

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Eighth Legislature*

OF THE

STATE OF MAINE

VOLUME II

1957

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, May 16, 1957

Senate called to Order by the President.

Prayer by Rev. Royce Coan of Milbridge.

On motion by Mr. Dunn of Kennebec, Journal of yesterday read and approved.

**Senate Order**

On motion by Mr. Charles of Cumberland, out of order and under suspension of the rules,

WHEREAS, it appears to the Senate of the 98th Legislature that the following is an important question of law and the occasion a solemn one; and

WHEREAS, there is pending before the Senate of the 98th Legislature a bill entitled, "An Act Relating to the Unfair Sales Act," (S. P. 555) (L. D. 1551) and

WHEREAS, it is important that the Legislature be informed as to the constitutionality of the proposed bill; be it therefore

ORDERED: that in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give the Senate their opinion on the following question:

Would the bill, "An Act Relating to the Unfair Sales Act," (S. P. 555) (L. D. 1551) if enacted by the Legislature be constitutional?

Which was read and passed, and sent forthwith to the Supreme Judicial Court.

On motion by Mr. Low of Knox, Recessed for five minutes.

**After Recess**

The Senate was called to order by the President.

**Papers from the House**

"Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election." (H. P. 66) (L. D. 93)

"Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms." (H. P. 157) (L. D. 204)

"Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council." (S. P. 95) (L. D. 225)

Comes from the House, failed of Final Passage, none having received a two-thirds vote as required by the Constitution.

In the Senate, on motion by Mr. Low of Knox, the Senate voted to insist on its former action in non-concurrence; and on further motion by the same Senator, the three Resolves were sent to the House forthwith.

Bill, "An Act Relating to the Unfair Sales Act." (S. P. 555) (L. D. 1551)

In Senate on May 7, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing 401) in non-concurrence.

In the Senate, on motion by Mr. Charles of Cumberland, tabled pending further consideration.

**House Committee Reports  
Ought Not to Pass**

The Committee on Retirements and Pensions on "Resolve in Favor of Evelyn Bell Rowe of Sanford." (H. P. 484) (L. D. 674) reported that the same Ought not to pass.

The Committee on Transportation on Bill, "An Act Relating to Loads on Vehicles Operated on Public Ways." (H. P. 848) (L. D. 1202) reported that the same Ought not to pass

The Committee on Towns and Counties on Bill, "An Act Authorizing Bond Issue for Cumberland County for Capital Expenditures for Civil Defense." (H. P. 333) (L. D. 418) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

The same Committee on recommended Bill, "An Act to Create a Board of Pilot Commissioners for Penobscot Bay and River." (H. P. 1059) (L. D. 1514) reported that the same Ought not to pass.

Comes from the House, Indefinitely Postponed.

(On motion by Mr. Wyman of Washington, tabled pending consideration of the report.)

The PRESIDENT: The Chair notes in the gallery of the Senate, students from the 8th grade of Kennebunkport Consolidated School accompanied by their principal, Mr. Gagnon. On behalf of the Senate, the Chair welcomes you to our session today. We hope that after the session is over you will come down and visit with us and everyone of us promises to you all the attention that you want so that you may have a fine day. And all of us hope that at least a few of you will have the thought that maybe you too some day would like to participate in civic affairs to the extent of being a member of one or the other, or both, of the legislative bodies. Thank you very much for coming down and visiting with us.

#### Ought to Pass

The Committee on State Government on Bill, "An Act Relating to State Owned Automobiles for Liquor Inspectors." (H. P. 793) (L. D. 1126) reported that the same Ought to pass.

Comes from the House, report accepted; subsequently, the bill was Indefinitely Postponed.

In the Senate, on motion by Mr. Rogers of Aroostook, indefinitely postponed in concurrence.

#### Ought to Pass — N. D.

The Committee on Judiciary on Bill, "An Act Relating to Restricting Certain Trustee Process Until After Judgment." (H. P. 971) (L. D. 1371) reported same in New Draft (H. P. 1065) (L. D. 1523), under Same Title and that it Ought to pass.

Comes from the House, report accepted; subsequently bill in New Draft Indefinitely Postponed.

In the Senate, on motion by Mr. Lessard of Androscoggin, tabled pending consideration of the report.

#### Ought to Pass—as amended

The Committee on Legal Affairs on Bill, "An Act to Grant a Coun-

cil-Manager Charter to the City of Augusta." (H. P. 425) (L. D. 632) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 268)

Comes from the House, report accepted and bill passed to be engrossed as amended by Committee Amendment A, and as amended by House Amendment A (Filing 335)

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

#### Majority — ONTP

#### Minority — OTP

The Majority of the Committee on Education on Bill, "An Act Creating a Salary Grant for Teachers." (H. P. 964) (L. D. 1436) reported that the same Ought not to pass.

(Signed)

Senators:

CURTIS of Cumberland  
DOW of Lincoln  
LOW of Knox

Representatives:

FULLER of So. Portland  
MANN of Paris  
MATHIESON of Montville  
CARTER of Newport  
CORMIER of Rumford  
LACASCE of Fryeburg

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

(Signed)

Representative:

MAYNARD of Portland

Comes from the House, Majority Report (ONTP) accepted.

In the Senate, on motion by Mr. Dow of Lincoln, the ought not to pass, majority report was accepted in concurrence.

#### Majority — ONTP

#### Minority — OTP

The Majority of the Committee on Highways on Bill, "An Act Relating to Services of State Police on Maine Turnpike." (H. P. 106) (L. D.

144) reported that the same Ought not to pass.

(Signed)

Senators:

PARKER of Piscataquis  
COLE of Waldo

Representatives:

CARTER of Etna  
TURNER of Auburn  
NADEAU of Biddeford  
GRAVES of Mt. Desert  
ELWELL of Brooks

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

(Signed)

Representatives:

DENBOW of Lubec  
HIGGINS of Scarborough

Comes from the House. Minority Report Accepted and bill Passed to be Engrossed.

In the Senate:

Mr. PARKER of Piscataquis: Mr. President, I move that the Senate accept the ought not to pass, majority report in non-concurrence.

Mr. CHARLES of Cumberland: Mr. President, I ask for a division.

Mr. FERGUSON of Oxford: Mr. President, on this report, I see that my name was omitted from the ought not to pass, along with Senators Parker and Cole, and I support the ought not to pass motion.

The PRESIDENT: The Chair would note that the name of Senator Ferguson is on the bill itself.

The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the Senate accept the Majority Report, Ought not to pass, in non-concurrence; and the Senator from Cumberland, Senator Charles, has asked for a division.

A division of the Senate was had.

Seventeen having voted in the affirmative and eleven opposed, the motion prevailed, the Ought not to pass report was accepted in non-concurrence.

Sent down for concurrence.

#### Majority Report — ONTP Minority — OTP

The Majority of the Committee on Highways on Bill, "An Act Relating to Compensation for Clothes for

State Police Assigned to Bureau of Criminal Investigation." (H. P. 411) (L. D. 588) reported that the same Ought not to pass.

(Signed)

Senators:

PARKER of Piscataquis  
COLE of Waldo

Representatives:

NADEAU of Biddeford  
TURNER of Auburn  
CARTER of Etna  
GRAVES of Mt. Desert  
HIGGINS of Scarborough  
ELWELL of Brooks

The Minority of the same Committee on the same subject matter, reported Ought to pass.

(Signed)

Representative

DENBOW of Lubec

Comes from the House Indefinitely Postponed.

In the Senate, on motion by Mr. Parker of Piscataquis the bill was indefinitely postponed in concurrence.

#### Majority — ONTP

#### Minority — OTP

The Majority of the Committee on Taxation on Bill, "An Act to Provide Additional Revenue by Severance Taxes on Severer of Timber or Producer of Timber Products." (H. P. 975) (L. D. 1377) reported that the same Ought not to pass.

(Signed)

Senators:

LOW of Knox  
WYMAN of Washington

Representatives:

HANSON of Gardiner  
BROWN of Ellsworth  
WALSH of Brunswick  
BESSE of Clinton

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

(Signed)

Senator

BOUCHER of Androscoggin

Representatives:

CYR of Augusta  
ROLLINS of Belfast  
FARMER of Wiscasset

Comes from the House, Indefinitely Postponed.

In the Senate:

Mr. LOW of Knox: Mr. President, I move that L. D. 1377 be indefinitely postponed in concurrence.

Thereupon, on motion by Mr. Boucher of Androscoggin, the bill and reports were laid upon the table pending motion by Senator Low to indefinitely postpone.

#### Communication

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
OFFICE OF THE CLERK  
AUGUSTA

May 15, 1957

Honorable Chester T. Winslow  
Secretary of the Senate  
98th Legislature

Sir:

The Speaker of the House today appointed the following Conferees on the part of the House on the disagreeing actions of the Two Branches of the Legislature on: Bill, "An Act Relating to Injury to Monuments and Places of Burial." (H. P. 920) (L. D. 1310)

Representatives:

QUINN of Bangor  
FRAZIER of Lee  
SHAW of Bingham

Bill "An Act relating to Hours of Selling Liquor." (H. P. 429) (L. D. 605)

Representatives:

CHRISTIE of Presque Isle  
CROCKETT of Freeport  
HENDRICKS of Portland

Respectfully,

(Signed) HARVEY R. PEASE  
Clerk of the House

Which read and ordered placed on file.

#### Communication

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
OFFICE OF THE CLERK  
AUGUSTA

May 15, 1957

Honorable Chester T. Winslow  
Secretary of the Senate  
98th Legislature

Sir:

The House today voted to adhere to its former action on

Bill "An Act Regulating Size of Mesh Used in Otter Trawls in

Waters of Hancock County." (H. P. 515) (L. D. 725) which the House had indefinitely postponed both reports and the Bill, and the Senate had passed the Bill to be engrossed.

Very truly yours,

(Signed) HARVEY R. PEASE  
Clerk of the House

Which was read and ordered placed on file.

#### Senate Committee Reports Ought Not to Pass

Mr. Lessard from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salary of Reporter of Decisions." (S. P. 381) (L. D. 1077) reported that the same Ought not to pass

Mr. Sinclair of Somerset from the same Committee on Bill "An Act Relating to Salary of Full Time Local Health Officers." (S. P. 394) (L. D. 1090) reported that the same Ought not to pass

The same Senator from the same Committee on "Resolve Providing for a Vocational Technical Institute in Eastern Maine," (S. P. 463) (L. D. 1344) reported that the same Ought not to pass

(On motion by Mr. Parker of Piscataquis, tabled pending consideration of the report.)

Mr. Silsby from the Committee on Judiciary on Bill, "An Act Relating to Powers and Duties of the Parole Board." (S. P. 200) (L. D. 545) reported that the same Ought not to pass as Covered by Other Legislation.

The same Senator from the same Committee on Bill, "An Act Establishing a Juvenile Probation System." (S. P. 271) (L. D. 696) reported that the same Ought not to pass as Covered by Other Legislation."

Which reports were severally read and accepted.

Sent down for concurrence.

#### Leave to Withdraw

Mr. Curtis from the Committee on Labor on Bill, "An Act Relating to Minimum Wages." (S. P. 131) (L. D. 341) reported that the same be granted Leave to Withdraw as Covered by Other Legislation.

Which report was read and accepted.

Sent down for concurrence.

#### Ought to Pass

Mr. Davis from the Committee on Appropriations and Financial Affairs on bill, "An Act Relating to Geological Survey Publications." (S. P. 232) (L. D. 633) reported that the same Ought to pass.

Which report was read and accepted and the bill read once.

Mr. LOW of Knox: Mr. President, I move on this bill and all other bills and resolves to come before the Senate for the rest of the session that unless there be objection from any Senator, that the bills and resolves be given their second reading automatically, under suspension of the rules. This will expedite the work of the Senate and make it easier for the clerical staff to keep up to date.

There being no objection, the bill was read a second time and passed to be engrossed.

Sent down for concurrence.

Mr. Sinclair from the same Committee on bill, "An Act Relating to Investment of Certain State Funds." (S. P. 509) (L. D. 1450) reported that the same Ought to pass.

Which report was read and accepted and under suspension of the rules, was read a second time and passed to be engrossed.

Sent down for concurrence.

Mr. Davis from the Committee on Retirements and Pensions pursuant to Joint Order (S. P. 577) reported: "Resolve Amending the Resolve in Favor of George E. Bagnall of Houlton." (S. P. 582) L. D. 1582) and that the same Ought to pass.

Which report was read and accepted and under suspension of the rules was read a second time and passed to be engrossed.

Sent down for concurrence.

Mr. Rogerson from the Committee on State Government Pursuant to Joint Order (S. P. 576) reported: Bill, "An Act Permitting Governor and Council to Purchase Real Estate Adjacent to State House." (S.

P. 585) (L. D. 1584) and that the same Ought to pass.

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

#### Ought to Pass—as amended

Mr. Sinclair from the Committee on Appropriations and Financial Affairs on Bill, "An Act Reestablishing the State Museum." (S. P. 144) (L. D. 342) reported that the same Ought to pass as Amended by Committee Amendment A

Mr. Lessard from the same Committee on Bill, "An Act Increasing Compensation of Clerks of the Law Court." (S. P. 290) (L. D. 789) reported that the same Ought to pass as Amended by Committee Amendment A

(On motion by Mr. Lessard of Androscoggin, tabled pending consideration of the report.)

The same Senator from the same Committee on Bill, "An Act Relating to Citizens Committee on Survey of State Government." (S. P. 321) (L. D. 817) reported that the same Ought to pass as Amended by Committee Amendment A

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

Mr. Silsby from the Committee on Judiciary on recommitment Bill, "An Act Creating a State Administered Probation and Parole Law." (S. P. 552) (L. D. 1542) reported that the same Ought to pass as Amended by Committee Amendment A

Which report was read and accepted and the bill read once; Committee Amendment A was read and adopted and, on motion by Mr. Silsby of Hancock, the rules were suspended, the bill read a second time and passed to be engrossed.

Sent down for concurrence.

#### Majority — OTP Minority — ONTP

The Majority of the Committee on Labor, in accordance with Joint Order (S. P. 567) reported Bill, "An Act Relating to Minimum

Wages." (S. P. 563) (L. D. 1569) and that the same Ought to pass

(Signed)

Senators:

CURTIS of Cumberland

ST. PIERRE

of Androscoggin

Representatives:

ROSS of Bath

EMMONS of Kennebunk

HANSCOMB

of So. Portland

KARKOS of Lisbon

LETOURNEAU of Sanford

SMITH of Portland

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

(Signed)

Senator

HILLMAN of Penobscot

Representative

WINCHENPAW

of Friendship

On motion by Mr. Hillman of Penobscot, tabled pending consideration of the reports.

### Second Readers

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

#### House

Bill, "An Act Relating to Negligently Operating a Motor Vehicle so as to Cause Death." (H. P. 1078) (L. D. 1548)

(On motion by Mr. Butler of Franklin, tabled pending passage to be engrossed.)

"Resolve in Favor of Hermon Rogers of Topsham." (H. P. 594) (L. D. 843)

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

#### House—as amended

Bill, "An Act Relating to Application and Qualification for Real Estate Brokers' Licenses." (H. P. 740) (L. D. 1054)

Bill, "An Act Relating to Trial Terms of Superior Court in Aroostook County." (H. P. 970) (L. D. 1370)

Bill, "An Act Relating to Sales Financing of Motor Vehicles." (H. P. 993) (L. D. 1421)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be engrossed.)

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

Sent down for concurrence.

#### Senate

Bill, "An Act Relating to the Distribution and Sale of Publications Depicting Crime and Torture." (S. P. 579) (L. D. 1580)

"Resolve Authorizing Jim Adams, Inc. to Sue the State of Maine." (S. P. 578) (L. D. 1579)

(On motion by Mr. Parker of Piscataquis, tabled pending passage to be engrossed.)

"Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Industrial Purposes." (S. P. 580) (L. D. 1581)

(On motion by Mr. Low of Knox, tabled pending passage to be engrossed.)

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

Sent down for concurrence.

#### Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following bills and resolve:

Bill, "An Act to Increase the Salaries of the Judge and Recorder of the South Portland Municipal Court." (H. P. 150) (L. D. 188)

Bill, "An Act Relating to Retirement of Employee Option Under Maine State Retirement System." (H. P. 617) (L. D. 864)

Bill, "An Act Relating to Payment of Fees of Auburn Municipal Court." (H. P. 574) (L. D. 884)

Bill, "An Act Relating to Payment of Expenses of Auburn Municipal Court." (H. P. 575) (L. D. 885)

Bill, "An Act Relating to the Operation of Bicycles." (H. P. 1062) (L. D. 1517)

"Resolve, to Reimburse Town of Caribou for Aid to Alphee Ouellette." (H. P. 681) (L. D. 970)

(On motion by Mr. Sinclair of Somerset, tabled pending final passage.)

Bill, "An Act Relating to Authority of Public Utilities Commission



over Construction of Water Supply Systems." (S. P. 285) (L. D. 744)

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

Bill, "An Act Exempting Bunkering Oil from Sales Tax." (S. P. 358) (L. D. 964)

(On motion by Mr. Sinclair of Somerset, tabled pending enactment.)

Bill, "An Act Directing Review of Settlement Laws." (S. P. 505) (L. D. 1418)

(On motion by Mr. Sinclair of Somerset, tabled pending enactment.)

Bill, "An Act Relative to Salaries and Clerk Hire of Municipal Courts." (S. P. 547) (L. D. 1537)

Bill, "An Act Authorizing Governor and Council to Sell or Lease Certain State Property." (S. P. 560) (L. D. 1561)

Bill, "An Act Revising the Maine Mining Law." (S. P. 561) (L. D. 1563)

Which bills were Passed to be Enacted and the Resolve Finally Passed.

### **Emergency**

Bill, "An Act Amending the Rules of Descent." (S. P. 551) (L. D. 1540)

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

### **Orders of the Day**

Mr. Reed of Aroostook presented the following order and moved its passage:

ORDERED, the House concurring, that the legislative research committee be and hereby is directed to make a study of legislative procedures, practices and rules or any other phase of legislative activity that may accomplish efficiency and expediency of the legislative affairs of Maine.

Which Order received a passage.  
Sent down for concurrence.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table Senate Reports from the Committee on Constitutional Amendments. Majority report, ought not to pass; Minority report, ought

to pass with Committee Amendment A, on "Resolve Proposing an Amendment to the Constitution Providing for Limited Even Year Budget Sessions of the Legislature." (S. P. 427) (L. D. 1210) tabled by that Senator on May 9 pending motion by Senator Briggs of Aroostook for acceptance of the minority report, Ought to pass as amended.

Mr. Curtis of Cumberland asked for a division on the pending question.

A division of the Senate was had.

Fifteen having voted in the affirmative and fourteen opposed, the motion prevailed, the minority ought to pass as amended report was accepted the resolve was read once; Committee Amendment A was read and adopted and the resolve was tomorrow assigned for second reading.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House report from the Committee on Inland Fisheries and Game: Majority report ought to pass; Minority report ought not to pass on "Resolve Regulating Fishing in Rangeley River, Franklin County." (H. P. 112) (L. D. 150) tabled by that Senator on March 20 pending motion by Senator Briggs of Aroostook to accept the minority report; and Senator Boucher yielded to the Senator from Franklin, Senator Butler.

Mr. BUTLER of Franklin: This is one of those bits of legislation which we are encountering consistently, where we have, as we do have, the desires of the people involved and as a result of the hearing, the Committee came out with a minority report ought not to pass report. This bill is relative, as you can see, to fishing in Rangeley River and you can see further, as the Senator from Franklin County, I am interested in the welfare of our people up there and if this minority report is accepted, then the fishing on Rangeley River will not be permitted. It is argued that if we are to have conservation, then we should treat all of the streams the same but I do feel that fundamentally this section of the state, the Rangeley sections are greatly concerned. They have their business there

which are chiefly sporting businesses and as such they have been greatly perturbed and are greatly desirous that the report of the committee, the majority report, be accepted.

I am not unmindful of the fact that here we have very lenient and have been abiding in the past by the minority ought to pass report of the committee and the minority report requests again that the Senate adhere to their recommendations instead of the recommendations of the majority.

Now at the particular time they are saying that the fishing is not allowed in the section because it is on account of the spawning beds but we are now putting in, as I understand, a fishway and under the regulations it is impossible to fish within 150 feet of such fishway and I trust in this instance—I don't expect it, but I trust—that the majority report of the committee, ought to pass, will be accepted.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate, this bill, if it passes and becomes a law, will permit fishing on this particular river from the 15th day of September to the first day of October during the spawning season of salmon and trout. This is definitely a spawning river. Trout and salmon both go there to spawn and I think it would be a great injustice if we permit the anglers in that section to fish at that particular time of the year.

If you can visualize it just for a moment. They go up there and catch a couple of fish and if they stopped at that it would be perfectly all right but you take twenty or thirty boats up there, men casting and playing salmon for hours and hours when the fish are trying to spawn and it is definitely against all laws of conservation.

I certainly hope that the minority report of the Committee will be accepted.

Mr. FERGUSON of Oxford: Mr. President, being in the neighboring county to Franklin, I feel quite strongly for this bill myself. I know it is the wish of the people in that particular area that this bill become a law and let them fish for salmon, one a day, from the 15th of September to the 30th. I discussed

this problem with quite a number of people in that area and they claim there is not much spawning going on in that particular river. It is not like many other rivers around that have a good many spawning beds. I certainly hope that the Senate will accept the majority ought to pass report of the committee.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, I would like to remind the members again that this is one of the several bills which we consider all contain the same request. We have refused the others all on proper grounds I feel and I would like to enlarge just a little bit on some of the reasons for our action.

In the previous year, we have had a very difficult situation in Maine in that we have had a tremendous number of special rules and regulations applying to our fishing laws. As a matter of fact they have been so great that the national sporting magazines have included a little caption under their annual listing of the various state regulations. Under Maine it says, "Warning. Be sure to get the advice of local persons and the warden in the area before you fish." In other words it is almost impossible to fish without violating the law.

As a matter of fact, we found ourselves confronted two years ago with some 700 special regulations on the statute books and many of these regulations have not been placed there for the benefit of fish conservation but more particularly to suit some little area in Aroostook or Franklin or some other county. So as a consequence of that we arrived at a group of about 700 regulations. Now in just that one session's effort we were able to reduce these special regulations by about fifty per cent and we thought this was a very progressive step. Those 300 odd special ones remaining in the group are very simple classifications and there are logical reasons for most of those remaining. There are such things as fly fishing limits on shallow ponds, no fly fish being allowed, to use as bait in reclaimed ponds and where there are just trout available.

Now by comparison with Maine's regulations I thought you would all

appreciate an exhibit of the New Brunswick fishing regulations. They are contained on a card, a simple folding card which can easily be carried about in the inside vest pocket. You might be interested to know that Quebec has a very simplified booklet of fishing regulations and that is what we are working toward, trying to attain the aim that folks can fish here without all the crippling little regulations which are of no particular benefit. The idea of fishing for the spawning run of fish can be shown to be scientifically unsound. There had to be a cut off date somewhere and it was presumed by the persons making the studies and those of us reporting in the minority report that a cut off date state wide of September 15 was a satisfactory one. There has been a recent study resulting from some of the spawning migrations which a few of your folks may have seen in some of the local newspapers and I would like to take advantage of this opportunity to give you the information received from one of the studies.

"Included among recent life and stream investigations conducted by the Department of Inland Fish and Game is a report on brook trout and salmon migrations in the Moosehead Lake area. Findings indicate that the peak of last fall spawning runs of eastern brook trout are from September 2 to October 14. Runs during the two preceeding seasons of 54 and 55 also took place between September 1 and the end of October comprising 84% to 92% of the total runs of trout. A trap/in the Brassua Dam fishway was installed in Sept. 1954 with the aid of the Central Maine Power Company and Mr. Lee Fox who operates the dam. The trap was in operation for two years to trap both upstream and downstream migrant trout and salmon. The dam is a concrete structure at the outlet of Brassua Lake. A new trap was constructed in June of last year. This trap was operated from June 27 to November 30.

"The time of migration. The purpose of the study was to determine the time and extent of all migrations of eastern brook trout and land locked salmon, traveling from Moosehead Lake up Moose River

and through Brassua Pond fishway on their way to tributaries in Brassua Lake where they spawn. Information supplements research findings compiled in other areas of the state. Brook trout and salmon were counted and the length and sex were determined. Daily minimum and maximum water temperatures were reported. In every case the peak of runs occurred when water temperature was between fifty and sixty degrees Fahrenheit.

Previous to and including 1954, the fishing season extended to September 30 on Moose River below the Brassua Dam fishway. Large numbers of trout and salmon were known to be taken during the last fifteen days of September that season. In 1955 and 56, the fishing season closed on September 15, the general closing date for fishing in the rivers of Maine. The threefold increase in the brook trout run of 1956, 351 fish as compared with 107 in 1954 and 109 in 1955 is believed at least partly due to the earlier closing date of the past two years."

We feel that this study is related at least partly to this similar circumstance which we are studying today and we still do not believe, those of us who signed the minority report, that there is any sound, scientific or regulatory reason for allowing those waters to be open to fishing for the spawning run of trout and salmon.

I hope that you will accept the minority ought not to pass report and when the vote is taken, Mr. President, I request a division.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, far be it from the people of Rangeley to try to affect the sex life of these fish. But we made a study up there of over forty years and I think over that span we have been able to preserve the children and the grandchildren and the rest of the lineage. The other day it was my good fortune to eat one of those delectable fish and it was seven years old. Now up here we have been working for years in Rangeley studying the spawning methods and the time in that locality and that locality has had many rules and regulations, which from a statewide situation, if you

want to make everything uniform, is contra to that uniformity but the system has worked pretty well. And all we are asking now is to let this system which has been in operation, which this particular bit of legislation would reinstate, let us continue that as we have been doing, so that we can perpetuate good fishing in the area and not take as our guide something that may be done upon Moosehead because we in this area feel that we know the spawning methods and the time of spawning and we would be the last to change it. I trust that the motion of the Senator from Aroostook, Senator Briggs will not prevail.

Mr. CARPENTER: Mr. President, I would like to remind the Senate that if this law becomes effective, it will be a special law on a special river in a special county. The law has not been effective the last two years and there is no reason why they should want it now.

Mr. BUTLER of Franklin: Mr. President, I trust you will note that it has not been effective for the last two years. Two years ago this bit of legislation was established and now we are attempting to reinstate the situation as it existed in conformity with the cycles and future study of that locality, which people in that locality deem advisable for them.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Briggs, that the Senate accept the minority ought not to pass report.

A division of the Senate was had.

Seventeen having voted in the affirmative and twelve opposed, the motion prevailed.

Thereupon, on motion by Mr. Carpenter of Somerset, the bill was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Bailey of Sagadahoc, the Senate voted to take from the table bill, "An Act Relating to Sales of Milk on the Producer's Premises." (H. P. 305) (L. D. 422) tabled by that Senator on May 15 pending passage to be engrossed; and that Senator moved the pending question.

The motion prevailed and the bill was passed to be engrossed in concurrence.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table House Reports from the Committee on Judiciary: Report A, ought to pass; Report B, ought not to pass on bill, "An Act Relating to the Appointment of Clerks of the Judicial Courts by the Chief Justice of the Supreme Judicial Court." (H. P. 322) (L. D. 439) tabled by that Senator on April 3 pending consideration of the reports; and on further motion by the same Senator Report A, ought to pass, was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Curtis of Cumberland, the Senate voted to take from the table bill, "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 1089) (L. D. 1573) tabled by that Senator on May 14 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

Mr. CURTIS of Cumberland: Mr. President, this is an amendment to clarify the figures and to put them in more logical order. We rounded off some of the figures and have changed some of the amounts but it is perfectly acceptable to everyone concerned and we think it will be a much more efficient and workable bill.

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

Sent down for concurrence.

Mr. Butler of Franklin was granted unanimous consent to address the Senate.

Mr. BUTLER of Franklin: Mr. President and members of the Senate with regard to the item which we just acted upon relative to appointment of justices, I felt that some explanation was in order as to why I signed the report and then did not rise to object to the action. By doing this we are simply saying, as it is perfectly proper and within the discretion of the legislature, that clerks from here on instead of being elected by proper election will be appointed by the courts. Whether we ultimately wish to do

this or not remains to be seen, but I did feel that I should go on record as to my stand on the ought not to pass report, but I am not opposing the action now.

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

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I want to tell you that I have discharged the duties with which I was charged by the President of the Senate in seeing how the Honorable Chester Winslow, our Secretary of the Senate, is coming along at the hospital. I saw him and conveyed the wishes of the Senate for a prompt recovery and delivered the flowers as I was charged.

The PRESIDENT: On behalf of the Senate, the Chair thanks the Senator from Androscoggin, Senator Boucher.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table Joint Order Relative to directing legislative research committee to study voting for civilians on Federally owned property in Maine (S. P. 520) tabled by that Senator on April 9 pending passage; and on motion by Mr. Low, the Joint Order was laid upon the table pending motion by Mr. Butler that the Order receive a passage.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table Senate Report from the Committee on Judiciary, ought not to pass on bill, "An Act Authorizing Interlocal Cooperation." (S. P. 359) (L. D. 931) tabled by that Senator on March 28 pending consideration of the report; and on further motion by the same Senator the ought not to pass report of the committee was accepted.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table House Reports from the Committee on Natural Resources: Majority, ought not to pass; Minority, ought to pass on bill, "An Act Providing for Clean Waters in Maine." ((H. P. 719) ((L. D. 1023) tabled by that Senator on May 8 pending consideration of the reports; and on further motion by the same

Senator, the bill and reports were indefinitely postponed in concurrence.

On motion by Mr. Cole of Oxford, the Senate voted to take from the table House Reports from the Committee on Highways: Majority report, ought to pass; Minority report, ought not to pass on "Resolve Authorizing Study of Proposed Road from Millinocket to Grindstone." (H. P. 768) L. D. 1101) tabled by that Senator on May 13 pending consideration of the reports; and that Senator yielded to the Senator from Piscataquis, Senator Parker.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, this resolve authorizes a study of a proposed road running from Millinocket to the Town of Grindstone. It is a study of a route that was proposed by a Development Association, a group of public spirited people from Penobscot and Piscataquis Counties who have as their purpose, the promotion of industrial and economic development of the central part of the State of Maine.

It was their belief that by a study of this route, it might be possible to eliminate something like fourteen miles—I haven't the exact figures,—of travel that practically paralleled each other in order to use the road from Millinocket to Grindstone.

Now, why it necessary to use that road? It was the belief of this group and born out by civil defense authority from that area that if the time should come when it would be necessary to get our people in or out of Aroostook County fast, for civil defense purposes, this road might be the life line that would enable that to be accomplished. We all know what we have in the way of installations at Presque Isle and Loring Air Base. We know what the proposed procedure is from some of our highly industrial states to get people in here fast in case of an attack. It was the belief of this civil defense speaker that this would be of tremendous value in a case of that sort.

It impressed the committee to the point where the majority favored a study of this proposed short cut, something like six or eight miles to eliminate fourteen or fifteen miles

of parallel traveling as it is now down to Medway and back again. They thought it might be well worth the use of engineers from the Highway Department—and incidentally, this calls for no appropriation—for the purpose of ascertaining whether or not this is feasible. That is what the bill calls for, a study. For that reason I was one of those who voted for the study. I believe it is worth while. I hope and I move that we accept the majority ought to pass report of the committee.

Mr. COLE of Waldo: Mr. President and members of the Senate, I think in order to be consistent with my thinking this session I should at least advise the Senate as to the minority members who signed this report. It is true that there was nothing set up in the bill, but it will cost ten thousand dollars to make the survey and the proponents of the measure did not impress me that this was very urgent. Therefore I do not think the survey is at all urgent and that is my only objection to the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the Senate accept the Majority Ought to pass report of the committee.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had.

Eight having voted in the affirmative and nine opposed, the motion did not prevail.

Thereupon, on motion by Mr. Cole of Waldo, the Minority Ought not to pass report was accepted in non-concurrence.

Sent down for concurrence.

The PRESIDENT: Prior to the motion relating to recess, the Chair would like to note his pleasure in having the company up here of John Carter. Please take my word that this Senate has had few if any more able and conscientious Senators than the former Senator from Oxford, Senator John Carter. He is a good friend of mine, and I have never seen the time when I thought that John Carter was doing anything in this Senate other than voting his own honest convictions and I think the Senate can well be proud of

him. I will ask John Carter to stand up a moment. (Applause)

On motion by Mr. Silsby of Hancock,

Recessed to two o'clock this afternoon.

### Afternoon Session

Called to order by the President.

Mr. Low of Knox was granted unanimous consent to address the Senate.

Mr. LOW: Mr. President and members of the Senate: As of this morning there were 89 tabled matters besides those which are on the special table. I know that quite a few of those are in groups, like labor bills, which will probably all come off about the same time, and there are ten or twelve Research Committee orders, so let us say we have about sixty-nine items. We have been boasting right along that we could clean these all up in about one day and adjourn, but when we get started sometimes I have heard at least an hour of debate on some of these insignificant-looking little gems, and I am wondering whether we could clean them all up in one day.

In looking over this list it looks to me as if there are things that can be taken off the table and be treated with just as well now as later. In view of the fact we may still be able to adjourn next week, I wonder if some of the Senators would not be willing to take their tabled matters off of the table and get them started one way.

On motion by Mr. Low of Knox, the Senate then recessed for five minutes.

### RECESS

Called to order by the President.

On motion by Mr. Low of Knox, the Senate voted to take from the table the 29th tabled and unassigned matter, (S. P. 467) (L. D. 1347) Bill, "An Act Prohibiting State Employees from Participating in State Politics," which was tabled on April 26th by that Senator pending consideration of House Amendment "A".

Mr. LOW of Knox: Mr. President, I think this bill is unnecessary and

I move the indefinite postponement of the bill and accompanying papers.

Mr. FARLEY of York: Mr. President and members of the Senate: I realize that one has got to have a lot of guts and a lot of courage to stand up here in this body and oppose the floor leader of the majority party. Possibly I could do a far better job on the street with this bill than I possibly could do in the Senate because you don't have to be a three-coat politician, you have to be a hard nut to go through the political game. I assure you, gentlemen, that the bill had some merit and somebody took some of the merit out of it. It now is down to something that if you hung it on the wall with two gallons of mucilage it still would fall off.

There seems to be here in the State or in this building some groups who do not seem to go along with certain lines relative to some of these bills. One of the most important bills presented by me has been defeated, a bill that would have placed the lobbyists of the State of Maine in a far better light than they are. I do not mean to say that they are men below the cut, but a great many people get the wrong impression.

While I am standing here I want to make one more statement. I was quoted in the newspaper with reference to the bill that I termed a gentleman a sneak. Let me say to you members of the Senate: that did not occur this year; it occurred two years ago, and I didn't go behind his back, he knew who I was and I met him face to face. Having gone down with Senator Dow as a pallbearer to his dog bill, I now agree with the motion of the majority floorleader.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Low, that the bill be indefinitely postponed, and the Senator from York, Senator Farley has asked for a division.

Mr. FARLEY of York: Mr. President, I did not ask for a division; I want the animal to rest quietly.

The PRESIDENT: The Chair asks for a division.

As many as are in favor of the motion of the Senator from Knox,

Senator Low, that the bill be indefinitely postponed will rise and stand until counted.

A division was had.

Eighteen having voted in the affirmative and seven in the negative, the motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Low of Knox, the Senate voted to take from the table the 47th tabled and unassigned matter, (H. P. 981) (L. D. 1405) House Reports: Majority, "Ought not to pass;" Minority "Ought to pass"; from the Committee on Taxation on Bill, "An Act Relating to Payments by Casualty Insurance Companies for Expenses of Administration of Fire Prevention Laws," which was tabled on May 7th by that Senator pending consideration of reports.

Mr. Low of Knox: Mr. President, one of the chief troubles with this bill is that no one can define accurately a casualty company, and the tax assessor tells us that if the bill were passed he would not know what to do or who to tax. As far as revenue is concerned, I do not think we need it at the present time, and therefore I move indefinite postponement of the bill.

The PRESIDENT: The Senator from Knox, Senator Low, moves that the bill be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed and the bill was indefinitely postponed in non-concurrence and sent down for concurrence.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table the 39th tabled and unassigned matter (S. P. 419) (L. D. 1178) Senate Report "Ought to pass with Committee Amendment A" from the Committee on Labor on Bill, "An Act to Clarify the Employment Security Law," which was tabled on April 30th by that Senator pending consideration of report.

On further motion by the same Senator, the "Ought to pass with Committee Amendment A" report of the committee was accepted and the bill was given its first reading.

Committee Amendment "A" was read by the secretary and adopted, and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by Committee Amendment "A".

Sent down for concurrence.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 31st tabled and unassigned matter, (H. P. 108) (L. D. 146) House Reports: Majority "Ought not to pass" Minority "Ought to pass in new draft under new title: "An Act Repealing the Bounty on Bobcat" (H. P. 1064) (L. D. 1522); from the Committee on Inland Fisheries and Game on Re-committed Bill, "An Act Increasing the Bounty on Bobcat," which was tabled by that Senator on April 26th pending consideration of reports.

Mr. CARPENTER of Somerset: Mr. President, if we accept the Minority "Ought to pass in new draft under new title: "An Act Repealing the Bounty on Bobcat" that will kill the bounty and thus it will save the Inland Fish and Game Department some eight to ten thousand dollars a year. Bounties on bobcats apparently have not been the solution of any problem in controlling this particular predator; the damage that they claim bobcats have done to deer is very, very slight; and I certainly hope that the Senate will go along in accepting the Minority "Ought to pass" report, and I so move.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter, that the Senate accept the minority "Ought to pass in new draft under new title" report of the committee.

Mr. PARKER of Piscataquis: Mr. President, I rise not to oppose the motion of the Senator from Somerset, Senator Carpenter but I do want to make a few observations, if I may.

I am not aware that the bounty on bobcats possibly has attained the whole of what it was proposed to accomplish; I do think it has in some instances been beneficial. I certainly hope that the members of the Senate, when we come to a

bounty on another animal, won't think that because we repealed this one that we should act in the same manner on a future one. Thank you very much.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter, that the Senate accept the minority "Ought to pass in new draft under new title" report of the committee.

As many as are in favor of the motion of the Senator from Somerset, Senator Carpenter, will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The bill was thereupon given its first reading, and, under suspension of the rules was read a second time, passed to be engrossed and sent down for concurrence.

On motion by Mr. Dow of Lincoln, the Senate voted to take from the table the 2nd tabled and unassigned matter, (H. P. 9) (L. D. 8) House Report "Ought not to pass" from the Committee on Judiciary on Bill "An Act Relating to Gifts of Securities and Money to Minors," which was tabled on March 13th by that Senator pending consideration of report; and on further motion by the same Senator the "Ought not to pass" report of the committee was accepted in concurrence.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table the 26th tabled and unassigned matter, (H. P. 596) (L. D. 1273) House Reports: Majority "Ought not to pass"; Minority "Ought to pass," from the Committee on Claims on "Resolve in Favor of Chester Fredericks of Norridge-wock," which was tabled on April 24th by that Senator pending consideration of reports.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: We have referred to some of these tabled matters as "gems," and I think I can properly refer to this matter as one of the old chestnuts that ought to be toasted. I am not going to make any motion at the end of my remarks; I simply want to go on record again as consistent with my record in this honorable body in 1953 and 1955.



This again is a gift and one of the few claims that the Committee on Claims passed out as "Ought to pass," and a member has been accused many times of voting with his heart instead of his head. Somehow I do not subscribe to that conclusion. I would like to state my position, and then whatever the motion is on the report I will go along with it.

My position and the position of the other members of the Claims Committee that signed the "Ought to pass" report was predicated upon the following facts:

We felt that if the State of Maine was justified in paying claims for property damage done by foxes, porcupines, dogs, also raccoons, and, if you please the skunk, that it might be justified in paying a claim to some poor person, to my good friend, and this is for the record only, Mr. Fredericks.

I would like you to know that in the year 1955-56 the total claims paid by the State were \$17,000 plus; livestock claims for damage done by animals protected, \$10,000; bear bounty \$15,000 plus; porcupine, \$39,000; abandoned dogs \$6000; administration \$20,000. I would like you to know that there is a great difference between a claim for crop damage that requires an out-of-pocket expense; I am not unmindful that the opposition will say, "You are establishing a precedent." Well, precedents to me, if they are equitable I will buy them, I always have, and I will continue to buy them. But this claim that is before us was a claim for a gentleman along about sixty-five, as I understand it, and he planted three acres of beans. He and his wife, with what little surplus they had, employed someone to plow it. They had no equipment of their own. I know that the Senator from Somerset, Senator Carpenter, comes from that area and he will verify my statement. And there was the cost of plowing, the fertilizer, the seed for the beans, and he and his wife expected to acquire a little additional money from it. This came to the sum of \$170—I could be wrong; it could be \$165, but as I recall it it was \$170.

After the beans were planted they did cultivate and hoe them, and

then Mr. Deer appeared, not only one but many. The beans matured to the blossoming stage, and he, being fearful, as a result called in the game warden and they put out some blood meal and the warden did assist him. Then his troubles started. The warden said, "There is nothing we can do; go ahead and kill them." Well, he killed one and I suppose he became nauseated by blood and killing deer out of season, especially in June, and he didn't kill any more. He lost his crop. I do not see any precedent for establishing a law. If the State pays him they are paying nothing more than what is just and equitable for them to pay. I do not think it is opening the door to apple crops and blueberry crops. I happen to be a blueberry grower myself and I will say to you—probably the Senator from Washington won't agree with me—the expense of raising blueberries is not too big; it is sort of a natural crop. I don't except the State will ever pay me and I will never file a claim.

Now, Mr. President and members of the Senate, that was my position and that is the position that the good members from the Claims Committee went along with. You can say that we voted with our heart or voted with our head. I don't know.

Mr. HILLMAN of Penobscot: Mr. President, this is the second time that the Senator from Hancock, Senator Silsby, has had me almost crying. He has stated many times on the claims committee that we vote with our hearts instead of our heads; but this was just one time I couldn't vote with my heart; I had to use a little judgment.

If this claim is paid you break a custom or an agreement between the Agricultural Department and the Fish and Game Department. If this claim is paid there would be thousands just as justified. I do not think we need to waste our time here in debating this subject, so I am going to move for indefinite postponement in non-concurrence with the House.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I cannot agree with the good Senator from Hancock, Senator Silsby, if he thinks it does not cost much to raise blueberries. Either

he is not taking care of his land or he doesn't keep his crops sprayed. I will agree with him on this bill and I will vote with him. I think if he has had the bill in here three times and it involves only \$170, that we should all vote with him.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Hillman, that the resolve be indefinitely postponed in non-concurrence.

As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being doubted, a division was had.

Eighteen having voted in the affirmative and ten in the negative, the motion prevailed and the resolve was indefinitely postponed in non-concurrence.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table the 58th tabled and unassigned matter, (H. P. 982) (L. D. 1403) House Report, "Ought to pass" from the Committee on Inland Fisheries and Game on "Resolve, Opening Swan Lake, Waldo County, to Ice Fishing," which was tabled on May 9th by that Senator pending consideration of report.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: This being a bill which I tabled at the request of the Committee Chairman, Senator Carpenter, I now yield to him.

Mr. CARPENTER of Somerset: Mr. President, I move that this bill now lie on the table and be specially assigned for tomorrow morning.

The motion prevailed and the bill and accompanying papers were tabled pending consideration of the "Ought to pass" report of the committee and specially assigned for the next legislative day.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 28th tabled and unassigned matter, (S. P. 213) (L. D. 558) Senate Reports: Majority "Ought not to pass"; Minority "Ought to pass with Committee Amendment A"; from the Committee on Liquor Control, on Bill, "An Act to Provide for Agency Stores

for Sale of Liquor Under Supervision of Liquor Commission," which was tabled on April 25th by that Senator pending consideration of reports.

Mr. CARPENTER of Somerset: Mr. President, referring to the famous remarks of the Senator from Franklin, Senator Butler, I hope I am not clobbered too much on this particular one because I was one of the members of the committee that signed the minority "Ought to pass" report on the bill.

This bill, if enacted, would permit the State Liquor Commission to set up not more than nine or ten agency stores in various communities that have a population of three thousand or less people. The reason that they wanted an instrument such as this to use is because of the fact that in many of these communities there are outlying communities that do not have liquor stores and they are not able to serve those particular communities in the way they would like.

We have only fifty-two State liquor stores in the State of Maine now; we have one hundred and thirteen cities and towns that have voted for liquor in which the Liquor Commission do not deem it advisable from a financial standpoint to inaugurate regular State liquor stores. If this bill is passed it would permit them to go into a town that had voted in a referendum — and mind you this bill carries a referendum to the people, the same as when you vote on whether you want bottled liquors or liquor stores, or lounges or whatever you vote on when you vote on beer and liquor referendums — it could not become a law and they could not put these stores in any towns that did not vote for the approval of it.

The Commission estimates the cost of installing a liquor store and operating it is some twenty to twenty-five thousand dollars, where the cost of operating one of these stores would be in the vicinity of twenty-five hundred or three thousand a year.

We had some opposition at the hearing, and, as I say, I am the one member who signed the minority "Ought to pass" report on the bill. I feel the bill has a lot of merit.

In the original draft of the bill it was similar to Vermont, that has a bill of this nature. It would permit the stores to have their particular liquor department in the rear part of the store together with their groceries or clothing or drugs or whatever it might be. And the only way I would buy the bill is that if they would have a separate entrance to the store that would not be communicable, as far as the public is concerned, with the store part itself. As you know, liquor is offensive to many people, and if they should have to go in and buy groceries or something and see all the liquor bottles around they might not like it and they might not go in the store again.

As I say, Vermont has used this particular set-up and they have nine or ten division or agency stores and it has worked very nicely there.

The first part of the Liquor Commission's whole scheme is to control and provide public service, and this, I feel, would give the public a service that perhaps it is not getting now.

I cannot see a thing wrong with the bill. The stores would be set up independently, away from any part of the rest of the store which might be involved in selling drugs or groceries or clothing. It would be a great convenience for many people, particularly in some of the coastal areas and some of our boundary areas; they would not have to drive seventy or seventy-five miles to buy liquor. You might as well say we are in the liquor business and it brings in a substantial income, some eight to ten million dollars a year to the department and goes into our general fund for general fund purposes. I personally think that the people themselves should have a right to vote on a referendum of this nature. If they want the stores they have the right to have them, just the same as they have their beer stores today. As I say, there are 113 cities and towns in Maine that have voted for liquor stores and the commission does not deem it advisable to adopt on account of it being unprofitable.

Another thing, I believe it would affect the economy of many of these

small towns, because people could go to an agency and buy liquor rather than having to go to an adjoining town and probably spend more money there.

I certainly would like to see this thing tried out. As I say, there is a definite restriction in the bill that they can set up only ten or twelve units. It would go to the people in 1960 on a referendum for the people to say whether or not they would like to have these stores.

Mr. President, I move that the minority report of the committee be accepted.

The PRESIDENT: The Senator from Somerset, Senator Carpenter, moves that the Senate accept the minority "Ought to pass if amended" report of the committee.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I am very reluctant at this time to oppose my good friend, the Senator from Somerset, Senator Carpenter. I think this is the only time I will oppose him on the Liquor Committee. Luckily for me, not only I opposed him but the rest of the committee opposed him; he was the only signer of the "Ought to pass" report.

I want to remind you before you vote on this that we are a monopoly state. If we were under the Massachusetts law where permits are issued to Tom, Dick and Harry to run a liquor store, it would be a different story, but we in Maine are a monopoly state. I will concur with everything he has said. He has actually given my story. He tells you that 113 towns want liquor stores, but under this bill they would set up only ten. Who would get the stores? In which town? There certainly would be discrimination.

I do not believe that the State of Maine should go in at this time for a division of power. These sublet stores will be working on a percentage. Although they will be supervised by the inspectors, I do not believe that we will have them as well conducted as we have the State stores under the commission, or we will have to spend entirely too much money to do the proper inspection that they do in State stores. A man could sell liquor in a grocery store, in a clothing store, in any kind of a store at all as long

as the Commission would grant him a permit.

Another thing I do not like about this set-up is that they are letting it out on bids; the highest bidder will be selling for the State. I think that is improper. I hope that the members of the Senate will follow the majority of the Liquor Control Committee and vote against the motion.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Carpenter, that the Senate accept the minority "Ought to pass" report of the committee.

Mr. WILLEY of Hancock: Mr. President, I move that the bill be indefinitely postponed and I ask for a division.

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Willey, that the bill be indefinitely postponed.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate: In answer to my good friend, the Senator from Androscoggin, Senator Boucher, concerning discrimination: as far as these stores are concerned, I myself have the utmost faith and confidence in the administrator of our Liquor Department. I do not think I have ever met a more capable or finer gentleman than he is, and I will venture to state that there is no department of the State that conducts its business on a higher plan than he does his. I feel that he will use the best judgment possible in placing these particular stores at the most advantageous places. As far as enforcement is concerned, I am sure we have a splendid enforcement group and I am sure they will give these stores the same attention that they do to the regular State liquor stores.

Mr. BOUCHER of Androscoggin: Mr. President: Again I am reluctant to oppose my good friend, the Senator from Somerset, Senator Carpenter; but taking him at his own word—and I agree with everything he said about the commission and its employees, that they are efficient and capable—but again I say there are 113 towns that voted for liquor and under the bill they want to put in ten. Now whether

they want to discriminate or not they will; they will have to take ten out of 113 to set up these store agencies, and I think it is an unfair proposition where ten localities will have agencies and one hundred and three others will not have them. For that reason, besides all the others, I am opposed to this bill.

Mr. WILLEY of Hancock: Mr. President and members of the Senate: I simply wish to say that I do not think this bill has any merits at all.

Mr. PARKER of Piscataquis: Mr. President, I hesitate to enter into this discussion, but, nevertheless, I have some thoughts I would like to express.

I oppose this bill not wholly on the thoughts that have been presented but from the thought that in my belief the present methods of controlling our sales of intoxicating liquor in the State of Maine is probably handling it as well as it is possible to handle it. I sincerely believe that any increase in outlets, especially in our small towns, is going to be detrimental to the morals of our young people here in the State. I am especially concerned with the enforcement and control of our liquor problem in the small towns that this bill would open up, because you and I know that many of these towns do not have even a day or a night officer. That is one point that has not been brought out, and I am very much concerned about it. I shall vote to oppose the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Willey, that the bill be indefinitely postponed, and the Senator from Somerset, Senator Carpenter, has asked for a division.

As many as are in favor of the motion of the Senator from Hancock, Senator Willey, that the bill be indefinitely postponed will rise and stand until counted.

A division was had.

Twenty-four having voted in the affirmative and two in the negative, the motion prevailed and the bill was indefinitely postponed.

Mr. Parker of Piscataquis presented the following order and moved its passage:

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is authorized to make an interim study of the question, "Should vocational training facilities in the State be expanded?" The Committee is particularly instructed to study the feasibility of future legislative action that will establish one or more additional vocational training units, indicating by such report or reports as it may wish to make the general areas which might be considered for vocational school locations, the courses of study that might be included in such schools as they may recommend, and the estimated capital and operational costs of such facilities, if the Committee may deem advisable.

The Committee is also particularly instructed to study the question of whether or not existing facilities, State - owned or privately owned, could be adapted in such development plans as the Committee study may indicate. (S. P. 588)

The order was read by the Secretary, and on motion by Mr. Low of Knox was tabled pending the motion of the Senator from Piscataquis Senator Parker that the order received passage.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table the 27th tabled and unsigned matter, (H. P. 407) (L. D. 584) House Reports, Majority "Ought to pass as amended by Committee Amendment "A"; Minority, "Ought not to pass", from the Committee on Claims on "Resolve, in Favor of Maynard Lindsey of Harrington," which was tabled on April 24th by that Senator pending consideration of reports.

Mr. SILSBY of Hancock: Mr. President, I would move that we accept the majority "Ought to pass if amended by Committee Amendment A" report of the committee.

The PRESIDENT: The Senator from Hancock, Senator Silsby, moves that the Senate accept the majority "Ought to pass as amended by Committee Amendment A" report of the Committee in non-concurrence.

Mr. HILLMAN of Penobscot: Mr. President and members of the Sen-

ate: As a signer of the minority report I have certainly got to express my views in this matter I wish that the Senator from Hancock, Senator Silsby, had told me that he was going to do this this afternoon and I might have been a little bit better prepared.

This involves the case of a State Highway police officer injured in the line of duty quite some time ago. Of course when a man takes a job on the State Police he realizes that there is quite an amount of danger in his position. This officer, there is no question in my mind, was wounded while in the line of duty, but during the full time of his recovery he was paid his wages and his hospital bills and all that was involved. He also still is on the State Police at the present time, receiving a good salary. He has been promoted from a sergeant to a lieutenant and will soon be retired at half pay, which he tells us is around fifty-one dollars a week. I think the State has done everything they could for this young man, or middle-aged man. You might say not. It is hard for me to oppose such a resolve as this but I do not feel that the State would be justified in paying any claim such as he asks.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the Senate accept the Majority "Ought to pass as amended by Committee Amendment A" report of the committee.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I certainly did not have any intention of jumping the gun, but the matter was on the table for some time and our floor leader, Senator Low, intimated we should go to work, and I am making every possible effort on my behalf to get the table cleared of my matters. I would be glad to yield to the Senator from Penobscot, Senator Hillman, if he wants to retable it.

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Silsby, that the Senate accept the majority "Ought to pass as amended by Committee Amendment A" report of the Committee.

Mr. SILSBY: I thank you, Mr. President.

Sometimes I question my competency to defend and support the findings of the Claims Committee. Sometimes I have defended as a matter of principle; sometimes I have defended as a matter of justification, trying to seek out justice and compensate persons who have been victims of circumstances beyond their control. Believe me, members of the Senate, I feel very serious about this claim, and I do hope that in my humble capacity perhaps I can paint you a picture or reconstruct this matter to the end that this trooper can have his just compensation.

I want to say to you now because I may forget it further on in my remarks, that this matter has been misunderstood, not intentionally, but for some unknown reason the facts have been sort of confused and in conflict, and I have the facts which I can read to you a little later, and they are authentic.

First, I would like to introduce to you, if I may, the trooper involved, one Maynard Lindsey, who was born and reared, I believe in the town of Columbia Falls down in Washington County. After reaching his majority he became a State trooper and he was a State trooper that I knew personally; he was a State trooper that came into court quite frequently, prosecuting cases in which I happened to be, in some instances, on the defense. And I want to say to you and I want to go on record that he was one of the fairest State troopers that I ever met. He was a trooper who was just as willing to tell the things that were beneficial to the respondent as he was the things that hurt the respondent. He was a State trooper who did his job by recognizing that he had no friends and no enemies in his official capacity; he was a trooper that also realized that he was the court of first jurisdiction; he did not bring people in always; he gave them a warning, and he accomplished his purpose.

Now if you will go back with me to January 21, 1948. Maynard Lindsey was called to investigate a certain premise in Columbia Falls where some man had gone berserk

although he did not know it at the time, and to his sorrow he found it out too late.

On arriving at the premises he stepped out of his automobile; but fortunately the person who had sent out the alarm had also notified Sheriff Alonzo Nash, and he arrived there almost on the rear of the car of Maynard Lindsey.

Maynard Lindsey stepped out of his automobile. When he stepped out he received a bullet from a 30-30 rifle in his left arm. It cut off the radia nerve, his hand dropped down and he was leaning on the front of the mudguard of his automobile, in an effort to get his revolver out that he might use it. But, the man who had gone berserk, the next shot that was fired he killed his wife, and the next shot that he fired he killed himself. And there was Maynard Lindsey, bleeding, bleeding to the point that life could not stay in his body much longer. You can imagine what he suffered and what he went through. He had not knowledge but that the end was there for him. Any one of you can talk about the definition of conscious suffering, I think there is a concrete example. He was not ready to die; he was a young man, forty-nine years old. But the deputy sheriff put a tourniquet on his arm and put him in the automobile and they radioed to the State Police. He passed out and he virtually died right there. He was rushed to Bangor, and by the grace of God he got there in time enough. I know this of my own knowledge; my brother, who has passed on, was there at the hospital. They gave him transfusions and they saved his life.

He was earning at that time — I think his take-home pay was \$54 a week. He had anticipated, like all people who have worked for the State and who have acquired certain years of service, to retire, and if he had retired he could have gone back to working. He had been fishing, catching lobsters, and carpentering; but he has got an arm today which has no feeling in it; he can stick a pin through it. To be sure, to the eyes of the world it looks all right, but it is stiff here in the wrist; he can't turn it, he can't get it up over his head. Needless for me to say, he can't pull lobster

traps, he cannot be a carpenter. Of course he would like to retire. If he had retired he could have earned substantial money, but he cannot earn it because there is nothing that he can do, that he has the ability to do.

Now what did he get? And this is the most important part because it is misunderstood. It was not done intentionally. But if I may say this and hope I will not be ruled out of order, the other branch misunderstood.

I have a letter here on the amount of money he received for his disability for a year. Due to the amount of money that he was alleged to have received, I asked Mr. Lindsey, after this matter had been previously heard, to file a letter as to just what happened on compensation. I have a letter here, dated April 26, 1957, and this letter is from Captain Lincoln, Director of Bureau of Special Services and supplies. He says to Mr. Lindsey: "In accordance with your request for further information concerning payments made to you in connection with gunshot wound of January 22, 1948, I can report the following:

"On November 16th, 1949 a hearing was held at Machias by the Industrial Accident Commission and a decree was made on November 21, 1949, providing the payment of specific compensation for seventy-five weeks at twenty-one dollars per week, a total of \$1575. Provision was made that all compensation already paid should be credited towards that amount, so a deduction was made of fifty-four and a half weeks at \$21 a week, or \$1144.50. Actual payment to you is in the amount of \$430.50. The 90-day sick leave you had accumulated prior to the injury was used before any request was made of the Governor and Council, and has not been returned to you."

Now, members of the Senate, it certainly seems to me, in all the sense of justice, that when a man virtually dies in performing his official duties, he is entitled to more than \$430.50, and in that crediting 90 days sick leave that he never had.

Now this resolve calls for ten thousand dollars. We in the com-

mittee spent a great deal of time in our endeavor to justify a contribution to Mr. Lindsey, and I think you all know that he was not obliged to accept the compensation. Had the man who shot him had any means at all, Mr. Lindsey had a legal right to take his compensation and file his thirty-day notice and sue the man and acquire what rightfully belonged to him out of the assets of the estate. It is done frequently in Workmens Compensation. But the man had nothing he could sue for; there was nothing he could do.

Now it seems to me that under all the circumstances this man Lindsey is entitled to some consideration from this State. I understand that now or since then insurance, or some sort of an arrangement has been made to the end that if a trooper is injured in his official capacity he can get a reasonable sum. I also understand, and I think it is correct law, that if he had died there would have been ten thousand dollars for the life which was lost, and he virtually died.

Now there is another point involved. Dr. Woodcock reported that his disability of the arm was 33 to 40 per cent, I am quite sure, and my brother reported that it was 30 to 40 per cent. We considered that; we considered that if he had thirty per cent disability, and if his expectancy of life now was in the category of twenty-four or twenty-five years, and if we took a sum of money, a very minor sum, even that which he would have been allowed to earn under social security, that it would have exceeded \$10,000.

And then some confusion got into the committee, I don't know how. Some was by reason of the amount that some thought he had received in Workmens Compensation, and so as a sort of a compromise, which is minor and I personally would have voted for more, but I know from experience that when ten men, or rather I might say twelve men sit down and vote for a sum of money it is sometimes divided by twelve. In this instance we did likewise and we came up with the sum of \$2500, and that, Mr. President and members of the Senate, was the sum of money that we felt

Mr. Lindsey was entitled to for the disability he must endure for the rest of his life. And we also felt in the committee, we members who signed the "Ought to pass" report, that it was a sum of money that the State of Maine could easily afford to spend, and we also felt that it would build up the morale of the department and give Mr. Lindsey just a token for the conscious suffering that he went through during his days of convalescence and what happened to him as he was bleeding to death on the automobile fender on the morning of the 22nd of January. I never felt more serious in regard to a matter being given favorable consideration in this body to the end that the facts can be properly and authentically presented to the other body. Thank you for listening to me.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I can not help but agree to a certain extent with the Senator from Hancock, Senator Silsby, and I do. But I do want to make my position here clear again.

This man does not have to retire unless he wants to. He is still being paid better than a hundred dollars a week by the State of Maine. Everybody would like to give a man something, there is no question about that, but I feel I would not be justified in ever voting for even a \$2,500 claim in this respect. I certainly hope that you will consider it carefully. It is really a hardship for me to do this. As Senator Silsby said, he is my personal friend, and he gave an eloquent speech. I hope that Lieutenant Lindsey is my friend after this talk, and I think that if he understands my feeling in the matter he will be. Therefore I hope that the motion, if there was one made, does not prevail.

Mr. FARLEY of York: Mr. President and members of the Senate. I do not always like to oppose the Senator from Hancock, Senator Silsby, but I do think that he knows, like I, that in the years I have been here we have had a great many bills come through here in the interests of the working man, to increase their medical and compensation benefits, and we have seen the bills

slaughtered as they came along. As I listened to the Senator from Hancock, Senator Silsby, he mentions Workmens Compensation, that is something he tried to bring out and they seemed not to go along with it.

What kind of bothers me here a little is to think of the committee hearing something in the neighborhood of \$10,000. I just can't go along with it. Possibly the gentleman is in bad shape with his arm; but there are a great many working people who are tied up today under Workmens Compensation, who are tied up with these industries that have their own hospitals, and they are placed for two or three weeks after they get back in some little job, even with a broken leg or a broken arm, so they don't lose anything as they go along. I would like to go along with him but I just cannot get myself to go along with the Senator from Hancock, Senator Silsby.

Mr. SILSBY of Hancock: Mr. President, I forgot this, I always do, and when I get on my feet I forget many things that I should think of, and it has been brought to my attention that in committee we considered that if we could get a favorable report on the bill, "Ought to pass," that I personally would offer an amendment to the bill that if the money was paid it would be in full and complete accord and satisfaction and he could never come back again. I would want that on the bill if you go along with it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby that the Senate accept the majority "Ought to pass as amended by Committee Amendment A" report of the committee.

As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being doubted, a division was had.

Ten having voted in the affirmative and nineteen in the negative, the motion did not prevail.

On motion by Mr. Hillman of Penobscot the minority "Ought not to pass" report of the committee was accepted.

Sent down for concurrence.



On motion by Mr. Carpenter of Somerset, the Senate voted unanimous consent to take from the table the 58th tabled and unassigned matter, (H. P. 982) (L. D. 1406) House Report, "Ought to pass", from the Committee on Inland Fisheries and Game on "Resolve Opening Swan Lake, Waldo County, to Ice Fishing," which was tabled by that Senator earlier in today's session and which was previously assigned for the next legislative day.

On further motion by Mr. Carpenter, the "Ought to pass" report of the committee was accepted in concurrence and the resolve was given its first reading. Under suspension of the rules the resolve was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 20th tabled and unassigned matter (H. P. 395) (L. D. 514) Bill, "An Act Increasing Salary of Recorder of Eastport Municipal Court", which was tabled by that Senator on April 18th, pending enactment, and on further motion by the same senator the resolve was passed to be enacted.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 21st tabled and unassigned matter, (H. P. 192) (L. D. 255) Bill, "An Act Increasing the Salary of the County Attorney of York County", which was tabled on April 18th by that senator pending enactment.

On motion by Mr. Sinclair of Somerset, the bill was tabled pending passage to be enacted.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table the 5th tabled and unassigned matter, (S. P. 249) (L. D. 637) Senate Report "Ought not to pass" from the Committee on Judiciary on Bill, "An Act Authorizing Interlocal Cooperation", which was tabled by that senator on March 26th pending consideration of report.

Mr. COLE of Waldo: Mr. President and members of the Senate: This is a bill that is sponsored by the Council of State Governments; it is strictly an enabling act, allow-

ing different cities and towns and communities to form interlocal co-operation compacts. It is an act that many states have adopted and it is working out well in many of these states. In recent years many states have been authorizing their political subdivisions to enter into interlocal agreements or contractual arrangements under which smaller communities can send their high school pupils to schools adjacent to larger cities, purchase water from metropolitan supply systems, receive police and fire protection from neighboring communities, or establish joint drainage facilities. It is becoming relatively frequent.

Now this bill, in my mind, is a very progressive one. It will enable the towns to form compacts in the development of water departments and sewerage departments. Many towns, regardless of whether they are on the boundary line, can under this act form a compact in regard to sewerage disposal, for instance.

The Federal government has appropriated money for such work, and it would seem to me logical that we should have something on our books to enable different communities to form a sort of a compact such as this so that they may take advantage of federal funds. This is only an enabling act. The State of Pennsylvania and many other eastern states that are within this Interstate Cooperation Council, thirteen states, I believe, are members of it, and a great many of them have taken advantage of this particular bill.

So, Mr. President, I move that we substitute the bill for the "Ought not to pass" report of the committee.

Mr. SILSBY: Mr. President, again I must defend the position of the Judiciary Committee. Thank you. I ask for a division.

Mr. BUTLER of Franklin: Mr. President, as a member of the Judiciary Committee who signed the "Ought not to pass" report, I fully appreciate that you may wonder why twelve attorneys came out and said that we ought not to pass this.

This bill was presented to us as a committee. It was a prepared bill. Whether the bill was in form or not was considered by the committee. The merits of the bill the committee

did not attempt to pass upon because fundamentally we did not feel as a committee, as individuals, not as attorneys, that this type was the type of legislation which this State at the present time was in need of or ready for, and as such individuals we acted as we did. I simply rise in defense of the action of the committee in conjunction with the Senator from Hancock, Senator Silsby.

Mr. COLE of Waldo: Mr. President and members of the Senate: I am now convinced that this is too progressive for the Judiciary Committee. We have heard much about pollution this last session, and here is an opportunity for towns that may be willing to go ahead and clean up their rivers to take advantage of federal funds that are available. As the good Senator from Franklin, Senator Butler, said, they did not go into the bill very much. I wonder if they even read it. If it is working in other states it certainly should be all right for Maine. I realize that Maine sometimes may not be considered as aggressive as other states, but here is a chance where we can go on record as being such.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the bill be substituted for the "Ought not to pass" report of the committee.

As many as are in favor of the motion of the Senator from Waldo, Senator Cole, that the bill be substituted for the "Ought not to pass" report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill was substituted for the "Ought not to pass" report of the committee.

Thereupon the bill was given its first reading and under suspension of the rules read a second time and passed to be engrossed.

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

Mr. FARLEY: Mr. President, we have had pretty good cooperation this afternoon here and have removed a lot of bills from the table, and the Senator from Knox, Senator Low, knocked off one of mine. I have been looking at a bill which has been on here since March 7th, It is No. 1 on the calendar. I would like to see some other bill put up in the position of No. 1, and I will ask the Senator from Knox, Senator Low, if he will take that one from the table.

The PRESIDENT: The Senator has heard the question, and the Chair would think that he would be hard put for an answer.

Mr. LOW of Knox: Mr. President, seeing that bill requires quite a little study I imagine that in the next few days that study will be completed and we will be able to take the bill off from the table.

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On motion by Mr. Boucher of Androscoggin,

Adjourned until 9:30 A. M. Tomorrow.