

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, February 14, 1963

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

Prayer by the Rev. Mr. Paul E. Keirstead of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act to Provide Aerial Photos of Maine's Forest Lands in Organized Towns" (S. P. 444) (L. D. 1273)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act relating to Group Accident and Sickness Insurance for Credit Unions" (S. P. 445) (L. D. 1274)

Bill "An Act relating to Group Life Insurance for Credit Unions" (S. P. 446) (L. D. 1275)

Bill "An Act relating to Group Credit Insurance" (S. P. 447) (L. D. 1276)

Bill "An Act relating to Nonforfeiture Benefits and Valuation Standards for Life Insurance Policies" (S. P. 448) (L. D. 1277)

Came from the Senate referred to the Committee on Business Legislation.

In the House, referred to the Committee on Business Legislation in concurrence.

From the Senate:

Bill "An Act relating to Qualifications for Voting on Indian Reservations" (S. P. 449) (L. D. 1278)

Came from the Senate referred to the Committee on Health and Institutional Services.

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

From the Senate:

Bill "An Act relating to Placing Objects on Utility Poles without Consent" (S. P. 450) (L. D. 1279)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate:

Bill "An Act to Authorize Private Game Preserves" (S. P. 452) (L. D. 1280)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Agriculture reporting "Ought not to pass" on Bill "An Act relating to Regulation of Pesticides" (S. P. 46) (L. D. 96)

Report of the Committee on Inland Fisheries and Game reporting same on Resolve Regulating Fishing in Long Pond, Sandy River Plantation, Franklin County (S. P. 211) (L. D. 521)

Report of same Committee reporting same on Resolve Regulating Fishing in Certain Waters in Franklin County (S. P. 212) (L. D. 522)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Highways on Resolve Naming the Max L. Wilder Memorial Bridge at Belfast (S. P. 57) (L. D. 107) reporting same in a new draft (S. P. 443) (L. D. 1152) under title of "Resolve Naming the Max L. Wilder Memorial Bridge at Woolwich and Arrowsic" and that it "Ought to pass."

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

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned the next legislative day.

Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Distribution of Obscene Literature" (S. P. 114) (L. D. 342)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Bill read twice and assigned the next legislative day.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act relating to Power of Eminent Domain of Maine State Park Commission" (S. P. 77) (L. D. 185) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A."

In the House, the Report was read and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 77, L. D. 185, Bill, "An Act Relating to Power of Eminent Domain of Maine State Park Commission".

Amend said Bill by striking out the 23rd, 24th, and 25th lines and inserting in place thereof the following: 'exercised to take any area or areas in any one park which singly or collectively exceed 200 500 acres, nor shall it be exercised to take any developed or undeveloped mill site or'

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading the next legislative day.

Report of the Committee on Natural Resources on Bill "An Act Revising the Maine Mining Law" (S. P. 121) (L. D. 348) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 121, L. D. 348, Bill, 'An Act Revising the Maine Mining Law.'

Amend said Bill by changing the underlined figure "6" in the next to the last line of Sec. 2 to the underlined figure "3".

Committee Amendment "A" was adopted in concurrence and the Bill assigned for third reading the next legislative day.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet on Tuesday morning, February 19th, at 10 o'clock. (S. P. 496)

Came from the Senate read and passed.

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

From the Senate: The following Communication: (S. P. 493)

**REPORT OF THE LEGISLATIVE
RESEARCH COMMITTEE**

December 21, 1962

To the Members
of the 101st Legislature:

I have the honor to transmit herewith the summary report of the Legislative Research Committee on studies authorized by the 100th Legislature for the period ending January, 1963. The report contains the findings and recommendations on 14 of the 15 matters assigned by the Legislature for Research Committee study and determination. The study of State Clerical and Data Processing Activities, authorized by Resolves, 1961, c. 109, was contractually studied and is separately reported as Committee Publication 101-1.

The members of the Committee take this opportunity to express their appreciation at having been chosen to participate in these assignments, and sincerely hope that the reports herein contained will prove of benefit to the members of the Legislature and the people of the State of Maine.

Respectfully submitted,

(Signed) HAROLD BRAGDON

Harold Bragdon, Chairman

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 494)

STATE OF MAINE
BUREAU OF
PUBLIC IMPROVEMENTS

Augusta

February 7, 1963

To the Senate and House of Representatives of the One-Hundred and First Legislature

In accordance with the provisions of Section 25, Chapter 15-A of the Revised Statutes (1954) of Maine, as amended, we are submitting herewith the Recommended Priorities for projects contained within the "Requests for Capital Improvements" submitted to the One-Hundred and First Legislature for the fiscal years 1964 and 1965.

Respectfully,

(Signed) NIRAN C. BATES
Niran C. Bates
State Director of Public Improvements

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

The following Communication: (S. P. 495)

STATE OF MAINE
BUREAU OF
PUBLIC IMPROVEMENTS

Augusta

February 12, 1963

To the Senate and House of Representatives of the One-Hundred and First Legislature

In accordance with the provisions of Section 25, Chapter 15-A of the Revised Statutes (1954) of Maine, as amended, we are submitting herewith the Status of Capital Im-

provement Projects including cash expenditures through June 30, 1962.

Respectfully,

(Signed) NIRAN C. BATES
Niran C. Bates
State Director of Public Improvements

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

Petitions, Bills and Resolves
Requiring Reference

The following Bills and Resolves, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one-tenth of the members present objecting, was received and referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Appropriating Funds to the Unorganized Territory Capital Working Fund" (H. P. 961) (Presented by Mr. Bragdon of Perham)

(Ordered Printed)

Bill "An Act to Authorize the Issuance of Bonds in the Amount of One Million Nine Hundred Thousand Dollars on Behalf of the State for the Purpose of Construction and Renovating at the Boys Training Center" (H. P. 962) (Presented by Mr. Hanson of Gardiner)

(Ordered Printed)

Bill "An Act to Authorize the Issuance of Bonds in the Amount of One Million Two Hundred Fifty Thousand Dollars on Behalf of the State for the Purpose of Relocating the Boys Training Center at Quoddy Village" (H. P. 963) (Presented by Mr. MacGregor of Eastport)

(Ordered Printed)

Resolve Appropriating Funds for Construction and Renovating at Boys Training Center (H. P. 964) (Presented by Mr. Hanson of Gardiner)

(Ordered Printed)

Resolve Providing Funds for Additional Weights and Measures In-

spectors (H. P. 965) (Presented by Mrs. Shaw of Chelsea)
 (Ordered Printed)
 Sent up for concurrence.

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

Claims

Resolve Providing a World War I Bonus for George E. Maroon of Lewiston (H. P. 966) (Presented by Mr. Jalbert of Lewiston)
 (Ordered Printed)
 Resolve in favor of Reed Plantation (H. P. 967) (Presented by Mr. Williams of Hodgdon)
 (Ordered Printed)
 Sent up for concurrence.

Highways

Resolve Naming the Franklin D. Roosevelt Memorial Bridge Between Lubec and Campobello Island (H. P. 968) (Presented by Mr. Denbow of Lubec)
 (Ordered Printed)
 Sent up for concurrence.

Judiciary

Bill "An Act relating to the Down East Christmas Tree Association" (H. P. 969) (Presented by Mr. Harrington of Dexter)
 (Ordered Printed)
 Bill "An Act relating to Trial Terms of Superior Court in Washington County" (H. P. 970) (Presented by Mr. Snow of Jonesboro)
 (Ordered Printed)
 Sent up for concurrence.

Natural Resources

Resolve Authorizing Forest Commissioner to Convey Part of a Public Lot in Moro Plantation (H. P. 971) (Presented by Mr. Williams of Hodgdon)
 (Ordered Printed)
 Sent up for concurrence.

Public Utilities

Bill "An Act to Incorporate the Baileyville Water District" (H. P. 972) (Presented by Mr. Townsend of Baileyville)
 (Ordered Printed)
 Sent up for concurrence.

Towns and Counties

Resolve to Change the Name of Crockertown, Franklin County, to Sugarloaf Township (H. P. 973) (Presented by Mr. Hutchins of Kingfield)
 (Ordered Printed)
 Sent up for concurrence.

Mr. Smith of Strong was granted unanimous consent to address the House briefly.

Mr. SMITH: Mr. Speaker, this is the first day that we have had anything introduced under 19-C. I purposely waited until all of them were in because I had no objection. However, I would like, for my own enlightenment, to know if this is going to make possible, maybe some person on the Committee of Reference of Bills could tell us, is this going to make possible the introduction of bills from now until the end of the session, and if so, do we all understand that we can introduce bills under this Rule from now until June or whenever we get through?

The SPEAKER: Is the gentleman addressing his question to the Chair?

Mr. SMITH: I would address the Chair.

The SPEAKER: This is not a parliamentary inquiry, but I would however, advise the gentleman that the Committee on Reference of Bills will use its discretion. Unless they are of an emergency type, they will not be admitted under this rule. They must have a majority of the Committee on Reference of Bills to be introduced to the House, and then the House has under Joint Rule 19-C the power and the discretion to refuse the admittance of any bill.

Orders

Tabled and Assigned

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

ORDERED, that no pictures or photographs be taken in the hall of the House while the House is in session, unless on some special occasion and then only when authorized by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, I didn't intend to stand up, I didn't know this order was coming in. I do object to the — does this mean that the Press will not be able to take pictures?

The SPEAKER: Does the gentleman have a motion?

Mr. SMITH: I have no motion, I was just speaking to this order. Do I need a motion?

The SPEAKER: If you are speaking to the order, you don't need a motion. You may discuss the order.

Mr. SMITH: I was speaking to the order. I just object to the exclusion of the photographer. Not that any of us particularly care to get our pictures in the paper all the time, but some of us do like to have the folks back home know what we are doing, and it doesn't hurt us any if we do get before television once in a while, and if this order is going to forbid that, then I think we ought to realize what this order means.

The SPEAKER: Would the gentleman like to have the Clerk read the order once more?

Mr. SMITH: I would.

Whereupon, the Order was read by the Clerk again.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. SMITH: Mr. Speaker, I would move that this order be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Strong, Mr. Smith, that this order be indefinitely postponed.

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: This order is designed merely to prevent a lot of extraneous photography going on while we are in session. The gentlemen of the Press will have their permission from the Speaker to carry out their functions of bringing the news or the activities of this Legislature to the people. I hope this answers the question that has been raised by the gentleman from Strong, Mr. Smith.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, may I inquire of the gentleman from Bangor, Mr. Wellman, if there would be any objection on his part if the order so reads that this order would not include the Press?

The SPEAKER: The gentleman from Portland, Mr. Childs, directs a question through the Chair to the gentleman from Bangor, Mr. Wellman, who may answer if he so desires.

Mr. WELLMAN: In answer to the question raised by the gentleman from Portland, I do not. May I now have permission to make a motion, Mr. Speaker?

The SPEAKER: The gentleman may proceed.

Mr. WELLMAN: I move this be tabled until Wednesday next.

Thereupon, the Order was tabled pending the motion of Mr. Smith of Strong to indefinitely postpone, and was specially assigned for Wednesday, February 20.

**House Reports of Committees
Ought to Pass in New Draft
New Draft Printed
Tabled and Assigned**

Mr. Whitney from the Committee on Transportation on Bill "An Act Requiring Persons Seventy-five Years of Age to Take Biennial Examination for Motor Vehicle Driver's License" (H. P. 516) (L. D. 718) reported same in a new draft (H. P. 974) (L. D. 1302) under same title and that it "Ought to pass"

Report was read.

(On motion of Mr. Curtis of Bowdoinham, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, February 20.)

**Ought to Pass
Printed Bills**

Mr. Anderson from the Committee on Inland Fisheries and Game reported "Ought to pass" on Resolve Opening Carrabassett River to Fly Fishing Only (H. P. 289) (L. D. 383)

Mr. Benson from same Committee reported same on Resolve Regulating Fishing in Moosehead Lake, Somerset and Piscataquis Counties (H. P. 215) (L. D. 284)

Same gentleman from same Committee reported same on Resolve Regulating Fishing on Part of Roach River, Piscataquis County (H. P. 375) (L. D. 548)

Mr. Cookson from same Committee reported same on Resolve Regulating Fishing in Middle Branch Pond, Piscataquis County (H. P. 458) (L. D. 662)

Same gentleman from same Committee reported same on Resolve Regulating Fishing in Dow Pond, Piscataquis County (H. P. 459) (L. D. 663)

Mr. Reynolds from same Committee reported same on Bill "An Act Prohibiting Anchored Boats in Earley Salmon Pool, Piscataquis County" (H. P. 445) (L. D. 650)

Mr. Roberts from same Committee reported same on Resolve Regulating Fishing on Part of Kennebec River, Piscataquis County and Somerset County (H. P. 376) (L. D. 549)

Mr. Thornton from the Committee on Judiciary reported same on Bill "An Act relating to Property Tax Appeals" (H. P. 353) (L. D. 604)

Mr. Finley from the Committee on Transportation reported same on Bill "An Act Providing for a Two-year Motor Vehicle Operator's License" (H. P. 355) (L. D. 508)

Reports were read and accepted, the Bills read twice, Resolves read once, and assigned the next legislative day.

Passed to Be Engrossed

Bill "An Act Providing for a Continuation of the Constitutional Commission" (S. P. 83) (L. D. 190)

Bill "An Act relating to Penalties for Burglary and Larceny" (S. P. 108) (L. D. 336)

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

Tabled

Bill "An Act relating to Penalty for Conveyance of Land in Plats without Approval" (S. P. 109) (L. D. 337)

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

(On motion of Mr. Turner of Auburn, tabled pending passage to be engrossed and unassigned.)

Bill "An Act relating to Support of Patients at State Institutions" (S. P. 123) (L. D. 352)

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

Third Reader Amended

Bill "An Act relating to Method of Taking Smelts in Fish River Chain of Lakes, Aroostook County" (H. P. 37) (L. D. 60)

Was reported by the Committee on Bills in the Third Reading.

Mr. Gallant of Eagle Lake offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 37, L. D. 60, Bill, "An Act Relating to Method of Taking Smelts in Fish River Chain of Lakes, Aroostook County."

Amend said Bill in the 8th and 9th lines by striking out the underlined words "a triple-baited hook and line" and inserting in place thereof the following "3 single baited hooks spaced a minimum of 4 inches apart"

House Amendment "A" was adopted, the Bill read the third time, passed to be engrossed as amended and sent to the Senate.

Bill "An Act Revising Laws Relating to Panel of Mediators" (H. P. 113) (L. D. 157)

Bill "An Act relating to Organization of Police Department of City of Lewiston" (H. P. 238) (L. D. 306)

Bill "An Act to Incorporate Elco Acceptance Corporation" (H. P. 362) (L. D. 535)

Bill "An Act to Incorporate the Domestic Acceptance Corporation" (H. P. 363) (L. D. 536)

Bill "An Act relating to Incorporation of Maine Hereford Association" (H. P. 419) (L. D. 572)

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

Tabled and Assigned

Bill "An Act relating to Stuffed Toys" (H. P. 420) (L. D. 573)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Wellman of Bangor, tabled pending third reading and specially assigned for Thursday, February 21.)

Resolve Granting World War I Bonus to Albert C. Lorentzen of Portland (H. P. 195) (L. D. 264)

Resolve Regulating Ice Fishing in Mill Privilege Lake, Carroll and T. S. R. 1, Penobscot County (H. P. 209) (L. D. 278)

Resolve Regulating Fishing in Katahdin Lake, Penobscot County (H. P. 210) (L. D. 279)

Resolve Regulating Fishing in Fifth Debsconeag Lake, Piscataquis County (H. P. 211) (L. D. 280)

Resolve in favor of Edwin C. Chick of Norway (H. P. 268) (L. D. 362)

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

Amended Bills

Bill "An Act relating to Duties and Compensation of Council of Town of Oakland" (H. P. 4) (L. D. 24)

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

Tabled and Assigned

Bill "An Act Increasing Fees and Clarifying Barber Licensing Law" (H. P. 30) (L. D. 54)

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

(On motion of Mr. Prince of Oakfield, tabled pending passage to be engrossed as amended by Committee Amendment "A" and specially assigned for Wednesday, February 20.)

Tabled

Bill "An Act relating to Definition of 'Construction' under Construction Safety Rules and Regulations" (H. P. 114) (L. D. 158)

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

(On motion of Mr. Brown of Fairfield, tabled pending passage to be engrossed as amended by Committee Amendment "A" and unassigned.)

The following paper from the Senate was taken up out of order by unanimous consent:

Senate Report of Committee Ought to Pass Tabled Until Later in Today's Session

Report of the Committee on Municipal Affairs reporting "Ought to pass" on Bill "An Act Increasing Number of Superintending School Committee of Town of Milo" (S. P. 249) (L. D. 623)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House the Report was read and accepted in concurrence, and the Bill read twice.

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

Mr. WELLMAN: Mr. Speaker, I now move that we suspend the rules whereby we can give this bill its third reading and pass it to be engrossed.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, now moves that we suspend the rules and that this bill be given its third reading and be passed to be engrossed.

The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker,

The SPEAKER: Suspension of the rules is not debatable.

Mr. PEASE: I rise to make a motion.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: I would move this matter be tabled until later in today's session.

The SPEAKER: The parliamentarian advises that this cannot be tabled. The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that this matter be given its third reading under suspension of the rules. Is there objection? The Chair hears none.

Thereupon, the Bill was given its third reading and, on motion of Mr. Pease of Wiscasset, tabled until later in today's session pending passage to be engrossed in concurrence.

**Passed to Be Enacted
Emergency Measure**

An Act relating to Appointment of Directors of Eastport Public Landing Authority (H. P. 245) (L. D. 313)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 118 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Charter of the Norway Water District to Create a Source of Supply in the Town of Oxford (H. P. 302) (L. D. 395)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Distribution of Shrub Material by Forest Commissioner (S. P. 66) (L. D. 116)

An Act Increasing Compensation of Trustees of Mexico Water District (S. P. 122) (L. D. 350)

An Act relating to Taking of Alewives in Town of Blue Hill (H. P. 69) (L. D. 92)

An Act relating to Purposes and Powers of Bar Harbor School District (H. P. 126) (L. D. 170)

An Act relating to Closed Season on Scallops in Bagaduce River (H. P. 127) (L. D. 171)

An Act relating to Clerk of Overseers of Poor of Fairfield (H. P. 159) (L. D. 209)

An Act relating to Instruction Permits and Fees for Examination to Operate a Motor Vehicle (H. P. 170) (L. D. 219)

An Act relating to Directors and Trustees of The King's Academy (H. P. 228) (L. D. 299)

An Act relating to Taking of Smelts from Chandler River, Washington County (H. P. 249) (L. D. 317)

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

Orders of the Day

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

Bill "An Act Designating Mount Desert Island as Game Management Area." (H. P. 208) (L. D. 277)
—Read the Third Time.

Tabled — February 7, by Mr. Smith of Strong.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: A week ago today I asked for this to be tabled. Something seemed to click in my mind that it was one of the more controversial pieces of legislation to come before the 100th Legislature. I remember the gentleman from Mount Desert at that time getting up and debating it and, having voted to indefinitely postpone this bill in the 100th Legislature, I thought I would look into it just a little bit. Mount Desert Island is a long way from Strong. I haven't too much interest in it except that I do want to stand behind my action of a little while ago.

This particular bill has two parts to it. It opens Mount Desert Island to hunting, takes it out of the permanently closed section in one part and in the second part of that bill it places it under the Game Management Service. Now if this island were anything like the other sections of Maine, probably none of us would object to this particular bill. But it is an island that includes a part of the Acadia National Park

that already has a game management program. Two wardens are there on duty all the time to keep the herd within limits. This Acadia National Park includes around fifty percent of the island. It includes most of the rural part of the island where the deer would live.

This bill was favorably reported out of committee last week after a hearing attended by six of the Islanders, in addition to local legislators. One of these is an employee of the Commission, and two of the others did not speak during the hearing. The bill was reported with a recommendation to pass. Now this particular provision is not new in this State Legislature. As a matter of fact, the object it is supposed to effect seems to be assuming the nature of a perennial for state lawmakers. Similar measures which could open Mount Desert Island to public deer hunting have been presented over twenty times to the Legislature. Among other provisions, the game management law enables the Commissioner to open designated areas to public hunting for prescribed areas.

This decision is left to the discretion of the Commissioner and, presumably, he would declare a designated area open upon the advice of his professional staff. However, there is no provision in the law in this bill to mandate him to listen to their advice. The only game reduction method provided under the law and Commission policies is through opening the area in question to public hunting. One informant said that no other method would be possible because the Commission is supported through fees paid for hunting and fishing licenses and the organized sportsmen would probably not stand for reduction by any other means.

Proponents of this current legislation concerning Mount Desert Island base their support on one common argument — that the deer herd outside of Acadia National Park needs to be subject to human control.

It is common knowledge even among laymen that in areas where there are no large predators the deer herd may well increase beyond that point at which available browse can support it in a healthy

state. When this happens, the deer themselves are subject to suffering through starvation and disease, and certain plant growth is threatened with extinction.

Now several qualified people say that this has happened on the Island and might happen again since there are no large predators here except the human one which is presently under a measure of restraint. Many people have been consulted who are in a position to evaluate the present situation on the Island. None of them believes that a crisis exists at this time.

One feels that there are a few scattered deer yards on the Island where there is not enough browse to carry that particular group through the winter. However, and this will be of interest to the members of the last Legislature, statistics show that the proportion of deer killed on Island highways in relation to Hancock County has decreased from 36 percent in 1960 to 19 percent in 1962. The proportion killed in gardens on the Island has decreased from 70 percent in 1960 to 52 percent in 1962. This seems to indicate that the reduction program that is going on within the limits of Acadia National Park on that island is having its desired effect upon the entire herd.

A number of years ago, through error, Mount Desert Island was declared open for deer hunting. A stream of cars loaded with hunters, eager to get to this island where a half-tame deer was peeping around the corner of nearly every coal shed, started pouring toward the Island along the Ellsworth road in an almost solid stream. During the time required to get emergency legislation passed to correct the situation, many of those folk down on that Island spent some of the most uneasy days of their life.

Several large landowners have said in the past that they will post their land against hunting if there is a chance the Island will be opened. The Acadia National Park would also be closed to hunters and from the remainder of the area on that Island available to them, if you subtract the spaces of the lakes and ponds and roads and with hope the villages and other

populous communities, it will not leave a great amount of acreage on which hunting can be done.

Friends of the Legislature, no responsible person can argue against some method for control of the size of the deer herd on an island, an area where artificial conditions may result in overpopulation. Making Mount Desert Island a Game Management Area, however, seems a very highly undesirable way of doing it. Since there is no present emergency, it might be wise to wait and see if the Park reduction program already taking place will solve this situation for the people on that Island as there are strong indications it may do.

A survey can be made at any time by qualified state and federal biologists as was done in 1955. If overpopulation is shown to occur, a reduction program could then be undertaken by qualified wardens or deputies, etc.

With that thought in mind, Mr. Speaker and ladies and gentlemen of the House, I would move that this bill be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Strong, Mr. Smith, that item number one, Legislative Document 277, be indefinitely postponed.

The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, Ladies and Gentlemen: It is indeed a long ways from Strong to Mount Desert Island. This is largely a localized problem. It is something that we have been putting up with for a number of years. The average healthy adult deer on Mount Desert Island is about one and a half times the size of my little Volkswagen car and one of those deer happened to pick on me last fall. Luckily, I won the battle.

To set some of the things straight that the gentleman from Strong has just said, there were a very few people from the Mount Desert Island area who appeared at the public hearing on this bill. It is better than a hundred miles here and if you will remember that was an extremely bad day. There was to be representation here from the Mount Desert Island Rod and Gun

Club, a body of eighty members in membership, and they were unable to get here; there were only a few hardy outdoorsmen who did make it.

If this has appeared before the Legislature twenty times, this would date back almost to before the invention of the deer itself; this is better than forty years. I would hesitate to believe that this could have appeared here twenty times.

I would like to read part of a prepared statement — I don't think the deer would want me to detain you on a Thursday afternoon; so I will try to enlighten you as briefly as possible on the situation as it is today and hope that this will be enlightening.

Perhaps we should first consider the structure of our State Department of Inland Fisheries and Game. As an effective instrument of control, it is a very young organization. It is true that early in the 1800's a few farsighted men proposed, and even succeeded in enacting some laws designed to preserve our wildlife but no actual enforcement was possible. Slowly, however, the realization grew that measures of control must come, and in 1919 the first requirement for resident licensing was put in effect. Thereafter, with a little money at its disposal, the Department gradually took on concrete form until by 1938 it was an effective organization.

It must be realized, however, that until 1938, and for practical purposes until 1950, there existed nothing more than a law enforcement body, not generally understood and seldom properly regarded by the public. A warden force is, within itself, capable of nothing other than a necessary but often opposed police action. In brief, it is protective — but it is not creative. Again those farsighted and thoughtful few who do so much for us realized that laws and enforcement of laws would be quite inadequate to surmount the future problems. The solution, if there was to be a solution, would have to be provided by men specially trained for this purpose. In answer to this need, the people we now call wildlife biologists were developed.

The first biologist was employed by our Maine Department in 1938, and from time to time others were added until today we are fortunate to have a good nucleus and an ever-expanding number of such specialists. Regretfully, but as was to be expected, the general public did not, and does not even now, always extend to these men the credit and acceptance which they deserve. Although we do not yet have a division by that name, an effective department of wildlife management has been born — and it is creative. In contrast to simple law enforcement for the preservation of existing stocks, this embryonic but specialized department possesses the necessary skills to relate and then regulate the number of animals of any given species to the availability of food and thus bring about long sustained population balances.

We should now consider a few generalities concerning wildlife habits and the conditions prevailing on Mount Desert Island. For many years both the Acadia National Park and non-Park areas have been closed to deer hunting. Beyond any doubt this was a well-intentioned effort by the government officials and agencies and our own private citizens toward actual conservation of our wild animals. Certainly nothing could be more commendable, but regretfully the action was in complete opposition to the laws of nature — and in any such situation the natural laws always prevail.

All animal species, if in health, always produce a surplus of their own kind. In a state of nature equally natural predation eliminates this surplus and maintains a fluctuating, but always present and effective, balance. Mount Desert Island has no predators of sufficient size or numbers to effectively control the deer population.

It is inevitable, then, that slowly at first, but with ever increasing impetus, the deer numbers exceed the available food supply. The result is over-browsing and eventual starvation, not only of the surplus, but of the majority of the basic population.

When the animal population cycle is at a very low ebb, the food sup-

plying plant growth begins again. At first the plant regrowth exceeds population regrowth and a denuded area is partially restored within a few years. However, as the population regrowth gains headway, it always overtakes and exceeds plant regrowth. Thus, the second population rise is smaller in numbers and of shorter maximum duration than the first, and these cycles of ever diminishing returns will continue to eventual complete denudation of the food range — or until some means, either natural or man-generated, is introduced to eliminate the yearly surplus.

One last point on food supply should be made. The shortages always occur in winter. No such problems exist in summer when the average person observes the deer. In the fall conditions are normally ideal and most hunters shooting or otherwise examining fat deer often conclude that the claim of prevalent starvation is a myth. The trouble comes in periods of long sustained cold when to maintain normal body temperature large quantities of highly nutritious, heat-producing foods are necessary.

The average adult deer requires five to seven pounds of browse daily and nature dictates that when possible only a very little is ever consumed at one place. Thus, a feeding deer is slowly, but constantly, moving and no harm occurs to the plant growth. However, in time of cold or heavy snow which constricts movement, the population concentrates in certain critical areas. If the food supply here is insufficient, over-browsing quickly occurs and starvation follows rapidly.

The principal winter food of deer is northern white cedar, ordinarily a swamp or lowland tree, providing not only heat-producing food, but excellent storm protection. The supply was never extensive on the Island and over-cutting has reduced it to a minimum. At present over-browsing is extensive.

Belatedly, but at last effectively, the National Park Service recognized the problem and has taken action to reduce the Park deer population to numbers compatible with the food supply. This reduction program has not found general favor

with our people, but it should receive high commendation as being in the best interest of all concerned. Now to the deer population. It is my opinion that we do not have an overpopulation of deer in relation to what the total Island acreage could support, but rather that there now exists an inadequate food supply to support further increase. In any event, the only immediate adjustment that can be made is in the deer population, as food supply is presently beyond control. No real crisis exists now. Nature has already accomplished a drastic reduction from recent years of real abundance. However, no further increase should be permitted until such time as the winter food supply is in a much improved state.

It is now possible to consider what a wildlife management program could do to correct and improve existing conditions.

First, it may be assumed that a close liaison with the Park would be established, so that the two agencies, one federal and one state, would be working toward common goals.

Next, through a well developed public relations program an effort would be made to obtain the full support of all responsible citizens and civic agencies.

Authority would be present to open or close areas to hunting promptly, as dictated by scientific need, and not subject to popular or slow legislative decision.

There seems no need to extend such a projection further, as the advantages would be numerous and seem obvious.

There are widely divergent opinions as to the number of deer on this Island, and an equal divergence as to how many would be available for legal kill if any form of open season were declared. Most of these opinions do not derive from a logical approach, but rather represent what the individuals concerned happen to feel about the matter.

The following statistics are generally accepted by wildlife specialists:

One deer per thirty acres is very high.

One deer per fifty acres is high.

One deer per seventy-five acres is low.

One deer per one hundred acres is very low.

These constants were, of course, developed for use only in forested areas generally suitable for deer habitat, and are applicable only to land masses of considerable extent. They do, however, take into account that in such large land masses there exist internal areas ranging from high to low food abundance.

In applying these guides to Mount Desert Island the following results are obtained:

The total Island contains approximately 64,000 acres, including all fresh water surfaces.

The Park comprises approximately 28,000 acres.

The non-Park areas comprise approximately 36,000 acres.

Towns, fields, roads, water surfaces, etc., external to the Park, comprise approximately 16,000 acres.

Actual deer habitat, external to the Park, comprises approximately 20,000 acres.

There seems to be general concurrence among informed people, ranging from actual naturalists to nonacademic but thoughtful woodsmen, that the deer population should be defined as nearer low than high.

Let us then assume a population of one deer per seventy acres and proceed to work out the formula:

An acreage of 20,000 divided by 70 gives a total deer population of 285, which we will consider as 300 animals of all ages and sex.

It is further assumed among the specialists that a healthy deer population increases each year by approximately 20 percent.

On the basis then of a total population of 300 deer, increasing at the rate of 20 percent yearly, the annual surplus is 60 animals. If this number were harvested, the basic population would remain static with neither increase or decrease.

Now to question the validity of our basic population density estimate, which was assumed to be nearly low, let us select the very low figure of one animal to each 100 acres, and the theoretical annual harvest would be 40 animals.

In all probability this is the more appropriate figure and, low as it is, it represents a much higher harvest than could be obtained from comparable areas on the mainland.

No truly thoughtful person considers this figure as a fixation representing extreme accuracy — it is simply an informed estimate. However, it is not seriously in error, and it does indicate the probable limits of surplus.

I talked with the resident Game Warden on Mount Desert Island just a short time before we went into session, and he gave me these figures and they would probably compare with what the gentleman from Strong has given you. In 1960 in the County of Hancock there were 184 deer-auto accidents. 67 of those 184 were on Mount Desert Island. In 1960 there were 53 deer killed in Hancock County in gardens, that's the way it was reported, and 37 of those 53 were killed on Mount Desert Island. In 1961 there were 115 car accidents with deer and 31 on Mount Desert Island; 34 garden deer deaths and 24 of those were on Mount Desert Island. In 1962 deer-auto accidents 155, 30 on Mount Desert Island, and 1962 there were 40 garden deer killed and 21 of those were on Mount Desert Island.

Now, a very short time ago the Mount Desert Rod and Gun Club was polled. There are eighty members of that organization, and at their annual meeting the question was brought before them, what is your feeling on the Mount Desert Island Game Management Area? Of the 74 members present that night, one hundred percent of those people voted in favor of making Mount Desert Island a Game Management area. Last night, Wednesday, this same Game Warden, Donald Cote, went before the Mount Desert Island Lions Club to give an address. He talked on this subject. There was great interest. He did not poll the house, but he said there was extensive interest on behalf of the Lions Club and they told him if there was anything they could do to further this project, they would be only too happy to do it.

I would certainly hate to see this indefinitely postponed in this House.

I think that it would be an injustice to the people of Mount Desert Island. They have suffered this over population of deer long enough. I therefore would ask a division of the House and certainly hope that the motion of the gentleman from Strong, would not prevail. Thank you.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate this at any length because it is getting late and we want to get on the road.

This bill came out of the Committee last session "Ought not to pass" as it did this year. It is not only a conservation measure, but a safety measure and a humane measure also. Humane, because the deer are suffering of starvation, they are suffering a lingering death of starvation. And you might say conservation — how can you have conservation when you kill deer? But you will find after these deer are thinned out that you will have heavier healthier deer, and I think that certainly should be placed on the agenda of conservation.

And as to safety, there were over one hundred accidents on the island last year of deer jumping across the road into the path of cars, and only by the grace of God there were no fatalities. I certainly hope that the motion of Mr. Smith of Strong to indefinitely postpone is defeated.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, I move for the previous question.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, has moved the previous question. All those in favor of the Chair entertaining the motion for the previous question please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-third having arisen, the motion is in order.

Mr. LITTLEFIELD: Mr. Speaker? Mr. Speaker?

The SPEAKER: No gentleman can be recognized until this matter is resolved. When a motion for the previous question is made, the consent of one-third of the members present shall be necessary to authorize the Speaker to entertain it. No debate shall be allowed until the matter of consent is determined. The previous question shall be submitted in the following words: Shall the main question be put now? No member shall speak more than five minutes on the motion for the previous question, and while that question is pending a motion to lay on the table shall be decided without debate. A call for the yeas and nays, or for division of a question, shall be in order after the main question has been ordered to be put. After the adoption of the previous question, the vote shall be taken forthwith upon amendments, and then upon the main question.

The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House: Without further debating the question, may I say that Mount Desert Island can —

The SPEAKER: The gentleman can only debate the matter of the previous question. Under Rule 32 the gentleman may not debate the main question. He may debate only the motion of the previous question, which will be put now.

Mr. LITTLEFIELD: Well I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I urge in fairness to the gentleman from Southwest Harbor and those with whom he agrees that the motion be defeated that is now pending.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move this item lie on the table until Tuesday next.

The SPEAKER: The motion is not in order. The question before the House now is the decision of the previous question. Shall the main question be put now?

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

Mr. WELLMAN: Mr. Speaker, would the Chair now state the motion before this House?

The SPEAKER: The question before the House now is shall the main question be put now?

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I rise for a point of inquiry. I am not in order by my motion to table?

The SPEAKER: While the pending question—

Mr. JALBERT: After the first vote was taken I would not have been in order, but I believe I am in order now.

The SPEAKER: The gentleman is in order now under Rule 32.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move this lie on the table until Tuesday next.

Thereupon, the Bill was tabled pending the question shall the main question be put now, and specially assigned for Tuesday, February 19.

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

Bill "An Act to Clarify the Procedure for the Dissolution of School Administrative Districts." (S. P. 347) (L. D. 777) (New Draft of S. P. 142 — L. D. 419) — In House Read the Third Time.

Tabled — February 12, by Mr. Jalbert of Lewiston.

Pending — Passage to be Engrossed.

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

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

Bill "An Act relating to Rate of Distribution of Pari Mutuel Pools and Unclaimed Tickets at Horse Racing." (H. P. 891) (Suggested reference Committee on Agriculture)

Tabled — February 13, by Mr. Wellman of Bangor.

Pending — Reference.

Referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

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

Bill "An Act relating to Apportionment of Stipend to Agricultural Societies." (H. P. 892) —Suggested reference Committee on Agriculture)

Tabled — February 13, by Mr. Wellman of Bangor.

Pending — Reference.

Referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

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

An Act Authorizing Maine Forestry Department to Accept Federal Funds. (S. P. 69) (L. D. 119)—Engrossed in Both Branches.

Tabled — February 13, by Mr. Smith of Strong.

Pending — Enactment.

Passed to be enacted, signed by the Speaker and sent to the Senate.

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

HOUSE REPORT — Ought to pass in new draft — Committee on Judi-

ciary on Bill "An Act relating to Prohibition Against Loitering on Private Property or Peeking Therein." (H. P. 219) (L. D. 288) — New Draft (H. P. 888) (L. D. 1184)

Tabled — February 13, by Mr. Wellman of Bangor.

Pending — Motion of Mr. Smith of Bar Harbor to Accept Report.

The Report was accepted, the New Draft read twice and assigned for third reading the next legislative day.

The Chair laid before the House the matter tabled earlier in today's session by Mr. Pease of Wiscasset:

Bill "An Act Increasing Number of Superintending School Committee of Town of Milo" (S. P. 249) (L. D. 623)

On motion of Mr. Pease of Wiscasset, retabled pending passage to be engrossed and specially assigned for Tuesday, February 19.

On motion of Mr. Drake of Bath,

Adjourned until ten o'clock Tuesday morning, February 19.