maines. (H. P. 582) (L. D. 802)

Bill, "An Act Relating to Contracts of Minors in Furthering Their Higher Education." (H. P. 601) (L. D. 821)

Resolve, Opening Big Concord Pond, Oxford County, to Ice Fishing. (H. P. 675) (L. D. 953)

Bill, "An Act Prohibiting the Taking of Certain Land Products." (H. P. 756) (L. D. 1042)

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

Bill, "An Act to Clarify Definition of 'Class A Restaurant' under Liquor Law." (H. P. 1093) (L. D. 1504)

Which was read a second time. Mr. Mayo of Sagadahoc presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Which amendment was adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Designating Mount Desert Island as Game Management Area." (H. P. 878) (L. D. 1213)

Comes from the House indefinitely postponed.

In Senate, read a second time and passed to be engrossed in non-concurrence.

Bill, "An Act Relating to Notice to Municipal Officers Prior to Fil-

ing of the State Valuation." (H. P. 905) (L. D. 1239)

Bill, "An Act Relating to Operation of Diesel or Diesel-Electric Locomotives in Reverse." (H. P. 1017) (L. D. 1418)

Bill, "An Act Relating to Insurance Coverage on Motor Vehicles for Hire." (H. P. 1051) (L. D. 1451)

Bill, "An Act Relating to Municipal Traffic Control Ordinances." (H. P. 1094) (L. D. 1505)

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

House — As Amended

Bill, "An Act to Provide for the Sale of Attached Personal Property." (H. P. 398) (L. D. 573) Amended by Com. Amend. "A" (Filing H-124)

Bill, "An Act Relating to Warning Lights on Rural Mail and Doctors' Motor Vehicles." (H. P. 916) (L. D. 1250) Amended by Com. Amend. "A" (Filing H-109)

(On motion by Mr. Brown of Washington, tabled pending passage to be engrossed.)

Bill, "An Act Defining Contract of Life Insurance." (H. P. 921) (L. D. 1269) (Filing H-125) Amended by House Amendment "A"

Bill, "An Act to Incorporate the Eastport Water District." (H. P. 1091) (L. D. 1502) Amended by House Amendment "A"; (Filing H-128)

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

Senate — As Amended

Bill, "An Act Relating to the Public Debt Amortization Fund in the City of Waterville." (S. P. 174) (L. D. 420) Amended by Com. Amend. "A" (Filing S-71)

Which was read a second time and passed to be engrossed.

Sent down for concurrence.

Enactors

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

Bill, "An Act Relating to Workmen's Compensation Insurance." (H. P. 201) (L. D. 296)

(On motion by Mr. Wyman of Washington, tabled pending enactment.)

Bill, "An Act Relating to Raising Money for Support of Poor in Pleasant Ridge Plantation, Somerset County." (H. P. 362) (L. D. 514)

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)

(On motion by Mr. Stilphen of Knox, tabled pending enactment.)

Bill, "An Act Providing for Emergency Interim Executive and Judicial Succession." (H. P. 492) (L. D. 692)

Bill, "An Act Relating to Canes Carried on Public Streets or Highways by Blind Persons." (H. P. 753) (L. D. 1039)

Bill, "An Act Defining Junior High School." (H. P. 803) (L. D. 1117)

Bill, "An Act Prohibiting Use of Power Boats on Pennemaquan River, Town of Pembroke." (H. P. 927) (L. D. 1275)

Bill, "An Act Relating to First Baptist Church of Kittery Point." (H. P. 1083) (L. D. 1493)

Bill, "An Act to Ratify the Incorporation of Pierce Cemetery Association." (S. P. 114) (L. D. 259)

Bill, "An Act Relating to Limitation on Lien on Nursing Home in Town of Madawaska." (S. P. 141) (L. D. 324)

Bill, "An Act Permitting Municipalities to Raise Money for Youth Programs." (S. P. 365) (L. D. 1098)

Which Bills were passed to be enacted.

Bill, "An Act Limiting the Sale of Alcoholic Beverages in Certain New Retail Stores and Restaurants in the Unorganized Territory." (S. P. 495) (L. D. 1492)

(On motion by Mr. Couture of Androscoggin, tabled pending passage to be enacted.)

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

Resolve, for Repairing Fish Screen at Outlet of Messalonskee Lake in Oakland. (H. P. 35) (L. D. 69)

Resolve, Opening Desert Pond, Kennebec County, to Fishing. (H. P. 44) (L. D. 85)

Resolve, Regulating Fishing in Temple Pond, Somerset County. (H. P. 147) (L. D. 210)

Which Resolves were finally passed.

Emergency

Bill, "An Act Relating to Hunting and Fishing Licenses to Canadian Soldiers Stationed in Maine." (H. P. 980) (L. D. 1367)

Which Bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Emergency

Resolve, Authorizing Cianchette Bros., Inc., to Bring Civil Action Against State of Maine. (H. P. 402) (L. D. 577)

Which Resolve, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was finally passed.

Enactors Emergency

Bill, "An Act Relating to the Allocation of Moneys from Eastport-Perry Causeway to City of Eastport, State Park Commission and Washington County Development Authority." (H. P. 1088) (L. D. 1499)

Which Bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Emergency

Resolve for Laying of the County Taxes for the Years Nineteen Hundred Sixty-one and Nineteen Hundred Sixty-two. (H. P. 1079) (L. D. 1490)

Which Resolve, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was finally passed.

Emergency

Bill, "An Act to Authorize a Flood Control Dam in the Town of

Cherryfield." (H. P. 1103) (L. D. 1516)

Which Bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

The PRESIDENT: The Chair was approached a short time ago with relation to our action taken this morning on Bill, "An Act Relating to Removal of Bushes and Trees Around Dams Erected for Flood Control." This was an emergency measure as I recall it. It was presented by the leadership to the Reference of Bills Committee and it was acted on unanimously. However, Senator Stilphen posed a question so I think perhaps I should read the rule which will explain how we happened to do this.

We operated under L. D. 1471. I think you have it in your book. A joint order was passed by both the House and the Senate:

"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. 19-C, to read as follows:

'Any bill or resolve to be introduced after 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 the 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. If at that time at least one-tenth of the members present rise as objectors the document shall not be received.'

Does that clarify the situation that existed this morning, Senator Stilphen?

Mr. STILPHEN of Knox: Mr. President, I had no objection to it but I thought there might be somebody else here who might have an emergency measure they

might like to put in, and having had some stopped prior to the passage of this order I thought they might like to try again.

The PRESIDENT: I think your point was well taken. Sometimes we do let orders go through when we do not know the entire content of the orders.

While we are waiting for House papers we can operate under Orders of the Day.

Orders of the Day

The President laid before the Senate bill, "An Act Relating to Licenses and Fees Therefor by Running Horse Racing Commission", (L. D. 1142) which bill was recalled from the Governor to the Senate.

On motion by Mr. Noyes of Franklin, the Senate voted to reconsider its former action whereby the bill was passed to be enacted; and on further motion by the same Senator, the bill was re-committed to the Committee on Legal Affairs.

Sent down for concurrence.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table the 30th tabled and unassigned item, (H. P. 347) (L. D. 499), House Report, Ought to Pass in New Draft under same title (H. P. 1074) (L. D. 1481) from the Committee on Sea and Shore Fisheries on bill, "An Act Regulating Catching Lobsters While Swimming or Diving"; tabled on March 17 by Senator Marden of Kennebec pending acceptance of the report.

On motion by Mr. Marden of Kennebec, the report was accepted and the bill read once. The same Senator presented Senate Amendment B and moved its adoption.

The Secretary read the amendment.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: I am not a skindiver and I obviously am not a lobsterman, but I know a lot more lobstermen. If this was simply a contest between the two, my sympathies would be with the lobstermen. I have spent nearly all the summers of my life in the Boothbay Harbor region at a place called Ocean Point, where

the lobster business and industry abounds. Many of them are my friends and I am proud of it, but, in my humble opinion, this bill is like trying to kill a flea with a sledgehammer. I am bothered with the language in it and I am bothered with the title of the bill itself, which says it is "An Act to Regulate the Taking of Lobsters by Swimming and Diving." It is not regulation at all, it is destruction.

I am bothered by any legislation such as this which announces to people everywhere that we are saying as a State government: "You can't do anything except by the conventional method." This is like walking down Congress Square backwards. This leaves no opportunity for improvement or advances or ambition. This is unreasonable legislation.

Suppose many years ago a legislature passed a law saying "It shall be illegal to fly through the air by any other means than the conventional means, i.e. an airplane with a propeller and an internal combustion engine," and this was done because they felt the jet age might put these airplane owners out of business.

Suppose that years ago you had a bill passed by the legislature that said, "It shall be illegal to transport thyself by any other means than the conventional means," which is horse and wagon.

Suppose there was a bill pending in our middle Southern states saying, "It shall be illegal to mine coal other than by the conventional means, i.e. by pick and by shovel."

Regardless of how you feel about skindiving and the lobster industry, this is my prime objection: It absolutely belies the time-honored expression that if you can build a better mousetrap the world will beat a path to your door. If you like this type of legislation you can then say, "If you build a better mousetrap the world will beat a path to your door unless you live in the State of Maine."

Secondly, I think I recognize the problems, or some of the problems, of the lobster industry, and particularly its size, its importance and its symbolism to the State of Maine. I was tremendously helped

in this realization by conversations with some very fine gentlemen, such as Mr. Prince who sponsored the bill, Commissioner Ronald Green, Senator Brewster, and Les Dyer of the Lobstermen's Association. Therefore I am not standing before you arguing for indefinite postponement of the bill. I think I can recognize the potential harm by the unobstructed invasion of the waters by skindivers. These are facts — not fully substantiated facts — but they are facts.

So my suggestion is something which happens all the time in the halls of legislation, and that is a compromise. Originally, I felt that if we were to allow a skindiver to take ten a day that this would be reasonable. I am not so sure that it would be, and therefore I have presented the amendment which is under discussion, Senate Amendment "B," which reads the same as Senate Amendment "A" except it limits skindivers to the catching of five a day.

Now I want it clearly understood, as it no doubt will be by members of this Senate, that, No. 1, this is a compromise, and, No. 2, we are talking about five lobsters a day not for commercial use, not for resale, in effect for the diver's own consumption, or his friends and guests. No. 3, bear always in mind that we are talking about a licensed lobsterman; a skindiver must be a licensed lobsterman.

The only argument against this that makes any sense is, "Well, o.k., Bob, but you can't enforce it." I won't take your time, but, if you stop and think about it, there are hundreds of laws which are equally difficult to enforce. More clearly, the Sea & Shore Fisheries laws are extremely difficult to enforce, and if you argue against this amendment because there are only so many Sea & Shore Fisheries wardens to enforce this type of thing then you are arguing at the same time that all Sea & Shore Fisheries laws are weak. I say they can be enforced. I say the greatest source of enforcement officers on the coast of Maine is the lobstermen themselves.

The position of the Department of Sea & Shore Fisheries is clear:

they feel that the bill as presented should pass without amendment, because primarily, I think, while recognizing the value to their work of skindivers they are worried about the enforcement of it. But I would like to read a paragraph from the statement of the Department of Sea & Shore Fisheries in explanation of their position, and if I am reading this out of context I know somebody will correct me. I hope I am not.

"Some lobster fishermen have stated that extensive diving for lobsters would be harmful to the industry and might in time result in a substantial decline in production. Some divers, on the other hand, have taken the opposite view, insisting that diving for lobsters will help the industry to prosper. Both sides have appeared sincere and persuasive, but the hard truth is that there is not enough data presently available to support either view."

Gentlemen, I am not talking about the fellow who will go down and reach into another man's trap and steal his lobsters. I think the lobstermen themselves will not try to convince you that this is rampant procedure. Any type of individual who will do this will do it regardless of whether or not you pass this bill. I am talking about a majority of well-meaning, well-intentioned people who feel that they will be stepped on a little bit.

One of the lobstermen in the Boothbay area who is a particular friend of mine, when I asked him about this legislation said: "This is the way I feel about it, Bob: Any fellow who will go down in that cold water can have all the lobsters he can pick up."

I merely suggest to you that it is a mighty big ocean and this amendment is a mighty small crumb as a compromise for your real and worthy purpose.

I move the adoption of this amendment.

Mr. ERWIN of York: Mr. President, first let me say that the reasonableness and restraint of Senator Marden's argument is extremely difficult to answer, and I myself will try to maintain the high tone that he has set in re-

gard to this debate; but there is a little bit more to this than I think is generally known by the general public and I would like to bring to the attention of the Senate, Mr. President, one or two small items which have a rather large implication.

First with regard to the remark that anyone who wishes to get into that cold water can have all the lobsters he can pick. Maine water is cold everywhere. But there happens to be a new kind of diving equipment called a "wet suit" which you put on and it is made of some kind of foam rubber combination with millions of tiny bubbles built into it and if you can stand the initial shock of opening the suit and letting the water inside when you first get in the water, you are cold for about five seconds but from there on in there is no such thing as cold because these so-called "wet suits" protect you completely from the cold water and you can swim where you please. The problem is not, I agree with Senator Marden, the problem of someone swimming over a lobster trap in deep water and being tempted to take out a large, fat lobster and walk off with it. Pirates are pirates and no law is going to change that. The problem impinges principally right now in the County of York, but it is going to move eastward down the coast of Maine rather rapidly as skin diving becomes more rampant.

Now here is what happens in my little town of York in a small cove — only one of several coves and it happens in all of them, but there is a cove called Godfrey's Cove which perhaps across the largest part of the opening is a quarter of a mile. Now that is a fairly sizeable bit of water but when you stand on such a part of Godfrey's Cove which is a well known picnic spot and can see in the waters of Godfrey's Cove on any afternoon anywhere from ten to twenty or more skin divers — and again these are primarily not people who have deep sea under water breathing apparatus but ones with masks and snorkels, tubes which project above the water so they can swim on the surface face down — these people are paddling

around in the shallow water in the months of June, July, and August. Now the lobster is a creature which sheds. In our part of the world it sheds during the months of June, July and August as the waters are warming up. The warmth of the water is really not at issue here. When a lobster sheds, as I think everyone knows, he is helpless and he moves out of the deep water and he moves into the shallow area away from his natural enemies, the fish that prey upon him. He moves into the area where there is kelp and rockweed and where are lots of stony places where he can hide. Now this happens to be in the area which is from high water down to an indeterminate area below low water but generally in not very deep water. And here these lobsters which have shed, go to hide, until such time as their shells have gained sufficiently in hardness so that they feel safe again to go back where they came from.

Now it has happened, and it can be demonstrated, that skin divers moving in these particular areas will spot a lobster hiding in the rockweed, and reach for the lobster and grab it. Now if the lobster has just moulted, he is just as soft as your skin and you can put your fingers through him. And if you reach down and pick that lobster up, he may or may not be of legal size, but you have done one of two things. You have either injured him mortally by touching him, or if he grabs for the rock to hold on to protect himself, you have pulled his claws off. That is one thing that happens by well meaning people who are skin diving for pleasure.

Another thing that happens in other circumstances, not necessarily among the moulting lobsters is the problem of the female lobster. Now, as you know, the law requires the female lobster to be notched and thrown overboard and your regular lobstermen do this. And the female lobster may have as much as a million and a half eggs grow on her. The lobster is the kind of animal that has so many natural enemies when he first is hatched that probably only one in a hundred thousand ever

grows to maturity. Skin divers again, because they are sportsmen and not particularly trained in the law have frequently by mistake and in an honest error taken female lobsters. Every female lobster, a potential breeder which is taken and killed, or the roe destroyed, is a blow to the lobster industry. There is not an unlimited supply of lobsters on the ocean floor in the waters of the State of Maine.

Now, these two or three particular things I think should be before the Senate today because we are talking not just about the difficulty of enforcement but we are talking about the production of one of our three figure industries and we are talking on the other hand about those, who for reasons purely of enjoyment, sport, good fellowship and fun, to which they are entitled, go down and do damage which they may or may not mean to do. Damage which is completely uncontrollable. Nobody is going to follow them down there to see what they do or to tell them which lobsters they can touch or which ones they can't. And therefore we feel, those of us who live along the coast where the lobsterman makes his living in a pretty tough and bitter way, we feel that the skin divers are going to continue to dive in the waters in the State of Maine and are going to continue with great abandon and great fun to spear dogfish, cunners and anything else they can find down under the surface of the waters to spear and take home and they can make chowder out of their cunners or anything else they find. And we feel that the lobsterman's lot in the State of Maine is precarious enough so that he should not have to face this additional hazard and I hope that the Senate will not adopt the amendment before it.

Mr. LOVELL of York: Mr. President and members of the Senate, I think the good Senator Erwin from York has given a very good description of the lobster industry. I would like to add, however, that the lobster industry in Maine last year amounted to the lobster-fisherman to 1½ million dollars. This is no industry that should be tampered with. This industry should be

protected without any question. The skin divers come in to Maine—or those that are already here—and they are increasing by a great many and in a very short time there will be hundreds of the skin divers here at all times of year. Certainly as the numbers increase, we could well, even with a bag of five a day, if we have a thousand skin divers along the coast of Maine and they are taking five thousand lobsters a day, it could well hurt this industry, whether they are taken for their own use or for commercial use. I am not a skin diver or lobster fisherman either but I feel that we should definitely protect this industry. Actually the skin diver dives for pleasure. Well, now, he doesn't necessarily have to dive for lobsters. He could dive for crabs or other fish if he wants some extra pleasure. An industry of this type I don't feel should be tampered with and I would move a division on the question.

Mr. PORTEOUS of Cumberland: Mr. President, I rise in favor of the vote of Senator Marden of Kennebec. There are two or three points that have been mentioned. I would not have risen if there had not been any points left uncovered. I talked to the Commissioner of Sea & Shore Fisheries, Mr. Green, or rather he talked to me the other night and when Senator Marden says this is solving a problem like hitting a flea with a sledge hammer, he is right because the outside estimate of the number of lobsters that skin divers catch is about five thousand pounds and the estimate of the number of lobsters caught by lobster fishermen is twenty-five million. Five thousand pounds against twenty-five million pounds. This certainly is a small speck of dust. Then Senator Erwin mentioned that pulling these lobsters away from their natural habitat by a skin diver even with the best of intentions would injure them. In the L. D. that is under consideration without the amendment, it would permit a skin diver to catch a lobster then release it alive in coastal waters. That is in Section one of L. D. 1481.

This season in which they can be caught or in which skin divers are

most likely to be around — July and August — Senator Erwin is correct, they are hiding under rocks or in mud and very difficult to find. As far as any mass migration of skin divers to the Maine coast, let me remind you that a lobster license requires a three year residence in the State of Maine.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I rise in opposition to the amendment as presented by the Senator from Kennebec, Senator Marden.

I would like to very briefly say that I represent a very large segment of the lobster industry in Sagadahoc County. I have checked very closely with my lobstermen regarding this, and I will say that the statements made by the Senator from York, Senator Erwin, are correct, because I have checked these same statements with my own fishermen.

The Senator from Kennebec, Senator Marden, mentioned the title of this bill. I feel that the title of any bill does not necessarily have any pertinent information in regard to the actual wording of the bill and what it means so far as law is concerned.

Our lobster industry is made up of many older, physically-handicapped men, and if the modern trend is going to be to catch lobsters by skindiving what are the older men going to do?

The Senator from Kennebec, Senator Marden, mentioned that there are hundreds of laws now on our books which are unenforceable. If that is true, I certainly feel there is no need to add one more law to the books that would be unenforceable.

There is no question that these skindivers can not tell seed lobsters from other lobsters. We have already passed a bill in this Senate and in the House which will give five dollars of the new licensing fee for the purchasing of seed lobsters, and the reason for it is to provide more lobsters. Why should we buy seed lobsters and put them into the ocean and let them grow and then have skindivers picking them up during the season, not

knowing that they are seed lobsters.

In regard to the lobster industry: I think that many times laws have to be passed and put on our books to protect any and all industries, and I think the bill that has come out of the Sea & Shore Fisheries Committee in the redraft is a bill which will protect this great lobster-fishing industry.

Mr. President, I would move the indefinite postponement of Senate Amendment "B."

Mr. CHASE of Lincoln: Mr. President and members of the Senate: I too arise in opposition to this amendment. I will say again, although it has already been mentioned, this is about a thirty million dollar industry and it is an industry affecting over six thousand men who live on our coastline. It is an occupation which is hard to change: if you disrupt this business of theirs they have got to travel quite a ways and have got to learn a new way of earning a living, which would be quite difficult.

Our population on the coast is growing at a tremendous rate. People that own cottages and those who do not go to the coast the first chance they get in the summer and stay there. This skindiving business is a new trend; it is something that is going to grow, and I am afraid it is going to get out of hand so far as the taking of these lobsters.

My good friend mentioned the fact that it is not right to say you shall take these lobsters only by the conventional method of lobster traps. We protect many of our natural resources in the State of Maine. We say that there is only a certain time we can shoot our deer with a bow and arrow; we have certain fish in certain ponds that we can only take by fly-fishing. I cannot see where we should step out of line and not protect an industry of this size and employing this number of people merely because it is going to make it a little handier for these sportsmen to pick up something that will be a prize while they are enjoying their new fad. I hope that you gentlemen when you vote on this amendment will consider the

many people that are affected and the industry that is affected if you should adopt this amendment. Thank you.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Mayo, that Senate Amendment "B" be indefinitely postponed.

Mr. FARRIS of Kennebec: Mr. President, I rise in opposition to the motion of the Senator from Sagadahoc, Senator Mayo.

Certainly I would be the first that would want to take action to preserve an industry which could demonstrate that it was in any way suffering from permitting skindivers to take lobsters from the bottom of the ocean, and I know that my colleague, Senator Marden, feels exactly the same way. But it seems to me that where we have had skindiving as an active sport for about ten years and during that time the lobster industry has continued to prosper, and as a matter of fact last year it enjoyed a record year as an industry, that the amendment proposed by my colleague is reasonable, inasmuch it will give an opportunity for at least a couple of years to see if it does actually have an effect upon this industry. Certainly if it does have any effect, or a serious effect, everyone in this room, I know, would say we should not permit skindivers to take any lobsters. I have seen no evidence demonstrated that would indicate there is actually a serious problem and I think that the limitation of five a day is certainly reasonable and is certainly going to be less of a speck on the entire beach than has existed in the past without any limitation.

When the vote is taken I request a division.

Mr. STILPHEN of Knox: Mr. President, I would like to rise in support of the motion of the Senator from Sagadahoc, Senator Mayo.

I represent one of the largest lobster-producing areas in the United States, in fact in the whole world, and I know that the lobstermen in our area are hardworking men and have been for many years, and I think if we do any-

thing at all to interfere with this industry it is a step backward. I think if we eliminate this amendment it will be in the interests of progress.

The PRESIDENT: The question is on the motion of Senator Mayo of Sagadahoc, that Senate Amendment B be indefinitely postponed, and a division has been requested.

Mr. PARKER of Piscataquis: Mr. President, I would like a clarification. Are we voting to indefinitely postpone?

The PRESIDENT: The question is on the motion of Senator Mayo

of Sagadahoc to indefinitely postpone Senate Amendment B.

A division of the Senate was had. Twenty-two having voted in the affirmative and seven opposed, the motion to indefinitely postpone Senate Amendment B prevailed.

Thereupon, on motion by Mr. Mayo of Sagadahoc, the bill was tomorrow assigned for second reading.

On motion by Mr. Noyes of Franklin

Adjourned until Tuesday next at ten o'clock in the morning.