

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, April 21, 1959

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

Prayer by the Rev. Rodney W. Roundy of Portland.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act relating to St. Mary's Hospital Of Lewiston" (S. P. 457) (L. D. 1310)

Came from the Senate received by unanimous consent and referred to the Committee on Legal Affairs.

In the House, the Bill was received by unanimous consent and referred to the Committee on Legal Affairs in concurrence.

**Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Dedicated Revenues in Insurance Department" (S. P. 398) (L. D. 1166) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to Expenses of the State Liquor Commission" (S. P. 201) (L. D. 540)

Report of same Committee reporting same on Resolve in favor of Sweetser Children's Home in Saco (S. P. 352) (L. D. 1007)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Agriculture reporting "Ought to pass" on Bill "An Act Revising Laws Relating to Animal Industry" (S. P. 359) (L. D. 1042)

Report of the Committee on Inland Fisheries and Game reporting same on Bill "An Act Repealing Gero Island, Piscataquis County, as a Game Preserve" (S. P. 411) (L. D. 1195)

Report of same Committee reporting same on Resolve Opening County Road Lake in Aroostook County to Ice Fishing (S. P. 274) (L. D. 736)

Report of same Committee reporting same on Resolve Regulating Fishing on Deer Meadow Pond in Lincoln County (S. P. 275) (L. D. 737)

Report of the Committee on Judiciary reporting same on Resolve relating to Determination of Damages Caused by Taking of Land for Highway Purposes (S. P. 233) (L. D. 616)

Came from the Senate with the Reports read and accepted and the Bills and Resolves passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice, Resolves read once and tomorrow assigned.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Agriculture on Bill "An Act to Create the Maine Fertilizer Law" (S. P. 254) (L. D. 667) 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. 254, L. D. 667, Bill, "An Act to Create the Maine Fertilizer Law."

Amend said Bill in section 215-C, subsection IX, paragraph A, by striking out the first 6 lines and inserting in place thereof the following underlined words and punctuation: 'A. "Guaranteed analysis" shall mean the minimum percentage of plant nutrients claimed in the following order and form:'

Further amend said Bill by striking out all of paragraph B of subsection IX of section 215-C.

Further amend said Bill in section 215-C, subsection IX, paragraph C, by striking out the first 2 lines and inserting in place thereof the following underlined words and punctuation: **'B. The term "guaranteed analysis" in paragraph A includes:'**

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

Report of the Committee on Agriculture on Bill "An Act relating to "Marking and Detention of Substandard Grade Sardines" (S. P. 409) (L. D. 1193) 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. 409, L. D. 1193, Bill, "An Act Relating to Marking and Detention of Substandard Grade Sardines."

Amend said Bill by inserting at the beginning of the 24th line the following underlined abbreviation and figure **'Sec. 1.'**

Further amend said Bill by inserting before the emergency clause the following sections:

'Sec. 2. R. S., c. 32, § 33, amended. Section 33 of chapter 32 of the Revised Statutes is amended to read as follows:

'Sec. 33. Brands, labels and trade-marks; use of brands; revocation. The commissioner may determine or design brands, labels or trade-marks for identifying farm products and sardines packed in accordance with such official grades and standards established as provided by law and may furnish information to packers and shippers as to where such labels and trade-marks may be obtained. A written

application to the said commissioner requesting permission to use said brands, labels or trade-marks, and a written acceptance thereto by the said commissioner or duly authorized assistants, shall be a condition precedent to the use of such branch, labels or trade-marks. The said commissioner may revoke or suspend the right to use such brands, labels or trade-marks whenever it appears on investigation that they have been used to identify farm products and sardines not in fact conforming to the grade indicated.'

Sec. 3. R. S., c. 32, § 35, amended. The first sentence of section 35 of chapter 32 of the Revised Statutes is amended to read as follows:

'After notice of the establishment of grades or standards and the determination of brands, labels or trade-marks as herein provided, it shall be unlawful to use a brand, label or trade-mark to identify farm products and sardines as being of a grade established as aforesaid before a permit is granted or after the revocation of the right to use such brand, label or trade-mark by the commissioner.'

Sec. 4. R. S., c. 32, § 36, amended. Section 36 of chapter 32 of the Revised Statutes is amended to read as follows:

Section 36. Inspection of branded products; certificates of inspection. The commissioner or his duly authorized agents may inspect farm products and sardines, marked, branded or labeled in accordance with official grades or standards established and promulgated by the said commissioner as provided in this chapter, for the purpose of determining and certifying the quality and condition thereof and other material facts relative thereto. Certificates issued in pursuance of such inspection and executed by the inspector shall state the date and place of inspection, the grade, condition and approximate quality of the farm products and sardines inspected and such other pertinent facts as the said commissioner may require. Such a certificate relative to the condition or quality of said farm products and sardines shall be prima facie evidence in all courts of the State of the facts re-

quired as aforesaid to be stated therein.”

Committee Amendment “A” was adopted in concurrence and the Bill assigned for third reading tomorrow.

Report of the Committee on Public Health on Bill “An Act to Revise Certain Laws of the Department of Institutional Service” (S. P. 406) (L. D. 1174) 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. 406, L. D. 1174, Bill, “An Act to Revise Certain Laws of the Department of Institutional Service.”

Amend said Bill by striking out the 4th line of section 4 and inserting in place thereof the following:

“He shall have a deputy appointed by the commissioner **deputies, to be appointed**

Further amend said Bill by striking out all of section 7 and renumbering sections 8 and 9 to be 7 and 8.

Committee Amendment “A” was adopted and the Bill assigned for third reading tomorrow.

Leave to Withdraw Recommended Indefinitely Postponed

Report of the Committee on Appropriations and Financial Affairs on Bill “An Act Appropriating Monies for Acquisition of Land at Androscoggin Lake for Park Purposes” (S. P. 187) (L. D. 483) reporting Leave to Withdraw.

Came from the Senate with the Report and Bill recommitted to the Committee on Appropriations and Financial Affairs.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Readfield, Mr. Dumaine.

Mr. DUMAINE: Mr. Speaker and Members of the House: Since the Committee has acted upon this bill, the Town of Wayne held a meeting Saturday, a special town meeting on this L. D. 483. They voted two to one not to have a public park in this town. Therefore, Mr. Speaker, I move to indefinitely postpone the Committee Report and all its papers.

The SPEAKER: The gentleman from Readfield, Mr. Dumaine, moves the Committee Report and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested. Is the House ready for the question? Will all those who favor the motion to indefinitely postpone this Report, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. One hundred twenty having voted in the affirmative and one having voted in the negative, the motion prevailed, the Report was indefinitely postponed in non-concurrence and sent up for concurrence.

Referred to Next Legislature Indefinitely Postponed

Report of the Committee on Judiciary on Bill “An Act relating to Determination of Damages Caused by Taking of Land for Highway Purposes” (S. P. 232) (L. D. 615) reporting that it be referred to the next Legislature.

Came from the Senate with the Report and Bill indefinitely postponed.

In the House, the Report was read and the Report and Bill indefinitely postponed in concurrence.

Divided Report Tabled Until Later in Today's Session

Majority Report of the Committee on Sea and Shore Fisheries on Bill “An Act relating to Use of Dragners in Sheepscot Bay” (S. P. 194) (L. D. 490) reporting “Ought to pass” as amended by Commit-

tee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. COFFIN of Cumberland
BROWN of Washington
— of the Senate.
Messrs. MADDOX of Vinalhaven
DENNISON

of East Machias
RANKIN of Southport
DANES of South Portland
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. DOW of Lincoln
— of the Senate.

Messrs. LOWERY of Brunswick
BOONE of Eastport
YOUNG of Gouldsboro
— of the House.

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

In the House, the Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report, as amended by Committee Amendment "A" and request a division.

The SPEAKER: The question before the House is the motion of the gentleman from Vinalhaven, Mr. Maddox, that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Brunswick, Mr. Lowery.

Mr. LOWERY: Mr. Speaker, L. D. 490 and another Bill, L. D. 1294, which has been tabled unassigned have much the same content, and the waters are practically adjacent. Many of the principles involved use both waters, and I would move that this bill be tabled until later in the day as I note that Mr. Maddox, the gentleman from Vinalhaven, is here, so that both bills might be taken up.

The SPEAKER: The question now before the House is the motion of the gentleman from Brunswick,

Mr. Lowery, that both Reports be tabled and specially assigned for later in today's session pending the motion of the gentleman from Vinalhaven, Mr. Maddox, that the House accept the Majority "Ought to Pass" Report. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Resolve Appropriating Moneys to Preserve Covered Bridges (S. P. 272) (L. D. 734) which was finally passed in the House on March 31, and passed to be engrossed in concurrence on March 26.

Came from the Senate recommitting to the Committee on Highways in non-concurrence.

In the House:

The House voted to recede and concur with the Senate.

Orders

On motion of Mr. Aliberti of Rumford, it was

ORDERED, that Edward C. Miller of Portland and Brian Briggs of Portland be appointed to serve as Honorary Pages for today.

The SPEAKER: The Chair would mention to the House that these Pages are the sons of Representative Briggs and Representative Miller.

Thereupon, the Sergeant-at-Arms conducted the Honorary Pages to their places in the well of the House. (Applause)

On motion of Mr. Brown of Cape Elizabeth, it was

ORDERED, that Deborah Jane Kilroy of Cape Elizabeth be appointed to serve as Honorary Page for today.

The SPEAKER: The Chair would mention to the House that Miss Kilroy is the grand-daughter of our own Representative, Mrs. Kilroy.

Thereupon, the Sergeant-at-Arms conducted the Honorary Page to her place in the well of the House. (Applause)

On motion of Mrs. Knapp of Yarmouth, it was

ORDERED, that George Turner of Yarmouth be appointed to serve as Honorary Page for today.

Thereupon, the Sergeant-at-Arms conducted the Honorary Page to his

place in the well of the House. (Applause)

On motion of Mr. Crockett of Freeport, it was

ORDERED, that John Thaxter and Schuyler Thaxter of Portland be appointed to serve as Honorary Pages for today.

The SPEAKER: The Chair would mention to the House that these two gentlemen are the sons of a member of the third House, Mr. Sidney Thaxter.

Thereupon, the Sergeant-at-Arms conducted the Honorary Pages to their places in the well of the House. (Applause)

On motion of Mr. Cox of Dexter, it was

ORDERED, that use of the hall of the House be granted to the Committee on Judiciary tomorrow, April 22, 1959 beginning at 1:30 P.M. for a public hearing.

On motion of Mr. Walsh of Verona, it was

ORDERED, that Mr. Hendsbee of Madison be excused from attendance this week because of business.

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

On motion of Mr. Plante of Old Orchard Beach, it was

ORDERED, that Mr. Warren of Saco be excused from attendance this week because of illness.

House Reports of Committees Ought Not to Pass

Mr. Dodge from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Open Season for Hunting Moose" (H. P. 192) (L. D. 284)

Mr. Moore from same Committee reported same on Bill "An Act Establishing Limited Open Season on Moose" (H. P. 748) (L. D. 1067)

Mr. Lowery from the Committee on Sea and Shore Fisheries reported same on Bill "An Act relating to Lobster Fishing in Waters Adjacent to Criehaven, Knox County" (H. P. 837) (L. D. 1188)

Mr. Baxter from the Committee on Taxation reported same on Bill "An Act Increasing the Tax on Spirituous and Vinous Liquor" (H. P. 671) (L. D. 963)

Mr. Cousins from same Committee reported same on Bill "An Act Increasing Excise Tax on Malt Liquor Imported into State" (H. P. 773) (L. D. 1091)

Reports were read and accepted and sent up for concurrence.

The SPEAKER: At this time, the Chair would request the Sergeant-at-Arms to conduct the gentleman from Bangor, Mr. Cousins, to the rostrum, to serve as Speaker pro tem.

Thereupon, Mr. Cousins assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Edgar retired from the Hall.

Ought to Pass in New Draft New Drafts Printed

Mr. Monroe from the Joint Standing Committees on Inland Fisheries and Game and Sea and Shore Fisheries on Bill "An Act Regulating Commercial Fishing for Smelts" (H. P. 749) (L. D. 1113) reported same in a new draft (H. P. 934) (L. D. 1320) under same title and that it "Ought to pass"

Mr. Earles from the Committee on Judiciary on Bill "An Act relating to Cancellation of Automobile Physical Damage Insurance" (H. P. 689) (L. D. 989) reported same in a new draft (H. P. 930) (L. D. 1316) under same title and that it "Ought to pass"

Mr. Haughn from the Committee on Public Utilities on Bill "An Act relating to Extension of Water Service in Town of Falmouth" (H. P. 611) (L. D. 871) reported same in a new draft (H. P. 932) (L. D. 1318) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act to Create the Berwick Water and Sewerage District" (H. P. 900) (L. D. 1269) reported same in a new draft (H. P. 931) (L. D. 1317) under same title and that it "Ought to pass"

Mr. Boone from the Committee on Sea and Shore Fisheries on Resolve Closing Long Cove Brook, Moxie Cove Brook and Monroe

Pond, Lincoln County, to S m e l t Fishing (H. P. 583) (L. D. 830) reported same in a new draft (H. P. 933) (L. D. 1319) under title of "Resolve Closing Long Cove Brook, Moxie Cove Brook and Monroe Brook, Lincoln County, to S m e l t Fishing" and that it "Ought to pass"

Reports were read and accepted, the New Drafts of Bills read twice, the New Draft of Resolve read once and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Harris from the Committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act relating to Fishing in Waters of Piscataquis County" (H. P. 491) (L. D. 704)

Report was read and accepted, the Bill read twice and tomorrow assigned.

Mr. Young from the Committee on Sea and Shore Fisheries reported "Ought to pass" on Bill "An Act relating to Definition of Fish Weirs" (H. P. 367) (L. D. 526), which was recommended.

Report was read and accepted and the Bill read twice.

Thereupon, under suspension of the rules, the House voted to reconsider its action whereby it adopted Committee Amendment "A".

Whereupon, Committee Amendment "A" was indefinitely postponed, and the Bill assigned for third reading tomorrow.

Ought to Pass with Committee Amendment

Mr. Cyr from the Committee on Public Utilities on Bill "An Act to Incorporate the Jay Village Water District" (H. P. 667) (L. D. 959) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A"
to H. P. 667, L. D. 959, Bill, "An Act to Incorporate the Jay Village Water District."

Amend said Bill in Section 3 by striking out the period at the end

of the first paragraph and inserting in place thereof the following: ' , including the right to acquire by purchase or by exercise of eminent domain so much of the franchise, rights and privileges of the Livermore Falls Water District of Livermore Falls, Maine, as pertained to that portion of its water system now existing in the aforesaid area of said Jay Village Water District, including all lands, waters, water rights, dams, structures, reservoirs, pipes, fixtures and hydrants, together with all real estate so used or usable, and said Livermore Falls Water District is hereby authorized to sell and transfer to the Jay Village Water District its aforesaid property and franchise rights.'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Pike from the Committee on Public Utilities on Bill "An Act Creating the Lewiston - Auburn Transit Authority" (H. P. 881) (L. D. 1255) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A"
to H. P. 881, L. D. 1255, Bill, "An Act Creating the Lewiston-Auburn Transit Authority."

Amend said Bill in section 1 in the last line, by inserting after the word "with", the words 'local and'

Further amend said Bill in section 7 in the headnote by striking out the underlined words "**Hudson Bus and Transportation Company**" and inserting in place thereof the underlined words '**existing carriers**'

Further amend said Bill in section 7 in the 4th line by striking out the word "entire"

Further amend said Bill in section 7 in the 5th line by inserting after the word and punctuation "receivable," the words and punctuation 'used in furnishing bus service in said territory.'

Further amend said Bill in section 7 in the 6th line by inserting after the word and punctuation "Company," the words and punctuation 'or any other carrier author-

ized by the Public Utilities Commission to furnish local bus service in said territory.'

Further amend said Bill in section 7 in the 11th line by striking out the words "Hudson Bus and Transportation Company" and inserting in place thereof the word 'carrier'

Further amend said Bill in section 7 in the 13th line by striking out the words "the Hudson Bus and Transportation Company" and inserting in place thereof the words 'said carrier'

Further amend said Bill in section 8 in the first and 2nd lines by striking out the words "the Hudson Bus and Transportation Company" and inserting in place thereof the words 'said carrier'

Further amend said Bill in section 9 in the 8th and 9th lines by striking out the words "the Hudson Bus and Transportation Company" and inserting in place thereof the words 'existing carriers'

Further amend said Bill in section 12 by adding at the end thereof the following sentence:

'Said Lewiston-Auburn Transit Authority shall be subject to the jurisdiction of the Public Utilities Commission to the same extent as other carriers of passengers for hire.'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Mr. Young from the Committee on Sea and Shore Fisheries on Bill "An Act relating to Protection of Weirs" (H. P. 366) (L. D. 525) which was recommended, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A"
to H. P. 366, L. D. 525, Bill, "An Act Relating to Protection of Weirs."

Amend said Bill by adding at the end before the single quotation mark: 'Any person aggrieved by the provisions of this section may request a hearing by the Commissioner of Sea and Shore Fisheries, at which hearing all the facts con-

cerning the violation shall be presented and the commissioner may determine the right of such person to conduct the particular activity in which he was engaged at the time of the alleged violation.'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act relating to Open Season for Fishing on Brooks and Streams in Cumberland County" (H. P. 240) (L. D. 351)

Report was signed by the following members:

Mr. HILLMAN of Penobscot
— of the Senate.

Messrs. WHEATON of Princeton
DODGE of Guilford
MOORE of Casco
DUDLEY of Enfield
MONROE of Monroe
CARVILLE of Eustis
HARRIS of Greenville
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. BRIGGS of Aroostook
CARPENTER of Somerset
— of the Senate.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Brown.

Mr. BROWN: Mr. Speaker, I move that the Majority "Ought to pass" Report be accepted.

The SPEAKER pro tem: The gentleman from Cape Elizabeth, Mr. Brown, moves that the House accept the Majority Report "Ought to pass".

The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Members of the House: Unbeknown to my colleague from Cape Elizabeth, Mr. Brown, I would now move that this be tabled and specially assigned for tomorrow, because I would like to converse with him prior to acceptance of this Report.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that both Reports be tabled and specially assigned for tomorrow. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: Will all those who favor the tabling motion please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Divided Report

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act relating to Free Hunting, Trapping and Fishing Licenses for Indians" (H. P. 639) (L. D. 930), which was recommitted.

Report was signed by the following members:

Mr. HILLMAN of Penobscot
— of the Senate.

Messrs. DUDLEY of Enfield
MOORE of Casco
DODGE of Guilford
HARRIS of Greenville
MONROE of Monroe
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. BRIGGS of Aroostook
CARPENTER of Somerset
— of the Senate.

Messrs. CARVILLE of Eustis
WHEATON of Princeton
— of the House.

Reports were read, the Majority Report "Ought to pass" was accepted, the Bill read twice and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act Providing for Open Season on Moose" (H. P. 714) (L. D. 1019)

Report was signed by the following members:

Messrs. BRIGGS of Aroostook

HILLMAN of Penobscot
CARPENTER of Somerset
— of the Senate.

Messrs. WHEATON of Princeton
DODGE of Guilford
MOORE of Casco
MONROE of Monroe
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. CARVILLE of Eustis
HARRIS of Greenville
DUDLEY of Enfield
— of the House.

Reports were read.

(On motion of Mr. Brown of Cape Elizabeth, tabled pending acceptance of either Report and specially assigned for Wednesday, April 29 on a viva voce vote.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Resolve Opening Sand Pond, Oxford County to Ice Fishing (H. P. 494) (L. D. 707), which was recommitted.

Report was signed by the following members:

Messrs. BRIGGS of Aroostook
HILLMAN of Penobscot
CARPENTER of Somerset
— of the Senate.

Messrs. DODGE of Guilford
HARRIS of Greenville
WHEATON of Princeton
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Messrs. CARVILLE of Eustis
MONROE of Monroe
DUDLEY of Enfield
MOORE of Casco
— of the House.

Reports were read.

(On motion of Mr. Sanborn of Gorham, tabled pending acceptance of either Report and specially assigned for Thursday, April 23.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Resolve Opening Hancock Pond, Oxford and Cumberland Counties to Ice Fishing (H. P. 493) (L. D. 706), which was recommitted.

Report was signed by the following members:

Messrs. BRIGGS of Aroostook
CARPENTER of Somerset
— of the Senate.

Messrs. HARRIS of Greenville
WHEATON of Princeton
DODGE of Guilford
DUDLEY of Enfield
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Mr. HILLMAN of Penobscot
— of the Senate.

Messrs. CARVILLE of Eustis
MOORE of Casco
MONROE of Monroe
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, as the courtesy was just granted to my colleague from Gorham, Mr. Sanborn, this bill is my own, and I would request because they both go together that this be tabled and assigned for Thursday to come up with the one that was just tabled.

The SPEAKER pro tem: The gentleman from Bridgton, Mr. Haughn, moves that both Reports be tabled and specially assigned for Thursday, April 23, pending acceptance of either Report.

Is this the pleasure of the House?
The motion prevailed.

Divided Report

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Resolve Regulating Fishing in Inlet Brook, Oxford County (H. P. 718) (L. D. 1023)

Report was signed by the following members:

Mr. HILLMAN of Penobscot
— of the Senate.

Messrs. WHEATON of Princeton
DODGE of Guilford
MOORE of Casco
MONROE of Monroe
HARRIS of Greenville
CARVILLE of Eustis
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Messrs. BRIGGS of Aroostook
CARPENTER of Somerset
— of the Senate.

Mr. DUDLEY of Enfield
— of the House.

Reports were read, the Majority Report "Ought not to pass" was accepted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs and Veterans and Military Affairs jointly reporting "Ought not to pass" on Bill "An Act to Authorize Issuance of Bonds in the Amount of Twenty Two Million Dollars for Bonus to Maine Veterans of World War II and the Korean Campaign and Providing Revenue Therefore" (H. P. 851) (L. D. 1214)

Report was signed by the following members:

Messrs. CHARLES of Cumberland
BRIGGS of Aroostook
FARLEY of York
MARTIN of Kennebec
MacDONALD of Oxford
— of the Senate.

Messrs. HUTCHINSON of Carthage
GOOD of Sebago
TRUMBULL of Fryeburg
BROWN of Cape Elizabeth
COUSINS of Bangor
EARLES of South Portland
MATHEWS of Berwick
LINNELL

— of South Portland
KELLAM of Portland
EDGERLY of Sangerville
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. TARDIFF of Lewiston
HENDSBEE of Madison
BRIGGS of Portland
COTE of Lewiston
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Carthage, Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker, I move acceptance of the Majority Report, "Ought not to pass".

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Carthage, Mr. Hutchinson, that the "Ought not to pass" Majority Report be accepted.

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

Mr. DUMAIS: Mr. Speaker, I would like to table this bill until April 30th.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Lewiston, Mr. Dumais, that both Reports be tabled until April 30, pending acceptance of either Report.

Is this the pleasure of the House?

The motion prevailed on a viva voce vote.

Passed to Be Engrossed

Bill "An Act Increasing Number of Medical Examiners in Somerset County" (S. P. 106) (L. D. 224)

Bill "An Act relating to Automobile Travel by State Employees" (S. P. 408) (L. D. 1176)

Were 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 Tabled and Assigned

Bill "An Act relating to Uniforms for Deputy Sheriffs" (S. P. 453) (L. D. 1303)

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

(On motion of Mr. Miller of Portland, tabled pending passage to be engrossed and specially assigned for Wednesday, April 29)

Bill "An Act Providing for Uniform Act for Simplification of Fiduciary Security Transfers" (H. P. 750) (L. D. 1038)

Bill "An Act relating to Appeal from County Commissioners in Eminent Domain for Location of Schools" (H. P. 810) (L. D. 1148)

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (H. P. 135) (L. D. 193)

Resolve to Reimburse Old Town School Department for Tuition for Children Living on Indian Island (H. P. 435) (L. D. 641)

Resolve Authorizing the Maine Defense Commission to Convey Certain Land in Fort Kent (H. P. 817) (L. D. 1155)

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

At this point, Speaker Edgar returned to the rostrum.

The SPEAKER: The Chair would take this opportunity to thank the gentleman from Bangor, Mr. Cousins, for his excellent job, to which he gave all and in which he received the full treatment.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Bangor, Mr. Cousins, to his seat on the Floor, amid the applause of the House, and Speaker Edgar resumed the Chair.

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a group of seventh and eighth grade pupils from the Wiscasset Grade School, accompanied by Mrs. Barton and Mrs. Leadbetter; and a group of grade eighth students from the Field-Allen Junior High School of Windham, Maine. On behalf of the House, the Chair extends to all of you young ladies and gentlemen a most hearty and cordial welcome, and we hope you will enjoy and profit by your visit here today.

Amended Bills

Bill "An Act relating to Time of Elections for City of Portland" (H. P. 398) (L. D. 581)

Bill "An Act to Authorize the Issuance of Bonds in the Amount of Thirteen Million Dollars on Behalf

of the State of Maine for the Purpose of Building State Highways" (H. P. 418) (L. D. 602)

Bill "An Act Authorizing Construction of Dock in Town of Lincolnville" (H. P. 743) (L. D. 1062)

Bill "An Act Providing for a State Tuberculosis Annex to Community General Hospital in Fort Fairfield" (H. P. 890) (L. D. 1259)

Resolve to Aid Settlement of Refugees in Maine (H. P. 105) (L. D. 161)

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

Passed to Be Enacted Emergency Measure

An Act relating to Expenditures from Aeronautical Fund (S. P. 149) (L. D. 370)

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, 124 voted in favor of same and 1 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Construction of a Building for Maine Employment Security Commission (S. P. 244) (L. D. 627)

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, 125 voted in favor of same and 1 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Westbrook Parking Authority (H. P. 249) (L. D. 360)

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, 127 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 Inheritance Taxation of Jointly Owned Property (H. P. 245) (L. D. 356)

An Act relating to Mortgages for Future Advances (H. P. 640) (L. D. 931)

Resolve Appropriating Moneys for LP Gas Prover for State Sealer of Weights and Measures (H. P. 271) (L. D. 403)

Resolve in favor of Ernest S. Stone of Garland (H. P. 635) (L. D. 927)

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

Orders of the Day

The SPEAKER: The Chair now lays before the House the first tabled and today assigned matter, House Report, "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act relating to Municipal Zoning Boards of Appeal," House Paper 444, Legislative Document 650, tabled on April 14 by the gentleman from South Portland, Mr. Earles, pending acceptance of the Report.

The Chair recognizes the gentleman from Auburn, Mr. Berman.

Thereupon, on motion of that gentleman, the Report was retabled pending acceptance of the Report and specially assigned for tomorrow.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Labor on Bill "An Act relating to Disqualification of Benefits Under Employment Security Law", House Paper 755, Legislative Document 1073, tabled on April 14 by

the gentleman from Auburn, Mr. Wade, pending the motion of the gentleman from Orono, Mr. Treworgy, to accept the Majority Report.

The Chair recognizes the gentleman from Auburn, Mr. Wade.

Thereupon, on motion of that gentleman, the Reports were retabled pending the motion of the gentleman from Orono, Mr. Treworgy, to accept the Majority Report and specially assigned for tomorrow.

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, Bill "An Act relating to Awarding Contracts for State Construction," House Paper 905, Legislative Document 1274, tabled on April 14 by the gentleman from Auburn, Mr. Wade, pending passage to be engrossed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This was my measure, and it came out of Committee with a straight "Ought to pass" Report of the Committee. However, over the week-end several contractors contacted me. They feel that it might be in conflict with their work, and it could be that through the Bureau of Improvements it should be worked out through rules and regulations. That seems to be the general agreement.

I want to thank the gentleman from Auburn, Mr. Wade, the Chairman of the State Government Committee for tabling this and thank the State Government Committee for the courtesy, and I now move that this bill and the accompanying papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the Bill be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Wade.

Mr. WADE: Mr. Speaker and Members of the House: As House Chairman of the Committee on State Government, I concur with the motion of the gentleman from Lewiston.

The SPEAKER: Is it the pleasure of the House now that this Bill shall be indefinitely postponed?

The motion prevailed, the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the fourth tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Towns and Counties on Bill "An Act relating to Clerk Hire, Rental and Expenses of Waterville Municipal Court," House Paper 525, Legislative Document 760, tabled on April 15 by the gentleman from Waterville, Mr. Lane, pending acceptance of the Committee Report.

The Chair recognizes the gentleman from Winslow, Mr. Dostie.

Thereupon, on motion of that gentleman, the Report was retabled pending acceptance and specially assigned for tomorrow.

The SPEAKER: The Chair now lays before the House the fifth tabled and today assigned matter, Bill "An Act relating to Qualified Assistant Pharmacists," House Paper 926, Legislative Document 1308, tabled on April 16 by the gentleman from Portland, Mrs. Hendricks, pending adoption of House Amendment "A".

The Chair recognizes the gentleman from South Portland, Mr. Danes.

Mr. DANES: Mr. Speaker, I now move the adoption of House Amendment "A".

The SPEAKER: The gentleman from South Portland, Mr. Danes, moves the adoption of House Amendment "A". The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 926, L. D. 1308, Bill, "An Act Relating to Qualified Assistant Pharmacists."

Amend said Bill by striking out the single quotation mark at the end of section 1 and inserting the following underlined sentence: 'Any qualified assistant pharmacist shall be required to practice pharmacy under the supervision of a licensed registered pharmacist for a period of 3 years after passing examina-

tion before the certificate becomes effective.' ”

The SPEAKER: The Chair now recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Public Health Committee that reported this bill, I now would ask your kind permission to have this bill and the accompanying papers recommitted to the Committee. I have already checked with the Chairman of the Committee, Senator Lord, and some of the members of the Committee that I was able to reach this morning, and I would like to have this recommitted.

The SPEAKER: The question before the House is the motion of the gentleman from Rumford, Mr. Aliberti, that this bill be recommitted to the Committee on Public Health.

The Chair recognizes the gentleman from South Portland, Mr. Danes.

Mr. DANES: Mr. Speaker, I would like to inquire of the gentleman from Rumford, Mr. Aliberti, as to the purpose of the recommitment? This amendment has been thoroughly gone over insofar as the Committee is concerned, it is thoroughly understood by a good many of the members. There is no reluctance on the part of the qualified assistants awaiting this period which the amendment calls for, and actually I feel it would be a waste of time sending it back to the Committee.

The SPEAKER: The Chair understands the gentleman from South Portland, Mr. Danes, addresses a question through the Chair to the gentleman from Rumford, Mr. Aliberti, who may answer if he chooses.

Mr. ALIBERTI: Mr. Speaker, if there was no compunction on the part of the gentleman from South Portland, I think he would grant the request that it be recommitted to the Committee. I certainly wouldn't make this request if I had not had some information over the week-end that would make me feel amiss of doing my proper duty by not presenting this before this body this morning.

The SPEAKER: Does the gentle-

man from South Portland consider his question answered?

Mr. DANES: To a point, Mr. Speaker. However, I would request a division.

The SPEAKER: The gentleman requests a division. The question before the House is that Bill “An Act relating to Qualified Assistant Pharmacists” be recommitted to the Committee on Public Health. Is the House ready for the question?

Will those who favor the motion to recommit, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-nine having voted in the affirmative and sixty-five having voted in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Danes, that the House adopt House Amendment “A”.

The Chair recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker, having lost the opportunity for recommitment to the Committee, let me now talk about the amendment before you. If you ladies and gentleman have had a chance to study this, just imagine what this amendment would do. This amendment, as I understand it, would make it impossible for anybody who passed the examination for a registered pharmacist to operate a store of his own. He would have to wait three years before he could operate a drug store under his own name. Now that would be just like telling a lawyer who has received a degree and passed the State Board Examination for law, telling him that he couldn't practice law for three years even though he passed the examination. Now is that a fair thing to ask the pharmacists of this State? Now that is the amendment that is coming up before this House today, and if you ladies and gentlemen of the House vote that amendment in you can see what it will do, and I hope that when you go back to speak to your constituents who are in the business, you will probably get a nice, warm reception like I got over the week-end.

The SPEAKER: The Chair recog-

nizes the gentleman from South Portland, Mr. Danes.

Mr. DANES: Mr. Speaker and Ladies and Gentlemen of the House: There is no connection whatsoever with this bill and that of a lawyer. In fact a lawyer is required to have a college education. The individuals who are in question here have not had a college education. They are being given the privilege of taking this examination which has been accepted by the men who have had college educations and hope that it will elevate the profession of pharmacy in Maine.

Now in relationship to any other part of the medical profession, there is no other phase that will allow now any individual irrespective of how much time he has practiced or studied under another, would allow him the privilege of taking that Board examination. I feel that this three year waiting period is not any intent — there is no intent to keep the individuals from going into business. It is not harming anybody. These people as I stated before, are entirely willing to go along with this amendment, the majority of them that is.

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

Mr. MILLER: Mr. Speaker and Ladies and Gentlemen of the House: I don't know how many of you here have gone into the various details of this bill. I don't know how many of you here were present at the public hearing that was held with regard to this piece of legislation, but I do know that the Public Health Committee is a Committee with outstanding members on it. They have done a thorough job, and when they reported this bill out of Committee 10 to 0 "Ought to pass" without the amendment, I am sure that they were well qualified in making this statement. On that Committee there were one doctor and two members who are registered pharmacists in the State of Maine. I know that the gentleman who is proposing to put this amendment on is a registered pharmacist in the State also. I do know that if this amendment was a worthy amendment and it was offered at the public hearing that it would have been included in the bill, and where-

as this was the unanimous report of the Committee "Ought to pass", I move for the indefinite postponement of Amendment "A".

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

Mr. DANES: Mr. Speaker, I request a division.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Miller, that House Amendment "A" be indefinitely postponed. Is the House ready for the question?

The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker and Members of the House: I hope I am not getting into deep water, but in support of the gentleman from South Portland, Mr. Danes, I would like to make a few remarks on this bill. The bill itself gives the registered assistant a pretty nice break. Pharmacists today must have a college education in pharmacy. This bill will allow the registered assistant pharmacist, who has held a certificate for a minimum of five years, to become a fully qualified pharmacist merely by taking an examination. It is almost as though a man were allowed to become a doctor without taking a medical examination, a man to become a lawyer without passing the Bar examination.

Now this amendment it would seem to me would be a pretty mild affair. There are many old druggists in this State who would like to hold their assistants a few years after they become registered pharmacists, and I think in voting for this amendment, you will be voting in favor of those men who have spent many years in the business who have had an education in pharmacy. I therefore hope the motion to indefinitely postpone does not prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: On two occasions during this debate the lawyers have been brought into the picture. The gentleman from South Portland, Mr. Danes, claims that the attorneys, the lawyers, have to have a college degree. In 1945, my first term in the Legislature, a bill

was introduced that would have the students at the law school before they could take the bar exam, the requirements would be that they would have to have 60 hours of college credits. I well remember that because I fell into that web, and I was going to go to law school, I did go, but first I got the 60 hours of college credits under the requirements, number one. Number two, there was an exemption to the bill wherein it concerned the veterans that they would not be required to have the 60 hours of college credits before they could take the bar exam, they merely would not even have to have a high school degree, but the requirements of a high school degree. I just wanted to clarify that point.

I went along then with the bill of two years of college credits, and I think it ought to be 60 hours of college credits. I think the day is coming that to protect their own profession, the attorneys will make it a mandatory four years. Until that time comes I don't want to put any more restrictions on the druggists. I hope that the motion of the gentleman from Portland, Mr. Miller, prevails.

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

Mr. MILLER: Mr. Speaker, I just want to mention one more point. In consulting several attorneys in regard to this amendment, I have been informed that it is unconstitutional.

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

Mr. DANES: Mr. Speaker, I would advise the gentleman from Portland, Mr. Miller, that the amendment was drawn up in the Attorney General's Office.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker and Ladies and Gentlemen of the House: I originally got up to oppose the amendment, but now let me take a few minutes of your time and tell you about the law itself. There is a section in the law as it is written right now stating there are two types of certification for a qualified assistant. One, a qualified assistant who

will come off the street and go to work in a drug store for two or three years or four years, and thereby gain knowledge of the work in compounding prescriptions and waiting on trade so that he can take an examination and then be certified as a qualified assistant. Now he remains a qualified assistant for as long as he wants to. The law on the books at the present time states that in order for a man to become a registered pharmacist he must be a graduate of a four-year college course in pharmacy. Now they want to put into this bill to repeal the section of the double certification for qualified assistants and say to these boys, now within five years you are allowed to take two examinations which will make you a registered pharmacist. We will give you the same treatment as the boys who have gone to college for four years, you will become a registered pharmacist, and I don't believe that that is right. The registered pharmacists in the state are trying to build up their standards and they are not going to build up their standards if they allow people who have been working in drug stores for three or four years without the four year mandatory college requirements as is specified in the law today to become registered pharmacists. Now I think that is a very serious step. Now this law will give these qualified assistants a chance within five years to take that examination twice; if they flunk it twice of course they will remain qualified assistants the rest of the time. This law would make the qualified assistants just keep right on repeating, and I don't think that is the intent of the people who are registered pharmacists.

Now the reason I was so strong about this, I reported this out of Committee as "Ought to pass". Over the week-end I spoke to two registered pharmacists who are very, very much opposed to this, and they said this will be setting pharmacy back twenty years. Now on the basis of what he has told me and going into the law books, the Revised Statutes of 1957, I am partly convinced that he has a lot in what he has told me, and I want that to go back to the Committee for that reason. You denied that right, and so

I will bring out the effects of the law at the present time, and I believe that this particular thing, not only the amendment, but the entire law now, and I move the indefinite postponement of the act in its entirety, the amendment and all accompanying papers.

The SPEAKER: The Chair would have to advise the gentleman that a motion to indefinitely postpone the entire bill is not in order at this time. The question now is the indefinite postponement of the amendment.

The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker and Ladies and Gentlemen of the House: I too have talked to a registered pharmacist, and both sides have given a wonderful argument here, and I just want to interject this into the argument from what I have gained through conversation with registered pharmacists in regard to their assistants. I don't want the House to forget that this is a wonderful gesture on the part of the pharmacists to give these people a chance to further get ahead in the world in that particular vocation, and I hope we don't lose that fact. I think it is just a small thing. I asked this druggist, I says: How come these fellows can be registered pharmacists after they take these exams, I should think they would have to know Latin, and he says ninety per cent of their prescriptions today are written in English, he said it makes it that much easier for them, and everything is pretty practical for them. I hope when the House votes, that they will not ask for indefinite postponement.

The SPEAKER: The Chair must remind the gentleman (Mr. Miller) that he has spoken twice to the motion, and must have consent of the House to speak further.

The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker and Members of the House: My only interest in this matter is to expedite legislative process. I think it is about time that we took some action on this matter and of course I would oppose indefinite postponement because I was the sponsor of the bill by the act of my professional society. We are not doing any different

here in Maine with this bill than they have done in the other forty-eight states. We are a little later than some of the other states in taking up this procedure. However, the need was so great back in 1931 that we neglected it and let it go on. However, if we don't take some action in this legislature, I must remind this body that a bill of similar nature will be here two years from now; should it fail, it will be here two years hence, and in the meantime we will have on our rolls forty to sixty more qualified assistant pharmacists. It is the will of my professional society to limit this and by limiting the amount of qualified assistants we have agreed to give them this privilege which other states have allowed their boys. It is the will of the majority and it being a matter of democratic principle the majority should rule. Everyone has been heard for the past four years in our association. The Committee on Public Health heard this bill fully. It is true that there were some opposed to it, some of the recent graduates of colleges, and I admire them for their stand that they take. We are all entitled to our opinions, but we must consider also what is the best for the whole, and I would restate that it has been the majority opinion of our professional society that we take this action. I hope that we can pass this bill. I personally have no objection to the amendment of the gentleman from Portland, Mr. Danes, at all. I think it might be fair. I don't think you would find many of the assistant pharmacists in the State that would oppose this amendment. I probably personally would support his amendment. However, I will leave that to the discretion of the House members. This is merely a qualification. It isn't really too much of a restriction because both sides must of necessity have to give and take a little bit on this measure. Maine, Mississippi and Colorado are the only three states left in the Union of these states that are giving qualified assistant examinations. Many of these states have cleaned their houses and set them in order by eliminating the qualified assistants and giving them in many instances — the great State of Ohio with the tremendous

population gave their qualified assistants a full registration, which I in Maine would not condone. I don't believe that it is right.

The bill in its beginning was ambiguous anyway. Our present qualified assistant bill allows any qualified assistant pharmacist to do the acts of a registered pharmacist in this State. The original bill probably was wrong, but the need was great back in those days, and I am always in favor of the majority whether I am right or wrong. I hope that this amendment will not be recommended, but I do appeal to the members of this House to go along with me and my society in their desire to straighten out the house of pharmacy in the State of Maine, and that is the only manner in which we can achieve this purpose. Thank you very much, Ladies and Gentlemen.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Ervin.

Mr. ERVIN: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from South Portland, Mr. Danes, if this amendment applies to the college graduate as well when he becomes a registered pharmacist providing he passes the examination, or does it apply only to the qualified assistants?

The SPEAKER: The gentleman from Houlton, Mr. Ervin, addresses a question through the Chair to the gentleman from South Portland, Mr. Danes, who may answer if he chooses.

Mr. Danes: Mr. Speaker, the proposed amendment is for the qualified assistant only. It is not necessary although it is necessary for a registered pharmacist when graduating from college to have had experience under the jurisdiction of a previously registered pharmacist.

The SPEAKER: Does the gentleman from Houlton consider his question answered?

Mr. ERVIN: No, I don't. Is that yes or is that no?

The SPEAKER: Would the gentleman from South Portland kindly restate his answer?

Mr. DANES: This amendment applies to the qualified assistants only. I thought I made that clear.

The SPEAKER: Is the House ready for the question? The question before the House is the motion

of the gentleman from Portland, Mr. Miller, that House Amendment "A" to Bill "An Act relating to Qualified Assistant Pharmacists," House Paper 926, Legislative Document 1308, be indefinitely postponed. A division has been requested.

Will those who favor the motion to indefinitely postpone House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-five having voted in the affirmative and seventy-two having voted in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Danes, that the House adopt House Amendment "A". Will those who favor the adoption of House Amendment "A" please say aye; those opposed, no.

Thereupon, House Amendment "A" was adopted on a viva voce vote, and the Bill assigned for third reading tomorrow.

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a group of South Portland Girl Scouts, Troop 127, accompanied by their leader, Mrs. Chase Thompson; and also a group of the Bangor High School Business Club students accompanied by Mrs. Janice Burton and Mrs. Dorothy Lord, the teachers. On behalf of the House, the Chair extends to all you ladies and gentlemen a most hearty and cordial welcome, and we hope you will enjoy and profit by your visit here today. (Applause)

The SPEAKER: The Chair now lays before the House the sixth tabled and today assigned matter, House Report "Ought to pass" of the Committee on Claims on Resolve in favor of Wild Acres Turkey Farm of Standish, House Paper 184, Legislative Document 277, tabled on April 16 by the gentleman from Gorham, Mr. Sanborn, pending acceptance of the Report.

Thereupon, the "Ought to pass" Report was accepted, the Resolve read once and tomorrow assigned.

The SPEAKER: The Chair now lays before the House the seventh

tabled and today assigned matter, House Report "Ought to pass" with Committee Amendment of the Committee on Highways on Bill "An Act relating to Permits for Outdoor Advertising," House Paper 84, Legislative Document 131, tabled on April 16 by the gentleman from Bangor, Mr. Cousins, pending acceptance, and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, the Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 84, L. D. 131, Bill "An Act Relating to Permits for Outdoor Advertising."

Amend said Bill by striking out the last sentence and inserting in place thereof the following underlined sentence:

"Any person, firm or corporation who shall erect, maintain or display outdoor advertising in a city or town contrary to the zoning ordinances thereof shall be subject to the penalties of section 148 and the commission may require such structure, device or display to be removed."

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

The SPEAKER: The Chair now lays before the House the eighth tabled and today assigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Legal Affairs on Bill "An Act relating to the Van Buren Hospital District," House Paper 400, Legislative Document 583, tabled on April 16 by the gentleman from Madawaska, Mr. Rowe, pending acceptance of either Report.

The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Thereupon, on motion of that gentleman, the Majority Report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House item number nine, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on State Government on Resolve Proposing an Amendment to the

Constitution to Eliminate the Office of Treasurer of State, House Paper 883, Legislative Document 1257, tabled on April 16 by the gentleman from Gorham, Mr. Sanborn, pending acceptance of either report.

The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker, I now move the acceptance of the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Madawaska, Mr. Rowe, moves that the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. ROWE: Mr. Speaker and Members of the House: I now move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that both reports be indefinitely postponed.

The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker and Members of the House: I want to say at the outset that there is nothing personal in my sponsoring this bill. I think that the present treasurer is a very fine and outstanding person and one whom I consider to be a friend. Secondly, I would like to say this: That at the beginning of handling this bill and doing some studying on it, I must admit that I was rather indifferent to its passage or non-passage, but as I went around and turning over one stone and looking under it and finding many surprising things, I became very vitally interested, and I would like to turn over to you House members my findings for your consideration and I know it will be your sincere judgment.

The history on the State Treasurer's Office and suggested changes begins away back in the early 1930's under the Republican Governor, William Tudor Gardiner, and a report that was made at that time by the State Administrative Consolidation in Maine was a report on the survey of the State Government conducted for the Governor at that time by the National Institute of Public Administration, New York, 1930.

On Chapter 3, Page 51 the Report had this to say concerning the De-

partment of Finance: "The Department of Finance should be the right hand of the Governor in managing the state's business. Its head, the Commissioner of Finance, should be appointed by the Governor with the advice of the Council and would serve at the pleasure of the Governor. He should be thoroughly qualified by training and experience to direct the financial affairs of the state government, which involve the annual collection and expenditures of moneys amounting to about \$25,000,000. The Department should be organized under the following bureaus:

1. Bureau of Accounts and Control, with a controller in charge;

2. Bureau of Purchases, headed by a purchasing agent;

3. Bureau of Taxation, with a director of taxation at its head;" and this is the important part here: No. 4, within the Department of Finance, the Report recommends: "Bureau of Treasury headed by a treasurer."

The report goes on: "Each bureau head should be thoroughly qualified to carry on the work of the bureau and should be a permanent state employee, not to be changed by each succeeding administration.

"The Department of Finance can be established by statute with all the major functions, except for Treasury, placed under it immediately. To put the Treasury under it will require a constitutional amendment. In the meantime the Treasury can be associated with the department to the extent of working out the proper fiscal procedure and installing a central set of accounts.

"The Bureau of Treasury should be set up under Department of Finance as soon as the constitution can be amended. It is necessary that the treasury be an integral part of this department and it cannot be made so without eliminating the treasurer from the constitution. The treasurer should be a permanent, full time employee."

Study No. 2 which was made on Report of the Citizen's State Government Committee to the Ninety-Sixth Legislature, Augusta, Maine, February, 1953, Page 4 and 5 had this to say:

In its summary of recommendations to the 96th Legislature the

Committee goes on and "Recommends favorable consideration for legislation which is being introduced and which would:

1. Expand the Department of Finance to a Department of Finance and Administration, including bureaus of Property and Treasury."

Continuing on Pages 5 and 6, the Committee recommended "To transfer the treasury from its present constitutional position to the status of a Treasury Bureau in the proposed Department of Finance and Administration. The treasurer would become an appointee of the Commissioner of Finance and Administration serving without definite term, instead of being elected every two years by a legislature. This would remove a troublesome duty from the legislature, and at the same time place a fiscal agency with other fiscal units where it logically belongs. As far back as 1930 the Code reports, recommended these changes."

The last study, Study Three, Organization of Administration of the Government of the State of Maine, which is a survey report by the Public Administration Service, Chicago, Illinois; submitted June 12, 1956, on Page 4 says this:

"The State Treasurer in Maine is a constitutional officer. He is elected biennially by joint ballot by the Senate and House of Representatives for a term of two years. His salary is set by law. The State Treasurer receives, maintains custody of and disburses funds of the state. Other functions of the treasurer are the investment of trust and regular funds in excess of immediate cash requirements; the execution of ministerial duties pertaining to bond issues; and the collection of departmental accounts receivable after such accounts remain uncollected for ninety days."

On Pages 59 and 60 they continue in their recommendation and say this: "The State Treasurer" should "be appointed by the Governor with the approval of the Council rather than elected by the Legislature and that his term of office coincide with that of the Governor. The routine functions of the Treasurer pertain essentially to that of a cashier and such being the case the office of the Treasurer might well be made

ultimately a component part of the Department of Finance and Administration."

Now, I had the privilege to spend, among other things that I did, one whole afternoon in the Treasurer's Office. They were very kind to me. We visited different parts of the Department, they showed me their functions and the Treasurer himself turned in to me this one page report here on the statement of his duties, and I would like to read these statements into the record here and then to analyze them.

The duties as listed by the present Treasurer of the State are: No. 1, Receipt and Custody of State Funds; The Custody of all Securities; Control of all State bank deposits; the Investment Officer for all securities; it says the Treasurer has full supervision of all bonds issued by the State covering preparing — sale — interest payments and payments at maturity; the collection of accounts; assessment and collection of Forestry Tax; the distribution of the Bank Stock Tax, Telephone Tax and Railroad Tax to towns; the distribution of money received from activity in the National Forest Areas; the distribution of payroll checks to departments and institutions; the transfer of unemployment benefit funds from the local bank to the trust fund in Washington, D. C.; the assessment of the State Tax.

Now, I have taken those duties and I would like to analyze them one by one, and I wonder if you will not agree with me, at least, in part of my judgment.

Concerning the receipt and custody of State funds, yes, it is true that the Treasurer does this and he does this with minor exceptions. He has also the custody of all securities, and he does this also. He controls all of the State bank accounts, a listed duty here. I would like to point out to the House members that what the Treasurer's office merely does here is he balances out disbursements as against cash in the bank, nothing more, nothing less, it is a simple bookkeeping job. The State Treasurer's Office, for instance, does not know what is disbursed or what is received, he merely handles balances. It is a simple bookkeeper's job.

The next listed duty, investment official of all securities, however, with exception this is not true. He must have the approval from the Governor and the Council and also from the Commissioner of Finance and Administration and/or the State Controller, and in some cases from other state officials as well. I would like to point out that in some instances this is tied up since the Treasurer does not know what money is for any particular department, he does not know what is surplus within any particular department, and he cannot on his own, without getting into very serious difficulties, invest or he could over-invest monies that he assumes that he has. And this has been done, I might point out, for instance, in the Highway Department where some several hundreds of thousands of dollars were tied up by the Treasurer assuming that there were surplus funds in that department which did not exist. The Department of Finance was contacted on this problem there, they bailed him out by borrowing from the General Fund.

The Treasurer's supervision of bonds to be issued. This is also another example of people sharing these duties. Approval must be made by the Governor and Council and they must be countersigned by the Commissioner of Finance and Administration. This is simply, I looked over the forms that are made there on issuing any type of a bond issue, it is a simple clerical job. The only problems that are involved in the bond issue is one makes the determination as to length of the bond issue, if it is going to be ten, twenty or twenty-five years and, No. 2 determination whether or not the bond is going to go out for bid or we will set the rate of interest at four or two and a half per cent. The rest of the decisions there that are made is a very type of a clerical nature of job.

Collection of accounts is another listed duty here. I would like to say more on that later, if I may.

The assessment and collection of the Forestry Tax. This is a function that belongs to the State Tax Assessor because this is a job which is already done in his office, and the only thing that the Treasury Depart-

ment gets is merely a statement of work which is already done.

The distribution of the Bank Stock Tax, these distributions again are prorated in the various committees under formula set by law. And the actual payments on this duty here is made by the Bureau of Accounts and Control.

The distribution of money from the National Forest Areas. This is a payment received from the National Parks once a year. The money is split up and payment approved by the Governor and Council and made to ten towns and counties.

The distribution of payroll checks. This is simply a distribution job here. The Treasurer, even his signature is placed there on the checks within the Department of Finance, it is purely a clerical job and it involves merely either different departments calling at his office after these bundles of checks are delivered from the Finance Department up to his office, and it involves merely the departments picking up these checks. The checks which are not picked up by the departments there are merely sealed in an envelope and sent to the person who they belong to.

The transfer of unemployment benefits from the local bank to the trust fund in Washington. This again, is only done with the advice of other people, and in particular, I am referring to the Maine Employment Security Commission.

The Assessment of State Tax. This is a duty, again, which belongs to the State Tax Assessor and the Board of Equalization.

In my own judgment, sincerely, I think that this bill to eliminate the Treasurer's Office really deserves serious consideration on your part. In any event I will trust your judgment as being the best we could make at this time. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Members of the House: First, I want congratulate the gentleman from Madawaska, Mr. Rowe, for his conscientious efforts, his fine presentation of his facts and thinking, but I still have to differ with him.

It is just one more move on the part of the Executive Department to

take over the legislative authority, to take away from us our prerogative to say who shall be treasurer of the State. He also expressed that it should coincide with the term of the office of Governor. The whole thing in itself points out, with the other bills that are pending, to give the Governor authority to appoint, the whole thing jells down to one thing, it is a party measure, at least from the aspects that have been presented by this gentleman, and I think, even though he has put in a lot of work and I admire him for his stand, I still will have to take the stand for indefinite postponement, and when the vote is taken I request a division.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Mayo.

Mr. MAYO: Mr. Speaker and Members of the House: I appeared before the Committee in opposition to this bill and I am still opposed to it for many reasons. As the gentleman from Bridgton, Mr. Haughn, has already said, it just takes away some of the privileges of the legislature. It is another one of those steps towards centralizing certain parts of our government. It takes away the check which the State Treasurer now has on certain finances in the State.

Another interesting part that came up in the hearing before the Committee was the question of one of the Committee members as to whether or not this was going to cost more money, and it was found out that this bill would cost the State more money. I think that is a definite thing that we should take into consideration at this time and I sincerely hope the motion of the gentleman from Bridgton, Mr. Haughn, prevails.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I have a great deal of respect for my good friend, the gentleman from Madawaska, Mr. Rowe. A great many times I vote with him, and I do not believe that he has presented this as a party measure. I believe that he thoroughly believes in it, although I believe he is dead wrong.

One of the things that he has stated is that the Treasurer has little or nothing to do, and the recommendations that he read, they wanted a man appointed by the Governor to do the same thing. Now, why I object to this thing in particular is that it will, as has been stated, just take from the people, and we here in this House and in the other body of this Legislature are the people. We are just their servants, we are here to represent the people.

Why I can't go along with this is that I cannot see why just one man, having been elected by the people, regardless of his party, why he should feel that he is better qualified or why anybody should feel that he is better qualified to pick the servants of the State than all of these 183 members or 184, whatever they are, elected by the people and elected every two years.

So, while I am very sorry to go against my good friend, the gentleman from Madawaska, Mr. Rowe, because I know he has put a lot of work in this, I believe he is interested, I know he is interested and I know he is sincere and I hope that the motion to indefinitely postpone does prevail.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Madawaska, Mr. Rowe, has given you a brief summary of the many, many duties that the Office of Treasurer performs. From the many, many duties that he performs you can see that it is a very important office. There is, however, a few items that he did not mention.

He did not mention that the Treasurer was able to turn in to the State last year an income of \$860,124 through investments of idle cash, which is rather a unique income as it does not come from taxation.

He mentioned about the Treasurer charged with the issuance of all State Bonds. He did not say that all of these, the preparation, printing, sales, delivery and payment of interest and principal was done without hiring any outside legal or other help.

State business has increased very materially. As an example, in 1947,

\$160,000,000 was handled through the Treasurer's cash book. Last year \$383,000,000 was handled. Yet the Office of the Treasurer has only one more clerk than he did in 1947. We are getting all of these services with only eight employees and at a cost of less than \$60,000.

Any good accounting officer will tell you that internal control in any business is a must. If you will pardon me, I would like to refer to my own personal business. My officer has set up an internal control system for me. The person that receives the money makes a record in duplicate of money received and then deposits the money in the bank. That person keeps a copy and gives a copy to the bookkeeper, who posts the credit to the accounts. The auditor states that under no circumstances should a person receiving money be allowed to post to the account currents.

The Treasurer's Office serves as a part of our system of checks and balances. I believe it should be continued as a separate department and not merged with any other department.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Mr. Speaker and Members of the House: I think you have heard from a previous speaker that the State of Maine is certainly a big business. Most big businesses today, once in a while, have to have a point of reckoning. They need experts to come in and look their situation over and say look, aren't you getting just a little too big and a little too unwieldy.

The State of Maine today has over a hundred separate agencies, and in the past few decades you have seen this administrative sprawl grow and grow. The State of Maine is not alone in its possession of a governmental structure unfitted for present day management needs and objectives, or in its recognition of the fact that some revision of this structure is necessary. This bill is only one more bill which is intended for consolidation, which would help streamline our government and save the taxpayers a considerable amount of money.

According to the law one of the duties of our Treasurer is to collect

accounts receivable over ninety days old. Now, in the fiscal year ending June, 1955 the accounts receivable in the amount of \$108,000 were written off our books, they were not collected. The Treasurer has no field force for this sort of thing. His alternative is to place them in the hands of the Attorney General, and in that year only two accounts, just two, were turned over to the Attorney General for collection, and \$108,000 were written off the books.

Here then, very definitely, is a good indication where the duties of that office might well be taken up by another department in the State which has available office force to perform such duties and save the State many thousands of dollars. Thank you very much and I hope the motion of the gentleman from Bridgton, Mr. Haughn, does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, when the vote is taken I move that it be taken by roll call.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker and Members of the House: I think there have been two points that have been brought up which I would like to speak on very, very briefly, if I may.

The number one point that was made was that elimination of the State Treasurer's Office would cost the State money. It would not cost the State money because in most cases, I think the logical recommendation would be to put these duties just where they belong so that in most cases they could be easily absorbed by the people that are already carrying on the work.

The second point that was brought up is that the State Treasurer's Office may be justified because since he is the controller he is part of our system of checks and balances in protecting the taxpayers' money. This is not true. And the most flagrant example brought to my knowledge that happened one time here in the State of Maine was the so-called "Runnells Case." It always has been purported by those

people who have argued against the elimination of the State Treasurer's Office that if it had not been for the State Treasurer's Office and his records existing at that time, that Mr. Runnells would not have been convicted for his crime of stealing from the State of Maine.

I have in my hands here a document called the "Report of Examination, State of Maine, June 30, 1939," a report from Ernst & Ernst, who was an auditing company. Now, I would like to read into the record here, if I may, some of the preliminary letters that were made by Ernst & Ernst to Governor Lewis O. Barrows at that time, and frankly I was floored, really, literally when I ran across this information here. The same situation exists today. My contention at this point is that the State Treasurer's Office is not a point of control.

To begin here, the letter is dated April 11, 1940.

"Hon. Lewis O. Barrows, Governor of the State of Maine.

Dear Sir:

"In our letter of April 9, 1940, we reported to you that checks issued in payment for inter-departmental charges had been cashed at the State Treasurer's office by William A. Runnells, former Controller. Several additional instances of these irregular transactions have been disclosed by our investigation since our previous letter to you. In every instance the checks were made payable to 'Treas. of State,' and underneath is designated the department to whose credit the check should be applied. A number of these checks are for substantial amounts, as one example of which we have a check dated April 24, 1939, for \$3,680.00. This check was cashed at the Treasurer's office by the former Controller, and the proceeds thereof are not accounted for. No satisfactory explanation has been made to us why the office of the Treasurer of State should cash checks made payable to the Treasurer of State and which should have been known to his office as transfers of funds between departments.

"We believe that we should at this time bring to your attention the fact that the principal active bank account which the State carries

in a local bank was not reconciled for the period from May 31, 1932, to December 31, 1938." A passage of six years. "There is an unreconciled difference, substantial in amount, in this account as of the latter date, which has not been adjusted on the books. A somewhat similar situation exists with respect to another account. We are informed that these facts were known in the Treasurer of State's office, to the State Auditor and to the Former Controller.

"This information is submitted in advance of our full report.

Very truly yours,

ERNST & ERNST"

That is letter No. 1.

Letter No. 2 goes on, April 17, 1940.

"Hon. Lewis O. Barrows
Governor of the State of Maine
Augusta, Maine

Dear Sir:

"In connection with our examination we are submitting herewith a partial list of checks drawn to the order of the Treasurer of the State, care Bureau of Accounts and Control, during the period from July 1, 1937, to March 31, 1940, which do not appear in the cash records maintained in the Treasurer of State's office as credits to the Bureau of Accounts and Control. We are informed that this type of Treasurer's check was customarily issued to cover inter-departmental charges. We have indicated on the attached schedule those checks which bear upon their face evidence of having been cashed. We have satisfied ourselves that the proceeds from none of these checks have been credited to the Bureau of Accounts and Control." They go on and they sign off again, Ernst & Ernst.

Just one or two other things, I am not going to read the whole report, but I think it is very, very pertinent to the point that is made here that the Treasurer's office is a point of control. My contention at this point is, and the evidence bears out, and the operations of the department here shows today that the Treasurer's office is not a point of control.

On Page 4 of the report they go on: "We were unfavorably impressed with the records in the Treasurer's office pertaining to tax accounts receivable committed for collection. It was apparent that trial balances had not been proved for several years and the State could have lost substantial amounts through irregularities or failure to follow and enforce collections."

I think it is a very simple matter of facing up to the data.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, once again I want to compliment my friend, the gentleman from Madawaska, Mr. Rowe, on a fine presentation, but I still maintain the issue at stake is another thing to take the legislative halls away. You have got five or six bills here pertaining to the same subject, if they can't gain their objective through one method of a bill they will approach it with another.

As you gentlemen of the House know, and the Ladies as well, that we have heard this pro and con on all these political issues, and I think it is about time for a show-down and I think today should be one to prove a point, and I am glad to see the gentlewoman from Rumford, Miss Cormier, call for a roll call because I certainly approve of it, but I hope that the party members will consider this bill very well when they vote.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that both reports be indefinitely postponed on Resolve Proposing an Amendment to the Constitution to Eliminate the Office of Treasurer of State, House Paper 883, Legislative Document 1257.

The gentlewoman from Rumford, Miss Cormier, has requested a roll call. For the Chair to order a roll call the Chair must have an expression of the desire for a roll call from at least one-fifth of the members.

Will those who desire a roll call please rise and remain standing un-

til the monitors have made and returned the count.

The SPEAKER: Obviously more than one-fifth having arisen, a roll call is ordered.

Without objection, Mrs. Knapp of Yarmouth, who would have voted "yes", paired her vote with that of Mr. Stanley of Bangor, who would have voted "no" were he present and, therefore, was excused from voting.

The SPEAKER: The Chair will state the question. The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that both reports be indefinitely postponed. If you favor indefinitely postponing both reports you will answer "yes", if you oppose the motion to indefinitely postpone you will answer "no". The Clerk will call the roll.

ROLL CALL

YEA — Baker, Baxter, Berman, Bragdon, Brockway, Brown, Bangor; Brown, Cape Elizabeth; Brown, Ellsworth; Call, Carville, Caswell, Chapman, Gardiner; Chapman, Norway; Choate, Christie, Clark, Cousins, Cox, Crockett, Curtis, Danes, Davis, Calais; Dean, Dennett, Dennison, Dodge, Dumaine, Dunn, Edgerly, Edwards, Stockton Springs; Emmons, Ervin, Frazier, Good, Hancock, Hanson, Bradford; Hanson, Lebanon; Harrington, Haughn, Hobbs, Hodgkins, Hughes, Hutchinson, Jewell, Jewett, Jones, Kennedy, Knight, Lindsay, Linnell, Maddox, Mathews, Mathieson, Mayo, Monroe, Moore, Morse, Parsons, Perry, Easton; Perry, Hampden; Philbrick, Pike, Rankin, Rollins, Rowe, Limerick; Sanborn, Shepard, Smith, Exeter; Smith, Falmouth; Storm, Treworgy, Trumbull, Turner, Wade, Walsh, Walter, Weston, Wheaton, Whiting, Whitman, Winchenpaw, Young.

NAY — Aliberti, Barnett, Boone, Briggs, Cahill, Cormier, Cote, Couture, Coyne, Cyr, Augusta; Cyr, Fort Kent; Davis, Westbrook; Desmarais, Dostie, Doyle, Dudley, Dufour, Dumais, Edwards, Raymond; Gallant, Harris, Healy, Hendricks, Hilton, Jacques, Jalbert, Johnson, Karkos, Kellam, Kilroy, Kinch, Lancaster, Lantagne, Lebel, Lemelin, Letourneau, Lowery, Maxwell, Miller, Nadeau, Pert, Plante, Porell,

Prue, Reed, Rowe, Madawaska; Russell, Saunders, Tardiff, Walls.

ABSENT — Bacon, Beane, Caron, Carter, Dow, Earles, Edmunds, Graves, Hardy, Heald, Hendsbee, Lacharite, Lane, Pitts, Stanley, Warren, Williams.

Yes 82, No 50, Absent 17.

The SPEAKER: Eighty-two having voted in the affirmative, fifty having voted in the negative, with seventeen absentees and one excused, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a group of twelve girl scouts from Troop 5 of Thomaston, accompanied by their leaders, Mrs. Joseph Richards, Mrs. Clayton Staples and Mrs. Leroy Whitten. On behalf of the House, the Chair extends to you young ladies a most hearty and cordial welcome, and we hope you will enjoy and profit by your visit here today. (Applause)

The SPEAKER: The Chair now lays before the House the tenth tabled and today assigned matter, Bill "An Act Providing Mandatory Jail Sentence for Second Offense of Driving Under the Influence," Senate Paper 329, Legislative Document 905, tabled on April 16 by the gentleman from Bangor, Mr. Cousins, pending passage to be engrossed, and the Chair recognizes that gentleman.

Mr. COUSINS: Mr. Speaker and Ladies and Gentlemen of the House: The amendment which I have under preparation has to do with making certain that the effects of this bill will apply only after the effective date of the act. There is some question as to whether or not this is needed, and the Judiciary Committee has a copy of the proposed amendment as does the Deputy Secretary of State. I have not cleared it either way with those gentlemen, and I have no desire to do anything to harm this bill because I think the intent of it is fine. Therefore, I respectfully request permission to table this bill again until Thursday, April 23 of this week.

The SPEAKER: The gentleman from Bangor, Mr. Cousins, moves that this Bill be retabled pending passage to be engrossed and specially assigned for Thursday, April 23. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now lays before the House the eleventh tabled and today assigned matter, Resolve Opening Long Lake, Aroostook County, to Smelt Fishing," House Paper 720, Legislative Document 1025, tabled on April 17, by the gentleman from Madawaska, Mr. Rowe, pending passage to be engrossed and the Chair recognizes that gentleman.

Mr. ROWE: Mr. Speaker and Members of the House: The members were kind enough last Friday to let me table this bill, and I have talked with the department and my people at home, and the amendment seems to be suitable, that is, we think it is. If it isn't, I will have to find a spokesman in the other branch, so I move it be passed to be engrossed.

Thereupon, the Resolve was passed to be engrossed as amended and sent to the Senate.

The SPEAKER: The House is proceeding under Orders of the Day.

At this time the Chair would state that there is before the House the matter tabled earlier today and specially assigned for later in today's session, Senate Divided Report, Majority "Ought to pass" as amended by Committee Amendment "A" and Minority "Ought not to pass" of the Committee on Sea and Shore Fisheries on Bill "An Act relating to Use of Draggers in Sheepscot Bay," Senate Paper 194, Legislative Document 490, and that in the Senate the Majority "Ought to pass" Report was accepted and the Bill passed to be engrossed as amended. This Bill was tabled earlier in the day by the gentleman from Brunswick, Mr. Lowery, pending the motion of the gentleman from Vinalhaven, Mr. Maddox, that the Majority "Ought to pass" Report be accepted; and the Chair recognizes that gentleman.

Mr. LOWERY: Mr. Speaker and Members of the House: I rise in support of the "Ought not to pass"

Report of the Committee on Sea and Shore Fisheries on L. D. 490. I asked for this Report to be tabled earlier because of the fact that L. D. 1294 which is on the table also pertains to much of the same waters, and it is hard to speak on one bill without taking the other bill into consideration to some extent. Therefore, some of my remarks will also pertain to L. D. 1294.

I feel that this legislation is selective legislation and that this type of legislation is not good. During two days of rather lengthy hearings on these two bills, which, incidentally, were very well attended with good representation from both the dragger operators and the lobstermen, only one real fact emerged. The real cause of disagreement between the two factions was the operation of one or two draggers whose owners, either through stubbornness or avariciousness, would not agree to mutual use of the fishing grounds in question. This is indeed a sad situation where so many are affected by the adverse acts of so few; approximately 50 draggers with their crews are involved on one side and several hundred lobstermen on the other side.

A true figure on lobster landings by the draggersmen is apparently impossible to obtain, but even the highest estimates showed a negligible poundage, certainly not a profitable enterprise for draggers in these inshore waters.

I would suggest arbitration rather than legislation. I feel the proper solution to this problem is not legislation of the type proposed, but rather for the dragger operators through organization, together with organized groups of lobstermen and with the help and cooperation of the Commissioner of Sea and Shore Fisheries work out an equitable agreement on the use of these grounds. During the course of these hearings, many on both sides expressed their willingness to cooperate.

I do not feel that we, in this Legislature, have the right to deprive one segment of the fishing industry of its rights for another segment's advantage, even for a small part of the year. There is always the danger that if we pass these bills, future legislatures will be asked to extend the time limits further, and

extend yet more, the closing of waters, so that eventually all inshore dragging operations might be prohibited.

We have approximately 210 air miles of coastline from West Quoddy Headlight to Whaleboat Light at Kittery. Nearly 60 miles, off Washington County, is already closed to inshore dragging due to previous legislation. Incidentally, this has had no noticeable effect on the lobster catch in that area. Addition of the area covered in these two bills would close off, for a period of time at least, another 40 miles, or a total of nearly one-half our coastline.

I would like to say further that I believe it is good that these bills have been introduced, although I hope they do not receive passage. I believe that it will serve as a warning to both the lobstermen and the dragger operators that, unless they put their own house in order, it may become necessary to pass legislation in the future which could have a very serious effect on the economy of the groups directly involved and could prove costly to the entire state.

There are one or two other items that I would like to bring to your attention. First, under these bills there is the matter of enforcement. The ones in question are jointly Sagadahoc County and Lincoln County. In order to obtain a conviction in court it would be necessary to get a maritime location, a maritime position as to where the offense occurred and then would come the question of jurisdiction of waters. County lines seaward are extremely hard to define. This is true of the lines pertaining to L. D. 490, the Sheepscot Bay area, and it is even a little bit more difficult in the waters of the Penobscot Bay area, covered by L. D. 1294. Here again, you have the question of jurisdiction over the waters, and the courts to which a case must be tried.

The Lincoln County lines run from the mouth of the Medomak River southwest to Friendship to the west of Harbor Island. It then turns north-eastward to take in Monhegan Island. This leaves a long triangular section, with approximately one mile on its outer edge in Lincoln County waters. I think that you will agree with me that it would be ex-

tremely difficult to establish a position of violation in these waters, especially on an overcast day. Duck Rock Bell Buoy, referred to in L. D. 1294, is in Lincoln County waters. Old Man Ledge Buoy is in Knox County waters.

The loss of gear has been cited by the proponents of this measure. The supposedly heavy loss of gear is not altogether a result of the operations of the draggers. A part of this area is used as a testing area for new ships. Only recently a super tanker was in this area making its test runs. Numerous coastal tankers and small freighters on their way to and from Searsport and Bucksport use this same mud bottom channel. Some of us who were on a recent cruise with the training ship, the State of Maine, were well aware that we ran across lobster gear. A considerable amount of gear is lost in this fashion.

Although it has been said that there are no fish in this area during these few months, I find that the reference to fish is a reference to paying fish such as pike and haddock. However, there are still plenty of flounder, flatfish, trashfish in this area. These draggers derive a living from this trashfish, so-called.

The letter that most of you have received on your desks from some of the proponents of these bills has asked for a closing of only four months, a closed season, shall we say. Yet, for years a closed season has been advocated as a conservation measure to the lobstermen and we have always had a very decided "no" to that question.

Further I would like to say, getting down to enforcement of these regulations, there is a distance between Pumpkin Island, referred to in L. D. 490, and Duck Rock Bell Buoy, referred to in L. D. 1294, a distance of approximately ten miles. Lobstermen use these waters and the use of draggers would be permitted. In order to enforce the laws in these areas it could conceivably become necessary for the Sea and Shore Fisheries Department to maintain a continuous patrol to prevent encroachment, and the Department has only two boats at its disposal, two boats for the entire coastline of the State of Maine.

I, therefore, Mr. Speaker, would request or move indefinite postponement of L. D. 490 and all its papers.

The SPEAKER: The gentleman from Brunswick, Mr. Lowery, now moves that both reports be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I hope that this motion prevails. Our Maine Fisheries of Portland and the Portland Fish Company have asked me to oppose this legislation, they feel it will be detrimental to their business.

Now, at the last session of the legislature we had two bills of this type put in. The proponents of the measure did not even come up to the Legislature to support the person who put these bills in. There was another bill that was prepared but it was never admitted. So, I hope that the motion to indefinitely postpone prevails.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Mayo.

Mr. MAYO: Mr. Speaker and Members of the House: I represent a group of people from down on the coast close to the Sheepscot Bay area. I have cruised these waters a good many years in my own boat and know what the lobstermen are up against.

As far as the lobsters are concerned, if this bill is not passed it will not be many years before the lobstermen are out of business entirely. Now, we all like lobsters, as a matter of fact, the more we talk about lobsters right now the most of you are wanting one.

It is a known fact that the lobster does not swim through the water, he is the type of fish that crawls on the bottom. In the wintertime he goes out into the deeper water of the bays and, therefore, he crawls around at the bottom of these bays. These draggers come into these waters where there are no groundfish for them to fish for, they come in and it is a known fact that they are dragging for lobsters. In the process of dragging for these lobsters, they are not only gathering thousands of them but they also mutilate and kill other

thousands of them due to the fact of the heavy equipment which they are dragging along the bottoms of these bays.

Now, lobster fishermen, in the four months that we are speaking of, and all we are speaking of is four months, due to the inclement weather and the bad weather that we have down on the coast, the lobster fisherman who fishes with his trap and fishes with a small boat has to, out of necessity, place his traps in areas where there will not be large storms affecting him too much. Now, this Sheepscot Bay area that we are talking about in one part of this bill 490, is the type of a bay where a lobsterman can put his traps out there in the wintertime and catch them. Now, the draggers come in through that area, and here again, it is a known fact that they do destroy the lobstermen's equipment that is out there.

The law states that they should at any time report any equipment which they do pick up in their draggers, report it back to the person whose equipment they have picked up in their draggers. But they do not do that. The lobsterman is out the cost of his entire trap, his line and everything else.

Down in Washington County this bill is the type of law that has been in effect for over six years. Back at the time this law was put into effect, and it is read into the record, that at one time one lobster dragger dragged thirty miles of Washington County territory and brought in over 4,000 pounds of lobster into the Town of Eastport. It is also written into the record that the captain of the dragger, in court, admitted that he had done such and was fined for an infraction of the law because at that time draggers were not supposed to drag for lobsters.

The coast of Massachusetts has been closed for several years on a three mile limit basis. Massachusetts feels that it is good legislation to keep the draggers outside of a given line. Now, in Massachusetts they are kept out twelve months out of the year. We are only asking for four months out of the year to protect our lobster industry. We have in the neighbor-

hood of six or seven thousand lobstermen in our State of Maine, and possibly in the Sheepscot area I would say we probably have seven or eight hundred. They either come from the Lincoln County shores of Southport or they come from the Sagadahoc County shores of Westport, Five Islands and Small Point.

I have received several letters in the mail in the last few days supporting this bill from my lobstermen. I know of the argument that has taken place in the House and the Senate a good many times before regarding this same issue. There must be some reason why the lobstermen feel that the dragging of lobsters is going to be definitely detrimental to their business. I do not think that arbitration between the lobstermen and the draggers will ever do any good, they have tried that and had no success on it at all.

I could talk for a long while on lobsters but I will not talk any further, and I sincerely hope that the motion of the gentleman from Brunswick, Mr. Lowery, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Bath, Mr. Mayo, has presented arguments very thoroughly and I believe much better than I could do so. However, I would like to answer a few of the points made by the gentleman from Brunswick, Mr. Lowery.

The first one is really ludicrous in that he speaks of the difficulty of lines of a boundary being followed to define an area. Now, I defy him to find any man on the coast of Maine engaged in lobstering that they wouldn't go from here to Halifax in the pitch fog and follow a pretty good line. And with the navigation aids that we have today it is not a valid argument to maintain that lines of an area couldn't be definitely defined.

He makes the remark that we should put our house in order, the lobstermen and the draggers. That is a very good suggestion. But in order to have a house you have got to have bounds. You have

got to have an area defined in which you can put in order. They have no protection. The lobsterman fishes in areas adjacent to his home town, that is the unwritten law and as long as he is fishing lobsters he is all right. The draggerman is not restricted by the nature of his operation to any particular area. He comes into these areas, disrupts the fishing and in general raises havoc with the industry.

Now, he speaks of the lobster traps. The lobsterman expects, just as you do in any business, to write off a certain loss each year due to wearing out material and loss. That is expected. They expect an occasional tanker or a new ship on a trial course will cut off buoys, which is the only thing they do because they certainly can't reach the traps, and that is an expected part of the loss that the industry is going to take. But I have yet to see, and fishermen have yet to see any new ships or tankers cruising the coast of Maine that are depositing broken and smashed lobster pots on the decks of draggers, they get there somehow. So, I would hope that the motion of the gentleman from Brunswick, Mr. Lowery, to indefinitely postpone does not prevail, and I would ask for a division.

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: Having been born in Washington County and now living in Cumberland County I will rise to the defense of the lobster fishermen who derive their living from the ocean.

I would like to read a couple of letters. This one is from Tenant's Harbor: "We, the lobster fishermen of this area are reasonably certain if the dragging bills are not passed that within a very few years we all will be driven out of business or go bankrupt. As for men like myself who have never worked outside of this profession, would be disastrous to say the least. For anyone to assume that the lobster industry has any future if the dragging of lobsters is allowed to continue is only wishful thinking.

"This year marks my 34th year in the industry with the past 19

being of full 12 months duration each. I most sincerely hope that others may enjoy the same privilege for the next 34 years with each year being a full time job."

I also have one from Harold W. Look, who is one of our largest lobster dealers. He says: "I have been associated with the lobster industry now for more than fifty years. I have seen many changes from the old sailing smack to modern refrigerated trucks. Along our coast of Maine are some five or six thousand lobstermen with other thousands dependent upon them, and they enjoy a good way of life. This has been true for more than one hundred years; and now something is creeping in that constitutes a real danger to them.

Lobsters normally seek warmer and deeper water in the cold months of winter; and of late small draggers have been ripping up through the grounds, catching and mutilating the lobsters, and of course interfering with the lobster traps — the standard way of producing lobsters.

We older people in the industry are fearful of the same thing that has happened to the entire Gulf of Maine, wherein the draggers have ruined the entire fishing and completely upset the balances of nature. The draggers by their own depletion have forced themselves to go farther and farther, and have now so depleted the western side of the Grand Banks that they have to go to the far eastern side and Labrador to get their trips.

I understand two bills are now tabled in the State House, which prohibit dragging in Penobscot and Sheepscot Bays. If these bills are passed it will be a nucleus for future protective measures as the dragging operations threaten other sections.

Sincerely yours,

H. W. Look"

Now, I would hope that the motion of the gentleman from Brunswick, Mr. Lowery would not prevail as this would be another swansong to the lobsters.

The SPEAKER: The Chair recognizes the gentleman from Union, Mr. Heald.

Mr. HEALD: Mr. Speaker and Members of the House: As rep-

resentative of two coastal towns, I would like to go on record as being in support of this bill.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker and Members of the House: There is very little I can add to what has already been said. I live in Southport, Maine and our island is on the Sheepscot River. This bill will close the river to all draggers during the months of November, December, January and February. At that time there are no fish worth taking in the river. Later on in the months of May through October there is a great deal of whitening fish, but I repeat, it will injure fishing in no way. The fishing in the Sheepscot was injured years ago by draggers. Seventy-five years ago, the old timers tell me, you could catch at this time of the year in the Sheepscot River cod, four to five of which would fill a barrel. Today there are no cod left in the river.

We talk about majority rule. I took a great many notes at the hearing. Those present for and against the bill told us they desired the privilege of an informal vote, which we granted them. Those in favor and present of L. D. 490 voted to the sum of 80, those opposed to this bill were 27.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Stonington, Mr. Shepard.

Mr. SHEPARD: Mr. Speaker and Ladies and Gentlemen of the House: There has been a considerable number of points raised here that I would like a few minutes in rebuttal. But this has been a long session. We have listened to considerable debate on other issues and I do ask that you extend your patience a few minutes more.

For the benefit of those that live inland and perhaps are wondering about otter dragging, beam trawls, lobster fishing and so forth, we had four segments of the fishing industry, or a division of four, seining or weir fishing, that is for herring. We had dragging for scallops, and then the use of beam trawls, that is another dragging operation which is now under discussion, and then

lobster fishing. These three are all fish taken from the bottom. Scallop fishing doesn't seem to be a problem. Seiners do have a problem but I can say to you they have over the years worked out an unwritten law and it is working very well as far as I know. For example, at this time of the year or a little later before the fish strike in on the coast, a seiner will leave a dory in the cove. The other seiner coming there and seeing that dory will realize that there is a man watching that cove and will not try to monopolize it. Now we don't have that type of law on the books, but it is working out. It is a mutual agreement among the fishermen. The beam trawlers are a small group and just in principle I feel like coming to their rescue. The gentleman from Brunswick, Mr. Lowery, mentioned fifty boats; I believe it is less than forty, with a crew of perhaps two hundred or a little over, that is small, medium and large draggers. Now that is true, there are two hundred or over men affected there, but we should consider the payroll provided by the fish when the fish are brought ashore. Rockland for one has a processing plant and there are several others up and down the coast; one at Southwest Harbor where the fish are filleted, processed, frozen and shipped out. That means considerable to the economy of Maine. The lobster fishing of course is sizable. It has been mentioned that we have 6,000 licensed fishermen, not to be overlooked to be sure, but they are faced with a drop in their poundage, the number of lobsters taken. They know that draggers do take some lobsters and their first thought is that they are causing the trouble. Living in a fishing town I am familiar too with some of the fishing problems, and I do say and not in criticism, that the lobster fishermen are working it pretty heavy. For example a young fisherman now, two men in a boat run three and four and in some cases five hundred traps. They are not interested in closed season which would be probably a conservation measure to have the season closed at the time when the lobsters have shed. They are putting a tremendous amount of

poundage on the market which is poor quality, and they don't bring a good price, but yet they are exhausting their supply. There are other measures which I think the lobster fishermen should offer to offset some of the penalties that they are expecting to impose on the draggers.

It is unfair, I think, for us to say to one group, for one group to say to another, even though there is plenty of ocean bottom, it is free and so forth, but you have got to get out, we are going to come in and fish, and in my interpretation of our Maine Constitution I would say under Section 1, Article 1, this is contrary to the principles involved there.

The gentleman from Bath, Mr. Mayo, referred to the Washington County thing. Those of you that were here two years ago recall that we had some discussion on it. One point that he did raise was in the charges that there were over 5,000 pounds of lobsters brought into Eastport by a dragger. Now there seems to be several versions on that story. I have talked with one of the dragger operators who was there on the occasion, and what did happen, five boats pooled the lobsters that they had taken for the day in dragging Grand Manan Channel and it was around 500 pounds brought in and sold to a dealer at Cutler. Now this was true, it was read into the record at the hearing or in the House, but it was a long ways from accurate. This same thing resulted in the hearings that we had on these two bills. We had charges and accusations made against the draggers, but nobody offered any concrete proof. It is customary in the Courts of our land when we charge somebody with a crime or a sentence, we offer proof. The only proof offered at the hearing was the Wildlife Fisheries Report that lobsters sold by draggers had totalled 3,000 pounds in 1957, and I don't think the figures for 1958 were complete. Now I argue this is a small amount of lobsters. The average lobster fisherman today is catching from 17,000 to 24,000 pounds per boat, and all the draggers combined we have a record

of 3,000 pounds of lobsters being taken.

I am really sincere in my belief that this type of legislation doesn't solve the problem, it creates one. Several days ago, the gentleman from Lewiston, Mr. Dumais, made reference to the Bible for the purpose of taking an oath. Today I make mention of the Bible as containing the solution to this particular problem. It is a passage of scripture that you all are familiar with, but to refresh your memory, I will quote: "Therefore, all things whatsoever ye would that men should do to you, do ye even so to them." I believe that if the lobster fishermen or through the representatives, and representatives of the beam trawler boats would adopt this golden rule and sit down at a conference table, they could work out their differences with more satisfaction than we can in the Legislature. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I say that there may be a few scoundrels in this dragging business, but I don't think that we can find too many, and I am curious to know just who got the lobstermen all stirred up, because as I said before, we had two bills in the last legislative session, and I can recall the gentleman from Bowdoinham, Mr. Curtis, presenting the bill to the Committee and then looking around and not seeing one lobsterman to speak in favor of the bill. Now I say in consideration of this, I don't think this problem is serious enough to warrant legislation, so I hope the motion to indefinitely postpone does prevail.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDUX: Mr. Speaker and Ladies and Gentlemen of the House: At our hearing which was well attended by representatives of both bodies in goodly numbers, responsible draggersmen who have the respect of the fishermen, both draggersmen and lobstermen on the coast, reported that at a meeting which was held on the coast I believe in the vicinity of Port Clyde,

where they endeavored to arbitrate among themselves this question, they admitted their total inability to get agreement in their own ranks and that there were several men from whom they could get no pledges of any unanimity at all, so they decided that regretfully they would have to report that they could not put their own house in order and therefore they needed help in that matter.

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: Relative to what my good friend Representative Hendricks said, I am not a lobster fisherman, but I did talk for the lobster fishermen on that bill.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I believe the gentleman from Brunswick, Mr. Lowery, and the gentleman from Stonington, Mr. Shepard, have admitted there has been a certain amount of destruction done to lobstermen's gear by draggers, and they suggest arbitration. A good many years have gone by and arbitration has not been possible. There always seem to be a few draggersmen who will run onto the fishermen's gear, destroy his traps and cause him not only the loss of the gear, but the loss of the lobsters in his traps. You might just as well argue that when a man broke into a store we should have no law punishing that man for that offense, because very few people did it. We are attempting to put this law through because our 2,000 year-round lobstermen wanted to put it through, particularly in those areas where the draggers have been molesting and destroying their equipment, and I certainly hope the motion of the gentleman from Brunswick, Mr. Lowery, to indefinitely postpone, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Lowery.

Mr. LOWERY: Mr. Speaker, I cannot help but rise again and point out with due credit to my friend from Vinalhaven and my friend from Southport, that they do

have valid arguments. However, a law is only as good on the books as it can be properly enforced.

I cannot, and frankly I have taken this matter up with one of the attorneys who would be a prosecuting attorney, and he has given me the legal advice that I have quoted you, that these bills would be practically impossible because of the nature of the County lines, the failure to get a definition of County lines seaward. We have no such definition of County lines. I would ask my friend, the gentleman from Southport, if he can tell me where the County line goes from the mouth of the Sheepscot River? I would ask my friend, the gentleman from Vinalhaven, where he would define the waters between Duck Rock Bell Buoy and Burnt Island? How can he state which water is in Lincoln County and which water is in Knox County? The lines are very, very poorly defined. You would have to have a position; you would have to prove that position in Court. I think my legal friends will agree with me that that would be an extremely difficult thing to do. You just couldn't enforce this law. Thank you.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Bath, Mr. Mayo, but the Chair believes the gentleman — the gentleman may proceed.

Mr. MAYO: Mr. Speaker and Members of the House Just once have I been on my feet, Mr. Speaker. If the gentleman from Brunswick would have read the amendment that was put in here several days ago, he wouldn't worry too much about the County lines. The proponents of this bill have gone out into the deep waters and have designated certain capes and certain islands as the boundaries of this bill. If he had at any time ever sailed those waters, he wouldn't worry about the jurisdiction of them. The reference to Lincoln County and Sagadahoc County naturally has to be referred to, but we are not talking about land boundaries, we are talking about water boundaries very easily found and very easily defined. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Brunswick, Mr. Lowery, that both Reports on Bill "An Act relating to Use of Draggers in Sheepscot Bay" be indefinitely postponed. A division has been requested.

Will those who favor the motion to indefinitely postpone both Reports please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirteen having voted in the affirmative and seventy-nine having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, on motion of Mr. Maddox of Vinalhaven, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 194, L. D. 490, Bill, "An Act Relating to Use of Draggers on Sheepscot Bay."

Amend said Bill by striking out the underlined words in lines 9, 10, and 11, from the top and inserting in place thereof the following underlined words, 'Sagadahoc and Lincoln Counties, inshore from a line drawn from the southern end of Cape Small Point to the southern end of Seguin Island; hence to southern end of Pumpkin Island; thence to Ocean Point.'

Committee Amendment "A" was adopted and the Bill assigned for third reading tomorrow.

The SPEAKER: Will the gentleman from Sebago, Mr. Good, approach the rostrum?

(Conference at rostrum)

On the motion of the gentleman from Yarmouth, Mrs. Knapp, the House voted to take from the table the eighth tabled and unassigned matter, House Divided Report, Majority "Ought to pass" in New Draft, House Paper 916, Legislative Document 1294, and Minority "Ought not to pass" of the Committee on Sea and Shore Fisheries on Bill "An Act relating to Use of Draggers in Part of Penobscot Bay,"

House Paper 406, Legislative Document 590, tabled on April 8 by that gentlewoman pending acceptance of either Report.

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker, I move the Majority Report be accepted.

The SPEAKER: The gentlewoman from Yarmouth, Mrs. Knapp, moves that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, since the hour was late I refrained from speaking on the other bill, but both of these bills are similar, and there is just a little item I would like to read in the record here, and I will go very slowly in case anyone wants to take their pencil. In the year 1955 20,718,000 pounds of lobsters were caught and sold at an average price of 38.4 cents per pound. In the year 1956 20,572,000 pounds were caught and sold at average price of 44.3 cents per pound. In the year 1957 24,400,000 pounds were caught and sold at average price of 36.7 cents per pound. 1958 21,312,000 pounds were caught and sold at average price of 49 cents a pound.

Now the draggers and the lobstermen have all been working together in this same area all this time. In 1957 there were a few more caught than there were in '58, but in 1957 we changed the measure, and we put back about 2,000,000 pounds, so that makes a difference in the poundage for those two years, and I also have another sheet that gives the percentage of the catch from Washington County which from 1948 up to 1957 the average catch in Washington County has averaged about ten per cent of the total catch for the State. Now I am not going to make any motion. I am much concerned about this because I am told that unless we pass this law, the draggers will be over in Friendship dragging. Well, I am afraid if we do pass this law the draggers will be over in Friendship dragging. I'm right in the middle. Someone said it was about thirty miles from

Sheepscot Bay to Duck Rock and Monhegan. Well if we close up Sheepscot Bay and we close up this place in Penobscot County, there being the only place left to go will be dragged in front of Friendship, and part of that as you have been told is in Lincoln County and part is in Knox County, and I am pretty much worried about this thing. I represent fishermen at Owl's Head; I represent fishermen at Spruce Head, some of the fishermen from Spruce Head are here today sitting in the back of the Hall, and I also represent fishermen at Pleasant Point and Cushing, and only one fisherman from Pleasant Point had contacted me on this thing. None of the fishermen at Friendship say the draggers bother any. Personally I am scared of this bill. I am not going to make a motion one way or the other, but I wanted to read this into the record.

The SPEAKER: The Chair would advise the House that the question before the House is the motion of the gentlewoman from Yarmouth, Mrs. Knapp, that the House accept the Majority "Ought to pass" Report.

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

Mr. JALBERT: Mr. Speaker, at the risk of making enemies I would make a motion, I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has moved the previous question. In order for the Chair to entertain this motion, the Chair must have the authorization of one-third of the members of the House. Will those who favor 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 Chair is authorized to entertain the motion.

The question now before the House is, shall the main question be put now? This question is debatable with a time limit of five minutes for each member.

Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The question now before the House is the motion of the gentlewoman from Yarmouth, Mrs. Knapp, that the House accept the Majority "Ought to pass" Report with respect to Bill "An Act relating to Use of Draggers in Part of Penobscot Bay". Is this the pleasure of the House?

The motion prevailed, the Bill was read twice and tomorrow assigned.

On motion of the gentleman from Bradford, Mr. Hanson,

Adjourned until 9:30 o'clock tomorrow morning.