

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

SENATE

Tuesday, April 4, 1961

Senate called to order by the President.

Prayer by Rev. Howard O. Hough of Portland.

On motion by Mr. Lovell of York,

Journal of Friday read and approved.

**Papers from the House
Non-concurrent Matters
House Adhered**

Bill, "An Act Relating to Taxation of Goats." (H. P. 9) (L. D. 28)

In House, February 28, Ought not to pass report read and accepted.

In Senate on March 29, recommitted to Committee on Taxation in non-concurrence.

Comes from the House, that Body having adhered.

In the Senate:

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

Mr. CARPENTER of Somerset: Mr. President, would the Senator from Washington table the bill to a special day?

Thereupon, on motion by Mr. Wyman of Washington, the bill was laid upon the table pending consideration and was especially assigned for Tuesday, April 11.

Indefinitely Postponed

Resolve, Proposing an Amendment to the Constitution to Allow the Governor by Appointment to Fill Vacancies in the Legislature. (S. P. 307) (L. D. 895)

In Senate, on March 29, recommitted to Committee on State Government.

Comes from the House, Report and Bill indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Mayo of Sagadahoc, the Senate voted to insist and ask for a Committee of Conference; the President appointed as Senate members of such committee, Senators: Mayo of Sagadahoc, Erwin of York and Bates of Penobscot.

Resolve, Proposing an Amendment to the Constitution to Permit

the Term of Governor to Coincide with that of the President of the United States. (S. P. 360) (L. D. 1093)

In Senate, March 29, recommitted to Committee on State Government.

Comes from the House, Report and Bill indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Mayo of Sagadahoc, the Senate voted to insist and ask for a Committee of Conference; the President appointed as Senate members of such committee, Senators: Mayo of Sagadahoc, Erwin of York and Edgar of Hancock.

Bill, "An Act Abolishing the Merymeeting Bay Game Sanctuary." (S. P. 106) (L. D. 251)

In Senate on March 28, Minority Report Ought to pass accepted, and on March 29, Bill passed to be engrossed.

In House, on March 31, Majority Report Ought not to pass accepted in non-concurrence.

In the Senate, on motion by Mr. Carpenter of Somerset, the Senate voted to recede and concur.

The PRESIDENT: At this time, the Chair notes in the Senate, the Parliamentarian Club of the University of Maine in Portland which is visiting the legislative sessions today. This group is particularly interested in the practical application of parliamentary procedure. They are accompanied by Clinton F. Thurlow, Assistant Professor of History and Government who is the Adviser of the Parliamentarians.

It is certainly a pleasure to have you young folk here with us. Will you please rise so that the Senate may recognize you? (Applause)

At this time I would like to ask the Senator from Knox, Senator Stilphen, to approach the rostrum and act as President pro tem for a while.

Senator Stilphen assumed the Chair, President Hillman retiring. (Applause)

On motion by Mr. Marden of Kennebec, out of order and under suspension of the rules, the following Senate Order was presented,

WHEREAS, it appears to the Senate of the One Hundredth Legislature that the following are important questions of law and the occasion is a solemn one, and

WHEREAS, there is pending before the Senate of the One Hundredth Legislature a Bill (Senate Paper 497, Legislative Document 1496, a New Draft of Senate Paper 283, Legislative Document 884), entitled An Act Governing Hospitalization of the Mentally Ill, and

WHEREAS, it is the desire of the One Hundredth Legislature to enact legislation that will facilitate the orderly hospitalization of the mentally ill within the protections afforded to all citizens by the Constitution of the State of Maine, and the Constitution of the United States, and

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

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

1.

Do the provisions of Section 171 of Legislative Document 1496 adequately protect the constitutional rights of any person hospitalized as a voluntary patient under Section 169 of said Legislative Document?

2.

Do the provisions of Section 185 of Legislative Document 1496 adequately protect the constitutional rights of any person hospitalized as a patient:

(a) Under Section 173 of said Legislative Document,

(b) Under Section 174 of said Legislative Document,

3.

Do the provisions of Section 186 of Legislative Document 1496 adequately protect the constitutional rights of any persons hospitalized under Section 175 of said Legislative Document?

4.

If the other provisions of Legislative Document 1496 are adequate to protect the constitutional rights of any person hospitalized under

the provisions of said Legislative Document, may the Legislature provide that the Writ of Habeas Corpus shall not be available to any such person, notwithstanding the provisions of Article I, Section 10, of the Constitution of Maine?

5.

If it is necessary that the Writ of Habeas Corpus be at all times available to a person hospitalized, as mentally ill, along with the other statutory provisions for release, or review provided in Legislative Document 1496, would a patient hospitalized pursuant to Section 175 of said document have a right to apply for a Writ of Habeas Corpus under Section 190 of said Legislative Document, or pursuant to chapter 126 of the Revised Statutes of 1954, even though,

(a) Said patient sought a Writ of Habeas Corpus within three days of his hospitalization under an order issued pursuant to Section 175 — solely on the grounds he was not mentally ill at the time of his application for the Writ?

(b) Said patient sought a Writ of Habeas Corpus within three months of having been denied a reexamination of his order of hospitalization under section 186, solely on the grounds that he had fully and completely recovered from his mental illness at the time of his application for the Writ?

Which Order was read and passed.

House Committee Reports Leave to Withdraw

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Stonington Harbor Project in Stonington." (H. P. 453) (L. D. 653) reported that the same should be granted Leave to Withdraw.

The Committee on Education on Bill, "An Act Relating to State Support for Educational Foundation Program." (H. P. 799) (L. D. 1113) reported that the same should be granted Leave to Withdraw.

The Committee on Legal Affairs on Bill, "An Act Relating to Archaeological Excavation." (H. P. 824) (L. D. 1139) reported that the same should be granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act Relating to Statutory Forms of Conveyances in Other Jurisdictions." (H. P. 892) (L. D. 1226) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Children Born Subsequent to the Execution of a Will." (H. P. 928) (L. D. 1276) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Pretermitted Child under Wills." (H. P. 929) (L. D. 1277) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Revocation of Wills." (H. P. 930) (L. D. 1278) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Order of Conveyance of Property by Court in Divorce Actions." (H. P. 931) (L. D. 1279) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Property Pending an Interlocutory or Final Divorce Decree." (H. P. 932) (L. D. 1280) reported that the same should be granted Leave to Withdraw.

The Committee on Towns and Counties on Bill, "An Act Relating to Appointment of Special Deputy Sheriffs in Cumberland County." (H. P. 910) (L. D. 1244) reported that the same should be granted Leave to Withdraw.

Which reports were severally read and accepted in concurrence.

Ought Not to Pass

The Committee on Agriculture on Bill, "An Act Creating the Maine Milk Dealers' Bonding Law." (H. P. 867) (L. D. 1202) reported that the same Ought not to pass.

The Committee on Education on Bill, "An Act Relating to Age of Compulsory Education." (H. P. 802) (L. D. 1116) reported that the same Ought not to pass.

The Committee on Industrial and Recreational Development on Bill, "An Act Relating to Competitive Bids Under Maine Industrial Building Authority Act." (H. P. 874) (L.

D. 1209) reported that the same Ought not to pass.

The Committee on Industrial and Recreational Development on Bill, "An Act Increasing Amount of Loan for Single Project Under Maine Industrial Building Authority Act." (H. P. 875) (L. D. 1210) reported that the same Ought not to pass — Covered by other Legislation.

The Committee on Judiciary on Bill, "An Act Relating to the Reporting of Divorces to State Registrar of Vital Statistics." (H. P. 500) (L. D. 699) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Service of Civil Process by Constables." (H. P. 678) (L. D. 956) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Credit of Fines and Orders in Support of Children Cases." (H. P. 812) (L. D. 1127) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Immunity for Persons Receiving Training in Hospitals for Civil Defense." (H. P. 882) (L. D. 1217) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Service of Process on Insurance Commissioner." (H. P. 885) (L. D. 1220) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Levy on Property Upon Failure of Municipality to Pay Installment Due School Administrative District." (H. P. 935) (L. D. 1283) reported that the same Ought not to pass.

The Committee on Retirements and Pensions on Resolve, in Favor of Merle S. Goodwin, of Brewer. (H. P. 339) (L. D. 491) reported that the same Ought not to pass— Covered by other Legislation.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on State Government on Bill, "An Act Relating to Confidential Records in Insurance Department." (H. P. 942) (L. D.

1290) reported that the same Ought to pass.

The same Committee on Bill, "An Act Authorizing State of Maine to Convey Knox Arboretum, Knox County." (H. P. 779) (L. D. 1061) reported that the same Ought to pass.

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

The Committee on Inland Fisheries and Game on Bill, "An Act Prohibiting Stocking Certain Waters with Fish." (H. P. 877) (L. D. 1212) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-113)

Which report was read and accepted in concurrence, and the Bill read once. Committee Amendment "A" was read and adopted in concurrence, and the Bill, as amended, was tomorrow assigned for second reading.

Ought to Pass — New Draft — As Amended

The Committee on Transportation on Recommended Bill, "An Act Relating to Registration of Self-Propelled Wheelchairs." (H. P. 1050) (L. D. 1450) reported that the same Ought to pass in New Draft, under New Title: An Act Relating to Registration of Motorized Invalid Chairs. (H. P. 1097) (L. D. 1510)

Comes from the House passed to be engrossed, as amended by House Amendment "A" (Filing H-147)

In Senate Report read and accepted and the Bill read once. House Amendment "A" read and adopted in concurrence and the Bill, in New Draft, as amended, tomorrow assigned for second reading.

The same Committee on Recommended Bill, "An Act Relating to Initial Motor Vehicle Number Plates." (H. P. 217) (L. D. 312) reported that the same Ought to pass in New Draft, under New Title: An Act Relating to Initial, Digital and Antique Motor Vehicle Registration Plates. (H. P. 1096) (L. D. 1509)

Comes from the House passed to be engrossed as amended by House Amendment "A" (Filing H-136)

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

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

Five members of the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Use of Live Bait in Little Sebago Lake, Cumberland County." (H. P. 389) (L. D. 564) reported in Report "A" that the same Ought to pass.

(Signed)

Senator: CYR of Aroostook

Representatives:

HANSON of Bradford
DODGE of Guilford
WALLS of Millinocket
MOORE of Casco

Five members of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed)

Senators: CARPENTER

of Somerset
STILPHEN of Knox

Representatives:

ANDERSON of Ellsworth
MERRILL of Stetson
WADE of Skowhegan

Comes from the House, Report "A" — Ought to pass. Read and accepted, and the Bill passed to be engrossed.

Mr. CARPENTER of Somerset: Mr. President, I move the acceptance of Report "B" "Ought not to pass" in concurrence, and in support of my motion I might state that this particular bill would set up one special law permitting the use of spiny fish as bait in this particular lake.

As it is now, there was a law passed about two years ago prohibiting the use of spiny fish in any waters in the State of Maine. I believe that this is a good law because it prohibits the introduction of rough fish into many of our good waters.

Thereupon, the motion prevailed and the Ought not to pass report was accepted in non-concurrence.

Sent down for concurrence.

MAJORITY — Ought to Pass, As Amended by Com. Amend. "A"
MINORITY — Ought to Pass, As Amended by Com. Amend. "B"

The Majority of the Committee on Claims on Resolve, in Favor of James E. Woods of Calais. (H. P. 462) (L. D. 662) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-131)

(Signed)

Senators: PORTEOUS
of Cumberland
BREWSTER of York

Representatives:

HUGHES of St. Albans
ANDERSON of Greenville
HAGUE of Gorham
GALLANT
of Eagle Lake
BREWER of Bath
JOHNSON of Stockholm
HUTCHINS of Kingfield

The Minority of the same Committee on the same subject matter reported that the same Ought to pass as amended by Committee Amendment "B" (Filing H-132)

(Signed)

Senator: PARKER of Piscataquis

Comes from the House, Majority — Ought to pass as amended by Committee Amendment "A" Report accepted, and the Bill passed to be engrossed, as amended.

In the Senate:

Mr. PORTEOUS of Cumberland: Mr. President, I move the acceptance of the Majority Ought to Pass Report.

Thereupon, on motion by Mr. Cole of Waldo, the bill was laid upon the table pending motion by Mr. Porteous, and was especially assigned for Wednesday, April 12.

MAJORITY — Ought Not to Pass
MINORITY — Ought to Pass

The Majority of the Committee on State Government on Bill, "An Act Conferring upon others the Powers now Vested in the Executive Council." (H. P. 842) (L. D. 1125) reported that the same Ought not to pass.

(Signed)

Senators: NOYES of Franklin
CHRISTIE of Aroostook
LOVELL of York

Representative:

DENNETT of Kittery
KIMBALL of Mt. Desert
HAUGHN of Bridgton
WHITMAN of Woodstock
BEARCE of Bucksport

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

(Signed)

Representatives:

DOSTIE of Lewiston
NOEL of Waterville

Comes from the House, Majority Report — Ought Not to Pass read and accepted.

In the Senate, on motion by Mr. Noyes of Franklin, the Senate voted to accept the Ought Not to Pass report in concurrence.

Senate Committee Reports
Leave to Withdraw

Mr. Couture from the Committee on Labor on Bill, "An Act Exempting Certain Salesmen from the Minimum Wage Law." (S. P. 428) (L. D. 1305) reported that the same should be granted Leave to Withdraw.

Mr. Farris from the Committee on Legal Affairs on Bill, "An Act Relating to Bids Awarded by the City of Lewiston." (S. P. 234) (L. D. 638) reported that the same should be granted Leave to Withdraw.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought Not to Pass

The same Senator from the Committee on Legal Affairs on Bill, "An Act Relating to Suspension of Liquor License for Sale to Minors." (S. P. 435) (L. D. 1307) reported that the same Ought not to pass.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: This bill would require that there be a fifteen-day suspension for the first offense of selling to minors and a thirty-day suspension for any subsequent offense of sale to minors. It is my feeling that we need to do something to try at least to discourage the sale of liquor to minors. They certainly are getting plenty of it and whose fault it is I do not know but it

seems to me this would not be out of the way. I move that the bill be substituted for the report and ask for a division when the vote is taken.

Mr. MAYO of Sagadahoc: Mr. President, I rise in support of the motion of Senator Christie of Aroostook but before I vote on the issue, I was wondering if there is anyone here from the Legal Affairs Committee who could enlighten me as to why this bill was put out with a unanimous ought not to pass report.

Mrs. LORD of Cumberland: Mr. President, this bill was discussed and the penalty now seems to be sufficient. It was brought out that the young people come in with false credentials and it is very hard for the person running the beer parlor to tell whether they are twenty-one or not. It was thought by the committee that the penalty was too severe and that they try to live up to it just as well as they can, as the law is now.

Mr. COUTURE of Androscoggin: Mr. President, in the absence of the Chairman of Legal Affairs, I move that the bill be tabled.

Mrs. CHRISTIE: Mr. President, may I ask the Senator to assign a day?

Mr. COUTURE: Mr. President, I will remove it from the table when the Chairman of Legal Affairs is present.

Thereupon, the bill was laid up on the table pending motion by Mrs. Christie to substitute the bill for the report.

Ought to Pass

Mrs. Lord from the Committee on Legal Affairs on Bill, "An Act Modifying the Notice Required on Finance Board Budget Recommendations to City Council of Lewiston." (S. P. 294) (L. D. 905) reported that the same Ought to pass.

Mr. Wyman from the Committee on Towns and Counties on Bill, "An Act Providing for Three Medical Examiners for Franklin County." (S. P. 188) (L. D. 434) reported that the same Ought to pass.

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

Ought to Pass — As Amended

Mr. Farris from the Committee on Legal Affairs on Bill, "An Act Relating to Zoning in the City of Lewiston." (S. P. 295) (L. D. 906) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-86)

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

The same Senator from the same Committee on Bill, "An Act Relating to Passage of Ordinances by Lewiston City Council." (S. P. 329) (L. D. 1004) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-84)

The same Senator from the same Committee on Bill, "An Act Relating to Control of Missiles and Rockets." (S. P. 430) (L. D. 1390) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-85)

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

The PRESIDENT pro tem: At this time the Chair would like to recognize in the Senate Chamber a group of Junior High School students from Yarmouth, accompanied by their teachers Mrs. Winslow, Mr. Munroe and Mr. Beal. In this group there is a young man, Timothy McCann, who is the nephew of one of our good Senators from Cumberland, Senator Brooks. On behalf of the Senate I wish to extend to you all a hearty welcome and hope that your stay here will be enjoyable and that you will learn much about Maine government. During your stay here if you have any questions, I am sure your Senators from Cumberland will have them readily available. At this time I would like to ask the Senators from Cumberland to rise. Senators: Lord, Porteous, Brooks and Davis. (Applause)

Second Readers House

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

Bill, "An Act to Repeal the Charter of the Cousins and Littlejohns Islands Village Corporation." (H. P. 203) (L. D. 298)

Bill, "An Act Repealing Certain Obsolete Private and Special Laws Relating to City of Portland." (H. P. 408) (L. D. 583)

Bill, "An Act Relating to Formation of School Administrative Districts for Certain Towns in York County." (H. P. 470) (L. D. 670)

Bill, "An Act to Incorporate the Town of St. Albans School District." (H. P. 516) (L. D. 714)

Bill, "An Act Transferring South Portland Sewerage District to City of South Portland." (H. P. 606) (L. D. 823)

Bill, "An Act Relating to Notes of Augusta Parking District." (H. P. 613) (L. D. 830)

Bill, "An Act Relating to Power of Squirrel Island Village Corporation to Borrow Money." (H. P. 615) (L. D. 832)

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)

Bill, "An Act Relating to Superintending School Committee of Town of Gorham." (H. P. 763) (L. D. 1049)

Bill, "An Act Enabling Municipalities to Obtain Additional Federal Grants for Urban Renewal Projects." (H. P. 938) (L. D. 1286)

Bill, "An Act to Incorporate the Town of Athens School District." (H. P. 1007) (L. D. 1408)

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)

(On motion by Mr. Ferguson of Oxford, tabled and especially assigned for Tuesday, April 11 pending passage to be engrossed.)

Bill, "An Act Providing Added Special Designating Plates for Handicapped Person." (H. P. 1087) (L. D. 1497)

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

House — As Amended

Bill, "An Act Relating to Municipal Regulation of Subdivisions of Land." (H. P. 258) (L. D. 372)

Amended by Committee Amendment "A" (Filing H-126)

Bill, "An Act Relating to Allowance for Uniforms of the Police Department of the City of Lewiston." (H. P. 29) (L. D. 393) Amended by Committee Amendment "A" (Filing H-127)

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

Bill, "An Act Regulating Catching Lobsters While Swimming or Diving." (H. P. 1074) (L. D. 1481)

Mr. JACQUES of Androscoggin: Mr. President, last Friday when this bill was heard I was a little disturbed and I did not get up to say anything about it, but I happen to be one man that likes to go down in the water and catch these lobsters. I have been down a few times to see what the bottom looks like, and if you people think it is fun to go down and catch these lobsters, it is a thrill, really. It isn't as easy as some of you might think. You go down to the bottom of the ocean and start looking for the lobsters and you don't know what to expect. The lobsters go through the mud and you have a stream of dust in front of you and you just reach out and see if you can grab one. Sometimes they get up on their tail and wait, and when you try to grab them they go after you.

Now, we have price fixing on milk; we try to help the farmers—I don't know that we are; I think we are hurting them more than helping them — and now this bill is trying to stop the people from the cities from going out and see if they can get something to eat. I have a lot of fun going out and getting these lobsters and I think most of the skin divers have fun and most of the lobstermen go down and try to catch some lobsters and most of the time they put them in their own traps.

I am wondering if anyone can tell me, if I would have a right to go down and take the lobsters under water and put them in the trap. Would that be illegal under this bill? I would like to ask anyone here who knows about this.

The PRESIDENT pro tem: The Senator from Androscoggin, Sena-

tor Jacques, has posed a question through the Chair to anyone who would care to answer.

Mr. JACQUES: Mr. President, another thing I want to say: I would like to tell you how much people from the city feel about going into the ocean. I am from Lewiston and I remember when I was a little boy, we used to like to go to the ocean. We used to pay ten or twenty cents and go down to Cundy's Harbor and we used to go and dig clams. Ten years after that they stopped us from going over there. We weren't a wealthy family. We used to go down there to have a bite to eat which was expensive and we had a good time. We came home around four or five o'clock and we had enjoyed the day.

I am talking for the people of the city. I have had numerous calls from our people. I represent maybe 40,000 people—from my city that is; I am not talking about the county where we represent about 125,000—but from my city I had a lot of people tell me, "Why are they putting in a law like this?" Over the weekend I had numerous telephone calls. I don't know about my colleagues whether they had or not but I don't blame the lobstermen if it means stopping some of the people taking the lobsters. But I can't see why with this big ocean we have to stop these people from going down and getting these lobsters. And I am one who does not want to stop them for anyone. I move that this bill be indefinitely postponed. I ask for a division.

Mr. ERWIN of York: Mr. President, is this motion debatable?

The PRESIDENT pro tem: Yes sir, it is.

Mr. ERWIN: Mr. President, I think we went over most of the arguments last week and I think the good Senator from Androscoggin was here when we debated this matter. I would just like to remind the Senate, Mr. President, once more, that we are talking about two entirely different things. One is fun and games, and the other is the serious livelihood of a lot of people in the State of Maine. I respectfully suggest that we do not support this motion.

Mr. COUTURE of Androscoggin: Mr. President, I rise in support of the motion to indefinitely postpone this bill. I too have been called and approached about this bill which defeats the purpose of the organizations of skin divers. It is an organization, a group of people with a love for a certain sport, just like many others you have in the State of Maine. You also have skin divers who come here from other states and they all get together and go out skin diving and swimming.

We allow our people to go hunting in the woods with guns. We allow them to go hunting with bow and arrow. We allow them to trap. But we are not going to allow these groups to skin dive. I feel that a bill of this sort would be unfair to our citizens. Those of us in this great state who enjoy skin diving and getting a few lobsters under water for the thrill of catching them should not be deprived of this sport. How would it seem to some of you whose sport is hunting if you were deprived of certain guns to go hunting with and come back with wild game? How would you feel if they allowed you only to use a sling shot to go hunting? What would happen to your sport? Of course this is one of the new sports in this state. And they are doing it. They are catching lobsters under water and that is their sport. So far as I know there isn't any other place in the United States where they are deprived of doing so. Acting on bills like this in the Senate, I think we are taking the bull by the horns and telling them "You are just going to have certain sports that we agree with but the others you have to stay away from." If you are talking about keeping people in business, during the hunting season there are thousands upon thousands of deer killed in this state and what does that do to the business of selling meat? During the times people are out hunting deer and taking them home and eating deer meat, they certainly are not supporting our grocers. And it wouldn't amount to any more than a skin diver going out and getting two or three lobsters and not purchasing them

from a fish market or businesses next to the ocean.

I do feel this is really depriving people of our state of a sport that they do enjoy. They are buying their special outfits, it costs them money to keep on with their organization and today we are trying to take steps to keep them out of the water. What would you do if they do go out of the sport of catching lobsters and start catching fish? Would you say then that the fishermen might be deprived of selling? Then I suppose a law would be passed to prevent them from getting any fish at all out of the water. I certainly hope that this Senate will go along with the indefinite postponement of this bill. It is unfair to our people.

Mr. CHASE of Lincoln: Mr. President and members of the Senate: It has been brought out here that the main sport of skin divers is getting the lobsters apparently. This bill does not prohibit people from skin diving. In answer to the question asked by Senator Jacques of Androscoggin about catching the lobsters and putting them in the traps. I don't know who would be watching him unless it was another skin diver. Again I say, this is about a thirty million dollar industry and over six thousand people employed in our state and it is a serious matter. I hope that you will vote against this motion.

Mr. MARDEN of Kennebec: Mr. President, I think it is only reasonable that my position be made clear on the pending question. There is a great difference between indefinite postponement and in accepting what I thought was a reasonable amendment by way of compromise. Weighing the equities of the situation, and despite the fact that I think it is backward legislation, I am going to vote against indefinite postponement.

Mr. PORTEOUS of Cumberland: Mr. President, I feel as Senator Marden does, that I should make my position clear, since I spoke on Friday. I don't feel that indefinite postponement is the proper thing. I feel that this is good regulatory legislation in all its respects except for the fact that I believe that Amendment B providing for a

five lobster bag limit and also for limiting lobsters to private use and prohibiting sale of any one of the five lobsters, would have been a good amendment. Last night I talked with Ronald Green, Commissioner of Sea and Shore Fisheries, and Rodney Cushing of Cliff Island, who is a lobsterman, and to my surprise, after he asked me what had happened and I told him, he said, "Oh I favored a ten lobster bag limit but of course it is unenforceable." I said, "Well aren't most of the laws along the water front, most of the Sea and Shore Fisheries unenforceable due to the small force they have?" He said, "Yes they are." A few minutes later I talked to Mr. Green and I said, "Your concern is not with the threat to the lobster industry of five thousand pounds out of twenty-five million pounds with a three million pound increase last year? It does not seem as though the skin divers are making much of an inroad."

This is just bringing you up to date. I could not go along with indefinite postponement. I would like to see the Committee Amendment brought back however.

Mr. COUTURE of Androscoggin: Mr. President, prior to the defeat of the amendment of Senator Marden, I had no intention of supporting a motion to indefinitely postpone because at least, I felt, it would not kill the sport even though it did restrict the number of lobsters they could catch but they would still have been allowed to dive and have the sport of catching a few lobsters while they were diving. But I was amazed when the amendment of Senator Marden was defeated and now it would deprive our people completely. If Senator Marden's amendment permitted too many lobsters to be caught, why didn't someone table the bill and bring out another amendment lowering the number? Maybe a one or two lobster limit. It is depriving them completely that I oppose. Mr. President, if I am in order I will move that the whole matter lie on the table for the purpose of preparing an amendment and ask to have it especially assigned for Tuesday next.

Mr. MAYO of Sagadahoc: Mr. President, I ask for a division on the tabling motion.

A division of the Senate was had.

Eight having voted in the affirmative and nineteen opposed, the motion to table did not prevail.

The PRESIDENT pro tem: The question now before the Senate is on the motion of the Senator from Androscoggin, Senator Jacques, that the bill be indefinitely postponed, and a division has been requested.

A division of the Senate was had.

Two having voted in the affirmative and twenty-seven opposed, the motion did not prevail.

Thereupon, the bill was passed to be engrossed, in concurrence.

The PRESIDENT pro tem: At this time the Chair would like to recognize in the rear of the Senate Chamber three young ladies, the Misses Ann, Suzie and Julie Schoenthaler, and the Chair at this time would like to appoint them honorary pages for the rest of the morning and will ask the regular pages to escort them to chairs properly located so that they may function. (Applause)

The Chair would like to mention that these young ladies are the grand-daughters of our genial Senator from Somerset, Senator Carpenter. (Applause)

Senate

Bill, "An Act Relating to Transfer of County Jail Prisoners." (S. P. 197) (L. D. 530)

Bill, "An Act Relating to State Retirement Benefits for Teachers." (S. P. 204) (L. D. 537)

(On motion by Mr. Marden of Kennebec, tabled pending passage to be engrossed, and especially assigned for Friday next.)

Bill, "An Act Relating to Amount of State Retirement Benefits for Teachers." (S. P. 205) (L. D. 538)

(On motion by Mr. Marden of Kennebec, tabled pending passage to be engrossed, and especially assigned for Friday next.)

Bill, "An Act Relating to Authorized Insurers False Advertising Process Act." (S. P. 406) (L. D. 1348)

(On motion by Mr. Brown of Hancock, Senate Amendment A read and adopted)

Bill, "An Act to Eliminate Intangibles from Property Taxation." (S. P. 500) (L. D. 1507)

Bill, "An Act Relating to Survivor Benefits Under Maine State Retirement System." (S. P. 503) (L. D. 1517)

Bill, "An Act Relating to the Inspection of County Jails." (S. P. 504) (L. D. 1518)

Which Bills were read a second time and passed to be engrossed. Sent down for concurrence.

Senate — As Amended

Resolve, Relating to Opening Date for Open Water Fishing on Certain Waters. (S. P. 34) (L. D. 59) Amended by Committee Amendment "A" (Filing S-76)

Resolve, Regulating Fishing in Spencer Pond, Piscataquis County. (S. P. 70) (L. D. 170) amended by Committee Amendment "A" (Filing S-74)

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

Bill, "An Act Relating to Open Season for Trout in Oxford and York Counties." (S. P. 107) (L. D. 252) amended by Committee Amendment "A" (Filing S-77)

Bill, "An Act Relating to Driving Deer by More than Six Persons." (S. P. 287) (L. D. 888) amended by Committee Amendment "A" (Filing S-75)

Bill, "An Act Increasing Limits of Industrial Mortgage Insurance Under Maine Industrial Building Act." (S. P. 358) (L. D. 1091) amended by Committee Amendment "A" (Filing S-78)

Bill, "An Act Defining Mother, Father and Parent under Maine State Retirement Law." (S. P. 382) (L. D. 1192) amended by Committee Amendment "A" (Filing S-83)

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

Sent down for concurrence.

At this point, President Hillman resumed the Chair, Senator Stilphen of Knox retiring amid the applause of the Senate.

The PRESIDENT: The Chair wants to thank Senator Stilphen for

doing an excellent job. Let's all give him a hand.

The Chair is told that there is a group of students from Hallowell, accompanied by Mrs. Babbitt and Mrs. McGivney. It certainly is a pleasure to have you young folk with us. We hope that your stay is pleasant and that you will learn a lot about state government. We hope that some day you will be sitting in these chairs and doing your part for your county. The Chair would like to introduce the Senators from your County of Kennebec. Senators: Gilbert and Marden. Senator Farris happens to be absent at the moment. It is nice to have you with us.

Enactors

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

Bill, "An Act Revising the Savings Bank Laws." (H. P. 574) (L. D. 794)

Bill, "An Act Revising Dog Registration and Licensing Laws." (S. P. 400) (L. D. 1347)

Bill, "An Act Authorizing Department of Education to Join Educational Organizations." (S. P. 412) (L. D. 1353)

Which bills were passed to be enacted.

Resolve, Regulating Ice Fishing on Millinocket Lake, Big Pleasant Lake and Spider Lake, Piscataquis County. (H. P. 483) (L. D. 683)

Resolve, to Provide Retirement Credit for Kenneth W. Hodgdon of Augusta. (S. P. 146) (L. D. 329)

Resolve, Reimbursing City of Bangor for Improving Bass Park. (S. P. 279) (L. D. 880)

Which resolves were severally finally passed.

Emergency

Bill, "An Act Relating to Digging Clams in the Towns of Cushing, Friendship and Thomaston." (H. P. 704) (L. D. 982)

Which bill, being an emergency measure, and having received the affirmative vote of 26 members of the Senate was passed to be enacted.

Orders of the Day

The President laid before the Senate (S. P. 491) (L. D. 1486) "Resolve, Providing for Publication of Information on the Public Lots by Forestry Department" having been recalled from the Governor to the Senate by Joint Order (S. P. 507) (L. D. 505)

On motion by Mr. Noyes of Franklin, the Senate voted to reconsider its former action whereby this resolve was finally passed, and on further motion by the same Senator, the resolve was laid upon the table pending final passage.

The President laid before the Senate (S. P. 163) (L. D. 409) Bill, "An Act Relating to Purchases of Land by Municipalities for Industrial Parks", having been recalled from the Governor to the Senate by Joint Order.

On motion by Mr. Gilbert of Kennebec, the Senate voted to reconsider its former action whereby this bill was passed to be enacted; and on further motion by the same Senator, the bill was laid upon the table pending passage to be enacted.

The President laid before the Senate (H. P. 233) (L. D. 347) "Resolve, in Favor of Myron Reynolds of Brooks", having been recalled from the Governor to the Senate by Joint Order.

Mr. COLE of Waldo: Mr. President, under suspension of the rules, I move that the Senate reconsider its former action whereby this resolve was finally passed. My purpose in recalling these several highway matters from the Governor is to follow a procedure that has been carried on in the past. I wish to apologize for not doing this before the resolves were finally passed. However, I now move that the Senate reconsider enactment.

The motion prevailed and the Senate voted to reconsider its action whereby the resolve was finally passed.

Mr. COLE: Mr. President, I now move that the resolve be laid upon the Special Appropriations Table by L. D. number only and that it be designated by the letter H.

The motion to table prevailed.

Mr. PORTEOUS: Mr. President, I would like to ask through the Chair what purpose might be served by this procedure? The other measures that are laying on the Appropriations Table for the most part come from the General Fund and these resolves are from the Highway Fund and there is money there for them. Of course so far as the General Fund is concerned we do not know how much money we are going to have and there is every good reason for tabling those. These several matters came from the Claims Committee. We have an able committee. We have discussed these matters and have come out with the various reports, and I do not see that there is any good reason for reconsidering them when they get to this stage. A lot of these people back home think that everything has gone fine, and then they find that the bills have been reconsidered and they become all upset, and I think that it reflects badly on us here in Augusta.

The PRESIDENT: Does the Senator address his question to any one individual?

Mr. PORTEOUS: Yes, Mr. President. I respectfully ask Senator Cole.

The PRESIDENT: The Senator from Cumberland, Senator Porteous, proposes a question through the Chair of the Senator from Waldo, Senator Cole, and the Senator may answer if he wishes.

Mr. COLE: Mr. President, I thought I stated before that my only purpose was to follow a procedure that has been done many times and is also being done at the present time on the General Fund by the Appropriations Chairman, the Senator from Cumberland, Senator Davis.

I would also like to inform the Senator from Cumberland, Senator Porteous, that as of now there is no money available because the allocation of the Highway Fund has not been brought out; also that there are many L. D.'s calling for a substantial amount of money in dollars and until we of the Highway Committee know somewhere near what our allocations are and the funds available for these we certainly would like to put them on

the special table so that we in the future can certainly evaluate our situation better than we can do as of now.

The PRESIDENT: Does that answer your question, Senator Porteous?

Mr. PORTEOUS: It answers the question very well and I thank the Senator, but I want to have the Senate consider whether they will bother to have a Claims Committee discuss these Highway matters in the next Legislature.

The PRESIDENT: The Chair would like to explain to the Senate that there is some confusion here. These bills were passed to be enacted, and the Administrative Assistant for the Governor and the Governor in consultation decided that the Governor could not sign them for various reasons, one of which was that if he signed one then others would come along and say, "Well, you signed one bill, so why don't you sign mine?" He felt that it was quite a confused situation, so therefore he asked us to bring them back and put them on the special Highway table, which we have done. I do not think there is anything unusual about this. It has been done many times before. I am sorry that we did not consult the Senator from Cumberland, Senator Porteous, because naturally, as Chairman of the Claims Committee, he was a little confused at the action taken here.

Mr. PORTEOUS: I thank the President for his explanation and I thank Senator Cole. I will suggest to the Governor that he write to each one of these people involved in these claims and explain what he has done, and I think that will solve the whole problem.

Mr. COLE of Waldo: Mr. President and members of the Senate: I am sorry that this was not discussed with the Chairman of the Claims Committee before. I am not trying to belittle the Committee on Claims. So far as I am concerned, these are good, legitimate claims. However, they are being paid out of Highway funds, and as Chairman of the Highway Committee I am concerned about the over-all picture. Now I do not think that we as Senators wish to

get the Governor interested in this thing at all; I mean it is strictly a legislative procedure and I do not see why our Governor should write to individuals because they have not come to him officially and he has not signed them.

I think this procedure was only normal, as I said before, and I hope that the recommendation of the Senator from Cumberland, Senator Porteous, will not prevail in regard to the Governor getting into legislative procedures.

The PRESIDENT: The Chair would like to inform the Senator from Waldo, Senator Cole, that he just made that suggestion to the Senator from Cumberland, Senator Porteous. I am sure that he realizes that this procedure has happened before and that their bills will be duly taken care of when the proper time comes.

The Chair will state, for the information of the Senators, that the bill that the Senator from Franklin, Senator Noyes, tabled, that called for money, and the one that the Senator from Kennebec, Senator Gilbert tabled was a Constitutional question. I guess we are now on the right track, and the Chair recognizes the Senator from Waldo, Senator Cole.

The President laid before the Senate (H. P. 298) (L. D. 450) "Resolve, to Reimburse Canton Water District for Damage from Highway Construction" having been recalled from the Governor to the Senate by Joint Order.

On motion by Mr. Cole of Waldo, under suspension of the rules, the Senate voted to reconsider its action whereby the resolve was finally passed; and on further motion by the same Senator, the resolve was laid upon the Special Highway Appropriations Table.

The President laid before the Senate, (H. P. 465) (L. D. 655) "Resolve, in Favor of Richard S. Foster, of York", having been recalled from the Governor to the Senate by Joint Order.

On motion by Mr. Cole of Waldo, under suspension of the rules, the Senate voted to reconsider its action whereby the resolve was finally passed; and on further motion

by the same Senator, the resolve was laid upon the Special Highway Appropriations Table.

The President laid before the Senate (H. P. 478) (L. D. 678) "Resolve, Appropriating Funds to Complete Survey for a Maine-Quebec Highway," having been recalled from the Governor to the Senate by Joint Order.

On motion by Mr. Cole of Waldo, under suspension of the rules, the Senate voted to reconsider its former action whereby the resolve was finally passed, and on further motion by the same Senator, the resolve was laid upon the Special Highway Appropriations Table.

The President laid before the Senate the 1st tabled and today assigned item (S. P. 368) (L. D. 1101) Bill, "An Act Requiring Examination for Motor Vehicle Operator's License for Persons Sixty-Five Years of Age and Older", tabled on March 29 by Senator Christie of Aroostook pending first reading.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: My purpose in tabling this bill was simply to draw attention to the fact that this group and the group from 55 to 64 had the smallest percentages of accidents of any group during the year 1960. I would like to read some of the figures in support of that statement.

The age group from 20 to 24 had 7 per cent of all accidents, 24 per cent of all fatal accidents. The group from 25 to 34 had 22 per cent of all accidents and 22 per cent of fatal accidents. The group from 45 to 54 had 23 per cent of all accidents and 11 per cent of fatal accidents, whereas the group from 55 to 64 had 1 per cent of fatal accidents. The group from 65 and over had 11 per cent of all accidents and 9 per cent of fatal accidents. So you see that the percentage of accidents in this older age group is very much smaller than the percentage in the younger age group.

There might be some question as to the exposure of these different groups so far as licensing is concerned, but I did want to bring

this up, because it appeared that perhaps the group from 65 up were being pinpointed as those who were specially dangerous on the highways, and I just wanted to call attention to the fact that their percentage of accidents is smaller than those of the other groups. With that comment, I move the pending question.

The PRESIDENT: For the information of the Senate, the bill was substituted for the "Ought not to pass" report of the committee.

Mr. PIKE of Oxford: Mr. President and fellow Senators: I doubt if many of us in our lifetime have not at some time felt that anybody that got to be fifty was old enough to die. Now I have reached the age that this bill calls for and I resent very much being called old. I got quite a little jolt a few years ago though.

I have always believed in life insurance and I had quite a number of endowment policies. I never thought that probably I would live long enough to cash in on them. I had these policies which were endowments of 30 years, some to the age of 60, and when the first one matured a few years ago and the representative of the company from Portland came and brought the check to me in person, as they sometimes do, it struck me right in a heap. I did not realize that I had been insured for so long. It almost made me sick-abled for a little while. About this same time I had two young grand-daughters born and the adult members of the family started to call me "grand-pappy," and that did not help me any more.

I think most of us, as Senator Christie has said, consider that we are safe drivers; in fact we have had a lot of experience. I was driving quite a number of years by the time the good Senator from Cumberland, Senator Porteous, was born. My first car was a 1913 Ford, and since that time I have had eighteen different automobiles of nearly all the popular makes. By the way, that first Ford in 1913, the new price of it, with no taxes of course, was \$624. The car that I am driving today, some forty years and eighteen cars later,

with all the federal and state taxes, totaled almost six thousand dollars. Now that is quite a little different, but of course there is quite a lot of difference in cars.

There is a race track not far from where I live, and when I had this first 1913 Ford I wanted to try it out. I got the thing up to forty-three miles an hour, and I will tell you I was sailing. That brass radiator out front was vibrating just like a jew's harp. With the car I drive today I have to watch out that I do not get over the speed limit. When I am driving on the road, if the road conditions are good I try to keep up to about the limit that the road is posted for, and when I am driving perhaps sixty, and that is what it is posted for, there will be some go by and out of sight, and most always I notice that it is young people. Of course that is probably the reason why the insurance companies charge extra for those under twenty-five.

Now I do not blame Senator Porteous a bit for trying to save this bill, even if he knows down deep it is not any good. (Laughter) Most of us, when we were freshmen in the Legislature, we felt strongly about our bills and we hated awfully to lose one. After he has been in the Senate and the House for two years he won't feel so bad about it.

Now of course, the Transportation Committee put out a unanimous "Ought not to pass" report on this bill, and they are pretty wise, level-headed fellows and they studied this a lot. Of course it was a pretty clever job for my Brother from Cumberland to substitute the bill for the report. Probably we would all have done that when we were freshmen, but we know that this bill is a poor bill and that it ought not to pass.

Now you people present who have served with me in both the House and the Senate know that I seldom speak unless there is something to speak about, but here is a case when I felt that there was something. I seldom ask you to do anything for me, but I am going to ask you to help me kill this bill, a bill that is really no good.

Mr. President, I wish to make the motion that this bill and all its papers be indefinitely postponed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Pike, that this Bill, "An Act Requiring Examination for Motor Vehicle Operator's License for Person Sixty-Five Years of Age and Older," (S. P. 368) (L. D. 1101) be indefinitely postponed. The Chair recognizes the Senator from Cumberland, Senator Porteous.

Mr. PORTEOUS: Mr. President and members of the Senate: I wish that this testimony given by my exceptional colleague could have been tape-recorded and filmed for either the Jack Paar Show or the Ed Sullivan Show and let them compete and see which one would pay the most money. I enjoyed it very much, but I beg to differ with the Senator. I do not blame him for resisting, but I do not regard Senator Pike as being old. By the way, if he were not an exceptional man he would not be here in the State Senate.

The figures given by Mrs. Christie are figures that bear out the Maine State Highway Safety Committee's reason for favoring this bill.

As I said previously the reason that it was given a unanimous "Ought not to pass" report was that it was thought in the committee that "65" would not pass the Legislature; they did not think it was politically feasible to try to go back to 65. They therefore adopted a bill that would make it mandatory at 75. Now I have no doubt that when Senator Pike reaches 75 he will still feel as young as he did at 55 and at 25 and at 15, back when he bought that first car, ten years before I was born, to be exact. I do not say that I am any better driver than Senator Pike.

But the states that have the best safety records have introduced this type of legislation. One of the things that was missing in Senator Christie's figures was the fact that there is no account taken in her figures as to the number of highway miles driven and the number of drivers on the road. At the

ages 45 to 54, 23 per cent after a ten-year span—there are many, many more drivers in that age group than there are from 65 to 75; and whereas the drivers of Senator Pike's age, 55 to 64, are the most cautious and most careful and best-trained and experienced drivers, at some place about the age of 65 there seems to be a slight worsening of the eye-sight, and the prime purpose of these examinations is to catch up with those people whose eyesight has deteriorated unbeknown to them and through no fault of their own, only through the weakening of the tissues in the eye.

Most people who take this examination retain their driver's license and keep right on driving just as though nothing had happened. A very few who are examined are sent to an eye doctor and come back with corrective glasses and are very grateful for the opportunity to have corrected their eye-sight. In the words of Mr. Wyman of the Highway Department; he said, "Some of these people are tremendously grateful; they have got a whole new outlook on life, because they did not realize how unsuited their glasses were to their eyes."

Now my good friend Senator Pike has termed this bad legislation. I term it excellent legislation, the kind of legislation that this 100th Legislature can be proud of, because it promotes safety on the highway.

In answer to the statement about this group of youngsters who are driving and who have a large number of accidents, the re-examination of the eyesight at that age is not the answer to their problem. I am going to take it upon myself to approach the Maine State Highway Safety Committee and ask them if they will take it on as a project to make a study of highway accidents and the causes in the youthful age groups and come before the 101st Legislature with recommendations to effectively do something about those accidents at that age. These problems are two separate problems. The one in the 65 and older age group is something that those people have no control over, but in the younger

age group it is a case of immaturity, so there are two separate age groups.

I am as sincere in my feeling that this is good legislation as Senator Pike is that it is not, and I respectfully move the original question.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Pike, that this bill and accompanying papers be indefinitely postponed. Is the Senate ready for the question?

Mr. COLE of Waldo: Mr. President and members of the Senate: As probably the only member of the Governor's Highway Safety Committee present, I perhaps should correct some of the statements that have been made.

This problem was discussed by the executive committee many, many times and then later by the full committee. By the way, I hope that sometime in the future our good Senator from Cumberland, Senator Porteous, will be a member of this committee, because I know that he is civic-minded and believes that something should be done towards highway safety.

Of course prior to 1937 there never was an examination made at that time because it was not required, so we have a lot of people driving twenty, thirty, forty or even fifty years who are now on the road without ever having an examination. The Highway Committee felt that something perhaps should be done along this line, and this conforms pretty much to what other states are doing.

The State of Pennsylvania has, by executive order, made it compulsory that all operators be examined, and this is being done at the rate of about two hundred and fifty thousand a year; and it is surprising too that one per cent of those examined are taken off the road temporarily. Seven per cent of those taken off are eventually, after getting corrective glasses or having other corrections, are given back their operators' licenses. So this is not a bill to eliminate people from the highway.

We believe the time has come when Maine must start definitely

making some changes in this area. The question is: Where? Should we commence with those who have never been examined or should we start with those sixty-five years of age and over. We recognize that in dealing with matters of this nature we are always faced with the compromising ideal of which is practical, therefore we begin by recommending that drivers submit to a re-examination at a later date in another bill that was sponsored by myself for the committee. I certainly do not wish to take away from the prerogatives of our committee chairman, but we did feel that this particular bill we are discussing now, even though it may not be the Utopia we are all striving for, we did feel that perhaps we should make a lesser step by approving another bill with a different age bracket. So that accounts for the committee's feeling and also for the feeling of the Governor's Highway Safety Committee.

The PRESIDENT: The question is on the motion of Senator Pike of Oxford that the bill be indefinitely postponed.

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

The PRESIDENT: At this time the Chair would ask the Senator from Knox, Senator Stilphen if he would resume acting as President. The Chair must attend the funeral of a friend in Bangor and must be in Bangor at two o'clock. The Chair thanks Senator Stilphen for carrying on.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 33rd tabled and unassigned item (S. P. 493) (L. D. 1489) Bill, "An Act Relating to Area Directional Signs for Sanford and Rangeley Areas", tabled by that Senator on March 21 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Carpenter of Somerset, the Senate voted to take

from the table the 54th tabled and unassigned item (S. P. 288) (L. D. 889) "Resolve, Regulating Fishing in Cupsuptic River, Oxford County", tabled by that Senator on March 28 pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table the 67th tabled and unassigned item (H. P. 490) (L. D. 690) House Reports from the Committee on Inland Fisheries and Game on "Resolve, Regulating Fishing in Maranacook Lake, Kennebec County,"; Majority Report, Ought to pass; Minority Report, Ought not to pass, tabled on March 29 by that Senator pending motion by Senator Carpenter of Somerset to accept the Minority Ought not to pass report in non-concurrence.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: I do not like to disagree with my friend and colleague, Senator Carpenter, particularly where he is an expert on this subject and I am not. However, inquiry and advice to me indicates that an overwhelming majority of the people interested in this subject-matter in the area in question, Winthrop, Monmouth and Readfield, Maine, all in Kennebec County, want this bill to pass. This is reflected, I think, in the 9 to 1 "Ought to pass" committee report and the action of the House, therefore I fail to see why we should not do likewise, and I hope that the pending motion is defeated. When the vote is taken, Mr. President, I would ask for a division.

Mr. CARPENTER of Somerset: Mr. President, let me explain briefly what this bill would do.

This bill would set up special legislation for this particular lake in this area of Kennebec where ice-fishing is permitted from ice-in until February 1st for rough fish. February 1st to ice-out is when they may take trout and togue.

If my recollection is correct, the Readfield Fish & Game Club was unanimously opposed to this type of legislation. There is not a reason in the world why this lake should be closed to ice-fishing up until February 1st. It would be

out of conformity with other rules and regulations relative to the Belgrade area. I believe that my motion is in order first, that we accept the Minority Ought not to pass report of the committee.

Mr. GILBERT of Kennebec: Mr. President, I rise in support of Senator Marden in hoping that the motion of our good friend, Senator Carpenter, be defeated.

Being a resident of Augusta, only ten minutes away from Lake Maranacook, and knowing the conditions of Lake Maranacook, the number of people that are living around the lake year-round, having a lot of taxable property, especially on so-called Memorial Drive where people are there the full year, and not having had one single person from Winthrop come in and say in any way, shape or manner they were not in favor of waiting until February 1st for ice-fishing, where they have been able up to now to catch pickerel, perch and such rough fish, I feel that the motion of Senator Carpenter should be defeated. Then again, you have the so-called fishing season where you cannot catch certain types of fish like trout, togue, bass and other game fish. In basing it from February up to March 31st, when the bass fishing would open, I feel and I think the people of Winthrop feel — again I must repeat: not a single person from the area of Winthrop has gotten in touch with me opposing such a bill, therefore I feel that it should be from February 1st on.

You have heard of a school of fish but I do not believe there was ever such a thing as a fish going to school, because once you drop that bait underneath it is sure that these fish are hungry and they will grab any kind of bait and they do not ask you what day of the year it is. Therefore, again I must say that if the people of Winthrop are willing to wait until February 1st let us open the season then, which would be an open season not only for pickerel and perch but also for trout and togue, excluding the bass which would be March 31st. I am quite sure that we in this area and the people of Winthrop would be most happy to see it that way and I

am sure that they are more than willing to wait until February 1st to start ice fishing, therefore I stand with Senator Marden in favor of the pending motion being defeated.

Mr. CARPENTER of Somerset: Mr. President, just a few brief remarks relative to Senator Gilbert's remarks.

Cottage owners have always been opposed to ice-fishing in all lakes. I believe they do this for a selfish motive. They believe the ice fishing will leave more or less debris on the ice and that sometimes the ice fishermen take their wood from building fires. But I am not interested in the cottagers in any way whatsoever; I am interested in good fishing legislation. If you went and asked a lot of people who do not own cottages in Winthrop and Readfield, I am sure they would be just as much in favor or opposed to this type of legislation as those people who own cottages are. Therefore I hope that the Senate will go along with the acceptance of the "Ought not to pass" report.

Mr. MAYO of Sagadahoc: Mr. President, I rise in support of the motion of Senator Carpenter, who is Chairman of the Fish and Game Committee. I think that he has very ably explained what this does.

It has been brought to my attention that this is a reclaimed pond, partially reclaimed, and the reason that the opponents of the bill would prefer to have it stay under the general law and open to ice fishing as soon as the ice is they can get rid of some more of these so-called rough fish, the pickerel and the perch. In talking with members of the Readfield Fish and Game Club who are very much interested in this pond, they would hope that this bill would not pass and the reasons are that they want to get rid of some more of the rough fish. They would admit there is a certain amount of poaching that goes on, and as an ice fisherman I know it does go on in all of these ponds. The Readfield Fish and Game Club has put a lot of money into this pond and a lot of time into it. They want to continue to put time and money into the pond but they feel

that if this law passes so they can only fish from the first of February, that all of their efforts have been wasted and I certainly hope that the Senate will go along with Senator Carpenter's motion.

The PRESIDENT pro tem: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter, that the Senate accept the Minority Ought Not to Pass Report in concurrence.

Mr. CARPENTER: Mr. President, I request a division.

A division of the Senate was had.

Five having voted in the affirmative and twenty-three opposed, the motion did not prevail.

Thereupon, the ought to pass report of the committee was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 77th tabled and unassigned item (H. P. 201) (L. D. 296) Bill, "An Act Relating to Workmen's Compensation Insurance," tabled by that Senator on March 31 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 11th tabled and unassigned item (H. P. 952) (L. D. 1255) Bill, "An Act Relating to Depositing Refuse," tabled by that Senator on February 23 pending motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 8th tabled and unassigned item (S. P. 226) (L. D. 631) Senate Reports from the Committee on Inland Fisheries and Game on Bill, "An Act Repealing Bounty on Bobcat, Loupcervier and Canada Lynx," Majority Report, Ought not to pass; Minority Report, Ought to pass; tabled on February 22 by that Senator pending acceptance of either report; and that Senator yielded to the Senator from Waldo, Senator Carpenter.

Mr. CARPENTER of Waldo: Mr. President, I move acceptance of the Ought to pass report.

Mr. PARKER of Piscataquis: Mr. President, I rise in opposition to the motion and in speaking to that motion I want to call the attention of the members of the Senate to a pamphlet that was laid on our desks earlier in the session; namely, the one called: "The Bounty Hoax."

I very much oppose the idea that any department of this State government feels it is necessary to reprint a pamphlet from any magazine with taxpayers' dollars, in this case Fish & Game license funds, to try and influence the thinking of any members of this Legislature. This particular one I believe is untrue and I believe it is misleading and that it is without foundation of fact so far as the State of Maine is concerned. If you have taken the time to read it you will find that on the very first page in small print summarizes the history of bounties in the United States, is presented for your information by the Maine Department of Inland Fisheries and Game, reprinted through the courtesy of "Outdoor Life Magazine."

I have given this quite a bit of study. I note that most of the facts they present as facts are taken from states much farther west, particularly South Dakota. I ask you: What does South Dakota know about bobcats in the State of Maine?

Over on Page 4 it mentions another untrue statement. I am quoting:

"What bothers them most is testimony from leading bounty states all over the country, backing up their own findings, that bounties do not control predators and have no effect at all on the game supply."

In other words, they argue that the money might just as well have been poured down the drain. I very emphatically state that is an untrue statement so far as the bobcat bounty in the State of Maine is concerned.

Another statement, and I quote:

"One way or another, 33 states now pay bounties. Of those, 19

operate full-fledged state systems, with the money coming from game funds, general state funds, or a special tax on livestock. In the 14 others, payments are made by counties or townships out of their own funds, but often reimbursed by the state. In 8 of the 19 with state systems, some or all counties pay additional bounties, using county funds. The Iowa system, although administered and paid by the counties, is equivalent to a full state operation."

The reason I am quoting that particular paragraph is this: that if 33 states out of our 50 believe in the bounty system to reduce predators there must be some value in bounties, which contradicts the very wording of the whole pamphlet entitled "Bounty Hoax."

I have a copy of the amount of bobcat bounties that were paid in the State of Maine in 1959 and 1960, and I want to say that I obtained this from the Fish and Game Department. They paid bounties upon 808 animals last year.

I know the time is getting late and I had intended to take this off the table for several days, but, for one reason or another, I thought it wasn't time to discuss it, because I know we do not want to stay here all the afternoon. I will not quote anywhere near all of what I have here but I would just like to read to you from the Kennebec Journal of the 9th of February of this year, an article from one that I consider very well versed and as great an authority on our game management as there is in the State of Maine, and that is Gene Letourneau. In quoting from the article I want to say this: this was printed, by the way, very shortly after this one that I originally stated was gotten out by the Inland Fish and Game Department calling the bounty system a hoax. He says, and I quote:

"Now comes another campaign. It is aimed at branding bounties, all of them, a hoax. Copies of an article in a national magazine which treats the issue on that basis have been mailed by the Fish and Game Department in advance of Legislative hearings on bills which would either revoke the bob-cat

bounty or increase it. This type of 'lobbying' apparently doesn't meet with the fancy of Maine sportsmen.

"One reader describes the move as a 'long-planned and well-rehearsed campaign,' similar to that which brought the zone seasons on deer, the latter certainly not overly popular with the Maine citizenry and hardly a contribution to conservation of deer.

"The author of the national magazine (*Outdoor Life*) article is a fine writer and an experienced outdoors-man. But if he ever donned a pair of snowshoes in Maine and followed a bobcat track we never knew about it.

"Bobcat investigations by trained biologists are still incomplete in Maine. It might not have been a bad idea, however, for the Fish and Game Department to have included copies of available research reports along with the magazine articles to enlighten the average citizens to whom the reprints were sent.

"Project Number W-37-R-5, for example, came up with these theories: 'General information indicates that bobcats are a common cause of deer mortality,' or 'it is beginning to look very strongly as though the bobcat may be responsible for the largest percentage of winter mortality over much of Maine's deer range.'"

And elsewhere, he says: "There is no doubt that bounties cost money, but on the basis of bobcat investigations conducted by the Game Management of the Department of Inland Fisheries and Game in this state the average bobcat destroys six deer a year. Deer are valued at \$100 each, on the economic market, so that for \$15 the State gets a \$585 return. If that's a hoax, we'd like to invest a few bucks in it."

Now these are quotes from Gene Letourneau; they are not mine, but I do recommend them very strongly, and I want to close with just this thought: The State last year paid bounties on 808 bobcat. If these figures are correct as given by Mr. Letourneau, by the amount of money that the State spent last year they saved \$492,888 to the State of Maine.

I would ask for a division, Mr. President, on the motion that is before the Senate.

Mr. CHASE of Lincoln: Mr. President and members of the Senate: I was particularly impressed with the words of the good Senator Parker in relation to the book that was reprinted and put on our desks. I believe seriously that this is an unnecessary practice, and I would like to go along with Senator Parker.

Mr. CARPENTER of Somerset: Mr. President, if any department in the State of Maine sees fit to publish a pamphlet which they think in effect will save the taxpayers of the State of Maine some thousands and thousands and thousands of dollars, I am all for it. I think it is good legislation. I think it is good government.

We have had bobcat bounties for many years, yet we still have, according to reports, as many of these animals as we had 30 years ago. It would indicate to me that the bounty system has served no useful purpose. Bounty systems have been done away with in practically all the states, and at our hearing on this particular bill we had both proponents and opponents, and most of the proponents, I believe, came from sportsmen's clubs throughout the State of Maine.

Most of our so-called big bobcat hunters do not want a bounty, so why should our State or sportsmen help subsidize the rest of the cat hunters. As a matter of fact, that is exactly what we are doing. Of course, bobcats kill deer, but so does man. We certainly do not put a bounty on him. In my mind, most of the deer that are killed by bobcats are in all probability the weaker ones. Dogs kill deer, but again we would be aghast to put a bounty on them, but I admit it would be a lot more practical. I mean all the mongrel dogs that are unlicensed and permitted to run at large and in packs throughout the State of Maine, and which the wardens are having a difficult time with.

The bounty system, which of course, comes out of the Fish and Game funds, since 1923, has

amounted to the sum of \$323,000.00. This is a gigantic figure, but this same amount invested, say at 5 per cent, would amount to the staggering figure of one million, two hundred ninety thousand dollars, or approximately thereof, without any benefit to our deer herd. The State of Maine has one of the healthiest deer herds in the United States, and I am of the firm belief and am certain that a certain amount of predation is necessary to maintain a balance of what nature has set up for us.

So, I am in hopes the Senate will use good judgment and trust they will pass this bill and relieve the State of some of the burdensome costs which serve no useful purpose.

Mr. CYR of Aroostook: Mr. President, I hate to rise in opposition to our Chairman of that Committee, but I certainly would like to bring out some of the testimony that was brought out in the hearing that we had on it and I was shown to us as being cunning predators of the woods. In fact, it the name of Fred Smith who told us that he got out of a sick bed to come down and plead with us not to remove the bounty on the bobcat. Now the bobcats were shown to us as being cunning predators of the woods. In fact, it was proven to us that this was the scourge of the woods. Certainly if you remove 800 bobcats a year from the population of bobcats, you are helping to diminish the bobcat population. It also was shown to us that the bobcat, being a very cunning animal will attack particularly at this time of year when the deer are in the yard and have a hard time to maneuver

in the snow. I have here a clipping of March 27 which appeared in the Bangor Daily News. It reads: "Hubert Oliver of Lee and His Redbone Belle reduced the bobcat problem by ten. The 'cats' have taken a heavy toll of the deer this season, diminishing herds that have congregated in winter yards."

Now it was told to us that to trail bobcats you have to have what is known as a cat dog and a cat dog will cost anywhere from \$300 to \$500. This specially trained dog and the hunter sometimes will take two or three days trailing a cat before they can finally catch up. Unless you have some kind of incentive in the form of a bounty you will not be able to take care of the bobcat problem.

It was also shown to us that the bobcat has no known natural predators to prey on it. The only way you can keep the population is through man hunting and it is for that reason that I am in favor of Senator Parker's motion to re-establish the bobcat bounty.

The PRESIDENT pro tem: The question is on the motion of the Senator from Somerset, Senator Carpenter, to accept the Ought to Pass report.

A division of the Senate was had.

Seven having voted in the affirmative and twenty-one opposed, the motion did not prevail.

Thereupon, the ought not to pass report of the committee was accepted.

On motion by Mr. Noyes of Franklin

Adjourned until tomorrow morning at ten o'clock.