

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Fifth Legislature*

OF THE

STATE OF MAINE

VOLUME II

1951

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, April 19, 1951

The Senate was called to order by the President.

Prayer by the Reverend David W. Flower of Augusta.

Journal of yesterday read and approved.

**From the House**

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Fishing Licenses for Boys' and Girls' Camps," (H. P. 1410) (L. D. 1018) reported that the same ought not to pass.

(In the Senate, on April 17th, report read and accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action, whereby the bill was recommitted to the Committee on Inland Fisheries and Game, and now asks for a Committee of Conference, the Speaker having appointed as such Committee on the part of the House:

Messrs. DAVIS of Harrison  
SANBORN of Gorham  
BROWN of Wayne

In the Senate, on motion by Mr. Ela of Somerset, the Senate voted to insist on its former action and join with the House in a Committee of Conference.

The Committee on Labor on Bill "An Act Including Dust and Fumes as Occupational Diseases," (H. P. 1426) (L. D. 1033) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report, and read twice as amended by House Amendment "A", and subsequently the bill indefinitely postponed. (Amendment Filing No. 212)

In the Senate, on motion by Mr. Collins of Aroostook, the Senate voted to accept the Ought Not to Pass report.

The Committee on Sea and Shore Fisheries on Bill "An Act Regulating the Digging of Marine Worms in the Town of Stockton Springs, Waldo County," (H. P. 1187) (L. D. 741) reported that the same ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A" (Amendment Filing No. 175)

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.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Permits to Hunt and Fish for Members of the Armed Services of the United States," (H. P. 923) (L. D. 539) reported the same in a new draft (H. P. 1696) (L. D. 1276) under a new title, Bill "An Act Relating to Licenses to Hunt or Fish for Members of the Armed Services of the United States," and that it ought to pass.

Comes from the House, report read and accepted and the bill in new draft, under new title, passed to be engrossed as amended by House Amendment "B". (Amendment Filing No. 261)

In the Senate:

Mr. ELA of Somerset: Mr. President, I would like to explain this a little bit before we vote on it. This is a bill which gives members of the armed forces of the United States, who are based in Maine, the privilege of buying hunting and fishing licenses at the resident rates. The committee reported ought to pass on the bill. There was a request to have it pass as an emergency but the committee did not think that it constituted an emergency in any sense of the word and they did not report it out that way. The House has put the emergency on the bill and that is the form in which it comes to the Senate. As far as the committee is concerned, we have no quarrel with it except that if the Senate thinks there is an emergency it is all right to put it on, but the committee did not feel it was an emergency which would apply only to the difference between the resident and non-resident fishing licenses and only cover the period between now and ninety days after the legislature adjourns.

Thereupon, the ought to pass report of the committee was accepted

in concurrence and the bill read once.

House Amendment B was read.

Mr. WIGHT of Penobscot: Mr. President, I move the indefinite postponement of House Amendment B.

Mr. BREWER of Aroostook: Mr. President, I would like to add a word or two of information to the amendment, which Senator Ela recently spoke on. You are well aware that we have three air bases in the northern part of Maine and two are in Aroostook County where there will be many of these boys stationed. We do find that a lot of them like to fish and the fact is that this is a clarification to assist the town clerks in determining whether they should have resident licenses or not. Of course they can fish if they want to buy non-resident licenses but that costs them a lot more money and in many cases these boys do not know how long they will be stationed at these places so it is my feeling that if they want to buy these licenses they should be considered as a resident. It does give them something to take up their time and time is heavy on their hands. If it is not put through with an emergency, it won't go into effect until 90 days after the legislature and you will admit that a good part of the good fishing has gone by by that time. I believe there is merit in the emergency and for that reason I hope that the Senate will go along with us and that Senator Wight's motion will not prevail. I ask for a division when the vote is taken.

A division of the Senate was had.

Nine having voted in the affirmative and nineteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Brewer of Aroostook, House Amendment B was adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs on bill An Act Relating to Automobile Travel by State Employees," (H. P. 791) (L. D. 471) reported that the same ought to pass as amended by Com-

mittee Amendment "A". (Amendment Filing No. 147)

Comes from the House, passed to be engrossed as amended by Committee Amendment A and by House Amendment A. (Amendment Filing No. 156)

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

### From the House

(Joint Order)

WHEREAS, all over the United States people are pausing today in their usual occupations and among other patriotic exercises extending a welcome to one of the nation's most distinguished military commanders and administrators who has returned from long service in foreign land and

WHEREAS, it is appropriate that this legislature on this Patriot's Day should be among those joining in said welcome

NOW, THEREFORE, be it ORDERED, the Senate concurring, that the 95th Maine Legislature recess from twelve o'clock noon to three-thirty o'clock P. M. for the purpose of listening to the address to be delivered by General MacArthur.

Comes from the House read and passed.

In the Senate read and passed in concurrence.

Petitions of James A. Sawyer of Morrill and others in Favor of Adequate Support of Taxation of the Departments of Education, Institutional Service and Health and Welfare." (House Papers 1735 to 1749 incl.)

Which were severally read and ordered placed on file in concurrence.

Remonstrance of Llewellyn F. Wortman of Greenville and 205 others Against the Sales Tax." (H. P. 1750)

Which was read and ordered placed on file in concurrence.

**House Committee Reports**

The Committee on Natural Resources on "Resolve Authorizing Forest Commissioner to Sell Lot 102, St. Agatha, 17, R. 4, Aroostook County," (H. P. 1627) reported that the same ought not to pass as it is covered by other legislation.

The Committee on Taxation on Bill "An Act Proposing an Additional Corporate Franchise Tax," (H. P. 1031) (L. D. 602) reported that the same ought not to pass.

(On motion by Mr. Crosby of Franklin, tabled pending acceptance of the report.)

The same Committee on Bill "An Act Creating a Committee to Study the Broadening of State Tax Base," (H. P. 1211) (L. D. 775) reported that the same ought not to pass.

The Committee on Claims on "Resolve to Reimburse the City of Hallowell for Support of Andrew W. Tuttle," (H. P. 1571) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Closed Time on Deer in Southern Counties of Maine," (H. P. 1575) (L. D. 1147) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Judiciary on Bill "An Act Relating to Liens on Electric Motors," (H. P. 1419) (L. D. 1027) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Merger, Consolidation and Conversion of National Banks and Trust Companies," (H. P. 1482) (L. D. 1089) reported that the same ought to pass.

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

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Transportation of Fish by Airplane," (H. P. 1310) (L. D. 863) reported the same in a new draft, (H. P. 1728) (L. D. 1283) under a new title, Bill "An Act Relating to Transportation of Fish, Game or Fur-Bearing Animals by Aircraft," and that it ought to pass.

(On motion by Mr. Ela of Somerset, tabled pending acceptance of the report.)

The Committee on Judiciary on Bill "An Act Relative to Revision and Publication of Municipal Ordinances," (H. P. 1543) (L. D. 1136) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Labor on Bill "An Act Designating Silicosis as an Occupational Disease," (H. P. 676) (L. D. 408) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Towns and Counties on Bill "An Act Relating to the Hire of Professional Appraisers by Cities and Towns," (H. P. 1214) (L. D. 771) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as so amended were tomorrow assigned for second reading.

Report "A" of the Committee on Legal Affairs on Bill "An Act Relating to Boilers, Air Tanks and Unfired Pressure Vessels," (H. P. 389) (L. D. 225) reported that the same ought to pass as amended by Committee Amendment "A".

(signed)

Senators: HASKELL of Penobscot  
ELA of Somerset  
WEEKS of Cumberland

Representatives:

STEWART of Paris  
BURKETT of Portland

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

(signed)

Representatives:

HAND of New Limerick  
WOODCOCK of Bangor  
MARTIN of Augusta  
HAWKES of Saco  
THOMAS of Waterville

Comes from the House, indefinitely postponed.

In the Senate:

Mr. WEEKS of Cumberland: Mr. President, I move the acceptance of Report A.

Mr. COLLINS of Aroostook: Mr. President, in view of the action of the other Body which was to indefinitely postpone, I do not think that we would be getting ahead very far by accepting the ought to pass report. I therefore move that the bill be indefinitely postponed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the Senate accept the Ought to Pass report of the committee.

A viva voce vote being had,

The motion did not prevail.

Thereupon, on motion by Mr. Collins of Aroostook, the bill was indefinitely postponed in concurrence.

The Majority of the Committee on Transportation on Bill, An Act Providing for Safety Equipment for Large Trucks (H. P. 1373) (L. D. 963) reported that the same ought to pass

(signed)

Senators: ALLEN of Cumberland  
BOYKER of Oxford

Representatives:

JONES of Bowdoinham  
NOWELL of Hermon  
KELLY of Rumford  
PERRY of Chelsea  
TRAVIS of Westbrook  
MAGUIRE of Auburn

The Minority of the same Committee on the same subject matter reported that the same ought not to pass

(signed)

Senator: CHRISTENSEN  
of Washington

Representative:

TURNER of Auburn

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

In the Senate, on motion by Mr. Christensen of Washington the bill and accompanying papers were laid upon the table pending acceptance of either report.

### Communication

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta

April 18, 1951

Honorable Chester T. Winslow  
Secretary of the Senate  
95th Legislature

Dear Sir:

The Speaker today appointed the following conferees on the part of the House on the disagreeing actions of the two Branches of the Legislature on the following bills:

On Bill "An Act Relating to the Importation of Poisonous Snakes." (H. P. 327) (L. D. 187)

Mrs. MOFFATT of Bath  
Messrs. CRABTREE of Island Falls  
BEARCE of Hebron

On Bill "An Act Relating to Her Own Business Program." (H. P. 1233) (L. D. 786)

Mrs. MOFFATT of Bath  
Messrs. JACOBY of Dixmont  
PLUMMER of Lisbon

Respectfully,

HARVEY R. PEASE

Clerk of the House.

Which was read and ordered placed on file.

The PRESIDENT: At this time the Chair will appoint as Senate members of the Conference Committee on bill, An Act Relating to Her Own Business Program, Senators Reid of Kennebec, Marshall of York, Collins of Aroostook.

Mr. REID of Kennebec: Is it in order for a Senator to decline the invitation to serve on a committee of conference?

The PRESIDENT: If the Senator insists.

Mr. REID of Kennebec: Mr. President, my reason for saying that is that I sponsored two bills and tried my best to legislate for the benefit of women. One was the industrial home work law and the other was Her Own Business program. A woman member of the House fought vigorously against it and our good friend, Senator Kavanagh who is absent today, fought vigorously against both the bills and I feel I am through fighting their own business.

Nevertheless, Mr. President, I will accept the appointment.

The PRESIDENT: The Chair, of course tries to put on the conference committees those Senators who represent the thinking of the majority. In so far as the three Senators appointed are members of the Labor Committee which reported the bill unanimously ought to pass, the Chair feels that this appointment is the right one. The Chair regrets the Senator feeling the way he does and the Chair will say he offers his sympathy.

### Senate Committee Reports

Mr. Barnes from the Committee on Judiciary on Bill "An Act to Provide for the Approval of Degree-Granting Institutions by the State Board of Education," (S. P. 452) (L. D. 1146) reported that the same ought not to pass.

Mr. PALMER of Lincoln: Mr. President, I don't think it is necessary to place this bill on the table. I think what should be said can be said now. I frankly discussed this matter which the Judiciary Committee thought should not pass and I would like to briefly bring to the attention of the Senate members what the bill does and the objections of the Committee as I understand them.

I understood before the bill was brought out that we were going to perhaps try to work out some new draft which would take care of their objections and that we might meet on some common ground. Evidently they haven't seen fit to do that so I will discuss the bill on its merits as it is written.

This bill, An Act to Provide for the Approval of Degree-Granting Institutions by the State Board of Education, grows out of a series of incidents that happened in Maine during the past decade. I think we all recognize the fact that more and more each year institutions are coming to the legislature and asking for the privilege of granting degrees. Now, this bill was not proposed by the Department of Education. It was proposed chiefly by the four Maine colleges, Bowdoin, Bates, Colby and the University of Maine, because they felt there should be some standard which we should follow in giving to any institution

the privilege of granting the Bachelors Degrees of Arts and Sciences. The bill provides that "No application by a person, partnership, institution, corporation or their legal representatives for authority to confer any educational, literary or academic degree shall be approved by the legislature or any committee thereof until the same shall have been considered by the state board of education and shall be endorsed by said board." The bill goes on to mention the fact that the state board would draw up a set of rules and regulations to which all institutions would have to conform before they would be given the privilege of granting a degree.

Now this is not embarking on some new program which has never been heard of before. Many of our states demand that there shall be some rule which they shall follow in legislative circles before granting to any institution the privilege of granting a degree. The state board would draw up such rules and regulations and before the institution would be granted the right of granting degrees it would have to conform to those requirements which would be nothing more than the requirements which we expect of our other colleges in Maine.

This is not a bill robbing the Judiciary Committee of its holy right to grant any institution the privilege of granting a degree. Rather, it is a protective measure for the young men and women who go to institutions so that their degrees will be worth something after they are granted. In many cases that is not done and institutions are granted the privilege that should not have it.

I realize that this boils down to the question of whether or not the Judiciary Committee is more capable of deciding whether or not an institution should be allowed to grant a degree, or the state board of education, but we have on that board at least one man I know of, and perhaps more, connected with our Maine colleges who recognize the standards that should be met by those institutions before they can grant a degree. It seems only fair to me that the state board should have a standard set of rules and regulations to follow for any

institution asking for the privilege. This does not rob the legislature of any inherent right which it has but it provides that the board of education shall approve the qualifications of any institution before it may be granted the privilege of granting a degree.

I am sure we all recognize that over the period of the last four or five years many institutions have come to the legislature asking for that privilege. I cannot see that that is dangerous or that we are embarking on a new program, especially as other states are doing it today and we have on our state board of education some very capable citizens who are connected with our colleges and schools and are very able to draw up regulations based on the standard already set by our Maine colleges. I cannot see that it will be anything but a benefit to our Maine boys and girls by assuring them that if they do go to an institution granting a degree that that institution will have to conform to the rules and regulations before they can grant it. If we expect it of our colleges in Maine I think we should require it from other schools. And, so, Mr. President, I move to substitute the bill for the ought not to pass report.

Mr. HASKELL of Cumberland: Mr. President and members of the Senate, in many ways I find myself in agreement with my good friend the Senator from Lincoln, Senator Palmer, on the basic principles involved in this matter. I think I can express the thinking of the Committee on this particular item by saying we rather felt it was a matter which should receive more consideration than was given at this particular time.

This bill that you have before you, and which is reported out of committee "Ought Not to Pass," was admittedly very drastic. There are many things about it, at least in my own personal opinion, that require careful and serious consideration. And although it is true that the legislatures of other states may have granted the power to give degrees without too much thought, it is equally true, at least in my own experience, that whenever these matters have come before the committee they have been very careful

to seek out as much information as the department of education may bring to the attention of the committee.

Furthermore, I think we have a fundamental problem involved under the wording of this particular bill. I call your attention specifically to the fact wherein the bill recites, "It will not be approved by the legislature until it shall have been considered and shall be endorsed by said board." That is a pretty far-reaching proposition. The Senator from Lincoln, Senator Palmer, has told you a bit about the publishing of regulations but if you read the bill carefully, at least in my interpretation of the words, you will find that it applies to licenses. It doesn't say anything about what the board shall do to endorse the schools before the legislature in order that they may be granted authority to give degrees. I don't think, as a matter of fact, that the state board themselves want the arbitrary power that would be granted in the event this bill passes in its present form.

In all seriousness, we do have a problem. I think it is something that should be carefully considered. It is something that undoubtedly can be worked out. It has been worked out in other states. I think before we take the step contemplated in this particular measure, in fairness to both the legislature which now has the power and to the state board which admittedly wants to cooperate, that there should be some careful study of the plans of other states, study of the needs required in this thing, rather than to consider, as we are now considering this bill, particularly so late in the session, and which has not had an opportunity to be considered from the many angles I think it should be considered from.

For those reasons in particular I would like to make my position plain to the members of the Senate, that I am opposed to the motion to substitute the bill for the Ought Not to Pass report of the Committee.

Mr. BROGGI of York: Mr. President and members of the Senate, as a matter of general knowledge to this Senate, I think that one member of the board of education



is a representative of one of the Maine colleges and, while I do not have particular reference to the present member or, in fact, to any future members, the Senate must bear in mind that if and when the day comes when enrollments are low, inadvertently or unconsciously the state board could be prejudiced and set up standards which would make it impossible for any other college to qualify.

In this country today there has been instituted what is known as a community college plan that is well defined by many of the states of our Union in which curriculums are set up on college levels, and ratified by the state legislatures, all of which make available college facilities to many students who otherwise could not enjoy such facilities. As a member of this Senate I was successful in passing a bill in this session granting degree privileges to Nasson College situated in Sanford. The purpose of this legislation is the creation of a community college in Sanford, so that youngsters in York County and vicinity who do not have the means to attend any of the Maine colleges can, under this legislation, attend Nasson College and live at home, thus relieving them of the major expense of college such as board and room, attend to their duties at home if it is a farm or help their dad if he has a business, and at the same time have the advantages of a college education. It is unfortunate that many of our students are not in college only because their parents cannot afford to send them and certainly I would not like to see any code set up that would make impossible the creating of colleges on a community basis.

I think the committee has been wise in the past in granting or not granting degree privileges to schools. I hope the Ought Not to Pass report is accepted by the Senate.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I haven't the slightest good reason for speaking on this bill but as I interpret the presentation of the Senator from Lincoln and the Senator representing the Judiciary Committee, it seems to me they both agree that there is merit in the measure. It doesn't appear to me that it would be a terrific job

to get the two viewpoints together nor that it would take two years or until the next session to do it. So I would see some merit to the motion which I will make in order to give them an opportunity to study the situation and I move, Mr. President, that the bill be laid on the table pending the motion of the Senator from Lincoln, Senator Palmer.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, that the bill be laid upon the table pending motion by the Senator from Lincoln, Senator Palmer, that the bill be substituted for the Ought Not to Pass report of the committee. Is the Senate ready for the question?

A viva voce vote being had

The motion prevailed and the bill and accompanying papers were laid upon the table pending motion by the Senator from Lincoln, Senator Palmer, that the bill be substituted for the report.

Mr. Dennett from the Committee on Business Legislation on Bill "An Act Concerning the Qualifications of Fire and Casualty Insurance Agents and Brokers," (S. P. 427) (L. D. 991) reported the same in a new draft (S. P. 551) under the same title, and that it ought to pass.

Which report was read and accepted and the bill in new draft laid upon the table for printing under Joint Rule No. 10.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Suspension of Hunting and Fishing Licenses," (S. P. 374) (L. D. 900) reported that the same ought to pass.

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

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Amend the Referendum Provision," (S. P. 492) (L. D. 1194) reported that the same ought not to pass.

(signed)  
Senators:

HASKELL of Cumberland  
WARD of Penobscot

## Representatives:

McGLAUFILIN of Portland  
 FAY of Portland  
 HARDING of Rockland  
 WOODWORTH of Fairfield  
 HAYES of Dover-Foxcroft  
 FULLER of Bangor  
 DELAHANTY of Lewiston

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

(signed)

Senator BARNES of Aroostook

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I shall move to accept the minority report "Ought to Pass," on this measure. I believe this is the first time in my experience here in the legislature that I have been the sole signer of a minority report on any measure. Two years ago there were some legislative definitions concocted around the legislature and the sole signer of a minority report was defined as a son-of-a-gun who was probably right. I think I am right in this matter.

This is a very simple bill. It simply takes away the right of the people to invoke a referendum on revenue measures passed by the legislature. And in line with the thought I expressed here last week that the people who vote on a referendum can only see one side of the picture and go into their booth and vote No on any tax measure because they don't want to be taxed and don't know anything about the needs of the state.

I therefore thought that this was a wise measure and signed as a sole signer of the minority Ought to Pass Report. I did it partly because I thought this was of sufficient importance so that it should be at least discussed to some extent in both branches of this Legislature.

The sponsor of the bill is here in the Senate. He may have some words to say on the measure. But I do get completely tired and disgusted at our coming down here to this Legislature and spending four to five months making careful studies of the needs of the State of Maine and then enacting some sort of revenue measure with a referendum attached and have people vote it down simply because

nobody wants to vote to tax themselves.

That is the reason I signed this report. I now move, Mr. President, that the Senate accept the minority Ought to Pass report of the Committee.

Mr. NOYES of Hancock: Mr. President, I am not sure whether the Senator from Aroostook referred to me or to another Senator who is in the Chamber when he said the sponsor of the major tax bill is in the Senate Chamber, because my name appears upon this document, primarily because I talked with another senator who is present, who having suffered the same experience that I have had in this Legislature used words something like this when he said, "You and I know how we have been stymied down here in the attempt to get tax legislation due to this thing being in the Constitution."

I told him to prepare the bill and I would put my name on it and I did. I don't know whether he is going to speak on it this morning, or not. However, there are very few states in the Union that have any such provision in their constitution, as the Senator from Aroostook has already said.

Under the existing conditions, a minority in this Legislature has determined the tax policy of this state by refusing to go along with the will of the majority. We are faced with the same situation in the 95th Legislature and the majority of this Legislature would change the tax structure of the State of Maine. The position in this Legislature that the minority takes is well illustrated by the story that is told of the flood that took place down in one of our southern states some years ago.

During the flood, the inhabitants of a little village retired to the banks of the village and observed the flood waters tearing down through that little settlement. As they were standing there on the banks they noticed a straw hat moving down stream in the flood and then lo and behold, it moved upstream against the current and that continued for some five minutes and everybody wondered what had happened. What was the trouble? About then a little boy there spoke up and said, "I know what it

is." And they all looked at him and he said, "I heard grandpa say yesterday that he was going to mow the lawn today come hell or high water," and that was the straw hat that was going there against the flood. And that is the position that the minority seems to be taking, that there will be no tax revision in the State of Maine, come hell or high water, and I am not one of that minority.

Mr. DENNETT of York: Mr. President and members of the Senate, I rise to take exceptions to the remarks by the good Senator from Hancock, Senator Noyes. He has stated here that it seems to be in this legislature that a minority has opposed the will of the majority and therefore it has been impossible to levy any tax in the State of Maine.

I think in most cases the minority has represented the will of the majority of the people which has been proven when these things have been submitted to referendum. The people have voted in every case to turn down these measures. And I believe, and I think it is obvious, that that was the majority will of the people and I trust that the motion of the Senator from Aroostook, Senator Barnes, does not prevail.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I have been here a long time but I have seen the best thing I have ever seen yet this morning, trying to take away from the people the right to decide their own fate. I thought we lived in a democracy in the State of Maine. I am starting to wonder if we are going back to the old systems of Europe where a king had the whole say and the subjects all had to bow and say, "You are right. You can do no wrong."

It is unbelievable that such a bill could have been introduced in the State of Maine to do away with the right of the people of Maine to decide what kind of government they want, to decide what kind of tax they do want to pay. I could go along and it would be for my best interest to go along for the sales tax much better than an income tax or any other tax that might be imposed. But I feel this way, that I represent the citizens of Androscoggin County and that by a majority vote, they have shown in the

past that they are against a sales tax in several instances, and that by the thousands of postcards, letters and telegrams that I have received that they are against a sales tax, with none favoring it.

They have shown me what their wishes and desires are and I feel that I do not come here representing myself, posing as a demagogue who is going to tell them what to do. But I feel I am only a humble representative in this Senate and that I want to do what they desire me to do—vote against a sales tax.

When I am not satisfied to serve the majority of the citizens of Androscoggin County, I have the choice of not running to be elected. Then I may appear here in this Capitol at public hearings and state my own mind and my own feelings. But as long as I am an elected representative of the people of Androscoggin County, I shall attempt, Mr. President and Members of the Senate, to represent their opinion and not mine. I shall certainly oppose any movement made to take away from them their God-given rights of governing themselves in their own way.

Mr. BARNES of Aroostook: Mr. President, it doesn't greatly surprise me to see my good friend, Senator Boucher from Androscoggin get up here and shout for home rule. But one thing has entirely escaped him, apparently, because this is a measure to amend the Constitution and if passed by this Legislature, would go to the people, Senator Boucher, to be acted upon by them.

Nobody is attempting to set themselves up as a demagogue. We have a constitution in this state that is amendable only by a vote of two-thirds of both branches of the Legislature and then goes to the people, themselves, to vote upon.

So, the argument of the Senator seems to be traveling around in a perfect circle. I believe this is a wise measure and I believe it should be placed before the people of the State of Maine to act upon—just exactly what he would like to have done.

Mr. ELA of Somerset: Mr. President, I think there is a great deal of merit in this resolve. Popular

government works well in small units in the town meeting form of government where you can get all of the people into one group and address them. They can form their opinions wisely. But when you get into larger units of government, it has been my observation that representative government is the only system that really works well. We worked under it for the first century or more of our existence and state government, in my opinion, had fewer problems than it has now.

I would go even further than this resolve. I would abolish the referendum altogether. I think there would be a great deal of merit in doing it. It complicates our functions of government ridiculously. But at least if we can't do that, this is one step in the right direction and I think the resolve should be presented to the people and let them have the issue discussed and vote on it.

Mr. WEEKS of Cumberland: Mr. President, I rise to support the motion of the Senator from Aroostook, Senator Barnes. It has been my experience that I have had great numbers of people who do not make themselves articulate in the nature of letters and postcards, but who do tell me face to face that I have a job to do and to come down here and do it. I am not worried about that responsibility verdict and I think this is a step in the right direction.

As Senator Barnes has said, this goes back to the people and let them decide whether we are going to have final authority to pass a tax bill, or not. It is up to them to decide and I would like to see how many there are back home that subscribe to the proposition that we are sent here to do a job and that we should come down here and do it.

Mr. HASKELL of Cumberland: Mr. President, I think perhaps we may possibly have overlooked one point in the discussion on the resolve this morning and that is the fact that the people of Maine have already granted our legislative bodies the privilege to use their own judgment, but to this limited extent: If we have an emergency matter, it is within our power un-

der the Constitution to pass these measures, including a tax measure, by a two-thirds vote.

That has stood the test of time for a long time. I don't believe the people of Maine object to that provision.

On the other hand, in the event that we adopt the proposal in the light of the thinking of the Senator from Aroostook, Senator Barnes, we are then radically changing the picture, it seems to me, because we are asking the people then to give us the right by mere majority vote on an issue as important as a tax measure.

Now, I haven't checked the record, but I think it is a fair statement to say that invariably the only thing that comes up on referendum is a tax measure, generally speaking, and I certainly, as an individual, know of nothing that is more important to the people of the State of Maine than to have preserved to them the right, if they want it, to have a referendum, provided that the Legislature, itself, can not agree on a given measure by a two-thirds vote.

Now, perhaps I am one hundred per cent wrong on this proposition but I rather hope that I am not because I think it is basic. I think it is fundamental. The people have given us the power if we want to use it. If we can not agree among ourselves sufficiently to pass a measure by a two-thirds majority, I don't believe it is fair to attempt in this manner to obtain the authority to pass these vital measures by a mere majority vote. And for that reason, primarily, I think that we have asked the people of Maine for about all that we can honestly expect and I don't think that this measure should be approved.

Mr. NOYES of Hancock: Mr. President, if all tax measures were referred to the people in referendum, I wouldn't make any attempt to change the state tax setup, but I have called to the attention of this Senate and I am calling it to your attention again, that the tax situation, state, federal and local, has changed long since this amendment was introduced into the Constitution.

In fact, in a mere twenty years, when the states, federal govern-

ment and towns were levying taxes of some nine billions of dollars, the states levied a billion and a half, the federal government two and the towns and cities four and a half. I will amend that first figure to eight instead of nine.

However, since 1932, the federal government now levies forty as against the original two. The states have climbed to nine and the towns to seven. But in your chain of government today, your big link of taxation is on the wrong end. And in that big link, no referendum is involved. It is a question that we all might ask ourselves very carefully: What might have happened had the states and towns back twenty-five years ago passed tax legislation enabling them to do the things that the federal government has since adopted?

It is my contention had we at the state level produced the dollars necessary to carry on the work now being done by your Health and Welfare Department—had we done that at our state level, we would have saved dollars to the taxpayers of the State of Maine. By clinging to this obsolete amendment in the Constitution, we have simply stymied our state and towns, weakened local government and strengthened federal government.

I would also point out to this Senate that in the remarks of my good friend, Senator Haskell of Cumberland, when he says two-thirds vote, he didn't explain that as a two-thirds of your entire elected membership. If the Constitution said a two-thirds vote, it would be one thing. But it says two-thirds of a duly elected entire membership of that body. Under that setup, an absentee is a vote against. To illustrate how that works, the other day when the tax measure was reported to the House—and this wasn't on enactment—but I will break down the figures to illustrate what could happen.

You will note that the tax bill received ninety-four votes in the House of Representatives as against forty-four against it. That is a two-thirds vote of the members present and voting. However, if that same bill were put up for enactment today, it would have failed of passage on that affirmative vote because it lacked the 100 or 101 votes of

the entire duly elected membership necessary under the Constitution.

Before voting upon this amendment and before voting against it, you should take those things into consideration and I hope the motion of the Senator from Aroostook passes.

Mr. WARD of Penobscot: Mr. President, I am opposed to the motion which has been made by the Senator from Aroostook, Senator Barnes. There seems to be a trend which seems to be growing to take more and more power away from the people. Two years ago, this same particular section that we have now under consideration read that the people of the State of Maine were entitled to invoke a referendum upon securing the signatures of ten thousand people. We changed that two years ago to make it more difficult for the people to secure the referendum by inserting the figure, "ten per cent."

At the present time, we have on the table in the Senate pending final passage another proposed amendment to the Constitution relative to the direct initiative which would change it so that if it is adopted, it would require twelve per cent of the voters participating in the last election, rather than twelve thousand voters.

I think we are going fast enough in that direction at this time without taking this additional step of exempting tax bills from the referendum provision. Every tax measure which has ever been enacted in the State of Maine has been enacted by an emergency. Other legislatures have been able to pass those emergency bills. If we are unable to do so, I don't think we should cry like some little boy and start out to change the Constitution and I hope that the motion does not prevail.

Mr. BARNES of Aroostook: Mr. President, I just want to speak very briefly on the thought that has been expressed here by the Senator from Cumberland, Senator Haskell, and also the Senator from Penobscot, Senator Ward, when they say that we already have a right, which we do, to pass tax measures by emergency legislation, a two-thirds emergency legislation. Now, that point could

be debated by taking a suppositious case. But we, the most of us who are sitting here, don't have to depend upon any suppositious case because for the third time we are down here struggling to secure some revenue for the State of Maine to take care of its needs. What happens? Well, you have one group of very sincere sales-tax haters. You have another group of people who, I assume at least, sincerely feel that economy would do the job and that we don't need any new tax anyway. You have others who would like to pile more of the tax burden of the State of Maine upon those who use intoxicating liquors and smoke.

Mr. President and members of the Senate, it is a marvel to me that with those diversified groups bickering and fighting back and forth, that you ever could get a major tax bill enacted by even a bare majority. If you will take the larger body of this Legislature with 151 members, you have, I think, if my figures are correct, about twenty-five members of the minority party in there who by their own platform, and by able expression of their members both in the House and in the Senate, are against any tax. So, you have got 126 left. On any given day, as has been mentioned by the Senator from Hancock, Senator Noyes, you are bound to have ten to fifteen of the membership absent for good reasons, sickness or some reason why they have to be absent. That takes you down to about 111 and it works out, and has worked out time after time after time, that ten, twelve or fifteen sales-tax haters, income-tax haters, or economy-minded people who believe that there is some magic formula by which we can cure the State's financial ills, will defeat a two-thirds' majority.

We don't have to take a suppositious case, members of the Senate, because this is the third consecutive session where we have seen this thing working and I say it is a wonder that you can get a bare majority to agree on anything as fundamental and with so many diversified groups as there are on a major tax issue.

I believe that if a bare majority of those diversified groups can get

together and agree on a tax measure, that the State of Maine is safe enough.

Now, as to the constitutionality and the changing of the Constitution, I would answer Senator Ward's arguments in that direction by reminding him as I did Senator Boucher that this is a constitutional resolve and will go to the people to vote on. The people have turned, under the Constitution, certain rights over to us. We operate under that Constitution and the Constitution itself contains provisions for changes. There is plenty of safeguard in that. So, I am not worried about that argument.

I realize I am fighting an uphill battle. As I said in the beginning, this is the first time in my legislative career that I have ever been a sole signer of a minority report. I feel deeply about this matter. I think it is of great importance and I hope and trust that my motion to accept the Minority Ought to Pass Report of the Committee will prevail.

Mr. BOUCHER of Androscoggin: Mr. President, I realize that Senator Barnes from Aroostook feels very deeply about this matter. I also realize that he thinks very little about other people's votes. But it is on the record in this Senate that he thought my vote didn't amount to anything at one time at least.

I feel differently about those matters. I am more of an individualist, probably, than he is. He wants to rule by the majority. That is all right with me if he will go back to the people. Of course this will have to go back to the people unless he wants to break the Constitution and make this Legislature God Almighty and throw the Constitution out of the window. That is what we are attempting to do at this time, anyway, and I can't agree with him. If he wants that kind of government, it is all right with me. He can have it for himself but I don't want any part of it. I still want a government by the people and for the people and not by a few, chosen few, be they Senators of Maine or Representatives of the House of Maine or anybody else in the world. I say that I really don't

believe in government by one person.

I say to you that even sending this back to the people in a referendum is an insult to their intelligence. The good Senator Barnes knows what the result is going to be. It is written on the wall. It will be defeated at least three to one. That is as near as he can come to making it a law. The people of Maine, I don't believe, are depraved to the extent that they would vote away their God-given rights.

He has also made a statement that I want to correct. He has made a statement that my party is against any tax. That is not a true statement. I defy him to take the records either of the House or of the Senate at this session and see if the leaders of our party have ever made such a statement, either in the House or in the Senate and I don't like his statement on that issue.

We have stated we are definitely against a sales tax and we are on record for that. We have stated we are against going out of the property tax field. We are on record on that. But as far as I know, no authorized person of my party has made the statement that we were against all taxes. I would like to remind the good Senator from Aroostook, Senator Barnes, that as a child I learned a little word. It spells "economy." It was pronounced here for the first time, I think, during this session, yesterday by my good friend, the Senator from Kennebec, Senator Tabb.

I would like to hear more about that word and less about a sales tax. It seems as though a certain group in this Legislature is hell bent for a sales tax. They think that is the only way out and the only salvation for the State of Maine. It is mighty nice if you can by a majority vote say to Tom, Dick and Harry, the citizens of Maine, "Mr. So and So, you are going to give us enough money so we can have twenty million dollars more to spend to have a good time for the State of Maine."

You and I can't do that. We have to live within our income. And some of the poor people of Maine who are now struggling to live, just

live, not enjoy life, but just live, you would impose upon them a sales tax, and he would even go further than that and through this document this morning ask them to give up their God-given right of choosing the way they should be governed.

Mr. President and members of the Senate, if the Senator from Aroostook feels deeply about this matter, so do I, but definitely opposed to his position.

Mr. HASKELL of Penobscot: Mr. President, I recognize the hour is eleven-thirty with the recess at twelve and the fact that we have not gone through the calendar but I would like to speak briefly on this constitutional resolve.

It has been my privilege in my few years of service in this Legislature to become reasonably well acquainted with the general fund finance, at least. It has been my privilege to serve as Chairman of the Committee on Taxation and I know a bit of their headaches. It was also my privilege to serve as Chairman of the Committee on Constitutional Revision. And in my work, and I think I may call it hard work, I have come out with some pretty definite impressions that I didn't have a few years back and all of those impressions add up to my reasons for supporting the motion of the Senator from Aroostook, Senator Barnes.

In saying that, I well realize that I am one who believes that as long as the Constitution remains as it is, the people have their right to vote but I also recognize a great many people in the State of Maine. I think, honestly and sincerely want us to settle the question.

I don't think it is fair or right or honest to make fiction out of the emergency provision and I have said so in the record. I think the way is clear to do that thing in a constitutional manner. But when this 31st Amendment, which is what we are talking about, was adopted in 1907 and became effective in 1908, it was part of the country-wide swing that was popular in those days of giving government back to the people.

In my study of other state constitutions I learned that Maine was one of the first states to adopt the initiative referendum. Actual-

ly, I think we were the third state, and the first four states that adopted that provision did not put into that constitutional amendment the revenue measure provision. It has been said to me by five governors of other states, "We don't see how you can possibly operate a state government in Maine with that provision in there."

I shall continue to insist that the people now have the right to vote and by the same token I think they should be given an opportunity to vote on the question, and it is the basic question—"Do you want to give that right up and give it to the Legislature?" I suspect the majority may not but I suspect the intelligent voters may consider the arguments for the resolve and may adopt it. For that reason, I am going to vote with the Senator from Aroostook.

Mr. BOYKER of Oxford: A short time ago in Oxford during a jury trial, a witness had just left the stand when he dropped dead and I think that there was a mistrial declared.

I have listened to the Senator from Androscoggin County yesterday and today and I have noticed today a sort of gurling in his throat which signified the last stages before a man passes out and so that he may not exert himself any further, I want to state that I am with him and that I oppose the motion of the Senator from Aroostook County, Senator Barnes.

Mr. ALLEN of Cumberland: Mr. President, I ask that when the vote is taken that it be by a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Barnes, that the Senate accept the Minority Ought to Pass Report of the Committee.

A division of the Senate was had. Seventeen having voted in the affirmative and fourteen opposed.

The motion prevailed, the "Ought to Pass" report was accepted and the bill was read once and tomorrow assigned for second reading.

#### Passed to be Engrossed

"Resolve Providing for a Fish Screen at Outlet of Highland Lake in the Town of Bridgton." (H. P. 317) (L. D. 175)

"Resolve Providing for a Fish Screen at the Outlet of Gardner's Lake at Chase's Mills, in East Machias, Washington County." (H. P. 1537) (L. D. 1130)

"Resolve Providing for a Fish Screen at Worthley Pond, in the Town of Peru, Oxford County." (H. P. 1578) (L. D. 1150)

"Resolve Limiting Certain Ponds in Aroostook County to Fly Fishing." (H. P. 1726) (L. D. 1281)

"Resolve in Favor of Piscataquis County Fish and Game Association." (H. P. 1727) (L. D. 1282)

"Resolve in Favor of the Waterford Fish and Game Association." (H. P. 1729) (L. D. 1284)

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

Bill "An Act to Increase the Salaries of the Judge and Recorder of the Town of Lincoln Municipal Court." (H. P. 556) (L. D. 314)

Bill "An Act Relating to Salary of the Judge of the Pittsfield Municipal Court." (H. P. 1140) (L. D. 672)

Bill "An Act Relating to Motor Vehicle Excise Taxes of Persons in Unorganized Territory." (H. P. 1671) (L. D. 1242)

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

Bill "An Act Relating to Rental of Western Somerset Municipal Court." (S. P. 312) (L. D. 663)

"Resolve Providing for a Fish Screen at Outlet of Coffee Pond in the Town of Casco." (S. P. 544) (L. D. 1287)

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

Sent down for concurrence.

Bill "An Act Increasing Salary of Treasurer of Somerset County." (S. P. 421) (L. D. 981)

Which was read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

#### Enactors

Bill "An Act Creating the Maine Frozen Dairy Products Law." (H. P. 254) (L. D. 190)

Bill "An Act Relating to the Digging of Shellfish and Marine



Worms in the Town of Freeport." (H. P. 652) (L. D. 371)

Bill "An Act Relating to Number of Voting Districts." (H. P. 1036) (L. D. 564)

Bill "An Act Enlarging the Powers of Wiscasset Academy." (H. P. 1324) (L. D. 887)

Bill "An Act Granting Additional Powers to Portland University." (H. P. 1340) (L. D. 915)

Bill "An Act Relating to Payment to Androscoggin County Law Library." (H. P. 1417) (L. D. 1025)

Bill "An Act Relating to Crop Dusting by Aeroplanes." (H. P. 1466) (L. D. 1082)

Bill "An Act Relating to Showing of Cattle at Fairs." (H. P. 1507) (L. D. 1102)

Bill "An Act Relating to Supervisions and Control of Certain State Lands." (H. P. 1551) (L. D. 1111)

Bill "An Act Relating to a Ferry Between Beals and Jonesport." (H. P. 1658) (L. D. 1230)

Bill "An Act Relating to Taking of and Dealing in Clams, Quahogs and Marine Worms in the Town of Brunswick." (H. P. 1685) (L. D. 1260)

Bill "An Act Relating to Domestic Mutual Insurance Companies." (H. P. 1687) (L. D. 1262)

Bill "An Act Relating to Boards of Registration in Towns Under Three Thousand Five Hundred Inhabitants." (H. P. 1688) (L. D. 1263)

(On motion by Mr. Crosby of Franklin, tabled pending enactment.)

"Resolve Relating to the Protection of Clams Within the Town of Freeport." (H. P. 655) (L. D. 373)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in the Island in Cumberland County to H. Norman Cole, of Gray." (H. P. 1589) (L. D. 1161)

"Resolve Authorizing the State Forest Commissioner to Convey Certain Interest of the State in Property Formerly Owned by Anne Gray." (H. P. 1644) (L. D. 1207)

Bill "An Act Relating to Vacations for Members of the Fire Department of the City of Lewiston." (S. P. 123) (L. D. 212)

Bill "An Act Relating to Sea and Shore Fisheries Laws." (S. P. 174) (L. D. 346)

Bill "An Act Relating to Membership of the Blueberry Industry Ad-

visory Committee." (S. P. 387) (L. D. 935)

Bill "An Act Relating to Boats for Hire on Inland Waters." (S. P. 392) (L. D. 1010)

Bill "An Act Relating to the Municipal Regulation of Motor Vehicles." (S. P. 397) (L. D. 944)

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

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

Bill "An Act Relating to the Excise Tax on Certain Types of Oleomargarine." (H. P. 657) (L. D. 366)

Bill "An Act Relating to Joint Operation of Schools." (H. P. 883) (L. D. 525)

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

#### Emergency Measures

Bill "An Act Relating to Interstate Transportation of Clams." (S. P. 259) (L. D. 558)

Which bill being an emergency measure and having received the affirmative vote of 29 members of the Senate and 1 opposed, was passed to be enacted.

Bill "An Act to Create Town of Owl's Head School District." (H. P. 1652) (L. D. 1222)

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate and none opposed, was passed to be enacted.

"Resolve Authorizing the Maine Public Utilities Commission to Set Out and Maintain Buoys on Sebago Lake." (H. P. 1590) (L. D. 1162)

(On motion by Mr. Brewer of Aroostook, tabled pending enactment.)

#### Orders of the Day

Mr. McKUSICK of Piscataquis: Mr. President, I would like to inquire if L. D. 1083 is in the possession of the Senate.

The PRESIDENT: The Chair will state that the document is in the possession of the Senate, having been recalled by Joint Order.

Thereupon, on motion by Mr. McKusick of Piscataquis, the rules were suspended and the Senate

voted to reconsider its former action whereby the bill was passed to be enacted, and to further reconsider its action whereby the bill was passed to be engrossed; on further motion by the same Senator, the bill was recommitted to the Committee on Education.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, An Act Relating to Cooperative Agricultural Extension Work (H. P. 442) (L. D. 295) tabled by that Senator on April 17 pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Judiciary on bill, An Act Relating to the Financial Responsibility Law (H. P. 1345) (L. D. 920) tabled by that Senator on April 16 pending acceptance of the report, and on further motion by the same Senator, the ought to pass report was accepted in concurrence, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. McKusick of Piscataquis, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Education on bill, An Act Relating to Bookmobile Service" (H. P. 966) (L. D. 572) tabled by that Senator on April 16 pending acceptance of the report.

Mr. MCKUSICK of Piscataquis: Mr. President and members of the Senate, this bill was heard by the Committee on Education and reported out ought not to pass. It is a very worthy service and would bring something of value to the rural sections of the state and would be a decided advantage but it would cost considerable money. It comes from the House having been indefinitely postponed. Because of the action of the House, and because there seems to be no money available, I move that the Senate concur with the House and in-

definitely postpone the bill. I do this with sincere regret.

The motion prevailed and the bill was indefinitely postponed in concurrence.

The PRESIDENT: Inasmuch as the Joint Order passed earlier in today's session required that the Senate recess at twelve noon, the Chair would suggest that the Senate consider the advisability of recessing at this stage of our proceedings.

On motion by Mr. Crosby of Franklin,

Recessed until 3:30 o'clock this afternoon.

#### After Recess

The Senate was called to order by the President.

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table bill, An Act Imposing a Sales and Use Tax (H. P. 1695) (L. D. 1273) tabled by that Senator on April 18 pending consideration.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, I rise today not to make a lengthy speech as I did yesterday, but to present an amendment to this bill. I think it is a fairly simple amendment. You will recall that yesterday morning we passed an amendment to cover certain religious subjects in addition to the Bible and after this was passed, a member of the clergy who is also a member of the other branch called to my attention the fact that the words "utensils of worship" should be included to take care of various communion cups, crosses, and other utensils of religious worship. So I present this amendment and if it is successful in passage I shall move to indefinitely postpone the amendment which we passed yesterday morning. I present an amendment and move its passage.

The Secretary read the amendment.

Senate Amendment K to L. D. 1273. "Amend said bill by adding at the end of subsection 11 of that part designated Section 10 before the period, the following underlined words 'and also other books and literature and utensils of worship used in and by established churches for religious instruction and prayer'."

A viva voce vote being had  
Senate Amendment K was  
adopted.

Thereupon, on motion by Mr. Allen of Cumberland, Senate Amendment A was indefinitely postponed.

Mr. CROSBY: of Franklin: Mr. President and members of the Senate, as you all know, tax measures must originate in the House. The other branch sent to us this tax measure. We have put on some amendments and changed it somewhat. I feel that it is only fair and that we should engross this bill this afternoon and send it back to the House for their further consideration. Therefore, Mr. President, I move that the bill and amendments be passed to be engrossed.

Mr. REID of Kennebec: Mr. President, I propose to vote for the motion of my good friend on my left, but before doing so I would like to say why I am going with it. During the political campaign I took advantage of that part of the Republican platform which excuses any Republican from committing himself in favor of any tax, provided he notified the public in advance of the primaries. The reason I did that was because I was not sure then that any tax was necessary.

Since the beginning of this session I have been convinced, not only by a member of the Appropriations Committee but by my various colleagues, that the money is absolutely necessary and I therefore propose to vote for a tax of some kind, depending in the long run how much money we finally decide to appropriate one way or another.

The day before yesterday I voted against the sales tax. At least I thought I did by voting against the acceptance of the majority committee report because, of all the taxes before us, I favor that the least and I think my constituents favor it the least.

I will go along with Senator Allen in his suggestion that we compromise. I am perfectly willing to sit around the round table with anybody. I do not want to see any major tax bill killed at this stage of the game.

One thing definitely irked me—and for the benefit of the Press,

that is spelled i-r-k-e-d,—and that is that on the front page of the Kennebec Journal for the benefit of all the people whom I told I would protest against a sales tax even though eventually I might have to come to it, there was nothing said about the roll call vote. My friend and brother Senator is a sales tax proponent. He admits it. He is proud of it and he has authorized me to say so. Yesterday I voted for the sales tax measure to keep it alive, in a spirit of compromise as suggested by the Senator from Cumberland, Senator Allen, and in today's newspaper on the front page of the Kennebec Journal I was represented as in favor of the sales tax and my good friend, Senator Tabb, was represented as against it.

I know the gentlemen of the Press are very busy and I know it is very difficult for them to be substantially correct at all times but I live in the hope that they will in some way manifest that I am materially opposed to the sales tax, even though I may come to it in the long run.

And I would like to ask of them one more favor. They are all fine gentlemen and able reporters. The one thing which the Senator from Cumberland, Senator Allen, said that impressed me the most—and I was impressed by his entire speech—was on the subject of fear. I think he said in substance that we ought to reduce to a minimum the use of that word and I am entirely in accord with him on that. I have for a long time thought it was a mistake on the part of the newspapers for them to broadcast from time to time that we fear Soviet Russia is going to do this or that or we fear this or that. That word is used too much and I suggest that they do something about discontinuing it.

In connection with the word "fear" it is my conviction that no one in this Senate is afraid to vote his proper convictions at the proper time. We all have a right to express our opinion or to compromise, and I think we will, but for the benefit of the Senator from Cumberland, Senator Allen, I will say, in case he has any doubt as to whether I am afraid of any measure, that one of

the things that, politically speaking, is the worst thing we could do is to cut down on the public assistance program. And I do say that I am not motivated by any political consideration and I am not for a sales tax even though I am forced eventually to go along with it. I will vote for the provision in the spirit of harmony and to keep the thing alive.

Mr. HASKELL of Penobscot: Mr. President, recognizing the difficulties faced by the two distinguished Senators from Kennebec, and to make the record straight, I move that when the vote is taken it be taken by the Yeas and Nays.

Mr. TABB of Kennebec: Mr. President and members of the Senate, I suppose I ought to say a few words with reference to my colleague, the Senator from Kennebec, Senator Reid. I didn't quite know as he is smart enough to outwit a lawyer by voting right at the right time, but evidently I did.

I admit that I am opposed to a sales tax, that is, this sales tax. I am not opposed to a sales tax where it goes across the board without the so-called exemptions. I, too, take issue with the Senator from Cumberland, Senator Allen, in that I, too, am not afraid to vote regardless of what the political outcome may be in the next election. Therefore, I, too, am going to swallow the bill and go along with the Senator from Franklin, Senator Crosby.

Mr. PALMER of Lincoln: Mr. President and fellow Senators, lest there be any doubt as to my position, because of the fact that yesterday I presented an amendment here which would have made the sales tax bill a one percent bill across the board, I would like to say that in the same spirit of compromise as Senators Reid and Tabb, I, too, shall go along with this bill.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the passage of the bill to be engrossed as amended. The Senator from Penobscot, Senator Haskell, has requested the Yeas and Nays. In order to entertain such a request it must be at the will of at least one-fifth of the members present.

A division of the Senate was had.

Obviously more than one-fifth of the Senators having voted in the affirmative the Yeas and Nays were ordered.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Franklin, Senator Crosby, that the bill be passed to be engrossed as amended. A vote of Yea is a vote in favor of passage to be engrossed. A vote of Nay is a vote opposed to passage to be engrossed. The Secretary will call the roll.

The Secretary called the roll:

YEA: Allen, Barnes, Brewer, Christensen, Collins, Crosby, Fuller, Haskell of Cumberland, Leavitt, McKusick, Noyes, Palmer, Reid, Savage, Sleeper, Tabb, Weeks, Wight—18.

NAY: Boucher, Boyker, Broggi, Brown, Dennett, Ela, Greeley, Haskell of Penobscot, Larrabee, Marshall, Smart, Turgeon, Ward—13.

ABSENT: Kavanagh.

Eighteen having voted in the affirmative and thirteen opposed, the bill, L. D. 1273, was passed to be engrossed as amended.

Sent down for concurrence.

On motion by Mr. Brewer of Aroostook the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Natural Resources on Resolve Authorizing the Forrest Commissioner to Grant Permits for Poles and Wires on Public Lots in Aroostook County (S. P. 150) (L. D. 269) tabled by that Senator on March 29th pending acceptance of the report; and on further motion by the same Senator the Ought Not to Pass report was accepted.

Sent down for concurrence.

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

Mr. COLLINS: Mr. President and members of the Senate, yesterday I had a call from an attorney in Caribou in which he stated that he was writing a mortgage for the Federal Land Bank for a party in the town of Connor. The town of Connor is unorganized and in searching the title they found there were tax liens that the State of Maine held in the Tax Assessor's office. In order to clear the title so that this party can complete the

mortgage it would be necessary for the State Tax Assessor to convey the interest of the state to Paul Damboise, the applicant for the mortgage.

As you know, the State Tax Assessor lists delinquent taxpayers in unorganized territory but at the time that list was printed their title had not become effective and it became evident in March and August that the state could not convey this title until another session of the legislature.

I propose to present a bill which will allow this to be done. I have taken the matter up with the State Tax Assessor and he informs me that this is perfectly proper, they will be glad to convey to this party who is the same man who had owned the land all along, and I have taken the matter up with the chairman of the Committee on Natural Resources which usually passes on such matters and he has informed me that it will not delay the progress of the legislature.

And so, Mr. President, I ask unanimous consent to introduce a resolve.

The PRESIDENT: The Senator from Cumberland, Senator Weeks, asks unanimous consent to introduce a resolve. Is there objection? The Chair hears none and the resolve may be received.

Thereupon, on motion by Mr. Weeks of Cumberland, Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in lands in Connor to Paul Damboise (S. P. 552) was received; and on further motion by the same Senator the resolve was referred to the Committee on Natural Resources and ordered printed.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook the Senate voted to take from the table Bill "An Act to Authorize the Liquor Research Commission to Initiate an Educational Program" (S. P. 274) (L. D. 613) tabled by that Senator on April 12th pending that Senator's motion to accept the majority Ought to Pass report of the Committee on Legal Affairs.

The PRESIDENT: The question before the Senate is on the ac-

ceptance of the Majority Ought to Pass Report of the Committee.

Mr. ELA of Somerset: Mr. President and members of the Senate, I oppose this motion and will give as reasons the following:

This bill sets up a commission of seven members whose duties are to prescribe an educational and research program on liquor research and education. The commission is to be paid ten dollars a day for their meetings when they meet and there is an appropriation of \$12,500 for each year.

This proposes to study the problems of the liquor addicts, not the industry, but the effect of liquor on certain individuals and to do what can be done to alleviate their problems. It is a worthy motive and certainly my heart would be all for it. My head, however, if I may say so, warns me that nothing much of good can come from it which is not already being done, and probably in a better manner by other agencies.

It is proposed in the bill to issue a directive to the Department of Education to have courses studied in the schools. I have no objection to that but we don't need a course for that. This problem has been studied for years and years by almost every agency under the sun and there has been no solution of too much value arrived at.

The most comprehensive and skillful presentation was made to the Committee by a member of the Commission who has studied the question for two years and while the Commission, as proposed in the bill, was emphatically recommended, the statement was repeatedly made that as yet practically the only good solution to the problem has been that solution of the A. A. of which I think you all have some knowledge. The statement was further made that the A. A. had no use for funds and did not solicit them and that their solution called for no future funds.

We have many other states studying the problem. We have many medical groups studying the problem. We have a very comprehensive study which has been made by people at Yale. And while they more or less agree that it is not a criminal problem but more

or less as they term it a medical problem, they practically arrive at no answer.

I feel that we here by such a commission would simply be duplicating work which is done in other places and if those huge resources available to other institutions and states can provide no answer, I feel it is useless for us to go into the problem here.

The humane approach is being continually and increasingly used by people having to do with the problem. Very, very few enforcement officers take a person under the influence to jail if they can get out of it any other way. Hundreds and hundreds are handled row by agencies in a humane manner. Of course, when they create a disturbance or when they endanger human life, they must be taken care of. Regardless of any commission, they would still have to be taken care of if you had this bill pass.

I think it is another one of those situations where you are embarking on a program of which you no not the end and in which field we can make use of work already being done in other places and I oppose the motion of the Senator from Aroostook, Senator Barnes.

Mr. HASKELL of Penobscot: Mr. President, I shall vote for the motion of the Senator from Aroostook, Senator Barnes, because as a member of the Committee that heard this bill, I was impressed by the presentation of the measure and I will acknowledge that before that hearing I had thought that probably I should oppose the bill.

But if we will consider, Senators, that the State of Maine is taking something in excess of six and a quarter millions of dollars from profits and excise taxes and license fees on the liquor traffic, it doesn't seem to me unreasonable that we grant to those honest, sincere people an opportunity to further the cause of temperance.

The bill does not attempt to establish prohibition. It specifically says that the problem they are to study relates to the excessive use of alcohol. Those people as a group have done a remarkable job in this State. It might be that there are people in this Senate

who have absorbed some of their thinking, some of their teaching, and if there are members of the Senate who have had that advantage, they know what it means to them.

I agree with the Senator from Somerset, Senator Ela, that this bill may well lead to recommendations that this state join many other states in facing the problem up.

To me, there is little difference between an appropriation of seven hundred or an eight hundred thousand dollar bill here for the private hospitals or the four or five million dollars that we appropriate for our institution than a modest appropriation attempting, feeble as the effort may be, to solve what is probably one of our greatest social problems.

I sincerely believe in the sincerity of the sponsors of this bill. I sincerely believe that they can be effective, not statewide, certainly, but if they are effective in pointing out a means by which the evils of excessive use of liquor can be controlled, then I think it is a pretty modest request to make of this Legislature.

I fear the bill may have rough going when the appropriation measures are finally screened but certainly at this stage, the modest request that this honest, sincere group of people are making for themselves at no expense, substantially to the state, presented to you and printed at their own expense a comprehensive report of what could be done, I think we should, if only because of their sincerity, support their good work.

Mr. BOYKER of Oxford: Mr. President, I want to say that previously in this Senate I have opposed spending the taxpayers' money in the amount of many thousands and thousands of dollars to be used in commissions and agencies.

I still oppose such a program and I shall vote against the adoption that is suggested by the Senator from Aroostook.

Mr. BARNES of Aroostook: Mr. President, there is very little that I can add to the able presentation of this matter by Senator Haskell who was on the Committee and

heard the bill. But there are one or two things that I would like to get straight on the record.

This is the third Legislature in which a measure of this kind has come before us for action. The first time it came up for action and due to a failure of revenue it was indefinitely postponed. Two years ago when it came up, it was almost again killed. The revenue or the appropriations part of the bill was cut out. The Committee was authorized and appointed by the Governor and they made a careful study into this problem and wholly at their now expense printed this rather comprehensive report.

I don't know how many members of the Senate have had a chance to study that report but if you haven't, I would advise you to go through it. Among some of the findings they made that quite amazed me, they stated among other things that there are approximately 400,000 people in the State of Maine who use intoxicating liquors to some extent, at least. Of that number, there are probably twenty-five per cent who use it to excess and of those 25,000, there are only 5,000 people in the State of Maine, approximately, who might really be called alcoholics.

Now, the State of Maine is in the liquor business. It accounts, as Senator Haskell has said, for a very substantial sum of money each year to the State. The appropriation which this bill authorizes would take, if my figures are correct, one dollar out of every five hundred dollars of revenue that the State received from liquor to study this problem and that, I agree, is a very modest amount.

Now as to Alcoholics Anonymous, we have a member of this Legislature, a member of the other body, who might be termed the father of that organization in my part of the State, and he believes that this is the most important bill before this Legislature and he hopes that it will be considered by this body and the other body and believes that it will do a great deal of good.

I simply bring that out to show you that there is no conflict between those who know and work for Alcoholics Anonymous and the purposes that lie behind this bill.

And I am very hopeful, Mr. President and members of the senate, that this bill with the modest appropriation it calls for will receive serious consideration at this time so that it will move along over to the other body and may be discussed there.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I rise neither as an opponent nor for this particular bill. Of course, the only interest I have in it is as a member of the Appropriations Committee, whether we have money enough to pay for it.

But I do want to call to the attention of the Senate one word in the bill about which I have received several letters from educators and teachers that are quite concerned over the wording. If you will follow along with me and check the wording, it says:

"Educational and research program. The liquor research commission shall have the power to prescribe a program of education in the public schools and state-supported colleges and universities in this state with respect to the effects of excessive drinking."

They called to my attention that they don't know just what sort of program they could present, being tied down by this wording, "Excessive drinking." So, I am open for information as to what might be substituted for this or some explanation from the Committee as to why this particular word was used in this particular place.

Mr. HASKELL of Penobscot: Mr. President, if the bill progresses to the point of reading the amendments, we find the Committee has made one amendment that relates to the verbiage by means of which the transition from the Committee to the Education Department is carried out and that change is to provide that the Committee shall recommend to the Department of Education such program as they think should be adopted, leaving to the Board of Education, the final determination.

The other point in question is the use of the word, "Excessive." The more ardent dries requested of the Committee that the word, "Excessive," be stricken from the bill. I am one who believes rather firmly that the whole concept of the bill

would be changed by removing the word, "Excessive," and you would then have a committee set up to bring Maine back into the prohibition era again.

It wasn't the intent of the sponsors in presenting the bill to do that. It is only a study of the excessive use of alcohol. So that is why it is left in. That is why the Committee did deny the fervent pleas of the ardent dries and left the bill as it was intended, a bill to study and do something about the excessive use of alcohol. But the committee amendment does make the clarification so that this group is not directing the Board of Education to do anything. They are only recommending for the board to do as they wish.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, it is beyond my capacity to add much to the presentation made by the Senator from Aroostook, Senator Barnes, and by the Senator from Penobscot, Senator Haskell. They have ably presented it. There is only one thing, possibly, that wasn't emphasized as well as it might be and that was that this presentation was one of the very finest by very fine people. In addition to that, I don't believe there were any senators who did not receive a great many communications from all over the State and the Committee wound up with a nine to one decision.

I am convinced that there is real merit to this bill and that real progress can be made in approaching some solution to the liquor problem. I heartily commend the bill to you and ask that you support the motion made by the Senator from Aroostook.

Mr. ELA of Somerset: Mr. President, the pattern develops again and again in our State and it develops like this. One session, we appoint a committee to study something. The next session we come in and they request a small appropriation. From there on, it keeps increasing and enlarging until it becomes a major endeavor. The only time to effectively hop on these things is at their inception because there seems to be no retreating on a program once your commence it.

I said in my first presentation that the man who appeared before the Committee made a wonderful presentation. He was perfectly sincere. I have the utmost admiration for him but there was no single indication to me that sincere as he was and as fine a study as the Committee made of the problem, that there is any answer in sight. If there were an answer to be attained, why, with all of the study all over the country and all over the world, have we not some glimmer of this answer? We haven't.

The statement was made in the presentation that instead of \$25,000, it should be \$100,000 and from thereon, there was the problem of whether to have an institution or whether not to have an institution. So, you can see the magnitude to which this might grow. It is not merely a \$25,000 appropriation. It is a potential appropriation similar to those we have in the larger institutions of the State.

Until there is some evidence that this study and that these guidance centers can produce an answer, an answer which has not been produced anywhere else, I shall oppose it. I move that there be a division.

Mr. REID of Kennebec: Mr. President, I think this is a good bill and I shall vote for it. But like my good friend from Aroostook, Senator Barnes, I wish to state for the record that it may result in a cost in excess of \$25,000. To the extent to which this project becomes successful, there will be a corresponding reduction in revenue.

Mr. BARNES of Aroostook: Mr. President, that one I will have to answer. I remind the Senator from Kennebec, Senator Reid, that the survey shows there are some 400,000 in the State of Maine who use intoxicating liquor and of that 400,000 there are only 5,000 who are definite problems as alcoholics. And therefore, I don't believe there will be much of a reduction in the consumption of liquor.

It seems to me eminently fair and right when the State has gone into the liquor business and receives a revenue of some six million dollars, or in excess of six million dollars a year, from it, that they might take \$12,500 each year for the next two



years to make a study of this thing.

While I am on my feet, I wish to say to the Senator from Somerset, Senator Ela, that it is my information that great strides have been made in recent years in the approach to this problem. It has changed all of the way around from the time when all you could do with alcoholics was to throw them into jail to the time when now it is generally realized that it is an illness, a mental illness that can be corrected.

The money that is to be appropriated in this resolve is to permit the members to go down and make a careful study at Yale which has made the greatest strides of any place in the country in the solution of this problem. I think it is perfectly obvious that this bill should receive a favorable consideration at this time and I sincerely hope that it does.

Mr. LEAVITT of Cumberland: Mr. President, I too am in favor of this bill. The way the scientists have after all these years discovered how to take the salt out of water for a cent and a half a ton, maybe they can find a way to take the intoxication out of alcohol for the same amount of money.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Barnes, that the Senate accept the Majority Ought to Pass Report of the Committee; and the Senator from Somerset, Senator Ela has requested a division.

A division of the Senate was had.

Twenty-one having voted in the affirmative and nine opposed, the motion prevailed and the bill was given its first reading.

Committee Amendment A was read:

"Amend said bill by striking out the word 'prescribe' in the second line of Section 2 of said bill and inserting in place thereof the word 'recommend.' Further amend said bill by striking out the first sentence of Section 4 of said bill and inserting in place thereof the following: 'There is hereby appropriated from the general funds the sum of \$12,500 for the fiscal years 1951-1952 and the sum of \$12,500 for the fiscal years 1952-1953 to the said commission to be expended in

the promotion of its objectives and in the payment of the necessary expenses of the commission.'"

Committee Amendment A was adopted, the bill was tomorrow assigned for second reading.

On motion by Mr. McKusick of Piscataquis, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Inland Fisheries and Game on Resolve, Relating to Fishing in Penobscot Lake, County of Somerset (H. P. 1266) (L. D. 835) tabled by that Senator on April 11 pending acceptance of the report.

Mr. McKUSICK of Piscataquis: Mr. President and members of the Senate, we have been discussing today somewhat weighty matters. It may be in the nature of a rest to turn to something a little different. At the outset I wish to say I am not a fisherman. The greater part of my fishing experience goes back to the days when, as a boy, I used to go down to the brook with an alder pole and a hook, line and sinker that you could purchase at any store for five cents and I'd get a few trout. So I have not been too much disturbed or interested in these bills that have been coming in in regard to restricted fishing in our ponds and lakes, but they are becoming so numerous that I am wondering where the end is going to be.

If you remember, I offered no objection to the measure introduced by the Senator from Penobscot closing Coffeelos, Snake and Carpenter ponds up in my own county. The argument that he offered, that it was a conservation measure and these were small ponds and that they might easily be fished out, seemed plausible. I offered no opposition. It seemed all right. But the argument of conservation in support of closing ponds to anything except fly fishing seems to me to be not valid. To me a fish is just as dead when he is in the frying pan, whether he was caught with a fly rod as he is if taken by any other method, and there is one less fish in the lake from which he comes regardless of the method by which he is captured.

This particular pond comes to my attention and I am interested

in it through two things. I would fail, I believe that I would fail in carrying out my duty to the people I represent if I did not present the story which goes along with this measure as it has been told to me. If I err in any detail, I will be glad to receive correction.

I also believe that there are involved here principles which go far beyond the matter of closing any pond or lake. The story as it comes to me is this.

I am not personally acquainted with the territory but Penobscot Lake is situated in Somerset County in somewhat remote regions. I feel no reluctance to go across county lines because we have had numerous measures controlling waters in my own county.

This is no small puddle. It is a lake at least three miles long and, as I said, it is somewhat remote. There is only one set of camps on the lake and that set of camps, I understand, is owned by the sister of the former fish and game commissioner. If you look back on your records, two years ago an act was introduced to close Penobscot Lake to everything but fly fishing.

That, of course, was heard by your Committee on Inland Fisheries and Game and it failed of passage. That is, the Legislature expressed itself in no doubtful terms as not favoring such a restriction.

It was interesting to note that six members of that Fish and Game Committee are now, if I am not mistaken, serving on the present Committee on Inland Fisheries and Game.

Last fall, the Commissioner advertised a hearing in regard to closing this lake to everything but fly fishing. That hearing, of course, was held at a place somewhere near the lake. A petition was prepared in Guilford where most of the people that I know are interested in fishing there reside, and one person in Guilford went to the effort of traveling to that hearing.

I have been given to understand that there were very few proponents who appeared and practically all of them were connected in some way with this camp.

One thing I neglected to say was that this lake is very fine fishing. It is an excellent place to enter-

tain guests. The owner of the camps has some arrangement with the manager. It is sort of a co-operative arrangement whereby the owner of the camps has the use of the camps and can entertain her guests and the manager has the privilege of entertaining paying guests.

In spite of the petition presented, the Commissioner closed this lake to everything but fly fishing, a decision in direct reversal of the decision of the Legislature and before another meeting of the Legislature, a decision that is diametrically opposed to the will of the people as expressed by the Legislature. Now, I am wondering how long this should be carried on. I am wondering if it is the will of the people to be governed by directive or by statute. I am wondering if it is the will of the people to set up protected preserves for the enjoyment of part of our people and create an aristocracy among fishermen, create the order of princes of privileges in the permission of fly fisherman to the exclusion of the common man, the plebian, from enjoying the resources of our State to which, supposedly, he becomes a joint owner through being born in this State.

I think those principles are far more important than the matter of closing any one pond.

Now I propose to move to substitute the bill for the report. I am doing that with the idea of placing this Senate on record on the matter of how the members stand. I am not asking for any Yea and Nay vote. I am not asking you to be put on record here as a matter of public record, personally. But I would like to know the position of the Senate. I haven't canvassed to ask your support. The issue is clear and you are able to vote. I leave the matter in your hands.

Mr. President, I move that the bill be substituted for the report.

Mr. ELA of Somerset: Mr. President and members of the Senate, I recognize the problem which the Senator from Piscataquis, Senator McKusick, has posed when he states that there are a great many measures proposed to this legislature for changing the fishing regulations.

Our Committee had 166 bills presented to it this year. We did not solicit those bills. They are presented to the legislature because citizens desire legislation. It is generally recognized that we have a problem in the State of Maine on conservation. If we needed no policy of conservation, if there were fish and game enough in the State of Maine so that we did not need to practice conservation, we wouldn't need any law. But we do need law, we do need conservation, and the Committee on Inland Fisheries and Game have to take such information as is presented to them and then give a recommendation to the legislature.

Senator McKusick has gone back a couple of years, and not without point. It is true that two years ago this bill was presented to limit Penobscot Lake to fly fishing. Almost no evidence was presented to the committee at that time in favor of the bill and in lack of that we reported it out. And, as he says, six of our present committee were on that committee. I have no excuses for that report on the evidence presented to us two years ago. I think it was a proper report.

Regarding the matter that happened between sessions, we have nothing to do with that. That is a method prescribed by law by which anything which seems to the Commissioner to be of vital importance as a conservation measure can be acted upon on petition by citizens.

At this session of the legislature Senator McKusick introduced a bill to repeal the regulation which was put on between sessions. The hearing that day was held in the House. As I recall it—I haven't my notes with me—I did not understand it was to be taken off the table today—but it is my recollection that one person appeared for the bill, Senator McKusick. I think there were at least a dozen people who appeared against the bill. We had a former Senator from Portland, we had many other people at the hearing and it would be my opinion that there were at least two who spoke. Penobscot Lake, by the way, is in Somerset County. I use that not as an argument but it is a matter on which the representatives from

Somerset County were in agreement with the other members.

The situation is this: It is an area that is fairly remote. It is in an area where under this bill you can fish almost anywhere you want to except in Penobscot Lake which is the head of one branch of the Penobscot River, and it is good fishing, it is good fly fishing. It is no hardship for a person to take his fish there by fly and the lake is not closed at all by this present law. There is no screen in the dam and it actually serves as a very prolific feature for several large bodies of water and the west branch of the Penobscot River. Fish do continually feed down the brook. Cheney Pond, the next lake down is open, as I recall it, under general law. Then at least the whole chain of Canada Falls and the river are under the general law. The demand was very, very slight at the hearing but the demand to keep the fly fishing was very ardent and insistent. The Committee thought they presented a good case and we reported it out unanimously "Ought Not to Pass." I hope that the motion of the Senator from Piscataquis, Senator McKusick, will not prevail.

Mr. MCKUSICK: Mr. President, I should say that the Senator from Somerset, Senator Ela, is in error with regard to that being my bill. It wasn't my bill. It was introduced by a member of the House and I wasn't at the hearing because I was busy that day. I think the Fish and Game Commission had so many bills before them that the error was fully justified.

In the matter of conservation it would be better accomplished by closing the lake entirely for a certain period or limiting the amount of catch allowed. Then you would have real conservation. But I can't go along with the idea of saying to one man, "You may fish here," and to another man, "You may not fish here."

In regard to the hearing, the people interested in Piscataquis County are busy people. It would involve a trip down here. I think many of the people who appeared were near the State House who could easily come in, or so I have understood.

Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator McKusick, that the bill be substituted for the Ought Not to Pass report, and the Senator has requested a division. Is the Senate ready for the question?

A division of the Senate was had.

Thirteen having voted in the affirmative and eighteen opposed, the motion to substitute did not prevail.

Thereupon, on motion by Mr. Eia of Somerset the Ought Not to

Pass report of the Committee was accepted in concurrence.

The PRESIDENT: At this time the Chair will appoint as members on the part of the Senate on a committee of conference on bill, An Act Relating to Fishing Licenses for Boys' and Girls' Camps, (L. D. 1018) the Senator from Somerset, Senator Eia, the Senator from Penobscot, Senator Wight, the Senator from Penobscot, Senator Smart.

On motion by Mr. McKusick of Piscataquis

Adjourned until tomorrow morning at ten o'clock.