

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 10, 1941.

The Senate was called to order by the President.

Prayer by the Reverend Oscar A. Withee of Gardiner.

Journal of yesterday read and approved.

House Committee Reports**Placed on File**

The Committee on Judiciary on the following Petitions in Favor of (H. P. 1391) (L. D. 769) "Resolve Presenting an Amendment to the Constitution to Provide for an Adjustment of Real Estate Taxes." (H. P. 1660 to 1668 incl; H. P. 1674 to 1679 incl; H. P. 1683 to 1691 incl; H. P. 1707 to 1729 incl; H. P. 1748 to 1758 incl and H. P. 1823 to 1825 incl.) reported that the same be placed on file.

The Committee on Public Utilities on the following Petitions in Favor of (H. P. 350) (L. D. 137) Bill "An Act to Aid Agriculture by Providing for the Organization of Rural Electrification Cooperatives." (H. P. 1692 to 1694 incl; and H. P. 1759) reported that the same be placed on file.

The Committee on Taxation on Remonstrances against Tax Measures reported that the same be placed on file.

Which reports were severally read and accepted in concurrence.

From the House:

Senate Report from the Committee on Judiciary, on "Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the Secretary of State by the Governor with the Advice and Consent of the Council for a Term of Four Years," (S. P. 354) (L. D. 669); Majority Report, "Ought to Pass"; Minority Report, "Ought Not to Pass".

(In the Senate on April 8th, Majority Report accepted, and the bill passed to be engrossed)

Comes from the House, the Minority Report read and accepted in non-concurrence.

In the Senate, on motion by Mr. Farris of Kennebec, the resolve was laid upon the table pending consideration.

**House Committee Reports
Ought Not to Pass**

The Committee on Agriculture on Bill "An Act Requiring the Licensing of Creamery Companies," (H. P. 1617) (L. D. 961) reported that leave be granted to withdraw the same.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Measurement of Lobsters," (H. P. 1554) (L. D. 845) reported that leave be granted to withdraw the same.

The Committee on Legal Affairs on Bill "An Act Relating to Sale and Use of Fireworks," (H. P. 431) (L. D. 180) reported that the same ought not to pass.

The Committee on Ways and Bridges on Bill "An Act Prohibiting the Construction of State Highways During July and August," (H. P. 33) (L. D. 18) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Approaches to the Waldo-Hancock Bridge," (H. P. 1223) (L. D. 463) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for the Issue of State of Maine Agricultural Bonds for the Eradication of Bang's Disease and Other Contagious Diseases," (H. P. 1516) (L. D. 842) reported that the same 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.

The Committee on Ways and Bridges on Bill "An Act Authorizing a Bond Issue for the Building and Rebuilding of Bridges for Military Purposes on State Highways of Military Importance," (H. P. 691) (L. D. 246) reported the same in a new draft (H. P. 1902) (L. D. 1127) under a new title, Bill "An Act Authorizing a Bond Issue for the Building, Rebuilding and Strengthening of Bridges for Military Purposes on the Highways of the State of Military Importance," reported that the same ought to pass.

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

Mr. HILDRETH of Cumberland: Mr. President, before the second reading of this bill I would like to ask, through the chair, if the Chairman of the Ways and Bridges committee will give a little further information on this bill as to how it ties in with the use of federal funds.

The PRESIDENT: The Senator from Cumberland, Senator Hildreth asks a question, through the Chair, of the Senator from Somerset, Senator Friend, and that Senator may answer if he so desires.

Mr. FRIEND of Somerset: Mr. President, I will answer the Senator from Cumberland, Senator Hildreth as follows: This bill calls for a bond issue of two million dollars for bridges on military highways. So far as is known now there will be no federal aid for such bridges although it very readily might come in the future so these bonds will not be used, so far as we know at the present time, to match federal funds for bridges.

Thereupon, on motion by Mr. Hildreth of Cumberland, the bill was laid upon the table pending assignment for second reading.

Divided Reports

The Majority of the Committee on Judiciary on Bill "An Act to Prohibit Certain Political Activities," (H. P. 1580) (L. D. 931) reported that the same ought to pass, as amended by Committee Amendment "A"

(signed)

Senators:

LAUGHLIN of Cumberland
HARVEY of York
FARRIS of Kennebec

Representatives:

GRUA of Livermore Falls
MILLS of Farmington
HINCKLEY of So. Portland
WILLIAMS of Bethel
PAYSON of Portland
BRIGGS of Hampden

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

(signed)

Representative:

McGLAUFNIN of Portland

In the House, the Minority Report read and accepted.

In the Senate:

Miss LAUGHLIN: Mr. President, I move that the Senate accept the

Majority Report "Ought to Pass as Amended by Committee Amendment A" in non-concurrence.

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

Twenty-one having voted in the affirmative and eight opposed, the motion prevailed.

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

Sent down for concurrence.

The Majority of the Committee on Towns on Bill "An Act to Provide a Town Manager Form of Government for the Town of Millinocket," (H. P. 1216) (L. D. 363) reported that the same ought not to pass.

(Signed)

Representatives:

McGILLICUDDY of Houlton
WYMAN of Norway
ROBERTS of Waterboro
ANDERSON of Oxbow
ROBINSON of Brewer
FULLER of South China

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

(Signed) Senators:

CHASE of Washington
BATE of Kennebec
BOOTHBY of York

Representative:

DWINAL of Camden

In the House, the Majority Report read and accepted.

In the Senate, on motion by Mr. Chase of Washington, the Majority Report "Ought Not to Pass" was accepted in concurrence.

From the House:

The Committee on Sea and Shore Fisheries on "Resolve Relating to the Taking of Clams in the Town of Cape Elizabeth," (H. P. 1633) (L. D. 980) reported the same in a new draft (H. P. 1899) (L. D. 1123) under a new title, Bill "An Act Relating to the Taking and Sale of Clams in Certain Cumberland County Waters," and that it ought to pass.

In the House, report read and accepted and the bill passed to be engrossed as amended by House Amendment "A".

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

the resolve 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 Temperance on Bill "An Act Relating to the Sale of Malt Liquors to Minors," (H. P. 1286) (L. D. 562) reported that the same ought to pass as amended by Committee Amendment "A".

In the House, report read and accepted, and the bill passed to be engrossed as amended by Committee Amendment "A" and by House Amendment "A".

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. Committee Amendment A and House Amendment A were read and adopted in concurrence and under suspension of the rules, the bill as so amended was passed to be engrossed in concurrence.

The Committee on Counties on Bill "An Act Relating to Androscoggin County Law Library," (H. P. 1340) (L. D. 797) reported that the same ought to pass.

In the House, the report read and accepted, and the bill passed to be engrossed as amended by House Amendments "A" and "B".

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading; House Amendment A was read and adopted in concurrence; House Amendment B was read, and on motion by Mr. Friend of Somerset, the bill was laid upon the table pending adoption of House Amendment B in concurrence.

First Reading of Printed Bills

Bill "An Act Making Certain Welfare Appropriations 'Carrying Accounts,'" (S. P. 544) (L. D. 1128)

"Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons," (S. P. 545) (L. D. 1131) which resolve was read once and, on motion by Mr. Fellows of Kennebec, the resolve was laid upon the table pending assignment for second reading)

"Resolve Proposing an Amendment to the Constitution to Provide for Appointment of the Treasurer of State by the Governor and Council." (S. P. 546) (L. D. 1130)

Bill "An Act Relating to Compensation of Justices upon Retirement." (S. P. 547) (L. D. 1129)

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

Sent down for concurrence.

Senate Committee Reports Final Reports

Mr. Chase from the Committee on Interior Waters submitted its Final Report.

Mr. Dow of Franklin from the Committee on Military Affairs submitted its Final Report.

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

Which reports were severally read and accepted.

Sent down for concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on (H. P. 645) (L. D. 281) Bill "An Act to Provide Better Government for the Town of Bar Harbor," have had the same under consideration and ask leave to report that the Committee is unable to agree.

Which report was read and accepted.

Sent down for concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on (S. P. 77) (L. D. 45) Bill "An Act Creating a Department of Motor Vehicles," have had the same under consideration and ask leave to report that they are unable to agree.

Which report was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Dow of Franklin from the Committee on Claims on "Resolve Reimbursing the Town of Dover-Foxcroft for Pauper Expenses," (S. P. 228) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Passed to Be Enacted

Bill "An Act Relating to Time of Completion of Work on Third Class Roads." (S. P. 72) (L. D. 43)

Bill "An Act Relating to State Aid

on State Aid Highways." (S. P. 73) (L. D. 44)

Bill "An Act Concerning declaratory Judgments and Decrees and to Make Uniform the Law Relating Thereto." (S. P. 364) (L. D. 677)

Bill "An Act Authorizing the Registration of Motor Vehicles Operated by Governmental Agencies." (S. P. 386) (L. D. 632)

Bill "An Act Relating to Registration Number Plates for Use on Motor Vehicles." (S. P. 450) (L. D. 899)

Bill "An Act Relating to Notification by Dealers to Secretary of State of Transfer of Motor Vehicles." (S. P. 452) (L. D. 898)

Bill "An Act Relating to Maintenance of Third Class Roads." (S. P. 453) (L. D. 869)

Bill "An Act Providing for the Regulation of the Use of the Highways Transporting Property for Hire." (S. P. 501) (L. D. 1032)

Bill "An Act Creating the Caribou Utilities District." (S. P. 510) (L. D. 1037)

Bill "An Act Relating to Indication on Motor Vehicles of Their Weight." (S. P. 522) (L. D. 1075)

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

Bill "An Act Relating to State Aid for Academies." (H. P. 792) (L. D. 307)

Bill "An Act Relating to the Pownall State School." (H. P. 1402) (L. D. 780)

Bill "An Act to Authorize the Incorporation of Credit Unions." (H. P. 1415) (L. D. 595)

Bill "An Act Relating to Payment of Wages." (H. P. 1432) (L. D. 749)

(On motion by Mr. Hinman of Somerset, the bill was laid upon the table pending passage to be enacted.)

Bill "An Act Relating to Birth Records of Children Proposed for Adoption." (H. P. 1527) (L. D. 866)

Bill "An Act Relating to Common Carriers." (H. P. 1866) (L. D. 1083)

Bill "An Act Relating to Restaurants and Locations of Restaurants Handling Malt Beverages." (H. P. 1890) (L. D. 1087)

Finally Passed

"Resolve in Favor of the City of Eastport." (H. P. 1322) (L. D. 1088)

Emergency Measure

Bill "An Act Enacting the Sabotage Prevention Act." (S. P. 362) (L. D. 675)

Which bill being an emergency measure and having received the affirmative vote of 31 members of the Senate, and none opposed was passed to be enacted.

Orders of the Day

Mr. Brown of Aroostook presented a memorial and moved its adoption:

"Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress Assembled.

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the 90th Legislative session assembled, most respectively present and petition your honorable body as follows:

"WHEREAS, there is now pending before the Congress of the United States proposed legislation, designated as Senate File 860, providing for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; and

"WHEREAS, the Federal Government has located in the state of Maine, and may hereafter locate in this state, forts and training camps, which may be deemed desirable in the development of the national defense; and

"WHEREAS, it is desirable in the interest of the common defense to provide for the suppression of all forms of vice in the vicinity of such forts and camps, and the people of the state of Maine are greatly interested in the passage of such legislation, now, therefore be it

"RESOLVED: That we, your Memorialists, do hereby respectfully petition and urge the Members of Congress to give early consideration to Senate File 860 now before the Senate, and to the enlargement of the provisions thereof in order to include the suppression of vice in the vicinity of ordinance plants or projects now or hereafter erected and maintained by the Federal Government in the development of national defense, and to enact such legislation at an early date, and be it further

"RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of

State to the proper officers and committees of the United States Senate and House of Representatives, the President of the United States and to each of the Representatives and Senators representing the State of Maine in the United States Congress."

Mr. BROWN of Aroostook: Mr. President, I just wish to make a brief statement. You have heard the reading of the Memorial and I think you all understand it. Several other states have already passed these memorials. We know we are sending the best of our young men into training camps in different parts of the United States and I know that the mothers and fathers of these boys and all good citizens would feel much better if they knew the moral situations concerning these camps were better, or taken care of by this legislation. I might say that I have a letter here which states that Iowa, Illinois, Pennsylvania, Kansas, Louisiana, Michigan, Ohio, West Virginia and Wisconsin have all petitioned Congress for the passage of this bill, No. 860 Senate File, and so I hope the State of Maine won't lag too far behind these states. I hope this memorial may have passage.

Mr. DOW of Oxford: Mr. President, may I ask a question through the Chair of the Senator from Aroostook, Senator Brown?

The PRESIDENT: The Senator may ask a question through the Chair of the Senator from Aroostook, Senator Brown, and that Senator may answer if he so desires.

Mr. DOW: Mr. President, I would like to ask this: Do I understand that the latter part of the memorial provides that the Secretary of State is going to have a week end in Washington, giving the memorial to various people? Is he going personally to deliver this to the various people mentioned? I wondered if I understood it correctly.

Br. BROWN: He would simply mail it, there is no personal delivery to it.

Mr. DOW: Mr. President, may I have that part read again, please?

The Secretary read the last paragraph of the Memorial.

Mr. BROWN: Mr. President, may I ask Senator Dow a question?

The PRESIDENT: The Senator may ask a question of Senator Dow

and that Senator may reply if he desires.

Mr. BROWN: Does the word "transmit" in your vocabulary mean delivery in person?

Mr. DOW: I believe the language in this legislature, in a good many instances, has been strained much further than that.

Thereupon, on motion by Mr. Brown of Aroostook, the Memorial (S. P. 550) was laid upon the table pending adoption.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, House Report from the Committee on Judiciary, "Ought Not to Pass" on bill, "An Act Relating to Time of Opening and Closing Polls (H. P. 1152) (L. D. 452) tabled by that Senator on April 9th pending acceptance of the report.

Mr. CHAMBERLAIN: Mr. President, I now move that Legislative Document 452 be indefinitely postponed and in support of that motion I would like to say three words and one more. This bill, as originally introduced to the legislature pertained to the time of opening and closing polls and especially as it related to daylight saving time if that occurred during some period of the year. It was given to the Committee on Judiciary, who reported that it "ought to pass." It has been amended several times and it now finally comes to us with an amendment adopted, which reads as follows: "Amend said bill by striking out the title thereof and inserting in place thereof the following title: 'An Act Relating to Boards of Registration'. Further amend said bill by striking out all after the last paragraph thereof." Of course there is nothing left after you do that, "and inserting the following in place thereof: 'The municipal officers in any city and town in which daylight saving time is in general use may vote to open and close the sessions for registration 1 hour earlier than provided for hereinbefore'."

The statute relating to the opening and closing of polls is as plain as can be. Every municipal officer knows exactly what to do if he knows how to read. Therefore, I move the bill be indefinitely postponed. There is a sentence in a foreign language which reads like this. "It is to laugh." I hope the motion will prevail.

A viva voce vote being had

The bill and report were indefinitely postponed in non-concurrence.

On motion by Mr. Bate of Kennebec, the Senate voted to take from the table, Senate Report, Majority Report "Ought Not to Pass"; Minority Report "Ought to Pass in New Draft" on bill, An Act to Provide Higher Standards of Education by Securing to Teachers Greater Permanency of Employment (S. P. 193) (L. D. 506) tabled by that Senator on April 4th pending acceptance of the majority report.

Mr. BATE: Mr. President and members of the Senate, as a new member of this honorable Senate and it being my very first legislative experience, I have felt somewhat reluctant to yield to the impulse to which I am susceptible, that of making a speech, but I do feel that this particular piece of legislation is of major importance and should not therefore be thrown into the discard by this honorable body without some voice being raised here in defense of it.

This bill was not prepared by me. Indeed, I have had nothing whatever to do with the drafting of it. This bill was initiated and is supported by the Maine Teachers Association and it also enjoys the backing and approval and endorsement of the foremost educators of our state, including President Gray of Bates College, President Hauck of the University of Maine, President Johnson of Colby College and President Sills of Bowdoin College. It also has the backing of several leading organizations of our state, organizations noted for their deep, keen interest in public questions, such as the Maine State Grange, the Maine Congress of Parents and Teachers, the American Legion, and a host of women's clubs scattered throughout the state.

I should like to read the resolution passed by the Maine State Grange in its annual session in Bangor last December: The resolution is as follows:

"Whereas, a strong system of public education is fundamental to our American way of living, and

"Whereas, a profession of intelligent, experienced, well-trained teachers is the key to a strong system of public education, and

"Whereas, to do their best work teachers should be freed from the pressure of political, partisan and

selfish groups and from fear of unjust dismissal; therefore be it

"Resolved, that we, the members of the Maine State Grange, in regular session assembled, urge the adoption of the Indefinite Teacher Tenure Law proposed by the Maine Teachers' Association."

It does seem to me that with such support and backing, this bill has some merit to it and should not be dealt with and disposed of by this honorable body in a merely perfunctory manner.

I was impressed with the attendance at the hearing on this bill. The group that assembled came from all parts of the state and this group was undoubtedly the largest to appear before any committee of this legislature. The House chamber was filled to overflowing and many interested people found it necessary to listen to the proceedings over the loud speaker system in some of the offices of the state house. The hearing lasted about four hours. Very convincing arguments were made there in support of this bill.

For example, George I. Allen of the school board of Castine argued, "This bill protects the schools from possible loss of good teachers on account of personal spite, prejudice, political or religious differences, favoritism or for any other injustice. That this act is an assurance of fair play by the town as long and no longer than the teacher plays fair with the schools. I believe each teacher, with the assurance which this bill provides, would be able to make more permanent plans. They could own their own home, they could do much more in the community than the one year contract allows."

Professor Hammond of Bowdoin College argued that "This act puts a larger responsibility on school boards. It is a long step forward to better educational facilities in our state."

Mrs. Gertrude McGinley of the School Board in East Eddington argued, "We struggle as hard as possible to raise money enough to induce good teachers to stay with us. If we could offer them the added incentive of tenure I believe we would be able to keep some of the better teachers."

R. B. Kennon, Secretary of the Maine Teachers Association stated: "The only thing that the Maine Teachers Association wants to do,

the only restriction that the Maine Teachers Association wants to place upon school boards is to restrict their power to fire good competent, efficient, fine teachers without cause."

Miss Lou Buker of Augusta stated, "Might not this teacher tenure bill be of some use in protecting the right of free speech and action to the leaders of our future generation so that they will have courage to speak and act according to their convictions?"

Representative Albert Jones of Rockland made a very significant statement, I think, at that hearing. He said, "I hope that the records in the future will show, with credit to us, that we were the means of passing legislation that was instrumental in raising standards of education to a height not previously attained."

Now, the original bill heard by the committee contained 51 sections. This was simply a model bill prepared by the legislative committee of the Maine Teachers Association, after a year and a half of study of all tenure legislation in other states and with the advice and counsel of Dr. Willard S. Ellsbree of Columbia University.

During and since the hearing on this bill, certain objections were made to it as written. Legislative counsel, with the executive secretary of the Maine Teachers' Association, listed all possible objections, studied them carefully and a new draft of the bill was prepared which eliminated many controversial provisions in the original bill. After the committee had an opportunity to study it, another meeting was held and further changes were made to meet the opponents' objections. So the bill now before us, Legislative Document 1095 contains but 15 sections. It is different from the original bill in the following particulars: 1. The Tenure Commission is eliminated. 2. Superintendents of schools are excluded. 3. Teachers in one-room schools are excluded at the option of the school committee. 4. The original bill has been completely changed in form and those provisions relating to hearing, witnesses, subpoenas, etc., altered to conform to the Maine practice and procedure. 5. The original bill is rewritten and many of its sections interchanged and merged in order to conform to Maine statutory practice.

In short, Members of the Senate,

the Maine Teachers' Association has worked hard to meet all substantial objections to this bill as originally proposed.

Now, I have here a prepared detailed analysis of this bill. However, I feel it would take too much of your time. It would be technical and it would be tiresome to present it at this time. I shall assume, therefore, that the Senators have read the bill and are conversant with it. It simply is a bill setting up the fundamental principles of tenure plus necessary and simple machinery to put tenure into effect.

Tenure as used in this bill, simply means that after a teacher has served three consecutive years within a municipality and receives a contract for the fourth year she acquires the status of indefinite tenure, and having acquired that status she then cannot be dismissed, demoted or suspended except for certain causes, and those causes are listed in section four of the bill. These causes are: 1. Immoral character or conduct unbecoming a teacher. 2. Physical or mental disability. 3. Incompetence or inefficiency. 4. Neglect of duty. 5. Discontinuance of service due to economy, lack of pupils or funds. 6. Wilful refusal to obey the school laws of this state or the reasonable and lawful rules of the school committee.

In other words, members of the Senate, the principle behind teacher tenure is the same as the principle behind civil service. It takes the teaching profession out of politics and other pressure groups and places it upon the basis of merit.

This bill, in its original draft, was ably analyzed, according to a report in one of our newspapers, namely, the Lewiston Evening Journal, in the issue of February 5th, by Dr. Payson Smith, one time superintendent of schools of Auburn, and who served as State Commissioner of Education in Maine and Massachusetts. While Dr. Smith declared himself definitely favorable to the principle of tenure, he questioned the necessity of a law in Maine as stringent as that recommended by the Maine Teachers' Association. It should be noted, however, in this connection, that he was then referring to the bill in its original draft and not to the present new draft.

In this new draft many, if not all,

the objections raised by Dr. Smith have been eliminated. He is quoted in this paper as saying that the points in the proposed law which he finds admirable are: "1. The provisions for the abolition of the annual election. 2. Adequate notice for the teacher who is dismissed. 3. Such notice to be given within the school year. 4. Statement of the cause for the dismissal. 5. Provision for hearing on the causes giving rise to the dismissal." These are precisely the objectives to the bill in new draft which we are now considering.

Of course, teacher tenure is not a new thing. About 40% of the teachers of the United States are in territory where indefinite tenure laws are in force. Another 20% teach where permissive and unclassified tenure regulations are found; and about 40% are in states, including Maine, where only annual election or no specific tenure legislation prevails. I sincerely hope by action of this 90th Legislature, Maine may be added to those states where indefinite tenure laws are in force.

Now, under the present law educational workers in Maine are all too often subjected to the undue anxiety and worry that accompanies annual cessation and beginning of employment contracts. Isn't it only fair and just that a group of public servants, loyal, devoted public servants such as teachers in our public schools, should be entitled to reasonable security and legal tenure protection as they strive to render an important public service under a government that aims to promote social justice for the individual desiring to live an upright, civil life and to serve efficiently?

Moreover, the welfare of the children and the school cannot possibly be best promoted as long as the temptation is for the teacher to cater to selfish interests that seek to dominate school policies rather than to devote his efforts wholeheartedly to honest, professional efforts.

Certainly, members of the Senate, in these unhappy days of confusion and bewilderment, these days when propaganda from a great many different sources, of every conceivable sort and description is flooding our country and our state, any piece of legislation that has as its objective the raising of standards and

efficiency of teachers of our youth is highly important and should commend the serious, careful attention of every thoughtful forward-looking legislator.

I trust that this Senate and this Ninetieth Legislature, by its action on this bill, will not reflect any lack in the capacity to appreciate and to respond to a piece of progressive school legislation.

I trust, therefore, Mr. President, and earnestly hope that the motion to accept the Majority report, "Ought Not to Pass" will not prevail.

Mr. SANBORN of Cumberland: Mr. President, as Chairman of the committee which had this matter under consideration, and as one of those who signed the "Ought Not to Pass" report, I am aware it will be expected of me that I should make some observations pertinent to the issue. It is in response to that expectation that I am on my feet.

As has already been said, this bill was initiated and is sponsored by the Maine Teachers' Association, and I want to make a few remarks relative to that sponsorship and to the efforts which have been made in behalf of the bill.

No one would for a moment, I am sure, entertain the thought of saying a word in disparagement of the high-mindedness and patriotism of the teachers of the State of Maine. I have heard some words of criticism directed against that organization on account of their activities in behalf of this bill. Personally, I find in my heart no response whatever to those criticisms. As an organization and as a group having an eye single to certain objectives, it was certainly their right to prepare and to present and to urge the passage of an act which they believed to be in their interest, and through their interest, in the interest of the welfare of the state of Maine. On my part, I should resent any imputation against their character or their attitude in regard to this measure.

If it be true, as has been said, and I have no means of knowing whether it be true or not, but if it be true that they have canvassed the Parent Teachers Association and asked for and procured an endorsement, it was within their rights. If they did prepare and submit to the meeting of the Maine State Grange

a resolution in favor of this measure, and by what they said at the time, induce the adoption of the resolution, it was only in accordance with a custom practiced by interests of every sort which have measures which they want to have triumph. They ought not to be criticised for that, if it were true.

My conclusions are based, not at all upon methods or activities against which I have no objections, but on an entirely different consideration. Those who have signed the report, "Ought Not to Pass" may be charged with being unsympathetic with the teachers' profession. Personally, I feel like repelling any such charge. For a period of ten years and more, my chief occupation was that of school work: as a teacher and a superintendent of schools, and I can view the situation, I believe, from the standpoint of a teacher. Teachers are entitled to the sympathy, nay, to the admiration of every thinking citizen of the state of Maine.

To my mind it boils itself down to two considerations and it is purely a question of which consideration impinges upon your conscience or mine with the greater weight. Opinions may differ and may properly and justly differ. The argument in favor of this is a school argument and I assume it has force. It is unquestionably true that a great group of our Maine teachers, under the present law and present system, many of them women, and most of them—I don't know but I'd say all of them—conscientious and many of them somewhat sensitive. It is true that during a period every spring their thoughts are burdened with the wonder of whether or not at the close of the school year they are to be re-elected or whether they will be out of employment and forced to seek another position. That probably is true. This bill, if enacted, after a teacher has served three years, would undoubtedly remove that worry and that uncomfortable state of mind.

If there were no other consideration involved than that, I am free to say I would be heartily in favor of the passage of the bill. As has been said and well said and properly said, this bill would take out of politics the matter of the retention of our teachers in service and if it is true, and so far as it is true, in

towns here and there school boards motivated by improper considerations displace a teacher for no more cause than whim or caprice, is to be regretted and it would be well if it could be remedied. The argument on that score is a strong argument and should be given fair consideration and its due weight.

There is, to my mind, an argument on the other side which in my own mind carries greater weight and leads me to the conclusion that the teachers' profession would not be ultimately benefitted by the passage of this law. In the first place, — and it is for you to say whether this carries the greater weight — this act provides in effect that the teacher may be subject to dismissal at the end of the first year and at the end of the second year, and when it comes to the end of the third year there is a sort of Rubicon to be crossed. If a teacher is dismissed she may be dismissed without grounds or cause or reason, but if she is retained and starts her fourth year, it is beyond the powers of the school authorities, until her time of retirement, to dismiss except for cause. On the face of it, I will admit it sounds reasonable and plausible and it sets forth causes and they are proper causes. But it is for you to say, who know human nature and who have observed similar processes in the past, it is for you to form your own estimates of how difficult it would be, after a teacher has served four, five, six, eight or ten years, how difficult it would be, under a hearing and the submission of testimony, to prove concretely a case against a teacher that would warrant her removal, when as a matter of human knowledge and ordinary observation, nine out of ten would conclude that the teacher's usefulness, as a matter of fact, was at an end.

In other words, determine for yourself if this act were passed, the door would be open to the retention year after year of a teacher whose usefulness, as a matter of fact, was at an end, who better be displaced but against whom no concrete charge could be proved of sufficient magnitude to warrant discard or dismissal.

Now, according to your conclusion on that one point, will depend your conclusion as to the effect of this law, not on the teachers, because while we have thus far been discuss-

sing the matter from the standpoint of the teachers, there is another vital consideration and that is the welfare of the pupils, themselves. I suggest now you may well consider the effect upon the ultimate welfare of the pupils and the schools if this system were enacted and were invoked.

Now, I don't know that I have anything further to say. I am only saying this, that after viewing the matter on both sides, the considerations against the measure, in my mind, outweigh the potent and powerful arguments in its favor. You Senators may take an opposite view.

There is another approach which I do not see fit to take. If one were of the sort who liked to wax facetious and provoke an attitude of laughing the thing out of court, it might be well to point out that we were confronted in our first printed document here as I recall it, with about 17 long typewritten pages. It was then cut down to only about seven typewritten pages and the one which is now before us for consideration is imprinted on two typewritten pages, and yet it was the original bill upon which the hearing was had before the committee, and it was the original bill which we were asked to sanction. One of the arguments used was that other states have teacher tenure, among them Massachusetts. Massachusetts was cited as a state which has teacher's tenure. Search was made for legislative enactments in Massachusetts and it was found that about 15 lines, as I recall it, 15 lines on the statute books of Massachusetts contain the entire teachers' tenure law which they had. But as I say, I am not disposed to discuss it on that ground.

As I see it, the teachers would not, in the long run, be benefitted and there would be serious danger that the pupils would not be benefitted.

It has been argued against the bill, and I want to be fair, it has been argued against the bill, that once assured of life tenure, a teacher would lose the disposition to give service. That argument doesn't weigh heavily with me because as I said in the first place, I believe teachers have character and I believe conscience and a sense of character would be sufficient to urge them to put forth their best efforts.

It has been argued that they would not attend summer schools, but the law, itself, takes care of that. This very act provides, as one of the offenses for which they might be removed, refusal to obey reasonable requirements of school boards, and they may reasonably require teachers to attend summer schools, so that argument has no great weight.

One more consideration which with me does have considerable weight, is this, what is likely,—again having due consideration to human nature and how people ordinarily ask under given conditions—what would be likely to be the attitude of school boards toward teachers who had served three years, knowing if they engaged them for another year, they could not discharge them? I question whether or not many valuable teachers would be thrown into the discard improperly, without good reason, teachers who would be worthy, with the idea that they might be saddled onto them for life. I can see every possibility of real danger and harm.

Two years ago the legislature enacted a bill which provides that towns may make five year contracts with teachers. I happened to be a member of the committee which considered that measure last year, last session. I approved it and I was moved to my approval by the hope, at least, and I will admit, the confidence,—a confidence which has not been justified, however,—the hope and confidence that enactment of the measure would have much to do with doing away with the call for a tenure law. Experience has shown, however, I am told, that hardly a town in the state has availed itself of its right and opportunity to take teachers on for five years. Some of us would feel a five year contract with a teacher is fairly liberal. One little knows what changes will take place in five years which would make it desirable at the end of that period to dismiss a teacher.

I submit the fact that towns have not availed themselves of that law indicates to my mind,—it may not be yours,—but it indicates to my mind a very wide-spread sentiment on the part of school authorities and school people that long tenure is something to be approached with extreme caution.

Now, I hope in what I have said,

I may have said nothing which would reflect upon the character, motive, integrity, patriotism of the teaching force of our state, than whom we have no group more single minded, more devoted to the welfare of the state than themselves. I hope that whatever the outcome of this proposition may be, it will be found to be helpful to our educational interests.

Mr. BATE: Mr. President, if I may be permitted a few moments of the Senate's time in an attempt to reply briefly to the remarks of the able Senator from Cumberland, Senator Sanborn, as I followed his arguments it seemed to me that he bases his chief objection to this proposed piece of legislation on the possibility that school boards might have a tendency to dismiss teachers at the end of the third year period and before they achieve the status of tenure.

I would like to call the Senator's attention particularly to Section 3: "Minimum percentage on indefinite tenure. The commissioner of education is hereby empowered to determine the minimum percentage of teachers in any municipality to be on indefinite tenure at a future fixed date where, in his discretion, the commissioner feels that such a determination is for the best interest of the public schools therein." I ask if that would not have a tendency to correct the evil that the Senator points out and, of course if such a procedure were adopted by any school committee, that procedure would be detrimental to the welfare of the school in that municipality and I doubt very much if public sentiment in that municipality would allow that to continue to any great extent.

Miss LAUGHLIN of Cumberland: Mr. President, the arguments for this bill have been so fully covered by the Senator from Kennebec, Senator Bate that I do not propose to discuss the bill at length, confining myself to two statements. The first, that I have carefully read the new draft and I believe with the Senator from Kennebec that the objectionable features of the original bill, which are very many, have been deleted and the new draft does not contain them. Secondly, that I have lived in a state where we had teachers' tenure along practically the same lines as this proposed legislation and I know that it has

worked to the great benefit of the cause of education. As the Senator has said, this is merely a matter of permitting the teachers to come under the civil service provisions which we now apply to all other employees of the state.

Mr. CHAMBERLAIN of Penobscot: Mr. President, after the complete explanation of this bill in its new draft by the Senator from Kennebec, Senator Bate, and the very enlightening remarks of the Senator from Cumberland, Senator Sanborn, I feel a little smaller or less in stature than I did before they had spoken. Nevertheless I feel that I have something to say in regard to this measure.

First, I am heartily in favor of the bill itself, in spite of the objections that have been raised against it. The bill in its new form, reduced from 50-odd sections in the original bill to perhaps 15, I believe, the real part of the bill is contained in two sections, namely, Sections 2 and 3. The rest of the bill is simply the machinery of carrying out the provisions.

I do not know that I would have spoken at all in regard to this bill if I hadn't received, both by letter and by word of mouth, from municipal officers and school committees, great opposition to it, explaining that it would force upon the cities and towns and particularly the towns a very unfortunate condition. I do not believe that. In Section 2 there are many ways by which a teacher can attain indefinite tenure. There are ways by which she can be stopped from attaining indefinite tenure. And always—still confining our words to Section 2—there stands behind it the school committee who can stop it instantly. If that were all there was to the bill it would make no difference whether it was passed or not. But Section 3 comes in there, as the Senator from Kennebec, Senator Bate has said, that the Commissioner of Education has a little something to say about it, and there he does enter into the town or city and prevent the school committee from absolutely destroying the value of this bill.

Every bill that comes to a legislature should be measured only by the wording of the bill. We are not concerned with who placed it here, nor have we any consideration as to the ulterior motive. We simply have some words before us and we

are to determine whether they are suitable to be made into law to govern the people of this state. The mere fact that the teachers association seems to be behind this bill is of no consequence. We have a bar association, we have a medical association, we have many other kinds of associations, even labor unions, and they don't join themselves together for merely social reasons. They are there for mutual benefit. And that cannot be brought against the teachers association any more than the medical association or any other association. We are not concerned with that. We are concerned simply with the bill itself.

Much has been said, not only here but outside, that an unfit teacher having attained indefinite tenure would be a teacher in the schools in spite of all that could be done. I give no credence to that. The most powerful force in the community is public opinion, and if public opinion believed that a teacher should not be there, that teacher could not stay. If it were the overwhelming opinion of this Senate that I should not continue to be a member of it, I will guarantee that I would walk out of that door. They would find a way to do it. So that is all of no moment to me.

Now, the real pith of this bill, the real part of it, after you have analyzed and considered it, considered all the wrong parts and all the good parts, the real thing in this bill is to give a sense of security to the teacher. And certainly those people who are engaged in teaching the children, even the small ones, are or should be given an opportunity to exercise the teaching profession without criticism of someone behind them which criticism might eventually mean their dismissal.

I believe that instead of being of no good to the pupils it will be exactly the opposite, it will be good. Teachers now have a good deal of temerity as to what they shall say to the children who might report to the parents and thence go to the school committee. They hesitate a bit in regard to it. They are a little bit circumspect. They are devoted to their profession, they are interested in the children but they hesitate to speak of this or that for fear, and this measure is intended to remove that temerity and that fear. I do not see how you can ac-

complish that any better than by a bill of this kind.

I would like to say this, although I know that it may be out of place and may meet with some opposition from both sides: Education today is a very complex thing. Even when I went to school as a young man some years ago, compared with that time it is very complex especially in the secondary schools. There seems to be no limit for the activities of education in the secondary schools. When I entered the high school in Bangor, so far back that it is almost beyond the memory of man, there were just six pupils graduated from that school. And see how many now graduate from the secondary school. Very complex indeed, requiring experienced teachers, teachers who are capable from training to carry out the technical part that education demands today, and although we know all that we still allow the school committee to have charge of it and to have charge of the teachers and of the children, and to have charge of school books, even though they have a superintendent of schools to lead them.

Now, the school committee, years and years ago, was made up of a very satisfactory kind of men, the ministers. But today we put on the school committees men from the ordinary walks of life with no training at all in regard to education, men who know nothing whatsoever about it except from a general education and with no experience to carry on these complex schools and to get the complex systems of education. And I think we should utterly abolish them. Of course we are not going to do it but that is my belief in the matter. I believe it should be turned over to those who are trained to do it, with the municipal officers of course, always there in regard to appropriating money for it, they having the responsibility to those who pay the taxes.

But now the school committee, made up of inexperienced people who have personal friendships and personal animosities, are the ones who are to decide whether a teacher shall continue, and that continuation may be based upon simply personal attachment or her dismissal may be based upon some ill feeling that they may have against her.

I can see no possible objection to the passage of this bill. I think

that perhaps after due consideration there might possibly be an amendment offered. I have thought of that. No law that has ever been passed by any legislature is ever perfect in the first legislature. Corrections have to be made, usually at the next session of the legislature. And therefore I believe that this bill is the proper one for this Senate to pass on its way to be a law.

Mr. HINMAN of Somerset: Mr. President, I want to say first that I hesitate to make any remarks after the very able manner in which both sides of this question have been presented but I find myself in a little different position than perhaps any of the gentlemen who have spoken. And I assure you that I will attempt, in this matter and in every other matter which I may consider, to use only that judgment which any sound-thinking person, having been absent from this Body as I have, would have a right to use. But I am interested in this bill.

I had no idea of appearing either in its favor or against it until during this debate and were I on the side of the Majority committee report, where I would ordinarily be found to spell it, I would not feel it necessary to make any remark. But from the standpoint of an employer of labor I find myself compelled to balance the benefits to our school system, to our teachers, and above everything else to our children, against that almost sacred duty that anybody who employs labor would like to keep unto themselves of having some say as to whether or not one shall remain in their employ. And I submit to you that there may come a time when, if you are fair by the parties concerned, you must be compelled to assume that the reasons for protecting an employee are paramount to any selfish or personal desire that an employer may have to control the hiring and firing of a person or group.

And I submit to you that although there may be faults in this bill and we may want to change it as we go along, there is no objection to that, that the general principle is far outweighed in the favor of the minority report,

Now, if we had only cities and towns of the size of Portland and Augusta and Waterville, I would not be so sure that I am in favor of the tenure of office of teachers

but I submit to you that when you consider the population, the scattered population of the state of Maine and the fact that we are largely controlled by officers in the smaller communities and that many of us who live in the smaller communities have at one time or another—I know I have actually seen myself—the most petty, the most unfair, the most ridiculous removal of competent school employees than I have in any other occupation that I have ever seen, and because of the worthiness of this cause, as I believe it to be, and as I am with the minority in this case, I must plead for the minority report and I hope we may act in that manner.

Mr. LIBBY of Cumberland: Mr. President, the Senator from Kennebec, Senator Bate, has clearly and thoroughly explained the provisions of this bill in its new draft. It is, as he has stated, an act of simple justice to those of the teaching profession and my colleague, Senator Laughlin, stated that it is a forward step in the cause of education and I simply want to go on record as joining in that and I hope that the majority report is not accepted.

Mr. BISHOP of Sagadahoc: Mr. President, last Saturday morning when I arose to speak I was unable to find my voice. I thought for a moment that perhaps I was changing from boyhood to manhood but it later developed that it was just a case of laryngitis.

If I have the power of steam this morning I feel that it is not out of order for me to explain why I signed the ought to pass report. I sincerely believe that it is the duty of every member of this 90th legislature to do everything within our power to help to provide better standards, higher standards of education for our schools and for our youth. After all, our youth are, or will be, our citizens of tomorrow. I do not speak, as a layman or one just passing by, I speak as one who has had practical experience in every phase of this question.

Not a great many years ago I was a student. Following that I was a teacher and until only quite recently. At the present time I am a parent with four children in the public school system. I am also a member of the education committee and I am a tax payer. I believe that a very definite need exists within our state and I believe that

we must face the facts and attempt to solve the problem by some adequate solution.

I would like to quote, if I may, from an article in the New York Times under date of March 30, 1941: "Connecticut faces shortage of teachers. Maine teachers are the poorest paid in New England. The average of salaries of teachers, principals and supervisors by states is as follows: Massachusetts, \$2009—they stand third in the United States; Rhode Island, \$1756—standing sixth in the United States; New Hampshire, \$1258—standing twenty-first in the United States; Vermont, \$952—standing thirty-third in the United States; and Maine, \$860—standing thirty-eighth in the United States."

They said further: "If Maine can not prove its interest in the welfare of its teachers then the higher salaries and lack of teachers in her neighboring states will continue to cause a flow of Maine's best teachers out of their schools."

In 1929 and 1930 the normal school graduates in Maine were 1224. In 1939 and 1940 they had reduced to 635. Now, further, with the war situation as it is, taking some of our most able and capable men away from the teachers' profession we are facing a shortage of teachers all over New England and they will just naturally drift to where the greater salaries and the better positions prevail.

It has been pointed out that most of our public servants are under the civil service and it has been said that one of the greatest objections to our present system is politics in our school system. I once heard Rabbi Wise say that politics should be taken out of schools and out of jails. Then he went on to say further, "I say politics, not politicians should be taken out of jail."

I could go on and cover some of these arguments that have already been given but I would like to speak briefly in regard to the teachers themselves. There are some 6300 teachers in the state of Maine and I like to feel that they are of sound judgment and able, and more than 90% of them have gone on record in favor of some sort of teacher tenure.

I have here a stack of letters from all over the state. I have several petitions. And they total almost

2000 names on letters and petitions that have been sent to me and out of that I have just one in opposition to the measure. All the rest are in favor.

Now, the arguments that have been given against it were very lukewarm: Maine teachers might become poor teachers and they might lie down on their job. But the people in civil service haven't done that and I believe the greater part of the people in the teaching profession are of just as high quality as those in civil service. Therefore, I can see no reason in the world why they should lie down on their job.

I don't believe it is going to make good teachers any better or poor teachers any worse. It is simply going to put the school committees on their toes to separate more carefully the good from the bad and to attempt to eliminate the poor teacher.

Time goes on and I think the majority is in favor. I have been disturbed a bit, however, in talking with several members. They say, "I am agin it." Ask them why and they don't know. They haven't studied it, haven't given it any consideration, they are just "agin" it.

In the committee we had a great deal of discussion on this bill. We redrafted it and made it more flexible and took out the objectionable features. And still some of them are "agin it."

I think that this is a middle of the road course. Unless we do something, unless we recognize the necessity of it and the importance of our teaching profession we are going to find our teachers leaning toward some sort of a labor union, and we don't want that. So I think that teacher tenure is an easy and a desirable way out.

We spend millions of dollars on our roads and we vote for more and more. In this state of Maine we spend between twelve and fifteen million dollars on roads and yet we spend less than three million on education, one-fifth of the amount we spend on roads. In this country we spend fifteen million dollars on crime and less than three billion on education.

I believe that anything we can do to build up and make our educational system better will help to cut down the crime and the causes of crime. Our Congress voted to spend seven billion dollars for de-

fense. We spend all this money for roads and for defense, for what? It is for the citizens of tomorrow. And who are the citizens of tomorrow but our youth of today?

For these reasons and in spite of the opposition that has been presented or that I have heard in here or otherwise. I am still heartily in favor of teacher tenure. I signed the ought to pass report and I sincerely hope that the ought not to pass report which is before this Body will not pass.

Mr. BATE: Mr. President, I am fully satisfied that there is more than ordinary public interest in this question. Therefore I feel it is peculiarly a statewide measure. Therefore, Mr. President, I ask that when the vote is taken that we have the Yeas and Nays.

The PRESIDENT: The question before the Senate is on the acceptance of the Majority Report of the Committee on Education "Ought Not to Pass" on bill "An Act to Provide Higher Standards of Education by Securing to Teachers Greater Permanency of Employment. The Senator from Kennebec, Senator Bate, asks for the Yeas and Nays. To order the Yeas and Nays a one-fifth affirmative vote of the members present is necessary. Those in favor of the motion that the Yeas and Nays be ordered will rise and stand until counted.

A division of the Senate was had.

More than one-fifth of the members present having voted in the affirmative, the Yeas and Nays were ordered.

The PRESIDENT: The question now before the Senate is on the adoption of the Majority Report "Ought Not to Pass." Is the Senate ready for the question? The Secretary will call the roll.

The Secretary called the roll:

YEA: Senators Boothby, Brown, Chase, Dow of Oxford, Elliot, Emery, Farris, Fellows, Friend, Hildreth, Hodgkins, Morse, Sanborn, Stilphen, Snow—15.

NAY: Senators Batchelder, Bate, Bishop, Boucher, Bridges, Chamberlain, Dorr, Dow of Franklin, Findlen, Harvey, Haskell, Harkins, Hinman, Laughlin, Libby, Melvin, Townsend—17.

Fifteen having voted in the affirmative and seventeen opposed the Majority Report "Ought Not to Pass" was not accepted.

Thereupon on motion by Mr.

Bate of Kennebec, the Minority Report "Ought to Pass" was accepted and the bill was given its first reading.

Mr. BISHOP: Mr. President, I would like to have the bill laid upon the table until tomorrow so that I may offer an amendment and that it be especially assigned for tomorrow morning.

The motion prevailed and the bill was laid upon the table pending second reading and tomorrow assigned.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I ask unanimous consent to address the Senate.

Unanimous consent was granted to the Senator from Penobscot, Senator Chamberlain to address the Senate.

Mr. CHAMBERLAIN: Mr. President and members of the Senate, I now ask unanimous consent to introduce a bill. It is a bill that pertains solely to the city of Brewer. Some two weeks ago we lost a building by fire, the best building we had there outside of the high school, at a loss to us of thirty-odd thousand dollars. The City of Brewer has been doing wonderfully well under the manager system since 1932.

We have a continuity of councilmen and we closely watch the financial affairs of the city of Brewer and the loss of that school and the necessity of building another one, perhaps of brick and more fire-proof than a wooden building, makes it necessary that we ask you for the privilege of introducing this bill, increasing the powers of the city of Brewer high school district. We have a high school district there now composed of five trustees who are slowly and gradually and capably paying off the indebtedness on that high school. We can carry this additional burden of another school building by extending and enlarging the powers of those trustees, enabling them to borrow a sufficient sum of money to do it. And we will receive from them, as any district does, a warrant to assess upon the people a certain sum of money each year determined by the amount that shall be amortized each year and also our ability to pay.

We are doing wonderfully well but we are only a little city and we would like to have this bill go through. I ask unanimous consent for the introduction of this bill.

Thereupon unanimous consent was granted to the Senator from Penobscot, Senator Chamberlain, to introduce bill An Act to Increase Powers of City of Brewer High School District (S. P. 551)

Mr. CHAMBERLAIN: Mr. President, I might say that the bill carries an emergency and also a referendum. I do not believe the referendum is necessary. We are all of the same idea but I think it is well, nevertheless, to have the referendum.

Thereupon, on further motion by the same Senator, under suspension of the rules, the bill was given its first reading without reference to a committee; and on further motion by that Senator, the bill was laid upon the table pending assignment for second reading and 650 copies ordered printed.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table Senate Report from the Committee on Ways and Bridges "Ought Not to Pass" 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), tabled by that Senator on April 3rd pending acceptance of the report; and on further motion by the same Senator, the "Ought Not to Pass" report was accepted.

Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, 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 as Amended by Committee Amendment A", on bill, An Act to Aid and Protect Crop Mortgages (S. P. 310) (L. D. 517) tabled by that Senator on April 4 pending the acceptance of either report.

Miss LAUGHLIN: Mr. President, I move the acceptance of the Minority Report "Ought to Pass"

Mr. FINDLEN of Aroostook: Mr. President, this bill provides that when a truck driver hauls a load of vegetables fifteen miles or over he must make out a manifest in triplicate giving one to the seller, one to

the broker, and one to be filed with the town clerk within twenty-four hours. Now, this applies to all vegetables, apples, potatoes, and every other conceivable thing called vegetable. It provides that if you haul more than a thousand pounds you must make out such a manifest whether the crop in question is crop-mortgaged or not. If you don't do this there is a fine attached of not less than ten dollars and not more than a hundred. In case of crop-mortgaged vegetables, potatoes, apples or what-not the fine is not less than fifty dollars and not over three hundred for each offense.

I believe there is plenty of law now covering crops under crop mortgage. Crop mortgage, as I understand it, protects the mortgagee against attachment and he should look after his own collections. This bill sets up a collection agency. I don't know who pays the cost, I am sure. The bill doesn't provide that. Now just try to imagine if you can, the delay, the trouble, connected with a law of this kind when a hundred and seventy-five truck loads of potatoes are moving daily in the height of the season from the one county of Aroostook.

A good many times these trucks are running by night to get to their destination in the morning. I would ask you how you could find a town clerk in order to deposit this manifest. There are many places where it would be impossible to either know or find out where town clerks were or where they have a place of business or whether they had any or not.

Imagine an apple truck running out of this state in the night, as they very often do, storing apples in storage plants and trying to comply with this law. While I admire the judgment of the committee and especially that of my seat-mate, Senator Gail Laughlin, whom Aroostook County is so proud to adopt, I fear they have failed to understand the significance of this measure.

Had I known about this measure I would have appeared in opposition to it in committee. It is aimed directly at Aroostook County and would be a serious handicap to the movement of crops.

I hope the measure fails to pass and, for once, I hope that the motion of the Senator from Cumberland, Senator Laughlin, does not prevail.

Mr. BROWN of Aroostook: Mr. President, I wish to speak very briefly in opposition to this bill. Senator Findlen has covered it very admirably but still has not given the full picture. In Aroostook, there are a great many farmers whose farms are more than fifteen miles apart and there are a great many farmers who live more than fifteen miles from where they store their potatoes. For instance, in Caribou trucks make trips anywhere from fifteen to thirty miles. Sometimes a distance of eighteen or twenty miles is nothing at all. Yet under this bill every load of potatoes which a farmer hauls from his farm to the storehouse fifteen miles or more away he would have to carry a manifest with him and file it with the clerk.

It seems to me that this is a perfectly ridiculous bill. The intention may have been good but certainly the practical application of it has not been given serious consideration. Today a distance of 15 miles is nothing for a farmer to haul his produce, not so much as a mile used to be in the good old horse and buggy days. And you have many truckers hauling produce and farmers hauling to the city of Portland, for instance, who are located more than fifteen miles from their market, some in the southern part of the state hauling to Boston and yet under this bill every one of them who hauls over a thousand pounds would have to make out a manifest and file it with the town clerks. I certainly hope the ought not to pass report will prevail.

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

A viva voce vote being had, the Minority Report "Ought to Pass," was not accepted.

Thereupon, on motion by Mr. Findlen of Aroostook, the Majority Report "Ought Not to Pass" was accepted.

Sent down for concurrence.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table Final Report from the Committee on Motor Vehicles, tabled by that Senator on April 4th pending acceptance of the report; and on further motion by the same Senator the report was accepted.

Sent down for concurrence.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table bill, An Act Relating to Chiropractic (S. P. 482) (L. D. 1068) tabled by that Senator on March 31st pending adoption of Senate Amendment A.

Mr. ELLIOT of Knox: Mr. President, I speak in opposition to the adoption of Senate Amendment A and I would like to say that at the hearing on the original bill before the Public Health committee, which was No. 635, An Act Relating to the Practice of Chiropractic, there was objection voiced to Section 82 of the bill on page 2 and finally the new draft of this bill was the best effort of the committee in trying to arrive at a satisfactory solution to this problem.

Now, the proposed amendment by the Senator from Cumberland, Senator Laughlin, would merely put the law back as it now appears on the statute books. On the public health committee we had one doctor, an M. D., and we had the daughter of an M. D., and I assure you that they watched this bill very carefully up through its various stages and the proposed new draft, 1063, does present the views of every member of the Public Health committee. It was our best effort and I trust that the motion of the Senator from Cumberland, Senator Laughlin, to adopt Senate Amendment A does not prevail.

Miss LAUGHLIN of Cumberland: Mr. President, the very name "chiropractic" means manipulation by the hand and heretofore the chiropractor has been limited to operations by hand only. This bill as proposed, as I understand it, is to permit them to use electrical apparatus for treatments and everything except drugs and surgery.

I want to say that I have a letter from the secretary of the Medical Examiners, Dr. Adam Leighton, as well as many other letters opposing this bill, believing that it should be limited as it always has been to hand manipulation and I have here—I ought to read it, really, but I can't lay my hand on it this minute, an advertisement by a chiropractic practitioner in which he says that he has an electrical machine in his office, and he is advertising for patients, he has an electrical machine in his office that will "tell you exactly what is the matter with you; come in and try it." Now I happen

to know something about that kind of electrical machine. It came up about 25 years ago in San Francisco and we had a man there who was a chiropractor and he had an electrical machine that told you just what was the matter with you.

He said, "If you have diabetes, this machine will turn a certain color. Now watch it." So he moved the machine and it would turn to whatever color he said. "Now," he said, "you see, it proves it, see, it proves what I told you. I said it would show this color if you had diabetes and it has proved it. You have diabetes."

Now I have here upon my desk an advertisement that a chiropractor has this machine and if you come in it will tell you what is the matter with you, and he wants this bill passed without the amendment so that he will be allowed to use and advertise this treatment by the electrical machine telling you what is the matter with you. Therefore, I am in favor of amendment A which keeps the practice of chiropractic to what its very name implies, hand manipulation.

Mr. TOWNSEND of Penobscot: Mr. President, being a member of the committee on Public Health, and one of those who voted for the passage of the bill without amendment, and in my opinion this amendment nullifies the report of the committee, I would like to remind the Senators that we had two hearings and the details of the bill were gone into thoroughly, that the opposition appeared at both of those hearings and each member of the Health Committee very conscientiously, I feel, rendered a decision that it ought to pass. The request of the chiropractors was heard originally by members of the committee, the request to have a redefinition of what chiropractic stands for. As I understand it, with the proposed amendment it can be interpreted in two ways. I discussed it with different lawyers, some saying that with the amendment it would still allow them to use electrical modalities. Others have said it would restrict the chiropractors to use the hands only. I talked with the attorney general yesterday about the legal interpretation of the amendment and he said it was confusing to him. I do not believe I am out

of order to say that 96% of the chiropractors today are using electrical modalities. They do not want to do it that way but want a redefinition so they will be doing it according to law. Their profession has advanced in the last few years the same as other medical professions have advanced and it seems to me only logical that they should be granted this request and I can see, personally, no danger in granting it to them. As a member of the Public Health Committee, who reported unanimously on this bill, I am opposed to the adoption of Senate Amendment "A".

Mr. EMERY of Hancock: Mr. President, as a member of the Committee on Public Health, I wish to say that I agree with my colleague, the Senator from Penobscot, Senator Townsend.

Miss LAUGHLIN: Mr. President, just a word about this bill. The original bill provides that the chiropractor may adjust segments and articulations of the human spinal column "by hand". That is now the law. The amendment offered leaves out the words "by hand" to the adjustment of the spinal column in locating and correcting interference with nerve transmission and expression, without the use of drugs or surgery. Previously they could make corrections to interference with nerve transmission by hand manipulations only. They now want to extend it so that they may use any method except the use of drugs and surgery. The amendment holds them to manipulation by hand only without the use of drugs or surgery.

I think it is true, as the Senator from Penobscot said, that they have been using electric machines illegally and that some of them at least, whether the bill is passed or not, intend to keep right on doing it.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment A.

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

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment A. Is the Senate ready for the question?

A division of the Senate was had. Seventeen having voted in the affirmative and fourteen opposed, the amendment was adopted.

Thereupon, under suspension of the rules, the bill as amended by Senate Amendment A was given its

second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.