

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

Tuesday, May 15, 1951

The Senate was called to order by the President.

Prayer by the Rev. Arthur G. Christopher of Augusta.

Journal of yesterday read and approved.

From the House

The Committee on Taxation on Bill "An Act Relating to the Banking Department," (H. P. 1282) (L. D. 848) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report and subsequently indefinitely postponed.

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

Bill "An Act Relating to Funeral Expenses Under Old Age Assistance Law." (H. P. 1285) (L. D. 823)

(In Senate, on May 11th, indefinitely postponed in non-concurrence.)

Comes from the House, that Body having insisted on its former action whereby the bill was passed to be engrossed, and now asks for a Committee of Conference, the Speaker having appointed as members of such a Committee; on the part of the House

Messrs. **LITTLEFIELD**

of Kennebunk

KEENE of Clinton

DORSEY of Fort Fairfield

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

Bill "An Act Relating to Public Burying-Grounds in Townships of Medford and Orneville." (H. P. 1240) (L. D. 792)

(In Senate on May 11th, indefinitely postponed in non-concurrence.)

Comes from the House, that Body having insisted on its former action whereby the bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence, and now asks for a Com-

mittee of Conference, the Speaker having appointed as members of such a Committee, on the part of the House

Messrs: **PARKER** of Sebec
BURGESS of Limestone
CARTER of Bethel

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

The Committee on Judiciary on Joint Order, authorizing a study of the Federal Laws, relating to health and welfare programs in the State which deal with Old Age Assistance, etc., (H. P. 1686) reported that adequate opportunity not being available to the Committee at this regular legislative session, for a full and complete study of the items covered by the order; The Committee recommends, if the Legislature deems it advisable, that the subject matters covered by the order be referred to the Legislative Research Committee.

Comes from the House, report read and accepted.

In the Senate, the report was read and accepted in concurrence.

Joint Order

ORDERED, the Senate concurring, that the legislative research committee be, and hereby is, directed to study tax exemptions, particularly as to charitable organizations that operate summer camps within the state; and be it further

ORDERED, that the committee report the results of its findings to the 96th legislature. (H. P. 1815)

Comes from the House, read and passed.

In the Senate, read and passed in concurrence.

Bill "An Act Relating to the Digging of Shellfish and Marine Worms in the Town of Freeport." (H. P. 1811) (L. D. 1392)

Which was received by unanimous consent, read twice under suspension of the rules, without reference to a Committee, and passed to be engrossed in concurrence.

House Committee Reports

The Committee on Judiciary on Bill "An Act Providing for the Es-

tablishment of Standards for Employees and the Public," (H. P. 1313) (L. D. 849) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve, Appropriating Moneys to Reactivate Mile Light at Cove Point Gore," (H. P. 1778) (L. D. 1316) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Prevention of Subversive Activity," (H. P. 1315) (L. D. 851) reported that the same ought to pass.

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

The Committee on Highways on Bill "An Act to Increase the Salaries of Members of the State Police," H. P. 968) (L. D. 561) reported the same in a new draft (H. P. 1809) (L. D. 1386) under the same title, and that it ought to pass.

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

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to the Post-Audit of Maine Forestry District," (H. P. 1165) (L. D. 728) reported the same in a new draft (H. P. 1806) (L. D. 1383) under a new title, Bill "An Act Relating to the Post-Audit of Maine Forestry District and Maine Port Authority," and that the same ought to pass.

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

The Committee on Legal Affairs on Bill "An Act Relating to Sanitary Facilities for Certain Places," (H. P. 1328) (L. D. 891) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted in concurrence, and the bill read once; Committee Amendment

"A" was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

Communication

TELEGRAM

Fort Jay

Governors Island, New York

Honorable Burton M. Cross,

President

Senate of State of Maine

Augusta, Maine

I cannot tell you how much I appreciate the cordial invitation from the two branches of your distinguished Legislature. I deeply regret the delay in replying and my continued inability because of the heavy demand made on my time by my present commitments to set a definite date for my visit. Please express my gratitude to all concerned, and tell them that I shall avail myself of the proffered hospitality of your famous State as soon as circumstances permit, with cordial personal regards to you and Mr. Silsby. (S. P. 586)

DOUGLAS MacARTHUR

Which was read and ordered placed on file.

Sent to the House.

Mr. CROSBY of Franklin: Mr. President and members of the Senate, I have here a resolution which will ask the Governor to appoint a citizens' committee to work in co-operation with the Legislative Research Committee to study state government in all its organizations and ramifications and relationships. Our state government has been growing and growing over a period of years and there hasn't been a study made of our government for twenty years or thereabouts, and it is quite possible that during that time there has been an overlapping between departments, and it would seem that a study should be made at this time. I think the people would like to have it, I think we might improve efficiency and perhaps in some manner reduce costs. Therefore, Mr. President, I present this resolution and move its adoption.

The Secretary commenced reading the resolution, and on motion

by Mr. Crosby of Franklin further reading of the resolution at this time was dispensed with.

Mr. HASKELL of Penobscot: Mr. President, would the Senator from Franklin, Senator Crosby, consider knocking out of the resolution the word "Suggested" before it is adopted?

Mr. CROSBY: Mr. President, would the Senator from Penobscot, Senator Haskell, like to have the resolution tabled?

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I am sorry that the Senator has seen fit to stop the reading of this resolution because I would like to know if it is a bipartisan measure whereby members of both parties will be appointed to that committee. To me it is quite important, if we are going to attempt to go into a revision of our set-up as a government, that my party should be represented on that board, and I would like to table the matter until such time as I can find out about it.

The PRESIDENT: The Chair suggests that the Secretary read the resolution.

The Secretary read the resolution:

"Suggested Joint Resolution.

"WHEREAS, the expansion of the functions of government has produced an organization of authorities with a division of responsibilities among local state and federal unities beyond the ability of the people to readily comprehend, and

"WHEREAS, a better public understanding of the structure of government is essential to an enduring faith of the people in the effectiveness of government, in the promotion of the general welfare, and

"WHEREAS, the ninety-fifth legislature of Maine believes that the need for public understanding can be met only through the active participation of the citizens of the state in study and discussion of the affairs of government to the end that existing policies and methods may be tested for their worth,

BE IT RESOLVED, the House concurring, that the Maine Legislature hereby invites and requests the Governor in his discretion to

appoint a committee of citizens of such number and of such representation of interests and occupations as he may deem desirable, to study in co-operation with the Legislative Research Committee the government of Maine in all its organizations, ramifications and relationships, with a view to recommending to the ninety-sixth legislature such actions as may be deemed appropriate to improve efficiency, to reduce costs and to permit the enlightened participation by the people in the formulation of public policy, and be it further

"RESOLVED, that such committee of citizens shall perform its duties without compensation except for the necessary expenses of its members in making their studies and rendering their services, including necessary clerical and secretarial help, costs of special investigation and surveys and the publication of its findings, and that the Governor and Executive Council be requested to provide such funds as in their judgment may be necessary for these purposes, from the contingent account."

Mr. LEAVITT of Cumberland: Mr. President, may I ask through the Chair of the sponsor, where did this resolution originate? Is it something that is being put through as a party measure or is it something—well, whose concoction is it?

The PRESIDENT: The Chair understands that there is a motion before the Senate to table. Does the Senator from Androscoggin, Senator Boucher, still wish the matter to be tabled?

Mr. BOUCHER: Mr. President, I have not heard in that document where the Democratic party is mentioned and, as I have said, I would like my party to have representation of the proposed board. Therefore I still wish to table the document.

Thereupon, the resolution was laid upon the table pending the motion of the Senator from Franklin, Senator Crosby, that the resolution be adopted.

Order

On motion by Mr. Crosby of Franklin, it was

ORDERED, the House concurring that the following bills be recalled from the Governor to the Senate: H. P. 372, L. D. 215, Resolve Restoring Interest on Certain Trust Funds; H. P. 369, L. D. 517, Resolve Appropriating monies to Obtain Plasma; S. P. 293, L. D. 652, Resolve Appropriating Monies for Replacement and Conversion of Certain Elevators at Bangor State Hospital.

Sent down for concurrence.

First Reading of Printed Bills

"Resolve, Providing for the Payment of Certain Damages Caused by Protected Wild Animals." (S. P. 580) (L. D. 1387)

"Resolve, Providing for the Payment of Certain Pauper Claims." (S. P. 581) (L. D. 1388)

"Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons." (S. P. 582) (L. D. 1389)

Which were severally read once, and under suspension of the rules read a second time and passed to be engrossed.

Sent down for concurrence.

Senate Committee Report

Mr. Weeks from the Committee on Claims on "Resolve in Favor of La Cie Etchonin Ltee of Quebec." (S. P. 472) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the resolve read once; Committee Amendment A was read:

Committee Amendment A to S. P. 472: "Amend said resolve by striking out the figure \$1483 in the second line, and inserting in place thereof the figure \$741.50."

Which amendment was adopted and the resolve tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act Abolishing the Polling Place in Rockwood in Somerset County." (H. P. 168) (L. D. 99)

"Resolve in Favor of the Block House at Fort Kent." (H. P. 402) (L. D. 246)

Bill "An Act to Provide for the Issuance of Bonds of the State to Refund Kennebec Bridge Loan Bonds." (H. P. 443) (L. D. 272)

Bill "An Act Relating to Fishing Licenses for Boys' and Girls' Camps." (H. P. 1797) (L. D. 1372)

Bill "An Act Relating to Salaries of Sheriffs of All Counties." (H. P. 1799) (L. D. 1375)

Bill "An Act Relating to Schooling of Children of Parents Who Reside on State-Owned Property." (H. P. 1805) (L. D. 1380)

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

Bill "An Act Relating to Police Authority of Director of Aeronautics and Inspectors." (H. P. 195) (L. D. 117)

"Resolve Proposing an Amendment to the Constitution to Make Temporarily Inoperative any Measure Adopted by the People which Fails to Provide a Revenue Adequate for its Service." (H. P. 1014) (L. D. 576)

Bill "An Act Relating to the Ogunquit Village Corporation." (H. P. 1121) (L. D. 708)

Bill "An Act Relating to Head and Rear Lights on Railroad Cars." (H. P. 1352) (L. D. 927)

Bill "An Act Relating to the Salaries of the Deputy Register of Deeds and Clerks in the Office of Register of Deeds in Cumberland County." (H. P. 1439) (L. D. 1050)

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

Orders of the Day

Under Orders of the Day, the Chair laid before the Senate the first tabled and especially assigned matter, being bill, An Act Relating to Running Horse Racing in the Daytime (H. P. 1021) (L. D. 580) tabled on May 11 by the Senator from Cumberland, Senator Leavitt pending motion by the Senator from Androscoggin, Senator Kavanagh to reconsider the enactment of the bill.

Mrs. KAVANAGH of Androscoggin: Mr. President, I would like to ask if it would be in order to address the Senate at this time?

The PRESIDENT: It is in order, Senator.

Mrs. KAVANAGH: Mr. President and members of the Senate, in the first place, I would like to say definitely that I am not in

favor of gambling and if a bill should be presented to the Senate opposing any kind of gambling, I should vote for it.

Over the week end I have spent much time studying both sides of this question. I have not studied it with any lobbyists. I have studied it with members of the directorate on the one side, and others on the other side. As far as I can see, there is not one particle of difference whether one puts two dollars on a horse that has a man on his back, or two dollars on a horse drawn by a sulky. I think this bill is discriminatory and I feel that in changing my mind I have done what I think is right. I hope that we may be able to reconsider.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, I suppose there are among us those who are definitely opposed to gambling and with a desire to curb gambling in any form; and there are those among us who are definitely opposed to running horse races of any kind; and there are those among us who earlier in the session, before this bill was discussed and debated may have made commitments which we do not desire now to break. I hope that this motion to reconsider will fail. I believe some who have been going along in their opposition to the bill might at this time change their vote, on this particular motion. This is a motion to reconsider a bill that passed in the other branch by almost two to one, has been thoroughly debated and voted upon in this branch and passed by a clear majority and now, in the very dying days of this legislature, comes this motion to reconsider.

I very much oppose the motion to reconsider. We have seen an expression of both branches of the legislature on the matter, and I for one, would like to be rid of this particular matter and devote our attention to other important measures on our calendar. Therefore I hope that when the members vote on this motion, they will vote upon its merit and with the thought in mind that we have had the expression of both branches of the legislature. When the vote is taken, Mr.

President, I move that it be taken by division.

Mr. DENNETT of York: Mr. President and members of the Senate, with all due respect to the Senator from Aroostook, Senator Barnes, I think that when this measure was first brought into this Senate we very hastily disposed of it. The Ought Not to pass report was accepted and then a reconsideration upset that. I am going to be very brief this morning but I would like to bring before this Senate two items that appeared in different papers; one a New York paper, a paper which is frankly devoted to racing and another, one of our outstanding Maine papers. First, the New York Telegram under the heading "Selfish and Un-American". I quote: "The recent action of the Maine State Legislature prohibiting night running races, is one of the most selfish and un-American in the sport annals of this country. The vote was the result of the open and brazen influence of the harness racing interests. This is in direct contrast to the tolerant attitude that has been displayed by thoroughbred race-track owners in states where night harness racing has made tremendous progress under privileged tax set ups. If the Governor of Maine unwisely permits the new statute to become law, it might ignite the fuse of retaliation against night harness racing which now enjoys such a privileged position in many states.

"It is a known and obvious fact that the prohibition of thoroughbred racing at night would sound the death knell of the sport in the State of Maine. Though day racing is preferable in the large centers, night racing is the only hope for the sport in the State of Maine."

And now I have an item from the Lewiston Evening Journal of May 10 under heading "The Runners."

"Banning of night racing at the running horse track—Maine has only one—doesn't seem quite fair.

"The Legislature authorized bang-tail racing two years ago. The Lewiston Journal opposed it as another legal outlet for gambling. The track lost money until it started night racing. If night racing is allowed at fairs and other harness racing meets, the ban shouldn't be

clamped on the runners. That is discrimination. What's sauce and so forth."

Apparently that refers to the old saying "What is sauce for the goose is sauce for the gander." I am in favor of reconsideration of the bill.

Mr. LEAVITT of Cumberland: Mr. President, my good friend and colleague, Senator Brewer of Aroostook is absent. Before he left, he asked me when the vote was taken on this bill, if I would pair with him, and I agreed to do so. I am in favor of reconsideration, and he, like some of his other Aroostook colleagues is opposed to reconsideration. However, in pairing with him, I still feel I have the right to speak in favor of reconsideration. I don't want anyone here to forget that for no reason at all except to discriminate against runners at night at Scarborough Downs, the proponents of this bill are willing to sacrifice revenue for the State of Maine amounting to \$209,600 each year of the biennium. We feel rich now that we have passed the sales tax but we are not rich enough to pass up money like this. We need the money if we are going to balance the budget. It means we must take money away from some other services to balance the budget if we do not have this money. It may not amount to anything to most of us but I think it is an argument you cannot overlook.

Mr. BOYKER of Oxford: Mr. President, I would like to read a paragraph from a letter I received from a citizen of the State of Maine who is not interested in the New York papers or the Boston Globe or Herald. This is for the benefit of the citizens of the state.

"It was disappointing to see the previous legislature permit running horse racing in Maine but gratifying to find that the current legislature is hearing a bill to repeal it. With the unsavory experience of other states and the current exposures of widespread gambling corruption over the country we in Maine should do our part in cleaning up the moral corruption in the United States."

It goes on. This is one of fifty that I have received along that same line from the citizens of the State of Maine.

Mr. BARNES of Aroostook: Mr. President, simply because my good friend, the Senator from York, has seen fit to read a Lewiston Journal editorial on this matter, I would like to read one from the Lewiston Daily Sun of Tuesday, May 15.

"Night Runners or Day Runners, The Maine State Senate is probably convinced by now there is something in the saying, 'Never under-estimate the power of a woman.' Because Sen. Mary Kavanagh of Lewiston changed her mind last week, the bill limiting racing of running horses at Scarborough Downs to daylight hours has been snatched back from the Governor's desk, and today the Senate may be compelled to take another vote on this very controversial issue.

"In effect the runners have been given a reprieve, unless we make the assumption that Gov. Payne would have vetoed the bill, rather a risky guess in view of its powerful support in the House. What the dispute boils down to is this, Scarborough was built to operate in the day time, as practically every track of its kind in the country operates. But daytime racing did not pay. Last year it shifted over to nighttime racing, and showed a small profit. It wants to keep on racing at night. But the State also legalizes gambling on harness racing. Nighttime running at Scarborough injured the sulky racers. They are appealing for relief, and the bill limiting Scarborough to day races is the result.

"Now, we have heard, from the Scarborough interests, eloquent appeals that the issue be considered in the light of cold logic and realism, and consistency. The bill is said to be unjust and discriminatory and perhaps it is. To use an old New England saying, it depends on whose ox is gored. Sen. George Weeks of South Portland insists that 'It's just a question of which group of gamblers is going to get the money.' That is true, too, though against it we would put the observation of Judge McGlauffin of Portland that there is likely to be vastly more gambling if night running races are conducted.

"We have heard disturbing reports about the conduct of races at Scarborough. It is true that the

handle increased only slightly after the shift from day to night races was made. It is claimed that Scarboro's profit was achieved only because it cut down on its overhead after daytime races were abandoned—that with its reduced staff it could show a profit by holding daylight races.

"And since The Sun opposed the introduction of running horse racing into Maine, we are going to be illogical and inconsistent and say we prefer adoption of the bill in question. The Senate should re-pass the measure, and the Governor should sign it."

Mr. GREELEY of Waldo: Mr. President, I wish to pair my vote with the Senator from Hancock, Senator Smart.

The PRESIDENT: The Senator must state his position and say whether or not he has consulted with Senator Smart.

Mr. GREELEY: Mr. President, I have consulted the Senator and the Senator from Hancock, Senator Smart, is opposed to the bill and I am in favor of it.

The PRESIDENT: The Chair will accept both pairs, and the Senator from Cumberland, Senator Leavitt, is excused from voting, and the Senator from Waldo, Senator Greeley, is excused from voting.

The question before the Senate is on the motion of the Senator from Androscoggin, Senator Kavanagh, that the Senate reconsider its action whereby it passed the bill to be enacted.

A division of the Senate was had.

Twelve having voted in the affirmative and sixteen opposed, the motion to reconsider enactment did not prevail.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of Portland Junior College," (S. P. 92) (L. D. 147); Majority Report "Ought not to pass"; Minority Report "Ought to pass"; tabled by that Senator on February 16 pending acceptance of either report; and on further motion by the same Senator, the resolve was recommitted to the Committee on Appropriations and Financial Af-

fairs and sent forthwith to the House.

On motion by Mr. Sleeper of Knox, the Senate voted to take from the table House Reports from the Committee on Sea and Shore Fisheries on bill, An Act Relating to the Conservation of Clams in Washington County (H. P. 1329) (L. D. 892) Majority Report Ought to Pass with Committee Amendment A; Minority Report Ought Not to Pass; tabled by that Senator on May 2 pending motion by Senator Brown to accept the Majority Report.

Mr. BROWN of Washington: Mr. President and members of the Senate, this clam bill is relating to the conservation of clams in Washington County and was passed by the Sea and Shores Committee eight to two. There are very few clams from York to Washington County since the bill that opened the flats of the four eastern counties last session after having been closed for many years in the summer. Two years ago, they opened these flats and in that time one-half the clams have been taken out of Washington County.

In 1948, Washington County furnished twenty-eight percent of the clams for the entire state and in 1950, they furnished forty-eight percent of the total. If we don't close these flats at least for a short period, we will have no more clams than the other counties. Figures show they have dropped off about a quarter or about 244,000 pounds from January-February, 1950, to January-February, 1951 which shows the downward trend and if not conserved, we will have no clams in five years in Washington County.

Jonesport closed the Great Bar for two years and opened it on December 1st last and in three weeks, with diggers coming from all over the east, 190 men dug all of the clams out of that bar about \$4,500.00 worth. There are no clams in the bar now. Lubec has had a bill passed in this session to close half of their flats completely for two years to conserve same so that they can find out for themselves just what they should do in the future. I think that all towns should close part of their flats, set-

ting aside certain sections in each town for closing, the only way we will ever find out what we should really do, as a department can't tell just what should be done so far.

I have a little article that I cut out of the Boston paper May 4th. It is headed, "Its Own Problem."

"Ipswich authorities are considering ways and means of stepping up the town's clam production by taking steps on their own initiative. Once, its clam flats made possible a \$1,000,000.00 a year industry. Today it shares with other New England coastal areas a continually sagging output of this popular seafood and is forced to look with dismay on the failure of the State and federal efforts to revive production to the boom levels it formerly knew. There is no question but that the attempts made along this line in the last decade or two have been sincere and searching, but the fact remains they haven't been successful. Maybe Ipswich, itself, can find the answer to the problem."

This isn't too long, fellows. I will go over it pretty quickly. This is a Washington County matter which has the one hundred per cent backing of the entire Washington County Delegation.

The depletion of the soft shell clam occurred first on Cape Cod, then on the North Shore and Ipswich area of Massachusetts, then in Western and Central Maine, and the soft shell clam is now making its last stand for the entire Atlantic Coast in Washington County. This last area should be preserved at least until more is known than at present about propagating clams.

Since 1948, the number of licensed clam diggers in the State has declined steadily, and by 1950, more than one-third of all the diggers in the State, or 1045 clam diggers had been deprived of their means of livelihood due to depletion of the clam flats. The drop in digging licenses this year as compared with last year shows this same downward trend to be continuing.

However, if figures are accepted to indicate as many or a few more diggers than ten years ago, they only show that clam digging intensity was in a state of equilibrium until the middle forties when due

to the popularity of the fried clam there was a large increase in the number of diggers which reached a peak about 1948, and since then due to depletion has shown a steep and continuous decline which at the present rate will mean by the end of 1951 that one-half of all the men who were digging clams in Maine in 1948 will have been thrown out of employment.

U. S. Fish and Wild Life figures show a drop in both the total number of pounds and the dollar value of the clams produced in Maine between the years 1949-50. According to figures given the Department of Sea and Shore Fisheries by the diggers, themselves, they are digging less clams per day per man each year. Even so, the total per man per year could in certain cases be more due to twelve-month digging instead of eight months. However, it remains that for the State as a whole the production is less.

Opposition has stated that Washington County is a distress area and people need the work of clam digging. This is true; they do need it badly in the Winter and so we are trying to save the clams for winter and spring digging. There is work for everyone in Washington County during the summer and clam digging is not needed, as witnessed by the fact that nobody lacked work for the many years previous to 1948 when the County was closed to summer digging.

If this law is passed and it should prove to be a mistake, it could be changed in two years. The only real voluntary and fair expression of opinion from the diggers regarding summer closing was given the day of the hearing on the Jonesport-Beals bill at which there was a large delegation of diggers, both for and against the bill, but which when asked about summer digging, rose unanimously to the last man in support of a closed season in the summer.

I want to say just a word about the conservation of fish which enters into this conservation idea. Twenty years ago, the draggers out of Portland, Gloucester and Rockland would catch 350,000 pounds of fish to a trip. There would be at that time 250,000 pounds of had-

dock, 50,000 pounds of mixed fish and scrod, small fish, and the perch or rosefish were thrown away. Since the new process of filleting of rosefish, they have been the most valuable of the catch and now when they come in, they will have 250,000 rosefish and 50,000 scrod and mixed small fish and when they drag up 10,000 pounds in the drag, they kill all the small fish and about one-third of each lot are thrown overboard. That is why they can't get haddock on the Banks where most of the draggers operate. That has nothing to do with clams, except it is along the same line.

I am just going to quote what I cut out of the paper the other day.

"Rockland landings of groundfish and redfish at the port of Rockland for the month of February totaled 2,542,721 pounds. The total was composed of 181,721 pounds of groundfish and 2,361,000 pounds of redfish."

Twenty years ago, they threw the redfish out and now they catch about all they can get. They couldn't run those draggers unless they had those redfish.

There is just one other thought I want to bring in here on conservation. The Governments of England, France, Portugal, Newfoundland, Canada and the United States are trying to get together to use a larger mesh or opening so that at least part of the smaller fish will get out of the nets and live. The larger draggers from all countries are getting smaller catches even on the Grand Banks of Newfoundland where they have fished for many years. When you think of these things, some form of conservation must be established even for all kinds of fish, including clams and quahuags.

Do you want to dig all of the clams out of the Maine flats in the next five years or do you want to try and conserve them for a longer period?

This bill has an emergency clause so that if the bill should pass, it takes effect this year and when the vote is taken, gentlemen, I ask for a division.

Mr. SLEEPER of Knox: Mr. President and members of the Senate, I am very hesitant to rise

against what might appear to be a purely local issue but the soft shell clam business is certainly not a local issue to Washington County. The soft shell clam business is one of the largest parts of the fishery business in the State of Maine and the fried soft shell clam is known over the entire northeastern section of the United States. It is a delicacy that people want, they demand and are willing to pay for it and that accounts for the rise in popularity of the soft shelled clam. The business is vital to the state; it is vital to Washington County and vital to the diggers. It is vital to every body up there and I cannot understand why they want to cripple it by closing it at its most profitable period. I cannot imagine why Washington County would rather dig clams in the winter and sell them for \$1.50 a bushel than dig them in the summer and sell them for \$3.00 a bushel thus depriving themselves of almost \$200,000 in income.

I could say a lot of things why they wish to sell their clams this way. The bill An Act Relating to the Conservation of Clams in Washington County should read a bill Devising a Diversion of Clams into Another Source of the Industry. But that is not so. I know that the proponents of this bill are honorable and sincere and they really believe that they are conserving clams in Washington County which, of course, is not the case. You cannot conserve clams by not digging three months at the time when you get \$3.00 a bushel and then save them to be valued at a \$1.50 a bushel later on. You cannot conserve them that way. You have to conserve them the way the Senator from Washington has suggested. He said the only way to conserve them is for the town to take action to close the flats for a year or two at a time and then hold them under supervision. That is the program which the Sea and Shore Fisheries Department is working on and the program that the federal government is working on for a partial close of certain flats all over the state and keeping some open at all times so as to allow the diggers the benefits of the high prices of summer business.

I will have to protect my side of this question although the committee vote was eight to two, I don't dare to tell you how we arrived at that eight to two. I hate to admit that as chairman of the committee I couldn't handle it but the fact is that I signed the ought not to pass and could only get one other member to go along with me. I will remind the Senators, however, that there is such a thing as Senatorial courtesy and as far as the Senate is concerned, we have quite a majority in the Senate—two out of three who say it ought not to pass.

I won't say anything about the lobster law or various other laws we heard in the committee. I won't say why we arrived at this eight to two decision but that might have been justifiable at the time but conditions have arisen since that time which convince me that the bill should not pass, and also convinced my other Senator, Senator Larrabee.

I will have to give you a short history of the clam business and I trust you will bear with me because it is quite important to the clam business. We are not going to steal clams, we are not going up there and grab them. We are going to pay \$3.00 for them so somebody can't get them at \$1.50 later. The history of the four county clam law as you know was that for years we operated under a system in this state where there were four counties open and four closed and the four counties that stayed closed were supposedly under the thumb of the cannery. The other four counties stayed open the year round and shipped clams all over the country. As a result, York County, Cumberland County, Sagadahoc and Lincoln were somewhat depleted.

There is no such thing however as complete depletion of clams. In 1949 Wells Beach flats had such a spat that in four or five years the clams will be very good in Wells Beach. Dana Wallace, clam specialist of the Sea and Shore Fisheries maintains that Washington County for some reason unknown, but very providential to Washington County and Maine, Washington County is the very richest clam region in the world and every year they have a

rich spat which assures them of unending digging forever.

I am not quoting myself, I am not quoting a shucker. I am quoting Dana Wallace the Maine Sea and Shore Fisheries clam specialist. Two years ago Senator Brown, Senator Larrabee and I were on the committee and we passed a law which protects Washington County fully. We passed a law introduced by Representative Prince which enabled town officers in any towns in the state, any time they felt any section of flats needed it, to close that area until those town officers and the Sea and Shore Fisheries Department felt they should be reopened. Why isn't that enough?

This very session of the legislature, the selectmen from Lubec came down here and asked permission to close certain sections of their flats and it was granted. We grant it to any towns in Washington County or Knox County or any county that comes here and asks for it. But when you close them, close them for two or three years. Don't close them in the summer and then open them again in the fall. There is a motive there, I am afraid. Every town in the state has town laws which prohibit outside digging, almost every town, and there again Washington County citizens are protected because only Washington County diggers can dig in that particular town.

Last year we also passed a law which prohibited shipping of clams out of state. The sponsor behind this measure came from Washington County and it resulted in a great deal of good to the state but we passed a law which prohibited the shipping in the shell of clams outside the state. The Howard Johnson outfit alone in the summer time says that 29% of their orders are fried clams and they want our clams and are willing to pay for them and Washington County is getting to be the best source of clams in the state. Two years ago we passed the law which prohibited shipping any more clams out of the state, in the shell that is; but we put a little teaser on the end to protect certain shippers and said that the law would apply except to a certain percentage for steamers. So they kept shipping

our clams in the shell in great quantities so this last session we put a limit on the clams limiting them to a half bushel to any one individual. I understand they are trying to find a loop hole in that but if they do we can shut that loophole.

The passage of that shucking law protected the Maine clam and the worker because the clam had to be shucked in Maine. In addition they also spent thousands of dollars in wages to the people in these shucking houses. I might mention that at the hearing — well, I'll bring that in later.

The propagation of clams. The state is embarking on the greatest program it has yet attempted in this matter. Robert Hale obtained \$75,000 from the Fish and Wild Life Service for the propagation of clams and we are conducting a laboratory in Boothbay Harbor. The Sea and Shore Fisheries Department and the Fish and Wild Life Department of the federal government are not in favor of the passage of this bill to close the clam flats in Washington for three months. They say, "Hands off." If Washington County wishes to sell their clams to different people that is up to them but that is not a conservation measure. In every case where flats have been found depleted, it has generally been caused, not by over digging but by green crabs or horseshoe crabs or some such thing and the federal government is doing everything it can to control this.

I have mentioned to you before about the spat deposits. Washington County every year has a large, liberal, healthy spat deposit which assures them of clams without end for as long as people want them. I hope that will always be the case.

The value of the clam industry to Maine. The advertising value is untold. As I said before, the Maine clams are known from one end of the country to the other. There is quite an argument as to the quality and taste of clams. I am not being sarcastic and I am not being bitter because I cannot afford to be, but I am trying to protect a certain industry which I think is vital to the state and when I come to the

end of this speech, I will give you my own selfish reasons.

If this bill passes it will result in quite a large portion of clams being canned and if anyone can show me a can of clams that tastes anywhere near as good as a freshly shucked clam, I will give him a hundred dollars if he can pass the can around this Senate and prove that a canned clam tastes anywhere near a fraction as good as a fresh clam.

The biggest clam canner in the state is Fred Snow of Pine Point. He found out early in the game that the soft shell clam does not can well, does not can to any profitable extent, so the clams that Fred Snow cans are raked out of Long Island Sound and off the shores of New Jersey. It is a hard shell clam and rather meaty. The soft shell clam does not can well and does not sell well in the can.

Freshly shucked soft shell clams are the greatest fishing delicacy in New England. Please don't cripple this business. The big demand is in summer and the passage of this law would cripple it and cripple it badly. I don't think we are penalizing Washington County. We are going to pay them for the clams and give them twice as much as they'd get in the winter.

In the State of Maine last year the price for raw clams to the digger was \$1,184,370 sold in the whole state. Here I must differ with Senator Brown's figures, perhaps in his favor because he said that 48% of the clams were dug in Washington County. I will have to go further than that and say 64% were dug in Washington County. And last year Washington County received for its share \$731,345. This extremely healthy sum of money can be counted for principally because of the fact that the fresh clam buyer due to the ever increasing demand has pushed the price up in the last few years from sixty cents a barrel in the old days to \$3.00 a bushel and \$1.50 to \$2.00 a bushel in the winter at the factory. 40% of Washington County clams are dug in the summer and it costs the diggers in that area approximately \$146,400 which is a

rather sizable sum even here in Augusta where we've been talking millions. If this bill passes it would reduce each of Washington County's clam diggers income by \$146.40. Would they like it?

Now I will give you the history of the hearing of the bill. I took a great deal of interest in the bill because I knew it was highly controversial. I tried to be fair and I had Senator Brown on my right and Senator Larrabee on my left. The proponents were small in number and I won't say selfish by motivation, but rather self-centered by motivation. The proponents consisted chiefly of a very eloquent and very popular lobbyist—perfectly legal, registered lobbyist and that is his privilege. He is on record as lobbying for a canning factory. The canner himself was there, a member of the legislature who works for that canner and two or three people who apparently are employed there. The opponents greatly outnumbered them, three or four to one and consisted principally of clam diggers themselves.

I will admit that among the opponents were two shuckers and one had the—I don't say it is unfortunate, but he didn't come from this state, was rather swarthy in physical appearance and that was used against him at the committee. I heard it mentioned once "Isn't it awful for him to come here and make such a fool out of Oscar Dunbar." I'd give a hundred dollars to anyone who could make a fool out of Oscar Dunbar. He is a very able man. If you judge by the hearing, the Committee should have voted against the passage of the bill, but after that hearing was over, we kept having executive sessions and finally we wound up with an eight to two vote. Since then, I have been deluged with letters and telegrams, as have many others.

I would like to read just a few. I won't read them all because if I did I would be here all day but here is a sample or two of what sort of thing I have received.

"If I am not too late on the final voting concerning the clam question, please consider my humble suggestions. First: that we supposedly have a question facing us

on the clam conservation. If it be clam conservation, wherefore do two lawyers, with their battle of wits, come into the picture? So far as I am able to determine, most of the clam diggers along the coast, feel that the condition now existing is not right, and can not be, unless this matter be kept within the bounds of the commissioner, and the town officials of Washington County.

"This all out drive to close the flats of said Washington County, for no apparent reason, could bring hardships on many families along the coast. I believe if this be left in the hands of commissioner and town officials, there is always a big possibility of a compromise, whereby there is little likelihood of so many people being affected. To make myself clear, those towns, in my opinion, should only be closed, if deemed necessary by diggers and officials of towns showing marked depletion.

"My last plea. Let us keep this matter under clam conservation, rather than the conspicuous battle of wits, by attorneys, for a very small minority.

"Suggestions humbly submitted by

GRAYDON M. MORSE

East Kennebec, Machias, Maine."

That, Senators, is just a sample. Here is one, a telegram.

"Dear sir: As a clam digger I feel the clam law to close the flats, coming before you soon is a bad law. It will do us no good. Please vote no.

MERRILL HOOPER."

And here's another:

"Dear Sir: As a clam digger, I feel the clam law to close the flats coming before you soon is a bad law. Please vote no." That was sent by John Preston, Selectman Roque Bluffs.

And one from Alton Kilton: "I'm in favor of keeping the clam flats open. That's the only way that I can make a living."

All these telegrams and letters are of the same nature and open to the inspection of anyone. Here is one from G. M. Morse, Machias, Maine: "I trust someone will see justification in telegrams received on the clam question as we are quite sure that Washington County is a victim of Political Humbug

into which clam conservation itself does not enter."

I have received nothing but letters and telegrams of that sort ever since the hearing. I will admit that there are motives enough and I will admit that the shuckers are just as anxious to protect themselves as the canners but I maintain that that is a big industry and a vital one. If I am chairman of the Sea and Shore Fisheries Committee—and I am very glad to have been reappointed, Mr. President—but if I do nothing else, it is my duty to see that in that committee we try to iron things out and do the best for the most and not the most for the least. If we can save Washington County this money, let alone the helping some people to earn their living, we will have done well.

During the hearing, mention was made of a shucking house in Ellsworth where about forty girls are provided with year round employment and very good work it is too. And one of these girls said, "Mr. Dunham, can you tell me any place in Ellsworth where I can make seven or eight dollars a day as easily as I can in the shucking house?" He began to holler and rave and take credit for having the shucking house there, which is right. He introduced the shucking measure two years ago and stopped the exportation plan of the bill. He was responsible for bringing the shucking house in. Now he wants to cut it out—he wants to cripple it. Anyway, I said, "Mr. Dunham, will you answer that question without any oratory, please. Is there a place in Ellsworth or any place in that section of the state where a girl can earn eight or ten dollars a day as easily as she can in that shucking house?" He said, "No." I said, "Thank you."

I am just pleading for an industry, gentleman. I am not pleading for the shuckers. I am not pleading for the diggers. I am just pleading for one of the greatest businesses we have in this part of the country. The soft shell fried clam is one of the finest foods you can eat in the summer time. We could lose that business. There are soft shell clams in Nova Scotia. If these shucking houses are forced to close and leave this state—and

maybe certain people would like that—the diggers would because clams might go back to sixty cents a barrel. But I say, we could lose this business and I am pleading for that business.

In closing, I just want to tell you what other people in Washington County think of this. I am convinced that 7 or 8 or 9 out of every ten in Washington County who have anything to do with digging and marketing of clams are against the closing of the flats in the summer time. They want that three dollars a bushel. I am going to read a statement. I will admit that this was compiled by Eric Kelley, a shucker, a native of Maine who runs a shucking company in Washington County and also one in Hancock County. He is fighting for his livelihood, fighting for his business. He has a right to.

After the hearing, after certain statements were made, he went to the head selectman of every town in Washington County in the clam flat region and he got the following statements.

Mr. Stan Wood, Steuben: "I am definitely opposed to closing the flats in Washington County as are most of the clam diggers in this town.

Phil Sawyer, Millbridge: "I feel that the State is in no position to tell us whether the flats should be closed. The majority of the diggers in this town feel that they have been let down by the state inasmuch as the state has not made adequate survey proving that this closing down of the flats would accomplish any good."

Alonzo Nash, Harrington: It is a wicked shame to close the flats. We closed half of our flats last year and found that it did more harm than good. This year we voted that all the flats should be open. All the clam diggers that have spoken to me about closing the flats in Washington County in the summer time are opposed to it."

Fred Ward, Addison: "We find that a little more than 50% of the clam diggers are opposed to closing the flats. We also feel that this should be left up to the town."

Incidentally gentlemen, I called Mr. Lewis LaKee, Representative to the Legislature, and he informed me that from a private survey that

he had conducted that a little more than 50% were opposed to closing the clam flats.

Here is a statement from Jonesport, William F. Church 1st selectman, Morris Gray, 2nd selectman and Caswell Kelley 3rd selectman. "We feel that if the state sees fit to give us a non-resident law that we have sufficient quantity of clams in our flats to take care of our own people during all the year, but under conditions as they now exist with 250 men digging our flats, we do not have enough clams to maintain that many diggers. We also wish to point out that if the flats of Washington County remain open and we consider that an emergency exists the townspeople, at their annual town meeting, gave us the authority to close our clam flats to all diggers during the summer months."

Mr. Lynn Fish, Jonesboro: "I believe that the large majority of the clam diggers in the town of Jonesboro want the flats left open."

John Preston, Roque Bluffs: "No, we are not in favor of closing the clam flats. A lot of our men depend on clamming for a living. We have no other industry in Roque Bluffs, and our non-resident law is helping our flats."

Fred Mawhinney, Jr., Machias: "We do not have any clam diggers in this town, however, I personally polled what clam diggers are in Machias and they were very much opposed to the closing of the clam flats. A considerable number of them sent telegrams to their State Senator protesting the passage of the law."

H. T. Flynn, Machiasport: "We, the people of Machiasport voted to close our flats this summer. We feel that the individual towns in Washington county should be allowed to make their own choice."

Allan Crane, Whiting: "We have closed part of our flats for summer but in my opinion each town should be allowed to make its choice. If there are no herring and all the clam flats are closed what will the men do for work?"

Garnet Green, Lubec: There are 160 clam diggers in Lubec. This area has been considerably clammed out, and we feel that by closing the flats it will give us a chance

to find out if it does any good. I can find employment for my poor accounts during the summer months but not in the winter. We are in favor of closing part of Lubec's flats but not necessarily in favor of closing all the flats in Washington County."

Ben Clarke, Pembroke: Clams are very scarce down in this area but we feel that the towns should be allowed to decide whether their flats should be closed.

Now, how scarce are clams in Washington County? In 1947 there were 952,000 pounds of clams dug in Washington County or \$177,000 worth. In 1948 there were 2,031,000 pounds or \$303,000 worth. In 1949 3,650,000 pounds of clams were dug, amounting to half a million dollars worth in value. In 1950 4,407,000 pounds dug amounting to \$731,000. That is quite an income to turn down and I don't think we have a right to tell those people where they can dig, what they can dig and whom they shall sell to. I certainly hope that the motion of the Senator from Washington, Senator Brown, that the Ought to Pass report be accepted does not prevail.

Mr. CHRISTENSEN of Washington: Mr. President and members of the Senate, Senator Sleeper made a great speech and I appreciate that he is so much interested in the welfare of Washington County that he is going to give us \$3 a bushel for clams which we don't want. We want our clams to last. In answer to digging clams in the summer, that is the spawning time of clams and that is why we want the flats closed then so they won't dig up the little clams that might be able to feed and grow, and so that we can save what clams we have in Washington County.

Mr. LARRABEE of Sagadahoc: Mr. President, I won't take time to go over this field again. The Senator from Knox, Senator Sleeper, has done it much more ably than I could. But many of you here know that for years we fought this four-county law and we thought two years ago that we had it put away for good. But now it comes back in a new form with just Washington County.

You will remember two years ago the last night here that we brought

back the Noyes Bill which was put in by Malcom Noyes, Senator Noyes to not ship clams out of the state in the shell for a conservation measure. And then in order to get it through, we had to compromise and put an amendment on that allowed them to ship steamers. Of course, it didn't work, because when the clams cross the line your Commissioner doesn't control those steamers and they can go to any shucking and the Commissioner or anyone else has no control over them after they leave the State of Maine.

For that reason, we passed a law this year and it has been signed by the Governor as an emergency that no clams can be shipped out of the State of Maine except a half a bushel to some individual.

Two years ago when we had a hearing, the cannery came over here and they brought about fifty-odd diggers with them and we had the hearing in the other branch. They were digging clams in the winter for these cannery in the wintertime for eighty cents a bushel and when they heard some of the diggers from this part of the state tell of getting three dollars a bushel for digging clams, those diggers were stunned. They didn't know what to make of it. And I know one of them came to me in particular and wanted to know if I would take a poll of the House or ask for a poll of the House on the bill and I said, "Why, are you diggers going to vote against the people that brought you over here?" He said, "Just try us and find out," and when the vote was taken, nearly all of those diggers voted against the people that brought them over here.

Now, as Senator Sleeper has said, this is purely a packers' bill. These packers have maintained expensive lobbyists here every session to keep these clams. It is not a conservation measure. We have had it studied by the experts in the Department of Sea and Shore Fisheries and it is not a conservation measure. They simply want to dig these clams in the winter and pay the digger about a dollar or so a bushel and the clams are in demand in the summer at three dollars and more per bushel and they take them right from the flats.

Now, this is not a county argument. Don't get the idea in your head that these people from Washington County want something just for Washington County and that Sleeper and I shouldn't be butting into it because this is a statewide proposition. It has been admitted by the opponents that the state derives forty-eight per cent of its clams from Washington County and Sleeper says sixty-four and he is nearer right, I think, than the other side. But that means a lot to the State of Maine if you cut off sixty-four per cent of the clams and it has been argued time and time again in the hearings that there are more clams in Washington County than all of the rest of New England put together and I think they admit that.

It is a statewide proposition and I don't know of anything else that I can say. But if you close Washington County to Summer digging you are closing it to three dollar digging and opening it to eighty-cent to a dollar digging. It is not a conservation measure and it has been proven by experts. For goodness sakes, let us have the clams and when you drive along the road and see the signs advertising those clams, you will know they are coming from Washington County, and let's not shut off the supply.

Mr. BROWN of Washington: After Senator Sleeper's great talk, I would like to start in with a glass of water before I start.

Senator Sleeper says he got many telegrams about not closing Washington County. I got a lot of them, too. I will bet you that there are fifty-seven from Jonesport and there are about twenty more. I will bet you every one of them is paid for by Eric Kelly the shucker. He was up here. I asked him to come up here on this controversy and to go down and see the Commissioner of Sea and Shore Fisheries to see if he could help in any way.

Now this all goes back to the talk we have made about the depletion of clams in Washington County. I said from 1948 to 1950 about forty-eight per cent and Senator Sleeper says it was sixty-four per cent and I will put it at fifty per cent in two years dug out of that county. How long will that

clam area furnish clams for the State of Maine or anywhere else if they continue to do that the year around. There will be no clams in Washington County.

They speak about the clams coming from Canada over in New Brunswick. They are going to make a law this year and it will be passed by order of council to close those flats just on this conservation matter.

I can go on here for half an hour or more and I don't think I can change the ideas any. Senator Sleeper had some wonderful figures and I don't believe all of them. I know these telegrams, as I say, all came from one source, the shuckers, and Eric Kelly, who is backed by the Maine shucking activities of Ellsworth.

As far as the committee hearings, the people that came there were about evenly divided as to the closing of our area of Washington County. Half agreed to close and half of them didn't want to close. I think the Senator from Knox will acknowledge that. They stuffed some of those hearings. Eric Kelly brought up about fifty fellows with him and paid their way and they said, "We don't want this closed because we will all starve to death." What are we going to do when these clams are all dug out? They are going to starve in four or five years, anyway. There will be no clams to dig. There is plenty of work down there if they want to work. They want to dig because they can make about fifteen dollars a day in Washington County. Over in this area, you can make about three dollars a day because there isn't enough clams to make a day's pay.

It seems to me it is a conservation measure, regardless of what Senator Sleeper or my friend Joe Larrabee says here. We would like to see that last a little longer. We don't want it all done up in three or four years. That is about all we have got left down there, digging clams and fishing. Don't take it away from us.

Mr. SLEEPER of Knox: Mr. President, I still agree with a great deal that Senator Brown says but he can't convince me or any other man—I was going to say any scien-

tist but I am not a scientist — he can't convince anyone who knows anything about clams that to close the flats in July and August is a conservation measure. It may be for certain channels of trade but it isn't for the clams. You don't conserve the clams by closing the flats for three months but you do conserve them by closing for a year or two years. A clam doesn't grow up in two months or in three months. It takes four or five years for them to grow. And it doesn't hurt the small clams to dig around them but it does cultivate them and scatter them around. That has been proven. The observation about "the clam's last stand in Washington County" that was made by another Senator—and a good observation too—perhaps it is the last place where clams are numerous in Maine or in New England, but is Washington County a little, tiny, constricted county? No, it is a grand and glorious county. If I couldn't live in Knox County, Washington County is the county I would like to live in. They have twelve foot and twenty foot and even thirty-two foot tides in Washington County. They don't have just two or three lots of flats open like we do in Knox or Sagadahoc or Cumberland counties. When the tide rolls back in Washington County it leaves square miles of flats that are open to clamming. It is the most natural area for production of clams in the world, and the richest region, and always will be. Naturally there is a slight danger that it won't always be but, as I said before, the selectmen can close any section they want or close the whole town. Why not give them home rule? Why let a certain group tell this legislature that people up there want the clam flats closed? I can show you where every selectman from here down the coast doesn't want them closed. You keep talking about home rule. Why not give them home rule?

Naturally those people will protect their own citizens more than we in the legislature will. To a certain extent I am pleading with you not to enter into the Washington County controversy and I am also pleading for the clam industry, and it is a good industry. Of course

Knox County stands to benefit by the closing of the flats in Washington County because, contrary to what some of you may think, Knox County still has quite a few clams. I will admit we haven't got anywhere near enough to fill the market but if Washington County comes first, Knox County comes a strong second to Washington County. In fact, last year we dug \$188,000 worth of clams, almost or a little over a third of what Washington County dug. And we don't have, oh, probably a tenth of the flats Washington County has, but of course they are more intensively dug. And I imagine the clam diggers of Knox County, if they should find out I am here opposing the closing of the Washington County flats, would deluge me with letters and telegrams to let them close because if they do close their clams might be worth \$25 a barrel in Knox County and the hotels all over the state would have to pay that much more. If I were selfish I would say, "Close the flats in Washington County" and Knox County would get four or five times as much. But of course it would be impossible to pay that much for clams. They could not pay \$25 a barrel and try to sell them but I want Senator Larrabee to corroborate me that they really would easily rise to \$5 or \$6 a barrel and be easily sold.

We are not trying to injure Washington County, we are trying to help an industry as a whole and I think I have proven to you that at any time when a town looks like losing its clams they can close the flats, not for three months but for a year. If you want real conservation, real conservation cannot take place in a three months period. It takes five years for a clam to grow, and by the way summer isn't the spawning season. The clam spawns from February on and even while it is spawning it doesn't hurt it to be dug around.

Mr. BROWN of Washington: Mr. President and members of the Senate, I won't keep on except to say just one thing about the flats down in that area. I live in Eastport and we are not interested in the clam business although Eastport did have quite a few flats from

Calais to Eastport. It is thirty miles. There used to be a lot of clams but you can't dig any clams from Calais to Eastport because they were dug out just the same as they have been dug down the coast, until you get to Lubec and these points west of us.

There is no big lot of clams dug because they are used up and that is what it is coming to if we go ahead and keep this up.

He said the clams breed in February. They do breed in early spring and they breed through the summer months. We don't claim they are going to grow to any great extent but if they are closed there will be at least six months' more digging some day when we dig a few out. We don't want the clams all taken out of Washington County if they are going to be five dollars a bushel.

If you buy a pint of clams and all you get is fifteen clams, I will buy all you want to eat. Fifteen clams for fifty cents is quite a lot of money. Our people need this.

We don't believe we are doing harm to those diggers. Half of them say they want it closed and that is a lot. Most of these figures Senator Sleeper has and a lot of those telegrams, most of the telegrams and letters were dug up by Eric Kelly, a shucker, for this purpose.

Now, I won't say anything more. As I said before, I request a division when the vote is taken.

Mr. LARRABEE of Sagadahoc: Mr. President, could I say just one more word? Senator Brown says fifteen clams in a pint box is a big price. In my mind, and I have probably dug as many as any man in the room, and in my mind—I don't say this to injure anyone else—but when a clam is put in a can, it is ruined. How much better it is to pay fifty cents for clams fried and put in a box than it is for clams put in a tin can. If any of you want to try it, I wish you would.

Mr. SLEEPER of Knox: Mr. President, I hesitate to rise at this time. Now, when you say you hesitate to rise, customarily you intend to talk for an hour. But I must answer this question about the telegrams being furnished by Eric

Kelly. He is just a poor man fighting for his own business. He couldn't hire an attorney to come down here and do it. Whether these telegrams came from him or not, they came. There are names on them and I didn't get any the other way.

Certainly the canners have got as much money as Eric Kelly but apparently they know how to use it a little bit smoother. I am not being sarcastic when I say this because I will admit this is a business you can use any source to attain your ends and I will try to be broad-minded and big about it and that is our last word.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Washington, Senator Brown, that the majority "Ought to Pass" report of the committee be accepted.

A division of the Senate was had.

Eighteen having voted in the affirmative and twelve opposed, the motion prevailed and the "Ought to Pass" report of the committee was accepted, and the bill was given its first reading, Committee Amendment "A" was read and adopted in concurrence and under suspension of the rules the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Palmer of Lincoln the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of Lincoln Academy for Classroom Building (S. P. 94) (L. D. 145) tabled by the Senator from Aroostook, Senator Brewer, pending acceptance of the committee report.

Mr. PALMER: Mr. President, I might say that I have permission from the Senator from Aroostook, Senator Brewer, to take this bill from the table as he tabled it at my request and that I am also speaking with the consent of the Chairman of the Committee in moving that this item be recommitted to the Committee on Appropriations and Financial Affairs and sent forthwith to the House.

On motion by Mr. Wight of Penobscot the Senate voted to take

from the table Senate Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of Corinna Union Academy for Construction of Fireproof Room (S. P. 141) (L. D. 263) tabled by that Senator on March 13th pending acceptance of the report; and on further motion by the same Senator the resolve was recommitted to the Committee on Appropriations and Financial Affairs and ordered sent forthwith to the House.

On motion by Mr. Wight of Penobscot the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of Corinna Union Academy for Construction of an Agricultural Workshop (S. P. 140) (L. D. 264) tabled by that Senator on March 13th pending acceptance of the report; and on further motion by the same Senator the resolve was recommitted to the Committee on Appropriations and Financial Affairs and ordered sent forthwith to the House.

On motion by Mr. Collins of Aroostook the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Taxation on bill, An Act Relating to the Banking Department (H. P. 1282) (L. D. 848) tabled by that Senator earlier in today's session pending acceptance of the report.

Mr. COLLINS: Mr. President and members of the Senate, this bill relating to the Banking Department is a similar bill to one which two years ago passed both branches of the legislature and then was withdrawn in the closing hours of the legislature due to the fact that at that time we did not have a major tax measure.

I think perhaps some explanation is due to the members of the Senate as some of the members weren't in this Body two years ago. At the present time the trust companies and savings banks in the State of Maine are taxed with a 30c tax for every thousand dollars of their deposits. This is a tax

which is directly related to the amount of their deposits which will be high in good times when people can save and low in times of depression when people have drawn out their savings in the banks. L. D. 848, the so-called "Free Bill" which is supported by the Maine Bankers Association and also approved by the Banking Department of the State of Maine, provides for an examination fee to take the place of the deposit tax. Under its provisions savings banks and trust companies would pay for the cost of their own examinations by paying the salary, hotel room and other expenses for each institution, and the overage of the Banking Department would be paid for with a seven cent tax on deposits.

As I said, this bill was approved by the House and Senate at the last legislative session but due to the fact that there would be some loss of revenue to the State the bill was held up until such time as a major tax might be passed. Maine and Nevada at the present time are the only states in the Union which presently pay for at least part of their banking department support by examination fees, and an examination fee system is the one used by the federal government so far as national banks are concerned. The advantages of the fee bill over the present system are as follows: First, it will help to preserve the banking system of the state. Under federal law the national banks pay for examinations and cannot be taxed by the state as the trust companies are now being taxed. The trust companies, accordingly, at present are not only paying for the support of the Banking Department but are also paying for the general revenues of the State. Thus, the trust companies are discriminated against by the State under the present law. The Fee Bill would allow both to be treated exactly alike as they should be. The Fee Bill will create a better banking department, as it is set up to produce more revenue for that department than it presently has. Furthermore, in times of depression the present deposit tax will produce less and less revenue whereas the Fee Bill will produce such revenue as the banking

department needs at any time and especially in hard times when more supervision of the banks may be necessary to give the public complete protection.

The present tax is unsound especially as the tax on savings, especially the small savings of people who keep their money in small savings accounts, are not stable. The Fee Bill will act as an incentive to the banks to keep their books in better order as each bank will realize it can keep its tax relatively low by keeping its books in good shape so the examinations will not last for too long a period of time. The Taxation Committee has opposed the bill on the ground that, based on deposits as of last year, the Fee Bill will produce about \$50,000 less each year than under the present system. However, of this amount the trust companies will be paying only \$10,000 less than they pay today on last year's figures and the rest of the amount is due to savings so far as savings banks and loan and building associations are concerned. At the present time under the deposit tax the savings banks, trust companies and loan and building associations pay the state about \$152,000 and the trust companies and national banks pay a further sum of \$103,000 and \$145,000 respectively in the form of a capital stock tax. The trust companies, of course, also pay their real estate tax. In short, the Fee Bill will protect our dual banking system by treating trust companies and national banks on the same level, will strengthen the Banking Department by giving it the means to examine the banks more carefully, and will take away an unfair and uneconomic tax on deposits alone.

For these reasons and because I feel this is a just bill, a bill that the bankers can operate under more satisfactorily and produce a stronger and more efficient Banking Department, I move, Mr. President, that the bill be substituted for the report.

Mr. NOYES of Hancock: Mr. President, Senator Collins has told you why the Taxation Committee reported this bill out unanimously Ought Not to Pass and he is cor-

rect when he says that under the proposed fee bill we would lose some fifty thousand dollars a year. In other words, the banks would pay less taxes than they are now paying which currently is thirty cents a thousand on the deposits, both in the savings banks and the trust companies.

Two years ago, we changed the law of the trust companies, requiring them to pay in on deposits thirty cents a thousand as was paid by the savings banks. It is of interest to note that prior to the enactment of that law, the trust companies paid \$11,000.00 a year tax to the State of Maine. Last year, under the new law, they paid \$64,000.00 and savings banks at the same time paid \$71,000.00.

It was the feeling of your Taxation Committee that in times of increased tax upon the citizens of Maine that it was poor business on our part to decrease the tax on banks. It is of interest to note that the tax now being paid by the trust and savings banks to the State of Maine last year, as I said, was \$135,000 and twenty years ago they were paying more than half a million dollars into the state treasury.

It is questionable to my mind and to the members of the committee that it would be advisable to further reduce that tax at that time and I hope that the motion of the Senator from Aroostook does not prevail.

Mr. HASKELL of Penobscot: Mr. President, I rise only because I feel a little of a moral responsibility that hangs over from the last session. This fee bill had acceptance in both branches of our last legislature, and I had the difficult, unpleasant duty of debating with the Senator from Aroostook, Senator Collins, in its final hours when it was apparent that no new revenue measures were going to be passed to offset the small loss in revenue from this bill. I try to look at it rather broadly. Those proponents of a sales tax or an income tax or some other broad tax in the State of Maine have properly and honestly supported their arguments by the claim that certain other revisions should be made in our tax structure.

I don't think it is consistent with that sound argument to stand back and oppose every effort that is made to correct what may have been some inequities. Now, if there is merit in this bill and I think possibly the Committee on Taxation believes in the merit, with respect to the \$50,000.00 loss, shouldn't we face up the fact that we have passed a bill that will allow 10 to 12 million dollars and shouldn't we consider that if there is an inequity in an existing tax, facing it up at the same time that these banks are made up of pretty high type people? I don't think there is anyone of them even remotely for the evasion to get clear of \$50,000.00 taxes. They are taking on under a sales-tax bill a tax on the bank income that is well in excess of \$50,000.00 because much of the material that they use is taxable. The fuel that heats their buildings is taxable and it seems to me if all persons concerned see justice in the fee type of approach and I can say frankly the fee type of thing is that which is imposed in most of the states whereby the banks, themselves, bank by bank, pay for the services rendered by the banking department.

We ought to be a little more broad minded and look at this as one of what I hope will be along series of changes in our general tax structure. I don't think this is the only inequity. This as a tax is simply a tax in lieu on deposits. In other words, by the levying of this tax, you are exempt from taxes on your deposits and while I agree that it will reduce general fund revenues by \$50,000.00 as a session when we have at least taken the positive step on taxes, it seems to me we ought to be willing to do some of these other minor things that make for a better tax system in the state.

I recognize that the other branch didn't see fit but I think as an honorable carrying out of that which apparently a majority of both branches wanted to do last year, at least one branch of this legislature ought to say, well, that is the right way to solve this thing. And for that reason, I sincerely hope that the Senate will accept the bill, hopeful that the other

branch may take what I think is a little more broad-minded attitude toward the general tax structure and I think there will be a substantial improvement in that tax structure by going along with the concept of the Senator from Aroostook, Senator Collins.

Mr. REID of Kennebec: Mr. President, am I correct in my understanding that the other branch has already substituted the bill for the report?

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

The Secretary read: In the House of Representatives, on motion by Mr. Chase of Cape Elizabeth, taken from the table and on motion by the same gentleman indefinitely postponed and sent up for concurrence.

Mr. COLLINS: Mr. President, it is true that the other branch did indefinitely postpone this matter but I think they got a little fouled up on the proposition and possibly may wish to reconsider it if this branch should go on record in favor of the bill. I would like to point out to the Senator from Hancock, Senator Noyes, that this does not make any particular saving as far as the trust companies are concerned. In 1950 the amount that the trust companies contributed as a result of the 30c tax was \$64,614.17. Now in 1951 if the Fee Bill passes the trust companies will contribute \$68,473. There is no particular saving as far as the trust companies go but they feel that it is a proper approach. Substantial savings, however, will result to the savings banks of the state.

Now, under the Fee Bill in its original form the trust companies would be paying the state about six times their average tax paid during the 1940 decade and well over their average paid during the decade of the 1930's, since the depression. The only banks that will save any money from the Fee Bill are the savings banks which have no stockholders and which hold the savings of the ordinary person who is taxed under the sales tax. So it is a matter of policy, I think, as the Senator from Penobscot expressed it, as to whether or not the banks should have more to pay,

regarding the way the Banking Department is handled. I think it will help to strengthen the Banking Department and I feel sure that in the long run it will not create any hardship on the state.

Mr. LEAVITT of Cumberland: Mr. President, there are a great many conflicting figures on this bill. There were two years ago. At the present time, or at least a week ago, it was estimated that the passage of this bill would cost the State after all of the fees were taken out and then the expenses were reduced in the Banking Department, \$3,742.00 for the first year of the biennium and \$2,903.00 the second.

That has now been revised again and now they say it will cost only \$716.00 for the first year of the biennium and perhaps ten thousand and not more than ten thousand in the second year of the biennium. In other words, we are not talking here about fifty thousand nor seventy-five thousand nor one hundred thousand. We are talking about a very small amount and I believe, because I have talked with several people, bankers and others, that this will strengthen the banking department very materially and I am very glad to be on record as being with the Senator from Penobscot.

I think that in this particular time when we have passed a large tax bill that this amount of money will not materially hurt the state and I hope that the motion of the Senator from Aroostook will prevail.

Mr. NOYES of Hancock: Mr. President, I don't know where the Senator from Cumberland got his figures but I think it is quite generally agreed that if this fee bill, so-called, is passed, that it will mean a loss of approximately \$50,000.00 to the State of Maine. And in view of the present conditions of our budget and the estimate of revenue, the Senate might well think this situation over very carefully before we reduce our income by \$50,000.00.

I noted last week that we killed a very worthy bill in this Senate which would cost \$25,000.00 a year, namely the porcupine bounty bill, because we didn't have the dollars and I think probably the action in

the Senate was sound. And at this time it would seem to me before we know how much revenue this tax measure that we have recently enacted will produce and until such time as we do know what dollars are coming into the state treasury, we might be acting a little bit hasty in changing this banking law.

At the time of the hearing, I did ask the bankers, or one of them who was speaking as the proponent of the measure if they would favor an increase of the proposed seven per cent tax to make this fee to a higher figure in order to make up in a measure for the loss of revenue and they were opposed to any increase in that fee.

Mr. HASKELL of Penobscot: Mr. President, I don't want to involve this thing in a parliamentary maneuver but I would remind the Senator from Hancock, Senator Noyes, that the action is on the report of the committee. Even though the motion to substitute the bill for the report might prevail, and even if it were gavelled to go to engrossment, this bill will be before the Senate again at enactment and as I did two years ago, I will be among those opposed if its passage is the means of creating a ruinous condition in state finance but I honestly hope that this Senate will recognize this as one of those tax revision things that ought to be faced up and at least take the first step, knowing that we have another shot at it at enactment, hoping that it will have by that procedure a chance for reconsideration in the other branch.

Mr. COLLINS of Aroostook: Mr. President: If this bill did receive favorable action at this time, after it was given its reading, I would introduce Senate Amendment B which changes the effective date of the bill so that the net loss as far as the state goes in the first year of the biennium would be reduced to approximately \$25,000.00. I don't offer that as trying to solicit votes for the thing but I do say that I have that in mind.

Mr. ELA of Somerset: Mr. President, I would like to call attention to one factor that hasn't been mentioned. Of course, the depositors, themselves, pay these taxes. In return for this tax which they

do pay, they get exemption by statute from any local tax which might be assessed upon those dollars deposited and which otherwise would be taxable.

So there is a return to the depositors in the shape of tax exemption. Now, as to the amount, the tax paid by the savings banks and the trust companies was \$135,000.00 in 1950 and with the appropriation of around ninety thousand for the banking department, you can see that if this doesn't accrue to the state, that there will be approximately the loss that the chairman of taxation indicated.

Mr. LEAVITT of Cumberland: Mr. President, just one more thought. Many of the opponents of this bill just without any thought at all, apparently, of finances have voted down four hundred and some odd thousand dollars of income on the racing bill.

Here is a bill that really is constructive. Nobody knows how much it is going to cost. One figure is twenty-five. Another one is fifty and the Bureau of the Budget gives us a matter of ten. I don't know which one is right. But at least it is a very small item compared with the four hundred and some odd thousand dollars we have just thrown out the window and I think we might consider this on the merits of whether it helps the banking business or doesn't it and I believe it does help the banking business and I think we should pass it.

Mr. BARNES of Aroostook: Mr. President, when the vote is taken I move it be taken by division.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins, that the Senate substitute the bill for the Ought Not to Pass report of the committee.

A division of the Senate was had. Twenty-five having voted in the affirmative and five opposed, the motion prevailed and under suspension of the rules the bill was given its two several readings.

Mr. Collins of Aroostook presented Senate Amendment A and moved its adoption: Senate Amendment A to L. D. 848. "Amend said bill by

adding thereto a new section to read as follows: 'Section Five. Effective date. The effective date of this act shall be November 2nd, 1951.'

Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. CROSBY of Franklin: Mr. President, I move that the Senate do now recess until this afternoon at two-thirty o'clock, daylight saving time.

Mr. LEAVITT of Cumberland: Mr. President, - -

The PRESIDENT: For what purpose does the Senator rise?

Mr. LEAVITT: To speak on the time for recess.

The PRESIDENT: The Senator may proceed on that subject.

Mr. LEAVITT: Mr. President and members of the Senate, I think that one of the important things at this time is to have the Appropriations Committee make up their supplemental report. We are meeting at one-thirty and I don't believe we can do what we have to do down there in one hour, and I would like to have the recess a little longer, at least another half hour so that we could come in at three o'clock instead of two-thirty.

The PRESIDENT: Will the Senator approach the rostrum?

Mr. LEAVITT: Mr. President, I will withdraw my objection.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Crosby, that the Senate do now recess until this afternoon at two-thirty o'clock. Is the Senate ready for the question?

The motion to recess prevailed.

After Recess

The Senate was called to order by the President.

The PRESIDENT: At this time the Chair will appoint the Senate members of the two committees of conference. On the disagreeing action of the two branches with relation to Burying Grounds in Unincorporated Places the Chair appoints the Senator from Penobscot,

Senator Haskell; the Senator from Somerset, Senator Ela; and the Senator from Aroostook, Senator Barnes.

On the disagreeing action of the two branches with relation to Federal Assistance under Old Age Assistance the Chair appoints the Senator from Somerset, Senator Ela; the Senator from York, Senator Dennett; and the Senator from Waldo, Senator Greeley.

It is the hope of the Chair that these conference committees will act at the first opportunity. The Senate is proceeding under Orders of the Day.

On motion by Mr. Wight of Penobscot the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Agriculture on bill, An Act Relating to Price of Milk to the State and Certain Institutions (S. P. 389) (L. D. 936) tabled by that Senator on May 11th pending acceptance of the committee report.

Mr. WIGHT of Penobscot: Mr. President and members of the Senate, at the present time the Milk Commission establishes minimum prices on milk that shall be paid to the producer, the minimum price at which the dealer can sell at wholesale to the concerns and other wholesale customers and also a minimum retail price. This bill which we have under consideration reads as follows: "The provisions of this chapter shall not apply to the state, any subdivision of the state, any public hospital, any school lunch program, or any charitable or educational institution which is supported in whole or in part by aid granted by the state or any municipality."

At the end of my remarks I will move that the bill be substituted for the Ought Not to Pass report of the committee and if it is substituted I will offer an amendment which will strike out the last seventeen words in the bill, which will allow it to apply to schools and institutions regardless of whether they get aid from the state or not. At the present time the Milk Control Commission gives no quantity discount on milk. It makes no difference whether a wholesale cus-

tomers purchases twenty quarts or forty quarts of milk daily or whether he buys 500 quarts daily, the price is the same. And in opening my remarks I want to say that a great many of my constituents have during the past few months asked me if there wasn't some way of cutting down expenses here in Augusta instead of putting on new taxes.

This may be a small matter but nevertheless at the present time the state is paying to at least one producer nineteen cents a quart for its milk in large quantities. That is, the Bangor State Hospital. And at the same time other purchasers in the State of Maine are selling in the Boston market at \$4.29 a hundredweight, which is about nine and a quarter cents a quart. That is, some producers are selling in Boston for nine and a quarter cents and the state is paying nineteen cents a quart for milk. There are many large users of milk in Maine which should have consideration from the Milk Control Commission but they haven't given that consideration to those large users. Colleges, for instance, use large quantities of milk. Colby, Bates, Bowdoin colleges, our school lunch programs, use tremendous quantities of milk and they operate on a limited budget. In fact, these colleges would hardly be able to get along unless they had endowments. That also applies to other tremendous quantity milk users. All these credits are good. There is no loss from bad debts, and it seems as though they ought to have some consideration. I know in various instances that dealers have signified their willingness to sell to those organizations at less than the established price of nineteen cents but they are not allowed to do so. The State of Maine buys thousands of items and I am informed by Mr. Orr that milk is the only item that Maine cannot buy on a bid basis and absolutely the Milk Control Commission forbids the state from buying on a competitive basis. At one time I believe the State of Maine endeavored to buy milk for the Bangor State Hospital and in fact a contract was awarded to a competitive bidder, he purchased the cans, he arranged for his service to the hospital and then the

Commission forbid the deal and so the man was left with his cans. I am told he was very lucky because now the price of cans has gone up and are also scarce but nevertheless that was the situation and is the situation today.

I imagine there may be some opposition to this bill. We are told, for instance, that if a bill of this kind passed the legislature the milk business in Maine would go to the dogs, or words to that effect, but it doesn't appear that that would happen. I do not criticize the milk industry nor the milk dealers in the State of Maine. It is a pretty good business but without competition, apparently. The law says that the milk commission can establish these minimum prices which everybody must abide by. If any infraction of these minimum prices occurs the person is liable to a fine up to a hundred dollars and up to eleven months in jail.

There are 27 states without any milk control legislation. Apparently the milk industry isn't going to the bad in those states. We have Massachusetts, Connecticut, New York, Ohio, for instance. Three of those states have milk controls but have no control at the retail level and the milk industry in those states seems to be fairly prosperous in spite of that. This bill would allow our state institutions, hospitals, school lunch programs to buy milk on a bid basis and I think that would show a saving to the State of Maine. If we save four cents a quart the state would save approximately \$30,000 on its milk purchases. Figuring on a basis that was brought out by competitive bidding on the milk bought by the University of Maine our purchasing agent, Mr. Orr, feels that if we figure we would save 30% which the University of Maine would have saved, the state would save \$45,000 but it appears that not that much would be saved but that approximately \$30,000 would be saved to the state.

Bowdoin College buys approximately 135,000 quarts of milk in a year and they wrote a letter which I will quote from: "Our purchasing department can cut costs on all other commodities by buying in quantity. Last year we used about

135,000 quarts of milk. There is no question that this is cheaper to deliver than milk in small quantities. We also operate during the winter months mostly at a time when the great summer recreational business is not with us. The milk dealer is thus able to get rid of a quantity of Class One milk at a time when it seems to me that the population of the state is much smaller. This quantity balances the business of the summer camps, summer hotels and so forth."

From Colby College: "I can think of no other commodity which we can purchase where the fact of quantity buying is not taken into consideration in the price."

From Bates College: "We use over 500 quarts of milk daily, about 200 quarts on one delivery and over 300 on the other. It would seem that this large quantity buying in 8-quart cans and prompt payment of all bills, would entitle us to a lower rate than the smaller buyers are able to get."

There is one other amendment I would suggest to this bill, if we can substitute the bill for the report, and that is that all milk purchased by the dealer under the provisions of this section shall be paid for to the producer at the Class One price as designated by the Milk Control Commission. So, Mr. President, I move that the bill be substituted for the report.

Mr. TABB of Kennebec: Mr. President and members of the Senate, I rise really to defend the committee report on this bill, 936. The Senator from Penobscot, Senator Wight, really is trying to defend a couple of dealers, and so forth, in Bangor. At this last hearing we had, a special hearing, there wasn't a soul there to talk against this bill with the exception of the Senator, himself, and I asked the question if there was anybody outside the City of Bangor that was interested in this bill and there wasn't anybody.

Now he knows just as well as I know that the milk board has control over these prices and can make a price to these institutions that he speaks about. And I would like to say, why should the milk industry be singled out to sell to state institutions at a price below normal? I have taken the matter up with

the Commissioner, Greenlaw, and asked him why they didn't put their own cows in if it was a great benefit to the institutions. He admits that they could probably produce it at a cheaper price but they didn't feel that they really wanted to go into it to that extent of putting the cows in.

Most schools and hospitals buy smaller quantities than wholesale accounts. Producers and dealers both pay taxes for the upkeep. Why should they be asked to give this additional money to them? All institutions and hospitals buy milk which in this area is nineteen and a half cents a quart plus twenty-three cents a quart if it is in bottles.

The University of Maine held a dealers license for five years. The Attorney General ruled that they made it a business of buying and selling to their own people, the dormitories, and therefore was justified in being considered a dealer and they could utilize the supply that they had of surplus in any way that they saw fit.

The state, as I said before, and other institutions are permitted to buy for less than wholesale. The retail consumers would have to make up the loss, the spread of the total value. This would permit the dealer to buy from producers at an uncontrolled price and I am sure that the Senator would not want to see that happen. The first thing you know, we would be having such a price that we would be all cutting each others throats and then the farmer is going to suffer.

Finally, if the dealer can't pay or is only getting so much for his money, the dealer certainly can't pay the farmer. This is absolutely a definite step to abolish the milk control which has been in this legislature for the last three or four terms. If we abolish this control, I am telling you we are going to be in an awful mess in the State of Maine if it ever gets under Federal control and that in my opinion is what is being tried to be done.

School programs are entitled to a discount of a half a cent if used for school programs and this is deliberately given to them by the dealer. Why draw a line? If the State Purchasing Agent believes the

wholesale price of milk is too high, why don't they produce more and make a profit for themselves.

Now, if you accept this law, you are going to do away, eventually, and it is the first step, with this milk control. So, I can't see that it is of any benefit as long as they have the power to regulate the price, what good this bill is and I can't see but what it is just merely to satisfy a few people or two dealers in Bangor that are not working with the Commission and they are having a lot of trouble with them.

I can't get for the life of me how the Senator is mixed up with milk, muskrats and what not because I don't believe he keeps cows and I don't believe he sells licenses for them. I can't figure it out.

I have got respect for this Commission because I think they are doing a swell job. They are protecting us to a great extent and if that is the way it is and that is what the farmers want and the industry wants, I see no reason for us to try to abolish it.

So, I hope that the motion from the Senator from Penobscot does not prevail. I ask for a division.

Mr. WIGHT of Penobscot: Mr. President, I notice that the Senator speaks about milk dealers. I have seen more milk dealers around Augusta here lately than I have ever seen before around Bangor. They are very thick and very active, apparently.

I don't think that anybody is going to compel any milk dealer to sell milk to the State of Maine for less than he wishes to. We are not compelling him to do anything. He simply makes a bid just as you would on any merchandise and if he is the lowest bidder, he gets the contract and if some farmer can raise milk in the State of Maine to sell for nine and a quarter cents, I can't see why the State of Maine is paying nineteen cents a quart for milk.

Mr. TABB of Kennebec: Mr. President, I would like to ask through the Chair a question of the Senator. I would like to ask the Senator, why doesn't the State maintain their own herds?

The PRESIDENT pro tem: The Senator hears the question and he may answer if he wishes.

Mr. WIGHT of Penobscot: Mr. President, I don't know as I can answer that question right here but there is a vast difference between nine and a quarter cents which some of the members of this Senate, I understand, are selling to the Boston market and the nineteen cents being charged to the State of Maine. That is twice as much. That is too much difference.

The PRESIDENT pro tem: The pending question is on the motion of Senator Wight of Penobscot that the bill be substituted for the Ought Not to Pass Report. The Chair has been asked for a division.

A division of the Senate was had.

Seven having voted in the affirmative and sixteen opposed, the motion to substitute the bill for the report did not prevail.

Thereupon, on motion by Mr. Tabb of Kennebec, the Ought Not to Pass Report of the Committee was accepted.

Sent down for concurrence.

On motion by Mr. Noyes of Hancock the Senate voted to take from the Table House Reports from Committee on Legal Affairs on Bill, "An Act Permitting Basketball on Sunday" (H. P. 106) (L. D. 53) Report "A", Ought to Pass; Report "B", Ought not to Pass, pending the motion by Senator Weeks of Cumberland to adopt Report "B."

Mr. WEEKS of Cumberland: May I inquire, is there a motion before the Senate?

The PRESIDENT pro tem: The pending question is on the adoption of Report "B" "Ought Not to Pass."

Mr. WEEKS: I move the pending question.

Mr. BOUCHER of Androscoggin: Mr. President, I ask for a division.

Mr. HASKELL of Penobscot: Mr. President, it's an unusual privilege and pleasure to address you as such and to do it on this bill.

Along with Senator Weeks, I signed the Ought Not to Pass Report and the reason was this: We had a good hearing on the bill. I thought there were good arguments presented supporting the proposition that we should have Sunday basketball. The argument was put forth that certain other Sunday sports were allowed and therefore, Sunday basketball should be allowed

and I will confess that up until the last appearance for the opponents, I was inclined to think it was a fair proposition. And then the representative of the State Department of Education spoke modestly and briefly and said this: Our youngsters are playing basketball in regularly scheduled high school games six nights a week and that he thought was enough. He said that while it is true that local communities have an opportunity in referenda to adjudicate the question town by town, he felt the public pressure in those communities would force Sunday basketball upon those communities and youngsters of high school age, he predicted, would soon be playing a seven-day schedule of basketball.

He told us that throughout the winter months those high school youngsters were playing basketball regularly three, four, five and six nights a week and from the Department of Education viewpoint, at least, he thought it would be detrimental to these youngsters of high school age, particularly, to impose a Sunday basketball schedule.

I wasn't impressed by the Civic League arguments and goodness knows I have voted against them more times than I have voted with them. But from the practical argument of keeping Sunday basketball out of the high schools and away from the high school ages, I was convinced I should sign the Ought Not to Pass Report. There are other arguments but to me that was sufficiently impelling to support the report "B" and therefore, I do hope that the motion of the Senator from Cumberland, Senator Weeks, prevails.

The PRESIDENT pro tem: The question before the Senate is on the adoption of Report B Ought Not to Pass. Is the Senate ready for the question?

A division of the Senate was had.

Twenty having voted in the affirmative and six opposed, the motion prevailed and Report B "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

Mr. HASKELL of Penobscot: Mr. President, I move that the Senate

take the 70th tabled matter from the table, and in making that motion, I would ask if you realize that if that motion prevails, I will become the twelfth Senator who has no tabled items on the calendar.

Thereupon, the Senate voted to take from the table bill, An Act Relating to Combination Highway and Railroad Bridge Across Fore River (H. P. 684) (L. D. 414) tabled by that Senator on May 14 pending motion by Senator Leavitt of Cumberland, that the bill be indefinitely postponed.

Thereupon, on motion by Mr. Allen of Cumberland, the bill was retabled pending Senator Leavitt's motion to indefinitely postpone the bill.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Joint Resolution Appointing a Committee of Citizens to Study the Government of Maine (S. P. 589) (L. D. 1396) tabled by that Senator earlier in today's session pending adoption; and that Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A to L. D. 1396:

"Amend said resolve by inserting after the words and punctuation 'citizens,' in the 5th line thereof, the words and punctuation 'to be composed of members of both major political parties.'"

The motion prevailed and Senate Amendment A was adopted.

The PRESIDENT pro tem: Is it now the pleasure of the Senate to adopt the Resolution as amended by Senate Amendment A?

Mr. LEAVITT of Cumberland: Mr. President, I suppose I am sticking my neck out in opening this Resolution but it seems to me that we have 151 citizens elected to the other branch of the legislature, and 33 citizens elected to this branch of the legislature to study state government. We come here and we study it diligently for three or four or five months. It seems to me that a committee composed of citizens to study the government and later on to tell the legislature what they have found, is irregular procedure. The legislature is composed of men who may not have

all the brains in the world, but on the other hand, they are not the most ignorant and they are elected by the people to do the very job that this Resolve calls for. I just cannot see any sense whatever in this proposition. I move that the resolve be indefinitely postponed.

Mr. CROSBY of Franklin: Mr. President, I will have to agree with the Senator from Cumberland that we do have a good representation here in the legislature and that we are elected by the public. However, I question as to how much time we actually devote to studying state government and the various departments of the state. We have a lot of bills before us, a lot of public hearings, and I think that in most cases our time is devoted to that, rather than to the study of state government.

Now as you all know, two years ago, we had a Citizens' Committee to study taxation and they came out with a very fine report, an informative report. They also in that report recommended the study of state government, thinking, I believe, or perhaps from experience in their study, that we had passed laws here, and directives, that perhaps were allowing different departments to overlap, having two departments, possibly, carrying on the same problems. I know of some in particular. We had one bill before Highways which wanted to appoint five inspectors to inspect the inspectors that were inspecting the inspecting stations.

How many of that sort of thing has gone through this Legislature, I for one couldn't say during my term here but I think it is a good thing and a thing that the public would like to have some assurance that this government is being operated as efficiently as possible and that is the reason for this resolution.

Mr. LEAVITT of Cumberland: Mr. President, I recognize everything that the Senator from Franklin has said but I think that a great many of us here are cognizant of the way the Citizens' Committee operated last year. I have talked with a great many of them. I have talked with them while they were making the report and while they were doing their work. It actu-

ally boiled down to about two or three people doing the major part of the work, they being very learned men, granted, college professors, who did the work.

Now, that is what this Citizens' Committee is going to boil down to, that a couple of professors who are interested in political science will write a report for the citizens' committee. You say that we are busy here, but this citizens' committee will be composed of people who are busy themselves. And they will meet and have one meeting, organize themselves into small committees the same as this Legislature organizes itself into different committees. In three, four or five meetings, perhaps six meetings, they will meet with different people and they will come to their conclusions and then they will turn their conclusions over to one or two of their college professors who in turn will write their report and they will sit around and debate and spend less time in debate than we spend here in one week.

Then they will give us this very glowing report, telling you what is wrong with our government. I don't think it is going to accomplish much. Now, I may be wrong but it seems to me that it is just a complete and entire waste of time to get the issues all muddled up and clouded up.

If the next legislature really feels they want to do this, let us invite some of these college professors to come in and lecture to us and tell us about our government; tell us what is wrong with us. They can lecture to us just as well as they can to this citizens' committee.

I still hope my motion prevails.

Mr. BOYKER of Oxford: Mr. President, if an example of what the legislature would do in carrying on or attempting to recommend something regarding our system of state government—if their judgment is to be taken by what we have just done here in the Senate where we have passed a bill allowing our milk producers to sell milk at wholesale in Massachusetts for nine cents a quart and compel our institutions and our colleges in the State of Maine to pay nineteen cents for the same milk, I am going to go along with the Joint Order

of the Research Committee for this investigation.

Mr. COLLINS of Aroostook: Mr. President, I rise in support of the resolution. While I do admit that reports of interim committees are not always carried out, I do feel that the great knowledge by a larger number or group of citizens helps to develop public opinion.

I think that the program is right and constructive and I feel that it would be a great help to the 96th Legislature if this resolution was carried out.

Mr. NOYES of Hancock: Mr. President, the part of this resolution that I don't like is that word "suggested" in the resolution. If we are going to pass a resolution, let's pass a resolution and not suggest to ourselves or to somebody else that we pass a resolution.

I agree with the Senator from Franklin and the Senator from Aroostook. I think something can be accomplished. I can't hardly agree with the distinguished Senator from Cumberland in the attitudes he has taken on this proposed study of state government because it is a fact in what few years I have been around here that the larger part of my time has been devoted to an effort to get bills enacted or to introduce bills in which my people are interested and I have had no opportunity to study state government and I wasn't sent here, I don't believe, for that purpose. I have tried when bills were introduced to use my judgment on voting for or against measures but the time spent in Augusta by myself and I feel that I speak for most of the members of the legislature, has not been time spent in the study of state government and I don't think that is the reason we were sent here.

This citizens' committee if created won't be responsible to any voters and they won't be wondering if "we should vote this way or that way" with the idea of getting re-elected and I hope the resolution is adopted.

Mrs. KAVANAGH of Androscoggin: Mr. President and members of the Senate, I feel that the Senate should be constructive and I feel that we should not pass the buck to another legislature. I believe the

time has come to act and I hope that Senator Leavitt's motion does not prevail.

The PRESIDENT pro tem: The pending question is on the motion of Senator Leavitt that the resolve be indefinitely postponed.

A viva voce vote being had, the motion to indefinitely postpone did not prevail.

Mr. HASKELL of Penobscot: Mr. President, I submit Senate Amendment B and move its adoption.

Thereupon, Senate Amendment B was adopted without reading, and the Resolution as so amended was adopted.

Sent down for concurrence.

The Committee on Legal Affairs on Bill "An Act Relating to Elections in the City of Biddeford," (H. P. 1204) (L. D. 762) reported that the same ought to pass as amended by Committee Amendment "A".

Comes from the House, the bill and report indefinitely postponed.

In the Senate, on motion by Mr. Haskell of Penobscot, the bill and the report were indefinitely postponed in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Hampden Academy," (H. P. 1511) (L. D. 1105) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Appropriations and Financial Affairs.

In the Senate, on motion by Mr. Allen of Cumberland, the resolve was recommitted to Committee on Appropriations and Financial Affairs in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study the transportation problems of the state government, particularly as they relate to the custody and control of motor vehicles owned or leased by the state and individuals, and used by officials and employees on state business; and be it further

ORDERED, that the Committee report the results of their study to the 96th legislature. (H. P. 1816)

On motion by Mr. Crosby, the Joint Order was read and passed in concurrence.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill "An Act to Create the Office of Director of Transportation and Define the Duties of the Director," (H. P. 1299) (L. D. 857) reported that the same ought not to pass, and recommend that the subject matter of the bill be referred to the Committee on Legislative Research.

On motion by Mr. Crosby of Franklin, the report of the Committee was accepted and the bill was referred to the Committee on Legislative Research.

The Committee on Claims on "Resolve in Favor of Clarence G. Ricker, of Clinton," (H. P. 262) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Meddybemps for Hospitalization and Medical Aid Extended to Harold Clark," (H. P. 573) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Relating to Eligibility for Employment by the State, Counties and Municipalities," (H. P. 1314) (L. D. 850) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Inheritance Taxes," (H. P. 1318) (L. D. 883) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Disclosure Hearings," (H. P. 1347) (L. D. 922) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Relating to Absent Voting," (H. P. 106) (L. D. 52) reported that the same ought not to pass.

(signed)

Senators: HASKELL

of Cumberland
WARD of Penobscot
BARNES of Aroostook

Representatives:

McGLAUFNIN

of Portland

HARDING of Rockland

DELAHANTY

of Lewiston

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

(signed)

Representatives:

HAYES

of Dover-Foxcroft

WOODWORTH

of Fairfield

FULLER of Bangor

FAY of Portland

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

In the Senate, on motion by Mr. Ward of Penobscot, the Majority report "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

The Majority of the Committee on Judiciary on Memorial to Congress,—Joint Resolution Making Application to the Congress of the United States for the Calling of a Convention to Propose an Amendment to the Constitution of the United States," (H. P. 1775) (L. D. 1315) reported that the same ought to be adopted.

(signed)

Senators: HASKELL

of Cumberland

WARD of Penobscot

BARNES of Aroostook

Representatives:

FAY of Portland

HARDING of Rockland

WOODWORTH

of Fairfield

HAYES

of Dover-Foxcroft

FULLER of Bangor

The Minority of the same Committee on the same subject matter reported that the same ought not to be adopted.

(signed)

Representatives:

McGLAUFNIN

of Portland

DELAHANTY

of Lewiston

Comes from the House, the Majority Report accepted, and the Memorial adopted.

In the Senate, on motion by Mr. Haskell of Cumberland, the Majority Report was accepted and the Memorial adopted in concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table Senate Reports from the Committee on Appropriations and Financial Affairs; Majority Report "Ought Not to Pass"; Minority Report "Ought to Pass" on bill, An Act Providing for Payment of 1949-50 School Subsidy Shortage (S. P. 316) (L. D. 717) tabled by that Senator on March 29 pending acceptance of either report; and on further motion by the same Senator, the Majority "Ought Not to Pass" report was accepted.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Veterans and Military Affairs on bill, An Act Relating to Town, County and State Officials in Military Service (S. P. 423) (L. D. 983) tabled by that Senator on March 29th pending acceptance of the report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, this bill I introduced because of a situation in the County of Androscoggin. After the county commissioner was elected in September he was called back to military service and he had to be sworn in as a commissioner and go back into the service later on. For a month or two great pressure was brought on the Governor for the appointment of a replacement commissioner during the absence of the newly elected commissioner. The Governor and Council didn't do anything about it and finally, very recently, the man was relieved from service and is now back as County Commissioner of Androscoggin County, the position to which he was elected by the people of Androscoggin County.

Having that in mind I introduced this bill to take care of similar situations. As I understand it now there is no effective law on the

books or at least the newspapers at the time said there was none, I didn't look it up, I took their word for it, to take care of similar cases. I went to the hearing before the Committee on Military Affairs on March 28th at 3:30 in the afternoon. They found me and got me in before the committee. I appeared, I explained the bill to them and pleaded with them to give a favorable report on the bill. If my recollection is right there were only seven members present. To my great surprise, with extraordinary speed, the next morning the bill was reported out Ought Not to Pass on the calendar. To me it is the greatest piece of doing fast work that any legislature has done since I have been around here since 1935. I appeared at 3:30. How they could get that on the calendar unless it was done previous to the hearing I cannot understand because it was on the calendar the next morning with an Ought Not to Pass report. I happen to know that one member of that committee was in Canada at the time so that certainly wasn't a complete committee report although the report would show that it was a complete committee. There was no mention of how many reported or whether or not it was a divided report. The report was an unanimous Ought Not to Pass report. I don't believe that committee even considered that bill at all. Of course if we are going to take the stand that the Republican party is entitled to everything they can grab then this bill shouldn't take effect but if we are going to take the stand that this is still a democratic country, that the will of the people must be considered — and the wish of the people was signified in September last on the occasion to which I have referred — I believe that this is a fair bill where the Governor will nominate a person from the same party to replace the person called into military service. I can understand that upon resignation or removal from office that the Governor and Council might take advantage of that situation by nominating someone of their own party but I can't go along, and I don't believe it is fair or square to deprive the minority party in this case of a representative who has been

elected by the people, and all this bill asks for is a fair, square deal, that in the situation of a person being called into the Service of his country he be replaced by somebody from the same party. So therefore, Mr. President and members of the Senate, I move that we substitute the bill for the report.

Mr. LEAVITT of Cumberland: Mr. President, the fact that the Committee on Military Affairs did a hasty job does not mean that we did not do a thorough job. The hearing had been advertised a week ahead and there were nine people present. Nine people discussed it. Nine people were unanimous. I did not know where the tenth person was and I am glad now to hear that he was in Canada but I didn't know where he was and I don't believe the legislature is supposed to hold up while one man goes away.

We asked in the hearing if in the case that had been cited, whether a Democrat was appointed into the place of the person who went away and we found out that he was. At least, that is as I understand it. There was a little talk about it for a moment that they thought they might appoint a Republican in the place of a Democrat but before they got through, they decided to put the Democrat in in place of the Democrat. It is a matter of fair play.

The committee did not believe there should be any need of any law. Of course, we have heard in the national scene just a short while ago the reverse of this picture before us. Senator Vandenberg, one of the greatest exponents of the Republican Party died in Michigan and immediately they went to work and appointed a Democrat in his place. It is pretty universal that they do things like that. But in this case and the only case that we have before us where anything like this could happen, the Governor did appoint another Democrat.

I don't think his hands should be tied to the point that the best man might not be appointed. He might not find just the type of man he wants in the Democrat Party because you have got to admit the Democrat Party is small in the State of Maine.

So, I don't think this is necessary legislation and I know that the

Committee doesn't and that is why it was reported unanimously, or at least the nine that were there reported against it and I know if we went back and discussed it for three or four days, we would still come out with the same report and I hope that the Senate will go along with the Unanimous Report of the Committee that this bill Ought Not to Pass and that the motion made by the Senator from Androscoggin will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, to substitute the bill for the report.

A viva voce vote being had, the motion did not prevail.

Thereupon, on motion by Mr. Leavitt of Cumberland, the ought not to pass report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Dennett of York, out of order and under suspension of rules it was

ORDERED, the House concurring that the following resolves be recalled from the legislative files to the Senate:

S. P. 52, L. D. 62, Resolve in Favor of Robert W. Traip Academy.

H. P. 800, Resolve in Favor of Foxcroft Academy for Building.

On further motion by the same Senator the order was sent forthwith to the House.

On motion by Mr. Sleeper of Knox, the Senate voted to take from the table House Reports from the Committee on Sea and Shore Fisheries on bill, "An Act Relating to the Taking of Soft Shelled Clams in Jonesport" (H. P. 62) (L. D. 28) Majority Report Ought to Pass in New Draft under New Title "An Act Relating to the Taking of Soft Shelled Clams in Jonesport and Beals (H. P. 1789) (L. D. 1358); Minority Report Ought to Pass; tabled by that Senator on May 7 pending acceptance of either report.

Mr. SLEEPER: Mr. President and fellow members of the Senate, after the dressing down which I received this morning, I am a little bit reticent about shoving my nose into other Counties business and if I were a timid soul, which I am, I

would make no more attempts to support the contention of the members of the committee who felt that the original bill should not pass and they passed it out in new draft.

I still am a little bit concerned at the way the Senate listened to my efforts this morning to right what I would call an irreparable wrong and I was informed by a gentleman who is exceedingly well versed in figures that after the first fifteen minutes, for every three minutes I talked, I lost a vote. According to that if I had stopped talking when I first started, I would have been pretty well ahead of the game. I could have headed the bill off, and with all warning to you, gentlemen, I will attempt to head it off again, because I still do not think we are interested in passing legislation which would benefit a few instead of many.

This bill is totally different, totally different but it also applies to clams in Washington County, and again in this case, fools rush in where angels fear to tread. In this case, however, I am on the majority report and the seven of us for once are combined against the three members of Washington County. I will admit that this a Washington County measure, but again we are jumping in. This is an act relating to taking of soft shell clams in Jonesport. In effect it says, it follows along the line of all town clam laws and says that unless you are a resident of the town of Jonesport, you cannot dig clams there.

The bill was very bitterly fought and the town of Jonesport was very ably represented by the same able lobbyist who so very ably represented the proponents of the bill to close Washington County and he prevailed, at least upon his Washington County compatriots and all three of them signed the bill "Ought to Pass." This innocent sounding bill is not so innocent as it sounds. A stone's throw across the beach from Jonesport is Beals Island which used to be a part of Jonesport until they were separated over some school squabble a few years ago. The standard of living is not quite as high on Beals Island as in other places and the majority of the

people who do live there depend upon the fishing industry for their living; some are lobster men, some are seiners and a greater part of the able-bodied men of Beals Island do clamming for their living.

There are 103 clam diggers on Beals Island and 96 in Jonesport right across the reach. All the other towns in that section are closed to out of town digging so up until the introducing of this bill, the only place that Beals Island men could dig was either on Beals Island or across in Jonesport. Beals Island has two little minute clam flats to dig on—for these 103 men to dig on, while across the reach at Jonesport are acres and acres to dig on. This really would inflict a hardship on these citizens.

I almost had tears in my eyes when I heard one of the opponents of the measure, a school teacher, say, "If this bill passes, I, a school teacher, will have to look into the eyes of a lot of hungry, ragged little school children because you will actually be taking the bread out of their mouths."

You have already taken \$146 from each year's income by the passage of your bill this morning. You have added a great deal more to the pockets of others but you have taken from the clam digger of Washington County as a whole \$146 a year by telling them they cannot sell their clams for \$3.00 a bushel.

This bill goes further and tells 103 Beals Island boys that they cannot dig at all because there are not any clams on Beals Island except for those two little coves. That is why I am again probably going to get stepped on. I will if the old steam roller starts but I'm still attempting to salvage at least half a living for these poor mudlarks on Beals Island. It is all they have. Where in God's name can they dig if they can't dig in the mainland? They can't dig in the other towns because the other towns are closed. They can't dig for three dollars a bushel because you have told them they couldn't, a wrong which I will attempt to right later.

So we in the committee attempted to do the best we could and we passed this bill out in new draft. We said why can't these two towns separated by a stone's throw, get

together. Let the Beals Island boys dig on Jonesport and let the Jonesport boys dig on Beals Island which I will admit is very poor digging. Those men are all brothers, cousins or brothers-in-law and every cent that is earned in Beals Island is spent in Jonesport. I don't understand the attitude of Jonesport — every cent the Beals Island people get is spent in Jonesport. Their livelihood, their whole life centers in Jonesport and yet Jonesport people through their able lobbyist have said that they don't want them digging on the mainland.

You can't dig on that rock, and you know as well as I do, Senator Brown, that they cannot make a living by digging clams in Beals Island and the passage of this bill in its original form would tell 103 men that they cannot work for a living.

Now I will say something else that is not unkind. Washington County leads the entire state in distress cases. It gets more help, more relief than any other county in the state and undoubtedly when they lose that \$146,400 it will be still more. Why deliberately put 103 more men on the relief rolls? Mr. President, I move you that we adopt the majority report "Ought to Pass in New Draft under a new title 'An Act Relating to the Taking of Soft Shelled Clams in Jonesport and Beals.'"

Mr. CHRISTENSEN of Washington: Mr. President and members of the Senate, I am not going to be so long winded as Senator Sleeper but this new draft has no relation to the Jonesport bill. This is a Beals Island bill and only a bill for the Town of Beals Island. Jonesport had a bill in here to protect the clam flats. What became of that? Have they overstepped their authority and made a new bill for Beals Island and thrown Jonesport out the window? They must have. This is just opposite to what Jonesport asked for.

Jonesport is just asking for the same law that every town on our coast from Kittery to Eastport has. Jonesport is the only one without such a law. They have never had to ask for it. Today, the clam flats are going down in that area. They are going down and they have got to do something about it. They

had to come up here to ask for that same protection that every other town has. Certainly, that has nothing to do with Jonesport, that bill right there.

Beals, as Senator Sleeper said, was a part of Jonesport and they came here in 1921. They wanted to separate from Jonesport. Well, they didn't make it that year. They came in '23 and '25 and they didn't make it. But they were separated from Jonesport. I don't know for what reason but evidently Senator Sleeper knows.

The Beals diggers come over to dig on the Jonesport Flats and they are told, "Why don't you go dig your own flats?" "The heck with you. We are saving ours until yours are gone and then we will dig our own flats," is what they say. That is where the rub arises. All of the representations that the County has on the Sea and Shore Committee, they all voted against it. They should know more about it than the committee member who lives up through the State. They should know more about the conditions in Washington County than those fellows. That is why I am very much opposed to Senator Sleeper's motion.

Mr. BROWN of Washington: Mr. President and members of the Senate, I had not prepared to take much time with this because we had quite a battle this morning but Senator Christensen has told just the story.

Beals asked to be separated from Jonesport some time ago. At the hearing, the Jonesport fellows all said they didn't object to the Beals fellows coming over parts of the year but they did object to their coming over there in the summer. There are about fifty of them that don't do anything else but dig clams and they dig them in the Jonesport flats most of the time in the summer particularly and the Jonesport fellows don't dig much at that time because they have other work.

Now, the Beals Island people are not the poorest fellows in the world. They have got a pretty good island and they make about as good money as any of these fellows on the coast. They are quite prosperous. I know why Jonesport asked for this bill. As we told this morn-

ing, Jonesport set aside a bar there for two years and all of the towns, not only Beals Island, but all of the towns come in and cleaned it out in two weeks and they have always allowed the outside towns, Addison, Jonesboro and all of those towns to come in and dig the clams all of the time but it has got to be so the clams are going.

A lot of those people are young boys, smart young men. They dig twice a day and that is why we are afraid about the situation in the County. They make a lot of money but we don't know how long it is going to last. As I said this morning, Jonesport has never objected to the group from Beals Island or any other town. There was only one bill that went before the legislature and that was the Jonesport bill and seven members of the Committee without any authority from Jonesport grouped Beals Island with Jonesport with the three members of the Sea and Shore Committee from Jonesport opposing it. They ought to know what the location situation is better than the other members outside of the County.

Of course, as Senator Sleeper said, the Jonesport boys are a large bunch of diggers in a small area and haven't as much territory as the others. Why not apply the same situation in Jonesport and try to protect their own flats.

The Sea and Shore Fisheries Committee really exceeded their authority because Beals has no bill before this legislature tying the two towns together and certainly it wasn't argued before the Committee. Jonesport had an argument. The whole story is and the gist of the whole matter is that Jonesport has allowed not only Beals to come in and dig, but all the diggers from other towns have been allowed to come in. We feel that they should have this law and that is the shape of that argument and that is why we ask for this report.

Mr. NOYES of Hancock: Mr. President, I am not a member of the Committee on Sea and Shore Fisheries and I don't belong in Washington County but I was born in Jonesboro and I probably know the situation around Beals Island and Jonesport as well as any man

in the Senate. I think the Senator from Knox, Senator Sleeper, is right. This situation facing us now is a little bit different than any other situation with which I am familiar. In other words, Beals Island is an island. When you close the flats in Jonesport those people on Beals Island haven't anything else to do and they have no place to dig clams. I think the idea of grouping towns together along the coast of Maine is sound because those people living along the coast will have a chance to make a living but that is not true of the people on Beals Island. They have no other place to dig and there isn't anything else they can do to make a living. I hope the motion of the Senator from York, if he has made a motion, will prevail.

Mr. CHRISTENSEN of Washington: Mr. President, this bill here, to my way of thinking, should be void. This bill has never had a public hearing in a committee. That is why I think the bill should be void.

Mr. LARRABEE of Sagadahoc: Mr. President, I don't know anything about Jonesport or Beals Island. I never was there, but I was at the hearing and both towns were well represented and as Senator Sleeper says they put up a good strong argument on this bill for their means of earning a livelihood and the committee thought that these two towns, being so closely associated and Beals Island spending most of their money in Jonesport anyway—and this is their only means of support—the committee felt Jonesport should be protected like all the other towns but they should also include the Town of Beals which is almost the same town and always has been up to a few years ago. And, as I say, from an outsider's point of view and just listening to the hearing on the bill we felt it was just and fair to protect these two towns from the other towns and protect them together.

Mr. SLEEPER of Knox: Mr. President, I would just like to answer one or two questions brought up very aptly by the Senator from Washington County, Sena-

tor Christensen. He said this bill was never given a hearing. It was given a very good hearing. The only people there came from Jonesport and Beals. The Beals Island people are just as interested as the Jonesport people. I don't know why I stick my neck out. If I wanted to be vindictive and pay back these fellows for the trimming I got this morning I might say, "Let the bill go by and let these people starve to death as far as we are concerned." But I am not of that caliber.

I listened to this hearing with great interest and I think the bill ought to be passed in new draft. This has been done with other towns of which I don't know too much about but when two towns are so closely related, and especially in this particular case, it is the only thing to be done. If you tell the people of Beals Island they can't dig clams in Jonesport you are telling them almost that they can't work. That is the only reason I am sticking my nose in it for, because I want to see the right thing done. I am not putting on an act here as the lobbyist for Jonesport did. I am not trying to make you cry but I almost cried myself when that woman from Beals Island said, "There will be hungry faces and ragged children if the people on Beals Island can't dig clams, and they cannot dig clams except in Jonesport." All the other towns around there are closed and they are willing Jonesport should close them to the other towns but why don't they let their cousins and neighbors and close friends on Beals Island dig there? This is just another case where a Yankee is called hard-hearted and I am going to put my neck out again and ask you to vote for the new draft. This is not a new bill, it is a new draft, including those poor souls on Beals Island. I hope that the majority report, not the minority report, is accepted and that An Act Relating to the Taking of Soft Shelled Clams in Beals Island should pass. It means nothing to me personally except that I like to sleep at night and I think I will sleep a little better if I have tried to do what in my opinion is the right thing to do.

Mr. CHRISTENSEN of Washington: Mr. President, did I understand Senator Sleeper rightly that this bill had a public hearing?

The PRESIDENT: The Senator hears the question and may answer if he wishes.

Mr. SLEEPER: I am very glad to answer, Mr. President. At the time we heard the original bill it certainly had a complete hearing and we heard all the angles on the bill and lobbyists on both sides were there and the whole matter was given a very full hearing. The new draft is just a new draft of that bill and I think it should be passed. Of course if you don't want it, alright, but I have done the best I could.

Mr. CHRISTENSEN: Mr. President, I understood it was L. D. 28 that had the hearing and this is not in relation to L. D. 28. Other towns have been grouped together but those towns came here and asked to be grouped but Jonesport hasn't asked to be grouped with Beals. They are opposed to it.

The PRESIDENT: The question before the Senate is on the motion of Senator Sleeper to accept the Majority Report "Ought to Pass in New Draft."

Mr. SLEEPER: Mr. President, I ask for a division.

A division of the Senate was had. Twenty-four having voted in the affirmative and four opposed, the motion prevailed, and the Majority Report "Ought to Pass in New Draft" was accepted in non-concurrence.

Thereupon, under suspension of the rules, the bill was given its two several readings and passed to be engrossed in non-concurrence.

Sent down for concurrence

Mr. Broggi of York was granted unanimous consent to address the Senate.

Mr. BROGGI: Mr. President and members of the Senate, in the 93rd Legislature, the Town of Sanford presented a sewer district bill. It was passed and it is now in operation. In drawing up the original bill, a mistake was made relative to the lien period which read in the original bill for eight months to one year. Most of these district bills read for eight months to two years.

They had this bill several months and it is my own stupidity, I will admit, forgetfulness, that I have not entered it.

I realize it is a late hour to ask consent to introduce a bill but all it covers is having it changed from one year to two years. I have spoken to the Chairman of the Public Utilities Commission and also Senator Barnes and as much as it is just a matter of clarification and I am sure there is no objection at home, I sincerely hope that the Senate will receive this bill at this time.

Thereupon bill, An Act Relating to the Sanford Sewer District was received by unanimous consent and under suspension of the rules without reference to a committee was given its two several readings and passed to be engrossed.

On motion by Mr. Haskell of Cumberland, the Senate voted to take from the table bill, An Act Relating to Trespassing on Commercial or Residential Property (S. P. 411) (L. D. 971) tabled by that Senator on May 14 pending consideration.

Mr. BARNES of Aroostook: Mr. President, may I inquire what action has been taken on this bill?

The PRESIDENT: The bill comes from the House; on May 10 it was indefinitely postponed in non-concurrence. In the Senate on May 4 it had passed to be engrossed. It was laid upon the table in the Senate pending consideration.

Mr. BARNES: Mr. President, this is the famous Slocum bill so-called and I believe we should be able to work it out to the satisfaction of everyone concerned. For the purpose of introducing an amendment to clarify the bill, I move that the Senate recede from its former action whereby the bill was passed to be engrossed.

Thereupon the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

The Senator from Aroostook, Senator Barnes presented Senate Amendment A and moved its adoption.

Senate Amendment A to L. D. 971: "Amend said bill by striking out the underlined word 'within' in the 8th line thereof and inserting

in place thereof the underlined words 'not to exceed' and by striking out in the 8th line the underlined word 'thereof' and inserting in place thereof the underlined words 'from such residents or cottages.'"

Mr. BARNES of Aroostook: Mr. President, this act was passed by the 94th Legislature for the protection of commercial property, particularly commercial parking lots, and for summer and residential property. It is a very simple bill and as originally written, it read as follows:

"Whoever wilfully enters in and upon any land commercially used, including parking lots, or whoever wilfully enters in and upon residential property, including summer residences and cottages and lands adjacent thereto and within one-quarter of a mile thereof, after being forbidden to do so by the owner or occupant thereof, either personally or by notice posted conspicuously on the premises, shall be guilty of trespass and shall be punished," and so forth.

We felt in the Judiciary Committee two years ago that this was a needed piece of legislation and so passed it out. But after its passage, hunters and fishermen throughout the state became greatly alarmed about the bill because people would come in and buy up huge tracts of land and post the same and that, therefore, they would exclude huge tracts of land from the hunters who wanted to hunt in those areas.

After many meetings of the State association and of individual associations around the state, I was approached with the idea of making an amendment to this bill so that hunters could go at least within one-quarter of a mile of cottages and summer residences. Now that bill, when it struck the other body, it seemed to them not to be plain and this amendment simply provides that the quarter of a mile distance should relate to the actual cottages and residences. It was felt in there that perhaps it meant within a quarter of a mile of the outside boundary of the land that anyone owned. I believe with this amendment that the thing is clarified and that it is beneficial and I

know it has been acceded to and agreed to by the fish and game groups and the State Association of Fish and Game Groups and I therefore hope that this amendment will be adopted.

Thereupon, the motion prevailed, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table Senate Report "Ought to Pass" from the Committee on Taxation on bill, "An Act Relating to Use Fuel Tax (S. P. 244) (L. D. 513) tabled by that Senator on May 9 pending acceptance of the report; and on further motion by the same Senator, the ought to pass report was accepted and bill read once.

Senator Ward of Penobscot presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A to L. D. 513:

"Amend said bill by striking out all of the underlined words and punctuation at the end thereof and inserting in place thereof the following underlined words and punctuation, 'except in vehicles which are prohibited by law from operating on the public highway.'"

Which amendment was adopted, and on further motion by the same Senator, the rules were suspended, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Sleeper of Knox, the Senate voted to take from the table Resolve Dividing the State into Executive Councilor Districts (S. P. 367) (L. D. 866) tabled by that Senator on March 22 pending enactment.

Mr. SLEEPER: Mr. President and members of the Senate, I will be very brief. I tabled this bill for a very good and pertinent reason. It was either ten or twenty years ago—I don't know which—that in the sequence of councilors in our district, the 5th councilor district, there are four counties, Knox, Lincoln, Waldo and Hancock. And at that particular time, it so happened

that the last of the five two-year periods, the last period came at a time in which the incumbent councilor was a councilor from Lincoln County and that same gentleman through his legislative group here at Augusta was able at the time the apportionment came to rearrange the sequence of the councilor successors so that Lincoln County ended a ten-year period and then immediately started another one. This is giving Lincoln County's councilor two terms in a row.

It so happens that Knox County is now ending a ten-year period. So, I had hoped that I could pull the same maneuver and in the next ten-year period we could start the councilor district. This is giving our councilor two councilor terms in a row. Much to my surprise, I find that the Lincoln County group whose term is next do not quite see this because strangely enough they all voted for the councilor that we have now.

I don't understand why they wouldn't want him to continue in another term but evidently they want the nomination of their own councilor and although they elected our councilor with a great unanimity of vote, they evidently don't want him to continue. So, I will yield to Lincoln County and that sequence into which they have been forced into by that maneuver twenty years ago and the councilor for '53 and '54 will come from Lincoln County. I yield, Mr. President, and move that this resolve dividing the county into executive councilor districts be enacted minus any amendments that I might like to make.

The motion prevailed and the Resolve received a final passage.

On motion by Mr. Palmer of Lincoln, the Senate voted to take from the table Senate Reports from the Committee on Claims on Resolve in Favor of Joseph T. Sewall of Wiscasset (S. P. 146) Majority Report Ought Not to Pass; Minority Report, Ought to Pass; tabled by that Senator on May 4 pending acceptance of either report.

Mr. PALMER of Lincoln: Mr. President, some additional information regarding this claim has been brought to my attention and also

to the attention of the members of the Claims Committee and they are in agreement, those members who signed the "Ought Not to Pass" report that there is a claim here and they now will go along with the claim. Therefore, Mr. President and members of the Senate, I move that the Senate accept the Minority Report Ought to Pass.

The motion prevailed and on further motion by the same Senator, the rules were suspended, the resolve was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table House Reports from the Committee on Judiciary on bill, An Act Relating to Filing of Liens on Vehicles (H. P. 1420) (L. D. 1028) Report A "Ought to Pass as amended by Committee Amendment A"; Report B "Ought Not to Pass"; tabled by that Senator on May 14 pending motion by Senator Haskell of Cumberland to accept Report A.

The PRESIDENT: The pending question is on the motion of Senator Haskell of Cumberland to accept Report A "Ought to Pass."

The motion prevailed, Report A was accepted and the bill read once; Committee Amendment A was read and adopted in concurrence, and on motion by Mr. Haskell of Cumberland, the rules were suspended, the bill was read a second time and passed to be engrossed in concurrence.

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table bill, An Act Relating to Retirement of Firemen Under Maine State Retirement Law (S. P. 525) (L. D. 1253) tabled by that Senator on May 9th pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Taxation on bill, An Act Relating to Tax on Telephone Companies (H. P. 1447) (L. D. 1065) ta-

bled by that Senator on May 2nd pending acceptance of the Ought Not to Pass report of the committee; and on further motion by the same Senator the report was accepted in concurrence.

On motion by Mr. Reid of Kennebec the Senate voted to take from the table House Report "Ought to Pass" as Amended by Committee Amendment A from the Committee on Highways on bill, An Act Relating to Clearance Markings on Railway and State Highway Overpasses (H. P. 1531) (L. D. 1124) tabled by that Senator on May 14th pending acceptance of the report; and on further motion by the same Senator the committee report was accepted and the bill was read once.

Mr. REID of Kennebec: Mr. President, I wish to offer an amendment and move its adoption. In connection with the amendment I would like to say that I think this is a very good bill. The purpose of it was to make good clearance markings on railroad and state highway overpasses so that vehicles passing would know what the clearance is. However, the bill as now written presents quite a problem. The railway might at the present time make an accurate survey and compute the extended elevation of the clearance, but the highways vary in elevation from time to time depending on the work done on them which, in my opinion, would result in the railroad at a certain time the clearance and at some future time that clearance might be different and they would have no way of knowing it unless they were informed by the authorities and if they weren't so notified you would have a situation with the wrong clearance marking because the clearance had changed and in my opinion that would lead to more accidents rather than less.

Secondly, from a legal standpoint I think the bill as now written sets up a liability without control. The railroad would then be in a position of having made a marking which might have been correct in the first instance but incorrect at a later time after the road had been resurfaced or regraded, and hence without any control of the

resurfacing or regrading they would be liable for falsely representing the clearance.

I think, therefore, the responsibility should be on those who have the right to change the clearance from time to time, and I offer Senate Amendment A to the bill and move its adoption:

Senate Amendment A to L. D. 1124. "Amend said bill by striking out from Section One thereof the word 'highway' when it appears next preceding the words 'overpasses' and 'overpass therein'. Further amend said bill by adding at the end of Section One thereof the following: 'Provided, nevertheless, that such overpass not indicated herein shall be marked by the municipalities in which the same shall be found and in accordance with the standards for marking hereinbefore set forth.' Further amend said bill by striking out Section Two thereof."

Thereupon, House Amendment B to Committee Amendment A was read and adopted in concurrence, Committee Amendment A as amended by House Amendment B thereto was read and adopted in concurrence, House Amendment A to the bill was read and adopted in concurrence, Senate Amendment A was read and adopted and under suspension of the rules the bill as so amended was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Leavitt of Cumberland the Senate voted to take from the table House Report "Ought to Pass in New Draft Under the same Title" (H. P. 1798) (L. D. 1374) from the Committee on Taxation on bill, An Act for the Assessment of a State Tax for the Year 1951 and for the Year 1952 (H. P. 334) (L. D. 201) tabled by that Senator on May 14th pending motion by the Senator from Somerset, Senator Ela, for the adoption of Senate Amendment A.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, I checked this matter over since yesterday and I agree that the cost of this amendment of the Senator from Somerset, Senator Ela, will cost approximately \$58,-

000.00 the second year of the biennium. I believe that other bills and other appropriations which have gone through this Legislature will take care of most of the things which the Senator from Somerset wishes to accomplish.

I believe that we need this income this year and I move that we indefinitely postpone Senate Amendment "A" presented by Senator Ela because of the fact that we do need this income and I believe that we should wait until we have seen the results of the tax measure before we further curtail the amount of money which we are taking in as revenue.

Mr. ELA of Somerset: Mr. President and members of the Senate, I don't think this is a question of whether you save fifty-six or eight thousand dollars for the state or not. I think it is a matter of equity. You are on the one hand saying to the state you will return to the citizens because they need it five and a half million dollars and then you are saying to a small group in similar circumstances in the state, "We won't give you credit for your state tax or a portion of it because we don't have the money. That just doesn't put together.

If the thing is right, it should pass. If it is not right, it shouldn't pass. It is not a matter of \$58,000.00. The whole problem hinges on this fact. Does this Legislature and does this Senate believe that with the passage of the sales tax they should discontinue the imposition of the state tax on communities? The Legislature has said "yes." Now there is a considerable group, in excess, I believe, of 7,000 people, in the State of Maine who live in unorganized territory. Many of them have the same burden load of taxation as the people in the City of Portland, Bangor or Rockland.

They, by this Legislature, have taken upon themselves the burden of maintaining their schools at the average tax rate of the state. They have the burden of carrying on their roads up to two per cent of their valuation and I think it is right, just and equitable that they receive the same just treatment by crediting a portion of their state tax back to services, the same services for which you hand back

similar tax dollars in cities, towns and plantations.

Many of these little places have a considerable amount of population. Their tax rate in many cases goes up over and above the average rate of the cities in the state. In many cases, there will be no state tax passed back because there are no school or road services. But where there are road or school services, I think it proper, right and just that a portion of the state tax should be credited to those communities for that purpose.

For that reason, I hope, sincerely, that the motion of the Senator from Cumberland, Senator Leavitt, to indefinitely postpone the amendment does not prevail.

Mr. LEAVITT: Mr. President, recognizing the fact that the small towns would be, perhaps, embarrassed if the sales tax went through and we discontinued the property tax, L. D. 880 is before us to help out in unorganized territories. If that bill passes, there will be \$200,000.00 going to these towns, of which over \$100,000.00 is increased money which is a good deal more than the amount of money which you are now trying to turn back in this amendment of the Senator from Somerset.

I believe that if this amendment should pass, it would then be the unpleasant task of the Appropriations Committee to try to defeat the Bill 880 which carries \$200,000.00.

Mr. NOYES of Hancock: Mr. President, there is also another bill to which Senator Ela refers, L. D. 881. L. D. 881 is a measure which brings additional revenue into the State of Maine and it is estimated by the Department of Education that unorganized areas coming under this bill would pay approximately one-half of the present cost of education.

It is costing now over \$200,000.00 a year to educate the children in these areas and this bill, 881, which has been passed and signed by the Governor, would tax those areas approximately one-half of that amount, or \$100,000.00 a year, and I don't think that any account can be made of the additional revenue that bill would bring in.

In other words, if Senator Ela's amendment is adopted, we would

lose \$58,000.00 and we have already passed a bill which has increased our revenues by \$100,000.00 and the net gain from these unorganized territories would be the sum left. The net gain would be something over \$40,000.00.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Leavitt, that the amendment be indefinitely postponed.

A viva voce vote being had

The motion did not prevail and Senate Amendment A was not indefinitely postponed.

The PRESIDENT: The question now before the Senate is on the motion by the Senator from Somerset, Senator Ela, for the adoption of Senate Amendment A.

Senate Amendment A was adopted.

Thereupon, under suspension of the rules the bill was given its second reading.

Mr. NOYES of Hancock: Mr. President, I offer Senate Amendment B and move its adoption. This amendment amends the Use Tax Law, Section Four. Under Section Four in the last sentence if a man has to register his automobile he must have a receipt for the sales tax before the Secretary of State can issue the license. The Secretary of State feels that this would be rather a difficult law to enforce which would of necessity cause considerable inconvenience to the people who are registering their automobiles. It would not only require a receipt for a tax that was paid subsequent to July 1st, 1951, but would require a statement from everyone who registered a car, even if that car were four or five years old, showing that that car was bought and no sales tax imposed thereon.

This amendment would strike out that part that says the applicant shall produce such a receipt, and I present Senate Amendment B to the bill and move its adoption:

"Senate Amendment B to H. P. 1798, L. D. 1374. Amend said bill by adding a new section before the emergency clause to read as follows: 'Section 12, R. S., c. 14. Section 4 Amended. The last sentence of Section 4 of Chapter 14 as enacted by Chapter 250 of the Public

Laws of 1951 is hereby amended to read as follows: Whenever any tangible personal property whose sale or use is subject to tax under this chapter is required to be registered for use within this state by any other chapter than this, no registration shall be granted unless the applicant for registration has paid the sales tax or the use tax thereon."

Senate Amendment B was adopted, and the bill in new draft as amended by Senate Amendment A and as further amended by Senate Amendment B was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Judiciary on "Resolve in Favor of George S. Bradbury of West Franklin (H. P. 1483) (L. D. 1090) tabled by that Senator on May 8 pending motion by Senator Noyes of Hancock to substitute the resolve for the report.

Mr. BARNES of Aroostook: Mr. President, the pending question according to my calendar is the motion by Senator Noyes to substitute the resolve for the report. This, I believe was the unanimous report of the Committee on Judiciary which handled a great many of these resolves calling for increased pensions. The reason I tabled it was that I wanted to study the matter a little. The reason for the unanimous report of the committee was that the committee had the actuary, Mr. Perkins, before it and he gave us the price tag on all these resolves calling for increased pensions, and this and several others seemed a little bit high.

Since that time I have talked with the members of the Welfare Committee and I understand from them that they have granted no increases in pensions in excess of \$60 per month. This man receives \$57.30 a month. The increase, if this passes as has been suggested by Senator Noyes, would grant an increase of \$42 and bring the total resolve to \$100. I think in all consistency with the other resolves reported out by the Judiciary Committee and the resolves reported out

by the Welfare Committee, that this resolve should not pass and so very reluctantly, I shall have to oppose the motion of Senator Noyes.

Mr. NOYES: Mr. President and members of the Senate, I recognize the situation which the Judiciary Committee faced; I also recognize the situation regarding the financial standing of the State of Maine. I do not think, however that this bill is important enough to wreck the future financial standing of the state nor to unbalance the budget. I feel that this man who served faithfully in the Inland Fish and Game Department, was injured, disabled and will carry that disability to his grave, should be reimbursed or should be retired on a pension sufficient to maintain him in some degree of decency and respect.

I did not intend to substitute the bill for the report with the idea of making talk in this Senate. I don't know what action the Senate will care to take, but I do not feel any differently about this today than I did a week ago. I hope the Senate will substitute the bill for the report.

A viva voce vote being had, the motion did not prevail.

Thereupon, the "Ought Not to Pass" report was accepted.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table House Report from the Committee on Highways on bill, An Act to Authorize the Construction of a Bridge Across the Penobscot River Between the Cities of Bangor and Brewer (H. P. 1081) (L. D. 684) "Ought to Pass in New Draft and New Title as bill, An Act to Authorize the Construction of a Toll Bridge Across the Penobscot River Between the Cities of Bangor and Brewer (H. P. 1795) (L. D. 1363) tabled by that Senator on May 9 pending acceptance of report.

The PRESIDENT: The pending question is on the acceptance of the report "Ought to Pass in New Draft."

Thereupon the report of the committee was accepted, and the bill read once. House Amendment B was read and adopted in concurrence.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I submit Senate Amendment A and move its adoption. The purpose of this amendment is to rewrite the question in the resolve, to put into that question the figure \$2,500,000. I think it is consistent with what has been a sincere desire to have these questions as clearly quoted as possible; that we should state in the question the amount involved. I move the adoption of Senate Amendment A.

The Secretary read Senate Amendment A to L. D. 1363:

"Amend said bill by striking out the question at the end of the first paragraph of the referendum, and inserting in place thereof the following question: 'Shall a bond issue be ratified in the amount not to exceed \$2,500,000 as set forth in an Act to Authorize the Construction of a Toll Bridge Across the Penobscot River Between the Cities of Bangor and Brewer, passed by the 95th legislature'"

Which amendment was adopted, and on motion by Mr. Haskell of Penobscot, the rules were suspended, the bill was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table bill An Act Relating to Exemptions from Taxation (H. P. 336) (L. D. 194) tabled by that Senator on April 26 pending passage to be engrossed.

Mr. NOYES of Hancock: Mr. President, we debated this bill at some length two weeks ago and the majority of the Senate voted to keep the bill alive, feeling, I believe, that something should be done to change the present law relating to exemptions for veterans. It was my thought at that time to prepare an amendment which would put the exemptions on the state level so that the state would reimburse the towns for the amount of such exemptions.

I find, however, in order to do that, it would require an appropriation of approximately a quarter of a million dollars each year. That is the best estimate of the state tax assessor. That figure follows very closely to the amount of exemp-

tion as it is now given, or the estimate as it is now given by the opponents of the bill when they said that slightly more than one-half of one per cent of the taxable property is now exempt.

If you apply that to the taxable property in the State of Maine at the current rate of taxation, this figure of a quarter of a million dollars isn't too far out of the way. In addition to that, I feel as a great many others feel, that if you put this on the state level, additional veterans will ask for exemptions who might otherwise pay their taxes to their local municipalities.

So, probably if the state should adopt the policy of reimbursing the towns for this exemption, and the current law stays on the books, the cost of a quarter of a million dollars may easily be increased to half a million or a million dollars a year.

If the state had the money, I would certainly sponsor that amendment. I feel, however, in view of the action of this Senate on the recent bill which they just killed that would require some \$400.00 a year to reimburse a disabled game warden, that the chance of getting a quarter of a million dollars for veterans is very dim. So, I have prepared an amendment which I think is a step in the right direction and it gives some relief or promise of relief to our Maine municipalities by limiting the exemption law to World War I veterans and those who served in the armed forces prior to World War I.

This amendment that I have prepared leaves the \$3,500.00 as it is in the present law and the Jay bill requires the same amount of exemption. It changes the word "state" to "resident." It leaves the disabled veterans of all wars in the same category that they are now in.

In other words, the veterans of World War II or of the Korean affair who are totally disabled would be eligible for the exemption. Their widows are eligible to the exemption. The widows of veterans of World War I who reached the age of 62 would be eligible for the exemption and I feel that this is a step in the right direction. If the veterans

of World War II are broad minded enough to recognize the problem that we can't exempt from taxation any substantial percentage of all people and still maintain sound local government and if the veterans of World War II will go along with this amendment, I feel that progress can be made. It will be a relief to the municipalities to know that they have World War I to take care of and that they haven't got the problem of the exemptions for World War II and the Korean affair which would multiply World War I by four or five times.

Now those of you who feel that the original bill should pass probably may vote against this amendment. But I feel that this is probably the only thing that we can get through this Senate. The House, as you know, passed the Jay bill with the exemptions but this Senate, I feel, isn't ready to go that far. I do feel by the discussion that

we had, that every man in this Senate recognizes the problem and would like to do something about it. And feeling that we can't raise the dollars to put this thing on the state level, I feel that this amendment is one solution and I offer it and I move its adoption.

Mr. President, the amendment is rather long and I do not think it would accomplish any good purpose to have it read. If it is in order, I would move that it be printed and laid upon the table until tomorrow morning.

Thereupon, the bill and accompanying papers were laid upon the table pending motion by Senator Noyes to adopt Senate Amendment A; and the amendment was ordered printed.

On motion by Mr. Crosby of Franklin

Adjourned until tomorrow morning at nine o'clock E. S. T.