

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

SENATE

Thursday, April 3, 1941.

The Senate was called to order by the President.

Prayer by the Reverend LeRoy Congdon of Gardiner.

Journal of yesterday read and approved.

From the House:

Bill "An Act to Establish a Sanitary Water Board and to Control, Prevent and Abate Pollution of Certain Waters in the State." (H. P. 1785) (L. D. 1040)

(In the Senate on March 28th passed to be engrossed as amended by Senate Amendment "A" in non-concurrence)

Comes from the House, passed to be engrossed as amended by Senate Amendment "A" and by House Amendment "A" in non-concurrence.

In the Senate, under suspension of the rules that BoC'y voted to reconsider its former action of March 28 whereby the bill was passed to be engrossed, House Amendment A was read and adopted in concurrence, and the bill as amended by Senate Amendment A and House Amendment A was passed to be engrossed in concurrence.

From the House:

Bill "An Act Relating to Inductive Interference." (S. P. 406) (L. D. 640)

(In the Senate on March 26th passed to be engrossed as amended by Senate Amendment "A")

Comes from the House, bill indefinitely postponed.

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

From the House:

Bill "An Act Incorporating the Maine Vocational School." (H. P. 1867) (L. D. 1079)

In the House, received by unanimous consent and referred to the Committee on Legal Affairs.

In the Senate:

Mr. DOW of Oxford: Mr. President, I would like to say with reference to this bill, Legislative Document 1079, which was received by unanimous consent in the House, that maybe a word of explanation would be in order at this time.

I understand that the federal government anticipates a shortage of skilled labor. As a result of that it may be a part of the program of national defense to make federal funds available so that the state may participate in setting up vocational schools in this state for the purpose of training skilled workers. I notice that the bill sets up as incorporators some distinguished gentlemen among whom are former Governor Baxter, and George Otis Smith.

The bill calls for no appropriation and seems to be in line with the national defense scheme. I have a letter here from the United States Senate of which I wish to read one paragraph: "Whether the solution will lie along this line or through purely state or federal action is not yet clear but it has been impressed upon me very forcibly this past month that it would be very prudent for the state of Maine to have available a properly chartered institution to be ready in certain contingencies to meet a very obvious need."

Mr. President, I hope that this bill will receive unanimous consent for introduction and that it will be referred to the committee on Legal Affairs as a part of our national defense program.

The bill was received by unanimous consent and referred to the committee on Legal Affairs in concurrence.

House Committee Reports Ought Not to Pass

The Committee on Legal Affairs on Bill "An Act to Assist Rural Sanitation Activities," (H. P. 830) (L. D. 344) reported that the same ought not to pass.

In the House, the bill substituted for the report, and passed to be engrossed as amended by House Amendment "C."

In the Senate, on motion by Mr. Chamberlain of Penobscot, the bill and report were laid on the table pending acceptance of the report.

The Committee on Federal Relations on "Resolution Memorializing the Congress of the United States to Enact a Law which will Provide Adequate National Old-Age Pensions," (H. P. 1703) reported that the same ought not to be adopted.

The Committee on Labor on Bill

"An Act Relating to Weekly Payment of Wages," (H. P. 1615) (L. D. 959) reported that the same ought not to pass as it is covered by other legislation.

The Committee on Taxation on all Remonstrances against passage of L. D. 125, tax on Soft Drinks, reported that the same be placed on file.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill "An Act Relating to the Counting of Ballots," (H. P. 1408) (L. D. 786) reported the same in a new draft (H. P. 1861) (L. D. 1076) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to the Preemptive Right of Stockholders," (H. P. 1428) (L. D. 592) reported the same in a new draft (H. P. 1858) (L. D. 1071) under the same title and that it ought to pass.

The Committee on Motor Vehicles on Bill "An Act Relating to Inspection of Motor Vehicles," (H. P. 1542) (L. D. 834) reported the same in a new draft (H. P. 1863) (L. D. 1078) under the same title, and that it ought to pass.

The Committee on Public Utilities on Bill "An Act Creating the Temple Water Company," (H. P. 682) (L. D. 237) reported the same in a new draft (H. P. 1862) (L. D. 1077) under the same title and that it ought to pass.

Which reports were severally read and accepted in concurrence and the bills in new draft read once; under suspension of the rules, the bills were given a second reading and passed to be engrossed in concurrence.

The Committee on Towns on Bill "An Act Relating to Annual Audits in Cities, Towns, Plantations and Village Corporations," (H. P. 1287) (L. D. 552) reported the same in a new draft, (H. P. 1859) (L. D. 1072) under the same title, and that it ought to pass.

(On motion by Mr. Hildreth of Cumberland, the bill was laid upon the table pending acceptance of the report in concurrence.)

The Committee on Judiciary on Bill "An Act to Authorize the In-

corporation of Credit Unions," (H. P. 1415) (L. D. 595) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act in Regard to New Trials on the Ground of Newly Discovered Evidence," (H. P. 827) (L. D. 341) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which reports were severally read and accepted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended, under suspension of the rules, were read a second time and passed to be engrossed in concurrence.

Remonstrance

Mr. Chamberlain of Penobscot presented "Remonstrance of J. H. Smith and 16 others of Penobscot County against (L. D. 125) a Tax on Soft Drinks, and a Tax on Luxuries." (S. P. 530)

Which was referred to the Committee on Taxation.

Sent down for concurrence.

Order

On motion by Mr. Fellows of Kennebec, it was

ORDERED, the House concurring, that the Legislative Research Committee make a study of the subject of Merit Rating as it applies to unemployment compensation, and make such recommendations to the next regular session or any intervening special session of the Legislature as it deems advisable for the improvement of the Maine law on the subject matter. (S. P. 529)

Sent down for concurrence.

First Reading of Printed Bill

Bill "An Act Relating to Suspension of Licenses of Malt Beverages." (S. P. 523) (L. D. 1080)

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

Sent down for concurrence.

Senate Committee Reports Final Reports

Mr. Dow of Oxford from the Committee on Banks and Banking submitted its Final Report.

The same Senator from the Committee on Mercantile Affairs and Insurance submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Fellows from the Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation Law to Provide for Rates Based on Benefit Experience," (S. P. 433) (L. D. 881) reported that legislation is inexpedient at this time.

Mr. Farris from the Committee on Judiciary on Bill "An Act Relating to Absent Voting," (S. P. 368) (L. D. 682) reported that the same ought not to pass.

Mr. Harvey from the same Committee on Bill "An Act Relating to Sentences in the Appellate Court," (S. P. 357) (L. D. 674) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relative to Nuisances," (S. P. 435) (L. D. 905) reported that the same ought not to pass.

Mr. Dow from the Committee on Legal Affairs on Bill "An Act to Incorporate the Fort Fairfield School District," (S. P. 441) (L. D. 883) reported that the same ought not to pass.

Mr. Melvin from the Committee on Library on "Resolve for the Purchase of Five Hundred Copies of 'Vital Statistics of Georgetown,'" (S. P. 319) reported that the same ought not to pass as provided for by other legislation.

Mr. Dorr from the Committee on Ways and Bridges on Bill "An Act Relating to Roadside Improvement," (S. P. 427) (L. D. 659) reported that the same ought not to pass.

Mr. Brown from the same Committee on Bill "An Act Concerning Certain State Highways," (S. P. 180) (L. D. 226) reported that the same ought not to pass.

Mr. Friend from the same Committee on "Resolve Proposing an Amendment to the Constitution to Provide that all Revenue Accruing from Motor Vehicle Registration,

Operators Licenses, Motor Vehicle Fuel Excise Taxes and any other Special Charges or Taxes on the Operation of Motor Vehicles Shall be Used Solely for Highway and Bridge Construction, Maintenance and Supervision," (S. P. 100) (L. D. 101) reported that the same ought not to pass.

(On motion by Mr. Farris of Kennebec, the bill was laid upon the table pending acceptance of the report.)

Mr. Brown from the same Committee on Bill "An Act to Provide a Highway Bridge between Wiscasset and Westport," (S. P. 49) reported that the same ought not to pass.

Mr. Farris from the Committee on Judiciary on Bill "An Act Relating to Traffic Safety," (S. P. 355) (L. D. 670) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Sanborn from the Committee on Reapportionment on "Resolve Dividing the State into Executive Councillor Districts," (S. P. 527) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act to Apportion Representatives to Congress," (S. P. 528) reported that the same ought to pass.

Mr. Dow from the same Committee on "Resolve Dividing the State into Senatorial Districts," (S. P. 526) reported that the same ought to pass.

Mr. Harvey from the Committee on Judiciary on Bill "An Act Amending the Financial Responsibility Law," (S. P. 467) (L. D. 962) reported the same in a new draft (S. P. 531) under the same title, and that it ought to pass.

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

Mr. Harvey from the Committee on Judiciary on Bill "An Act Concerning Declaratory Judgments and Decrees and to Make Uniform the Law Relating Thereto," (S. P. 364) (L. D. 677) reported that the same ought to pass.

Mr. Chamberlain from the Com-

mittee on Library on Bill "An Act Relating to Vital Records," (S. P. 409) (L. D. 822) reported that the same ought to pass.

(Which report was read and accepted and on motion by Mr. Chamberlain of Penobscot, the bill was laid upon the table pending first reading.)

Mr. Libby from the Committee on Motor Vehicles on Bill "An Act Relating to Inspectors in the Department of State," (S. P. 500) (L. D. 1024) reported that the same ought to pass.

Mr. Dorr from the Committee on Ways and Bridges on Bill "An Act Relating to State Aid on State Aid Highways," (S. P. 73) (L. D. 44) reported that the same ought to pass.

Mr. Brown from the same Committee on Bill "An Act Relating to Maintenance of Third Class Roads," (S. P. 453) (L. D. 889) reported that the same ought to pass.

Mr. Friend from the same Committee on Bill "An Act Relating to Time of Completion of Work on Third Class Roads," (S. P. 72) (L. D. 43) reported that the same ought to pass.

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

Sent down for concurrence.

Mr. Harvey from the Committee on Judiciary on Bill "An Act Enacting the Sabotage Prevention Act," (S. P. 362) (L. D. 675) reported that the same ought to pass as amended by Committee Amendment "A."

Which report was read and accepted and the bill was given its first reading. Committee Amendment A was read as follows:

Committee Amendment A to Senate Paper 362, L. D. 675, bill An Act Enacting the Sabotage Prevention Act.

Amend said Act by inserting after the title thereof the following:

Emergency preamble. Whereas, the present world situation with reference to armed invasion and aggression is such that our national government has deemed it of vital necessity to provide a program for a complete national defense, and

Whereas, during the period immediately prior to the last World War our country was infested with alien supporters and spies and is

now confronted with a similar situation, and

Whereas, the prevention of all types of sabotage is a vital cog in the machinery of a complete national defense, and

Whereas, it is necessary to provide more stringent laws for the protection of the State and nation in times of peril and an

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of Section 16 of Article XXXI of the Constitution of Maine, and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore; and'

Amend Section 11 of said bill by inserting after the word 'choosing' in the 5th line thereof the words 'to strike, to picket'; and

Further amend said act by adding at the end thereof the following:

Section 15. When this act is in force. In view of the emergency cited in the preamble, this act shall take effect when approved, and shall remain in full force until January 15, 1945; provided, however, that any violation of this act committed while the act is in force, may be prosecuted and punished thereafter, whether or not this act is in force at the time of such prosecution and punishment."

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

Sent down for concurrence.

Divided Reports

The Majority of the Committee on Agriculture on Bill "An Act Relating to the Stipend for Agricultural Societies," (S. P. 90) (L. D. 95) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

(Signed)

Senators:

Finden of Aroostook
Bishop of Sagadahoc

Representatives:

Good of Monticello
Denny of Damariscotta
Holman of Dixfield
Dorrance of Richmond
Pearson of North
Kennebunkport

The Minority of the same Com-

mittee on the same subject matter reported that the same ought not to pass.

(Signed)

Senator:

Dow of Franklin

Representatives:

Crockett of North Haven
Richardson of Strong

On motion by Mr. Dow of Franklin, the bill and accompanying reports were laid upon the table pending acceptance of either report.

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Providing for a Four Year Term for Governor," (S. P. 294) (L. D. 503) reported that the same ought to pass as amended by Committee Amendment "A."

(Signed)

Senators:

Laughlin of Cumberland
Farris of Kennebec
Harvey of York

Representatives:

McGlauffin of Portland
Williams of Bethel

On motion by Mr. Farris of Kennebec, the bill and accompanying reports were laid upon the table pending acceptance of either report.

The Majority of the Committee on Motor Vehicles on Bill "An Act Creating a Department of Motor Vehicles," (S. P. 77) (L. D. 45) reporting that the same ought to pass.

(Signed)

Senators:

Elliot of Knox
Haskell of Penobscot
Libby of Cumberland

Representatives:

MacLeod of Bar Harbor
Rankin of Denmark
Conant of Auburn
Race of Boothbay
Bangs of Brunswick

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

(Signed)

Representatives:

Eddy of Bangor
Weston of Farmingdale

On motion by Mr. Elliot of Knox the Majority Report "Ought to Pass" was accepted and the bill was given its first reading. Under suspension of the rules, the bill was

given its second reading and passed to be engrossed.

Sent down for concurrence.

The Majority of the Committee on Public Health on Bill "An Act Relating to the Duties of Superintending School Committees," (S. P. 331) (L. D. 825) reported that the same ought to pass.

(Signed)

Senators:

Townsend of Penobscot
Emery of Hancock

Representatives:

Deering of Bath
Clough of Bangor
Sayward of Kennebec
McFadden of Pembroke
Bowers of Sherman
Fickett of Naples
Downs of Rome

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

(Signed)

Senator:

Elliot of Knox

Mr. EMERY of Hancock: Mr. President, I move the acceptance of the Majority Report.

Thereupon, on motion by Mr. Elliot of Knox, the bill and accompanying reports were laid upon the table pending acceptance of the Majority Report.

Report "A" of the Committee on Motor Vehicles on Bill "An Act Making Uniform Registration Standards, of Weight and Length of Trucks in the Northeastern States," (S. P. 120) (L. D. 150) reported the same in a new draft (S. P. 532) under a new title, Bill "An Act Relating to the Weight of Motor Vehicles," and that it ought to pass.

(Signed)

Senators:

Elliot of Knox

Representatives:

Eddy of Bangor
MacLeod of Bar Harbor
Rankin of Denmark
Weston of Farmingdale

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

(Signed)

Senators:

Libby of Cumberland
Haskell of Penobscot

Representatives:

Conant of Auburn
Race of Boothbay
Bangs of Brunswick

On motion by Mr. Elliot of Knox, the bill and accompanying reports were laid upon the table pending acceptance of either report.

Mr. Morse from the Committee on Legal Affairs on Bill "An Act to Incorporate the Carmel School District," (S. P. 515) reported that the same ought to pass.

Which report was read and accepted, and the bill laid upon the table for printing under the joint rules.

Passed to Be Enacted

Bill "An Act Relating to the Boundaries in the Town of Morrill." (H. P. 1219) (L. D. 436)

Bill "An Act Relating to Town Reports." (H. P. 1443) (L. D. 757)

Bill "An Act Relating to State Aid for Maintaining Industrial Arts and Home Economics in Towns of Academies." (H. P. 1820) (L. D. 1058)

Emergency Measure

Bill "An Act Relating to Taking of Land for Municipal Airports." (H. P. 1821) (L. D. 1059)

Which bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate and none opposed, was passed to be enacted.

Emergency Measure

Bill "An Act to Assure Proper Branding of Potatoes." (H. P. 1250) (L. D. 533)

Which bill being an emergency measure and having received the affirmative vote of 29 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, bill, An Act Relating to the Inheritance Tax Law (H. P. 1285) (L. D. 551) tabled by that Senator on April 2nd pending passage to be engrossed, and today assigned.

Mr. CHAMBERLAIN: Mr. President, I move the bill be passed to be engrossed.

Thereupon, Mr. Sanborn of Cum-

berland presented Senate Amendment "B" and moved its adoption: "Senate Amendment 'B'. Amend said bill by adding thereto and after the enacting clause and before the headnote the following 'Section 1. Further amend said bill by adding thereto the following, Section 2. One third of the revenue derived from inheritance taxes to be appropriated to the support of common schools. Section 201 of Chapter 19 of the Revised Statutes is hereby amended by inserting after the word 'companies' in the eighth line thereof the following: 'together with one third of the sum received from inheritance taxes.'"

Upon motion by Mr. Chamberlain of Penobscot, the bill was laid upon the table pending adoption of Senate Amendment "B".

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table, bill, An Act Relating to State Aid for Academies (H. P. 792) (L. D. 307) tabled by that Senator on April 1st pending adoption of Senate Amendment "A"; and that Senator yielded to the Senator from Kennebec, Senator Fellows.

Thereupon, Mr. Fellows of Kennebec was granted unanimous consent to withdraw Senate Amendment "A".

House Amendment "A" was read and adopted in concurrence.

Thereupon, Mr. Fellows presented Senate Amendment "B" and moved its adoption:

"Senate Amendment 'B.' Amend said bill by striking out in the twenty-second line thereof the underlined figures '\$85,000' and inserting in place thereof the underlined figures '\$90,000'."

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

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table, Senate Report from the Committee on Judiciary—Majority Report "Ought Not to Pass"; Minority Report, "Ought to Pass," on bill, An Act Relating to Primary Nominations (S. P. 318) (L. D. 527)

tabled by that Senator on March 28th pending acceptance of either report.

Mr. FARRIS: Mr. President, I move the acceptance of the majority report, "Ought Not to Pass."

Mr. HILDRETH of Cumberland: Mr. President, I should like to say a few words in opposition to the adoption of the majority report. If this majority report is not accepted, I shall move for the acceptance of the minority report that the bill ought to pass.

This bill is the so-called "run-off primary bill." The point of the bill is simply to provide that in case a candidate for the high office of governor, United States senator or congressman does not obtain a majority of the total votes cast in the Primay election in which he is running, then there shall be a so-called run-off primary between the two candidates having the greatest number of votes. That is the whole essence of this bill. The rest of it simply fits into the mechanism of state elections and opportunity for this run-off.

Probably there isn't anyone in this Senate who didn't learn as far back as high school days, that the way to elect a weak man was to put enough strong candidates into the field so that a weak candidate could slide in with less than a majority vote. If this lesson was not learned in high school, it certainly was learned in college, fraternity politics, and of course, in ward politics. It is a fundamental tenet of democratic government that the will of the majority shall prevail, but under our primary system there is no guarantee whatsoever that the majority shall prevail. I think we would all agree that in theory it is highly desirable that no candidate should receive the endorsement of the Party without a majority of the total votes cast. So far in this state of Maine we have been very fortunate and have not been badly hurt but we have been scared several times, scared more often than we perhaps would like to be scared, and the time to protect us against a tragedy is before we have been badly hurt.

Now, what are the real arguments against this bill, conceding it is a good thing in theory. I think there are really only two arguments and I am going to try to present fairly both sides of the question.

The first argument is that it requires another election and perhaps we all think with so many elections it is a nuisance to have another election. I do not attach, personally, a great deal of weight to that argument. In the first place, it is very unlikely that the situation would occur very often but if the situation does occur then it seems to me it is only proper that we should go to the polls for a special election or an extra election to see that our candidate is really endorsed by the majority of the people. If we do not believe in that, we might as well give up the democratic form of government entirely and if we are too lazy to go to the polls for another election to accomplish this object, why bother with the democratic form of government?

Second. Perhaps the more weighty argument against the run-off primary, so-called, is expense. Again, I would point out that a democratic form of government has never been known to be a less expensive form of government. If we wanted to get along with the least possible expense, we would have a dictatorship in this country, but I do not think we want to economize to that extent. Of course, if we wanted to nominate our candidate in convention we would accomplish it with much less expense than under the present primary system, but we want the primary system because it is based on the will of the majority.

What is the actual expense involved in a run-off primary election? I have a letter from the secretary of state's office, signed by Mr. Goss, Deputy Secretary, in answer to an inquiry from me: "Dear Senator Hildreth: With reference to our recent conversation, I find that the cost of a state-wide primary election to the state is approximately \$15,000." That is a state-wide election. True, it is only the direct cost to the state. I frankly admit that in addition to the direct cost to the state there is the indirect cost incurred through the expenses of county, town and city officials to carry out elections. What is that cost? The best estimation of that cost I can find is that it would be about \$20,000. This is based upon the fact that in Portland where we have approximately

10% of the population, a municipal election costs about \$2,000. Therefore, on a state wide basis the indirect cost would be approximately \$20,000; thus a maximum expenditure of \$35,000. Now, I think that is the maximum and probably would be substantially reduced because of the fact that in the primary election it might be only one party that would have the run-off primary and so the expenses could be very substantially reduced in the cities and towns.

What is the cost of a congressional run-off primary in one district. It obviously would be approximately \$5,000 direct cost to the state or the congressional district and between \$6,000 and \$7,000 indirect cost through expenses borne by the cities and towns. It seems to me that expense is justified in the few instances where it would arise.

The real point, of course, of this bill is that if a candidate for one of these high major political offices knew he would have to get a majority of the votes cast before he got through, he would not go into a contest if he realized probably his maximum strength would be twenty or thirty per cent of the total vote. Therefore, the very fact that such a statute as this is on the books would, in all probability preclude many of the candidates who now run. The argument in opposition to that contention is this, "Aren't you making it possible only for the rich man to run for office because he has to go through another election?" The answer to that argument, it seems to me, is that once a man has set out to become United States senator, governor or congressman, the actual fact of the matter is that he is campaigning just as hard as he can campaign from the first of January or sooner, until the election is held in September and it doesn't make any difference what kind of contest he is in, he is spending time and energy campaigning, and the mere fact that he might be involved in a run-off primary doesn't incur additional expense to him individually.

Has it worked in other states? It has. The states which have it and have had it for several years are the following: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina and South Carolina; and within the last two

years, Texas and Utah, which have been added to this group of states. Now, right off it is obvious that is practically the solid South, and what connection has Maine with the solid South? Well, it seems to me there is a good deal of connection with the solid South in this respect. All those states are predominantly one party states so that the real contest for political office in the solid South occurs in primary elections and not the final elections. It is pretty clear with the trend of recent times when the Democratic party has been at the height of its power and Maine and Vermont have stood by their guns, that Maine and Vermont are nearly a one party state, despite the scare we got last November. In other words, in a great majority of instances, the real contest which determines the calibre of government is determined in the primary elections. Therefore, we should be very certain the nominee receives the majority of the total votes.

I would not want to leave you with the impression that this is a party issue. Those who appeared before the committee on this bill were such prominent people as William Linnell, National Republican Committeeman; State committee woman, Mrs. Clara Hayes who did not appear in person but by document. The Young Republicans of the House, of the Eighty-ninth Legislature, Mr. Philbrick, supported this bill, and there was no opposition before the committee whatsoever. But as I say, I do not want to leave it on a party basis so I want to conclude my remarks by reading from a press report of a speech made by one of Maine's leading Democrats. I refer to President Sills when he spoke before a service club in Augusta over a year ago:

"Why the last legislature did not provide some kind of a method to insure nomination of candidates for office by a majority vote, I do not know; but it seems to me entirely clear that if we wish to make the primary really representative of public opinion and an effective agency in the democratic process, we ought to see to it that a minority of voters is prevented from imposing its will on the majority. In any contest where there is much popular interest and probability of success the number of candidates is likely to be so large that the plurality is

no indication of true popular support.

"A run-off may be troublesome and expensive, but I believe the tone of the public life in the State of Maine would be raised if candidates for major offices had to secure a majority of the votes of their party either in the first or subsequent election. We all recognize that the primary, majority rule, elections themselves, are after all only devices, means, to the attainment of the desired end, which is of course the rule of the people."

I hope the motion to accept the majority report will be defeated and if it is, I shall move the minority report be accepted and I would like to conclude with a short paragraph from the same speech by President Sills:

"If we could infuse into our public life here in the State of Maine more desire for real progress, more of the truly patriotic spirit that shows patriotism not by waving the flag or by uttering eulogies but by working steadily, slowly, and sanely for improvement, we might help to justify the proud motto of the State of Maine, 'Dirigo'."

Mr. CHAMBERLAIN of Penobscot: Mr. President, I desire to second the motion of the Senator from Kennebec, Senator Farris that the Majority Report be accepted and in that way I desire to say a few words to the members of the Senate.

In the first place, the run-off primary should be thrown out of our minds entirely because of the expense involved. The Senator from Cumberland, Senator Hildreth, has spoken of the state expense as something around \$15,000. Admitting that that is so, add to that the expense to the cities and towns throughout this state, some 600 of them. In the city of Brewer where I live it costs a hundred dollars, more than a hundred dollars, to hold an ordinary, simple municipal election. Multiply that by all the towns and it certainly would go beyond the assertion of the Senator from Cumberland, Senator Hildreth, that it would be perhaps \$20,000. But even if it were that amount, \$20,000, and \$15,000 on the part of the state, making \$35,000, that is an unwarranted expense.

We are told here in this legislature that we should practice economy. We have sat in hearings that

the Taxation Committee have held and heard that we should give serious consideration in passing out taxation measures, due to the fact that the federal government may overwhelmingly tax us, and that we should not add anything to the burden of the people of this state. And yet, here is a bill which throws upon the people of this state, directly and indirectly, considerably more than \$35,000.

That is a small sum of money but "many a nickel makes a muckle." But there would be need for the expense to be assumed if there were any real reason for a primary run-off. I am entirely willing to admit that the primary law could be amended and should be amended, but not in this respect. And the primary reason why this bill is immediately before us is not because something happened with regard to the election of a governor or of a senator in Washington but to one single district in the state of Maine where, being unable to agree among themselves as to what should take place in opposing what seemed to them and to many of us an unsuitable thing, they come to the legislature and ask us, "Will you please pass a law telling us to do what we could not do ourselves."

Now, a run-off primary is very apt to be a boomerang. It may be something that comes flying back into our own faces. The Senator from Cumberland, Senator Hildreth, has spoken of the tragedy that we may bring upon ourselves if we are not very careful. We all know what he means by that without trying to explain it. But would this run-off primary prevent it? He speaks of conditions that prevailed some time ago, perhaps, when it was an easy matter, by putting in a multiplicity of candidates, to insure the election of a certain person.

That doesn't prevail so much today. The conditions today are vastly different than they ever were before. We are almost singly divided into the sheep and the goats, and the goats are considerable in number. And the primary run-off may be a boomerang that comes right straight back to us. It seems to me that any candidate had rather run for office with six running, not for the purpose of electing a weak candidate but that he may have some opportunity to carry out ideas that he has with the others in there.

It seems to me that it might result in a very fatal situation, if we still use the word "tragedy" as the Senator from Cumberland has spoken of, and we might absolutely, by a run-off primary, insure that the very person we didn't want was certain to be elected. In the situation where one candidate is opposed only by another and with different conditions than ever prevailed before—we will say some 300,000 voters in the state of Maine, most of them unintelligent today with regard to their understanding community life, meaning state life or city or town life, they seem to be somewhat extraneous to the activity of a state or of a city or town, and they are voters.

It seems to me very futile to change the primary law to allow for a run-off primary, not only futile but I consider that it is a very dangerous thing and that the expense is unwarranted. Personally—I do not confine my words now to the first district, but to the whole state of Maine—personally, I bring a vastly stronger indictment against the intelligent class as we know them, without trying to define exactly what that means. I bring a far greater indictment against that class than can ever be brought against this other class that might bring about this tragedy.

This intelligent class, not every one of them votes. In fact, only a minority of them are voters. They will not mix with politics and many of them consider that it is too dirty to have anything to do with. I have great respect for the intelligent class but as far as elections are concerned, as far as voting is concerned, I do not think a great deal of them and therefore, I think it is unnecessary to have a run-off primary expecting that this intelligent class is going to so overwhelmingly vote as to overcome those who might create a tragedy.

I trust that the motion of the Senator from Kennebec, Senator Farris to accept the Majority Report, will prevail.

Mr. SANBORN of Cumberland: Mr. President, I quite agree with the Senator from Penobscot, Senator Chamberlain, in appreciation of

the evils which he has so well set forth, those of expense and those connected with the character of the voting population. I believe that they are evils. But it seems to me that the way to correct them, both in the matter of expense and in all other respects, is to do away with your direct primary system entirely. That would cure them effectively and permanently. I realize, however, that such a proposition would not meet with very generous support. And in view of that fact, I am still of the opinion that we would do well to put up with those evils for the sake of the greater advantage that would accrue from the inauguration of the run-off primary; and I feel, in the last analysis, that the motion to accept the Majority Report "Ought Not to Pass", should not prevail.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the Majority Report of the committee "Ought Not to Pass" be accepted on bill, An Act Relating to Primary Nominations. The Senator from Penobscot, Senator Chamberlain, asks for a division. Is the Senate ready for the question?

A division of the Senate was had.

Twenty-two having voted in the affirmative and eight opposed, the Majority report of the committee "Ought Not to Pass" was accepted.

Sent down for concurrence.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table bill, An Act Relating to Gambling (H. P. 1857) (L. D. 1070) tabled by that Senator on April 2nd pending assignment for second reading; and on further motion by the same Senator, the rules were suspended and the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.