

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

1951

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Tuesday, April 10, 1951

The Senate was called to order by the President.

Prayer by the Reverend Gerald Beals of Topsham.

Journal of Friday, April 6th, 1951, read and approved.

The PRESIDENT: The Senator from Cumberland, Senator Haskell has called to the attention of the Chair that we have with us this morning students of Henley School in South Portland with their instructor, Miss Jordan. In behalf of the Senate and the Cumberland delegation, the Chair is very pleased to welcome them here.

From the House

The Committee on Welfare on "Resolve Providing for State Pension for Sydney McLeod of Mexico," (H. P. 945) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for a State Pension for George W. Worthing of Levant," (H. P. 948) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Mrs. Earl Lemont of Brunswick," (H. P. 1048) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for George Huntley of Patten," (H. P. 867) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Mrs. Larie Tyler of Oakland," (H. P. 665) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Mrs. Nellie Kimball of Albion," (H. P. 1382) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Harold Alexander of Brunswick," (H. P. 857) reported that the same ought not to pass.

The same Committee on "Resolve, Providing for State Pension for Guy Lendall Moore of Clinton," (H. P. 1156) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Hattie V. Hunt of Clinton," (H. P. 1155) reported that the same ought not to pass.

The same Committee on "Resolve, Providing for State Pension for Elva Morton of Mechanic Falls," (H. P. 953) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for William Carleton of Winterport," (H. P. 398) reported that the same ought not to pass.

The same Committee on "Resolve Providing for Increase in State Pension for Lewis E. Tuttle of Liberty," (H. P. 666) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Highways on "Resolve in Favor of the Town of Sebec," (H. P. 1663) (L. D. 1261) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to the Rights of Minority Stockholders," (H. P. 1229) (L. D. 782) reported that the same ought to pass.

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

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Swan Island Game Preserve," (H. P. 1413) (L. D. 1021) reported the same in a new draft (H. P. 1684) (L. D. 1259) under the same title and that it ought to pass.

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

The committee on Sea and Shore Fisheries on Bill "An Act Relating to the Taking and Sale of Clams in the Town of Brunswick," (H. P. 392) (L. D. 228) reported the same in a new draft (H. P. 1685) (L. D. 1260) under a new title, Bill "An Act Relating to the Taking of Clams and Quahogs in the Town of Brunswick," and that it ought to pass.

Comes from the House, the report read and accepted, and the bill passed to be engrossed, as amended by House Amendment "A".

In the Senate, the report was read and accepted in concurrence and the bill read once; House Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

Report "A" of the Committee on Public Health on Bill "An Act Relating to the Importation of Poisonous Snakes," (H. P. 327) (L. D. 187) reported that the same ought to pass.

(signed)

Senator:

Mrs. KAVANAGH

of Androscoggin

Representatives:

BATES of Orono

LUDWIG of Hope

St. PIERRE of Lewiston

Mrs. MOFFATT of Bath.

Report "B" of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Senators:

SAVAGE of Somerset

HASKELL of Penobscot

Representatives:

Mrs. DAGGETT of Ashland

SENDER of Brunswick

MARTIN of Frenchville

Comes from the House, Report "A" read and accepted, and the bill passed to be engrossed.

In the Senate:

Mrs. KAVANAGH: Mr. President, I move that the Senate accept the Ought to Pass Report A.

Thereupon, on motion by Mr. Haskell of Penobscot, the bill and accompanying papers were laid upon the table pending motion by the Senator from Androscoggin, Senator Kavanagh, that the Senate accept Report A.

Order

On motion by Mr. Boucher of Androscoggin, it was

ORDERED that the Reverend Lewis Brehaut, pastor of the United Baptist Church of Lewiston be invited to officiate as Chaplain of

the Senate on Wednesday morning, April 11, 1951.

First Reading of a Printed Bill

Bill "An Act Relating to Sea and Shore Fisheries Licenses." (S. P. 532) (L. D. 1264)

Which was read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Greeley from the Committee on Highways on Bill "An Act Relating to the Kennebec or Carlton Bridge." (S. P. 179) (L. D. 392) reported that leave be granted to withdraw the same.

The same Senator from the same Committee on "Resolve in Favor of the Town of York." (S. P. 97) (L. D. 151) reported that leave be granted to withdraw the same.

The same Senator from the same Committee on Bill "An Act Amending the Controlled Access Highway Law." (S. P. 453) (L. D. 1067) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Wight from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Open Season on Deer." (S. P. 433) (L. D. 996) reported that the same Ought not to Pass.

Mr. Ela from the same Committee on Bill "An Act Relating to Closed Time on Deer in Certain Counties." (S. P. 432) (L. D. 995) reported that the same Ought not to Pass.

Mr. Collins from the Committee on Towns and Counties on Bill "An Act Increasing the Salaries of the Judge and the Recorder of the Fort Fairfield Municipal Court." (S. P. 195) (L. D. 402) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Greeley from the Committee on Highways on "Resolve Providing for Construction and Reconstruction of Road in Baxter State Park." (S. P. 180) (L. D. 391) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve Naming the Guy H. Hall Memorial Bridge at Dexter." (S. P. 430) (L. D. 993) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve in Favor of the Town of Cornville." (S. P. 506) reported that the same ought to pass.

Which report was read and accepted, and the resolve read once.

Mr. CROSBY of Franklin: Mr. President, I move that the rules be suspended and that the resolve be given its second reading. This is a reallocation of funds appropriated by the 94th Legislature and the motion is made only to save printing.

The motion prevailed and the resolve was given its second reading and passed to be engrossed.

Sent down for concurrence.

Mr. Ela from the Committee on Inland Fisheries and game on Bill "An Act Relating to Closed Time on Deer in Certain Counties:" (S. P. 434) (L. D. 997) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Tagging of Beaver." (S. P. 356) (L. D. 871) reported that the same ought to pass.

Which report was read and accepted, and on motion by Mr. Haskell of Penobscot, the bill was tabled pending first reading.

Mr. Brown from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to Licenses for digging of Clams and Quahogs in the town of West Bath." (S. P. 137) (L. D. 244) reported that the same ought to pass.

Mr. Collins from the Committee on Towns and Counties on Bill "An Act Relating to the Salary of the Sheriff of Aroostook County." (S. P. 420) (L. D. 980) reported that the same ought to pass.

(On motion by Mr. Collins of Aroostook, tabled pending acceptance of the report.)

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

Mr. McKusick from the Committee on Education on Bill "An Act Relating to the Alumni Trustee of

the University of Maine." (S. P. 156) (L. D. 331) reported the same in New Draft (S. P. 536) (and that it ought to pass.

Which report was read and adopted and the bill in new draft laid upon the table for printing under Joint Rule 10.

Mr. McKusick from the Committee on Education on Bill "An Act Relating to Powers of East Corinth Academy." (S. P. 497) (L. D. 1212) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted, and the bill read once; Committee Amendment "A" was read: Committee Amendment A to L. D. 1212. "Amend said bill by adding after word 'assigns' in the 7th line thereof the underlined words and punctuations 'as trustees,'; further amend said bill by drawing a line through the words in the 8th line as follows, 'the trustees of.' "

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

The Majority of the Committee on Sea and Shore Fisheries on Bill "An Act Relating to Lobster and Crab Fishing in Part of York River, County of York." (S. P. 364) (L. D. 878) reported that the same ought not to pass.

(Signed)

Senators: SLEEPER of Knox
LARRABEE

of Sagadahoc
BROWN of Washington

Representatives:

KNAPP of Yarmouth
HANSON of Machiasport
CLAPP of Brooklin
BUCKNAM of Whiting
BARTON of Vinalhaven
STEVENS of Boothbay

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

(Signed)

Representative:

LITTLEFIELD

of Kennebunk

On motion by Mr. Sleeper of Knox, the Majority Report "Ought Not to Pass" was accepted.

Sent down for concurrence.

The Majority of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Deer Mountain Brook in the County of Oxford." (S. P. 182) (L. D. 395) reported that the same ought not to pass.

(Signed)

Senators: ELA of Somerset
SMART of Hancock

Representatives:

FRECHETTE of Sanford
PLUMMER of Lisbon
CHASE of Belgrade
WATSON
of Moose River Plantation
DENNISON
of East Machias

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

(Signed)

Senator: WIGHT of Penobscot

Representative:

CARVILLE of Eustis
BEARCE of Caribou

Mr. FULLER of Washington: Mr. President, I move the acceptance of the Majority Report "Ought Not to Pass."

Mr. WIGHT of Penobscot: Mr. President, as a member of the Committee, I would like to explain my stand on this bill and my opposition to the acceptance of the majority report. I understood from the evidence presented to the committee that this small brook which is quite well back in the woods and the fish in it are small, that the fishing is enjoyed mostly by persons from one camp in that vicinity. The fishing in the State of Maine is growing poorer year by year, and we do want to do everything possible to protect the spawning beds of the small fish. This is one case where I believe we should do that. Therefore I vote for the closing of this brook to protect those fish.

Mr. FULLER of Oxford: Mr. President, this is more or less of a county matter and I dislike to take much time of the Senate in this discussion. I might say this is a fishing resolve and that I sponsored, I swallowed the bait, the hook and the line and got the sinker most down and then something exploded and that was considerable opposition.

The resolve was one of several presented by some guides from an association in our neighbor county of Franklin for which we have considerable regard. We went along with three of these resolves which were so-called conservation measures and probably were not very harmful in so far as our county was concerned but there are two points I would like to make very briefly and one is that this seems to be a county proposition and the boys in the county would very much like to present their own positions in regard to the closing of any of our streams. The second point is that there are in my opinion still some of us in the state who like to go out on a brook and fish even though the trout aren't too large. We aren't skilled in fly fishing many of us, and it does seem that the ambition of some of our people to close all of these streams to brook fishing is more or less of a statewide matter of interest and those are the reasons I opposed my own resolve at the hearing and feel that the closing of this stream should be left to the people up there to request if they wish it.

I therefore hope that the motion to accept the majority report will prevail.

Thereupon, the motion prevailed and the Majority Report "Ought Not to Pass" was accepted.

Sent down for concurrence.

Passed to be Engrossed

"Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court." (S. P. 436) (L. D. 999)

Bill "An Act Relating to Uniform Reciprocal Enforcement of Support Act." (S. P. 437) (L. D. 1000)

Bill "An Act Relating to Place of Taxation of Personal Property." (S. P. 409) (L. D. 969)

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

Sent down for concurrence.

Enactors

Bill "An Act Relating to Uniforms of Deputy Sheriffs." (H. P. 440) (L. D. 258)

Bill "An Act Relating to the Releasing or Dumping of Fish." (H. P. 544) (L. D. 369)

Bill "An Act Relating to the Protection of Alewives in East Machias River in the Town of East Machias." (H. P. 1065) (L. D. 645)

Bill "An Act Relating to Inspection of Children's Homes." (H. P. 1142) (L. D. 674)

Bill "An Act Relating to Subjects to be Taught in Public Schools." (H. P. 1339) (L. D. 914)

Bill "An Act Closing Certain Clam Flats in Lubec, Washington County." (H. P. 1444) (L. D. 1040)

Bill "An Act Relating to Schooling of Children of Parents Who Reside on State-owned Property." (H. P. 1471) (L. D. 1083)

Bill "An Act Relating to Salaries of Trustees of Community School Districts." (H. P. 1484) (L. D. 1091)

Bill "An Act Relating to Representations of the State House in Liquor Advertising." (H. P. 1669) (L. D. 1239)

Bill "An Act to Incorporate the Town of Kittery School District." (S. P. 105) (L. D. 159)

Bill "An Act to Amend the Charter of Somerset Academy." (S. P. 178) (L. D. 390)

Bill "An Act Relating to Apportionments from School Funds." (S. P. 251) (L. D. 550)

Bill "An Act Relating to the Taking of Alewives in the Town of Franklin." (S. P. 278) (L. D. 617)

Bill "An Act Relating to Published Records of Vital Statistics." (S. P. 373) (L. D. 899)

Bill "An Act Relating to the Use of Drags in Bluehill Bay, Hancock County." (S. P. 468) (L. D. 1101)

Bill "An Act Relating to Hunting of Foxes." (S. P. 487) (L. D. 1168)

"Resolve Delating to Closed Season for White Perch in Echo Lake, Kennebec County." (H. P. 1534) (L. D. 1127)

"Resolve, Regulating Fishing in Province Lake, York County." (H. P. 1538) (L. D. 1131)

"Resolve, Limiting the Catch of Trout or Salmon in Adams Pond in Town of Boothbay." (H. P. 1541) (L. D. 1134)

"Resolve, Closing Three Mile Pond to Ice Fishing." (H. P. 1614) (L. D. 1174)

"Resolve, Relating to Catching of White Perch in Pushaw Lakes, Penobscot County." (H. P. 1616) (L. D. 1176)

"Resolve, Closing Pleasant Lake and its Tributaries to Dipping or Netting of Smelts." (H. P. 1667) (L. D. 1237)

"Resolve, Closing Certain Ponds in Dedham and Bucksport, in Hancock County, to Fishing." (H. P. 1668) (L. D. 1238)

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

Orders of the Day

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Relating to the Tagging of Beaver (S. P. 356) (L. D. 871) tabled by that Senator earlier in today's session pending first reading; and on further motion by the same Senator, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary on bill, An Act Relating to Operating a Motor Vehicle Negligently (S. P. 343) (L. D. 809) tabled by that Senator on April 4 pending acceptance of the report.

Mr. REID of Kennebec: Mr. President, I introduced this bill for a particular reason and I would like to explain the reason to the Senate. Every year in the State of Maine there are anywhere from 100 to 150 persons killed by automobiles. In a great many cases the automobiles are operated negligently. However, under existing law, the only way to punish such a driver is to convict him of manslaughter and under a fairly recent decision of the Maine Supreme Court, you must prove an almost complete disregard for the safety of others and so these killings go on day after day with no punishment whatever for negligent drivers.

We have on the statute books, a statute which makes it a felony to carelessly kill or wound a person in the woods and the penalty is state prison. It occurred to me that the number of persons killed in the woods nowhere near equals the number killed by automobiles by careless operation and where

we have this hunting statute and are talking so much about the deaths caused by hunters, I think we should do something about the killings caused by automobiles carelessly driven and therefore I introduced this bill which would make it a statutory offense to carelessly kill someone with an automobile.

We have over the months past seen newspaper editorials commenting on the number of deaths by automobiles and it is about time that something be done about it. In my experience as County Attorney I know that very little can be done about it under existing laws.

I appeared before the committee and suggested that if they thought it feasible, this bill might be amended to make it a misdemeanor. I believe the bill is a good bill. However, the Judiciary Committee is comprised of a number of fine legal minds and it would only be on rare occasion that I would seek to substitute my opinion for theirs. In view of that fact, I move the acceptance of the Ought Not to Pass report.

The motion prevailed and the ought not to pass report was accepted.

Sent down for concurrence.

On motion by Mr. Larrabee of Sagadahoc, the Senate voted to take from the table Senate Report from the Committee on Sea and Shore Fisheries on bill, An Act Regulating Use of Trawls in Washington County (S. P. 442) (L. D. 1005) Majority Report "Ought Not to Pass; Minority Report Ought to Pass"; tabled by that Senator on April 5 pending acceptance of either report.

Mr. LARRABEE of Sagadahoc: Mr. President, I tabled this in the absence of Senator Sleeper. He is more informed about trawls than I.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, the title of the bill "An Act Regulating Use of Trawls in Washington County" is almost self-explanatory.

Two years ago in the waning hours of the session, we passed a bill in both branches of the Legislature prohibiting the use of trawls or dragnets, so-called, in Washington County and this bill attempts to

offset that and really to allow the use of trawls in Washington County.

In support of this fact, I would like to have the members of the Senate know that this is the only county that prohibits the use of trawls on the entire coast of Maine and for that matter on the entire Atlantic coast. The several members of the committee were very much opposed to the setting up of County lines in the control of fishing.

You would think to have heard the proponents of the measure two years ago that these trawls were great dragnets comparable to a bulldozer, being dragged along the bottom of the ocean tearing up everything in its path, ripping and rending and doing a great deal of damage. That was the real reason for the introduction of the bill which prohibited the use of trawls in Washington County.

However, a trawl or dragger is not a great, metal monster. It is really a net which is dragged behind a boat and is made of rope which rolls on the bottom on wooden wheels and does no damage to the bottom, whatsoever. It was also argued that these trawls ripped through lobster pots and destroyed scallop banks and other ground fisheries. Naturally, it behooves the owners of these trawls or the owners of the boats that do this trawling to watch for these lobster pots because it is just as much of a nuisance to them to get those lobster traps and buoys and lines snarled in their trawls as it is for the fisherman who loses the traps.

There was in one instance a case where a trawler did trawl in too close to Washington County on a foggy night and they did drag through some lobster traps and they happened to run into quite a large catch of lobster and they very foolishly brought the lobsters into Eastport and sold them, almost a thousand pounds which, of course, incensed the lobster men in that section and they were the ones that instigated the banning of the use of the trawlers in that County.

We feel, many of us, the signers of the minority report that we should not set up county lines in the control of fishing and we certainly feel common sense and good

judgment ought to be the basis as to whether you should use trawls in certain waters or not.

The captains of these trawlers—and I will admit that the most of them come from Rockland which is getting to be not only the largest seaport nor the largest seafood seaport in Maine, but in New England and perhaps on the Atlantic Coast and we hope some day the entire world—I will admit many boats from Rockland want to fish in those waters and many boats from Hancock county and other counties and we felt on the Minority Report that we shouldn't attempt to set up county lines.

The captain of one of these larger boats appeared at this hearing and he was very much in favor of the rescinding motion and he said that he and his crew had no intention of going into Washington County but that he didn't want to feel that they couldn't and I think you will find that if the Senate will go along with us and accept the minority Ought to Pass Report that we will have no more trouble in Washington County.

I will be the first one, and in the event I am not here as a member of either body I would be the first one, to appear before a hearing two years from now to put the law back if there is any serious trouble up there but this is not a logical nor a sensible bill to have setting up a county boundary on the catching of fish because as we all know the waters of the State of Maine are free to all.

A recent court decision was that we could not prohibit Massachusetts fishermen from fishing off the coast of Maine and that we had to allow them to do that. This law, however, is not unconstitutional because it prohibits everyone from the use of trawls off the coast of Washington County which makes it constitutional. But it does so happen that to the best of my knowledge there are no trawlers or draggers that go from Washington County ports and that is the reason they do not want the draggers from Portland and Rockland and the other ports along the coast to use the waters up there. I don't see what damage they can do except for that one case where this trawler did drag in pretty close.

I understand they almost took the piers out of the wharves in Eastport because they were dragging so close. But except for that one isolated case, I am very sure that there will be no more trouble and no more complaints from any draggers or trawlers from the other boats of Knox and I certainly hope the Senate will see fit to go along and pass the Ought to Pass report and allow the same rules that apply to the other seven counties and have the same rules apply to all eight counties. I, therefore, move the acceptance of the Ought to Pass report of the Committee.

Mr. BROWN of Washington: Mr. President and members of the Senate, my friend, Senator Sleeper, of course is Chairman of our Committee, and a very eminent chairman, but one who does not always go along with his fellow member senators from down east. He made some nice talk about these fellows from Rockland but he did say one thing that perhaps brought to our attention forcibly the fact that a fellow didn't dare come in there in the daytime. He come in there in the night and he swept the traps and lobsters and everything out. He says—and I guess it is true—that there is no other county or no other state that prohibits trawlers from going in and dragging in these areas.

We don't want them in our bays down there. They not only drag lobster pots and destroy them—they are worth about five dollars apiece—but they drag the scallop beds and they drag the haddock fisheries up in the bay above us. Up in St. Andrews it has always been quite a prolific ground for trawl fishermen who catch haddock at certain times of the year. These fellows came down and they dragged the flounder beds right in our harbor and nobody objected to that. They were small draggers and had small nets.

The Honorable Senator says they don't do much damage, those big draggers out of Rockland and Boston and Gloucester when they go into feed beds, especially fish hatchery beds. Where there are haddock beds, there is bound to be some food there perhaps for half a mile or so and when they drag with

these heavy drags, they tear up the mud and they tear everything up and they leave nothing so that the small fisherman who want to fish in that area have got to wait two or three years for the fish to come back.

He spoke about this fellow coming to Eastport with these lobsters. That same fellow that gave the evidence down here before the Committee told me afterward, as the Senator said, that he didn't want to come down there. Why didn't he want to come down there? Because they have dragged all of the grounds and spoiled the fishing.

There were several large spawning grounds and if the fishermen didn't have no work in the winter, they would drag for scallops with small draggers and make a living, perhaps, through the winter. But those fellows come down and cleaned them up, some of these fellows they lay it to, about three or four draggers out of Rockland. They are outlawed, or words to that effect, but they come down and drag in the night. They are big draggers. They don't care whose traps they destroy or they don't care what they do. In fact, Roy Aiken, who was in the House two years ago, runs a dragger and he told me certain fellows—I don't know who they are—but that they made this trouble in our areas and that is why this law was asked to be enforced. It has been going on for the past year or two. Up in the St. Andrews area just above us, the boys have told me that the haddock are coming back a little bit this year but that they can't really make much money.

As far as the law goes, we ask them to stay out three miles. Those big draggers can stay off there. A big dragger has no business coming in there. While I don't think they make much money dragging small bays, they want to come in there and hold the line. They want to hold the line and perhaps get part of the expenses. Perhaps it is stormy outside and they can't go out. And so they come in the bay.

We in Washington County feel we want to conserve something about this fish business. We are going to come back later with another little argument. If you are

going to allow the draggers in there the same as they did, they will come in and drag because they can't go out to sea in a storm. Why can't we conserve our waters regardless of what the other counties do? Our people want this bill as it is. We want to go along a couple of more years, at least, and perhaps four, and see what effect it has on that area and I hope that the report Ought Not to Pass does not prevail.

Mr. SLEEPER of Knox: Mr. President and Senators, I well realize and sympathize with the feelings of my fellow Senator from Washington County and I don't blame him in the least for feeling the way he does in the matter.

I would just like to correct one statement and that is that trawlers do not drag scallops. The net runs at least a yard or half a fathom off the bottom and only to catch the ground fish. I understand that it wouldn't pay the big trawlers to go in close to shore, anyway, and what few did go in might go in in the fall for whiting. And now and then a gillnetter from Hancock County or other counties like to go in and catch herring in the wharves in the fall.

There was a battle or war fought in 1812 for the freedom of the seas and we feel on the coast of Maine, the Maine fisherman, that the coast of Maine ought to be open to any fisherman from the State of Maine and down in the rich waters of Knox county. Any Washington county man can come down there and they can come down in the fall in gill-netters and seine for herring. And they do that, too, and we don't mind and we want the same privilege if some of us want to go up to Washington County.

I realize that your sympathies are undoubtedly with the Senator from Washington County and well they should be but try to realize that a fisherman is a farmer of the sea and his acres are not laid out. He has to go where the fish are. Sometimes they are in the northern part of the State off Washington County. Sometimes they are down off Portland and even farther down. We feel it is not fair, it is not just, it is not logical to say, "you can come so far and go no

farther." It is the only spot on the coast that a fisherman is not allowed to go and we feel that the rules of the road should apply to that county as well as to any of the others and I have been assured by all of the companies in Rockland and the companies in Portland that they will not allow any of their draggers to go in there and repeat the performance that took place on that night two or three years ago. I don't want to say here what prompted the performance two or three years ago but they were not completely in control of themselves at that time. They had had a bad season. They had had a very stormy, unprofitable trip to the Banks and they swung in under the lee of Nova Scotia and went up into the Bay of Fundy and rather than go home empty-handed, they dig drag rather close to the towns along Washington County but it will never be allowed again and I hope your minds will not be swayed by too much friendliness for which I wouldn't blame you if you are. But I wish you could see our side of it and realize that that is our business, fishing, and if we can't fish, we aren't able to live. And I do hope that you will consider that what applies to seven counties ought to apply to all eight and with these few words, Mr. President, I will close my talk.

Mr. BROWN of Washington: Mr. President and members of the Senate, the Honorable Senator from Knox County has made one statement there that I think is true. He said the fellows perhaps were out to sea and they got seasick and they came in there and made a mistake and got too close to the coast. Do you suppose they have stopped getting seasick or might they come in there again? That is the point we want to make sure of. We don't object because they went in there before and perhaps made a mistake and got in too close. But they came in too close and in fact they get in too close quite a lot.

There is one other point about these seiners. We have no objection to fellows from his county or any other county coming down and catching herring. If they can

catch a bunch of herring we want to buy them and use them but we do want to feel that there is some effort being made toward conservation.

If they really make a rule that they wouldn't drag within a three-mile limit, they wouldn't interfere with the lobster pots and it might save a lot of argument about how many lobster pots are destroyed in a season.

I am a fisherman and my dad was a fisherman. He wasn't a dragger but the fishermen always try to get what they can.

It is always hard to get perhaps even five fishermen together and find out what they want to do and still us fellows are sent up here and when we are asked to make a law, we try to do it. Conservation is a big factor in all of this and I don't believe that a three-mile limit all along the Maine coast is too much to ask for these draggers. A small dragger doesn't hurt anything. It is the big fellow. I am afraid, as the Senator says, they might perhaps get seasick and come in and do some more damage.

My people have asked me to try to defend this bill. We have tried it for two years and hope to try it perhaps for two or four more and I hope that you will go along with us.

Mr. NOYES of Hancock: Mr. President, since Hancock County has been mentioned in this debate, I would like to explain to the Senate the way I intend to vote. I intend to vote against the motion of the Senator from Knox for two or three reasons, one of which is that we passed this bill two years and apparently those people in Washington County who wanted the bill and have lived under it like it.

I know that the County of Washington probably has a larger percentage of its people engaged in fishing than any other county in the State and they are small fishermen.

Apparently this law, if enacted, is injurious to those men and I feel that Washington County is perhaps our poorest county in the State of Maine. They need that source of revenue and as Senator Sleeper and Senator Brown have both stated,

damage has been done by these trawlers to the lobster fishermen and I think I shall vote with the lobster fishermen and oppose the motion of the Senator from Knox, Senator Sleeper.

Mr. LARRABEE of Sagadahoc: Mr. President, I ask for a division when the vote is taken.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Sleeper, to accept the Minority Report "Ought to Pass" and a division has been requested, by the Senator from Sagadahoc, Senator Larrabee.

A division of the Senate was had. Two having voted in the affirmative and twenty-eight opposed, the motion did not prevail.

Thereupon, on motion by Mr. Brown of Washington, the "Ought Not to Pass" report was accepted.

Sent down for concurrence.

Mr. Ward of Penobscot was granted unanimous consent to address the Senate.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I was unavoidably absent the past two weeks and I am very pleased to be back here this morning. During my absence I accumulated some shingles which I would have been very glad to donate to the Senator from Knox, Senator Sleeper for the leanto shelter which I understand he is constructing for lost hunters but I believe I was fortunate in getting rid of them when I did because if Mac Noyes' two percent sales tax bill is passed, not even shingles will be exempt.

I was cheered considerably by the beautiful flowers sent to me by the officers and members of the Senate, as well as by the telephone calls, telegrams, cards and letters and for all those kind remembrances I am deeply grateful and at this time I wish to express my heartfelt thanks.

The PRESIDENT: I am sure I speak for all the Senators when I say that we really missed you, Jack, and we are very glad to have you back with us.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table Senate Report "Ought to Pass with Committee Amendment

A from the Committee on Sea and Shore Fisheries on Resolve Closing Certain Waters in Hancock County to Taking of Salt Water Smelts (S. P. 339) (L. D. 755) tabled by that Senator on March 29 pending acceptance of the report; and on further motion by the same Senator, the "Ought to Pass" report was accepted and the bill read once.

Mr. NOYES of Hancock: Mr. President to save time, I have an amendment prepared that does all that Committee Amendment A would do and more. Therefore I move that Committee Amendment A be indefinitely postponed. I checked with the Chairman of Sea and Shore Fisheries.

The motion prevailed and Committee Amendment A was indefinitely postponed.

Thereupon, the same Senator presented Senate Amendment A and moved its adoption:

The Secretary read Senate Amendment A. Senate Amendment A to L. D. 755. "Amend said resolve by striking out the word 'Franklin in the 5th line thereof; further amend said resolve by striking out the third and fourth lines from the end thereof; further amend said resolve by striking out the word 'town' in the next to the last line thereof, and inserting in place thereof the word 'city'."

Mr. SLEEPER of Knox: Mr. President, in order to insure the adoption of this amendment and be sure that the Senate votes with Senator Noyes of Hancock, I should oppose it and by my opposition it would pass; so if it does not jeopardize the passage of the amendment I wish to say that I concur with the Senator from Hancock and hope the amendment will be adopted.

The motion prevailed, Senate Amendment A was adopted and the resolve was tomorrow assigned for second reading.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table bill, An Act Relating to Vacations for Members of the Fire Department of the City of Lewiston (S. P. 123) (L. D. 212) tabled by that Senator on March 29 pending consideration.

Mr. COLLINS of Aroostook: Mr. President, I move that the rules be

suspended and that we reconsider our action whereby this bill was passed to be engrossed.

The motion to reconsider prevailed, and on further motion by the same Senator, reading of the amendment was dispensed with.

Mr. COLLINS of Aroostock: Mr. President, in explanation of this amendment, I would just like to say that the committee in the consideration of the bill felt that the matter of vacation should come under the jurisdiction of the Finance Commission and that was the reason why the amendment was put on to the bill.

I understand now that there is another amendment that perhaps would be acceptable to all citizens of Lewiston and I believe that the Senator from Androscoggin, Senator Kavanagh may wish to comment on this amendment and perhaps offer another amendment.

MRS. KAVANAGH of Androscoggin: Mr. President, I opposed this amendment because I felt that nearly all large cities in the State of Maine do give their firemen three weeks vacation. I also feel that the firemen work for a very small salary, \$2500 a year, and it seems that they are entitled to that vacation time because they work every holiday. Of course they have time out for their meals, but if the fire alarm rings while they are eating, they have to leave their meal and go to the fire. I don't think anyone here would want to change places with any fireman.

I would like to move the indefinite postponement of Committee Amendment A and I will then offer in its place Senate Amendment A.

Mr. HASKELL of Penobscot: Mr. President, before I vote on the motion, I would like to ask through the Chair if Senator Kavanagh would be willing to briefly outline to the Senate just what her amendment is that she seeks to have replace Committee Amendment A.

Mrs. KAVANAGH: Mr. President and members of the Senate, this amendment of mine allows three weeks vacation after five years of service. It seems very fair and I might also say that the fire commission of Lewiston is unanimously in favor of giving this vacation.

Mr. WEEKS of Cumberland: Mr. President, the Senator used the

word "allow" which is rather vague. I would like to know how the amendment is worded.

The Secretary read Senate Amendment A: Senate Amendment A to L. D. 212. "Amend said bill by striking out the last paragraph thereof and inserting in place thereof the following paragraph: 'Sec. 3 Permanent membership. All members of the department designated as permanent members when this chapter was enacted shall continue as such and the Commission may require a period of trial service of not less than six months or if an applicant for permanent membership before enrolling him upon the list of permanent members. After one year of service and less than five years of service to all qualified as permanent members shall be entitled to two weeks vacation each year with pay at such time as may be prescribed by the Commission. After five years of service such permanent members shall be entitled to three years vacation each year with pay at such time as may be prescribed by the Commission.'"

Mr. COLLINS of Aroostock: Mr. President, I might say in way of explanation that the amendment in regard to permanent members is the same as is in Section three of the city of Lewiston charter at the present time and the only difference is in the allowing of an extra week vacation after the five year period.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I feel that I have a few words to express on this matter having been the mayor of Lewiston and alderman there and being a representative at this time. I feel that the Committee amendment would nullify the bill. With that amendment it would be put right back into the Finance Commission and they would have the power to grant or not to grant these vacations. I believe that Senator Kavanagh's amendment has merit. I was not asked to appear for this bill by anyone but I did appear at the hearing. I expressed my opinion at that time. Other cities give three weeks vacation to their firemen and I feel that Lewiston should have the same privilege and should be used the same way. The

only way I want to see Lewiston differ is in its politics. Outside of that I want them used the same.

Committee Amendment A would nullify the bill absolutely. The Finance Commission attitude has in the past been to the effect that two weeks is enough and I don't think their feeling has changed. I haven't consulted them but I would say that their attitude has not changed. I believe if Senator Kavanagh's amendment is passed it would set up an iron bound rule and the Finance Commission would have to abide by it whether they liked it or not. It would be a law.

Mr. WEEKS of Cumberland: Mr. President and Senators. I am reluctant to do what some might call "stick my nose into Lewiston's business." However, I would like to call the attention of the Senate that in every case where there has been a vote to give three weeks vacation, it has been done by the local authorities. I believe my city started the ball rolling. We give three weeks vacation to the firemen but that action was voluntary in our city. That is what I advocate in the State of Maine. I believe each locality should be free to legislate their own problems. It is difficult for me to put myself in Senator Boucher's frame of mind because his city has a different form of charter and they have a Finance Commission. I believe that they would be as reasonable as any other city council. I don't believe we should go on record as saying "You must do" this or that where it always has been a matter of local concern.

Mrs. KAVANAGH: Mr. President and members of the Senate, I think the only opposition the Finance Commission had to this was the fact that they would be setting a precedent if they give this extra week vacation. They would not be setting a precedent because the firemen work eighty hours a week. There is no one else in the city who works eighty hours a week. I believe that the policemen work fifty hours a week. I can not see why there would be any precedent set. I did talk with one member of the Commission and he did not seem to make any objection to this.

It is not going to cost the city of Lewiston a great deal of money.

All it will cost them will be for a substitute to take the place of the fireman on vacation. They will be paying for the time anyway and if they don't have enough money to put in a substitute, they don't have to so I can see no objection on that item.

As I said before, the Fire Commission is unanimously in favor of this. I move that the bill be passed as amended by Senate Amendment A.

Mr. BARNES of Aroostook: Mr. President, I am willing to go along with this change suggested by the two Senators from Androscoggin who are also citizens of Lewiston. I ask that the vote be taken by division.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, as I have always been and am today an advocate of home rule in our towns and cities, I would oppose Senate Amendment A.

The PRESIDENT: The pending question is on the motion of the Senator from Androscoggin, Senator Kavanagh, that Committee Amendment A be indefinitely postponed and the Senator from Aroostook, Senator Barnes, has requested a division.

A division of the Senate was had.

Twenty-nine having voted in the affirmative and none opposed, Committee Amendment A was indefinitely postponed.

Thereupon, on motion by Mrs. Kavanagh of Androscoggin, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, An Act Relating to the Salary of the Mayor of the City of Lewiston (S. P. 313) (L. D. 664) tabled by that Senator on April 5 pending passage to be engrossed and that Senator presented Senate Amendment A and moved its adoption. The Secretary read the amendment:

Senate Amendment A to L. D. 664. "Amend said bill by inserting at the beginning of the first paragraph therein the following: 'Sec. 1.'

"Further amend said bill by adding at the end thereof the two following paragraphs: 'Section 2. Effective date. The provisions of

this act shall be retroactive to March 19, 1951. Local Referendum Effective date. This act shall take effect ninety days after the adjournment of the legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the city of Lewiston at the next regular city election. For the purpose of such election the city clerk shall reduce the subject matter of the act to the following question: "Shall the act relating to the salary of the mayor of the city of Lewiston passed by the 95th Legislature be accepted?" and the voters shall indicate by a X or check mark placed against the words Yes or No, their opinion of the same.

"This act shall take effect for all purposes hereof immediately upon its acceptance by a majority of the legal voters voting in said election. The results of said vote shall be declared by the municipal officers of the city of Lewiston and certificate thereof shall be filed by the city clerk with the Secretary of State."

A viva voce vote being doubted

A division of the Senate was had. Sixteen having voted in the affirmative and eleven opposed, Senate Amendment A was adopted and the bill as so amended passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec the Senate voted to take from the table bill, An Act Relating to Salaries of Members of Employment Security Commission (S. P. 295) (L. D. 654), recalled by joint order from the legislative files.

The PRESIDENT: The Secretary will read the parliamentary history of the bill.

The SECRETARY: "In the Senate on March 20th, 1951, the 'Ought Not to Pass' report of the Committee on Appropriations and Financial Affairs was accepted and the bill sent down for concurrence. In the House on March 21, 1951, the report of the committee was read and accepted in concurrence."

Mr. REID: Mr. President and members of the Senate, there were before the Appropriations Committee two bills relating to the salaries of this commission. One measure was included in the bill which relates to all heads of de-

partments. The other measure was the one now under consideration. Inasmuch as the money which pays these salaries does not come out of the general fund it would appear more appropriate to consider the question under this measure, L. D. 664.

I think perhaps the bill was reported out "Ought Not to Pass" through inadvertence although the day the report came out I did not happen to be here. For that reason I now move that the Senate reconsider its former action whereby the "Ought Not to Pass" report of the Committee was accepted.

Thereupon, under suspension of the rules, the Senate voted to reconsider its previous action whereby the "Ought Not to Pass report of the Committee on Appropriations and Financial Affairs was accepted; and on further motion by the same Senator the bill was laid upon the table pending acceptance of the Committee report.

Mr. Haskell of Penobscot was granted unanimous consent to address the Senate.

Mr. HASKELL: Mr. President and members of the Senate, the subject upon which I shall attempt to speak, briefly, I introduce only because we are continuing for the third week not being too busy in the Senate and because the subject is one that probably will be deserving of, and will have, substantial debate later in the session when we shall not have as much time, perhaps, as we do now. That subject is the question of whether or not the legislature should pass a major tax bill as an emergency measure.

I think that question may deserve as much consideration, as much attention, thought and study, as the tax measure itself. And since certain of the newspapers have indicated that I have a definitely formed opinion I think it might be fair to express to my fellow Senators why I do have that formed conviction.

By the Thirty-first Amendment to our Constitution, adopted in 1908 and effective in January, 1909, we wrote into that document an initiative and referendum provision. The intent of that provision was that the people of the State of Maine should have an opportunity, under certain restrictions and conditions,

of themselves considering the wisdom of whatever measures may have been passed by the legislature.

There is another section in the Constitution that has been in effect for many, many years that permits passage of measures which become effective upon signature of the Governor. There is one basic restriction or check that that measure must meet in that it must affect the peace, health or safety of the people of the state. There are other minor restrictions such as that it cannot be passed as an emergency measure if it affects the Home Rule question, but that is minor.

I believe there is good, sound, moral ground for the position that any major tax measure ought to stand the ballot test. I do not speak because I happen to question the wisdom of a sales tax. My belief would be equally firm if that were to be attached to any other tax bill.

Now to justify any emergency measure, and particularly a major tax bill, we should, I think, satisfy ourselves that the constitutional intent of an emergency exists and I think it could have been debated soundly up to two years ago that such an emergency did exist, because it could be debated that we must consider appropriation measures to be effective July 1st and that without the reasonable assurance of the source of those dollars to meet the appropriations we could create a situation that would affect the peace, health and safety of the state.

But those who were members of this Senate two years ago will remember that in this Body at that time we posed to our Supreme Judicial Court a series of questions and received from that Court a series of answers in which the Court said in brief, I think: First, that the legislature has the right to attach a referendum to any bill; secondly, that the legislature has the right of determining the date upon which that question should go to the people; and thirdly — and of most importance — was the answer to the question, "Can the legislature set a date for the referendum without reference to the ninety day provision of the Constitution." In other words, a bill passed without an emergency provision obviously is not effective until

ninety days after adjournment, but without the emergency provision can the legislature set a date within the ninety days? And the Court answered with a firm affirmative.

The specific bill in question had the referendum date June 13th. It is my belief that the thirty-first amendment to the Constitution expresses the intent that the people should have an opportunity to vote upon this question. It is my firm conviction that the conclusions expressed by the Court in answer to our questions of last session very clearly states that that question can be adjudicated by the people long before any emergency exists, namely, the date of July 1st. So you may well ask the question, "So what?" It seems to me that we ought to give serious consideration to a procedure that would take the sum total of undedicated general fund revenue and match it with a basic appropriation bill, and that is not a difficult problem I assure you.

I don't know that that is the solution to the question. The solution of the legislature in New Hampshire two years ago was to balance the budget by reducing the hundred-cent dollars the state uses in local educational subsidies, knowing that the opportunity to meet those costs still remained in the cities and towns. That might not be the way to do it but no one would debate that we could not pass an appropriation measure that would be matched by undedicated revenue. Then, acknowledging that over and above undedicated fund revenues there are many expenditure measures that clearly a majority of this legislature would support, it seems logical and fair to me to put those other expenditures into the referendum question and give to the people themselves the right and opportunity to answer this very basic question: "Do you want these services with sufficient firmness to support a willingness to pay for them with a tax?" I honestly believe that the people do want that opportunity and with the question worded correctly and honestly so the people may well understand what services are going to be paid for by this tax measure, we of this legislature are giving to the people

what I believe is their moral right as expressed in the Constitution of the State.

It is only the early hour that leads me to discuss this. I recognize that it is well a matter for discussion when the major tax measures come up, but since through both bodies and in committee those tax measures are going to have at least their first construction work, I thought—and I express my apologies if I am premature on the question—that the matter ought to have serious consideration because, I repeat, it seems to me that the method by which this tax measure, whatever it is, is to be adopted equals in importance the nature of the tax itself.

Mr. Barnes of Aroostook was granted unanimous consent to address the Senate.

Mr. BARNES of Aroostook: The only reason I rise at this time, Mr. President and Members of the Senate, is that it seems hardly fair to me for one side of this question to be presented and inscribed upon the records of the Senate.

When we first started to consider tax programs, which I believe was back in 1935, I held to the firm opinion as has been expressed by my very good friend, Senator Haskell, on the question of a referendum to the people on tax measures. Over the years and with the experience that we have had down here in the Legislature at every session since then, my mind has been changed on the subject and it has been changed simply for this reason. We come down here and a great many of us have been here for several sessions and we make a very deep study into the apparent needs of the State of Maine. We then reach a conclusion which has always been so far a negative conclusion on the question of whether to enact a new general tax.

Now we know if we are going to be realistic about it, that if the question goes to the voters by referendum, they will see only one side of the picture.

I have heard the able Senator from Penobscot, Senator Haskell, in public speaking speak of a very able citizen of the State of Maine who came down here to a legislative hearing on a very substantial

appropriation and ably and logically argue for that appropriation and the very next week, if my memory serves me correctly, the Senator from Penobscot told us that same individual came down before a taxation hearing and ably and sincerely opposed any new tax.

Now that is the situation that will be faced by the people in the State of Maine when they go into the little booth and take their pencil and mark the ballot on the referendum. That is the question they will face. They will see just one side of the picture. They will say, "Here is a tax. Nobody is in favor of taxes. We ought to make savings down in our state government." That will answer the problem and the individual will vote against the tax and who is going to take it upon their shoulders to inform the electorate of the needs of the State of Maine in the way of new money so as to convince them that a new tax is needed. Perhaps the Senator from Penobscot, Senator Haskell, will undertake that task single-handed if an announcement comes forward within a few days that may well come forward.

But he cannot do it alone and I don't believe there are enough members of this Senate or the Legislature to fairly bring the proposition before the people of the State of Maine. And I believe if we attach a referendum ourselves to a tax measure we are defeating our purpose. We are at one time saying that we who have made a study of this thing, some of us for the last six or eight years, and we who have made a very careful study in this legislature in regard to it and believe that a new tax is necessary, are nevertheless saying to the people of the State of Maine that we are so hesitant about acting on our belief in that respect, "Maybe we are wrong so let's hook a referendum on this and send it to the people." We will say to the people, "We have no confidence in our own study and we think perhaps it shouldn't be done."

I realize the constitutional provisions for referendum and I believe that we, whether we pass a tax bill or not and particularly if we do enact a tax—and I realize the hopelessness of passing a tax

measure—but I continue to hope that we may do it, but I am realistic enough to know that it may not be done—I believe that if we do pass a tax measure and pass the appropriations we honestly and sincerely believe in, under the Constitution the people have a right to initiate a referendum, and that right I would not want to take away from them. But I do not believe we should take the weak attitude of saying, "We need new money, we need so many million dollars to run the State of Maine for the next two years"—and believe me we will comb that carefully—and in the next breath pass a measure saying, "Maybe we don't need this after all so let's hook a referendum on it." That, briefly, is my stand on the matter.

After the articles that the Senator spoke of came out in the newspaper, I was stopped by at least a dozen people in the Town of Houlton and by others in Augusta who have asked the question, "Is the Senator from Penobscot trying to sabotage the tax program in the State of Maine or what is his problem?"

Now as near as I can get it from what he has said here this morning, although he knows perhaps better than any of the rest of us the needs of the State of Maine, he who has the ability to think matters out on tax issues and decide on what tax measure is best, says in the same breath, "Although we need the money, we are not sure whether we ought to have the tax dollars to meet the needs and, therefore, let us hook a referendum on the tax measure," and that I fundamentally and violently disagree with and I want the Senate to know my stand on it.

Mr. Noyes of Hancock was granted unanimous consent to address the Senate.

Mr. NOYES of Hancock: Mr. President, I would point out to you here in the Senate, you who have followed the advertising in the newspapers the last few weeks, a one sided representation that has been presented to the people of the State of Maine and we have every reason to believe will continue to be presented in the same way, if a tax bill goes to the people for referendum. I would point out that

every tax measure passed in this legislature for the last twenty years, has been passed as an emergency. I am speaking now of the cigarette tax, the additional cigarette tax, and the gasoline tax, which, incidentally the Senator from Penobscot supported as an emergency measure.

I would point out that whatever tax measure is passed, the members of this legislature will have been in a better position to study that tax measure and know what it contains than will the rank and file of the people of the State of Maine.

Any tax measure that is presented to you Senate members, you will study as will the members of the Taxation Committee and the decision you make will be an intelligent one. However, it has been my experience on election day that too many people are brought to the polls in a hired automobile and then asked to vote Yes or No and too many of those people vote No on a measure that is of vital importance to the State of Maine. I know that when any tax measure is sent to a referendum it is an unequal contest. The people who are affected by the tax, and I am now speaking of the merchants in the case of the sales tax, will spend many dollars to defeat the tax bill, not only before, but on election day, and I feel that the tax measure will not have a fair vote. I agree with the sentiments expressed by Senator Barnes.

Mr. Boyker of Oxford was granted unanimous consent to address the Senate.

Mr. BOYKER of Oxford: Mr. President, I would like to say this. I am opposed to a tax measure which I know will be defeated in a referendum but when I was elected to come here, the people in Oxford County said, "Mr. Boyker, you are going to the Maine Senate. For heaven's sake, pass a tax bill and don't send it back to the people."

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Haskell of Penobscot,

Adjourned until tomorrow morning at ten o'clock.