

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY
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SENATE

Thursday, February 25, 1943

Then Senate was called to order by the President.

Prayer by the Reverend J. C. Rice, of Hallowell.

Journal of yesterday read and approved.

From the House:

"Resolve Appropriating Funds for Payment of Claims for Damages Done by Protected Wild Animals." (H. P. 931) (L. D. 483)

(In the Senate, on February 23, referred to the Committee on Appropriations and Financial Affairs in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was referred to the Committees on Appropriations and Financial Affairs and Inland Fisheries and Game jointly.

In the Senate, on motion by Mr. Dorr of Oxford, that Body voted to insist on its former action whereby the Resolve was referred to the Committee on Appropriations and Financial Affairs.

Papers from the House referred in concurrence.

From the House:

The Committee on Agriculture on Bill "An Act Relating to the Better Protection of Livestock and Poultry from Dogs," (H. P. 335) (L. D. 213) reported that leave be granted to withdraw the same.

The Committee on Judiciary on Bill "An Act Relating to Duty of Cities with Respect to Registration of Voters," (H. P. 251) (L. D. 163) reported that leave be granted to withdraw the same.

The Committee on Pensions on "Resolve in Favor of Mrs. Mary Bohn, of Waterville," (H. P. 201) reported that leave be granted to withdraw the same.

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Wells and Kennebunk Game Preserve," (H. P. 542) (L. D. 318) reported that the same ought not to pass.

The same Committee on Bill "An Act Abolishing Game Preserves in York County," (H. P. 317) (L. D. 225) reported that the same ought not to pass.

The same Committee on "Resolve

Regulating Fishing in York County," (H. P. 320) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act Relating to Fees of Town Clerks for Issuance of Fishing Licenses," (H. P. 628) (L. D. 367) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Fees of Town Clerks for Issuance of Hunting Licenses," (H. P. 178) (L. D. 122) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Relating to Previous Convictions in Criminal Cases," (H. P. 545) (L. D. 288) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

From the House:

The Committee on Banks and Banking on Bill "An Act Relating to Investments by Savings Banks," (H. P. 54) (L. D. 54) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Taxation of Loan and Building Associations," (H. P. 126) (L. D. 106) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on "Resolve Regulating Ice Fishing for White Perch in Chesuncook Lake," (H. P. 938) (L. D. 693) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Round Pond," (H. P. 319) reported the same in a new draft, (H. P. 1209) (L. D. 692) under the same title, and that it ought to pass.

The Committee on Public Utilities on Bill "An Act Relating to the Houlton Water Company," (H. P. 573) (L. D. 304) reported that the same ought to pass.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Maine Defense Commission to Convey Certain Land in Presque Isle," (H. P. 211) (L. D. 133) reported that the same ought to pass.

The Committee on Welfare on Bill "An Act Relating to Protection of Children," (H. P. 348) (L. D. 218) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Aid to the Blind," (H. P. 349) (L. D. 195) reported that the same ought to pass.

Which reports were severally read

and accepted in concurrence, the bills and resolves read once, and tomorrow assigned for second reading.

From the House:

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Hunting of Game Birds in York County," (H. P. 313) (L. D. 228) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on "Resolve Relating to Fishing in Sabbath Day Lake, in New Gloucester," (H. P. 785) (L. D. 691) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Maine Publicity on "Resolve Designating the Baxter State Park Road," (H. P. 325) (L. D. 207) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which reports were severally read and accepted in concurrence, the bill and resolves read once, Committee Amendments "A" read and adopted in concurrence, and the bills and resolves as amended were tomorrow assigned for second reading.

From the House:

The Committee on Judiciary on Bill "An Act Relating to Membership and Creditable Service in the Jointly-Contributory Retirement System for State Employees, Except Teachers," (H. P. 15) (L. D. 20) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

In the House, 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 the bill as so amended was tomorrow assigned for second reading.

Mr. BISHOP of Sagadahoc presented

Bill "An Act Creating a State Board of Eugenics." (S. P. 424)

(The Committee on Reference of Bills suggests that this bill be re-

ferred to the Committee on Judiciary.)

Mr. BISHOP of Sagadahoc: Mr. President, I wish at this time to make a few brief remarks concerning this measure. You, and many of the members of this Body of two years ago, will remember the origin and the history of this bill. That is now ancient history.

I came to this session of the legislature thoroughly convinced and fully determined that, in view of the world-wide unrest, it would be out of order and inexpedient to consider this matter at this session and this year. I did, however, feel that, being a member of several legislative committees that have to do with the visiting of institutions which would be affected by this bill, it was proper and in order to preserve and protect the title and the contents.

That I did by filing with the Revisor of Statutes the present title and the bill, still fully determined that this was not the proper time to consider the bill further, yet, not knowing what might be presented from our visits to these institutions, it seemed proper to protect the bill.

I would like to tell you at this time some of the facts that the visiting committee have found in their visits to the three institutions, the Bangor State Hospital, the Augusta State Hospital and the Pownall State School for Feeble-Minded. I take time to tell you these facts because I deplore the fact that so many of our legislative committees that visit these various state institutions take a day or two to visit these places at the expense of the state, partake of a bountiful dinner, smoke their cigars and cigarettes, go home and never bring back any information of what they find.

At Bangor we found 1155 patients herded or crowded into quarters that were designed for 600 patients; and being cared for by attendants 40 or 50 less in number than should, and ought, to be provided to care for these people, being paid salaries from three dollars up to fifteen and eighteen dollars a week. The total annual cost of the Bangor State Hospital, aside from the investment and overhead, is \$374,500.

Over across the river, at the Augusta State Hospital, we found over 1500 patients with 70 less employees

than are needed to carry on the work there. In one ward in particular we found 96 bed-ridden, insane patients unable to care for themselves. They have to be fed as you would feed a baby. They have to be bathed every day. There was one nurse and two inexperienced girls for their attendants in that one particular ward, changing over 400 sheets a day; and we expect any sort of efficiency from such a set-up. The total cost of the Augusta State Hospital is \$462,000 annually.

Over at Pownal we found 1120 patients with the same conditions in regard to personnel and help, but far different conditions in regard to the inmates. At the two insane hospitals the people who were at one time able, efficient, and very highly intelligent people who (because of complicated surroundings or accidents or perhaps inherited weakness or alcoholism, or what-not) have become deranged and mentally sick.

At the Bangor State Hospital, Dr. Hedin stated that the commitments due to alcoholism have increased from six to eight percent since the repeal of prohibition. Some 22 percent of their commitments are due to alcoholism.

It is a little different over here in Augusta; but over at Pownal, we found deplorable and horrible conditions which would be affected by the measures in this bill that we are considering. 20 percent of those 1120 patients are high-grade morons, meaning that they have the intelligence of seven to twelve years, with a full grown body but an undeveloped mind. Forty percent of the inmates at Pownal are low-grade morons, meaning mentality from three to seven years; and the other forty percent are made up of idiots, poor, unfortunate, distressed people born to parents who are likewise idiots.

We found one family there of six children, all in the low-grade bracket, their mother and father still at large, still reproducing and still supplying material for the institution. We saw some of the most horrible sights that any person could imagine.

Now I believe that the other members of this body who have been members of that committee; namely, the Senator from Cumber-

land, Senator Sanborn; the Senator from Cumberland, Senator Hanold; the Senator from Somerset, Senator Sterling; the Senator from Androscoggin, Senator Boucher; will verify my statements. After less than an hour, or an hour or two, Senator Hanold asked leave to be excused. He had seen enough!

I am so concerned about this, and about humanity in general, that I would stake everything that I own in the world if it were possible to provide means for you folks and for every member of this legislature, to visit the Pownal State School.

If that could be and if others, who would oppose such a measure as this bill, could and would go there, openly, not afraid of outside pressure groups, and not concerned with re-election, I believe that, to the last man, this group, or any other group, would favor such a measure. But that is beside the point, and I am still convinced and determined that this is not the proper or opportune time to ask action on this bill.

However, these are the conditions that exist. The Pownal State School costs \$368,000 annually. They have 400 on the active waiting list, and experts claim that for every one who is housed at this institution or other institutions like it—at the institutions they are being well cared for—but for every one who is housed there there are nine at large in our communities. You know who they are. You see them in your cities and town, one or two here and there, a small percentage perhaps, but they do exist, and constitute a social problem.

My bill was designed to protect the general public, socially and economically; in some way to curb the reproduction of these people who are unfortunate, who are mentally deficient, who always have been, and who always will be. They reproduce twice as fast as ordinary families. They are never self-supporting. They never can be. They are social mis-fits, ostracised by society.

Now, this is a social problem as well as an economic problem. Some day someone is going to have the courage to face the facts. In this country two years ago it cost a hundred and seventy-three millions of dollars to maintain institutions just like Pownal. Those costs have increased something over ten percent,

making it more than two hundred millions of dollars annually at the present time. And that takes care of only ten percent of the mentally deficient persons. The other ninety percent are still at large.

I present these facts and this information for your benefit, for your consideration. I believe it is important. I wanted this to go on the record. In the next two years, or in the future, I plan, hope and expect to keep talking about this thing and to continue my study of it.

I have taken a little more time than I had planned, perhaps, Mr. President, but I wanted this information presented. I think it should be. I wanted to report to some group, somewhere, somehow, the results of our visits to these institutions. I believe that if we are to function we should warrant our existence and the cost of our visits to these places.

We go, come back, and do nothing, or little or nothing about it. As Chairman of the committees on which I serve, and as a member of the other visiting committee—the Indian Affairs Committee—I have asked and insisted at the hearings and at the executive sessions that each member appear before whatever committee or whatever group is necessary and tell the story of the findings as they have seen them, whether it is before the Appropriations Committee or wherever it is. I believe it is our duty to go there and give a picture of the things that we find. Otherwise our existence is not warranted.

Now, Mr. President, with these remarks concluded, I ask leave to withdraw the bill.

Thereupon, leave was granted to the Senator from Sagadahoc, Senator Bishop, to withdraw the bill.

Referred to Committees

The following bills and resolves were received and on recommendation by the Committee on Reference of Bills were referred to the following committees:

Pensions

Mr. Farris of Kennebec presented "Resolve Providing for a State Pension for Alga Towle, of Augusta." (S. P. 425)

Sent down for concurrence.

Inland Fisheries and Game

Mr. Hanold of Cumberland pre-

sented Bill "An Act to Simplify the Inland Fishing Laws." (S. P. 426)
(2000 copies ordered printed)
Sent down for concurrence.

Pensions

Mr. Elliot of Knox presented Bill "An Act Relating to the Jointly-Contributory Retirement System." (S. P. 428)

On motion by Mr. Elliot of Knox, tabled pending reference to a committee. (Printing ordered)

Sent down for concurrence.

Ways and Bridges

Mr. Dorr of Oxford presented Bill "An Act Reapportioning the Expenditure of the General Highway Fund." (S. P. 429)

Sent down for concurrence.

First Reading of a Printed Bill

Bill "An Act Relating to the Recording and Copying of Public Documents." (S. P. 413) (L. D. 706)

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

Bill "An Act Relating to Medical Examiners." (S. P. 414) (L. D. 705)

(On motion by Mr. Farris of Kennebec, tabled pending assignment for second reading.)

Senate Committee Reports

Mr. Sanborn from the Committee on Legal Affairs on Bill "An Act to Authorize Walter M. Holman to Practice Veterinary Surgery, Medicine, and Dentistry," (S. P. 295) (L. D. 442) reported that leave be granted to withdraw the same.

Mr. Farris from the Committee on Judiciary on Bill "An Act Relating to Settlement of Accounts of Guardians and Conservators," (S. P. 214) (L. D. 326) reported that the same ought not to pass.

Mr. Sanborn from the Committee on Legal Affairs on Bill "An Act Relating to a Digest of the Maine Reports," (S. P. 292) (L. D. 444) reported that the same ought not to pass.

(On motion by Mr. Sanborn of Cumberland, tabled pending acceptance of the report.)

Mr. Dunbar from the same Committee on Bill "An Act Relating to the Adoption of Ordinances," (S. P. 240) (L. D. 360) reported that the same ought not to pass.

Mr. Buck from the Committee on Sea and Shore Fisheries on "Resolve Relating to Digging Clams

on Certain Islands in Hancock County," (S. P. 59) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Washburn from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to Licenses for Building Wharves and Fish Weirs," (S. P. 151) (L. D. 150) reported the same in a new draft (S. P. 427) under the same title, and that it ought to pass.

Mr. Hanold from the Committee on Inland Fisheries and Game on "Resolve in Favor of Lake Webb Fish and Game Association," (S. P. 67) reported that the same ought to pass.

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

Mr. Dow from the Committee on Banks and Banking on Bill "An Act Relating to Taxation of Trust and Banking Companies," (S. P. 313) (L. D. 521) reported that the same ought to pass.

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

Passed to Be Engrossed

Bill "An Act Relating to Active Retired Justices of the Supreme Judicial and Superior Courts," (H. P. 19) (L. D. 24)

Bill "An Act Relating to Notices to the State in Actions by Towns in Pauper Cases," (H. P. 189) (L. D. 139)

(On motion by Mr. Varney of York, tabled pending passage to be engrossed in concurrence.)

Bill "An Act Relative to Racing Commission," (H. P. 338) (L. D. 222)

Bill "An Act Relating to the Rules and Regulations of State Racing Commission," (H. P. 339) (L. D. 209)

Bill "An Act Relating to the Abatement of Taxes," (H. P. 1172) (L. D. 652)

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

Bill "An Act Relating to the Dumping of Waste Potatoes," (S. P. 155) (L. D. 175)

Bill "An Act Relating to Swan Island Game Preserve, Game Farm, and Game Management Area," (S. P. 160) (L. D. 176)

"Resolve Authorizing Removal of Screen at Outlet of Tunk Pond," (S. P. 318) (L. D. 671)

Bill "An Act Relating to Fees of Expert Witnesses in Homicide Cases," (S. P. 406) (L. D. 670)

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

Sent down for concurrence.

Passed to be Enacted

An Act Relating to Bounty on Bobcats, etc. (S. P. 43) (L. D. 428)

An Act Relating to Trapping Season for Muskrat. (S. P. 68) (L. D. 4)

An Act Relating to Redemption of Cigarette Tax Stamps. (S. P. 84) (L. D. 11)

An Act Relating to Registration of Trucks. (S. P. 134) (L. D. 96)

An Act to Clarify the Purposes of United Baptist Convention of Maine. (S. P. 145) (L. D. 147)

An Act Relating to Repayments to Municipalities from Appropriations of the Public Utilities Commission. (S. P. 147) (L. D. 149)

An Act Amending the Charter of the Portsmouth-Kittery Bridge Authority. (S. P. 176) (L. D. 237)

An Act Relating to the Report of the State Auditor. (S. P. 184) (L. D. 270)

(On motion by Mr. Elliot of Knox, tabled pending passage to be enacted.)

An Act Relating to Itinerant Vendors. (S. P. 308) (L. D. 429)

An Act Relating to Membership of Teachers in the Jointly-Contributory Retirement System for State Employees. (H. P. 17) (L. D. 22)

An Act Relating to the Method of Financing the Jointly-Contributory System for State Employees, Except Teachers. (H. P. 18) (L. D. 23)

An Act Relating to Abatements and Supplementary Assessments of Taxes by State Tax Assessor. (H. P. 136) (L. D. 108)

An Act Relating to Taxation of Express Companies. (H. P. 156) (L. D. 115)

An Act Relating to Assessment of Taxes on Lands in Places not Incorporated. (H. P. 157) (L. D. 116)

An Act Relating to the Appropriation for and Assistance to the Maine Maritime Academy. (H. P. 188) (L. D. 128)

An Act Relating to Taxation of

Railroad Companies. (H. P. 212) (L. D. 134)

An Act Relating to the Election of Town Officers. (H. P. 256) (L. D. 188)

An Act to Extend the Charter of the Central Aroostook Railway Company. (H. P. 261) (L. D. 168)

An Act Authorizing the Conveyance of 'Baring Cemetery' to the 'Baring Cemetery Corporation.' (H. P. 325) (L. D. 208)

An Act Relating to Transfers from Appropriations for the Courts to Meet Expenses of Board of Bar Examiners. (H. P. 454) (L. D. 258)

An Act to Enlarge the Powers of the Bangor Hydro-Electric Company. (H. P. 465) (L. D. 265)

An Act Relating to Permits by Cities and Towns to Pipe Line Companies. (H. P. 617) (L. D. 366)

An Act Relating to Unauthorized Insurance. (H. P. 920) (L. D. 468)

Resolve, Authorizing the Forest Commissioner to Grant Permits for Setting and Maintaining Poles and Wires on the Public Lot in Caratunk Plantation. (S. P. 168) (L. D. 182)

Finally Passed

"Resolve Regulating Fishing in Cambridge Pond." (H. P. 88) (L. D. 375)

"Resolve, Relating to Taking of White Perch in Chesuncook Lake." (H. P. 838) (L. D. 376)

Emergency Measures

Bill "An Act to Exempt Members of the Armed Forces from Poll Taxes." (H. P. 39) (L. D. 26)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of

the Senate, and none opposed was passed to be enacted.

Bill "An Act to Incorporate the Vinalhaven Port District." (H. P. 254) (L. D. 190)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and none opposed was passed to be enacted.

Bill "An Act to Amend the Houlton Town Manager Form of Government Act." (H. P. 556) (L. D. 295)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and none opposed was passed to be enacted.

Orders of the Day

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table "An Act Granting Prior Service to Stenographers of the Former Superior Court," (H. P. 93) (L. D. 81) tabled by that Senator on February 24 pending acceptance of the report of the committee "Ought to pass as amended by Committee Amendment A" in concurrence; and on further motion by the same senator the report was accepted in concurrence, the bill was given its first reading, House Amendment A and Committee Amendment A were severally read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Elliot of Knox Adjourned until tomorrow morning at ten o'clock.