

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 20, 1957

Senate called to order by the President.

Prayer by Rev. Lester Boobar of Portland.

On motion by Mr. Boucher of Androscoggin, Journal of last Thursday read and approved.

Mr. Boucher of Androscoggin was granted unanimous consent to address the Senate.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I want to call your attention to the fact that we have as guests this morning the junior class from St. Dominic's High School in Lewiston. These young people are studying American History. Due to that fact, and due to my experience in the Senate of hearing the President explain in detail the workings of the Senate, I would request that the President be authorized to explain to this class how the Senate functions. Also I want to call your attention to the fact that St. Dominic's High School has produced in hockey, the champions for several years, in the past, and at one time it was the champion team of the New England States. This is a very fine group. I am very proud of St. Dominic's High since I am from Lewiston myself.

The PRESIDENT: The Chair, in behalf of the Senate, welcomes the class from St. Dominic's High School and if there is no objection, the Chair will attempt, off the record, as we go through the calendar this morning to explain some of the procedures that we follow and we hope it will give you a little bit better picture of orderly legislative procedure.

Papers from the House Joint Order

WHEREAS, there occurred in Bucksport, Maine on October 19, 1956 a daytime bank robbery of \$12,000 by two out-of-state gunmen, and

WHEREAS, there occurred in Bangor, Maine on March 14, 1957 the shooting of a taxicab driver by a heavily armed, dangerous former

inmate of an out-of-state mental institution—the same gunman who allegedly several days earlier held up and caused the death of an Auburn store proprietor, and

WHEREAS, on both of the aforementioned dates arrests were made by members of the City of Bangor Police Force, assisted by State and County enforcement agencies as well as by individual citizens, in less than five hours following the time of each of the aforesaid instances, therefore

BE IT ORDERED, the Senate concurring, that this Legislature commends the members of the City of Bangor Police Force, and those assisting them, for this outstanding record brings great credit not only upon themselves but also upon the community which they so ably represent and protect;

BE IT FURTHER ORDERED, the Senate concurring, that an attested copy of this Joint Order be sent to the City Manager and Chief of Police of the City of Bangor. (H. P. 927)

Which was read and passed in concurrence.

Bill, "An Act to Authorize the Construction of Housing for the University of Maine." (H. P. 891) (L. D. 1277)

Bill, "An Act Relating to Automobile Travel by State Employees." (H. P. 892) (L. D. 1278)

Which were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill, "An Act Relating to Pledging Securities by Banking Institutions in which State Funds are Deposited." (H. P. 893) (L. D. 1279)

Bill, "An Act Relating to Retaliatory Provisions of Insurance Law." (H. P. 894) (L. D. 1280)

Bill, "An Act to License and Regulate Operation of Trading Stamp Companies." (H. P. 895) (L. D. 1281)

Which were severally referred to the Committee on Business Legislation in concurrence.

"Resolve For Construction of a Certain Road in Knox County." (H. P. 896) (L. D. 1282)

Which was referred to the Committee on Highways in concurrence.

Bill, "An Act Creating Bartlett's Island, Hancock County, as a Game Management Area." (H. P. 897) (L. D. 1283)

Bill, "An Act Repealing Certain Limitations in Hunting with Bow and Arrow." (H. P. 898) (L. D. 1284)

"Resolve Opening Aroostook River, Aroostook County, to Ice Fishing." (H. P. 899) (L. D. 1285)

Which were severally referred to the Committee on Inland Fisheries and Game in concurrence.

Bill, "An Act Revoking License of Operator of Motor Vehicle Used in Commission of a Felony." (H. P. 900) (L. D. 1286)

Which was referred to the Committee on Judiciary in concurrence.

Bill, "An Act Relating to Disqualification for Benefits Under Employment Security Law." (H. P. 901) (L. D. 1287)

Bill, "An Act Relating to Workmen's Compensation Insurance." (H. P. 902) (L. D. 1288)

Which were referred to the Committee on Labor in concurrence.

Bill, "An Act Regulating Gaming Devices." (H. P. 903) (L. D. 1289)

Bill, "An Act Licensing Pin Ball Machines." (H. P. 904) (L. D. 1290)

Bill, "An Act Relating to Licenses for Beano." (H. P. 905) (L. D. 1291)

Bill, "An Act Relating to Regulation of Beano." (H. P. 906) (L. D. 1292)

Which were severally referred to the Committee on Legal Affairs in concurrence.

Bill, "An Act to Incorporate the Rangeley and Eustis Light and Power District." (H. P. 907) (L. D. 1293)

Bill, "An Act Requiring Railroads to Provide Safety Measures for Those Walking Along Railroad Tracks." (H. P. 908) (L. D. 1294)

Which were referred to the Committee on Public Utilities in concurrence.

Bill, "An Act Relating to Sale of Lobster Meat Received from Outside the State." (H. P. 909) (L. D. 1298)

Which was referred to the Committee on Sea and Shore Fisheries, in concurrence.

Bill, "An Act Relating to Sales and Use Tax on Certain Boats Sold to Nonresidents." (H. P. 910) (L. D. 1295)

Bill, "An Act Relating to Taxing of Land in Unorganized Territory." (H. P. 911) (L. D. 1296)

Bill, "An Act Exempting Motor Vehicles of Military Personnel in Maine from Excise Taxes." (H. P. 912) (L. D. 1297)

Bill, "An Act Relating to Time of Applications for Refunds of Gasoline Tax." (H. P. 913) (L. D. 1299)

Which were severally referred to the Committee on Taxation in concurrence.

Bill, "An Act Relating to Requests for Secret Balloting at Town Meetings." (H. P. 914) (L. D. 1275)

Bill, "An Act Relating to Special Town Meetings in Town of Winslow." (H. P. 915) (L. D. 1276)

Which were referred to the Committee on Towns and Counties in concurrence.

House Reports

Leave to Withdraw

The Committee on Claims on "Resolve to Reimburse Angus Hamm, Jr. of East Millinocket." (H. P. 703) (L. D. 1010) reported that the same be granted Leave to withdraw.

Which report was read and accepted in concurrence.

Ought Not to Pass

The same Committee on "Resolve in Favor of Axel Nelson of Thomaston." (H. P. 409) (L. D. 536) reported that the same Ought not to pass.

The Committee on Inland Fisheries and Game on recommended Bill, "An Act Relating to Rabbit Hunting in Washington County." (H. P. 352) (L. D. 482) reported that the same Ought not to pass—Covered by Other Legislation.

The same Committee on recommended Bill, "An Act Relating to Rabbit Hunting in Waldo County." (H. P. 355) (L. D. 485) reported that the same Ought not to pass.

The same Committee on recommended Bill, "An Act Relating to Rabbit Hunting in Hancock County." (H. P. 356) (L. D. 486) reported that the same Ought not to pass—Covered by Other Legislation.

The Committee on Judiciary on Bill, "An Act Relating to Waiver of Provisions of Will by Executor or Administrator of Widow or Widower." (H. P. 278) (L. D. 374) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Vacating Land Acquired by Municipalities." (H. P. 370) (L. D. 500) reported that the same Ought not to pass.

The Committee on State Government on Bill, "An Act Relating to Salary of Executive Secretaries of Electricians Board and Oil Burners' Board." (H. P. 36) (L. D. 49) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on Bill, "An Act Ratifying Certain Ordinances and By-Laws of Town of Kittery." (H. P. 281) (L. D. 377) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Holding Property by Home for Aged Men in Bangor." (H. P. 379) (L. D. 508) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Power to Hold and Purchase Property by the City of Waterville." (H. P. 662) (L. D. 943) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Filling Vacancies in Board of Trustees of Boothbay—Boothbay Harbor Cemetery District." (H. P. 664) (L. D. 945) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Board of Trustees of Fort Fairfield School District." (H. P. 693) (L. D. 980) reported that the same Ought to pass.

The Committee on Retirements and Pensions on "Resolve Providing for State Pension for Mrs. Katie Libby of Charleston." (H. P. 439) (L. D. 615) reported that the same Ought to pass.

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

Ought to Pass—N. D.—New Title

The Committee on Inland Fisheries and Game on Bill, "An Act Repealing Law Relating to Transportation of Fish, Game and Fur-bearing Animals by Aircraft." (H. P. 461) (L. D. 654) reported the same in New Draft (H. P. 916) (L. D. 1258), Under New Title: "An Act Relating to Transportation of Fish, Game and Fur-bearing Animals by Aircraft." and that it Ought to pass.

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

Mr. Charles of Cumberland presented

Bill, "An Act to Incorporate the North Yarmouth Water District".

Which was received by unanimous consent; and on further motion by the same Senator, was referred to the Committee on Public Utilities and ordered printed.

Sent down for concurrence.

Senate Papers

The following bills and resolve were transmitted by the Director of Legislative Research, pursuant to Joint Order (H. P. 43)

Appropriations and Financial Affairs

Mr. Parker of Piscataquis presented

"Resolve Providing for a Vocational Technical Institute in Eastern Maine." (S. P. 463)

Which was referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

Judiciary

Mr. Pike of Oxford presented Bill, "An Act Relating to Appointment and Fees of Registers of Probate." (S. P. 464)

Which was referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

Labor

Mr. Woodcock of Penobscot presented

Bill, "An Act Relating to Compensation Under Workmen's Compensation

tion Act for Loss of Distal Phalanx of Thumb, Finger or Toe." (S. P. 465)

Which was referred to the Committee on Labor and ordered printed.

Sent down for concurrence.

Public Health

Mr. Briggs of Aroostook presented Bill, "An Act Relating to Fluoridation of Public Water Supplies." (S. P. 466)

On motion by Mr. Briggs of Aroostook, the bill was laid upon the table pending reference to a committee.

Sent down for concurrence.

State Government

Mr. Farley of York presented Bill, "An Act Prohibiting State Employees from Participating in State Politics." (S. P. 467)

The same Senator presented Bill, "An Act Placing Mining Bureau Within Department of Development of Industry and Commerce." (S. P. 468)

Which were referred to the Committee on State Government and ordered printed.

Sent down for concurrence.

Towns and Counties

Mr. Boucher of Androscoggin presented

Bill, "An Act Increasing Compensation of Members of Boards of Registration in Cities over 39,000 Inhabitants and Time of Session." (S. P. 469)

The same Senator presented Bill, "An Act Increasing Clerk Hire of County Officers in Androscoggin County." (S. P. 470)

Which were referred to the Committee on Towns and Counties and ordered printed.

Sent down for concurrence.

Senate Committee Reports

Mr. Rogerson from the Committee on State Government on Bill, "An Act Relating to Benefits of Social Security Extending to Employees of National Guard." (S. P. 399) (L. D. 1095) reported that the same be referred to the Committee on Retirements and Pensions.

The same Senator from the same Committee on Bill, "An Act Relat-

ing to Employment Status of Certain National Guard Employees Under Personnel Law." (S. P. 400) (L. D. 1096) reported that the same be referred to the Committee on Retirements and Pensions.

Which reports were read and accepted and the bills were referred to the Committee on Retirements and Pensions.

Sent down for concurrence.

Ought to Pass

Mr. Farley from the Committee on Towns and Counties on Bill, "An Act Increasing Price Adjustment Maximum for Support of Debtor in Jail." (S. P. 267) (L. D. 705) 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 — N. D.

Mr. Wyman from the same Committee on Bill, "An Act Creating an Assistant County Attorney for Aroostook County." (S. P. 164) (L. D. 411) reported the same in New Draft (S. P. 471) under same title, and that it Ought to pass.

Which report was read and accepted and on motion by Mr. Reed of Aroostook, the rules were suspended, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

Report A—OTP in N. D.

Report B—ONTP

Five members of the Committee on State Government on Bill, "An Act Relating to Fortnightly Payment of Salaries and Wages to State Officers and Employees." (S. P. 143) (L. D. 342) reported in Report A that the same Ought to pass in New Draft (S. P. 462) same title (Signed)

Senator:

ROGERSON of Aroostook

Representatives:

TOTMAN of Bangor

BRAGDON of Perham

WADE of Auburn

ELWELL of Brooks

Five members of the same Committee on the same subject matter,

reported in Report B that the bill Ought not to pass.

(Signed)

Senators:

PIKE of Oxford
LESSARD of Androscoggin

Representatives:

ROSS of Bath
WALSH of Brunswick
CHILDS of Portland

Mr. PIKE of Oxford: Mr. President, I move that Report B "Ought not to pass" be accepted.

Thereupon, on motion by Mr. Rogerson of Aroostook, the bill and accompanying papers were laid upon the table pending motion by the Senator from Oxford, Senator Pike, that the Senate accept Report B. "Ought not to pass."

Majority—OTP

Minority—ONTP

The Majority of the Committee on State Government on Bill, "An Act Relating to Itemized Statements Filed by Legislative Counsel and Agents." (S. P. 376) (L. D. 999) reported that the same Ought to pass (Signed)

Senators:

PIKE of Oxford
LESSARD of Androscoggin
TOTMAN of Bangor
WALSH of Brunswick
WADE of Auburn
ELWELL of Brooks

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

(Signed)

Senator:

ROGERSON of Aroostook

Representatives:

ROSS of Bath
CHILDS of Portland
BRAGDON of Perham

Mr. ROGERSON of Aroostook: Mr. President, I move that the bill be laid upon the table pending consideration of either report.

Mr. FARLEY of York: Mr. President, I would like to ask through the Chair at this time, if the gentleman from Aroostook would assign a day for this to be removed from the table.

Mr. ROGERSON: Mr. President I would be very glad to set a day,

any time within the next week or ten days.

Mr. FARLEY: Mr. President I would like to have it taken from the table a week from this morning.

Mr. ROGERSON: Mr. President, that is agreeable.

Thereupon, the bill and accompanying papers were laid upon the table pending consideration of either report and especially assigned for one week from today.

Second Readers

The Committee on Bills in the Second Reading reported the following bills and resolves.

House

Bill, "An Act Relating to Unlawful Injuring of or Tampering with Aircraft." (H. P. 216) (L. D. 300)

Bill, "An Act Relating to Payments to Piscataquis County Law Library." (H. P. 416) (L. D. 593)

Bill, "An Act Relating to Qualifications of Judge of Brunswick Municipal Court." (H. P. 890) (L. D. 1230)

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

Senate

Bill, "An Act Repealing the Merit Award Board." (S. P. 24) (L. D. 15)

Bill, "An Act Relating to Appointment of Institutional Heads in Department of Institutional Services." (S. P. 186) (L. D. 465)

Bill, "An Act Relating to the Appointment of a Temporary Deputy Commissioner." (S. P. 375) (L. D. 998)

"Resolve to Reimburse Town of Whiting, Washington County." (S. P. 459) (L. D. 1259)

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

Sent down for concurrence.

Senate—as amended

"Resolve Reimbursing Knox County General Hospital for Certain Aid." (S. P. 339) (L. D. 917)

"Resolve Reimbursing Knox County for Certain Court Expenses." (S. P. 338) (L. D. 918)

Which were 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 Relating to Powers of the Fort Kent Telephone Company." (H. P. 187) (L. D. 250)

Bill, "An Act Relating to Salaries and Powers of Trustees of Livermore Falls Water District." (H. P. 231) (L. D. 324)

Bill, "An Act Relating to Number of Shares Held by Members of Federal Employees' Credit Union of Maine." (H. P. 341) (L. D. 472)

Bill, "An Act Relating to Investment of Municipal Trust Funds." (H. P. 342) (L. D. 473)

Bill, "An Act to Correct Errors in Laws Relating to Operation of Motor Vehicles for Profit." (H. P. 386) (L. D. 517)

Bill, "An Act Defining Real Estate for the Purpose of Taxation." (H. P. 491) (L. D. 684)

Bill, "An Act Clarifying Questions on Local Option Under Liquor Law." (H. P. 510) (L. D. 720)

Bill, "An Act Relating to Change of Purposes of Domestic Mutual Insurance Companies." (H. P. 529) (L. D. 757)

Bill, "An Act Relating to Cancellation of Motor Truck Authority." (H. P. 802) (L. D. 1051)

Bill, "An Act to Repeal the Act Incorporating the Saco Sanitary District." (S. P. 45) (L. D. 61)

Bill, "An Act Amending the Act of Incorporation of the Associated Hospital Service of Maine." (S. P. 146) (L. D. 344)

Bill, "An Act Relating to Organization of Natural Gas Pipe Line Companies." (S. P. 163) (L. D. 410)

Bill, "An Act Defining Exemptions Under Laws Relating to Operation of Motor Vehicles for Profit." (S. P. 215) (L. D. 560)

"Resolve Regulating Fishing in Bemis Stream, Franklin County." (H. P. 314) (L. D. 431)

"Resolve Regulating Fishing in Richardson Pond, East Richardson Ponds and Pepper Pot Pond, Ox-

ford County." (H. P. 316) (L. D. 433)

"Resolve Regulating Ice Fishing in Weymouth Pond and Mower Pond, Penobscot County." (H. P. 358) (L. D. 488)

Which bills were severally passed to be enacted and the resolves finally passed.

Emergency Measures

Bill, "An Act to Incorporate the Canton Water District." (H. P. 229) (L. D. 337)

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

Bill, "An Act Amending the Charter of Bingham Water District." (H. P. 432) (L. D. 608)

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

"Resolve Opening Abbee Pond, Piscataquis County, to Ice Fishing." (H. P. 276) (L. D. 372)

Which resolve, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was finally passed.

Bill, "An Act Providing Funds for the Promotion of Maine." (H. P. 652) (L. D. 933)

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. Sinclair of Somerset, the following resolves were laid upon the Special Appropriations Table pending enactment:

"Resolve in Favor of Peoples Benevolent Hospital of Fort Kent." (H. P. 176) (L. D. 241)

"Resolve to Reimburse Towns of Smithfield and Mercer." (H. P. 344) (L. D. 475)

"Resolve in Favor of Arthur R. Gould Memorial Hospital, Presque Isle." (H. P. 501) (L. D. 713)

"Resolve in Favor of Town of Milo for Burial Expenses for Son of Wil-

liam S. Stone." (H. P. 88) (L. D. 1049)

"Resolve in Favor of Arthur E. Gould Memorial Hospital, Presque Isle." (H. P. 502) (L. D. 1050)

Orders of the Day

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table (H. P. 112) (L. D. 150) House Report from the Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Rangeley River, Franklin County." Majority Report "Ought to pass," Minority Report "Ought not to pass," tabled by that Senator on March 7, 1957, pending consideration of reports.

Mr. CARPENTER: As a courtesy to the Senator from York, Senator Hall, who wished to speak for the majority "Ought to pass" report on this resolve, I will now yield to that senator, and after he completes his discussion I will speak on the minority "Ought not to pass" report.

Mr. HALL of York: Mr. President and members of the Senate: This bill relating to fishing in Rangeley River allowing one fish a day from September 15th to September 30th, came out with an 8 to 2 "Ought to pass" majority report. No one opposed this bill at the hearing. Biologist Fenderson told people at Rangeley that the department would not oppose this bill, so only a few came to the hearing. I talked with Jerry Wade from the Fish and Game Department and he told me he thought the bill was all right, and that if the people at Rangeley wanted it they should have it. I have here a list of fifty-four names of people at Rangeley and twenty-seven visitors who want that bill.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: I rise in support of the "Ought to pass" report of the committee.

Naturally this is affecting one of the beauty spots and landmarks of the State of Maine, the Rangeley Lakes region. Over the years the people have seen fit to come here and to fish. At the hearing there was no opposition. Very craftily, very cunningly, I would say almost planned, no one had any idea at the hearing that there was to be any opposition to this.

Now we have such things as biologists, and these biologists are coming in and they are making recommendations. Without doubt, it is in support of the biologist and the principles of that biologist when the department is seeking to say, "No, we should not open up this stream, we should not keep it open because here at this time the fish are going to be spawning." Now if that had been so, if the people had had an opportunity to know that that was going to be an issue at the time of the hearing, they would have been down here. But from information which the people had, and which is supported by the lists of people in Rangeley which the Senator from York, Senator Hall, referred to, then it would have been a different story. As it was, they had every reason to believe that the recommendation was going to be passed. I accordingly hope that when we vote that we will vote to accept the majority "Ought to pass" report as it has been passed by the House. I fully realize that even though we should vote accordingly that it could at a later date, perhaps, be indefinitely postponed, but I trust that that will not take place.

The PRESIDENT: The Chair would note that so far as he knows there is no motion on the pending question.

Mr. BUTLER: Mr. President, I move that the majority "Ought to pass" report of the committee be accepted.

The PRESIDENT: The senator from Franklin, Senator Butler, moves that the Senate accept the majority "Ought to pass" report of the Committee. The Chair recognizes the senator from Somerset, Senator Carpenter.

Mr. CARPENTER of Somerset: Mr. President, I rise in opposition to that motion, and, briefly, I will try to explain just why I supported the minority "Ought not to pass" report.

We have here in the State of Maine two different methods of fish propagation: one is by natural propagation and the other by hatchery propagation.

This bill would open this particular river from September 15th to October 1st for one fish per day. From September 15th to October 1st

is the time that the fish start to migrate up the stream to spawn. Now by permitting fishermen in there on that stream to fish it would certainly disturb the eggs that the fish are laying and would certainly result in a great loss as far as fish production is concerned.

We have spent some three millions of dollars on fish hatcheries and the upkeep is approximately two hundred and seventy-five thousand dollars a year. If we are going to permit people to go up these streams to fish and disturb this fish spawn then we might just as well tear down our fish hatcheries. If this bill passes it would mean that a person could go up to the Oquossoc Fish Hatchery, the abutments themselves, and fish either below or above the pools. There is no rhyme or reason, except a few selfish reasons, why they want this particular river opened.

The only argument of the proponents of this measure was that on windy days people could go up these streams to fish and that it would give them some fishing when they couldn't get out on the lake because it was rough. I have fished many lakes in my life and I have never seen the time when I couldn't fish the lee-side of a lake. I say it is biologically unsound. As I said before, if we are going to pass legislation like this we might just as well tear down our fish hatcheries. I am sure that if I took a shovel and went into the hatchery and started to strip the screens where they are getting the fish ready for spring, somebody would have me arrested.

I hope that the motion for the acceptance of the majority "Ought to pass" report will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the Senate accept the majority "Ought to pass" report of the committee. The Chair recognizes the senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I rise in support of the motion of the senator from Franklin, Senator Butler, and I disagree with my good friend, the senator from

Somerset, Senator Carpenter, in certain respects. I must say that we do not have the same situation in all streams over the State. I think it is very important for that section of Rangeley that we should have this one-fish limit; in fact we have it in most of the rivers up in that section and in Oxford County too. I certainly hope that the Senate will go along with the motion of the Senator from Franklin, Senator Butler. Thank you.

Mr. CARPENTER of Somerset: Mr. President, I might state briefly that as far as petitions from any particular town are concerned that if anybody will give me a petition here at this moment and preface it with a heading, however radical it may be, I will guarantee to have seventy-five signatures on it before noon.

I move that when the vote is taken it be taken by a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the senate accept the majority "Ought to pass" report of the committee. The senator from Somerset, Senator Carpenter, has asked for a division. Is the Senate ready for the question?

The motion before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the Senate accept the majority "Ought to pass" report of the committee. As many as are in favor of the motion will rise and stand until counted.

A division was had.

The PRESIDENT: Fifteen having voted in the affirmative and fifteen in the negative, the motion does not prevail.

The Chair will note that he voted with the negative.

The question now before the Senate is the consideration of the committee reports on L. D. 150.

Mr. CARPENTER of Somerset: Mr. President, I now move for indefinite postponement.

The PRESIDENT: The Senator from Somerset, Senator Carpenter, moves that the resolve be indefinitely postponed. As many as are in favor of the motion of the Senator from Somerset, Senator Carpenter,

that the resolve be indefinitely postponed will rise and stand until counted.

A division was had.

The PRESIDENT: Fifteen having voted in the affirmative and fifteen in the negative the motion does not prevail.

On motion by Mr. Low of Knox, the resolve and accompanying papers were tabled pending consideration.

On motion by Mr. Ferguson of Oxford, the Senate voted to take from the table the 18th tabled and unassigned matter, (H. P. 49) (L. D. 75) House Report from the Committee on Inland Fisheries and Game on "Resolve, Regulating Fishing in Magalloway River and Its Tributaries, Oxford County," Majority Report "Ought to pass"; Minority Report, "Ought not to pass", tabled by that senator on March 13th pending consideration of reports.

Mr. FERGUSON of Oxford: Mr. President, I now yield to the Chairman of the Committee on Inland Fisheries and Game, Senator Carpenter of Somerset.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: The same principle applies on this particular river as on the one we just debated. The only thing I can possibly add to my brief remarks of a short while ago is that we do have a terrific fishing pressure on these lakes and streams, our fish hatcheries are inadequate to cope with the situation, and the only possible way we can endeavor to keep fish population at a high level is by protecting our spawning areas.

This is another river they want opened from September 15th to October 1st. This is the time of year, as I said before, when the salmon start to migrate up the stream.

It might be of interest to some of you here to know a little about the methods of spawning.

The female salmon migrates upstream and prepares a bed. When the bed is properly prepared, in fishing language "ripe," she secretes the eggs, which are fertilized by the male close by. These eggs immediately become impregnated and they lie on the bottom of the

stream until early spring when they begin hatching.

The potentialities of the percentage of increase by natural propagation over fish hatchery propagation are somewhat more. So if we do want to keep our fishing at a high level conservation is necessary. This is particularly true with our increase in population in the last few years. I can remember when our population was around a hundred million or a hundred and twenty-five million. It has now increased to one hundred and eighty million people, and in the next twenty years it probably will go over two hundred million people. So, with that pressure, and with people becoming more and more fish-minded, with better methods of traveling and better equipment that people have, the pressure is terrific. As I stated previously, biologically this bill is as unsound as anything in the world. Certainly you would not want to disturb a partridge sitting on her eggs in the spring, or a doe giving birth to a fawn. You will do the same thing under this bill if you permit it to pass.

Mr. President, I move that the minority "Ought not to pass" report of the committee be accepted.

The PRESIDENT: The question before the senate is on the motion of the Senator from Somerset, Senator Carpenter, that the Senate accept the minority "Ought not to pass" report of the committee.

Mr. FARLEY of York: Mr. President and members of the Senate: There seems to be a little difficulty here in my voting on some of these matters because I do not happen to be a fisherman or a hunter. I do have a hobby which is probably quite foreign to those who like to fish or hunt deer. However, I think I can go along with what I believe to be right. The committee reported 8 to 2. I have heard these people from different counties and I believe they are entitled to the respect of my vote instead of my sitting here and not voting. Thank you.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: It had not been my intent to enter the discussion, but inasmuch as these bills are very important, the way we see them, and there

seems to be a little bit of doubt in the minds of some of the senators as to why two of us were on the minority report, I would like to describe some of the features pertaining to this particular matter.

First of all, I think it is important to say that the members of the other branch who were on our committee variously have bills in themselves, each one on a matter identical with the first one considered, so it is very natural that because of that they went along with the other members who had similar bills. Some of the other members of the committee, as I understand, went along with the report because they wanted to be as much as they could in accord with that branch. I would now like to address myself to you people on some of the more important facts in regard to this matter.

It is true, of course, that in this instance the minority are supporting the facts which the Research and Management Division of our own department believe to be correct. It is true that these fish begin their migrations up these streams approximately the first of September, depending on the water condition and so forth. They continue that migration for an extended period of time, sometimes lasting up to almost the full part of October, so this date was established as a cut-off date where fishing will not be allowed in these spawning tributary streams any longer. That date could have been a few days earlier or a few days or weeks later, but this was a date which was deemed to be suitable for all purposes.

Now there has been quite a little bit of criticism of the minority and their position on the committee. It has been said that we would not listen to the people who came over here. That is altogether untrue. We did listen to the folks on this proposition very carefully. It has even been said they cannot see any reason why we should have these hearings and the people should come if we won't do what people tell us to do. By the same token, members, I would like to say that perhaps there is no need to have a legislature, if all we need is to have the department operate this function

and let people from various sections of the State recommend to the department what they believe is best for fishing.

Insofar as the remarks in regard to the biologists were concerned, I would like to say that fishing is a very vital asset of this state; it is tremendously important from the point of view of our citizens for recreation, and it is also very important from the point of view of economic conditions. We have this asset and we are trying our best to preserve it so that it will be available not only for us but for future generations.

During the course of the last session it was deemed advisable for the Commissioner of Inland Fisheries and Game to have a survey made by a competent agency making recommendations for improvement or possible potential improvements in the State Fish and Game set-up. In the interim period between the sessions a survey was made by the Wildlife Management Institute which dedicates itself primarily to wildlife management problems. It is headed by Dr. Ira Gabrielson, one of the foremost experts on wildlife management today. I have a copy of the recommendations made by that group, and I would like to quote a very brief section from that report, taken from Page 21, which refers to the fisheries division, which is the fisheries management group, or the biologists which were referred to here today. It says, and I quote:

“The present fishery district program entails research, investigation, management, and public relations. The department has reason to be proud of the quality and ability of its fishery technicians and the programs they are advocating.”

Now, Mr. President and members of the Senate, fish conservation has progressed through the years to a point where we have tried a great many panaceas, some of which were described by previous speakers. We have tried more regulations, more law, more enforcement, more stocking; the hatchery craze has been the rage for quite some number of years. Now we know that natural reproduction of fish is much more ef-

ficient than hatcheries. This cut-off date is a method whereby we hope to preserve all the advantages possible for this natural fish reproduction. Over in that same area, or in the same areas where these bills are being submitted from, there has been a fancy, unjustified, I think, for quite a number of years, whereby a great many of the tributaries would remain closed. The theory of that is that it would provide better natural reproduction for the lakes which the tributaries flow into. This is a very debatable question I think.

Now here we have folks from the same areas where they desire to keep tributaries closed recommending that one will be open for fishing for the very spawning fish for which they want to keep the various other tributaries closed. It is completely unrealistic, it is not scientific, and it is not in the best interests of fish conservation in Maine. I hope that the motion of the senator from Somerset, Senator Carpenter, will not prevail.

Mr. FERGUSON of Oxford: Mr. President, I suppose that you will think that I am rather off the beam here taking a direct opposite position on the Magalloway River and on the Rangeley River but I do want to support the Senator from Somerset, Senator Carpenter on this one, on the motion where the minority report will be accepted. You have two different situations in the Magalloway River and the Rangeley River. Therefore I hope that the motion of the Senator from Somerset, Senator Carpenter, will prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter, that the Senate accept the minority ought not to pass report of the committee, and that Senator asks for a division.

A division of the Senate was had.

The PRESIDENT: The Chair would note that Senate rules require that every Senator vote. The question is on the motion of the Senator from Somerset, Senator Carpenter to accept the minority ought not to pass report.

A division of the Senate was had.

Twenty-six having voted in the affirmative and two opposed, the mo-

tion prevailed and the minority report "Ought not to pass" was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Lowe of Knox, the Senate voted to take from the table Resolve Regulating Fishing in Rangeley River, Franklin County (H. P. 112) (L. D. 150) tabled by that Senator earlier in today's session pending consideration.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, I hope that I am rising under the proper assumption.

The PRESIDENT: The Chair will note that the bill just taken from the table L. D. 150, H. P. 112, is Resolve Regulating Fishing in Rangeley River, Franklin County.

Mr. BRIGGS: Mr. President, I move that we accept the minority ought not to pass report of the committee.

Mr. BUTLER of Franklin: Mr. President, I ask for a division.

Mr. BOUCHER of Androscoggin: Mr. President, noticing the absence of two members from Androscoggin County, I move that the bill be tabled.

Thereupon, the bill was laid upon the table pending motion by the Senator from Aroostook, Senator Briggs, that the Senate accept the minority ought not to pass report.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table Senate Report from the Committee on Retirements and Pensions that "Resolve for State Pension for Welma K. O'Dell of Hallowell" (S. P. 347) (L. D. 927) be referred to the Committee on Claims; tabled by that Senator on March 14 pending consideration of the report; and on further motion by the same Senator, the resolve was referred to the Committee on Claims.

Sent down for concurrence.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table, Bill, "An Act Relating to Payments of Salary of Judge of Hallowell Municipal Court" (H. P. 398) (L. D. 528) tabled by that Senator on March 14 pending enactment; and on further motion by the

same Senator, the bill was passed to be enacted.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table House Report from the Committee on Inland Fisheries and Game; Majority Report ought to pass, Minority report, ought not to pass on "Resolve Regulating Fishing in Tributaries of Chain of Ponds, Franklin County" (H. P. 357) (L. D. 487) tabled by that Senator on March 13 pending consideration of the reports.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate, to show the inconsistencies of members who voted on the ought not to pass report on this particular bill and the ought to pass report on the previous bills. Here we have tributaries that they want closed the entire year around yet on the other bills they want the tributaries open during the spawning season. Under the rules and regulations of our department, these particular streams are closed August fifteen to permit the trout and salmon from various ponds to go up there and spawn and rather than control the method of fishing or depriving the people of fishing the streams such as these, I, as a minority ought to pass signer on this particular bill feel that a bag limit is the necessary thing to control the fishing on a lake rather than the places where you fish if you are not fishing during the spawning season. I now move that the minority ought not to pass report be accepted.

The Secretary read the committee report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter that we accept the minority ought not to pass report of the committee.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, may I just speak briefly on this matter. This was the point that I raised previously saying that the question of closing the tributaries was a questionable measure to increasing the fishing thereof. Some of the reasons that were advocated as to why we should close the tributaries—we discussed them in our private session,—and one of the

reasons was that the children were fishing in these tributaries and streams and they said that they were throwing the fish on the banks and so forth. Some of us felt that that was a most unworthy reason for closing the streams so that children couldn't fish there.

There are two populations of fish in the tributaries, one being a resident population more or less, that doesn't migrate back and forth and the other one of course being the one from the larger body or lake which migrates up and spawns and then returns to the lake. We feel that there is no question—I think it has been proven quite satisfactorily all over the world that these streams will stand a very good amount of fishing for the resident population particularly.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter that the Senate accept the minority ought not to pass report. Is the Senate ready for the question.

A division of the Senate was had.

Twenty-two having voted in the affirmative and seven opposed, the motion prevailed and the minority ought not to pass report was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table House Report "Ought to pass in new Draft" from the Committee on Transportation on bill, "An Act Relating to Motor Vehicles Emerging from Alley, Driveway or Building" (H. P. 633) (L. D. 748) (New Draft of H. P. 172, L. D. 219); tabled by that Senator on February 21 pending consideration of the report.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, when I tabled this bill some weeks back, it was expected that the objective might be incorporated in another bill. It now is and I therefore move the pending question.

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

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table bill, "An Act Relating to Bids for Construction of Inland Fisheries and Game Projects" (S. P. 194) (L. D. 539) tabled by that Senator on March 12 pending passage to be engrossed.

Mr. CARPENTER of Somerset: Mr. President I might state that this particular bill would give the Fish and Game Department complete authority on construction of their fishways or their hatcheries or whatever capital improvements they would like to make. Heretofore it had to go before the Governor and Council for approval. The department is not particularly interested in this bill at the moment and inasmuch as no other department such as Forestry or Agriculture have this privilege, I am going to move for indefinite postponement.

The motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

Mr. Charles of Cumberland was granted unanimous consent to address the Senate.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate, I note that the President has been very busy explaining the Senate business and legislative procedures for which we are very thankful but I would like at this time to have it known that the Ladies of Kiwanis are here in the Senate Chambers today. They also witnessed the excellent performance by the Chair. I just wanted to say that we appreciate their coming here and the interest being given us by the citizen organizations and the public school groups such as we have here today as they watch our procedures. It makes me feel good and I am sure it makes the other legislators feel good to know that they are interested in what we have to do.

The PRESIDENT: The Chair joins the Senator in expressing appreciation for such civic groups coming to visit with us.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table Senate Report from the Committee on Inland Fisheries and Game on "Resolve Regulating

Fishing in Cusuptic River and Tributaries, Oxford County." (S. P. 98) (L. D. 228) Majority Report Ought to pass; Minority Report Ought not to pass; tabled by that Senator on March 7 pending consideration of the reports.

Mr. CARPENTER of Somerset: Mr. President and Members of the Senate, I might say that the same condition applies and the same principles apply to this particular bill as did on the Magalloway River bill. Without further discussion I will move that the minority ought not to pass report of the committee be accepted.

The PRESIDENT: The Senator from Somerset, Senator Carpenter, moves that the Senate accept the minority ought not to pass report.

Mr. BUTLER of Franklin: Mr. President, before the vote is taken I rise in opposition to that motion. We have had situations where we have witnessed these bills coming out with a majority ought to pass report and having the minority overrule the majority in this branch and their feeling is that they are justified on the basis of the department and what the experts are doing in that department. Those experts have been before the public, they have been before the committee and it is apparent by the action of the majority of the committee that heard the bill that they were impressed with the feeling that the state belonged to the people and not to the experts and I feel that in this we have a duty not only to seeing that our government is run efficiently but also we have a duty to the people who actually own the state and should have a say in what is being done and on that account, I hope that when the vote is taken — and when the vote is taken I ask for a division — that when the vote is taken that the motion of the Senator from Somerset, Senator Carpenter will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter that the Senate accept the minority ought not to pass report; and the Senator from Franklin, Senator Butler has asked for a division.

A division of the Senate was had.

Eighteen having voted in the affirmative and eleven opposed, the motion prevailed, and the ought not to pass report was accepted.
Sent down for concurrence.

On motion by Mr. Carpenter of Somerset

Adjourned until tomorrow afternoon at one o'clock.