

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, March 27, 1935.

Senate called to order by the President.

Prayer by the Rev. W. P. Bradford of Hallowell.

Journal of yesterday, read and approved.

From the House:

Bill "An Act Creating a State Park Commission." (S. P. 629) (L. D. 763)

In Senate on March 19th passed to be engrossed.

In the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, under suspension of the rules, that body voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence and the bill was passed to be engrossed as amended by House Amendment "A" in concurrence.

From the House:

Bill "An Act Relating to the Sale of Prophylactic Rubber Goods for the Prevention of Venereal and Other Diseases." (H. P. 1190) (L. D. 392.)

In House on March 19th, passed to be engrossed

In Senate on March 26th passed to be engrossed in concurrence.

In the House recommitted to the Committee on Public Health in non-concurrence.

In the Senate, on motion by Mr. Hathaway of Piscataquis, that body voted to recommit the bill to the Committee on Public Health in concurrence.

From the House:

Senate Report from the Committee on Public Health "Legislation Inexpedient" on Bill "An Act Related to Narcotic Drugs" (S. P. 198) (L. D. 148)

In Senate, March 21st, report accepted.

In the House, recommitted to the Committee on Public Health in non-concurrence.

In the Senate, on motion by Mr. McDonald of Washington, that body voted to recede and concur with the House.

From the House:

Senate Report from the Committee on Salaries and Fees "Ought to Pass" on Bill "An Act Relating to

the Salary of Register of Deeds in Waldo County" (S. P. 200)

In Senate on March 5th passed to be engrossed.

In the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Cowan of Lincoln, that body voted to insist upon its former action whereby the bill was passed to be engrossed and ask for a committee of conference; and the President appointed as such members on the part of the Senate: Senators Cowan of Lincoln, Fernald of Waldo, Ashby of Aroostook.

Sent down for concurrence.

From the House:

The Committee on Claims on "Resolve in Favor of the City of Eastport for the Care of William Price," (H. P. 976) reported that the same ought not to pass.

In the House, recommitted to the Committee on Claims.

In the Senate, that body voted to recommit the resolve to the Committee on Claims in concurrence.

From the House:

The Committee on Pensions on "Resolve Providing for Support of Mrs. James P. Young and Children, of Blaine," (H. P. 469) reported the same in a new draft (H. P. 1792) (L. D. 817) under a new title, "Resolve Providing for State Pension in Favor of Mrs. James P. Young of Blaine," and that it ought to pass.

In the House, passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Burns of Aroostook, the resolve and report were tabled pending acceptance of the report in concurrence.

From the House:

The Committee on Legal Affairs on Bill "An Act to Incorporate the Eastport Cemetery Corporation," (H. P. 1146) (L. D. 334) reported that the same ought to pass.

In the House passed to be engrossed as amended by House Amendment "A".

In the Senate, the report of the committee was accepted in concurrence and the bill was given its first reading; House 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 as amended by House Amendment "A" in concurrence.

From the House:

The same Committee on Bill "An Act to Provide a Town Council and Manager Form of Government for the Town of Richmond, in the County of Sagadahoc." (H. P. 1074) (L. D. 410) reported the same in a new draft (H. P. 1787) (L. D. 822) under the same title, and that it ought to pass.

In the House, passed to be engrossed as amended by House Amendment "A".

In the Senate, the report of the committee was accepted in concurrence and the bill was given its first reading; House 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 as amended by House Amendment "A" in concurrence.

From the House:

The Committee on Pensions on "Resolve Providing for a State Pension for Winnifred Parker of Presque Isle." (H. P. 1013) reported the same in a new draft (H. P. 1791) (L. D. 818) under the same title, and that it ought to pass.

In the House, passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Ashby of Aroostook, the resolve and report were tabled pending acceptance of the report in concurrence.

Papers from the House, disposed of in concurrence.

From the House:

The Committee on Judiciary on Bill "An Act Relating to Applications for Licenses" (H. P. 443) (L. D. 121) reported that the same ought not to pass.

In the House, the report was read and accepted.

In the Senate, on motion by Mr. Burns of Aroostook, the bill and report were laid upon the table pending acceptance in concurrence.

From the House:

The Committee on Taxation on Bill "An Act Relating to Taxation of National Bank Deposits" (H. P. 863) (L. D. 251) reported that the same ought not to pass.

In the House, the report was read and accepted.

In the Senate, on motion by Mr. Blanchard of Franklin, the bill and

report were laid upon the table pending acceptance of the report in concurrence.

From the House:

The Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Enforcement of Insurance Liens" (H. P. 62) (L. D. 19) reported the same in a new draft (H. P. 1798) (L. D. 841) under the same title and that it ought to pass.

In the House, report read and accepted, and the bill passed to be engrossed.

In the Senate, that body voted to recommit the bill to the Committee on Mercantile Affairs and Insurance in non-concurrence.

Sent down for concurrence.

House Bills in First Reading

(Under suspension of the rules the following bills and resolves were given their second reading and passed to be engrossed, in concurrence.)

"An Act Relating to School Unions." (H. P. 1795) (L. D. 838)

"An Act Relating to Licenses for Selling Clams." (H. P. 1799) (L. D. 842)

"An Act Relating to Taking of Soft Shelled Clams." (H. P. 1800) (L. D. 843)

"An Act Relating to Roadside Improvement." (H. P. 1801) (L. D. 844)

"Resolve Appropriating Money for the Construction of Road and Terminal Approach in the Town of Lincolnville or the Town of Northport to Penobscot Bay, and for the Construction of a Road and Terminal Approach in the Town of Islesboro to Penobscot Bay" (H. P. 1802) (L. D. 845)

Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Thirty-five. (H. P. 1808) (L. D. 846)

Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Thirty-six. (H. P. 1809) (L. D. 847)

From the House:

The Majority of the Committee on Judiciary on Bill "An Act Relating to the Procurement of Medical Services, Physicians, and Surgeons for Injured Employees under the Workmen's Compensation Act," (H. P. 200) (L. D. 69) reported that the same ought not to pass.

(Signed) Burkett of Cumberland
Burns of Aroostook
Fernald of Waldo
Gray of Presque Isle
Weatherbee of Lincoln
Philbrick of Cape Elizabeth
Vaughan of South Berwick

The Minority of the same Committee on the same subject reported the same in a new draft (H. P. 1647) (L. D. 725) under the same title, and that it ought to pass.

(Signed) Hill of South Portland
Willey of Falmouth
Jacobson of Portland

In the House, the Minority Report accepted and the bill passed to be engrossed.

In the Senate, on motion by Mr. McDonald of Washington the bill and both reports were laid upon the table pending acceptance of either report.

The following remonstrances and petitions were received and on recommendation by the committee on reference of bills were referred to the following committees:

Legal Affairs

Mr. Friend of Somerset presented "Remonstrance of Florence W. Owens and 12 others of Kennebec Chapter D. A. R. against the Parimutuel Bill." (S. P. 695)

Public Health

Mr. Winn of Androscoggin presented "Petition of C. L. Martel of Lewiston and 24 others in Favor of L. D. 585 Relating to the Sale of Poisons." (S. P. 694)

Sent down for concurrence.

First Reading of Printed Bills

Bill "An Act to Establish a Boundary Line for the Town of Fayette." (S. P. 666) (L. D. 850)

On motion by Mr. Bodge of Kennebec, the bill was laid upon the table pending its first reading.

Reports of Committees

Mr. Harmon from the Committee on Pensions on "Resolve Providing State Pension for Eva May Snowman, Bar Harbor," reported that the same ought not to pass as the matter is covered by other legislation.

The same Senator from the same Committee on "Resolve to Repeal the State Pension of Lot Edmund

Whitman of Jay," (S. P. 343) reported that the same ought not to pass.

Mr. Hathaway from the Committee on Ways and Bridges on Bill "An Act Relating to Snow Removal on R. F. D. Routes," (S. P. 233) (L. D. 190) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Burns from the Committee on Judiciary on Bill "An Act Relating to Settlement of Children" (S. P. 380) (L. D. 402) reported the same in a new draft (S. P. 692) under the same title and that it ought to pass.

Mr. Hathaway from the Committee on Ways and Bridges on Bill "An Act to Establish Stations for Weighing Trucks," (S. P. 443) (L. D. 478) reported the same in a new draft (S. P. 693) under the same title, and that it ought to pass.

Which reports were severally read and accepted, and the bills laid upon the table pending printing under joint rules.

Passed to Be Enacted

"An Act to Enable Domestic Mutual Fire Insurance Companies to Obtain Aid from the Federal Intermediate Credit Bank." (S. P. 95) (L. D. 765)

"An Act to Amend Section 336 of Chapter 1 of the Public Laws of 1923 Relating to Girls at State School for Girls." (S. P. 232) (L. D. 131)

"An Act Relating to Group Insurance." (S. P. 354) (L. D. 341)

"An Act Relative to the Operation by Railroad Corporations of Certain Auxiliary Services." (S. P. 395) (L. D. 421)

"An Act Relating to Capital Stock of Trust and Banking Companies." (S. P. 405) (L. D. 525)

"An Act Relating to Time Limit on Notices in re Hearings on Licenses for Wharves and Fish Weirs." (S. P. 433) (L. D. 519)

"An Act Relating to the Regulation of Eating and Lodging Places." (S. P. 630) (L. D. 764)

"An Act Relating to Health." (S. P. 631) (L. D. 766)

(At this point the Hon. Burleigh Martin was escorted to a seat at the right of the President amidst the applause of the Senate, the members rising.)

"An Act to Amend Section 14 of Chapter 147 of the Revised Statutes

Relating to Violation of Terms of Probation." (S. P. 633) (L. D. 790)

"An Act Relating to the Practice of Dentistry." (S. P. 641) (L. D. 806)

"An Act Relating to the Use of Steam Boilers." (H. P. 66) (L. D. 22)

"An Act to Incorporate the Town of Bucksport School District." (H. P. 304) (L. D. 74)

"An Act to Tax Games of Skill." (H. P. 1415) (L. D. 633)

"An Act Relating to Penalty for Operating Motor Vehicles While Under the Influence of Intoxicating Liquor or Drug." (H. P. 1710) (L. D. 746)

"An Act to Provide for Jury Commissioners." (H. P. 1729) (L. D. 754)

"An Act Relating to Sealers of Weights and Measures." (H. P. 1750) (L. D. 767)

"An Act Relating to Delinquency in Payment of Insurance Assessments." (H. P. 1752) (L. D. 769)

(On motion by Mr. Burns of Arcostook, tabled pending passage to be enacted).

"An Act Relating to Pauper Expense." (H. P. 1760) (L. D. 780)

"An Act Relating to Women Prisoners." (H. P. 1763) (L. D. 782)

"An Act Relating to Aid to Libraries, Expenses of State Historian, Compensation and expenses of Geologist, Topographic Mapping, and Abolishment of Grade Crossings." (H. P. 1768) (L. D. 799)

"An Act to Amend the Law Relating to Teachers' Pensions." (H. P. 1770) (L. D. 800)

"An Act to Incorporate the Lincoln Water District." (H. P. 1771) (L. D. 805)

Finally Passed

"Resolve Relative to Fishing in the Kennebec River." (S. P. 326) (L. D. 758)

Resolve Protecting Cod, Haddock and other Ground Fish in Certain Waters of and Adjacent to Hancock County. (S. P. 642) (L. D. 807)

Resolve in Favor of the Estate of Ella M. Bagley. (H. P. 975) (L. D. 750)

Resolve Regulating Smelt Fishing in Abagadasset River. (H. P. 1159) (L. D. 803)

Resolve Authorizing the Forest Commissioner to Sell Lands in Penobscot County. (H. P. 1630) (L. D. 784)

Resolve in Favor of Norris Westcott of Prospect. (H. P. 1744) (L. D. 770)

Resolve in Favor of Lang Plantation. (H. P. 1745) (L. D. 771)

Resolve Relating to the Dipping of Smelts in Mousam Lake in the Towns of Acton and Shapleigh. (H. P. 1746) (L. D. 772)

Resolve Relative to Closing Armstrong Brook and Tributaries to said Brook to all Fishing. (H. P. 1747) (L. D. 773)

Resolve Relative to Smelt Fishing in China Lake. (H. P. 1748) (L. D. 774)

Resolve Relating to Fishing in North Pond. (H. P. 1749) (L. D. 775)

Resolve Relative to the Taking of Smelts for Food Purposes from Crooked and Songo Rivers and Batchelder Brook. (H. P. 1754) (L. D. 786)

Resolve Regulating Ice Fishing in Pleasant, Mud, and Horseshoe Ponds, Cobbosseecontee Stream and the Tacoma Chain of Lakes in the Counties of Kennebec and Sagadahoc. (H. P. 1755) (L. D. 787)

Resolve relative to the Digging of Clams in Mount Desert. (H. P. 1762) (L. D. 789)

Resolve in Favor of Bessie M. Dunton of Moscow. (H. P. 1769) (L. D. 804)

(Emergency Measure)

An Act to Provide for Further Issuance of State Bond. (S. P. 202) (L. D. 150)

On motion by Mr. Fernald of Waldo, the bill was laid upon the table pending passage to be enacted.

(Constitutional Amendment)

Resolve Proposing an Amendment to the Constitution to Provide for Longer Residence to Qualify as a Voter. (S. P. 626) (L. D. 757)

Which resolve being a Constitutional Amendment and having received the affirmative vote of 30 members of the Senate and none opposed was finally passed.

(Constitutional Amendment)

Resolve Proposing an Amendment to the Constitution to Authorize the Use of Voting Machines. (S. P. 114) (L. D. 25)

On motion by Mr. Blaisdell of Hancock, the resolve was laid upon the table pending final passage.

Orders of the Day

The President laid before the Senate, bill, An Act relating to Assessors (H. P. 1335) (L. D. 543), recalled from the Legislative Files by

joint order on motion by Mr. Blaisdell of Hancock; and on further motion by the same Senator the bill was recommitted to the Committee on Legal Affairs.

Sent down for concurrence.

The President laid before the Senate, House Report from the Committee on Legal Affairs, "Ought to Pass in New Draft" on bill, An Act to Provide for the Appointment of a Board of Commissioners of Police for the town of Sanford, (H. P. 1458, L. D. 759), tabled on March 20th by Mr. Blaisdell of Hancock pending acceptance of the report, and on motion by that Senator the report of the committee was accepted in concurrence.

On further motion by the same Senator, the bill was given its two several readings under suspension of the rules, and passed to be engrossed in concurrence.

The President laid before the Senate, Bill, An Act Relating to the Counting and Sealing of Ballots (H. P. 1181, L. D. 387) tabled on March 20th by Mr. Jackson of Sagadahoc, pending passage to be engrossed as amended by House Amendment "A"; and the Chair recognized that Senator.

Mr. JACKSON of Sagadahoc: Mr. President, I am about to move the indefinite postponement of this matter. Briefly, the reason therefor is this: In 1931 an act was passed, amended in 1933, making the ballot clerk or whatever officer is designated to count ballots in any given election responsible for his count, in that it says he shall wrap, and seal the ballots so counted and make oath to the count. An attempt is being made to strike out the words "shall make oath to" and substitute the word "file". It seems to me that it is highly desirable to leave the matter just as it is. The person counting the ballots should be responsible for his count. To know that he must make oath to it makes him more cautious and in the case of any question necessitating a recount it can be placed definitely upon the person making the original count, and I move, Mr. President, this matter be indefinitely postponed.

Mr. BURKETT of Cumberland: Mr. President, the Senator from

Sagadahoc, Senator Jackson, has correctly stated the situation. The law passed in 1933 required a ballot clerk or election officer to file a sworn statement of his count. Now, the amendment which is Legislative Document 387 strikes out the words "file a sworn statement" and substitutes the words "affix to said package a certificate of their count". We had several bills of similar tenor before the committee this session which would, if passed, require election officials or boards of registration or other public officers to certify under oath to the correctness of their official acts. And we felt in passing out this amendment that it was somewhat unnecessary to require a public official like an election officer who, as you all know, is sworn to perform his duties and all his duties correctly and honestly, before he starts in, to at any stage of conduct of official duties make another affidavit or take another oath that he was obeying the law, and under the bill as it stood prior to this amendment, the election officials in a city or town, after having made the count of their ballots had to wait until a notary public or justice of the peace could be secured to come in and take their oath to the effect that they had performed the duty that they had already been sworn to perform honestly.

The bill was originated by a member of the House who represents a city where there are several wards, I think, and under the provisions of the bill as it is now, before the amendment, all those election officials after working late at night counting ballots, have to stay there until a notary public or justice of the peace comes around to take oath that they have performed their duties that they had previously sworn under oath that they would perform, and it seemed a hardship to those officers and accomplished no useful purpose to leave it as it is.

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

A viva voce vote being doubted, a division of the Senate was had. Sixteen having voted in the affirmative and twelve opposed, the motion to indefinitely postpone prevailed.

Sent down for concurrence.

The President laid before the Senate, Bill, An Act Relating to the Sale of Intoxicating Liquors (H. P. 1530, L. D. 677) tabled on March 20th by Mr. Bissett of Cumberland, pending second reading, and the Chair recognized that Senator.

Thereupon the same Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment A to An Act Relating to the Sale of Intoxicating Liquor. Strike out all of said Act after the word 'shall' in the first line on page 2 of the printed bill, and insert in place thereof the following: 'after due examination and inquiry determining the merit, efficiency and fitness of all applicants for positions, prepare a properly classified eligible list from such applicants so examined, and from such eligible list employ, subject to the approval of the governor and council, such clerical and other assistants and make such expenditures, as may be necessary to carry into effect the purposes of this act; and subject to the same approval fix the compensation of all such employees and assistants. Provided, however, that not more than one half of the total number of such clerical and other assistants shall be members of the same political party. Authority is hereby vested in the commission to discharge for cause any of said clerical and other assistants. The chairman of the commission, the state comptroller, and one other member of the commission, appointed by the chairman, shall constitute the board of examiners of applicants hereunder.

"Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved."

Upon motion by Mr. Harmon of Hancock, the bill was laid upon the table pending adoption of Senate Amendment "A".

The President laid before the Senate, House Report from the Committee on Taxation "Ought Not to Pass" on Bill, An Act to Provide for Equalization of Taxes (H. P. 1293, L. D. 468), tabled on March 20th by Mr. Pinansky of Cumberland, pending acceptance of the report; and on motion by that Senator the bill and report were retabled, pending acceptance of the report.

The President laid before the

Senate, Bill, An Act Relating to Emergency Municipal Finance Board (S. P. 557, L. D. 719) tabled on March 20th by Mr. Schnurle of Cumberland, pending motion to indefinitely postpone; and on motion by that Senator the bill was retabled, pending motion to indefinitely postpone.

The President laid before the Senate, Bill, An Act Relating to Wholesalers of Malt Beverages (S. P. 347, L. D. 397), tabled on March 20th by Mr. Blanchard of Franklin, pending consideration; and on motion by the same Senator, House Amendment "A" was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, House Report from the Committee on Claims, "Ought Not to Pass" on Resolve in Favor of John H. Simmonds of Portland (H. P. 957), tabled on March 20th by Mr. Schnurle of Cumberland, pending acceptance of the report; and on motion by that Senator the bill was recommitted to the Committee on Claims.

The President laid before the Senate, Senate Report from the Committee on Judiciary, "Ought Not to Pass" on Bill, An Act Relative to Courts Sitting in Equity", (S. P. 243, L. D. 216), tabled on March 20th by Mr. Eussey of Kennebec, pending acceptance of the report; and the Chair recognized that Senator who yielded to Mr. Pinansky of Cumberland.

Thereupon, on motion of Mr. Pinansky of Cumberland, the bill and report were retabled pending acceptance of the report.

The President laid before the Senate, Senate Report from the Committee on Temperance, "Ought Not to Pass" on Bill, An Act Regulating the purchase of Liquor by the State Liquor Commission (S. P. 449, L. D. 617), tabled on March 19th by Mr. Burkett of Cumberland, pending acceptance of the report; and on motion by that Senator, the report of the committee "ought not to pass" was accepted.

Sent down for concurrence.

The President laid before the Senate, Bill, An Act to Provide for Annual Audits in Cities, Towns, Plantations and Village Corpora-

tions (S. P. 457, L. D. 653), tabled on March 21st by Mr. Cowan of Lincoln, pending consideration; and the Chair recognized that Senator.

Mr. COWAN of Lincoln: Mr. President, I understand that that matter was indefinitely postponed in the House. So far as I can find out, there doesn't seem to be any change of sentiment on it and I move the Senate recede and concur with the House in the indefinite postponement of the bill.

Mr. BURKETT of Cumberland: Mr. President, since this matter was discussed in the House a number of the members of the House have spoken to me about it, hoping there would be an opportunity to get together on it and try to reconcile the differences of the two branches to see if something could not be saved from the bill, the report on which was accepted in this body and the bill was passed to be engrossed. At the time the bill was considered here, the Senator from Lincoln, Senator Cowan offered an amendment limiting the operation of the law to cities and towns of 1000 population or over.

It may be possible we could get together on that basis. I would be glad to put in my time on it if there was any possibility of doing anything on a bill which had a lot of support and seemed to the Committee on Judiciary to have considerable merit. I therefore move the Senate insist and ask for a committee of conference.

The PRESIDENT: The question is on the motion of the Senator from Lincoln, Senator Cowan, that the Senate recede and concur with the House in the indefinite postponement of the bill.

A viva voce vote being had,

The motion to recede and concur with the House in the indefinite postponement of the bill did not prevail.

Thereupon, on motion by Mr. Burkett of Cumberland, the Senate voted to insist and ask for a Committee of Conference; and the Chair appointed as members of such committee on the part of the Senate, the Senator from Cumberland, Senator Burkett; the Senator from Franklin, Senator Blanchard, and the Senator from Kennebec, Senator Bodge.

Sent down for concurrence.

The President laid before the Senate, House Report from the

Committee on Legal Affairs, Majority Report "Ought not to pass", Minority Report "Ought to pass" on Bill, An Act to Permit Sunday Movies, (H. P. 841, L. D. 243), tabled on March 21st by Mr. Cowan of Lincoln, pending acceptance of either report; and the Chair recognized that Senator.

Mr. COWAN of Lincoln: Mr. President, I tabled that matter as I wanted to go on record as favoring the minority report, and I therefore, want to move the acceptance of the minority report "ought to pass."

A viva voce vote being had,

The motion to accept the minority report did not prevail.

Mr. BLAISDELL of Hancock: Mr. President, I move the acceptance of the majority report, "ought not to pass" in concurrence.

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

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Blaisdell, that the majority report "ought not to pass" be accepted in concurrence, and the Senator from Lincoln, Senator Cowan, has asked for a division.

A division of the Senate was had.

Twenty-four having voted in the affirmative and six opposed, the motion prevailed and the majority report "ought not to pass" was accepted in concurrence.

The President laid before the Senate, Senate Report from the Committee on Judiciary, "ought not to pass" on Bill, An Act Relating to Costs in Suits for Collection of Taxes (S. P. 421, L. D. 511), tabled on March 21st by Mr. Pinansky of Cumberland, pending acceptance of the report, and the Chair recognized that Senator.

Mr. PINANSKY of Cumberland: Mr. President, I move this bill and report be retabed as another Senator and myself desire to consult with a Superior Court justice who was absent from the city when we were at home last week, and for this reason I ask that it be retabed.

Thereupon, the bill and report were retabed pending acceptance of the report.

The President laid before the Senate, Senate Report from the Committee on Mercantile Affairs and Insurance "Ought Not to Pass" on bill An Act Prohibiting the State

to Insure any of Its Property Against Fire (S. P. 302) (L. D. 265), tabled by Mr. Fernald of Waldo on March 21st, pending acceptance of the report; and the Chair recognized that Senator.

Mr. FERNALD of Waldo: Mr. President, I move the substitution of the bill for the report. The matter before us today is a matter that would save some forty or fifty thousand dollars a year to the state and although it may not be of any consequence to the legislature, such a small saving, I do believe that if we continue to defeat these small economy measures as we have been doing, the aggregate will amount to several hundred thousand dollars. To my own knowledge today we have defeated in this body alone, economy measures which would have increased the revenues of the people over half a million dollars without adding a single additional burden of taxation upon any person or upon any type of property. Of course, that may not be of any consequence nor warrant any consideration but the fact remains that because of our inattention to these matters of economy this legislature, this Senate, will be called back to this building in special session once, twice, three times, at the expense of the tax-payers of the state of Maine.

About four years ago there was a man in the executive office of governor who had an idea that if we could do away with unnecessary expenditures in our government and spend that money for the necessary functions of government, that that was the proper way to administer and carry on the affairs of the state of Maine. And so, in 1930, when William Tudor Gardiner was Governor of Maine, through his efforts fifty thousand dollars was spent in making a survey of the state government of Maine. And one of the subjects on which the Survey Commission made a survey was the question of state fire insurance and the men who made the study were men not interested in fire insurance or life insurance or any type of insurance and they had no insurance that they wanted to sell the state. And they based their recommendations upon the facts that existed in public jurisdictions throughout the United States. And before too many of you leave I will suggest that the matter under discussion is Legislative document 265

and I have ample copies here to furnish every member of the Senate with a copy if they are not available elsewhere.

Now, the Code Survey, so-called on page 22, if anybody desires I believe there are additional copies in the library, following statements made in regard to problems before us today—and I wish that if there is any Senator who cannot hear me that he will just make the suggestion and I will try to make myself heard—under the heading “Insurance of State Property” it says “According to information furnished by the Messenger to the Governor and Council, there are about 1,100 insurance policies covering state property now in force. These policies are distributed by the governor and council to agents in all parts of the State, and nearly 300 agents are interested.” I think that is a very conservative statement of the situation, but we need not amplify that further. I believe that every member of the Senate is familiar with the things that one could read between the lines. To continue, “The total amount of insurance carried according to figures compiled by a special investigator in 1930 was \$5,823,450 on buildings and \$1,279,000 on contents, \$7,102,450 in all. This figure remains substantially the same, although changes in the items are frequently made. The entire premium cost of this insurance is in the neighborhood of \$35,000 annually.” This is a conservative statement of the situation and really an understatement.

Continuing further, “Some of the larger plants are insured under a blanket form, but separate policies for each building are the rule. In some cases there are several policies on one building and contents. The practice is now being followed of discontinuing insurance on many of the smaller pieces of property as the policies expire and of increasing others to about eighty per cent of valuation. Reduction of rates has been made this year on many of the policies so that the annual insurance charges will probably be somewhat less in the future. The insurance investigator, mentioned above, considered that for adequate insurance of all state property under the present plan about \$13,000,000 would have to be carried and that under one blanket policy this would cost about \$47,000 a year. From July 1, 1924, to date, the fire losses sus-

tained by the state were eight in number, two in 1924, two in 1925, three in 1927, and one in 1929. These losses, conservatively estimated, totaled about \$51,000. Insurance was collected in full of the covering policies in the amount of \$21,181.17. Although we have no satisfactory data on the amount of insurance and the premium charges therefor prior to 1930, it is perhaps safe to say that in the six-year period from 1924 to date, the state paid in premiums not less than \$150,000, probably more, or about \$100,000 in excess of losses.

"A State Insurance Program. Whatever insurance plan is adopted, whether 'self-insurance' by the state or continuation of the present purchase of insurance through commercial companies, the plan must (1) tend to prevent and suppress fires promptly in order to reduce losses, and (2) provide for meeting unavoidable losses within reasonable limits. At the present time, the state program does neither. The state does not provide for proper fire prevention in its institutions nor is it now sufficiently insured to meet probable losses.

"The experience of Maine and other states shows definitely that the most serious fire risks are in its welfare and educational institutions, because of their nonfire-resisting construction and the nature of their occupancy and use. Of the eight fire losses of the past six years, six were of state welfare institutions, one of a church on the Passamaquoddy Indian reservation, and one of the alumni hall at the university. Adequate fire preventive and fire fighting organizations, equipment, and supervision would undoubtedly have prevented some of these fires and suppressed others with considerable reduction of loss.

"To meet this situation, we have recommended the appointment in the department for health and welfare of a competent supervising engineer to be responsible for inspection and supervision of state institutional plants and their utilities. This engineer should also be experienced in fire preventive work and should see that the institution maintains proper fire preventive and fire fighting organization and equipment. This is the first step in a state insurance program for the reduction of fire losses.

"After this officer has surveyed all state institutions and made his

report, the governor and council should gradually reduce the amount of insurance carried in private companies beginning with the smaller policies and those covering the least risks, and discontinuing the policies as they mature. Eventually the total amount of insurance carried in private companies should be reduced to a blanket policy for \$2,500,000 or \$3,000,000 covering the most important pieces of public property. These policies should be continued until an insurance reserve fund of adequate size has been built up.

"While this reduction of coverage by commercial companies is going on, the state should be establishing an insurance reserve fund under the control of the finance department, by annual contributions of \$20,000, budgeted as other expenditures are from tax revenues. Assuming no more serious losses than have occurred in the past, the net increment to this insurance reserve, at interest of 3½ per cent, would amount to approximately \$500,000 in about 30 years. When the fund has reached this amount, all commercial insurance policies should be lapsed and thereafter losses paid from this fund. Ordinary small losses could be met by the interest on the fund. Any extraordinary loss should be met by the interest on the fund. Any extraordinary loss should be met by the issuance of serial bonds, and any excess accumulation of earnings over loss could be used to retire these bonds.

"Control of the insurance reserve fund should be provided in the finance department and its use limited absolutely to meeting fire losses and bond retirements, if any. It would be extremely unfortunate if such a fund were permitted to go the way of some of the state trust funds in the past."

That gives us a foundation to begin with. We find now that from a survey of the various jurisdictions in this country there are three policies adopted by a government in the handling of state insurance. First, the state will adopt the policy of not insuring any of its property at all and carrying this risk out of legislative appropriations. In this state with the emergency-borrowing capacity of the Governor's Council, increased from eight hundred thousand to two million dollars, we might well carry out that policy in this state. An-

other method is the method of setting up a sinking fund, and it is interesting to note that in the state of South Carolina about the year 1900, or the beginning of this century, the state of South Carolina did that very thing and today they have in their state fund over a million dollars, and no additional public revenue is paid into that fund and every state institution, every county institution, and every local municipal institution, is insured out of that fund without a single cent of expense to the municipality, to the county or to the state, and the fund is still increasing.

Now what they have done in South Carolina is nothing unusual. We could do the same thing in the state of Maine but the point remains that we have got to make a start. You cannot accomplish anything if you do not begin to accomplish anything. It is hard to make a start. It is hard for a conservative state to make a change. But if we legislators do not see fit to point the way for a change in favor of economy, in favor of doing away with unnecessary expenditures of public money, the result will be that the pictures in the newspapers of the Senators and Representatives will be changed and the people will send to Augusta Representatives who are responsible, who are responsive to the public will.

Now the following states have no insurance fund but are insured with standard companies, and this is the policy in Maine, and there are seventeen of these states: Arizona, Utah, Idaho, Maryland, Arkansas, New Mexico, Louisiana, Connecticut, Virginia, Missouri, Delaware, Nevada, Maine, Wyoming, Kentucky, New Jersey and North Carolina. And in three of those states, in Missouri, New Jersey and North Carolina, they only partially follow that method, for in Missouri only their welfare institutions are insured and in New Jersey they have a two hundred and fifty thousand dollar fund and in North Carolina they only carry a coverage of fifty per cent.

Now, the following states have no fund and carry no insurance, and this is the proposition as presented by Legislative Document 265 which is before us: Massachusetts, Washington, Iowa, California, Ohio, South Dakota, New Hampshire,

Mississippi, Kansas, Minnesota, Nebraska, Indiana, Texas, Oklahoma, New York, District of Columbia, West Virginia, United States Government, Illinois and Montana.

Now, eleven other states follow the system of setting up a reserve fund: Rhode Island, since 1931, Michigan, North Dakota, Pennsylvania, Alabama, South Carolina, Tennessee, Florida, Oregon, Wisconsin and Vermont.

Now, if we take the eleven jurisdictions that have an insurance fund and the twenty jurisdictions that have no insurance whatsoever in private companies we find that thirty-one of the jurisdictions do not use the system that is used in the state of Maine. Let us look at the situation in Maine. In the state of Maine public properties are divided into about five hundred and thirty-five buildings with a book value of from thirteen to fourteen million dollars. I want to point out at this place that you will notice that when we come to some other figures on the amount of insurance coverage you will see that under the archaic system under which we are now insuring our property in the state of Maine that at its best we are only covered about fifty per cent. The present plan of insurance in Maine went into effect on June 1st, 1931 and all policies existing at that time were cancelled and new policies written. Under the new plan one-third of the insurance was written for one year, one-third for two years and one-third for three years. This means that on the basis of the valuation in 1931 the cost of insurance was approximately \$44,000 a year as opposed to the figure of \$35,000 a year as outlined in the Code Report of 1930, showing you the gradual increase in the expenditures of public moneys for this proposition in five years to be from \$35,000 to \$44,000. Why? Because the present insurance set-up in the state of Maine is a racket, and that is all it is, and the public, the people of the state of Maine, are paying the bill.

On the basis of the present valuation it is approximately \$37,000 a year and these are the figures which should be used as a basis in balancing the cost of insurance against the fire losses. The fire losses since June 1, 1931 for which insurance has been paid—and I will repeat that again—the fire losses since

June 1, 1931 for which insurance has been paid amount to \$16,422.39, and in addition to this amount some small losses have occurred on property not insured, possibly \$8,000 or \$10,000. It should be borne in mind that in the state of Maine we are not insuring property valued under \$10,000. It was thought that it would be more economical for the State to save the premiums on these smaller pieces of property and stand the losses when such losses occurred. And it has occurred to me that possibly it would be more economical for the insurance companies than for the State.

But let that be as it will. The cost of insurance under the new plan effective June 1, 1931, that is four years ago—here are the premiums that have been paid: June 1, 1931 to June 1, 1932, \$17,134.56—and, mind you, let me point out that the profit to the agent who has the sympathetic ear here in Augusta amounts to about 20%. From June 1, 1931 to June 1, 1933, \$30,241.52; from June 1, 1931 to June 1, 1934, \$43,341.36; from June 1, 1932 to June 1, 1935, \$43,618.48; from June 1, 1933 to June 1, 1936, \$36,946; from June 1, 1934 to June 1, 1937, \$36,961.52. That is a total of \$208,243.44 since June 1, 1931. Now they have returned in premium: Reduction in Rate, \$1,270.32; Reduction in Insurance, \$5,806.98; or a total of \$7,077.30; or a total insurance payment of \$201,166.14. That is what we pay to maintain this racket in the state of Maine—\$201,166.14.

Now, of course some of these places have got scorched a little bit with the result that this philanthropic group known as the insurance group have paid back into the state of Maine for the various fire losses: On August 1, 1931 at the State Augusta Hospital, \$2,515.37. I should have thought that they would have made that even money anyway. On October 12, 1931 on the Madawaska Training School, \$114.88. They are very exact. On December 17, 1931 at the University of Maine, \$1,507.23. March 9, 1932, Madawaska Training School, \$36.33; on November 27, 1932, Northern Maine Sanatorium, \$23.61; June 14, 1933, University of Maine, \$12,076. November 9, 1933, University of Maine, \$97.19; on February 17, 1934, State School for Boys, \$51.78; making a total of \$16,422.39.

Now if we take the \$201,166.14

that we have paid for this insurance since June 1, 1931 and deduct the \$16,000 and some odd cents that they have paid back we will find that over that period of about four years the state of Maine has paid out \$185,000 more than they have received back, and they seem all right, but the facts remain if the Legislature in 1931 had seen fit to take a start and make a start back in 1931 and had set up a fund we would have in that fund today \$185,000, but we haven't got it. The boys who give out the blotters and calendars have got it and they are paid pretty well for their blotters and calendars.

Well now, let's look a little further into the record. I don't know as it will do us any harm if we do consider some of these things. We find as of June 1, 1933—and I will read you some facts that some of you people are familiar with—what I am trying to show is that under the present set-up we have no protection and it is just a make-shift arrangement. There is \$12,287,644 insurance on property of the state of Maine covered by real estate and by personal items. Now, \$9,808,066.50 are on the following buildings located, described and covered in amounts as follows. They start right here in Augusta, the Capitol and neighboring property. We find item one, the State Capitol, is covered by an insurance of \$850,000. Well, that might install the elevators in a new capitol building, might buy a few carpets like we have here, for a new building, but if we had a fire here we would still have to call the Legislature together in special session over in the Highway Building or somewhere to decide what we were going to do. Now we have here the second item, the Adjutant General's Building, and that is \$27,200. And on the Storehouse down there, \$29,750. And on the Office Building, \$48,450. On the Blaine Mansion—I believe, if my memory is correct, that the Legislature, when Carl Milliken was around here, spent a small fortune on it but we have it insured in the amount of \$29,750. We could put a new roof on it and possibly paint it.

Then we have the State Garage, \$68,000. All of which makes a total of \$1,053,150.

Now, still here in Augusta, we have the Muster Field with the Storage Garage and Repair Shop insured for \$6,800. Now let's go across the river over to the State

Hospital and we find the Administration Building there is covered by \$93,500. The first Female Wing is \$55,250, and the Second Female Wing is \$85,000, the third Female Wing, \$85,000. The first Male Wing is \$85,250; and the Second Male Wing is \$85,000, and the Third Male Wing is also \$85,000. The Kitchen Building is \$97,750; the Female Pavilion, \$68,000; Tyson Building, \$93,500; Male Pavilion, \$68,000; Sanborn Wing, \$80,750; Harlow Wing, \$80,750. Now on the Passageway east of the Kitchen Building over there they have \$17,000 and the Helps' Quarters, which was the old Chapel, is insured for \$17,000. The Power House and Laundry, \$42,500; the Coal Pocket, \$11,900; the Carpenter's Shop, \$12,750; Nurses' Home, \$102,000; Burleigh Pavilion, \$59,500; Burleigh Annex, \$12,750; the Tubercular Building, \$12,750; Office Employees' Quarters, \$13,600; Steward's Residence, \$17,000; Criminal Insane Building, \$42,500; on the Storage Building for Equipment, Supplies and Farm Products, \$8,500; on the Cow Barn, Brick and Frame, \$34,000; Stable and Storage Building, known as Campbell Barn, \$17,000; making a total on the Institution across the river of \$1,453,500.

Now for a moment come up to Bangor and we find on the property at the State Hospital on the Service Building, \$153,000; whereas on the Administration Building, \$136,000; on the Hospital, \$110,500, and that was Hospital C. On Hospital D, \$153,000; Hospital E, \$110,500; Hospital F, \$127,500; on the Tubercular Building, \$30,600; on Hospital H, \$153,000; or a total on the Bangor State Hospital of \$974,100.

Now, at Thomaston, at the State Prison, where they have a carnival every now and then and let some of the boys out when they can agree on it in the other room, Administration and Cell Building, Harness Shop, Woodworking Building, Combination Building which includes blacksmith shop, dining room and hospital, Boiler House, Coal Shed and Warden's Dwelling, is a total of \$612,00.00.

Over at Skowhegan, "State Reformatory for Women, Administration building \$21,250.00." I read this for this reason, that a great many of you here are familiar with these particular pieces of property and you can understand how re-

diculous it is to insure, to be insuring these buildings for this ridiculous coverage. It isn't business. It isn't good business for an individual, and an individual would not do business this way, and if it is not good business for an individual, it certainly is not good business for the State. Going back to Skowhegan, we find the administration building is insured for \$21,250.00. Stevens Building \$34,000; Damon Cottage \$10,200; Milliken Cottage \$10,200; Detention building \$17,000; farm house \$7,650 and farm stable \$7,650; making a total of \$107,950 on our State Reformatory for Women, at Skowhegan.

A little closer to home, down here in Hallowell we find at the State School for Girls, the administration building is covered by \$10,200; Central Building \$63,750; Baker Hall \$21,500; Erskine Hall \$23,375 and Flagg-Dummer Hall \$19,550, a total of \$138,125.

Now, if we go down to South Portland, we find the State School for Boys has coverage on the main building \$85,000; Farrington Cottage \$13,600; Wentworth Cottage \$23,800; Albion Little Cottage, \$23,800; Lincoln Cottage \$23,800; Arthur R. Gould building,—I have not heard that name for a long while,—that building is insured \$27,200; and the barn \$15,300; making a total of \$212,500.

Now, at South Windham, the State Reformatory for Men, the reformatory building \$55,250; new industrial building \$54,400; new barn and dairy building \$14,662.50, making a total coverage of \$124,312.50.

At Upper Gloucester, Pownal State School, "Central Group (1)" Superintendent's dwelling \$17,000; administration building \$42,500; nurses' home \$17,000; Gray Hall \$34,000; Drigo Hall \$68,000; Staples Hall \$34,000; Dining Hall \$102,000; New Gloucester Hall \$42,500; Pownal Hall \$72,250; laundry \$8,500; boiler and power house \$21,250; Morse Cottage \$6,375; new hospital \$136,000. Now, at the Valley Farm, Upper Gloucester, the dormitory has coverage of \$17,000 and the cattle barn and silos \$13,090. At the Hill Farm the dormitory is \$8,075, whereas the horse barn is \$8,500. So evidently the horse barn is more valuable than the dormitory. That is characteristic of the way the State does business anyway. That makes a total there of \$648,040.00.

Now, when we go to Orono, the University of Maine, we find the gymnasium with coverage of \$276,000 and I know from my own knowledge that it cost over \$500,000 to build it. The temporary heating plant \$2,125. It must be very temporary. Mechanical Engineering building \$104,210; boiler house \$3,400; Arts and Sciences building \$215,362.50. I see on the pig pens at the University they have placed the same at \$552.50. I assume that doesn't cover the pigs. I would suggest they get the government to pay them for not having pigs there and decrease that amount. Getting to the sheep shed; \$552.50; manure shed \$1,700.00; cow barns and milk house, \$25,840; on the poultry plant and the incubator, they have placed \$2,250.50, whereas on the poultry pens they have \$1,200. On the new poultry plant, experiment station, \$22,100. Whereas on the ice house they have \$340.00 and on the farm equipment storehouse \$1,402.50; on the creamery \$3,740; on the farm residence and incubator house \$3,060 and on the farm boarding house \$4,080; on the Horticultural buildings \$41,565; on the stable \$4,760; on the small building near the stable \$340.00; on the tool shed and stable \$2,210; whereas on the observatory \$765.00.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT: The Senator from Waldo, Senator Fernald, will take his seat and the officer will send for the Secretary.

(The Secretary presently returned to the Senate Chamber.)

The PRESIDENT: A quorum not being present, the Sergeant-at-Arms will circulate around the corridors and see if he can find any members of the Senate whom he can bring back into the Senate Chamber.

(A sufficient number of the Senators to constitute a quorum presently returned to the Senate Chamber.)

The PRESIDENT: A quorum now being present, the Senator from Waldo, Senator Fernald, may proceed.

Mr. FERNALD (Resumning): We will now continue with the stable at the University of Maine, \$4,760, and then as I read before, the small building over near the stable, that I know the members who attended the University of Maine must be familiar with, on that building they

have \$340. On the Tool Shed, \$2,210; Observatory, \$765; Carpenter Shop, \$1,742.50; the shed near the Carpenter Shop, \$212.50; on the garage, \$2,295. Now on Lord Hall, \$50,745 and over on Aubert Hall, \$80,750; and on the Print Shop, \$1,567.50; on the Hose House, \$279.50; Infirmary, \$1,020; on Hannibal Hamlin Hall, \$76,415, and if any of you have ever been to the University of Maine and seen the Hannibal Hamlin Hall you will remember that it is a four-story, brick structure several hundred feet in length, and they have \$76,415 on it.

Now on the M. C. A. Building they have \$6,800; on Oak Hall, \$32,895; Wingate Hall, \$39,015; Fernald Hall, \$22,397.50; on Merrill Hall, \$83,300; Colbin Hall, that is the new building they have built at an expense of nearly a hundred thousand dollars very recently, they have \$55,250. On Alumni Hall they have \$72,335; on Horticultural Building, \$1,827.50; on Holmes Hall, the experiment station, \$25,202.50; on the Stock Judging Pavilion they have \$4,632.50; on Winslow Hall, \$64,982.50; on the Home Economics Laboratory (Maples), \$16,991.50; on the Residence — Superintendent's Buildings and grounds, \$2,337.50; on the Residence for the Dean of Men, \$6,162.50; on Ballentine Hall, \$74,630. Now going to the Library we find that massive granite structure has only \$70,975 on it, whereas the President's House has \$10,795 on it and Coburn Hall has \$33,702.50; and on North Hall, \$8,287.50; on the Waiting Room, main entrance, \$340; on the Waiting Room, Beta Entrance, \$42.50; on the Plumber's Residence, \$2,040. And on the Heating Plant, \$15,300. On Dean Merrill's Residence they have \$4,080, and on the Mount Vernon House, \$8,075, and you will recall that that was a total loss by fire some time ago and they only had a coverage on it of \$8,000. On the Faculty House they have \$4,930, and on the Faculty House No. 139, \$4,930, and on Faculty House No. 140, \$4,930. On the House at the Girls' Athletic Field they have \$212.50; on Rogers Hall, \$36,550; Forestry Department House, \$425; University Inn, Orono, \$12,750; Woodward Farm Barn, Old Town, \$637.50.

Now let us go over to Highmoor Farm in Monmouth in Imperial Kennebec and we find that the House and Connecting Barns have a total coverage of \$35,870; the

Blacksmith Shop, \$1,275; Packing Shed, \$1,700; Ice House, \$425; Tool Shed, \$425; the Cottage has \$1,360.

Now let us go up to Aroostook County to Presque Isle and we find there that we have the Main House with \$3,825 coverage; the Boarding House, \$2,040; the Barn, \$6,120; and on the Machinery Shed we have \$510.

At Princeton, Maine, on the Forestry Camp we find that the total amount of insurance there is \$2,040.

At Lamoine, Maine, we have on the Laboratory there \$2,550; on the Dwelling, \$2,975; Dormitory, \$7,055; and on the Barn, \$4,420, making a total coverage of \$1,732,864.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT: The Senator from Waldo, Senator Fernald, raises the question of a quorum. The Senator will resume his seat and the Secretary will be sent for.

(The Secretary presently returned to the Senate Chamber.)

The PRESIDENT: May the Chair inquire if the Senator from Waldo, Senator Fernald, is satisfied that there is a quorum present?

Mr. FERNALD: Yes, Mr. President.

The PRESIDENT: The Senator may proceed.

Mr. FERNALD (Resuming): At Monmouth on the Poultry Plant, Dwelling and Garage they have \$13,600. At Fort Kent on the Recitation Building, \$19,550; on the Model School Building, \$11,900; Boys' Dormitory, \$23,800; Girls' Dormitory, \$25,500; Gymnasium, \$27,200, making a total at Fort Kent of \$107,950.

Now at Presque Isle at the Aroostook State Normal School, the School Building there is a total coverage of \$85,000; Normal Hall has \$47,600; South Hall has \$68,000; making a total there of \$200,600.

At Gorham on the Western State Normal School, the School Building has \$95,625; the Dormitory has \$208,250; the New Gymnasium and Auditorium, \$42,500; the Manual Training Building, \$7,650; the Principal's Dwelling, \$21,250, making a total at Gorham of \$375,275.

At the Farmington State Normal School on the School Building, \$80,000; Furlington Hall, \$76,500; South Hall, \$76,500; the Willows, \$17,000; the New Gymnasium, \$15,300, making a total coverage at Farmington of \$265,300.

At Castine, Maine, the Eastern State Normal School, on the School Building we find \$72,250 coverage; Richardson Hall has \$68,000; and the Gymnasium, \$27,200, making a total coverage at Castine of \$167,450.

At Machias, the Washington State Normal School, on the School Building, \$68,000 and on the Dormitory \$59,500, making a total of \$127,500.

At the Portland State Pier on Terminal Property, in which there are now outstanding millions of dollars worth of bonds of the peoples' money, they have a total coverage of \$658,750. On the Armory in Portland, \$93,500; and on the Maine School for the Deaf, the School Buildings, at Portland, \$127,500.

At Bath, on the State Military and Naval Children's Home, including the School, there is a total coverage of \$25,500.

At Hebron, Maine, the Western Maine Sanatorium, on the Administration Building there is \$55,250; Cottage A has \$29,750; Cottage B, \$17,000; Cottage C, \$29,750; Cottage D, \$25,500; the Laundry and Power House, \$17,000; the Cow Barn, \$15,300, making a total at Hebron of \$189,550.

At Fairfield, Maine, the Central Maine Sanatorium, on the Chase Memorial Building and Annex there is \$39,950; Cottage A has \$46,750; the Children's Building, \$17,000; Ralph A. Jewell Building, \$39,950; on the Nurses' Home, \$25,075, whereas on the Superintendent's Dwelling there is \$6,275. This makes a total at Fairfield of \$175,100.

Now at Presque Isle, the Northern Maine Sanatorium, the Wilson Building has \$55,250; the Powers Building, \$29,750; Edith Knight Building \$42,500; Nurses' Home, \$25,000; Laundry and Power House, \$5,950, making a total at the Presque Isle Northern Maine Sanatorium of \$158,950.

At the Bangor State Armory the coverage is \$58,140.

This makes a total amount of insurance of \$9,808,006.50 for all property throughout the State.

Now when they place this insurance they have a second policy where they place \$2,479,657.50 on "All Personal Property and Chattels of the Insured Ordinarily Contained or Stored in any Building

Designated in Division 1, Including Books, Wearing Apparel, Plate, Jewels, and so forth and so on.

That gives you the picture that shows you the business methods that this business administration is carrying on in the protection against fire of your property and of my property, the property that has been built up through large appropriations that have been obtained from the Legislature, appropriations many times greater than the amounts covered there.

Now I thought a matter of this importance, involving the expenditure by the State of nearly fifty thousand dollars a year and over a period of some fifteen or twenty years, involving an amount approaching a million dollars, should be considered not from a sentimental point of view but from a business point of view.

(At this point the President retired and the Senator from Cumberland, Senator Burkett, assumed the Chair.)

The question might arise as to whether or not the Code Report of 1930 was a report made by a group of people not familiar with the situation, or a group of theorists. So I have looked to other states to see what their attitude was on the matter and to those of us in Maine who like to look for precedence our first thought is to look to Massachusetts, our Mother State, and I find that the Commonwealth of Massachusetts under the Special Report of the Commission on Administration and Finance Relative to the Establishment of a Sinking Fund or Insurance Fund for Protection Against Losses by Reason of the Destruction of or Damage to State Property by Fire or Other Casualty, I find from their report made in 1925, known as Senate Document Number 20, the following statement on page six: "The Commonwealth" — meaning Massachusetts—"is not in the class of a business corporation to the extent that it needs to create a reserve of funds as a fiscal requisite. It has no capital stock outstanding and it does not contribute cash dividends. Its principal asset is its credit, built upon the power to tax. Its liability is its obligation to the citizens of the state"—and I think that is a sentence that deserves repeating—"Its liability is its obligation to the citizens of the state. With its wide distribution of property allocated all over the Com-

monwealth, the procedure of non-insurance followed by the United States, other states and larger business corporations seems the economical method."

Mr. ASHBY of Aroostook: Mr. President, I rise to a point of personal privilege.

The PRESIDENT pro tem: Does the Senator from Waldo, Senator Fernald, yield?

Mr. FERNALD: I do not choose to yield at this time Mr. President.

The PRESIDENT pro tem: The Senator from Waldo, Senator Fernald, has the floor.

Mr. ASHBY: Mr. President, may I ask through the Chair a question of the Senator from Waldo, Senator Fernald?

The PRESIDENT pro tem: The Senator from Aroostook, Senator Ashby, wishes to ask a question through the Chair of the Senator from Waldo, Senator Fernald, who may answer the question if he desires.

Mr. FERNALD: I do not care to answer any question at this time, Mr. President.

The PRESIDENT pro tem: The Senator from Waldo, Senator Fernald, has the floor.

Mr. ASHBY: I notice that, Mr. President.

Mr. FERNALD (resuming): So we find that the report of the Code Commission as set up by Governor Gardiner, which expended fifty thousand dollars, we find that the evidence and the conclusions arrived at by the Commission was substantiated by a similar commission created for a specific purpose and arriving at the same conclusion, in Massachusetts.

Now at this point I intended to speak of the situation in Hancock County, but I will defer until the members involved reappear.

Now people are going to say that this is a radical proposition but I offer as recommendation for my theory the principle in such a procedure as adopted by the big business companies of the United States and I selected from all the business concerns in the United States a group of those that I considered the fifty largest business concerns in the United States and I sent to them a questionnaire and asked them, "How do you insure your property against fire; are you a self-insurer; do you have a sinking fund; do you insure through the general commercial fire companies; and why do you use that method?"

I think that the State may well look to big business, to big business that is well run and well regulated, for a business method, and consequently one of my questionnaires went to the E. I. Dupont De Nemour Company of Wilmington, Delaware and I think you will agree that the Duponts do not stand for Radicalism, they do not stand for Bolshevism, they do not stand for Socialism; they stand for big business and they have a big business well run, and so I asked that firm, which is one of the biggest business concerns in the United States, "How do you carry on this business?" And they said that they insured their own property and that the theory back of it was that it was the company's policy, because, you can see, their property is diversified.

Well, that is all right for the Duponts. Here is the New York Central Railroad, the same reply, and I don't think we would consider that the New York Central was radical. Here is the American Agricultural Chemical Company of 50 Church Street in New York. They have a sinking fund. And here is the United States Steel Corporation and we find that the United States Steel Corporation is a self-insurer. Then here is the First National Stores Incorporated. I think most of us are familiar with the business activities of the First National Stores. They are self-insurers. And then here is the Gulf Refining Company, and when you think of the Gulf Refining Company of course everyone thinks of Andy Mellon and Andy Mellon is not a radical, Andy Mellon is a big business man and he is a good business man. And what does Andy Mellon's company say, the Gulf Refining Company? Andy Mellon's Company carry their own insurance.

Now I could go on and quote you these letters but I think that this cross section of the attitude of Big Business answers the question to those of us who are willing to be told or shown.

Now let us go into the record a little further. It won't do any harm. Here is a letter from the President of the School District of Kansas City, Missouri, and I suppose you will say to that that he is from Kansas and doesn't know what is going on in Maine anyway. But as a matter of fact this man,

Edwin C. Meservey, President of the School District of Kansas City, Missouri, came from right down here in the city of Hallowell, and he says in part as follows: "Something like twenty years ago the Board of Education of the Kansas City School District adopted the principle contained in your bill." And I am going to leave that for just a minute and before I lose my audience that I want to talk to I will say that down in Hancock County in the town of Bar Harbor, down where they pride themselves in doing things right and in putting things over with a bang, they have adopted the principle years ago of insuring their own municipal property. And I think that the State of Maine may look to Bar Harbor and to Hancock County for leadership in this matter.

Now, going back to Kansas City, "Something like twenty years ago the Board of Education of the Kansas City School District adopted the principle contained in your bill, stopped paying the premiums on fire insurance and applied the premiums to the creation of an insurance fund. Each year we ascertained what the premiums on fire insurance on all our school buildings would be. We then appropriated to the insurance fund a similar amount and as a result we have accumulated an insurance fund of \$600,000.00 which has been invested in safe bonds and the interest on those bonds has exceeded the amount of our fire losses for a number of years. However, we are still making appropriation and it is the present policy of the Board to continue until the insurance fund reaches a million dollars and we believe that when the fund has reached that amount it will not be necessary to appropriate anything more as under ordinary circumstances the accumulations from interest will exceed the fire losses." The thought occurs to me as this debate continues that in the near future when modern science has reached the point that television will be invented and when the people back home can look in upon the show that is put on over here in Augusta, I wonder what their reaction will be? Now, to continue the letter from Kansas City.

Mr. PINANSKY of Cumberland: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator

from Waldo, Senator Fernald, has the floor, unless he wishes to yield.

Mr. PINANSKY: To a point of personal privilege, Mr. President.

The PRESIDENT: The Chair rules that the Senator from Waldo, Senator Fernald, has the floor unless he wishes to yield.

Mr. FERNALD: I do not wish to yield at this time, Mr. President. Now, going back to the letter from Kansas City: "Of course, the situation with respect to the schools in the Kansas City School District is somewhat different from the property covered by insurance in the State of Maine. I do not know what the state capitol building is worth. We have nine high schools which cost on an average of \$1,250,000.00 each and four junior high schools which cost about \$250,000.00 each but they are scattered in various parts of the city so there is little chance that a fire in one will create a hazard in any other school. We have over one hundred elementary schools but they also are scattered, which of course reduces the hazard materially. Any plan, however, which would result in the taking over by the state of the fire risk would in my opinion be a great saving to the tax payers of Maine."

Now, continuing a little further into the record, and I trust I do not bore you too much, we find that in Albany, in New York, the Insurance Department there has adopted the same principle. We find the same in Ohio, and here is a letter from the Department of Insurance in Springfield, Illinois: "The principal reason for the State assuming its own risk against loss or damage by fire lies in the cost of the insurance. Covering a period of the past ten years, the losses have been materially less than one-half of what it would cost the State to insure all properties even under a most advantageous rating, and it is for this reason, principally, that no insurance is carried."

In Ohio the Insurance Department reports as follows: "No sinking fund for fire losses has been established, but small partial losses are repaired out of maintenance fund. Total loss, and all losses of considerable magnitude are met by legislative appropriations for the specific purposes. Answering your question as to fire losses in the larger cities of Ohio, we find no insurance is carried by the Municipality of Columbus on its public buildings; the Secretary to the Mayor states his belief that no

Ohio municipalities carry fire insurance contracts. The subject of insurance on public property, real and personal, and of loss by theft and forgery, has been considered at various times, and has been submitted to the Attorney General from time to time for opinions on various phases. Thus far, however, the State has adhered to its economic policy of carrying its own insurance."

Providence, Rhode Island, gives us the same light on the subject. Here is one from Wisconsin that I think will cast a little light upon the subject. This is under the recent date of November 21, 1934: "Wisconsin has had a monopolistic state fund for insurance of state owned property since 1903. In 1911 and 1913 the law was amended to include the property of political subdivisions if the governing board thereof adopted a resolution to so insure."

(At this point the President resumed the Chair).

Mr. PINANSKY of Cumberland: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator will state in a few words his question of personal privilege.

Mr. PINANSKY: My question of personal privilege, Mr. President is that I would like to ask Senator Fernald, my distinguished colleague from Waldo County, if he will give us the privilege of going to lunch at this time, to prevent our getting intellectual indigestion, and then resume his remarks after the recess. This is under the heading of "Good and welfare" for the members of the Senate and the spectators.

The PRESIDENT: The Senator from Cumberland, Senator Pinansky, asks of the Senator from Waldo, Senator Fernald, through the Chair, if that Senator will yield so that a motion for recess may be made. The Senator from Waldo, Senator Fernald, may reply if he wishes or may go on with the matter under discussion.

Mr. FERNALD: I do not choose to reply, Mr. President.

The PRESIDENT: The Senator from Waldo, Senator Fernald, may proceed.

Mr. FERNALD (resuming): Before I was interrupted I was pointing out to the Senate that in the State of Wisconsin, where they have set up this system, "at the present time in addition to all state property, the property of 28 counties,

85 towns, cities and villages, 350 school districts, 8 libraries"—

Mr. ASHBY of Aroostook: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator from Aroostook, Senator Ashby, rises to a point of personal privilege. The Senator will state in a few words the question he wishes to raise.

Mr. ASHBY: I am ill, Mr. President, and I wish to be excused.

The PRESIDENT: The Chair will rule that the Senator from Aroostook, Senator Ashby, is out of order in making his request. The Senator from Waldo, Senator Fernald may proceed.

Mr. FERNALD (resuming): Before I was interrupted, I pointed out to the Senate that in the State of Wisconsin they have set up a system of state insurance that has worked well in that jurisdiction. "Wisconsin has had a monopolistic state fund for the insurance of state owned property since 1903. In 1911 and 1913 the law was amended to include the property of political subdivisions if the governing board thereof adopted a resolution to so insure. At the present time in addition to all state property, the property of 28 counties, 85 towns, cities and villages, 350 school districts, 8 libraries and 3 sanatoriums, are insured in the fund. It is in excellent financial condition and is growing rapidly."

I think the state that really stands out on this question, a state that has a definite program, a program that has worked well, and a program that experience shows has worked well, is the State of South Carolina. I have under recent date, a communication from the Sinking Fund Commission of the State of South Carolina, which reads as follows: "The Sinking Fund Commission, acting for the State of South Carolina, insures all of the public buildings of the State, the counties and the public school buildings against loss or damage which may be caused by fire, lightning or windstorm." I might say here that for the perusal of the Senators at their leisure time, I would refer them to a pamphlet issued by M. J. Miller, Secretary of the Sinking Fund Commission. His address is Columbia, South Carolina, at, I believe, the State Capitol Building. He will be very glad to supply you with copies of a

pamphlet entitled "State Insurance of Public Buildings. A Brief Resume of Twenty-two Years' Operation". It is a pamphlet of rather large type so that anyone with poor eye-sight can read it readily without the use of artificial light, and it explains the whole situation very carefully. Now I will continue that letter which I have received, under recent date, from the Secretary of the Commission. "We act exactly as an insurance company, issuing a standard form policy and collecting an annual premium thereon. Our rates average approximately 20% under the existing tariff rate employed by stock companies." I think that statement is rather significant when they state that their rates average approximately 20% under the existing tariff rate employed by stock companies. "This insurance project has been successful since it was inaugurated in 1900. We have paid all losses for which we were liable and have built up a surplus in our insurance and reinsurance funds which now amount to approximately one million, one hundred and fifty thousand dollars. Our reinsurance fund alone now amounts to more than \$300,000.00. The law provides that when the assets of the insurance fund reaches the sum of one million dollars all property insured with us for five years or longer becomes entitled to free insurance protection. We reached the million dollar mark in 1926 and have been carrying free insurance on certain of our properties since that date. It is interesting to note that during the time this insurance of public buildings has been in effect in South Carolina it has been necessary to levy only one assessment and this was in November, 1933, when we levied our first assessment which was seventy-five per cent of an annual premium." I think that very clearly shows the attitude of the people of South Carolina, where there exists a system that has worked.

Now the problem before us, as members of the legislature, is this. Are we to save for the State of Maine and for the people of Maine \$40,000 a year of money that does not fulfill any necessary governmental function as far as the State of Maine is concerned?

Forty thousand dollars would provide nearly five hundred old age pensions for needy people in the

State of Maine. Forty thousand dollars would build over a mile of concrete cement highway. Forty thousand dollars would build many a mile of gravel road in our districts. I just want to point out that this is just another bill that attempts to save a few dollars for the State of Maine. It is just one of the accumulation of bills that I have sought to introduce with the idea of getting some safe, sane and superior consideration so that this legislature would not be forced to impose upon the already overburdened taxpayer an additional tax levy, so that we would not be forced to return to these legislative halls for a special session and for a second and for a third special session. The proper departmental management of the State of Maine, with a \$20,000,000 appropriation which we now have, would carry out every necessary governmental function for the people of the State of Maine and provide besides that, a sufficient revenue to take care of every aged, needy person in the State of Maine without the increase of a single tax levy upon the people of Maine. But Spring is here and we are headed home, but we will soon turn around and be headed back.

Now, there is another phase of this question. And before some petty economist arises to delete from the record my remarks because he or she does not agree with them, I want to refer to the Constitution of the State of Maine. The Constitution of the State of Maine, the bill of natural rights that was modeled after the words of Thomas Jefferson: "We, the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring His aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine, and do ordain and establish the following Constitution for the government of the same."

Now, "Article I. Declaration of Rights." That refers to rights that you have and that I have. "All men are born equally free and in-

dependent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit."

I declare on the floor of this Senate that no government is a free government when free expression, free orderly discussion of a public question is stricken from the record and it is high time, in the State of Maine, that the people of Maine assert themselves and permit a public servant to speak out his subject on a public question even if that public question goes to the root and foundation of our Constitutional structure and provides that the people, themselves, should amend our Constitution and abolish the State Senate or the State Legislature.

The record of this assembly yesterday is not precedented in the history of free and democratic government in the State of Maine since its establishment in 1820. Gag rule! Democratic government! And you stand here on a platform, Democratic platform, "It is the mission of Democracy to resist the drift away from the standards and safeguards of the Constitution and to restore government to its proper and legitimate scope and purpose." Now the Republican platform, "We intend to re-establish the legislative dignity and authority of the State."

"Re-establish the legislative dignity"! Do you think we are re-establishing the legislative dignity when we refuse to face the facts and when we strike from the public record the remarks of a representative of 20,000 people, speaking orderly and with difficulty on a public question, in an orderly manner and under the rules of democratic government as set forth in the Constitution of the State of Maine?

Now, let us look a little further under the Constitution of Maine, Legislative Powers. "Each house shall keep a journal, and from time to time publish its proceedings, except such parts as in their judgment may require secrecy." Now I cannot stretch my imagination to the extent of believing that the remarks I made in this body yesterday were

of such a nature that they require secrecy. They were clear. They were orderly. They were organized. They were to the point. And not a member of this body stood up and offered one argument against it. What is there about a public question that does not deserve consideration? I know what the people want. Open covenants, openly arrived at! We want legislation, legislated by the legislature in an orderly manner; open discussion and free discussion. We do not all disagree on public questions, and when there is a public question that all people agree on it is of very little consequence.

I hope that when the discussion on this question has ceased that at least the remarks as regards insurance, the efforts of several months of study and endeavor, will be permitted to go forth to the people of Maine so that when they get ready to re-elect or to elect their representatives in two more years they may, at least, know in a small degree, how their public servants have voted. I think from a perusal of the records and the votes of twenty-nine to one, thirty to one, and twenty-five to one, there is no need of a roll call on any public question because the record speaks for itself.

The only request I have to make is that I be given the same privilege of every other Senator and every other Representative, that I may speak my convictions, convictions I have been re-elected upon. They are not theories that I have just accumulated in the last three weeks. They are theories I have expressed in the other branch, and theories upon which I have been elected, and as I go on and study the questions and have more information to offer, I believe the deliberative body is the place to bring out new ideas and to present them and place them on record so that the people back home can see the arguments pro and con. If we are to constitute ourselves as an oligarchy, it is time the people had a chance to vote on whether they want to continue as a representative government or as an oligarchy.

I resent the gag rule placed upon my remarks yesterday, but I am willing to go before the people in two years, and I know what the reaction of the public will be and I hope that my remarks of today and

what further remarks I have to make will be permitted to be put on the records, and if anyone disagrees with them, let them get up and express their convictions; but if they don't do that, at least let me be permitted to have my remarks in the record that I may have some of the records sent to Waldo County to let the people know how I voted. If you want gag rule, why not go to the people and say so, but if they don't want that, give me the same privilege every other Senator and Representative has, and let my record stand as it is. I am running on my record and I am willing to take a definite public stand on any public question.

The time has arrived in the State of Maine when public servants, seeking public office, must go before the public on a platform, not a platform of promises but a platform of performance.

When the vote is taken on the question, Mr. President, I ask for a division.

Mr. HUSSEY of Kennebec: Mr. President, the Committee on Mercantile Affairs and Insurance gave this bill a hearing. It was a very nice hearing. The proponent of the bill made a very good plea to the judgment of the committee but the unanimous judgment of the committee was that it ought not to pass. In the first place, the committee felt that the bill was inexpedient in that there is no law upon the statute books which says the State of Maine shall insure. It does not have to unless it desires. The Governor and Council do not have to insure any of the State property. I am not going into any lengthy debate on this. I know the Senators have made up their minds. Their judgment will be good on it, and I hope that when the vote is taken that the motion of the Senator from Waldo, Senator Fernald, will not prevail.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Waldo, Senator Fernald, that bill, An Act Prohibiting the State to Insure Any of Its Property Against Fire, be substituted for the unanimous report of the committee "ought not to pass", and Senator Fernald has asked for a division.

A division of the Senate was had. Two having voted in the affirmative and twenty-three opposed, the

motion to substitute the bill for the report did not prevail.

Thereupon, the report of the committee "ought not to pass" was accepted in concurrence.

The President laid before the Senate, Senate Report from the Committee on Mercantile Affairs and Insurance, "Ought not to pass" on Bill, An Act Creating a Fire Insurance fund, (S. P. 301, L. D. 264), tabled on March 21st by Mr. Fernald of Waldo, pending acceptance of the report; and the Chair recognized that Senator.

Mr. FERNALD of Waldo: Mr. President, I feel the same way about this bill that I do about the other one. The two bills were introduced for the purpose of giving the committee, if in their judgment they wanted to consider such an economy measure, two alternatives, but I think we will all agree that the sentiment on the proposition is well crystallized and so I will, at this time, move the acceptance of the report, "ought not to pass".

The motion to accept the report "ought not to pass" in concurrence, prevailed.

Mr. ASHBY of Aroostook: Mr. President, I move we adjourn.

The PRESIDENT: The Senator from Aroostook, Senator Ashby, moves we adjourn, which will mean convening at ten o'clock tomorrow morning.

A viva voce vote being doubted,

A division of the Senate was had. Eight having voted in the affirmative and fifteen opposed, the motion to adjourn failed of passage.

Mr. HARMON of Hancock: Mr. President, I move we recess for one hour.

Mr. BURKETT of Cumberland: Mr. President, is the question debatable?

The PRESIDENT: The Chair will state that the question is not debatable except as to time.

Mr. BURKETT: Then speaking wholly to the time, Mr. President. The Committee on Taxation and the Committee on Judiciary have a joint hearing this afternoon at half past one, in which a great many people, residents and citizens are interested. I trust the motion will not prevail.

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Harmon, that we recess until quarter of two.

A viva voce vote being doubted,

A division of the Senate was had.

One having voted in the affirmative and twenty-four opposed, the motion to recess did not prevail.

The President laid before the Senate, House Report from the Committee on Mercantile Affairs and Insurance "Ought to pass in new draft (H. P. 1751, L. D. 768) on Bill, An Act Relative to the Countersignatures of all Insurance Policies and Bonds (H. P. 206, L. D. 66), tabled on March 22nd by Mr. Burckett of Cumberland, pending acceptance of the report; and on motion by that Senator, the bill and report were retabled and tomorrow assigned.

The President laid before the Senate, House Report from the Committee on Claims "Ought not to pass" on Resolve in favor of the General Contracting Co. Inc., of Bath, (H. P. 766), tabled on March 22nd by Mr. Blaisdell of Hancock, pending acceptance of the report, and the Chair recognized that Senator who yielded to the Senator from Sagadahoc, Senator Jackson.

Mr. JACKSON of Sagadahoc: Mr. President, I realize that at this late hour and the late days of the Legislature, that the motion I am about to make, namely, to recommit this matter to the committee might be received with disfavor, but certain new contingencies have arisen which are well understood by the Chairman of the Claims Committee and I am assured that he will not oppose the recommitment of the matter and I move it be recommitted to the Committee on Claims in non-concurrence.

The motion to recommit the resolve to the Committee on Claims prevailed.

The President laid before the Senate, Senate Report from the Committee on Military Affairs "Ought not to pass" on Resolve Directing the Governor to Preclaim October 11th of each year "General Pulaski's Memorial Day" (S. P. 425), tabled on March 22nd by Mr. Pinansky of Cumberland, pending acceptance of the report, and the Chair recognized that Senator.

Mr. PINANSKY: Mr. President, I stated when I asked the privilege of having the matter tabled, that I was fearful that the Committee on Military Affairs, headed by my distinguished colleague on my left, had been more or less remiss in their duty,—and I say this most

cordially—in not, as part of their work, looking into the genealogy of the Pinansky Family, and so I was worried and not knowing whether the distinguished gentleman who came here to assist us in the great war, in Washington's time, not knowing whether he was one of our progenitors, I asked that the matter be tabled so that I might have time to look into the matter. I looked into the genealogy of the family in a rather unique way, by consulting such famous genealogists as Senator Ashby and several other of my distinguished colleagues and I now find that there is what we term in law as "a reasonable doubt" as to the connection. A reasonable doubt should always be found for the benefit of the State, and so under those circumstances, for the benefit of the State because of the existence of the reasonable doubt, I move the acceptance of the report of the Committee on Military Affairs, "ought not to pass."

The motion to accept the "ought not to pass" report prevailed.

Sent down for concurrence.

The President laid before the Senate, Senate Report from the Committee on Pensions, "Legislation inexpedient" on Bill, An Act Relating to Old Age Pension, (S.

P. 427, L. D. 517), tabled on March 22nd by Mr. Winn of Androscoggin, pending acceptance of the report; and on motion by that Senator, the bill and report were retabled pending acceptance of the report.

The President laid before the Senate, House Report from the Committee on Legal Affairs, "Ought not to pass" on Bill, An Act Relating to State Planning and Development," (H. P. 1331, L. D. 539), tabled on March 22nd by Miss Martin of Penobscot pending acceptance of the report; and on motion by that Senator, the bill and report were retabled pending acceptance of the report.

The President laid before the Senate, Bill, An Act Relative to the Making of Local Regulations for Fishing by the Commissioner of Inland Fisheries and Game, (S. P. 190, L. D. 140), tabled on March 23rd by Mr. Ashby of Aroostook, pending passage to be engrossed; and on motion by that Senator, the bill was retabled pending passage to be engrossed.

On motion by Mr. Burkett of Knox,

Adjourned until tomorrow morning at ten o'clock.