

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

SENATE

Friday, April 4, 1941.

The Senate was called to order by the President.

Prayer by the Reverend Cymbrid Hughes of Augusta.

Journal of yesterday read and approved.

From the House:

Bill "An Act Relating to Pauper Settlements." (S. P. 93) (L. D. 99)

(In the Senate on April 1, Report "A" accepted, and the bill passed to be engrossed.)

Comes from the House, Report "C", "Ought to Pass as Amended by Committee Amendment A" read and accepted; Committee Amendment "A" subsequently indefinitely postponed; and the bill passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto, in non-concurrence.

In the Senate, on motion by Mr. Morse of Waldo, the Senate voted to insist on its former action and ask for a Committee of Conference.

Subsequently the President appointed as Senate members such committee Senators Morse of Waldo, Sanborn of Cumberland, Chamberlain of Penobscot.

From the House:

Bill "An Act Consolidating the Aviation Laws." (S. P. 521) (L. D. 1073)

(In the Senate on April 1, 1941, passed to be engrossed)

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

In the Senate, on motion by Mr. Sanborn of Cumberland, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and on further motion by the same Senator, House Amendment A was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

From the House:

Bill "An Act Relative to Standish Game Preserve." (S. P. 519) (L. D. 1084)

(In the Senate on March 27th Report "A", "ought to pass in New Draft "A" accepted, and subsequent-

ly the bill was passed to be engrossed.)

Comes from the House, Report "B"—"Ought to Pass in New Draft 'B'" read and accepted in non-concurrence; and the bill in new draft "B" passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Sanborn of Cumberland, the Senate voted to insist on its former action and ask for a Committee of Conference.

The Chair appointed as members of such committee on the part of the Senate, Senators Boothby of York, Sanborn of Cumberland, Bridges of Washington.

House Committee Reports Ought Not to Pass

The Committee on Claims on "Resolve in Favor of the Town of Hartland," (H. P. 587) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Winterport for Support of Charles E. Reynolds and Family, Paupers," (H. P. 96) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Durham for Certain Pauper Supplies," (H. P. 327) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Carroll Plantation," (H. P. 578) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Presque Isle General Hospital, of Presque Isle," (H. P. 745) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Anson," (H. P. 290) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Anson," (H. P. 16) reported that the same ought not to pass.

The same Committee on "Resolve Reimbursing Stacyville Plantation for Certain Pauper Expenses," (H. P. 748) reported that the same ought not to pass.

The Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation Law in Connection with Experience Rating," (H. P. 1345) (L. D. 604) reported that legislations at this time is inexpedient.

The Committee on Judiciary on Bill "An Act to Improve Highway Beauty and Sanitation," (H. P. 1150) (L. D. 450) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Exemption from Trustee Process," (H. P. 1582) (L. D. 939) reported that the same ought not to pass.

The same Committee on Bill "An Act Requiring the Payment of Poll Tax Before Obtaining Hunting and Fishing Licenses," (H. P. 1392) (L. D. 770) reported that the same ought not to pass as covered by other legislation.

The same Committee on Bill "An Act Relating to Recognition of Political Parties on Ballots," (H. P. 1424) (L. D. 589) reported that leave be granted to withdraw the same.

The Committee on Legal Affairs on Bill "An Act Relating to Organization of Consumers' and Producers' Cooperatives," (H. P. 1439) (L. D. 754) reported that the same ought not to pass.

The same Committee on Bill, "An Act Relating to the Voting Precincts in the Town of Harpswell," (H. P. 1587) (L. D. 910) reported that the same ought not to pass.

The same Committee on Bill "An Act to Incorporate the Sebobeis River Dam Corporation," (H. P. 1163) (L. D. 460) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act to Grant a New Charter to the City of Calais," (H. P. 1164) (L. D. 358) reported that leave be granted to withdraw the same.

The Committee on Library, on "Resolve for the Purchase of Copies of the History of the Town of Leeds," (H. P. 648) reported that the same ought not to pass.

The Committee on Maine Publicity on Bill "An Act Relating to State Publicity," (H. P. 1536) (L. D. 875) reported that the same ought not to pass.

The Committee on Motor Vehicles on Bill "An Act Relating to Reserved Number Plates for Motor Vehicles," (H. P. 1457) (L. D. 767) reported that the same ought not to pass as covered by other legislation.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on State Lands and Forest Preservation on Bill "An Act Relating to the School or

Reserved Lands of the State," (H. P. 1469) (L. D. 745) reported the same in a new draft (H. P. 1790) (L. D. 1043) under the same title and that it ought to pass.

Which report was read and accepted and the bill was given its first reading.

Mr. Libby of Cumberland presented Senate Amendment A and moved its adoption: "Senate Amendment A to L. D. 1043. Amend said bill by striking out therefrom all of Sections 2 and 3 of the bill."

Thereupon, on motion by Mr. Brown of Aroostook, the bill was laid upon the table pending adoption of Senate Amendment A.

Ought Not to Pass

The Committee on Interior Waters on "Resolve Relating to the Building of a Dam at Quantabacook Lake," (H. P. 1577) (L. D. 928) reported that the same ought not to pass.

Comes from the House, the resolve substituted for the report and the resolve passed to be engrossed as amended by House Amendment A.

In the Senate, on motion by Mr. Morse of Waldo, the resolve was substituted for the report 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 resolve as so amended was given its second reading and passed to be engrossed in concurrence.

Ought to Pass

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Hunting of Raccoons," (H. P. 801) (L. D. 314) reported that the same ought to pass.

The Committee on Public Utilities on Bill "An Act to Incorporate the Milo Water and Sewer District," (H. P. 679) (L. D. 247) reported the same in a new draft (H. P. 1864) (L. D. 1081) under a new title, Bill "An Act to Incorporate the Milo Water District," and that it ought to pass.

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

Divided Report

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Androscoggin Lake

Dam." (H. P. 612) (L. D. 250) reported that the same ought to pass.

(signed) Senators:

SANBORN of Cumberland
MORSE of Waldo

Representatives:

SLOSBERG of Gardiner
DONAHUE of Biddeford
DWINAL of Camden
SOUTHARD of Augusta
SYLVIA of Danforth

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

(signed) Senator:

DOW of Oxford

Representatives:

LAFLEUR of Portland
SHESONG of Portland

Comes from the House, the Majority report read and accepted, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Sanborn of Cumberland, the Majority Report of the Committee "Ought to Pass" was accepted in concurrence 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 in concurrence.

Communication

STATE OF MAINE
House of Representatives
Augusta
Office of Clerk

April 3, 1941.

Honorable Royden V. Brown,
Secretary of the Senate,
of the 90th Legislature.
Sir:

This is to advise that the following members have been appointed on the part of the House to serve on the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide Assistance to the Civil Population of England," (H. P. 637) (L. D. 273)

Messrs: HINCKLEY of So. Portland

PRATT of Turner
HOLMAN of Dixfield
Respectfully,

HARVEY R. PEASE
Clerk of the House.

Which was read and order placed on file.

First Reading of Printed Bill

Bill "An Act Relating to Hours of Employment." (S. P. 524) (L. D. 1085)

Which bill was given its first reading and under suspension of the rules given its second reading and passed to be engrossed.

Sent down for concurrence.

Order

On motion by Mr. Dorr of Oxford, it was

ORDERED that an invitation be extended to the Rev. Joseph Merchant of Mexico to officiate as Senate Chaplain on Tuesday, April the 8th.

Senate Committee Reports

Final Reports

Mr. Dorr from the Committee on Commerce submitted its Final Report.

The same Senator from the Committee on Manufacturers submitted its Final Report.

Mr. Elliot from the Committee on Motor Vehicles submitted its Final Report.

(On motion by Mr. Elliot of Knox, the report was laid upon the table pending acceptance.)

Mr. Sanborn from the Committee on Pownal State School submitted its Final Report.

Mr. Chase from the Committee on Towns submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Brown from the Committee on Library on "Resolve for the Purchase of Five Hundred Copies of 'Vital Statistics of Georgetown.'" (S. P. 381) reported that the same ought not to pass as provided for by other legislation.

Mr. Fellows from the Committee on Military Affairs on "Resolve Authorizing a State Airplane for Defense Purposes," (S. P. 216) (L. D. 882) reported that the same ought not to pass.

Mr. Batchelder from the same Committee on Bill "An Act Relating to Employees of the State Inducted Into Military Service," (S. P. 444) (L. D. 886) reported that the same ought not to pass.

Mr. Libby from the Committee on Motor Vehicles on Bill "An Act Relating to Registration of Farmers' Motor Trucks," (S. P. 447) (L. D. 901) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Bate from the Committee on Pensions on "Resolve to Repeal a Resolve Providing for a State Pension for Bessie King," (S. P. 401) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve to Repeal a Resolve Providing for a State Pension for Mary A. Moulton," (S. P. 402) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve to Repeal a Resolve Providing for a State Pension for Johanna T. Kelleher," (S. P. 403) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve to Repeal a Resolve Providing for a State Pension for Amelia Rittal," (S. P. 404) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve to Repeal a Resolve Providing for a State Pension for Lot Edmund Whitman," (S. P. 405) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve to Repeal a Resolve Providing for a State Pension for Mary Kane," (S. P. 469) reported that the same ought to pass.

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

Mr. Snow from the Committee on Reapportionment on "Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine," (S. P. 533) reported that the same ought to pass.

Mr. SANBORN of Cumberland: Mr. President, assuming that the pending motion is on the acceptance of the report of the committee, I feel that I should make some observations although I do so with some reluctance. I feel that I would perhaps be unfaithful to the interest of my own constituency if I were to remain silent.

This piece of legislation would reapportion the representatives among

the several counties for the coming period of ten years.

A section of the Constitution which relates to this subject matter provides in substance—I will not attempt to repeat the words—that the House of Representatives shall consist of 151 members and that they shall be apportioned among the several counties as nearly as may be, in accordance with the population. The resolve before us, as a matter of fact does not reapportion in accordance with the population as determined by the last census. The committee considered the situation maturely and it was found that if the constitutional provisions were to be followed, actually it would result in the loss of one representative from I think, five different counties; counties which already have small representation in the House. Those five representatives would be reallocated, one to Aroostook, two to Cumberland, one to Kennebec and one to York.

Now, I fully appreciate that it would be futile for me to interpose any argument here looking to any other result than the adoption of this report and I trust that nothing that I am saying will provoke the slightest illwill on the part of any Senator for I certainly hope that at the close of this session I may depart assured of the personal good will of every Senator as I am sure that every Senator will be the object of my own personal good will and hearty friendship. But as one who has been engaged in the profession which I follow and as one who has certainly at one time been in a position where it was necessary for me to observe and declare the law, I do not think that any one of you would say that you think that I personally ought to have my vote counted for legislation which I believe to be in contravention of a constitutional provision and I wish it to be made a matter of record that my vote, personally, will not be in favor of this resolve, and on that ground alone.

I have no quarrel whatever with the settled conviction of that committee made up of members of this legislature who, acting in good conscience, came to the conclusion that the reapportionment which has obtained for the past ten years, all things considered, had better be continued. I have no quarrel with their judgment as to the propriety

of that conclusion but I do wish to point out as my own conviction that when you do adopt and enact this legislation you are acting in contravention to what appears to be a constitutional provision.

Mr. HILDRETH of Cumberland: Mr. President, perhaps due to less experience than my colleague from Cumberland, I am slightly more hopeful of a different result than my colleague. Not having had the advantage of having sat on the reapportionment committee, I am not familiar with much of the discussion that went on in that committee.

None the less, to me it is nothing short of astounding to think that this legislature would deliberately fly in the face of the Constitution of the state of Maine. All things being considered, possible there is considerable to be said for the result in actual numbers accomplished by the reapportionment suggested by this committee. It seems to me obvious that if at this time we fly in the face of the Constitution when the shift is a matter of comparatively little significance, that we leave behind us a very vicious principle which ten years from now, when a shift in population may be a matter of very great importance, and will mean that we go a long way indeed in theory and in practice from living up to the Constitution and the very fundamentals of democratic government.

I suspect it is futile to talk at any great length and I am not going to say any more except that I am more sanguine and hopeful of a different result than my colleague, Senator Sanborn from Cumberland.

Mr. DOW of Cumberland: Mr. President, I move the acceptance of the committee report "Ought to Pass" and in support of that motion I want to say that we had a number of meetings. For the benefit of the memory of those who may not remember, that committee was composed of 27 members; 16 on the part of the House, one from each county and 7 from the Senate, one from each councillor district.

A good deal of what has been said here this morning has already been said before that committee and has been deliberated on by that committee. We had a number of meetings. We discussed these matters quite thoroughly. I want to

say that the Senator from Cumberland, Senator Sanborn, was more than fair when he said in his remarks that in his opinion, in his opinion, it was contrary to some provisions of the Constitution of the state of Maine. I think he was fair enough in making that statement to admit that some of the rest of us feel that on that we disagree with him on his interpretation of that particular part of the Constitution and upon those words in the Constitution which say "as near as may be"

Just what do those words mean and it is acting on those words that a committee of 23, the vote was 21 to 2 to leave the apportionment among the several towns, cities and plantations just the way it is now. Now I say this was thoroughly discussed in committee. Practically everyone was there. After we took our vote we made a poll of those absent and we asked every one of those Senators and Representatives what their vote would be, after explaining to them whatever they needed in order to understand the situation. The Clerk of our committee conducted that poll and I think it was conducted fairly.

This seems to be a matter of difference of opinion as to the wording of the Constitution. Twenty-one of the 23 are satisfied that it is not flying in the face of the Constitution and not upsetting the Constitution of the state of Maine, to leave it as it is.

And so, Mr. President, I move the acceptance of the committee's report. I think the report was well considered and that a large number of the members of this legislature have already voted on that report.

The PRESIDENT: The question before the Senate is on the acceptance of the report of the committee "Ought to Pass". Is the Senate ready for the question?

A viva voce vote being had, the report of the committee "Ought to Pass" was accepted.

Thereupon, the bill was laid upon the table for printing, under the joint rules.

Mr. Farris from the Committee on Judiciary on Bill "An Act Relating to Commitment of Feeble minded Juvenile Delinquents." (S. P. 351) (L. D. 667) reported the same in a new draft, (S. P. 534) under the

same title, and that it ought to pass.

Mr. Harvey from the same Committee on Bill "An Act Relating to Surety Bonds," (S. P. 91) (L. D. 94) reported the same in a new draft (S. P. 535) under the same title, and that it ought to pass.

Mr. Elliott from the Committee on Motor Vehicles on Bill "An Act Relating to Reserved Number Plates," (S. P. 451) (L. D. 900) reported the same in a new draft (S. P. 536) 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. Libby from the Committee on Motor Vehicles on Bill "An Act Relating to Registration Number plates for Use on Motor Vehicles," (S. P. 450) (L. D. 899) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read and accepted and the bill given its first reading. Committee Amendment "A" was read as follows: "Amend said bill by striking out in the 38th and 39th lines thereof the underlined words 'entitled to a rebate of' and inserting in place thereof the underlined word 'refunded'".

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

Sent down for concurrence.

Mr. Haskell from the Committee on Motor Vehicles on bill "An Act Authorizing the Registration of Motor Vehicles Operated by Governmental Agencies," (S. P. 386) (L. D. 632) reported that the same ought to pass.

The same Senator from the same Committee on Bill "an Act Relating to Notification by Dealers to Secretary of State of Transfer of Motor Vehicles," (S. P. 452) (L. D. 898) reported that the same ought to pass.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Education on Bill "An Act to Provide Higher Standards of Education by Securing to Teachers Greater Permanency of Employment," (S. P. 193) (L. D. 506) reported that the same ought not to pass.

(signed)

Senators:

SANBORN of Cumberland
HODGKINS of Hancock

Representatives:

PRATT of Turner
HAMILTON of Hartland
ROBIE of Auburn
SMALL of East Machias

The Minority of the same Committee on the same subject matter reported the same in a new draft, (S. P. 537) under the same title, and that it ought to pass.

(signed)

Senators:

BISHOP of Sagadahoc

Representatives:

GRADY of Whitefield
DEERING of Bath
WORTH of Stockton Springs

In the Senate:

Mr. SANBORN of Cumberland: Mr. President, I move the acceptance of the Majority Report of the committee "Ought Not to Pass."

Thereupon, on motion by Mr. Bate of Kennebec the bill was laid upon the table pending the motion to accept the Majority Report, and 650 copies of the bill in new draft ordered printed.

The Majority of the Committee on Judiciary on Bill "An Act to Aid and Protect Crop Mortgages," (S. P. 310) (L. D. 517) reported that the same ought not to pass.

(Signed)

Representatives:

PAYSON of Portland
McGLAUFLIN of Portland
GRUA of Livermore Falls
WILLIAMS of Bethel
MILLS of Farmington
HINCKLEY of South Portland

The Minority of the same Committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A".

(Signed)

Senators:

LAUGHLIN of Cumberland
FARRIS of Kennebec
HARVEY of York

In the Senate:

Miss LAUGHLIN of Cumberland: Mr. President, I move that this bill be laid upon the table pending the acceptance of either report and at this time I would like to state that by some error, the name of Mr. Briggs of the committee, who signed the Minority Report, has been omitted.

The motion prevailed and the bill and accompanying reports were laid upon the table pending acceptance of either report.

Passed to Be Enacted

Bill "An Act Permitting Towns to Appropriate Money in Anticipation of State Appropriations." (S. P. 167) (L. D. 225)

Bill "An Act Relating to Time of Filing by an Employing Unit under the Unemployment Compensation Act." (S. P. 456) (L. D. 938)

Bill "An Act Relating to the Investment of Municipal Trust Funds." (S. P. 490) (L. D. 1015)

Bill "An Act to Amend the Charter of the City of Gardiner." (H. P. 833) (L. D. 347)

Bill "An Act Relating to the Town of Mount Desert." (H. P. 1217) (L. D. 434)

Bill "An Act Relating to State School for Girls." (H. P. 1249) (L. D. 532)

Bill "An Act Amending the Unemployment Compensation Law so as to Permit Corrections of Benefit Claims." (H. P. 1344) (L. D. 603)

Bill "An Act to Amend the Unemployment Compensation Law with Respect to Advisory Councils." (H. P. 1346) (L. D. 605)

Bill "An Act Relative to Non-resident Hunting Licenses." (H. P. 1358) (L. D. 704)

Bill "An Act Relative to Transportation of Deer within State." (H. P. 1376) (L. D. 722)

Bill "An Act amending the Unemployment Compensation Law Relating to Employment." (H. P. 1575) (L. D. 926)

Bill "An Act Exempting Municipal Airports from Taxation." (H. P. 1578) (L. D. 929)

Bill "An Act Creating the Waldoboro Water District." (H. P. 1787) (L. D. 1042)

Bill "An Act Creating the Limestone Water and Sewer District." (H. P. 1788) (L. D. 1049)

Bill "An Act to Incorporate the Norway Water District." (H. P. 1789) (L. D. 1050)

Bill "An Act Relating to Bounty on Bears." (H. P. 1795) (L. D. 1052)

Bill "An Act Requiring Sheriffs to Search for Lost Persons." (H. P. 1843) (L. D. 1061)

Bill "An Act Relating to Trapping Muskrats." (H. P. 1845) (L. D. 1062)

Bill "An Act Relative to Open Season on Beaver." (H. P. 1847) (L. D. 1063)

Finally Passed

"Resolve Granting Authority to the Forestry Department to Convey Certain Land to Stanley Hinch of Danforth." (H. P. 448) (L. D. 187)

"Resolve Regulating Deer Hunting on Swans Island in the County of Hancock." (H. P. 472) (L. D. 208)

"Resolve for Screening Sennebec Pond at Union." (H. P. 1148) (L. D. 448)

"Resolve Regulating Fishing in Fish River Chain of Lakes." (H. P. 1846) (L. D. 1064)

"Resolve Authorizing the Forest Commissioner to Convey Certain Lands to Estate of Isaac Bragg." (H. P. 1848) (L. D. 1065)

Orders of the Day

Mr. SANBORN of Cumberland: Mr. President, I would like to inquire through the Chair if the Senate is in possession of Legislative Document 595, An Act to Authorize the Incorporation of Credit Unions?

The PRESIDENT: The Chair will state that it is in the possession of the Senate.

Upon motion by Mr. Sanborn, the Senate voted to reconsider its action of yesterday whereby the bill was passed to be engrossed; and upon further motion by the same Senator, the Senate voted to reconsider its action whereby Committee Amendment "A" was adopted.

Mr. Sanborn then presented Senate Amendment "A" to Committee Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Committee Amendment 'A', to Legislative Document 595. Amend said Committee Amendment A by striking out the first and third paragraphs thereof which provide for a change in the figures \$1,000 to \$100 in section 3 of the bill."

Senate Amendment "A" to Committee Amendment "A" was adopted.

Thereupon, on motion by Mr. Sanborn Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted, and the bill

as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Hodgkins of Hancock, the Senate voted to take from the table House Report from the Committee on Legal Affairs, "Ought to Pass" on bill, An Act to Provide Better Government for the town of Bar Harbor (H. P. 645) (L. D. 281) tabled by that Senator on April 2nd pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted and the bill was given its first reading.

Mr. Hodgkins presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to H. P. 645, L. D. 281, Bill, An Act to Provide Better Government for the town of Bar Harbor. Amend said bill by striking out section 5 thereof.

"Further amend said bill by striking out in lines 2 and 3 of section 6 thereof the words "superintending school committee" and the words in line 9 'and superintending school committee'.

"Further amend said bill by striking out in the headnote of section 8 thereof the words 'superintendent of schools' and by inserting in section 8 thereof, after the word 'created' in the 4th line thereof the word 'and', and by striking out in the 4th and 5th lines thereof the words 'superintendent of schools and a', and by striking out in the 6th line of said section the words 'and superintendent of schools'.

"Further amend section 8 by striking out the word 'their' in the 7th line thereof and substituting in place thereof the word 'his' and by inserting after the word 'be' in the 7th line thereof the word 'a', and by striking out the letter 's' in the word 'citizens' in the 7th line thereof.

"Further amend said bill by striking out the last sentence of section 10 thereof.

"Further amend said bill by renumbering sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 as sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19."

Thereupon Senate Amendment "A" was adopted and under suspension of the rules, the bill as amended was given its second reading and

passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Stilphen of Lincoln, the Senate voted to take from the table, Senate Report, Majority Report, "Ought Not to Pass"; Minority Report, "Ought to Pass" on Bill, An Act Relating to Payment of Accounts to the State (S. P. 46) (L. D. 22) tabled by that Senator on March 31st pending acceptance of either report.

Mr. STILPHEN: Mr. President, perhaps some of the members of this Senate do not understand that this bill was presented to the Eighty-ninth Legislature and referred to the Ninetieth Legislature. It is a product of the Code Committee. I will try to explain the bill as best I can.

The PRESIDENT: Does the Senator wish to make a motion?

Mr. STILPHEN: Yes, Mr. President, I move acceptance of the Minority Report, "Ought to Pass". I will use my town as an example as what I believe will be good for my town will be good for any other town in the state. Last summer we had in our town something like \$500 of bills which had collected that we owed the state. We completed a piece of road that amounted to, in the neighborhood of \$1000 and sent the bill to the state. In a short time we received a check for \$1,000. I asked my treasurer, when she notified me of the payment, if they had taken out the \$500 which my town owed the state. She said they had not. In a few days I was here in the Controller's office and talked with him about it. I said we would like to have him take this out and he said he had no legal right to do it but it had been done in the past. I explained this matter to the Code Committee and we considered if we had a controller that was trying to do business with the state in the right way but needed protection as to the legality, he should be given it. That was the bill presented.

All we wanted was if a town owed the state and the state received a bill from the town which more than offset the bill, they could send down the check they owed the town and send along a report with it of what they were giving credit for. In other words, it would save sending this money back and forth.

I believe the bill, if passed, will be good business for both the state and town. I hope the minority report "ought to pass" will be accepted.

Mr. DOW of Oxford: Mr. President, I talked with the Senator yesterday regarding this bill, and I signed the majority "Ought Not to Pass" report. I will say I don't know as I am opposed to the whole bill but it does seem to me, if you look at the bill which is Legislative Document 22, it should not have the words, "person or firm" for the simple reason if a man is doing business with the State of Maine and there is money due him and perhaps he needs the money to continue his business, either road work or whatever it is, the controller can go to the State Treasurer and say, "You owe some money to John Jones but don't pay it because he owes the State money." There may be some dispute as to how much he owes the State and without any chance to prove his case in court, without any chance at all, whatever the controller sees fit to do is done without this man having any opportunity to present his case.

I think if an amendment were offered, striking out the words "person or firm", I would not have any objection, but as it stands now, it is dangerous.

Just those few words, Mr. President, to explain why I signed the majority report.

Mr. STILPHEN: Mr. President, in answer to the Senator from Oxford, Senator Dow, I will say that it is my intention to amend the bill and strike out all before "towns and cities".

The PRESIDENT: The question is on the acceptance of the minority report, "Ought to Pass."

A viva voce vote being had, the Minority report "Ought to Pass" was accepted and the bill was given its first reading.

Upon motion by Mr. Stilphen of Lincoln, the bill was laid upon the table pending assignment for second reading.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table, Senate Report from the Committee on Public Health, Majority Report "Ought to Pass"; Minority Report, "Ought Not to Pass" on bill, An Act Relating to the Duties

of Superintending School Committee (S. P. 331) (L. D. 825) tabled by that Senator on April 3rd pending acceptance of the majority report.

Mr. ELLIOT of Knox: Mr. President, and members of the Senate, I was the lone signer of the Minority report on this bill, "Ought Not to Pass," and my reasons—

The PRESIDENT: Does the Senator wish to make a motion?

Mr. ELLIOT: Mr. President, I understand there is a motion before the Senate, on the adoption of the majority report. Senator Emery made that motion yesterday, I believe.

The PRESIDENT: The Senator is correct.

Mr. ELLIOT: My reasons for so signing the minority report were because I believe this situation is amply covered by existing legislation. Chapter 19 of the Revised Statutes, Section 44, under Duties of Superintending School Committees, states as follows: "Superintending school committees shall perform the following duties" and "v" under that reads: "They shall exclude, if they deem it expedient, any person not vaccinated although otherwise entitled to admission, unless a parent or guardian of such person shall present a signed statement that such parent or guardian is opposed to vaccination, in which event such person can only be excluded in the event of an epidemic of small pox."

I believe this amply covers the situation in regard to vaccination. I still believe parents have a greater interest in the welfare of the boys and girls than to the school committee, hence my reason for signing the "ought not to pass" report. I trust the motion of the Senator from Hancock, Senator Emery, will not prevail.

Mr. EMERY of Hancock: Mr. President, I would like to give a very brief history of this bill and the conditions which led to its introduction. The history of small pox in epidemic proportions clearly demonstrates that it is a recurring disease. In other words, it recurs in cycles. Admitting at the present time Maine is at a low point on one of these cycles, it might seem that this would be a very logical time to stem the upward trend which might inevitably recur, according to history.

Now this applies particularly to

school children who are probably most susceptible to contagious infection of this type. This act places the responsibility of the immunization of school children under the care of the superintending school committees. There are quite a few municipalities which have ordinances of this kind in an attempt to see that the children are thoroughly immunized. Four Town Nursing Service in the County of Hancock, which has headquarters in the town of Blue Hill, was responsible in conjunction with the Maine Public Health Association for the introduction of this bill.

I believe you have all received, although you may not, possibly have looked it over carefully, a graph submitted by the Maine Public Health Association which shows the annual rate per one hundred thousand population of the United States, of small pox from 1933 to 1937 by states. In the 13 states where so-called compulsory vaccination is in order the cases per year were 238 in a population of 41,836,000 or an average of 0.57%. 14 other states where local option prevailed, and by local option I presume they meant the ordinances in various sections, states and municipalities, where some immunization was provided by their local laws. Cases per year over this period were 1,292 in a population of 37,725,000 or 3.43%. In 22 states where no control is used, population of 44,357,000 over this period I have mentioned, there were 6,043 cases or a percentage of 14.1%.

As I see it, this is an attempt to lock the barn before the horse is stolen, and without any more comments, I hope my motion will prevail.

Miss LAUGHLIN of Cumberland: Mr. President, the Senator from Knox, Senator Elliot, gave as his reason for opposing this bill, that parents knew what was best for their children. That may or may not be true but I do not see it is a point in this case. There is nothing in this bill which forces them to have the children vaccinated. The bill provides that they shall not be admitted to the public schools so that they will be a menace to the other children. If the parents do not want to vaccinate them they can provide for their education otherwise. The object is to prevent a menace to other children. Of course, small pox is one of the most infectious diseases known. As I see it,

this is a bill to protect our children who will be menaced by children whose parents do not want them vaccinated. We do not forbid. We simply say, "You cannot use your children to be a menace to all the others."

Mr. FRIEND of Somerset: Mr. President, when the vote is taken I ask for a division.

Mr. STILPHEN of Lincoln: Mr. President, I would like to say a few words in opposition to this bill. First, I want to say that perhaps you all know that we have one church society that is strictly opposed to this bill, and I don't want to go on record as opposing anything that any church wants. What they want is their belief. It may not be mine, but I don't want to go on record against them.

Now the records, as I understand them, show that New England and the state of Maine have not had a case of small-pox in five years. Another thing, this bill leaves it to the discretion of the superintending school committee. I don't believe that is right. I know in my town I don't want to leave my children under their care. Most of them are elected because they have a wood lot and will probably furnish the schools with wood.

I hope this bill will not pass.

The PRESIDENT: The question before the Senate is on the acceptance of the Majority Report of the Committee on Public Health "Ought to Pass" on bill, An Act Relating to the Duties of Superintending School Committee. Is the Senate ready for the question? The Senator from Somerset, Senator Friend, has asked for a division.

A division of the Senate was had. Eleven having voted in the affirmative and 19 opposed, the Majority Report "Ought to Pass" was not accepted.

Thereupon, on motion by Mr. Elliot of Knox, the Minority Report "Ought Not to Pass" was accepted. Sent down for concurrence.

Mr. FRIEND of Somerset: Mr. President, I move that the Senate do now adjourn until 9:00 o'clock tomorrow morning, as there is considerable business to come before the Senate tomorrow and by coming in early at nine, it will make it possible for many Senators to reach their homes by noon.

The motion prevailed and the Senate was adjourned until tomorrow morning at nine o'clock.