

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

Wednesday, May 3, 1961

Senate called to order by the President.

Prayer by Capt. A. E. Milley of Augusta.

On motion by Mr. Brooks of Cumberland,

Journal of yesterday was read and approved.

Communications

State of Maine
House of Representatives
Office of the Clerk
Augusta

May 2, 1961

Honorable Chester T. Winslow
Secretary of the Senate
100th Legislature
Sir:

The Speaker of the House today appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act Amending Charter of City of Waterville." (H. P. 825) (L. D. 1140).

Messrs: LANE of Waterville
FOGG of Madison
JOBIN of Rumford
Respectfully,

HARVEY R. PEASE
Clerk of the House

HRP elf

Which was read and placed on file.

State of Maine
House of Representatives
Office of the Clerk
Augusta

April 28, 1961

Honorable Chester T. Winslow
Secretary of the Senate
100th Legislature
Sir:

The Speaker of the House today appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on:

Resolve, Authorizing Study of Road from Allagash Plantation to the Canadian Border, (H. P. 746) (L. D. 1032).

Messrs. GALLANT of Eagle Lake
PRUE of Ashland
PHILBRICK of Bangor

Respectfully,

HARVEY R. PEASE
Clerk of the House

HRP elf

Which was read and placed on file.

**Papers from the House
Non-Concurrent Matters**

Bill, "An Act Providing Expanded Community Mental Health Services." (S. P. 191) (L. D. 524)

In Senate, April 28, passed to be engrossed as amended by Committee Amendment "A" (Filing S-140)

Comes from the House Report and Bill recommitted to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the Senate, recommitted in concurrence.

**House Committee Reports
Change of Reference**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Harness Racing Officials and Purses." (H. P. 959) (L. D. 1326) reported that the same should be referred to the Committee on Taxation.

Which was referred to the Committee on Taxation in concurrence.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Ferry Service for Long Island Plantation." (H. P. 304) (L. D. 456) reported that the same Ought not to pass.

(On motion by Mr. Edgar of Hancock, tabled pending acceptance of the report.)

The same Committee on Bill, "An Act Providing for the Rehabilitation of Alcoholics." (H. P. 976) (L. D. 1363) reported that the same Ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Judiciary on Bill, "An Act Relating to Ways to Great Ponds." (H. P. 400) (L. D. 575) reported that the same Ought not to pass.

Comes from the House, re-committed to the Committee on Judiciary.

In the Senate, re-committed to the Committee on Judiciary in concurrence.

The same Committee on Bill, "An Act Relating to the Dissolution of Corporations." (H. P. 884) (L. D. 1219) reported that the same Ought not to pass, as covered by other Legislation.

The same Committee on Bill, "An Act Relating to the Admissibility of Records in Evidence." (H. P. 990) (L. D. 1377) reported that the same Ought not to pass.

The Committee on Legal Affairs on Bill, "An Act Creating a Sweepstakes to Aid Public and Private Hospitals." (H. P. 404) (L. D. 579) reported that the same Ought not to pass.

Which reports were read and accepted in concurrence.

Ought to Pass — New Draft

The Committee on Education on Bill, "An Act Relating to Withdrawals from School Administrative Districts." (H. P. 969) (L. D. 1334) reported that the same Ought to pass, in New Draft under Title: "An Act Relating to Additions to and Dissolution of School Administrative Districts." (H. P. 1145) (L. D. 1577)

Which report was read and accepted in concurrence. House Amendment "A" (Filing H-242) read and adopted in concurrence, the Bill read once and tomorrow assigned for second reading.

On motion by Mr. Bates of Penobscot, rules were suspended and the bill read a second time and passed to be engrossed.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for Repair and Maintenance of State-owned Dam on Dead River, Androscoggin County." (H. P. 454) (L. D. 654) reported that the same Ought to pass in New Draft, under Same Title (H. P. 1128) (L. D. 1555)

Which report was read and accepted in concurrence. House Amendment "A" (Filing H-244) read and adopted in concurrence,

the Bill read once and tomorrow assigned for second reading.

MAJORITY — Ought to Pass MINORITY — Ought Not to Pass

The Majority of the Committee on State Government on Bill, "An Act Relating to Travel Allowance for Members of the Legislature." (H. P. 53) (L. D. 94) reported that the same Ought to pass.

(Signed)
Senators:

NOYES of Franklin
LOVELL of York

Representatives:

KIMBALL OF Mount Desert
HAUGHN of Bridgton
BEARCE of Bucksport
DOSTIE of Lewiston

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

(Signed)
Senator:

CHRISTIE of Aroostook

Representatives:

DENNETT of Kittery
WHITMAN of Woodstock
NOEL of Waterville

Comes from the House, Majority, Ought to pass Report accepted and the Bill passed to be engrossed.

In the Senate:

Mrs. CHRISTIE of Aroostook: Mr. President, I move that the Senate accept the Minority Ought Not to pass report.

Thereupon, on motion by Mr. Noyes of Franklin, the bill was tabled pending motion by Mrs. Christie to accept the Minority Ought not to pass report.

Senate Committee Reports Ought Not to Pass

Mr. Farris from the Committee on Legal Affairs on Bill, "An Act Relating to Business and Recreation on Sunday." (S. P. 142) (L. D. 325) reported that the same Ought not to pass, as covered by other Legislation.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Sampson from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Reactivate a Maine Committee on Problems of the Mentally Retarded." (S. P. 77) (L. D. 177) reported that the same Ought to pass; which report was read and accepted, the Bill read once and tomorrow assigned for second reading.

Ought to Pass — As Amended

Mr. Davis from the same Committee on Resolve, Appropriating Moneys to Match Federal Funds Provided Under Title VIII of the National Defense Education Act. (S. P. 270) (L. D. 871) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-156)

Mr. Mayo of Sagadahoc from the Committee on Labor on Bill, "An Act Relating to Second Injury Fund and Vocational Rehabilitation Under Workmen's Compensation Act." (S. P. 37) (L. D. 79) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing S-155)

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

Order

On motion by Mr. Davis of Cumberland

ORDERED, the House concurring that the Committee on Appropriations and Financial Affairs be authorized to report such bill as may be necessary to cover current legislative expenditures.

Which order was read and passed.

Mr. DAVIS of Cumberland: Mr. President, I would just like to inform the members of the Senate that the Order is to make up the deficiency in the legislative accounts so that we can get your pay checks to you this week. At the present time there are not enough funds left to pay this week. That deficit was caused by the cost of the Special Session last year, the repairs to the Senate Chamber

and retiring room and the heavy cost of printing during this legislative session.

Thereupon, the Order was ordered sent forthwith to the House.

Bill, "An Act Creating the Passenger Tramway Safety Board." (H. P. 1019) (L. D. 1420)

Amended by Committee Amendment A (Filing H-230)

Which was read a second time.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate I move that this bill be tabled unassigned and for the reason that if the administrative code is adopted by this legislature this is the type of legislation which should be correlated with it.

The motion prevailed and the bill was tabled pending passage to be engrossed.

Second Readers

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

House

Resolve, Appropriating Funds to Public Utilities Commission for Water Resources Investigation. (H. P. 379) (L. D. 554)

Bill, "An Act Providing for the Construction of an Addition to Edmunds Elementary School in the Unorganized Territory." (H. P. 567) (L. D. 787)

Bill, "An Act to Provide Schooling for Non-Indian Children Living on Indian Reservations." (H. P. 1136) (L. D. 1566)

Bill, "An Act Appropriating Moneys for Maine Civil War Commission." (H. P. 1137) (L. D. 1567)

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

As Amended

Bill, "An Act Relating to Determination of Quorum at Special Town Meetings in Kittery." (H. P. 683) (L. D. 961) amended by Committee Amendment "A" (Filing H-231)

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

Senate

Resolve, Providing for Publication of Information on the Public Lots

by Forestry Department. (S. P. 491) (L. D. 1486) amended by Committee Amend. "A" (Filing S-151)

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

Sent down for concurrence.

Enactors

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

Bill, "An Act Creating the Town of Kittery Port Authority." (H. P. 682) (L. D. 960)

Bill, "An Act Authorizing Acceptance of Federal Act Providing for Financial Assistance in Constructing School Facilities." (S. P. 410) (L. D. 1351)

Which Bills were passed to be enacted.

Resolve, Regulating Fishing in Certain Waters of Aroostook County. (H. P. 487) (L. D. 687)

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

(On motion by Mr. Cole of Waldo, placed on the Special Highway Appropriations table.)

Emergency

Bill, "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963. (S. P. 522) (L. D. 1546)

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, last Friday when this bill was returned from the House, I had thought that it might have at least one legislative day in order that we would have opportunity to discuss not particularly the appropriation measure, because I am in complete accord with the general fund appropriation which has already been acted upon. I do feel, however, and I certainly would feel remiss in my responsibility as a legislator if I did not point out some dangers that exist in what you might call the Preamble or Statement of Intent. I have no intention of trying to hold up the enactment of this bill on this legislative day. I am confident that it can be enacted on this legislative

day, but I would request before we pass upon a measure which is so vitally important to our entire operation of government in the State of Maine, that you turn to L. D. 1546 and for a moment go through with me the intent, our legislative intent, as it is written. I also at the outset wish to make it completely clear that I am in agreement with the Appropriations Committee who are of the opinion, and rightly so, that we should have proper safeguards and control which can be exercised over our various facets of state departmental operations. I do, however, express concern over this language and the short consideration which we as a legislature are giving to a matter which does reflect our intent. I think this is a matter which should be considered by the entire legislature before we tie down a statement of intent. I can only compare this language to a time bomb. I think that about a year hence, sometime during the third quarter, the first year of the biennium, that this entire matter of programming, personnel problems can become such an administrative headache that we might even be called back into special session and certainly we could have serious repercussions during the coming year and also it would be coincidentally during an election year.

Now if you will note in paragraph 2 on page 2, "It is the intent of the legislature that allotments for personal services, capital expenditures and amounts for all other departmental expenses shall not exceed the amounts shown in the budget document or as they may be revised by the Committee on Appropriations and Financial Affairs unless approved by the State Budget Officer and the Governor and Council."

We are placing a department head, a director, a state budget officer on an equal standing with our Governor and Council and certainly I recognize the valuable services of our State Budget Officer but I do feel that the Governor and Council is the agency which should act on our behalf between sessions, and that they should not be placed in a position of hav-

ing to obtain concurrent approval from any particular state officer. I feel that we are downgrading the Council and also placing a handcuff upon them so to speak, where problems could develop which would not be in the best interest of efficient operation.

Going on to the next paragraph where we discuss commodity basis only on using any institutional reserve funds. I do not feel that this fund in itself is too important but I do feel that when we limit it solely to using this fund for a commodity basis we are failing to take into consideration the fact that there could be emergency exigencies whereby it would be necessary to use this reserve fund. I note that in the capital construction budget for example, the act that we passed as an emergency measure, chapter 69 of our laws, that we did make provision in that for the transfer of funds under emergency conditions. That would set forth our legislative intent when we enacted that appropriation a few weeks ago. I think that relying upon going for one entire year where it says "provide relief, when need exists and on a commodity basis only, to those institutions where actual average population in any fiscal year exceeds the basic estimates of population" and so forth. I think that if we are going to have an intent spelled out in that nature that it would be much more realistic to use, say, a month period rather than running for the entire fiscal year. As I say that is but one of the major objections to the problem which I feel is presented to us.

Now in paragraph 4. "It is further the intent of the Legislature that the figures in parentheses shown just before each dollar amount provided for Personal Services in this Act, or as adjusted by other Legislative action, shall represent the total number of authorized permanent positions in such account." And go right on down through that entire language. I think that we are on the right track. I think it is proper for the Legislature to set a figure as to what is the essential personnel for good state governmental operation but I do feel that these figures

should be established after we have given it more study and possibly adopt a more reasoned approach to establishing these ceilings because in effect we have here a package which states that in our opinion the number of positions that are authorized in this budget is meeting the essential personnel needs in all departments. I don't think that is true. Certainly I do agree that we only have certain money in this particular appropriation to take care of the number of positions which are established but that does not mean that there should not be more positions established. And we certainly are running into the area where we must rely upon our administrators in government to make decisions and at least have the opportunity to be heard as to what their personnel needs are in order to carry on adequate programming.

I don't feel that quantity of personnel should be established by the budget office or the Appropriations Committee alone. I think that this should be done in conjunction with the Appropriations Committee, our Committee on State Government, and also that our Personnel office have an opportunity to be heard, that the department heads also be accorded the opportunity of at least explaining the problems with which they must live when we are not in session and they must wait for our return.

Certainly it is our prerogative and ours alone to establish the amount of dollars which are to be expended but to completely tie down the departments in their operation for a year and a half, again I say this is unrealistic.

Incidentally, in paragraph 3 the last sentence, to refresh your memory was deleted in the House Amendment now attached to this measure, but we still, in paragraph 2, leave the Budget Officer on a par with the Governor and Council.

To get down to the last paragraph of importance we again find a similar problem and we are calling upon our budget office not only to evaluate the financial picture, that of course he should do, and that I would want him to do but we are also placing the onus of

evaluation of programming upon the budget officer and department heads can do nothing in their programming until that has also been evaluated in accordance with the phraseology of this Statement of Intent. I don't know whether that was intended or not. If it was, I do not feel that it is realistic because certainly no Budget Officer can be conversant with all of the programming in fields of education, mental health, and many other areas of state government where he will be called upon under this intent to make decisions and recommendations to the legislature.

I think that this intent has a lot of merit. I think that if we wanted as a legislature to go to line budgeting rather than using what in effect is a back door approach to place an onus of operating on the base of a line budget by the Budget Officer, that we would be taking a good step in the right direction. I feel that if we as a legislature want a watch dog that we again would be taking a good step forward. In fact as I recall the interim committee recommended a change in the rules, recommended that we have a legislative Budget Analyst who would be solely responsible to the legislature and I favored that and still favor it and hope that one day we take that step forward.

But we do have problems here which can, as I say, create chaos within another year. We know that we adjourn as a legislature and leave many laws here, the full impact of which cannot be fully appreciated until after adjournment of the session. If any of you feel as do I, right today, we have enacted laws that certainly it has been impossible for us as individuals to be fully appreciative of every law which we have enacted. It will take us several months after the session adjourns to fully appreciate just what is involved in the laws which we have enacted. We already have enacted over four million dollars in capital construction. That is going to entail additional expense. Undoubtedly we will be enacting another four million in capital construction. There are bound to be expenses and to restrict personnel, to restrict pro-

gramming, leaves us again I say in a very, very delicate position. We enacted a minimum wage law which requires inspection service which previously has not existed. That will require additional money and if we do not make provision in the supplemental and go home, then the Governor and Council has the responsibility and certainly I feel that is the reason for the existence of the Governor and Council and we should have some degree of confidence in the Council.

So what will this intent as it is now written accomplish? I feel it may well necessitate a Special Session. We are downgrading the Council to the extent that annual sessions would become inevitable if we were to continue in future years along this same course. It certainly will render it impossible to attract top notch personnel. Government cannot operate day to day. There must be programming. There must be planning, and we are not permitting under this Statement of Intent, for the Council to give proper action to alleviate conditions which would better programming and better services in the State of Maine.

As I mentioned before, we are in effect establishing a line budget theory through the budget office. We could be losing an opportunity to take advantage of any matching federal funds which may already be available from legislation enacted or to be enacted. But that, of course is a subject in and of itself.

I think another serious objection is that we can well create a conflict with our supplemental budget and that is another subject.

We do restrict prompt action within a department in the event of an emergency; we are concentrating a lot of power in one office, the Budget Officer, and I feel we are placing him in a most untenable position because in one paragraph he has concurrent power with the Governor and Council; he writes the budget for the executive, or helps in writing it, making recommendations; he also makes recommendations to us as a legislature to our Appropriations Committee. I feel it is a very untenable position in which to place him, by

putting strong language in the intent.

I think as serious as anything is the fact that future legislatures will properly have the right to believe that the members of this legislature have given serious consideration and full study to this problem of freezing personnel. We haven't as a legislature and that is one major reason why I rise this morning.

Senator Davis and I have discussed this. As far as intent is concerned, I am certain that Senator Davis and I are not far apart at all; I doubt if we are apart in any respect as to what a good intent would be to curb with practical restrictions further and unnecessary expansion of programming and personnel. But we do not have a definition of a current service. There is no legal definition. We do not have a definition as to just what constitutes an expansion from an existing program and I feel that those are matters which we should consider as a legislature before we write out an intent, and also spell it out with more definable legal language so that the department which must work with this intent knows exactly what we meant when we enacted it.

The House will be in session for the entire day. I have previously stated I am in favor of the appropriation measure. I would like to see it move right along, but I do request this: That we give thought to reconsidering our action whereby this was passed to be engrossed, that an amendment be offered deleting this Statement of Intent, and only temporarily until we have full opportunity to study it, let our State Government Committee and our Appropriations Committee personnel, interested department heads, all have an opportunity to get together so that we can set forth before we leave here a workable legislative intent which will not downgrade the Council but at the same time will serve what is our true intent to try to prevent unnecessary expansion in governmental programming.

I know I have spoken too long. I feel very seriously about this problem. I live here in the county, live with the department heads

so to speak, day in and day out and have for years. I can well recall when I was studying government in college and also when I was in high school back in the thirties, that we had a situation in the state where morale was very bad here at the statehouse with all state employees. That developed out of a concentration of too much power in the hands of one individual. Of course that blew up. It was too much pressure for him actually and we had to change our entire operation in order not to have a repetition of over concentration in the hands of any one office.

I do not make my statements in any critical vein of anyone, certainly no one in the legislature and certainly no one of our state employees. I bring this out before this is past, that you can give serious consideration to it. We can still delete this and still have at least another month after we have coped with the problem of the supplemental, to write a legislative intent which will cover both this appropriation and the supplemental appropriation. Time is not of the essence as long as we do this today or at the latest tomorrow and I feel that this is an insurance policy for efficient government with responsible progress.

At this time I move that under suspension of the rules we reconsider our action in passing this to be engrossed and I have explained what I will do in the event a favorable action is taken on that motion.

Mr. MAYO of Sagadahoc: Mr. President, in support of Senator Farris of Kennebec, I would like to point out to the Senators here assembled a brief resume of one section of the supplemental budget which I have made a study of. It includes in the supplemental budget approximately five hundred odd thousand dollars per year which could not be put into the current service budget. I would like to point out to you members of the Senate, that in this section here there are approximately twenty-seven new permanent positions. Now I cannot possibly see how these positions can be filled under the supplemental budget in conflict with

the Preamble of the current service budget. I therefore support Senator Farris in deleting the Preamble on a temporary basis so that we may give further study to the Preamble and to the permanent positions which will be created when and if we do pass the supplemental budget. The Preamble is in direct conflict with the State Personnel Laws as they are now established. They will be in direct conflict with our supplemental budget and I certainly feel that we as legislators here in the Senate are going to be in a very precarious situation when we try to pass this supplemental budget in direct conflict with the Preamble of the current services budget.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate, for a long time it has been of great concern to me that the departments have been expanding and expanding and our expenses have been increasing. Since my first term in this legislature our expenses have just about doubled. How can we go on with such a program as this and expect our citizens to pay. We have very few more citizens than we had eight years ago. We have depressed areas in different parts of the state. Mine is one of them and those people in that area certainly are not going to be very happy about further expansion of the departmental work. I feel that this Preamble is something that should at least help us to control the expansion of departmental activities. I believe that there is unnecessary expansion and for that reason I am very much in favor of the Preamble and I move that the Preamble be retained.

Mr. DAVIS of Cumberland: Mr. President, I am opposed to the motion for reconsideration and when the vote is taken I ask for a division.

Mr. BATES of Penobscot: Mr. President and members of the Senate, frankly I am also seriously and sincerely disturbed by the language. Actually practically all of the language in the Preamble of L. D. 1546. And I present my feelings in the manner of being constructive rather than destructive toward progress in this legislature.

I call your attention to just one particular thing although I could actually talk as Senator Farris has on many other aspects of this Preamble. The fourth paragraph of page 2 of your printed document as proposed to be amended would read, "It is further the intent of the Legislature that no state agency shall establish permanent new programs or permanently expand existing programs which are beyond the scope of the agency already established and recognized by the Legislature", and then is the proviso.

I am thinking this day and age when the tempo of events increases so rapidly. I am thinking of this day and age when, whether you agree or not, we are tied in so completely with federal acts. You have passed to be enacted among other things, whereby federal aid is involved, federal aid to education. I wonder who can determine actually the scope of a program under such conditions as would probably be forthcoming to the state under H. R. 4970 entitled "School Assistance Act" when one of the provisions, and I believe there is a great deal of merit in the provision, section 109 which states that each state would be required to set aside ten percent of its first year allotment for pilot, demonstration and experimental projects of a special or unique nature." This idea is excellent and would provide a means of encouraging local units in undertaking worthy projects. The provision of using ten percent the first year for this purpose might be extended to subsequent years under a proviso that not to exceed ten percent of the allotment might be used for this purpose. This is a grant. This is federal money in its entirety as I understand it. If you follow the exact language as proposed in L. D. 1546, in this instance and I am sure we could think of many instances with respect to other federal aid programs where the state would probably fall by the wayside in being able to comply with the situation as set forth by our legislators at the national level in their wisdom.

You can think of health and welfare projects. You can think of

state armory projects. You can think of many other projects. All I believe we should do at this time is to carefully read as probably all of you have done, but read it again and the more you read it the more disturbed you will become with the language as it is proposed in L. D. 1546 in the preamble at this time.

Mr. FARRIS of Kennebec: Mr. President, I just want again to make it very clear in reply to Senator Christie of Aroostook's remarks that it is not my intent or the intent of anyone, I know, that is disturbed over the language here, to permit uncontrolled and unchecked expansion of program and expansion of personnel within the State of Maine. I merely ask that this be deferred until we have had opportunity to give it more study. I know that a good Statement of Intent and a workable Statement of Intent can be adopted at the time of the supplemental budget which will not create the chaotic condition which I believe will exist within the next year and a half if this language is allowed to remain as is.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Farris, that we reconsider our action whereby this bill was passed to be engrossed, and a division has been called for.

Mr. EDGAR of Hancock: Mr. President, I rise to inquire of the Chair a point of parliamentary procedure if I may. I don't like to be technical about this, but because of the seriousness of this item which we are discussing, I feel that we should. Do I understand correctly that this reconsideration must be done under suspension of the rules?

The PRESIDENT: That is right.

Mr. EDGAR: And do I understand, Mr. President, that a suspension of the rules requires a two-thirds vote?

The PRESIDENT: That is right.

Mr. EDGAR: Then, Mr. President, I submit that we have two motions: The first the suspension of the rules; the second the reconsideration.

The PRESIDENT: Does the Senator from Kennebec care to with-

draw his motion and make a new one? Or did the Senator make a motion that the rules be suspended?

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the rules be suspended. A division has been requested.

A division of the Senate was had.

Eleven having voted in the affirmative and nineteen opposed, the motion to suspend the rules did not prevail.

Thereupon, this being an emergency measure, a division of the Senate was had.

Twenty-four having voted in the affirmative and six opposed, the bill was passed to be enacted.

The PRESIDENT: The Chair has been informed that there in the balcony 47 High School Students from the town of Warren, accompanied by their teachers Mrs. Grace Wyllie, Mr. Richard Stoddard and their Principal, Mr. Edgar Lemke. You have just heard an interesting debate on our budget problems. Perhaps you did not understand all of it but some of it would be informative. We hope that you enjoy your visit and that it will be educational. We hope that someday some of you young people will be sitting here in the Senate Chambers representing the County in which you live. At this time I would like to introduce Senator Stilphen, the Senator who now represents your County of Knox. (Applause.)

Additional Senate Paper

Reported by Mr. Davis of Cumberland, pursuant to Joint Order, S. P. 537.

Emergency

Bill, "An Act to Appropriate Money for Legislative Expenditures for the Fiscal Year Ending June 30, 1961." (S. P. 536)

Under suspension of the rules this Bill was given its two several readings and passed to be engrossed without reference to a Committee.

Sent forthwith to the House.

The PRESIDENT: We have in the Senate Chambers a group of juniors from Brewer High School who are studying United States History and Government. They are accompanied by their teacher Mrs. Helen Todd, and a practice teacher from the University of Maine, Mr. Ralph Carr. It is a pleasure to have this group with us. Will they please stand so that the Senate may recognize them? (Applause) We hope that your stay is enjoyable and educational and we hope that sometime you will take your places in the Senate Chamber representing the County where you live.

We have been informed that there is also in the balcony a group of sixty students from Farmington. We hope that you too will enjoy your stay here and find it educational. Will the Senate give this group a hand. (Applause)

Additional House Paper House Committee Report

The Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Taking of Alewives in Waters Leading to Winnegance Lake." (H. P. 1129) (L. D. 1556)

Reported that the same Ought to Pass, as amended by Committee Amendment "A" (Filing H-247)

Comes from the House Report read and accepted.

In the Senate the report was accepted, the bill read once, Committee Amendment "A" read and adopted, and on motion by Mr. Mayo of Sagadahoc, the rules were suspended and the bill given its second reading and passed to be engrossed.

On further motion by the same Senator, sent forthwith to the engrossing department.

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 435) (L. D. 610) House Report, Ought to pass with Committee Amendment "A" from the Committee on Transportation on bill, "An Act Relating to Length of Motor Vehicle Trucks"; tabled on April 21 by Senator Edmunds of Aroostook pending acceptance of the report; and on further motion

by the same Senator, the bill was retabled.

The President laid before the Senate the 2nd tabled and today assigned item, (H. P. 1119) (L. D. 1541) bill, "An Act Relating to Weight of Commercial Vehicles"; tabled on April 21 by Senator Cole of Waldo pending passage to be engrossed; and on further motion by the same Senator, the bill was tabled.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 563) (L. D. 760) bill, "An Act Relating to Mandatory Fines on Axle Weights of Commercial Vehicles;" tabled on April 26 by Senator Stiphon of Knox pending assignment for second reading; and on further motion by the same Senator, the bill was retabled.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 167) (L. D. 230) House Report, Ought not to pass, from the Committee on Towns and Counties on bill, "An Act Relating to Special Deputies for Kennebec and Penobscot Counties"; tabled on April 26 by Senator Porteous of Cumberland pending acceptance of the report; and that Senator moved that the Senate substitute the bill for the report.

Mr. PORTEOUS of Cumberland: Mr. President, I move to substitute the bill for the report of the committee.

Mr. WYMAN of Washington: Mr. President and members of the Senate: In support of the committee's position on this bill which provides for the regular rate of pay for deputies and in addition, whatever the County Commissioners may decide to give them, the committee heard this bill and the only demand for it seemed to be from Kennebec County, and after a lot of discussion and thought we felt that it should not be granted.

Now at present the law provides — this is modeled after the Cumberland County law which provides that deputies may get \$11 a day and such additional pay as the County Commissioners may decide to give them. Now it is my un-

derstanding that the County Commissioners in Cumberland County are now paying them \$12 a day and then they pay them as much more as they like. \$12 a day or \$11 a day does not sound like very much, but they pay them seven days a week for fifty-two weeks in the year, and, furthermore, they furnish these deputies with an automobile. It seems to me that with the law as it is at present and with the present rate of \$11 a day — and I think in most cases the full-time deputies have an automobile — and where they are being paid three hundred and sixty-five days a year and at the rate in Cumberland County, \$12, it would amount to \$4380 and at the rate of \$11 a day would amount to over \$4000 — it seems to me that in the efforts that we are making to hold the line on costs that \$4000 for a deputy, plus his automobile, is enough. I therefore oppose the motion of the Senator from Cumberland, Senator Porteous.

Mr. PORTEOUS of Cumberland: Mr. President, in reference to this bill, as it is written now, it is only for the counties of Penobscot and Kennebec, and the County Commissioners and the Sheriffs of these two counties are very desirous that this bill be passed. It is only a thing for specific jobs; it is not a thing that goes on as a year's salary, and of course for specific jobs where they might want to pay twelve or thirteen dollars they couldn't get a man to do that specific job for eleven dollars, and this enables them to do so.

Cumberland already has this, so it does not affect my county. Arthur Charles, County Commissioner, was up here yesterday and he said they feel it to be a big advantage to be able to pay twelve or thirteen or fourteen dollars according to the kind of job that needs to be done. This does not affect any of the other counties, but most of the counties would like to have this thing, including Washington County rather than to have a mandatory payment of eleven or twelve or thirteen dollars. It is going to allow the County Commissioners to hire the type of man to do the type of job that is necessary to be done in the county. That

is all it amounts to; it is not very dangerous, it could not be dangerous. It simply gives the County Commissioners a little more leeway than they would have by setting it at a mandatory eleven dollars.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate: In rising to support the motion of the Senator from Cumberland, Senator Porteous, I suggest that in truth and in fact that this is a county problem and, more specifically, a problem of Kennebec County and Penobscot County. It is a county budget problem and that is where the money will be paid from if this additional money is authorized. The Kennebec County Commissioners are in approval and the three senators from Kennebec County are also in approval.

I would point out a couple of things in it. The title of the bill and the first words in Section 172 refer to special deputies. In the event there is any misunderstanding about the meaning of the word "special" I would like to dispel it, because there has been some controversy in recent months and years in regard to the status and legal significance of a "special deputy." The word is improperly used in this document completely. We are talking about full-time deputies whose special duties are the enforcement of the criminal laws, and when you are talking about eleven dollars a day I hope you realize that these laws are being broken as often at 2:00 A.M. as they are at 2:00 P.M. and they are broken on Sunday as well as on Monday.

Since, then, this would appear to be wanted by the people concerned, I am happy to support the motion of the Senator from Cumberland, Senator Porteous, and I hope that the Senate will do likewise.

Mr. PIKE of Oxford: Mr. President and members of the Senate: I feel bad to oppose these good young Senators, Senator Porteous of Cumberland and Senator Marden of Kennebec, they are very nice, clean, bright fellows, but I think they get wet sometimes.

I was one of the members of the Towns and Counties Committee that signed this "Ought not to pass" report. I believe that these deputies are getting pay in line with all other deputies, and I think perhaps in these times where we are trying to hold down they are getting enough. I do not believe it is nice to jump up deputies perhaps in one or two counties and not in all the counties which we cannot do. I am against the motion.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: Out of order, I might invite an investigation of this committee that Senator Pike serves on.

Mr. FERGUSON of Oxford: Mr. President, I would like to direct a question to any member of the Committee on Towns and Counties. Is it so now that the Sheriff and the County Commissioners can regulate the pay of the deputy sheriffs in each county as they see fit.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, poses a question through the Chair to any member of the Towns and Counties Committee, and any member may answer if they wish.

Mr. WYMAN of Washington: Mr. President and members of the Senate: As the law now reads in Cumberland County it states that "full-time deputies shall receive as compensation therefor the sum of eleven dollars a day and such additional pay as the respective county commissioners may approve to be paid from the respective county treasuries." So I think that means that the County Commissioners may pay as much additional pay over and above the eleven dollars as they desire.

The good Senator from Kennebec, Senator Marden, states that it is a county matter and is paid for by county funds. I often wonder why these matters are before the legislature, but since our government is set up that way and since they do come before the legislature I feel we do have to hear them and arrive at the best decision at which we can arrive.

Mr. MARDEN of Kennebec: Mr. President, if I may take the liberty of attempting to further answer

the question of Senator Ferguson, I will say that the law read to you by the good Senator from Washington, Senator Wyman, refers now only to Cumberland County, and the effect of this proposed legislation which we would like to see adopted would be to include Kennebec County specifically, and, incidentally, Penobscot County, within its classification, so that the county commissioners who are closest to the scene and are closest to their pocketbook can be the judge of what should be paid and not this honorable body every two years.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Porteous to substitute the bill for the report.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had.

Nineteen having voted in the affirmative and ten opposed, the motion prevailed, the bill was substituted for the report, read once and tomorrow assigned for second reading.

The President laid before the Senate the 5th tabled and today assigned item (H. P. 821) (L. D. 1136) House Report, Ought to pass as amended by Committee Amendment A, from the Committee on Legal Affairs on bill, "An Act Clarifying Electricians Licensing Law"; tabled on April 27 by Senator Brown of Hancock pending acceptance of the report, and on further motion by the same Senator, the bill was recommitted to the Committee on Legal Affairs in concurrence.

The President laid before the Senate the 6th tabled and today assigned item (H. P. 1013) (L. D. 1414) bill, "An Act Classifying Certain Waters in Salmon Falls-Piscataqua River Watershed"; tabled on April 27 by Senator Lovell of York pending passage to be engrossed; and on further motion by the same Senator, the bill was retabled.

The President laid before the Senate the 7th tabled and today assigned item (H. P. 62) (L. D. 104) bill, "An Act Providing for

Professional Immunity to Physicians in Emergency Cases"; tabled on April 27 by Senator Marden of Kennebec pending enactment; and on further motion by the same Senator, the bill was passed to be enacted.

The President laid before the Senate the 8th tabled and today assigned item (H. P. 1008) (L. D. 1409) bill, "An Act Repealing Laws Requiring that Cemeteries be Fenced"; tabled on April 27 by Senator Lord of Cumberland pending enactment; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; the same Senator presented Senate Amendment A and moved its adoption.

Thereupon, on further motion by the same Senator, the bill was laid upon the table pending that Senator's motion that the amendment be adopted. (Ordered reproduced)

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table the 54th tabled and unassigned item (S. P. 413) L. D. 700) bill, "An Act Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled"; tabled on April 28 by Senator Marden of Kennebec pending motion by Senator Mayo of Sagadahoc to indefinitely postpone; and Senator Marden of Kennebec yielded to Senator Mayo of Sagadahoc who was granted permission to withdraw his motion.

Thereupon, Mr. Marden of Kennebec presented Senate Amendment B and moved its adoption. Senate Amendment B was read and adopted and the bill as amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Erwin of York, the Senate voted to take from the table the 58th tabled and unassigned item (S. P. 291) (L. D. 902) bill, "An Act Relating to Acquisition and Compensation for Land Taken for Highway Purposes"; tabled on April 28 by Senator Erwin of York pending consideration; and on further motion by

the same Senator, the Senate voted to recede and concur.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table the 17th tabled and unassigned item (S. P. 262) (L. D. 779) Senate Reports from the Committee on Business Legislation on bill, "An Act Relating to Interest Rate for Licensed Small Loan Agencies"; tabled on March 24 by Senator Marden of Kennebec pending acceptance of the report; and that Senator yielded to Senator Carpenter of Somerset:

Mr. MARDEN of Kennebec: Mr. President, I yield to the Senator from Somerset, Senator Carpenter.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: I am opposed to this particular bill because of the fact that when I was a member of the Legislative Research Committee this bill was up for study and we had lengthy hearings on it and at the conclusion of these hearings I did not feel that these small loan companies were charging an exorbitant amount.

These companies are similar to other corporations and have to be responsible to their stockholders and have to produce a certain income on their monies or, of course, they could not exist. With the amount of business they have done in the State of Maine, which I believe is approximately 37 to 38 million dollars each year, it must be of benefit to business as a whole. Banks, of course, will not take this type of loan. In many instances after a loan company has had an account and the borrower has paid it up faithfully, the banks will accept them for future loans. I believe if you take away ½ per cent you will absorb practically all the profits these companies might earn.

I would like to point out to my colleagues that as of June, 1960 fees were paid by these small loan licensees in the amount of \$29,050 which were credited to the general fund of the State. These licensed small loan lenders paid \$1,067,000 in salaries alone. In addition, they paid rent of \$177,000 to Maine landlords, and local taxes of some \$35,000. They spent \$144,000 on telephones and \$84,000 on travel. They

bought \$134,000 worth of insured and fidelity bonds for their Maine operations. They spent \$328,000 on advertising in Maine. On top of all of this, these licensed small loan lenders spent about \$175,000 on miscellaneous and sundry expenses which are too detailed to list here but which were paid out for meals and services within the State of Maine. In all they spent some four millions of dollars, the bulk of which was disbursed within the State of Maine to Maine residents.

I am informed, and many of the good Senators know, these reports are on file with the Bank Commissioner and you are privileged to go there and look over these particular financial statements that are placed there each year by these loan companies to see what amount of interest they earn.

I concede that there may be some complaints against some of these small loan lenders from time to time by persons who feel they have been unfairly treated, but surely this is a matter for the banking department to investigate and settle. You will find that this same situation exists in other banking institutions, real banks. I have in mind a particular loan that was made by a bank in the State of Maine in the amount of some \$1400 and they charged them \$170 interest for a period of one month and nineteen days. So you can take those things into account when considering this.

Some of the men on the Research Committee at that time who voted out an unfavorable report on this particular bill were former Governor Haskell; some of the members of our own Senate, Senator Wyman, Senator Cole, Senator Parker; and they, I believe, were all of the opinion that the present rate was not exorbitant. Therefore, Mr. President and members of the Senate, I move indefinite postponement of this bill and accompanying papers.

On motion by Mr Chase of Lincoln, the bill was tabled pending the motion of Senator Carpenter of Somerset for indefinite postponement.

On motion by Mr. Davis of Cumberland, the Senate voted to take

from the table the 11th tabled and unassigned item (H. P. 514) (L. D. 712) House Report Ought not to pass, from the Committee on Legal Affairs on bill, "An Act Repealing Obsolete Law Relating to Aid to Casco Bay Lines"; tabled on March 15 by Senator Davis of Cumberland pending acceptance of the report; and on further motion by the same Senator, the Ought not to pass report was accepted in concurrence.

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table the 21st tabled and unassigned item (H. P. 664) (L. D. 942) "Resolve in Favor of Sherman Denbow of Lubec"; tabled on March 24 by Senator Stilphen of Knox pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table the 40th tabled and unassigned item (H. P. 17) (L. D. 36) House Report from the Committee on Inland Fisheries and Game on bill, "An Act Providing for Bounty on Bears"; Majority report, Ought to pass as amended with Committee Amendment A; Minority report, Ought not to pass, tabled on April 7 by Senator Stilphen of Knox pending motion by Senator Cyr of Aroostook to accept the Majority Ought to Pass report, and Senator Stilphen of Knox yielded to Senator Cyr of Aroostook.

On motion by Mr. Cyr of Aroostook, the Majority Ought to pass report was accepted and the bill read once.

Mr. CARPENTER of Somerset: Mr. President, I am opposed to bear bounties, as many of you know. I have stood up here and fought them for ten years, but at least I do have some satisfaction because in the last four years we have not paid any bounties, so we have saved the taxpayers of the State of Maine roughly some sixty, seventy or eighty thousand dollars.

This bill is a very poor bill as written. I enjoyed the remarks of the Senator from Aroostook, Senator Cyr, the other day, but there

are many points in his remarks I do not agree with.

The committee amendment to the bill that was signed by the majority "Ought to pass" was that the bounty be paid during the months of May, June, July, August and September, and then there is no bounty to be paid during the rest of the year or during the fall of the year and until the following May.

His testimony for wanting the bounty is for the protection of the sheep owners and the trees and the forests, which receive so much damage from the bear. This is the reason, I judge, from listening to his remarks, that he is in favor of the bounty. Also, that the bear's diet during the summer months is berries, fruit and so forth, when he would not, according to many people, be in want of the taste of mutton or molesting our flocks of sheep.

Actually, if I were interested in the bounty, the fall months of the year would be the period when I would want it on, because sheep still run in the pastures, trees still stand in the woods, and berries and natural food are more or less depleted. Of course, we realize that hurricanes blow down trees and that forest fires do a great deal of damage, caused either by lightning or man-made. We certainly would not want to put a bounty on man.

I am not the least bit disturbed about the paper companies who lose a great amount of timber by the bear tearing down the trees. This in my estimation is ridiculous.

Another poor portion of the bill is the fact that whoever kills the bear must skin him out and bring the entire skin to the inspection station or game warden within 72 hours. Can you imagine an individual or a hunter back in the woods four or five miles killing a bear, spending the time to skin him out (and believe me, it will take some time) and carrying a carcass over his shoulders in the hot summer months of the year, with the flies around this smelly, greasy carcass to irritate the hunter? This to me is inconceivable.

Another thing which is very important is the safety angle of it. A hunter could easily be shot for a bear if he were carrying a bear skin around his neck. This, of course,

for the deer hunters is a "don't" proposition. You would never find any hunter of any reasonable intelligence putting a deer skin on and walking through the woods with it during open season, because he might be mistaken for another deer.

According to the bill, the signers of the "Ought to pass" report want the bear killed in the summer, so there would be none for the sportsmen in the fall, except those that are trapped and put into the deep freeze and sold to the out of state hunters, for which they are charged \$50 to \$75, to take home as a trophy and to spin some midnight yarns on.

Practically every sportsmen's club in the State of Maine is opposed to this type of legislation. Therefore, Mr. President, I move that we recede and concur.

Mr. CYR of Aroostook: Mr. President, in rebuttal to some of these arguments that were just brought in: First of all, the reason why the bill was amended to cover only the season from May to September and not during the hunting season is because if many of these great hunters like to hunt bears so well then we give them the opportunity to do that during the hunting season. However, the proponents of this bill felt that they should not be paid a bounty of fifteen dollars which my amendment calls for, that they would not be paid a bounty for doing that.

Many of the hunters during the hunting season go hunting for deer, but if they cannot find a deer and they find a bear they will kill the bear and then, of course, they will be entitled to the bounty. The bounty is only to encourage hunters or trappers to cut down the population of bear so that they will not become unbearable.

As I maintained in my presentation before, if this bill called for the elimination of the black bear I would be an opponent to this bill instead of a proponent, because I sincerely believe that the many bear hunters who like to make a sport of this should be accorded the privilege of doing so.

The only thing that this legislation is interested in is to maintain the population of bear within certain restrictions and if the pop-

ulation gets out of hand that is when we have the damages on the farms.

In my presentation I mentioned that I more or less represent the sheep rangers; I brought in the testimony of the Sheeprangers Association, the Live Stock Association, the farmers themselves and the Maine Grange. All these were represented at the hearings and they made a very good case for themselves, and I certainly believe they should receive consideration.

Now they are not asking for the elimination of the bear, they are just asking to try to maintain the bear population within certain limits.

As far as the costs are concerned: the highest amount of bounty that was paid for bear was \$15,000. Now that represents a thousand bear from the bear population and you are solving some of the problems.

My amendment calls for \$15 instead of \$20 which the bill called for.

There is also a relationship between the amount of the bounty that was paid and the claims that were paid the following year for damages, so certainly there must be a certain relationship between the population and the claims that are paid.

Now some people believe that the paying of the bounty is a costly proposition that it costs money. Well, certainly it does cost money. It costs money to fight delinquency, we know that. These bear are the delinquents of the forest, they are the brigands of the forest, and we are just trying through this bounty system to hold them back within a certain population limit so they won't get out of bounds. If the population increases so much that they cannot find natural food in the forest naturally they will come on the farm to feed and that is where the trouble starts.

The bill calls for the presentation of the bear skin. Well, that is one of the safeguards that were mentioned in the case of where the bear are trapped and then put in the deep freeze and sold to some of the out of state hunters.

We have also heard the statement that the hunters will take

care of this problem. There is a problem here and certainly we have to acknowledge it. We just cannot close our eyes and says there is no problem. The problem exists only in certain counties, and as such it makes the problem more acute in those particular counties because the problem is concentrated.

In my presentation I read extracts from a letter in regard to the damages to trees. Well, the way this was explained to me was that a bear will strip the bark all around, will girdle the tree all around with their paws, and then this tree will die. It not only will die but also will be a source of diseases. So I hope you will go along with this revised bill on the bounty.

Mr. STILPHEN of Knox: Mr. President, I do not always agree with my colleague from Somerset, particularly maybe on beagles and one thing or another like that but on this particular measure I do agree with him and I hope his motion to indefinitely postpone this bill in concurrence will prevail.

I have long wondered why our State should consider putting back a bounty on the black bear. In our State, which is one of the last frontiers of recreational potential in the northeast, I wonder why we do not make some effort to protect the black bear as a valuable game animal.

A state bounty placed on any native wild animal would imply that the people were committed to a policy of planned extinction of the species, even in areas of the state where no damage has been experienced and where there is no objection to the animal.

It is understood that the estimated bear population of our State is approximately 7000.

Considering the interests of the great majority of our citizens, hunters, sportsmen, conservationists, and nature lovers generally, and the economic future of Maine's very substantial recreational potential, this proposed bounty would seem to be a most alarming, short-sighted proposal.

A national study was published this past year by a well-known outdoor sporting magazine, which showed detailed tabulations of past

records of bounties on wild animals in various states over many years. These records brought the conclusion that bounties over the many years in the United States have proved to be extremely costly and inefficient, merely draining the taxpayers' and sportsmen's dollars, to the financial benefit of a very small minority of bounty hunters; in effect, a subsidy to destroy the natural balance of wildlife.

And may I point out at this time that the bounty hunter who shoots a bear for the twenty dollar bounty that is proposed here, or the fifteen dollar bounty which is proposed under the amendment, is the recipient of the money which is paid into the Agricultural Department by dog-lovers all over the State of Maine. This money comes from the dog tax which is paid by the people in the cities where there has not been a bear for many, many years.

Again, the person who receives damage to their sheep or hens or whatever other animals may be damaged by bear does not receive any remuneration; the bounty hunters get the money. In order for the person who actually receives the damage to receive any compensation whatever for his losses he must either shoot a bear or come to this legislature with a claim.

I point out to you L. D. 942 which I just took off the table prior to this particular bill which we are now discussing. It is a claim which was filed by the representative from Lubec, Mr. Pike, asking reimbursement to one Sherman Denbow of Lubec for \$332, to be paid as a final settlement for his claim against the State for lambs and sheep killed by bear. I submit to you, whether the bear was ever killed or not — and if he was Mr. Denbow probably did not do it — whoever did it got fifteen or twenty dollars if the bounty was paid and Mr. Denbow got nothing until he came to this legislature. I suggest that this is one thing that should not be done in the bill.

Most of the states which still have bear find that the black bear is a considerable source of attraction to hunters and tourists, and consequently they protect them as

one of the valuable game animals of the state which are an asset to the recreational economy of the state.

In view of the reported "reasons" for the proposed black bear bounty in Maine, it is highly significant that, of the states which do protect the bear as a game animal, a number are states which rank high in the total national production of cattle, sheep, hogs, wheat and oats.

Among these states are: Arizona, California, Colorado, Florida, Georgia, Idaho, Massachusetts, Michigan, Montana, New Mexico, New York, North Carolina, Pennsylvania, Texas, Vermont, Washington, West Virginia, Wisconsin, Tennessee and Wyoming.

Certainly a bounty of fifteen or twenty dollars would not greatly benefit a farmer suffering damages in Aroostook County if the bear was killed in Franklin County, and why slaughter a bear in Washington County for damages caused by an animal in Franklin County. The specific individual bear which does cause damage can be destroyed at the location of the damage.

Deer, with a total state annual kill of between thirty-eight and forty thousand, certainly cause greater widespread financial loss, due to crop damage, than do bear with an estimated total state population of 7000, yet no one would seriously consider a bounty on deer.

Unwise state measures urged by small minority pressure groups, if not vigorously opposed, may deal a costly blow to our state's recreational future.

With the tremendous importance of wildlife to Maine's outdoor recreational promotion, and with the future forecast of "exploding" United States population, and increasing demand for sporting and camping space, the black bear rather than be placed on the bounty list should be promptly put on the protected list as a valuable game animal of the State.

Mr. PIKE of Oxford: Mr. President and fellow Senators: Considering the fact that the State Department of Inland Fisheries and Game do not like bounties, period, and further considering the fact

that our good Senator from Somerset always cooperates with the department to the nth degree, we realize that the survival of this bill stands just as much show as a snowball in August, but I do not feel perhaps I would be keeping faith with some of my constituents up in grand old Oxford County if I did not stand up and say I was for it.

I think everyone knows that this bear business is sort of a sectional thing. I do not think you expect to see too many bears roaming around State St. here in Augusta, wolves, maybe, but not bears, but I do know that there are some sections where they are very thick.

I venture to make a guess that very few people in this room today have ever seen a wild bear out in the open, but I have, down back of my barn. This fellow was wounded and I never saw any more ferocious an animal than this fellow was.

My brother-in-law was deer-hunting a year ago this fall and he went to get over a stone wall and it was just luck and chance that he did not jump onto a bear that was asleep. This bear jumped up on his hind feet, as they usually do, and held his arms out, but my brother-in-law escaped getting hugged that time.

A little fellow was riding a bicycle down a wooded road in my home town and all of a sudden a bear came out, crossing the road in front of him. He stopped as quick as he could, and the bear heard him and he stood up on his hind legs. They both looked at each other for a few seconds, but it probably seemed eternity for the little fellow, and the bear finally dropped down and went across the road and I expect the little fellow pedaled home pretty fast.

Now of course Oxford County is a large county. Norm Ferguson and I know when we campaign that it is a big place. It goes down around Cumberland County a good many miles until it comes to York, then it goes back up the New Hampshire line for about a hundred miles and up in Magalloway and Wilson's Mills, it goes in back of Senator Noyes's development in Rangeley in Franklin Coun-

ty. About half way along this county—I am probably thirty or forty miles from the southern end and Norm Ferguson is thirty or forty from the northern end—and half way between us is the town of Woodstock, and in this town there are quite a lot of real good substantial people that have been doing a good job, raising their families, keeping their buildings up, sending their children to college, and mostly by raising sheep and livestock. They really are having a pretty serious time. They think they have got to go out of business, simply because the bear are killing their sheep and livestock. I think there was one of those fellows here at the hearing. He had a cow that got hurt so bad she had to be taken care of simply because she was probably protecting her calf. So I think if we can do anything to help these folks, even the very slightest bit, it would be worth while.

When I was a little fellow in school, probably not more than ten or twelve, one day the teacher asked the class to write a poem and gave us so many minutes to do it in. I chose to write about a bear. This poem will never go down in history as a masterpiece, but I think I will always remember the words. It went like this:

“Noah Webster and Daniel Boone
 Came to town to shoot a coon,
 But they saw a bear go up a tree,
 And Webster cried and said,
 ‘Dear me,’
 But Boone said, ‘Who is afraid of
 you,’
 And up with his gun and he did
 shoot.
 He killed the bear as dead as hay
 And poor Noah Webster fainted
 away.”

Mr. WYMAN of Washington: Mr. President and members of the Senate: I did intend to talk quite a while on this but I won't belabor it very long now. I do want to oppose the motion of my good friend, Senator Carpenter, to recede and concur with the House.

We are talking about a bill which would provide for a bounty only from May 1st to October 1st, as has been stated. Further, our Maine Department of Agriculture tells us that during the last biennium when

Maine had a bounty on bear, 1955-56 and 56-57 the cost in the first year of the biennium between May 1st and October 1st was \$3330, and in the second year \$2565. These certainly are not large sums.

Again, this bill pertains to a bounty on animals within organized townships; the vast wild area of the state is still left for the bear and the hunters.

Our farmers are having a difficult time as it is and too many farms are being abandoned. Now while we all welcome the out-of-state sportsmen who come here to hunt for a week or two each year, I think we should give first consideration to our own people, our farmers who live among us the year round and who pay their taxes and spend practically their entire income right here in the State of Maine.

As has been stated, the Maine Sheep Breeders Association, the Maine Live Stock Association and the Maine State Grange, which together represent some fifty to sixty thousand members, as well as many apple, berry and vegetable farmers, along with the bee-keepers, favor this bill. Your own Committee on Inland Fisheries & Game, which heard both the proponents and opponents to this bill, voted seven to three "Ought to pass," and it is my sincere hope, members of the Senate, that you will support this bill for a bear bounty.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: I rise in support of my good friend from Oxford County, Senator Pike, the Robert Frost of the Maine Senate. He has certainly shown us that Oxford County is a big county, that it wraps itself around the nether parts of Cumberland County even down to York County, and, with his sense of humor I would suggest that he come and campaign with me in Cumberland County next time, because I certainly would enjoy it. He could tell stories and we would not even have to talk politics, so we could have a very good time. But I have a rival for him. There is another Senator here who is a poet, and I would like to have his poetry read into the record before we vote on this. I quote:

"Eskimos sleep in their bearskin
I am told,
But I fell asleep in my bare
skin and caught a miserable
cold."

"Jim Stanley." (Laughter)

Mr. ERWIN of York: Mr. President, I would like to add a few random thoughts to this matter.

I support the motion of the Senator from Somerset, Senator Carpenter, but I would like to say first that it occurs to me, from what the good Senator from Washington, Senator Wyman has said, that if these fifty or sixty thousand farmers who have been represented as being against these poor seven thousand bear are all telling the truth seven thousand bear have been pretty busy over the past few years.

Now it does not make any sense at all to me to try to attack a problem such as this, which is the damage that certain wild predatory animals may do, by eliminating the animals. If there is damage done and if there is injustice done, let's pay for it in the State of Maine. I think that any sheep-raiser in any part of the State of Maine would admit that dogs do far more damage, continuing damage, than bears do to herds of sheep, but nobody wants to put a bounty on dogs. There is a remedy for predatory dogs which perhaps could be written into the law at another time. Then too, there is something else that is repugnant to me: the idea that if I have to but any of Senator Wyman's blueberries and the thought occurs to me as I am eating blueberry pie that these blueberries are there with bloodmoney from poor little bear cubs that have been killed by bounty hunters, I am not going to enjoy my pie.

It comes down to that, if you stop to think about it. Every year we are treated with a picture of a mother bear and a couple of cubs hung up on a tree somewhere where some bold, brave hunter has slaughtered some babies that are three or four months old and has been paid fifteen or twenty dollars for his prowess. That is repugnant to me and I think it is repugnant to anybody who uses the woods. Those of us who do hunt and have cruised

through the woods in the State of Maine feel that a bounty on any game animal has something about it that is wrong in some manner that we cannot quite articulate.

I am thoroughly opposed to bounties on all game animals. I think it is unrealistic to say that a bear, while they do do admitted damage to sheep, destroy the woods. I have been in the woods ever since I was a small boy and I have not ever been fortunate enough to see a bear, although recently since the bounty has been taken off they are increasing and we see signs of them. I have seen an occasional scratch there for the next bear to see whether he could match it. I have yet to see a girdled or destroyed tree in the woods in Maine in some thirty years of roaming around in them.

I think we have blown this all out of proportion to its importance. I think we have an asset, as Senator Stilphen has said, which should be protected rather than exploited, and I am opposed to blood money on these poor little bear.

Mr. CYR of Aroostook: Mr. President, referring to some of the statements by our good Senator from York, Senator Erwin: He mentioned that it is repugnant to him to see some of these little cubs hanging or some of these little cubs being killed. I think that little cub will be killed just as much by a hunter that does not get a bounty as he will be by one who gets the bounty.

If we come right down to it, the main reason for this bill is this: the bear does not have a natural predator to keep its population down. The only predator or the only one who can keep the population down is man, through hunting. Whether a man is going to hunt it as a game animal or whether he is going to hunt it for the bounty is immaterial to me as long as the population is kept down.

Now the figures on population were mentioned as 7000 bear. Just for the sake of argument let's say that half of them are females and half of them are males. There are 3500 females. Now most of your bear get two cubs. Figure out for yourself what the population is going to be ten years from now or

five years from now unless you have some kind of measure to curb this increased population. When the increased population occurs, that is when you have your trouble.

In regard to the damage that occurs: the claims that are paid to the farmers are not representative of the exact damage that happens, because if a farmer is raising certified sheep or if he is raising registered livestock and he loses half of his herd or half of his flock it may take him two or three years before he can recapture the position that he was in. During that time he does not have any of his sheep to put on the market. Also in these claims there are no figures representing the crop damage, and in many cases that is quite a figure. There are no claims for crop damages.

Now the claim figures I have here figure around five thousand dollars a year. Your bear bounty normally is not very much more than that, so this is only a preventative measure. That is all it is, and I think it is good business. Besides that, the bear bounty is paid, as Senator Stilphen mentioned, by the dog licenses. Now last year's figures show a surplus of \$36,000 in that fund. Now what happens to that \$36,000? That is returned to the communities, prorated on the number of licenses that have been bought. Now if you figure this eight thousand or ten thousand dollars that might be involved in paying the bear bounty it does not represent very much money to each community, and certainly I am sure that most communities throughout the state would be willing to put in an investment of twenty-five or thirty or forty dollars per community to help out in the farmer's problem.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: Originally I had no intention of getting into the bear bounty debate, but after thinking back on past years when the bounty on bears was a fact, I can remember when they used to trap bear, and back twenty years ago I was in the Jackman area and the guide took us out to show us his traps. I don't whether many of the people in this room have seen a bear

that is caught in a bear trap. He is a very ferocious and angry animal; he is suffering immensely from the trap, and it is a known fact that many bears who are caught in these traps that the traps are not tended each day as the law requires, that they will finally chew the leg off that is caught in this trap and disappear to suffer untold agonies.

I am reluctant to pass a law to put this fine animal back into these tortures. I therefore support the motion of the Senator from Somerset, Senator Carpenter.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate: I hesitate a little bit to rise and get into this act on bear bounties, especially since I reside in that portion of Cumberland County which my colleague describes as the nether part of the county surrounded by Oxford.

I sometimes find myself in disagreement with the Senator from Somerset, Senator Carpenter, but in this case I am wholeheartedly with him. I feel that bear bounties, and most other bounties for that matter, are nothing more or less than a subsidy for hunters and trappers. I believe that most of the hunters, if they had an opportunity to shoot a bear, would be willing to pay us rather than for us to pay them.

I would like to point out again, as Senator Cyr has mentioned, that this bear bounty would be paid from the dog licenses, which means it is paid indirectly by the towns and cities themselves. In other words, if the money is not paid out in bounties the money is returned to the towns.

I hope Senator Carpenter's motion will prevail.

Mr. PARKER of Piscataquis: May I inquire, Mr. President, what the pending motion is?

The PRESIDENT: The motion before the Senate is that this bill and accompanying papers be indefinitely postponed in concurrence.

Mr. PARKER: I rise, Mr. President, in opposition to that motion. I particularly am a little bit disturbed with the statement that has just been made by my good friend, the Senator from Cumberland, Senator Davis, that this is a simple

problem of paying bounties and that there is no other problem involved.

I would grant that if I lived in Cumberland County I might buy that, but I would like to have Senator Davis or any other member of this body come up into Piscataquis County any time after the middle of the summer and I will guarantee to show them bear and guarantee to show them more than one bear. If we attempt to control this animal without a bounty for any length of years beyond the present not only will they increase to the extent, as I believe the Senator from Aroostook, Senator Cyr, indicated, but they will increase to a point where I believe they will be a menace.

If any of you have noticed in the Bangor Daily News within the last two or three days, the pictures of the cub bears that have been found on the outskirts of Bangor or Oldtown, which indicates to me that bear are increasing to the point that instead of being back in the woods they are attempting to live right near our towns.

I had no intention of any of the remarks I have made up to this time. The only reason I am on my feet in opposition to this motion is because, as has been indicated, this is a problem. We have injected humor into our debate here and that is all right, but we have a serious problem here that we should not attempt to laugh off. I attended the hearing on this bill before the Fish and Game Committee and if the members of this Body had listened and seen what I did, I am sure that they would appreciate as well as I do the seriousness of trying to protect our livestock here in the State of Maine and particularly in some of our northern counties of which my county is one, where they are attempting to increase the population of the sheep industry on some of these abandoned farms and we have many of them, all through the northern part of the state. If there is anything that we can do in this Legislature to increase an industry that will bring in dollars and at the same time take care of some of these abandoned farms, I think this is an

opportunity that we should not and cannot afford to miss.

In my own county within the last year or year and a half we have had several of these old abandoned farms purchased by people outside the State of Maine with the idea of putting up suitable buildings for the protection from the weather elements to their flocks of sheep and they are attempting to get a reasonable number of sheep on these pieces of property. I am very sure as I stand here, that unless something that will hold the population of the bear down to where we can live with them—you can call it bounty or call it anything you wish—but I am very sincere when I say that we must control the population of bear if we are going to have a sheep industry prosper in the State of Maine and I am sorry that I have to oppose my good friend from Somerset, Senator Carpenter, but I shall have to vote against his indefinite postponement.

Mr. CARPENTER of Somerset: Mr. President, I will be very brief and I will not prolong the debate on this matter.

I would like to state that I have gone into the woods of Maine for the last thirty-five years from Kittery to Fort Kent and I have yet to run across a black bear in the woods. I wish, as a matter of fact, that I could. If the good Senator from Piscataquis, Senator Parker would invite me up to his county sometime this summer I would gladly give him twenty-five dollars for every bear I see.

Briefly, I have had letters from Fish & Game clubs, and we all know they have the wildlife interests at heart, I believe they have, because they have done an excellent job in helping preserve wildlife in Maine:

Houlton Fish & Game Club, definitely opposed to bounty on bears; Lisbon Falls Game Club, definitely opposed to bounty on bears, Scarboro Fish & Game Association, definitely opposed to bounty on bears; Sagadahoc Rod & Gun Club, definitely opposed to bounty on bears; Saco Fish & Game Association, definitely opposed to bounty on bears. Princeton — and I

believe that is in Washington County, — definitely opposed to bounty on bears; Associated Sportsmens Club of Cumberland County, definitely opposed to bounty on bears; Dennys River Sportsmens Club, definitely opposed to bounty on bears; Sheepscoot Fish & Game Association, definitely opposed to bounty on bears. Franklin County, of course is opposed to bounty on bears; Southern Maine Fish & Game Association, definitely opposed to bounty on bears; the Damariscotta Jake's Rangers, definitely opposed to bounty on bears; in fact he says that bears should be put on the list of game animals. "From all that we can gather, the bear is the most hunted animal, other than the deer, in the state. We believe that if special licenses were sold to hunt the bear the State would realize a great deal of income from such licenses." Piscataquis County Fish & Game definitely opposed to the bounty on bears; Blue Hill Fish & Game Association, definitely opposed to bounty on bears; Falmouth Rod & Gun Club, which has a membership of 2300, definitely opposed to bounty on bears. Presque Isle Fish & Game Club, definitely opposed to bounty on bears. Hallowell Fish & Game Club, definitely opposed to bounty on bears.

I could go on and on. I have received some seventy-five letters from clubs who are all definitely opposed to a bounty on bears.

Mr. President, when the vote is taken I ask for a division.

Mr. SAMPSON of Somerset: Mr. President, I would like to direct a question through the Chair to Senator Cyr because there is something he has said that is not clear in my mind, and before I can vote sensibly I would like to have an answer to the question.

The PRESIDENT: The Senator from Somerset, Senator Sampson, may ask his question.

Mr. SAMPSON: As I understand, these female bears produce cubs every second year instead of every year. I would like to have that clarified if he is able to do it.

Mr. CYR: That is right, Mr. President, they do have cubs only every second year but in most cases they have two cubs so that is still 3500 bear a year. I thought

possibly that Senator Sampson was going to ask me if we were willing to give green stamps on the bears. (Laughter)

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset to indefinitely postpone; a division has been requested.

A division of the Senate was had. Sixteen having voted in the affirmative and thirteen opposed, the bill was indefinitely postponed in concurrence.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate, I would like to call your attention once again to Item 54, bill, An Act Creating a Lien on Real Estate Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled. In zest for debate and the various questions and answers pertaining thereto last Friday, we left by the way-side the most vital part of the bill which is Senate Amendment "A" to Senate Amendment "A" to Senate Amendment "A." For the purpose of straightening this out, without which the bill would be valueless, I move that the Senate reconsider its action whereby it passed the bill to be engrossed.

The motion to reconsider prevailed and on further motion by the same Senator, Senate Amendment "A" as amended by Senate Amendment "A" thereto was adopted; and the same Senator moved that the bill be passed to be engrossed.

Mr. PARKER of Piscataquis: Mr. President, would you give us an opportunity to read this amendment, Mr. President.

The President declared a short recess.

Senate called to order by the President.

Thereupon, bill, "An Act Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled (H. P. 501) (L. D. 700) was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Emergency

Bill, "An Act to Appropriate Monies for Legislative Expenditures for the Fiscal Year Ending June 30, 1961." (S. P. 536) (L. D. 1584)

Which Bill, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was Passed To Be Enacted.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 50th tabled and unassigned item, (H. P. 614) (L. D. 831) House Report, Ought to pass from the Committee on Legal Affairs on bill, "An Act Providing for Civil Service for the Old Orchard Beach Police Department"; tabled on April 20 by Senator Farris of Kennebec pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Noyes of Franklin,

Adjourned until tomorrow morning at 9:30 o'clock.