

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Thursday, April 22, 1965

Senate called to order by the President.

Prayer by Rev. Clement Thibodeau of Springvale.

On motion by Mr. Glass of Waldo, the Journal of Yesterday was Read and Approved.

The PRESIDENT: The Chair would like to recognize in the back of the Senate, Miss Sheila Berman of Eastport who is the niece of our Executive Councillor Nathan Cohen of Washington County. Will the Sergeant-at-Arms escort Miss Berman to the front of the Senate where she may act this morning as honorary page. (This was done amidst the applause of the Senate.)

The Chair would also like to recognize in the back of the Senate the son and daughter-in-law of our Senator from Oxford County, Mr. and Mrs. Joseph Norris. They are accompanied by their two daughters, Brenda who is 2½ and Pamela who is 5 years old. Would the Sergeant-at-Arms please escort Miss Brenda and Miss Pamela Norris to the front of the Senate where they may act as honorary pages this morning. (This was done amidst the applause of the Senate.)

The Chair would also like to recognize the wife of our Senator from Washington County, Senator Moore. Mrs. Moore is accompanied by Susan Ann Moore who is 8 years old and Richard Moore Jr. who is 9. Will the Sergeant-at-Arms please escort Susan and Richard to the front of the Senate where they may act as honorary pages. (This was done amidst the applause of the Senate.)

Bill, "An Act Increasing Reimbursement to Towns for Snow Removal." (H. P. 332) (L. D. 435)

In House, April 6, Bill Substituted for the Ought not to pass report of the Committee and Passed to be engrossed.

In Senate, April 20, Ought not to pass report of the Committee accepted in non-concurrence.

Comes from the House, that body having Insisted and asked for a Committee of Conference. The Speaker appointed:

Messrs: HUNTER of Clinton  
GRAHAM of Freeport  
MITCHELL of Frankfort

In the Senate, on motion by Mr. Cahill of Somerset, the Senate voted to insist and to join in the Committee of Conference.

The President appointed as Senate conferees, Senators Cahill of Somerset, Casey of Washington and Norris of Oxford.

The following Bill was transmitted to the Committee on Reference of Bills on April 21, pursuant to Joint Rule 19-C, and approved for appearance on the calendar by the majority of the Committee:

Mr. Violette of Aroostook presented Bill, "An Act Relating to Mental Examination and Observation of Persons Accused of Crime." (S. P. 513)

Which was received by unanimous consent and referred to the Committee on Judiciary.

Sent down for concurrence.

## Orders

On motion by Mr. Harding of Aroostook,

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches of the Legislature to be held at 11:10 A.M. today in the Hall of the House for the purpose of extending to His Excellency, Governor John H. Reed, his guest, the Honorable John A. Jenkins of Birmingham, Alabama, National Commander of the Veterans of Foreign Wars, and his official party an invitation to attend the Convention and address to the same such remarks as either the Governor or his guest may be pleased to make.

Which Order was Read and Passed, and the Secretary conveyed the message. Subsequently, a message was received from the House, through Jerome Plante, its Clerk, that the House concurred in the recent proposal of the Senate for a Joint Convention to be

held in the Hall of the House for the purpose set forth in the message.

### Reports of Committees

#### House

##### Leave to Withdraw

The Committee on Business Legislation on Bill, "An Act Relating to Retail Installment Sales." (H. P. 991) (L. D. 1374) reported that the same should be granted Leave to Withdraw.

The Committee on Education on Bill, "An Act Relating to Federal Receipts in Computing the Foundation Program." (H. P. 686) (L. D. 923) reported that the same should be granted Leave to Withdraw.

##### Ought Not to Pass

The Committee on Business Legislation on Bill, "An Act Relating to Provisions in Accident and Health Insurance Policies." (H. P. 682) (L. D. 919) reported that the same Ought not to pass.

Which reports were Read and Accepted in concurrence.

##### Ought to Pass

The Committee on Legal Affairs on Bill, "An Act Relating to Penalties for State House Parking Violations." (H. P. 1005) (L. D. 1338) reported that the same Ought to pass.

Comes from the House Indefinitely Postponed and motion to Reconsider lost.

In the Senate, on motion by Mr. Shiro of Kennebec, the Ought to Pass report was accepted in non-concurrence, the bill read once and tomorrow assigned for second reading.

##### Ought to Pass — As Amended

The Committee on Legal Affairs on Bill, "An Act Amending the Charter of the City of Augusta." (H. P. 516) (L. D. 669) reported that the same Ought to Pass as amended by Committee Amendment "A" (H-229)

Which report was Read and Accepted in concurrence.

Committee Amendment "A" was read and adopted in concurrence,

and the Bill, as amended, tomorrow assigned for second reading.

### Divided Report

Five Members of the Committee on Inland Fisheries and Game on Recommitted Resolve Relating to Fish Screen at Outlet of Rangeley Lake. (H. P. 227) (L. D. 294) reported in Report "A" that the same Ought to pass.

(Signed)

Senators:

HOFFSES of Knox

McDONALD

of Piscataquis

Representatives:

POULIN of Skowhegan

CHAMPAGNE of Fairfield

ROBERTS

of South Berwick

Five Members of the same Committee on the same subject matter reported in Report "B" that the same Ought not to pass.

(Signed)

Senator:

MANUEL of Aroostook

Representatives:

BALDIC of Waterville

GAUDREAU of Lewiston

COOKSON of Glenburn

ANDERSON of Ellsworth

Comes from the House, Report "A" — Ought to pass — Accepted, and the Resolve Passed to be Engrossed.

In the Senate: Mr. O'LEARY of Oxford: Mr. President, I move that the Senate accept Report A, Ought to Pass.

Thereupon, on motion by Mr. Manuel of Aroostook, the bill was tabled pending the motion by Mr. O'Leary of Oxford to accept Report A, Ought to Pass.

### Senate

#### Leave to Withdraw

Mr. Letourneau from the Committee on Public Utilities on Bill, "An Act Relating to Liability of Railroads for Property and Personal Damages of Employees in Motor Vehicles on Railroad Business." (S. P. 268) (L. D. 812) should be granted Leave to Withdraw.

**Ought Not to Pass**

The same Senator from the same Committee on Bill, "An Act Relating to Rates and Charges of Contract Motor Carriers." (S. P. 305) (L. D. 1006) reported that the same Ought not to pass.

Which reports were Read and Accepted.

Sent down for concurrence.

**Ought to Pass**

Mr. Snow from the Committee on Education on Bill, "An Act Relating to Ricker College." (S. P. 482) (L. D. 1442) reported that the same Ought to pass.

Mr. Letourneau from the Committee on Taxation on Bill, "An Act Relating to Exemption from Sales Tax of Boats Sold to Non-residents." (S. P. 504) (L. D. 1470) reported that the same Ought to pass.

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

Mr. Harding from the Committee on Appropriations and Financial Affairs on Bill, "An Act Increasing Salary of Reporter of Decisions." (S. P. 328) (L. D. 1050) reported that the same Ought to pass as amended by Committee Amendment "A" (S-144)

Mr. Brown from the same Committee on Bill, "An Act Increasing Salaries of Clerks of the Law Court." (S. P. 329) (L. D. 1051) reported that the same Ought to pass as amended by Committee Amendment "A" (S-145)

Mr. Letourneau from the Committee on Public Utilities on Bill, "An Act Authorizing Public Utilities Commission to Revoke Dormant Truck Permits." (S. P. 323) (L. D. 1020) reported that the same Ought to pass as amended by Committee Amendment "A" (S-146)

Which reports were Read and Accepted. Committee Amendments "A" were Read and Adopted, and the Bills, as amended, read once and tomorrow assigned for second reading.

**Ought to Pass in New Draft — New Title**

Mr. Faloon from the Committee on Education on Bill, "An Act Relating to Ricker Classical Institute and Ricker College." (S. P. 186) (L. D. 551) reported that the same Ought to pass in New Draft under New Title: Relating to Ricker Classical Institute. (S. P. 511) (L. D. 1482)

Which report was read and accepted, the bill in new draft read once and tomorrow assigned for second reading.

Mr. Letourneau from the Committee on Public Utilities on Bill, "An Act Imposing Limitation Upon Holding Both Permit for Common Carriers and Contract Carriers." (S. P. 343) (L. D. 1088) reported that the same Ought to pass in New Draft under the same title. (S. P. 512) (L. D. 1483)

On motion by Mr. Maxwell of Franklin, tabled pending acceptance of the report and especially assigned for April 29.

**Divided Report**

The Majority of the Committee on Public Utilities on Bill, "An Act Relating to Operation of Certain Motor Vehicles for Profit." (S. P. 297) (L. D. 911) reported that the same Ought not to pass.

(Signed)

Representatives:

D'ALFONSO of Portland  
PIKE of Lubec  
DOYLE of Caribou  
SAWYER of Brunswick  
SEARLES of Bangor  
PENDERGAST

of Kennebunkport

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

(Signed)

Senators:

VIOLETTE of Aroostook  
BOISVERT  
of Androscoggin  
LETOURNEAU of York

Representative:

ERWIN of York

On motion by Mr. Boisvert of Androscoggin, tabled pending acceptance of either report.

On motion by Mr. Jutras of York, the Senate voted to reconsider its action taken earlier in today's session whereby it assigned for second reading, (Item 6-4) Bill, "An Act Relating to Penalties for State House Parking Violations" (H. P. 1005) (L. D. 1338) and on further motion by the same Senator, the bill was indefinitely postponed in concurrence.

**The PRESIDENT:** The Chair would like to recognize in the Senate Chambers Larry, David and Peter Martineau, guests of the Senators from Oxford County, Senator Norris and Senator O'Leary. Will the Sergeant-at-Arms please escort the young men to the front of the Senate so that they may act as honorary pages this morning. (This was done amidst the applause of the Senate.)

#### **Second Readers**

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

##### **House**

Bill, "An Act Relating to Rules for and Enforcement of Channel Lines by Municipal Officers." (H. P. 835) (L. D. 1062)

Bill, "An Act Defining Class A Taverns Under Liquor Law." (H. P. 1058) (L. D. 1434)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

##### **House — As Amended**

Bill, "An Act Relating to Marking of Body Capacity of Vehicles Transporting Certain Materials." (H. P. 1035) (L. D. 1407)

On motion by Mr. Hilton of Somerset, the bill was read a second time and tabled pending passage to be engrossed; especially assigned for later in today's session.

##### **Senate**

Bill, "An Act Relating to Organization of Loan Companies." (S. P. 509) (L. D. 1479)

Bill, "An Act Relating to Coercion in Placing Insurance on Real and Personal Property." (S. P. 510) (L. D. 1480)

Which were Read a Second Time and Passed to be Engrossed. Sent down for concurrence.

#### **Enactors**

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

Bill, "An Act Relating to Weight Tolerances of Vehicles Loaded With Farm Produce." (H. P. 58) (L. D. 70)

Bill, "An Act Providing for a Council-Manager Form of Government for Town of Millinocket." (H. P. 145) (L. D. 168)

Bill, "An Act Relating to Composition and Election of Superintending School Committee of the City of Portland." (H. P. 360) (L. D. 463)

Bill, "An Act to Grant a New Charter for the Town of Yarmouth." (H. P. 519) (L. D. 672)

Bill, "An Act to Create the Bridgton Sewer District." (H. P. 531) (L. D. 705)

Bill, "An Act to Revise the Real Estate Law." (H. P. 579) (L. D. 771)

Bill, "An Act Relating to Licensing of Auctioneers." (H. P. 603) (L. D. 795)

Bill, "An Act Relating to Acquisition, Exemption and Losses Under Urban Renewal Law." (H. P. 643) (L. D. 868)

Bill, "An Act Creating a Department of Indian Affairs." (H. P. 777) (L. D. 1031)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Revising Certain Laws Relating to Prevention of Forest Fires." (H. P. 778) (L. D. 1174)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Providing for the New England Welfare Compact." (H. P. 932) (L. D. 1269)

Bill, "An Act Relating to Testing Newborn Infants for Detection

of Causes of Mental Retardation." (H. P. 995) (L. D. 1345)

Which Bills were Passed to be enacted.

#### Emergency

Bill, "An Act Relating to Eating Places." (H. P. 950) (L. D. 1286)

This Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be enacted.

#### Emergency

Bill, "An Act to Make Allocations from Bond Issue for Construction and Equipment of Pollution Abatement Facilities." (S. P. 178) (L. D. 544)

This Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Mr. BERNARD of Penobscot: Mr. President, I would like to ask a question of the Chair.

The PRESIDENT: The Senator may.

Mr. BERNARD: Would a motion to table L. D. 105, Item 6-4 on Page 2 be in order.

The PRESIDENT: The Chair would inform the Senator that Item 6-4 L. D. 1338 has been indefinitely postponed, however a motion to reconsider our action whereby we indefinitely postponed the bill would be in order and if that passes then it would be in order to table it.

Mr. BERNARD: Mr. President, I would like to make a motion to reconsider.

The PRESIDENT: The Senator from Penobscot, Senator Bernard, moves that we reconsider our action whereby we indefinitely postponed (L. D. 1338) (H. P. 1005).

Mr. JUTRAS of York: Mr. President, this would be debatable, would it not?

The PRESIDENT: A motion to reconsider is debatable.

Mr. JUTRAS: Mr. President, I believe that we are dealing here with trivia and a waste of time and if we keep on playing with these inconsequential bills here we

are not giving this legislative body a good image, and, for that reason, I believe that we should concur with the House and keep it so once and for all.

Mr. BERNARD: Mr. President, I didn't get a chance to study the bill. I had a chance but I missed it. The reason why I asked to table the bill was so I could study it further. I ask for a division.

Mr. SHIRO of Kennebec: Mr. President, I probably ought to explain the position taken by the Legal Affairs Committee. This bill came out of the Legal Affairs Committee, of which I am Chairman, unanimously "Ought to pass"

I would like to state first of all that the bill makes no exemptions of any legislators from parking fines, in fact we in a sense have increased the amount of the fine for a parking ticket here on the State House premises. The first offense is \$5. The reason for that is as it stands now I think the first offense calls for a fine of one dollar — and I ought to know from personal experience. The reason we raised it to \$5 is because the existing law provided that there be a fine for the first offense of one dollar plus costs. The Court usually assesses costs of four dollars on the first offense, so really it amounts to five dollars in all, but under the District Court rules in the state costs of court are no longer assessed and the court can only assess the fine, so therefore we thought it would be in accord with the practice of the court simply to make the fine five dollars, which, as a practical matter, makes no change in the existing law, so for that reason, we have simply elevated the fines. I am certain that most of the Senators here will comply with the law. I do not think we have had too much difficulty since the first of the session. Anyway, that explains the reason for the change. I would move that we have a division and that this bill should pass.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Penobscot, Senator Bernard, that we reconsider our action whereby we indefi-

nitely postponed L. D. 1338. A division has been requested.

Mr. JACQUES of Androscoggin: A point of inquiry, Mr. President. Did the Senate vote to indefinitely postpone this bill. The House did but I do not think the Senate did; the Senate voted "Ought to pass".

The PRESIDENT: The Chair would inform the Senator from Androscoggin, Senator Jacques, that the Senate first accepted the "Ought to pass" report of the committee on motion by the Senator from Kennebec, Senator Shiro. We reconsidered our action whereby we assigned this bill for second reading on motion by the Senator from York, Senator Jutras. After we reconsidered our action the bill and report was then before us, at which time we indefinitely postponed the bill.

Mr. BERNARD of Penobscot: Mr. President, I believe my motion was to reconsider our action. At least that was the motion I intended to make.

The PRESIDENT: The motion that is before the Senate now is the motion of the Senator from Penobscot, Senator Bernard, that we reconsider our action whereby we indefinitely postponed L. D. 1338.

Mr. MENDELL of Cumberland: Mr. President, I move that this be tabled.

The PRESIDENT: The Chair would inform the Senator that a reconsideration motion may be tabled but a date has to be assigned to a tabling motion.

On motion by Senator Mendell of Cumberland, the bill was tabled one week from today pending the motion of the Senator from Penobscot, Senator Bernard for reconsideration of the Senate's action whereby it indefinitely postponed L. D. 1338.

The President laid before the Senate the 1st tabled and today assigned item (S. P. 337) (L. D. 1081) Bill, "An Act Relating to Good Time Deductions for Convicts at the Maine State Prison"; tabled on April 14 by Senator Mendell of Cumberland pending enactment; and on further motion

by the same Senator, the bill was passed to be enacted.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 265) (L. D. 814) Senate Report, Ought not to pass from the Committee on Judiciary on Bill, "An Act Creating the Division of Northern Androscoggin and Franklin of the District Court"; tabled on April 15 by Senator Maxwell of Franklin pending acceptance of the report; and on further motion by the same Senator, the bill was retabled and especially assigned for April 29.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 506) (L. D. 659) House Reports from the Committee on Legal Affairs on Bill, "An Act Providing for Election of School Board of City of Old Town"; Majority report, Ought to pass with Committee Amendment A; Minority Report, Ought not to pass; tabled on April 15 by Senator Jacques of Androscoggin, pending motion by Senator Shiro of Kennebec to accept the Majority Ought to pass report with Committee Amendment A.

Mr. JACQUES of Androscoggin: Mr. President, I tabled this for someone else but I cannot remember who it was.

Mr. FALON of Penobscot: Mr. President, Senator Jacques tabled this for Senator Southard, and in talking with Senator Southard yesterday, he informed me that he would like to see this bill go through.

The PRESIDENT: The motion before the Senate is the motion of Senator Shiro of Kennebec to accept the Majority Ought to Pass report.

The motion prevailed, the Ought to pass report was accepted, the bill read once, Committee Amendment A read and adopted and the bill as amended was tomorrow assigned for second reading.

The President laid before the Senate the 4th tabled and today assigned item (S. P. 294) (L. D. 909) Bill, "An Act Relating to Public Notice in Probate Proceed-



ings"; tabled on April 16 by Senator Chisholm of Cumberland pending passage to be engrossed; and that Senator moved the pending question.

Thereupon, the bill was passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 151) (L. D. 392) Senate Report, Ought not to pass, from the Committee on Legal Affairs on Bill, "An Act to Incorporate the Blood Donor Service Program of Maine; tabled on April 16 by Senator Shiro of Kennebec pending motion by Senator O'Leary of Oxford to substitute the bill for the report; and on motion by Mr. Shiro the bill was retabled and especially assigned for April 29.

The President laid before the Senate the 6th tabled and today assigned item (S. P. 96) (L. D. 263) Senate Report, Ought not to pass, from the Committee on Legal Affairs on Bill, "An Act Permitting Municipalities to Raise Money for Blood Service Programs"; tabled on April 16 by Senator Shiro of Kennebec pending acceptance of the report; and on motion by Mr. Shiro, the bill was retabled and especially assigned for April 29.

The President laid before the Senate the 7th tabled and today assigned item (S. P. 120) (L. D. 487) Senate Report, Ought not to pass from the Committee on Legal Affairs on Bill, "An Act Relating to Non profit Blood Donor Service Corporations"; tabled on April 16 by Senator Shiro of Kennebec pending motion by Senator O'Leary of Oxford to substitute bill for the report; and on motion by Mr. Shiro of Kennebec, the bill was retabled and especially assigned for April 29.

The President laid before the Senate the 8th tabled and today assigned item (H. P. 671) (L. D. 898) Bill, "An Act Relating to Equipment and Inspection of Motor Vehicles"; tabled on April 20

by Senator O'Leary of Oxford pending assignment for second reading.

Mr. O'LEARY of Oxford: Mr. President, once again I would like to pose a question through the Chair to any member of the Transportation Committee who would care to answer. In Section 6 I would like to know if it is a misprint where it says that notwithstanding Sections 21-25, the fee for such inspection shall be \$2. Is this a misprint or the upping of the fee for inspection?

The PRESIDENT: The Senator from Oxford, Senator O'Leary directs a question through the Chair to any Senator on the Transportation Committee who may answer if he so chooses.

Thereupon, on motion by Mr. O'Leary of Oxford, the bill was retabled and especially assigned for Tuesday next.

The President laid before the Senate the 9th tabled and today assigned item (H. P. 1025) (L. D. 1338) Bill, "An Act Relating to the Reporting of Traffic Accidents; tabled on April 21 by Senator Brown of Hancock pending passage to be engrossed.

Mr. BROWN of Hancock: Mr. President, in order that this bill agree with other motor vehicle legislation, I would like to offer Senate Amendment A and move its adoption.

Which Amendment (S-148) was read and adopted; and on motion by Mr. Violette of Aroostook, the bill was tabled pending passage to be engrossed; and especially assigned for the next legislative day.

The President laid before the Senate the 10th tabled and today assigned item (S. P. 171) (L. D. 537) Resolve Authorizing Improvements to Road to WCBB Transmitting Facilities in Litchfield; tabled on April 21 by Senator Snow of Cumberland pending adoption of Senate Amendment A; and on further motion by the same Senator, Senate Amendment A was read and adopted, and the bill tabled pending passage to be engrossed.

The President laid before the Senate the 11th tabled and today assigned item (S. P. 425) (L. D. 1360) Bill, "An Act Regulating Fly Fishing in Certain Portion of Kennebec River"; tabled on April 21 by Senator Carter of Kennebec pending passage to be engrossed.

Mr. CARTER of Kennebec: Mr. President, I would again at this time move for indefinite postponement of Senate Amendment "B" and I would do so for two reasons. First of all, the amendment is inconsistent with the bill as the word "Indian Pond" was substituted for the town of Madison. Indian Pond is in Township 1 Range 6 and I am sure Madison is not in the same township. My second reason is that apparently the greatest objection to this bill is the fact that fish spawn in October and November and I think I have adequate proof of the fact that the fish do spawn in the spring of the year. Probably some of you have read this bit of literature that was distributed here which is an extract from Fishes of Maine report put out by the Department itself, and it shows clearly that the trout spawn in the spring of the year and the season itself opens on the first of April and it is certainly not detrimental to the fishing industry. I would therefore move that Senate Amendment "B" be indefinitely postponed and I would request a division.

The PRESIDENT: The Senator from Kennebec, Senator Carter, moves that the rules be suspended and that we reconsider our action whereby we adopted Senate Amendment "B".

Mr. CAHILL of Somerset: Mr. President and members of the Senate: I didn't know there was an argument when rainbow trout spawn, but I didn't know that we were talking about rainbow trout. Rainbow trout north of Anson — for every rainbow trout that is caught out of the Kennebec River — and there are rainbow trout in there — there are about four salmon and native trout caught, at least what we refer to up in that country as trout. Nobody is arguing about when the rainbow

trout spawn, we know when the rainbow trout spawn, they spawn in the spring, and so do white perch and bass; there are a lot of fish that spawn in the spring. The fish which we are concerned with up there are the native fish, landlocked salmon and the native trout, and they certainly do not spawn in the spring. I would move that the bill and all its accompanying papers be indefinitely postponed.

Mr. MANUEL of Aroostook: Mr. President, I would like to briefly comment on this matter to the members of the Senate.

As Chairman of the Committee on Inland Fisheries and Game I would advise you that we had an excellent hearing on this matter, it was well attended and the committee report was unanimous that this bill should not pass. I feel that we would certainly be establishing a precedent and we would be upsetting the normal fishing period if we went along with this. This is in the fall of the year, and, as the biologists pointed out in no uncertain terms, we would be opening up fishing in the fall of the year during the spawning season, and for every fish you take out during the spawning season you actually eliminate thousands of fish that would otherwise be born later on. This is the reason that the committee came out with a unanimous consent. Therefore I would move that we concur with Senator Cahill and that we indefinitely postpone this bill with all accompanying papers.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Somerset, Senator Cahill, that this bill and all its accompanying papers be indefinitely postponed.

Mr. O'LEARY of Oxford: Mr. President, I do not like to rise to the task of opposing a fellow senator from Aroostook County on a fishing measure because where he is the chairman of the committee he is perhaps more well acquainted with some of the legal aspects, but take it from a poacher, a man who fishes all summer and fishes with a fly-rod. We are talking about the spawning season

according to these biologists, we are talking about when these fish are not feeding. I don't care what kind of bait you throw out before them you are not going to catch these fish when they are spawning. If a man wants to go up and whip the waters with a fly-rod, just toss out a fly, he is not going to catch anything. This is a known fact. So therefore if a man wants to go out and fish why not give him the opportunity. Let him beat the waters. If he doesn't catch anything it makes no difference, but these people who come in from out-of-state and are going to be hunting in the month of November would perhaps be here for a weekend before, they would buy a combination license. I think this is a good bill and that it should pass and I oppose the motion to indefinitely postpone this bill.

Mr. CARTER of Kennebec: Mr. President, to answer Senator Cahill, I believe the last time we debated the bill he referred to the fact that all trout and salmon spawn in October and November. This rainbow trout, to point out a different light on the subject, spawns in the spring, the general season opens on the first of April and it is not detrimental to the fishing industry. The biologists are apparently not worried about the rainbow trout spawning in the spring and the season opening on the first of April. Certainly they have not opposed it. I would hope that the motion to indefinitely postpone fails and I would request a division.

Mr. CAHILL of Somerset: Mr. President, if this paper is supposed to prove somebody a liar, and apparently it is, because it now specifies the rainbow trout, it also proves other people liars in the respect it does not mention the salmon or native trout. As far as the Senator from Oxford with his poaching experience and so forth, I wouldn't know about that because I live in another county. I will tell you this much: if you want to fill a bushel basket and fill it quick just get over a spawning bed.

Mr. JUTRAS of York: Mr. President, this seems to be an argu-

ment over two departments, Inland Fish and Game and Industrial and Recreation. I believe that the State of Maine must be interested in attracting people here when they go so far as to emboss on the license tags of their automobiles the word "Vacationland" and expect the bearers of these tags to be ambassadors of good will once they leave the state, either north or south, to invite people to come to Maine. If that be the case, I believe we should go along with Senator O'Leary's motion to let these people come up and fly-fish all they want. They won't catch anything because these fish are spawning at that time, but at least give them the satisfaction and do not deny them privileges when they do come into our state. The same goes for Sunday sale.

Mr. MAXWELL of Franklin: Mr. President, over the past several years, probably longer than I like to think, I have done a tremendous amount of fishing. I have acted as President of several fish and game clubs and let me say that we in the State of Maine hire a group of biologists and we pay these fellows good money, to tell us what is right and wrong about this. Now if we don't need them, let's fire them and get rid of them and save the money. But if we need them, and I believe we do, then let's go by what they say and indefinitely postpone this bill.

Mr. MOORE of Washington: Mr. President and fellow Senators, if you recall the last day this bill was tabled, I asked a question— if whether or not the Inland Fisheries and Game division of the State of Maine had the authority to regulate legislation of this particular nature. I was informed by the Senator from Aroostook, Senator Manuel that they did have the authority to regulate such legislation and I have checked in the meantime on my own behalf and have verified Senator Manuel's statement.

I understand that in the last session of legislature there was more or less a gentlemen's agreement if you may call it such that legislation of this particular na-

ture would not be acted upon favorably in the legislature. I feel that they had a very adequate point in that whereas the Inland Fisheries and Game division does have the authority under certain procedure — I understand it is by a petition method — if in any area you wish to open ice ponds to fishing or for fly fishing or what have you, you can present a petition of 25 names, ask for a hearing and they will hear your argument and as a result of knowing the situation I feel far better than most of the Senators here in this Chamber. They can make a decision as to what is right and what is wrong so far as conservation and the fishing industry, sportwise, recreationwise and what have you is concerned. I therefore feel, as a result of the authority which this division has that legislation of this particular nature should no longer be presented to either of the legislative bodies of the State of Maine. We are wasting a great deal of time which is costing the taxpayers money and at the same time not utilizing the services of the department which has the authority to regulate this type of legislation. I would therefore concur with the motion to indefinitely postpone this bill and its accompanying papers.

Mr. HOFFSES of Knox: Mr. President, as a member of the Fish and Game Committee, we heard quite a bit of discussion in regard to this legislative document. Now an interesting point has been raised. In regard to the catching of these fish, the thought that comes to my mind is that if we are going to permit the attempt, shall we say, at catching these fish when they will not bite, I think perhaps to our tourists coming in to the state, we are doing an injustice and also ourselves in this state an injustice by allowing them to buy a license to fish fish that will not bite a hook. Thank you.

Mr. CARTER of Kennebec: Mr. President, I would like to comment on Senator Moore's statements. I quite agree with him but I would like to ask him how come Item 41 on Page 15, which is

similar legislation, was reported Ought to Pass by the Committee.

The PRESIDENT: Does the Senator direct that question to any Senator, through the Chair?

Mr. CARTER: Yes, Mr. President, anyone may answer.

Mr. BERNARD of Washington: Mr. President, I think even if these people did not catch any fish they get a lot of fresh air and exercise and that is worth the price of the license.

Mr. CAHILL of Somerset: Mr. President, if we have to abandon all our laws in order to live up to this "Vacationland" that is printed on our number plates, then perhaps we should abandon the laws and the remark has been made to me that since apparently Vacationland is supposed to mean that you have everything, maybe this bill should be recommitted to the Committee on Liquor Control.

Mr. JUTRAS of York: Mr. President, in all seriousness, I don't wish to lobby for Sunday Sales at this time. However, it is my considered opinion that it would be a very good thing for the State of Maine and even though I am opposed to any liberalization of the liquor laws—

The PRESIDENT: Would the Senator please confine his remarks to the item we are now debating.

Mr. JUTRAS: Mr. President, excuse me, sir. With reference to this liberalization of a license for these fishermen, I believe we are doing ourselves an injustice in proclaiming ourselves as host to vacationers throughout the country, to invite them to our state and restrict their movements. I do not believe this legislature should be tagged as one of obstructionism.

The PRESIDENT: The motion before the Senate is the motion to indefinitely postpone; a division has been requested.

A division of the Senate was had.

13 having voted in the affirmative and 16 opposed, the motion to indefinitely postpone failed of passage.

Thereupon, the rules were suspended and Senate Amendment "B" was indefinitely postponed.

Mr. Carter of Kennebec presented Senate Amendment "A" and moved its adoption.

Which amendment (S-97) was read.

Mr. MANUEL of Aroostook: Mr. President, I move that the bill be tabled.

Mr. CARTER of Kennebec: Mr. President, may I ask, through the Chair, if the Senator from Aroostook, Senator Manuel would assign a day?

The PRESIDENT: The Senator from Kennebec, Senator Carter, directs a question through the Chair to the Senator from Aroostook, Senator Manuel, who may answer if he so chooses.

Mr. MANUEL: Mr. President, I will assign it for one week from today.

Thereupon, the bill was tabled pending the motion by Senator Carter of Kennebec to adopt Senate Amendment "A", and the bill was especially assigned for one week from today.

The President laid before the Senate Item 7-3 Bill, "An Act Relating to Marking of Body Capacity of Vehicles Transporting Certain Materials" (H. P. 1035) (L. D. 1407) tabled earlier in today's

session by Senator Hilton of Somerset and especially assigned for later in today's session.

Mr. HILTON of Somerset: Mr. President, I would like to direct an inquiry if I may, through the Chair, of any member of the Committee on Transportation as to what this bill is supposed to do.

The PRESIDENT: The Senator from Somerset, Senator Hilton, directs an inquiry to any member of the Transportation Committee who may answer if he so chooses.

Thereupon, on motion by Mr. Mendell of Cumberland, the bill was retabled pending passage to be engrossed and was especially assigned for the next legislative day.

At this time, the Senate retired to the Hall of the House where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report)

#### **In the Senate**

Senate called to order by the President.

On motion by Mr. Boisvert of Androscoggin

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