

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Tuesday, March 23, 1943.

The Senate was called to order by the President.

Prayer by the Reverend Tom Akeley of Gardiner.

Journal of yesterday read and approved.

At this point the Senator from Somerset, Senator Friend, was escorted to the Chair and handed the gavel by the President who retired amidst the applause of the Senate.

From the House

Bill "An Act Providing Authority to Board of Trustees of the Maine Maritime Academy to Confer Degrees." (H. P. 14) (L. D. 19)

(In the Senate on March 19th, the Majority Report of the Committee, "Ought Not to Pass" read and accepted in non-concurrence)

Comes from the House, that body having insisted on its former action, whereby the Minority Report of the Committee, "Ought to Pass" was read and accepted, and the bill passed to be engrossed, and asking for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives:

Leavitt of Portland

Dow of Falmouth

Rankin of Bridgton

In the Senate, on motion by Mr. Hodgkins of Hancock, that Body voted to insist on its former action and join with the House in a Committee of conference.

The PRESIDENT pro tem: The Chair will say that the Senate conferees will be announced at a later date.

"Resolve, for the Laying of the County Taxes for the Year Nineteen Hundred Forty-three." (H. P. 1296) (L. D. 819)

Comes from the House, that Body having accepted the report of the Committee on County Estimates, and under suspension of the rules, passed to be engrossed without reference to a Committee.

In the Senate, the report was accepted in concurrence, and under suspension of the rules, the resolve was given its two several readings and passed to be engrossed in concurrence, without reference to a Committee.

"Resolve, for the Laying of the County Taxes for the Year Nineteen Hundred Forty-four." (H. P. 1297) (L. D. 820)

Comes from the House, that Body having accepted the report of the Committee on County Estimates, and under suspension of the rules, passed to be engrossed without reference to a Committee.

In the Senate, the report was accepted in concurrence, and under suspension of the rules, the resolve was given its two several readings and passed to be engrossed in concurrence without reference to a committee.

House Committee Reports

The Committee on Agriculture on Bill "An Act Relating to Vaccination of Animals to Prevent Tuberculosis," (H. P. 922) (L. D. 476) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Certificate of Health Upon Sale of Pure-blooded Cattle," (H. P. 923) (L. D. 477) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Protection of Cattle from Bangs Disease," (H. P. 1066) (L. D. 556) reported that the same ought to pass.

The Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation Law," (H. P. 1131) (L. D. 596) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to the Qualification and Registration of Voters," (H. P. 1116) (L. D. 581) reported that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act to Amend the Charter of the City of Rockland by Providing for the Appointment of a Board of Commissioners of Police and Firemen," (H. P. 1222) (L. D. 709) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Records of Oaths in the Office of Town Clerks," (H.

P. 1133) (L. D. 597) reported the same in a new draft, (H. P. 1285) (L. D. 801) under the same title, and that it ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to Clerk Hire in the Office of Clerk of Courts For Oxford County," (H. P. 1159) (L. D. 614) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the bills read once, and tomorrow assigned for second reading.

The Committee on Judiciary on Bill "An Act Enacting the Consumer's Co-operative Act," (H. P. 1126) (L. D. 591) reported that the same ought to pass, as amended by Committee Amendment "B" submitted herewith.

Which report was read and accepted in concurrence, and the bill read once; Committee Amendment "B" was read and adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

The same Committee on Bill "An Act Relating to Authority of Clerks of Municipal Courts," (H. P. 941) (L. D. 541) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Relating to the Bath Municipal Court," (H. P. 249) (L. D. 165) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The Committee on Legal Affairs on Bill "An Act Creating a Civil Service Commission for the City of Old Town," (H. P. 559) (L. D. 298) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Judge of the Lincoln Municipal Court," (H. P. 206) (L. D. 141) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Relating to Clerk Hire in Office of Clerk of Courts of Lincoln County," (H. P. 825) (L. D. 393) reported

that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Increasing the Salary of Clerks in the Office of Register of Probate of Lincoln County," (H. P. 470) (L. D. 251) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Relating to Compensation of County Commissioners of Lincoln County," (H. P. 826) (L. D. 394) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Relating to Salary of the County Treasurer of Lincoln County," (H. P. 827) (L. D. 395) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Relating to Compensation of Fire Wardens," (H. P. 829) (L. D. 396) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Relating to Compensation of County Commissioners of Aroostook County," (H. P. 1156) (L. D. 611) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Relating to Compensation of Register of Deeds of the Northern District of Aroostook County," (H. P. 1157) (L. D. 612) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

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

First Reading of Printed Bills

"Resolve Relating to Fire Protection for Baxter State Park." (S. P. 377) (L. D. 803)

"Resolve in Favor of a Bridge Across the Allagash River." (S. P. 456) (L. D. 804)

Bill "An Act Relating to Procuring or Attempting to Procure Abortion or a Miscarriage." (S. P. 457) (L. D. 805)

Bill "An Act Relating to Trial Justices and Judges of Municipal Courts." (S. P. 458) (L. D. 806)

Bill "An Act Providing for Experience Rating under Unemployment Compensation Law." (S. P. 459) (L. D. 807)

Which bills and resolves were severally read once, and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Bishop from the Committee on Insane Hospitals on Bill "An Act Relating to Commitment of Persons of Unsound Mind to the State Hospital for Observation," (S. P. 320) (L. D. 524) reported that the same ought to pass.

Mr. Boucher from the same Committee on Bill "An Act Relating to Commitment of the Insane," (S. P. 321) (L. D. 525) reported that the same ought to pass.

Which reports were severally read and accepted, and the bills read once and tomorrow assigned for second reading.

Mr. Hodgkins from the Committee on Counties on Bill "An Act Relating to Bonds of Probation Officers," (S. P. 141) (L. D. 145) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

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

The Secretary read Committee Amendment "A":

"Committee Amendment 'A' to S. P. 141, L. D. 145, Bill 'An Act Relating to Bonds of Probation Officers.'

"Amend said Bill by striking out in the 1st line of the 2nd paragraph thereof the following: 'whenever necessary, request,' and inserting in place thereof the word 'require'."

Committee Amendment "A" was adopted and the bill as so amended was tomorrow assigned for second reading.

Passed to Be Engrossed

Bill "An Act to Clarify the Laws Relating to Paroles and Good Time

Allowances to Convicts in State Prison." (H. P. 796) (L. D. 379)

Bill "An Act Relating to the Protection of Bees." (H. P. 1282) (L. D. 797)

Bill "An Act Relating to the Bank Commissioner's Office." (H. P. 1284) (L. D. 799)

Bill "An Act Relating to the Salary of the Recorder of the Portland Municipal Court." (H. P. 119) (L. D. 73)

Bill "An Act to Provide a Town Manager Form of Government for the Town of Brunswick." (H. P. 187) (L. D. 129)

Bill "An Act Relating to Municipal Planning and Zoning." (H. P. 190) (L. D. 127)

Bill "An Act Relative to Hunting Foxes with Hounds in the County of Franklin." (H. P. 241) (L. D. 160)

Bill "An Act Relating to Members of Teachers' Retirement System in Military Service." (H. P. 549) (L. D. 311)

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

Bill "An Act Relating to the Hunting and Trapping of Foxes." (H. P. 1240) (L. D. 739)

(On motion by Mr. Woodbury of Waldo, tabled pending second reading.)

Bill "An Act to Simplify the Inland Fishing Laws."

Which bill was read a second time and passed to be engrossed.

Sent down for concurrence.

Orders of the Day

At this point the President resumed the Chair, Mr. Friend of Somerset retiring amidst the applause of the Senate.

THE PRESIDENT: In order to fulfill a rash promise the Chair now asks the indulgence of the Senate and I will request the Sergeant at Arms to escort my children to the rostrum.

Thereupon, the Sergeant at Arms escorted to the rostrum the Misses Josephine W., Katherine G., and Anne L. Hildreth, and Master Horace A. Hildreth Jr. amidst the applause of the Senate, the Senators rising.

Mr. Good of Aroostook presented the following Memorial and moved its adoption:—

Joint Memorial

"To the Honorable Claude R. Wickard, Secretary, United States Department of Agriculture; Honorable James F. Byrnes, Director, Office of Economic Stabilization; Honorable Prentiss Brown, Director, Office of Price Administration:

We, your Memorialists, the Senate and House of Representatives of the State of Maine, in 91st Legislative session assembled, most respectfully present and petition you as follows:

Whereas, Amendment No. 5 to Maximum Price Regulation No. 271 froze the price of certified white seed potatoes at 75 cents above table stock prices; and for selected white seed potatoes at 75 cents above table stock prices; and

Whereas, it is impossible to define selected seed potatoes so as to distinguish them from "table stock" it would be necessary to classify all potatoes which were not eligible for state certification as "table stock"; and

Whereas, if the present ceiling price on selected seed potatoes is reduced to the present ceiling price of "table stock", the price on potatoes to the grower would drop from 75 cents to \$1.00 per barrel and discourage the farmer from planting the maximum acreage in 1943; and

Whereas, if the price of "table stock" potatoes was raised to the present ceiling price of selected seed, thereby placing both "table stock" and selected seed potatoes in the same category, and the ceiling on certified seed abolished, the farmers would be encouraged to plant more potatoes;

NOW, THEREFORE, BE IT RESOLVED: That the price of "table stock" potatoes be raised to the present ceiling on selected seed and that the ceiling on certified seed potatoes be immediately abolished; and

BE IT FURTHER RESOLVED, that a copy of this Memorial be immediately transmitted by the Secretary of State to the Honorable Claude R. Wickard, Secretary, United States Department of Agriculture, Washington, D. C.; Hon. James F. Byrnes, Director, Office

of Economic Stabilization, White House, Washington, D. C.; Honorable Prentiss Brown, Director, Office of Price Administration, Washington, D. C., and a copy sent to each of the Senators and Representatives representing the State of Maine in the United States Congress;

And your Memorialists will ever pray."

The Memorial was adopted, and on further motion by the same Senator was sent forthwith to the House.

On motion by Mr. McGlauffin of Cumberland, the Senate voted to take from the table, House Report from the Committee on Judiciary, Report "A", Ought to Pass; Report "B", Ought Not to Pass, on bill, "An Act Relating to Incurable Insanity as a Cause for which Divorce may be granted (H. P. 185) (L. D. 124) tabled by that Senator on March 19th pending acceptance of either report.

Mr. MCGLAUFLIN of Cumberland: Mr. President, I move the acceptance of Report "A" of the Judiciary Committee, "Ought to Pass", and I wish to speak to the Senate. Mr. President, I have found from long experience that when I am addressing a prejudiced audience or a prejudiced jury, it is exactly like talking to a blank wall in an empty room. The only response that you receive is the echo of your own voice. I have found that when you are addressing an audience that is in sympathy with your ideas, they hear you gladly and respond directly, and I have found that if the audience is not prejudiced but is unbiased, then they will listen to your argument, weigh it wisely and give it the consideration that it deserves. My only hope is that this morning I am addressing an assembly that is not prejudiced but is open minded and will listen to reason.

I have but one ambition in being a member of this Senate and that is to give the people of the state of Maine the best service in my power. In order for me to arrive at correct conclusions I have certain principles to follow to help me in my decision. First, is the bill right? Second, is it fair? Third, is it wise, according to sound judgment? Now, this particular bill I heard argued before the Judiciary

Committee. I heard most of the arguments both pro and con in the House, and accompanying that with the vast experience I have had in my lifetime with domestic affairs, I have come to two conclusions. First, that this bill is right, and that it is fair, that it is wise according to sound judgment. And the second conclusion that I have reached is this, that the opposition to this bill is based primarily upon sentimental prejudice and is not sustained by sound reasoning. And I propose to prove this latter statement.

The opposition says that a marriage vow is forever. I want to point out to you that if you carry that out strictly, there never would be a divorce for any cause whatever. It does not say, "If you don't abuse me." It does say, "If you don't commit adultery with your neighbor's wife". It does not say, "If you fail to support me." It does not say, "If you don't desert me." It does not say, "If you don't form gross, confirmed habits of intoxication". It is without qualification. Therefore, I say to you, following the vows strictly you would never get a divorce for any cause whatsoever, and yet the law does allow divorces, and why does it allow divorces? I will tell you why. It is because certain conditions arise whereby there can be no further mutual happiness in that home and when that condition arises, the law says that it is better for the interests of society and better for the welfare of the spouses themselves that they should be legally separated. And why is it that there can be no more mutual happiness in that home? I am going to tell you why. It is because, if you carefully analyze the matter, one or the other of the spouses has become abnormal. The man who beats his wife may get some pleasure out of beating her but she doesn't get any pleasure from it. The man who commits adultery with his neighbor's wife may think he is getting some temporary pleasure from it, but it is heartbreaking for the other spouse. The man who fails to support his family may, I know not how, but he may get some satisfaction from it but certainly the wife and child do not. Therefore, I say that in these cases one or the other of the parties is abnormal.

The normal, reasoning, sensible, sane man doesn't beat his wife and when you find a wretch who does

that thing, there is something mentally wrong with that man. The average normal, sensible man does not commit adultery with his neighbor's wife. He has honor enough and principle enough and loyalty enough to his family, and regard for his neighbors, and will power enough not to do that thing. But when a man does, there is a quirk in his mind somewhere. He is an abnormal man. The man who fails to support his family is an abnormal man. The average man works day and night to support his family. That is the principle aim that he has in life, to take care of his own. He has a pride in his work and in his family and it is a joy to support them, and when you find a cad that won't support his wife and won't support his family there is something wrong with him mentally. The same is true of the man who acquires gross and confirmed habits of intoxication. The normal man doesn't do that thing. When a man, who should be a man, makes a sot out of himself and neglects his family, he is abnormal. And so I say, you trace through nine tenths or more than that of the grounds for divorce and you will find that more than nine tenths of them are due to the fact that one or the other of the spouses is abnormal.

Now, there is no escaping the logical conclusion that if you grant divorces as we do, when men and women are merely abnormal, how can you escape the conclusion that if a person is hopelessly insane so that they can never recover their normal state of mind, logically you have got to conclude that incurable insanity is a reasonable and a logical conclusion that should be granted for that cause? Now, note this, when you have a person that has been in the insane asylum for five years and it has been pronounced that that person has an incurable mental disease, I say to you without fear of contradiction that there can never be any more mutual happiness in the home if that person should ever return. And just because one of the spouses is so unfortunate as to have his or her life completely wrecked, how can you reason that the life of the other spouse should be wrecked also?

I have read of certain tribes among the savages who had the custom of when a chief died, they buried his wife with him; and here is a custom in this modern age of

civilization when because one life is unfortunately wrecked we say that the other life has got to be wrecked too. There isn't any justice in it. There isn't any sense in it. It is just something that has come down to us from the savages, themselves.

Another point that appeals to me is that when a man or a woman has been in an asylum for five years and it is pronounced that they are hopelessly insane or have an incurable mental disease, there can never be any more happiness in that home, and that person, as I see it, is just as dead to the other spouse as though he or she were lying under the sod.

Now, let me take up some of the so-called arguments against this bill, which are not arguments at all, but simply excuses. First, I heard this argument in the other Body. "This is a contract and it should not be broken". There isn't a lawyer in this room that doesn't know that according to law you can break any contract ever made if you want to pay the damages. In divorce cases it is the damage which the woman, for instance, receives — if she gets a divorce from her husband she sometimes gets enough out of him to support her, and under the terms of this bill this woman gets enough to support her during the rest of her life; so she gets all the damages there would be in any contract case. You can break any of them.

The second argument they put out is that you do not know when they are insane and they quote Dr. Tyson of the Augusta insane asylum as backing up that statement. Only last Friday I talked with Dr. Tyson myself. He is a man of great ability. I have great confidence in him and I called his attention to the fact that he was being quoted on the floor of the House to that effect. He told me that the trouble he was complaining about was the indefiniteness of the word "insanity". He said that insanity was social and legal and they don't use the terms in the same sense. They confuse it. But he said there is definitely and beyond any question, such a thing as incurable mental disease. And incurable mental disease is the condition we are talking about in this bill. Under this bill you have got to prove not only that a person has been sent to the asylum for insanity and that they have been in that asylum for a period of five years, but you have got to further show that

that person has an incurable mental disease and you have got to prove that beyond a reasonable doubt, while the ordinary divorce cases are merely a preponderance of evidence, and under the amendment of Mr. Maxwell's bill, every single case of this kind is a contested case, which is not true of nine tenths of the ordinary divorce cases. So there isn't any possible opportunity for an injustice to be worked out under the terms of this bill.

An argument which I expect my lovable friend, Senator Harvey of York, will present to you in a few moments is that men sometimes give syphilis to their wife, and because it is an incurable condition, therefore, they should not be allowed a divorce. I have two answers to that argument. First, any woman who has been sent to the insane asylum because of her husband giving her an incurable mental disease, if by the grace of God she should ever become sane enough to realize the condition, she ought to thank God from the bottom of her heart that she is not tied up with such a scoundrel, and as for the man himself, he cares nothing for laws, and if he has been out with some slum women during his married life he will continue to get his satisfaction from that source regardless of these laws. What I am asking you men to do is to give the honest, respectable, upright, unfortunate citizen, who is placed in this position, an opportunity to get something out of life which we all enjoy but which those poor souls can never enjoy again under this present law.

Now, another excuse they put out is that many a man sends his wife to the insane asylum to get rid of her. I do not know of any such case, but if there are any such men who do that thing, they must be a little short of idiotic themselves, because all they have got to do if they have any money is to go to some other state and get a residence there from three to six months and they can get a divorce from the woman and get rid of her and they won't have to take care of her the rest of their lives as they have got to under this bill. Again, it is the poor person who cannot go to Reno or cannot afford to go to Florida that I am trying to help under this bill.

Another argument I heard presented was this, that in the usual

case the libelee is at fault, and in this case the libelee would not be at fault. Here is an absolute and complete answer to that argument: the fact that today in the state of Maine you can get divorce for impotency when the libelee is in no way to blame.

The last objection I will mention is one I heard coming up on the train from Portland yesterday. I sat with a man who stated that his religion would not let him vote for the bill but he said to me, "I will never vote against it."

Now, I say, gentlemen of this Senate, the so-called arguments I have presented are merely excuses and are not arguments at all. What is the difference between an excuse and an argument? Let me give you an illustration. Our law says that the state will assist people who have arrived at the age of 65 years and who are in needy circumstances, and so when you present your case you call attention to the law and you prove the fact that you are 65 years of age, and you prove the fact that you are in need, and logical reasoning leads you to the conclusion that that person is entitled to assistance. That is reasoning. It is logic. It is sound. But supposing a person comes to the board and says, "I want assistance because I'd like to have more money", and stops there—it is an excuse. It isn't reason. You analyze every one of these six objections I have presented here this morning and you will find that every last one of them is an excuse and not an argument. Like the man who cannot vote for this bill because of his religion—it may be a perfectly valid excuse for him but it isn't any argument against this bill.

I have tried as best I can to help some of the unfortunate people who under this present law are tied down so they are deprived of the happiness that the rest of us enjoy, and in conclusion I want to read to you a letter that I received only yesterday, which speaks more eloquently than I can.

"Judge C. E. McGlauffin

Dear Sir:

"I am appealing to you for help, advice, or whatever service you are best able to render. I am referring to the bill to make incurable insanity grounds for divorce. I am somewhat late in this but I had reason to believe from newspaper notices

that this bill was favorably passed. Then in a more recent publication I saw that a new vote was made. I am ignorant of all law so do not understand how this second vote came about. I do feel however that I wish to do something about this, however small, before too late.

"I cannot understand how fair minded men and women can feel that one should be forced to spend a life alone because husband or wife is insane. I am personally interested as I have a friend whose wife has been an inmate at the Augusta State Hospital for nearly nine years. We had hoped this would become a law as we had planned to marry. We are more fortunate than many people as I am living with a daughter who has a home large enough so my friend boards with her. And we can therefore have companionship if not marriage. But what of the hundreds of others who are not as fortunate as we, and in some cases forced to immorality just because our state laws do not take care of this situation? I understand each case was to be considered individually and that that seems to take care of any possibility of recovery.

My appeal to you may be in vain but I am asking you to use your influence and help the many people of this state who are suffering from loneliness because of an unjust law."

In conclusion, I want to say that I have had the experience of losing the best loved one on earth and I know the Hell of being left alone under those circumstances, and as long as I am able to use any influence at all to help out these people that are so situated, with all the force at my command, I am for this bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator McGlauffin, to accept Report A, "Ought to Pass," of the Judiciary Committee.

Mr. BISHOP of Sagadahoc: Mr. President, I wish at the very outset to concur with the Senator from Cumberland, Senator McGlauffin, in one of his early requests that we face this problem open-mindedly. I am going to attempt to do just that. I am deeply touched by his plea, and by his earnest and sincere debate, and it distresses me tremendously to disagree with him. As a member of the Committee on

Insane Hospitals, this question has been presented many times. We have had occasion, as members of the committee and as individuals, to review and to examine many of these cases. As near as I can find out, there is no satisfactory definition for insanity. Insanity has never been clearly diagnosed. That being true who are we to pronounce insanity, so-called, incurable? I wish to take just a moment to recite one case. There was a minister, a very able minister, committed to the Augusta State Hospital. After five years had elapsed he was pronounced incurably insane. After six and a half years however the spell broke. He snapped out of it. He regained his previous mentality. At the present time he is down in New Jersey preaching, at a salary of \$10,000 annually. I believe there are a great many more ministers who have never been patients within an institution.

It has been stated here that only Dr. Tyson disagrees that insanity is incurable. Dr. Hedin from the Bangor State Hospital also disagrees that insanity is incurable.

Now, I feel that insanity, so-called or any other disease for that matter, increases our responsibility toward our mate rather than decreases it. I, therefore, hope the motion now pending before the Senate does not prevail.

Mr. HARVEY of York: Mr. President and members of the Senate. It is with a little, yes a great deal of a feeling of fear and trepidation, mingled with pleasure, that I stand here to take up the challenge of my good colleague, Judge McGlauffin. I have the greatest respect for him, for his judgment, and always have had, but on this matter here I cannot go along with him.

I believe that this bill reeks with injustice and unfairness. It is fraught with danger. It is cancerous to our laws and it has no place within the covers of our statutes.

It is always well when considering matters of this importance, and this is important, that we go back to the history of the subject matter. I am surprised my good colleague, the Senator from Cumberland, Senator McGlauffin, did not give you some of that history. If it is good today, it should have been good in 1913. You all know—if you don't, it is right here—the Laws of 1907—that this legislature passed, to my way of thinking, a law that had far

greater safeguards than all of the safeguards you hear mentioned in this bill. Incurable insanity for a period of fifteen years. Now, there is a safeguard. Fifteen years. After fifteen years, someone who was so unfortunate as to have their minds taken from them, must have been committed in our institution for mental diseases, and thereafterwards if it was proven incurable, there was a cause for divorce, and divorce was granted. There it is. They also had the safeguard in that particular law that this unfortunate person, if he or she did not have a guardian, a guardian would be selected by the court. Of course, we have an added safeguard in this bill here, the court also is very gracious, at the expense of the petitioning party, to give an attorney.

Well, if I remember the history of this case, it was to take care of a certain case or certain person who unfortunately was in the situation my brother, Senator McGlauffin, talks about. The matter went to court and the evidence was—I suppose it must have been—that the case was incurable. It says here, "Incurable". It says "Fifteen years". They talk about "beyond a reasonable doubt". Well, if there is ever a time in the history of our law when it was beyond a reasonable doubt, it was in that case. What happened? The divorce was granted. The rights of the home were taken away from the individual; the rights of the children; the inheritable rights were taken from that person who was unable to have her day in court. Imagine that situation. Imagine it. Imagine the persons who were responsible for putting that cause for divorce on our statute books. How must they have felt when they learned of that fact?

I ask each and every one of you, how will you feel if you put this law on our statute books and a similar situation exists? Not after a period of 15 years, but after a period of five years or six years? I ask each and every one of you how would you feel, whether you were members of this legislature, a previous legislature, or a future legislature, and you had served your communities here and had served well, and then found you had created a law which made that situation possible, how would you feel? I know how I would feel if I was responsible for taking a home

away from a man or a woman; if I was responsible and had the court tell that party "You have no more rights. The custody of your children has been taken from you. I know how I would feel if I heard the court say to that unfortunate person, "You have no inheritable rights in that man's property, even though you, yourself, have been responsible for the accumulation of it through years of work and years of efforts and saving." How would you feel? Do you want this as a law? If so, vote for it. I am going on record as against it.

That is one reason why I don't think this is a good bill. Another reason is that I am not satisfied that anyone can state to you or to me that insanity is incurable when all the great psychiatrists are not in accord on that proposition. I am going along for the moment that there is no such thing as incurable insanity. I am going along that there isn't. You all know and I know that what was of great importance 20 years ago in medical science is merely a minor matter today. Improvement after improvement, learning the system of treatment and system of care. I do not believe in guessing any person into jail. I do not believe in any law that will make it possible to guess anyone into jail. I do not believe in any law to take away from them their homes and their children and their rights to property. If you want to go on record in favor of that kind of legislation, go right ahead. I do not believe in any law that takes away the constitutional rights of people to have their day in court, to defend themselves, their rights and liberties and properties. They say to us. "Now, with these safeguards, with guardians—if the person does not have one, one will be appointed, ad litem,—with attorneys and everything else you have no worry," but I say this, there isn't any guardian and there isn't any attorney that will be selected for and in behalf of a person that can fill the place of that great constitutional right and that great privilege we have of having our day in court. It smells to me like a rump court, a rump hearing. I do not like it.

I believe the passage of this bill opens the doors for other causes of divorce. I say to you this, if you can

create a cause out of incurable insanity, if such a thing exists, perhaps from the shoulder up, why not causes for divorce for illness from the shoulder down? Why take one part of the body? Why if in any institution should it not be for tuberculosis after five years? Why not add to the bill? Why should not that man have those rights and privileges and future happiness, etc., as well as the person who has a member of his family in an institution for mental illness? If a person has the foul disease of cancer, or perhaps something medical science is not yet acquainted with, and it has existed five years, why not grant a divorce for that reason? Home life and happiness and the rights we talk about are gone, the same as the other case. If a person has a mate, male or female who is afflicted with a serious case of infantile paralysis and the family rights and family duties are wiped away and impossible to perform, why not put that in the law? Let's give them a divorce after a five year period. It can be proved beyond a reasonable doubt. Suppose a boy or girl are married, perhaps for only a short time, a week or two weeks or a year or two years, and one of them meets with a serious injury, perhaps dismembered, perhaps injured for the rest of life; well, it can be proven, so why not give the right for divorce? You are opening the doors and opening them nice and wide. That is one of the reasons I am against this bill. It can create a condition worse than ever existed before.

Now, the proponents say, "Why should not that man have a right, or that woman have the right, if his or her mate is in one of these institutions, to marry some good man or woman and bring up the children?" Well, in the first instance, the children are not going to be foundlings, babes in arms, because there is a certainty there has got to be five years expire between the time of admittance and the time of divorce, and it is fair to assume the youngster is born before they are committed. You may say that man should be able to get away from hiring a housekeeper, he should be able to marry someone else to take care of these helpless children, and so forth and so on.

A stepfather and stepmother are at times a very fine thing, but I will say to you here today that it has been my privilege of four years, and probably the privilege of other attorneys here who have prosecuted or who have considered the prosecution of young boys and young girls; and when you go into the history of the case you have found their troubles are directly due to broken homes, to divorces, to the unfortunate death of the father or mother, and into that family has come a stepfather or stepmother, as the case may be. I say to you that a stepfather or a stepmother does not take the place and cannot take the place of the true father and true mother. When there is a marriage of that sort the marriage is not contracted, if they want to call it a contract, because of that step boy or step girl they are taking into the family. What is the result? What is the result? The result is abuse of that youngster, kicking him around, causing the young boy and girl the most unhappy home they could dream of, chasing them away from home, leaving because they cannot stand the conditions of the home any longer. Then what happens? They shift for themselves. They get into bad company and eventually they run afoul of the law. That is what you get. That is what I have had to listen to on many occasions. I don't like it. When they say to you, "Oh, give us a chance." They say that we are the sympathy criers. But they say, "Give us a chance. Give us a chance." This thing smells to me of the boy who kills his father or mother, and when he or she is to be prosecuted cries, "Don't touch me because I am an orphan." I don't like it. If you want to create situations of this sort, vote for this measure.

I don't like to be responsible for the passage of a measure where the person who goes into court and asks for a divorce—and I take up the challenge of my good colleague, Senator McGlauffin—I do not believe a man who is the cause of that commitment through the fact that he has brought to his mate a foul and loathsome disease, and he or she is committed to that institution as a result of that loathsome disease, that you are going to pass a measure to reward that person. If you want to, go ahead.

I am on record against that kind of legislation. You would be surprised if you were to know of the cases we have in the institutions of this state, and not only in this state but in the states of this union, brought about by such a condition as that. Do you want to reward a person who is responsible? Do it. I don't. I ask you, do you want to penalize a person who, after a commitment of five years, comes back and finds the children gone, the home gone, the rights of inheritance gone? Is there anything in this bill safeguarding the rights of inheritance? I have not seen it yet and challenge anyone to show it. It says she can retain her property rights but it does not say she shall be given the rights she would be entitled to under the law if her mate should pass on and she should live longer, whether in or out of an institution, and was pronounced cured. If you want that sort of legislation, pass it. I am against this bill because it is against good morals and decency. I think the people of this state are entitled to have you pass no law that would be against good morals and decency.

They say to you, "Step down to earth and let's be practical about this situation. Let's be practical about it." What is any more impractical than the commander of a ship, wounded, sinking, and still he stays by that ship? Isn't it a beautiful tradition? Don't you like to pick up the papers and read about the commander who stayed by that ship? Has it any moral value in this life? It is the old tradition of the sea. What was any more impractical than General Wainwright staying on Corregidor with all the different things and forces against him? But how happy you all were to read they stayed there and fought. What a great moral lesson it is to our boys in the Service today. There are things that are moral and there are things that are right. There are traditions we want to stand by, traditions of home and institutions. You can call it contract if you want to. I don't call it contract. I call marriage a status, which is more than a contract. I say to anyone who has an unfortunate happening to the spouse, if they desert that ship—I say, no good. I don't like it and you don't like it.

My brother, Senator McGlaufflin says to you, we have got on our statute books a ground known as impotency. I challenge him on the definition of impotency. Impotency doesn't mean inability to conceive, lacking the conceptive powers. It means the physical inability to copulate. It is based on the theory that the parties at the time of marriage did know or should have known that they were physically unable to copulate and not able to enter into that true marriage that they wanted.

I say to you men that this measure is fraught with danger. You can create worse situations than we already have. I sympathize with that man and that woman who unfortunately has had his or her mate taken away. I sympathize with him but I will not go on record and make a law possible that will create a greater damage, and I will not go on record and say that I will reward a person by giving him a divorce from someone, when they were the approximate cause of getting that person committed to the insane hospital.

I ask in all sincerity that you vote against the passage of this bill. I thank you.

Mr. McGLAUFFLIN: Mr. President, I would like to correct one possibly wrong impression, that I may have given regarding the loss of my companion. It was due to death, not to insanity.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator McGlaufflin, that Report A of the Committee on Judiciary, "Ought to Pass" be accepted.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, I arise this morning to speak on this bill for two reasons. First, I believe in this measure. And second, because of a promise that I made to my wife last Sunday evening after we had listened to a tale from a young woman who could be given assistance if this act becomes a law. I will tell you later what she said to us.

When this bill was introduced into the legislature and had begun to be discussed about the corridors I was at loss to know whether or not there were any persons in Maine who were insane other than women, because it was discussed from the standpoint of giving this beast

of a man a divorce from his insane wife. I was at loss to understand as to whether or not it was only the man who could be given a divorce. And I read the bill. I find that it speaks of "libelant" and "libelee" indiscriminately. Therefore it applies to a man as well as to a woman, and of course I knew that there are insane men as well as insane women, because having sat on a board of selectmen in my town I have had the heartbreaking experience of sending one or the other to a state institution.

While this matter was pending here in the legislature and at the time of the debate I had the privilege of taking lunch with the Superintendent of the State Hospital, Dr. Hedin and I told Dr. Hedin of my difficulties in understanding whether or not there were more men or more women who become insane. And he told me that the statistics showed that the majority is on the male side, due, as he said principally to the fact of alcoholism, the use of drugs and their companion in crime, syphilis. He said that in his institution there were 1155 patients; 600 of them were men and 555 were women.

Now, this bill is not going to open the door wide open for wholesale divorce. There will be many a man and woman of older years, whose mate is in an institution, who will go down the declining years of life alone. They won't care to remarry. In that class of cases there will be only a few exceptions. But this bill will be of great assistance to the middle and below the middle classes that do need some sort of legislation as this.

We are today, Senators, dealing with human rights. We are today dealing with human persons directly. Indirectly we are dealing with society and what is best for society in certain given cases. We are indirectly dealing with the state which is paying the expenses in many cases to mothers having dependent children and whose husbands are in the insane hospital. If there is anything in this bill that I don't like—and I stated it from the time I first read it—it is the fact that it applies the criminal rule of evidence to a civil case, in that you must satisfy the judge of the court who hears this case beyond a reasonable doubt that the party who is in an insane institution is incurably insane.

But the proponents said to me, "That is done for the purpose of safeguard in this case." "Beyond a reasonable doubt"; how many times I have heard a judge of court say, "What is a reasonable doubt? It is not beyond all doubt. It is not a whimsical doubt. It is just what it says, a reasonable doubt, a doubt for which you, Mr. Foreman and gentlemen of the jury, after you retire to your jury room can say after listening to all the evidence, 'I have a doubt and I am going to give you my reasons for that doubt as to why the party before the Bar should not be found guilty of the offense with which he or she is charged.'"

Now, that is the rule in this civil procedure, and, as the lawyers in this state know, it is the opposite rule in a civil matter that applies to all other divorces except this ground for divorce, that you only have to satisfy the court by a fair preponderance of the evidence. And again, the Judge instructing a jury will say "If you find, when you get to your jury room, using the scales of justice, in which you drop on this side the evidence as presented to you by the plaintiff, and on that side the evidence as presented to you by the defendant, if you find that the evidence dropped in the scales on the plaintiff's side bears down to the slightest degree on his side of the case your verdict must necessarily be for the plaintiff. If, on the other hand, you find the evidence on the other side of the scales bears down slightly for the defendant, your verdict is for the defendant, and if you find when you have finished that the scales are evenly balanced, neither side weighing down one side or the other, your verdict must then be for the defendant because the burden of proof is always on the plaintiff's side." So we have here the rule in a civil matter that you must satisfy the Court beyond a reasonable doubt.

There is one thing in this whole procedure, not only here but on the opposite side of the statehouse, that has been overlooked. No one has stood up and spoken for the high type of men that we have as judges of this court in our state. These parties are not going to decide as to whether or not they are going to have a divorce. It is the Judge who may be on assignment to the county in which the case is to be heard who is going to do that de-

ciding. It is going to be a judge of the Superior Court. And you think them over and you see if you can come to the conclusion by any possible chance of reasoning that we have in our seven judges of the Superior Court any one upon whom an attorney for the libelant could perpetrate a fraud. I say, "No we have not." We lose sight of the fact, or the fact has been lost sight of that you have got to present evidence to such a judge and naturally it will have to be the evidence of men who are qualified to testify as experts as to whether or not a person is incurably insane.

You will have psychiatrists. You will have men of the type of Dr. Tyson and Dr. Hedin. And I would take the testimony of either one of those gentlemen as quickly as I would take it of any psychiatrist in the country. Do you believe for one moment that a man of the type of Dr. Tyson or of Dr. Hedin could be corrupted by an attorney or by a libelant in a case of this kind in order to get a divorce. I say No. And you, each and every one of you, know that I am speaking the truth when I say that. So, we have the testimony, we have the bulwarks of our cause. And if by chance the judge of the Superior Court might make a mistake in allowing a divorce you have still got the Supreme Judicial Court of Maine, composed of six judges, as a reviewing court to see whether or not there has been any injustice done to the libelee.

I stand up and I speak in righteous indignation, and will continue to do so, when I find people attempting, either directly or indirectly, to undermine our courts. Our courts are the safeguards of our human liberties.

Now this party, I don't know, man or woman, who is confined to an institution, I don't know whether it is by the fault of the other party or not. I had supposed until this morning — I know in making out those reports when we commit a person to an insane hospital we are supposed to get the history, as far as we can, of the case of the party who is to be committed — I had supposed until this morning that insanity might be hereditary, unfortunately hereditary; and you know it is. They can trace it sometimes as far back as to an uncle or an aunt and unfortunately it comes

down, though the contracting parties intervening might not show symptoms of it and all at once an offspring grows up and one day arrives at a certain age in life and his mind becomes blank, and goes dead. If that person at the time should happen to be married and he or she is committed to an insane institution, are you going to blame him or her for a condition that was created, perhaps, long before either one of them was born?

Of course these cases are pitiful. They will continue to be pitiful. Of course we sympathize. But, Senators, if the doctors who know tell me right they do not need our sympathy. They tell me that they are the happiest persons in the world. They are living flesh but for all intents and purposes they are dead minds. They do not have the worry or anxiety of the future. They do not dwell upon the unhappiness of the past; they live from moment to moment and from day to day. I am speaking now of those who are incurably insane. They do not need our sympathy. But the person on the outside, be it man or woman, needs it.

I am going to cite to you just two cases, and I want to say to you now that I have no pending divorce case in my office. During my now nearly 27 years at the Bar I have had just one case that this law would be of assistance to. Let me tell you about that. A man who was born and reared in Machias and as a young man moved out of this state married in his late twenties. I can tell you this story because, as I say, he consulted me to see if there was anything that could be done and that consultation with me was twenty years ago. Of course I told him nothing could be done in his case. Soon after he was married—there were no children in this case—his wife was committed to an insane institution in Massachusetts. She is there today. She has been there for over forty years. Two years ago he died.

He had come back to Machias to live. That is when he consulted me. He brought to Machias with him a housekeeper, as fine a woman as one would care to meet, and they lived together, so far as the outside world was concerned and could observe, under proper relationship. But in that community you could

hear the buzzing—of what? Well, should I say, "What do you suppose I heard?" Society! And those societies we have in every community, and in all fairness I want to say that they are not confined to the women's sewing circles or to afternoon teas. You will find them among the men sitting around the stove in the grocery stores. And that is when I say we are dealing with society here. Rather than to have that gossip loosed for children to hear, that something wrong might be going on in so-and-so's household, wouldn't it be better for society if there could be a divorce granted, so that such persons could be married? I feel that they should have some right.

Four years ago when this matter was in here this same gentleman said to me, "I am too old now to have the help of that law. To me there is even denied the right and the privilege to listen to the prattle of little children about the hearthstone." He was a lover of children. And, as I have said, he is dead now. He doesn't need your help. He made ample provision in his will to care for that poor, sick, mentally diseased wife now in an institution in Massachusetts. He has made ample provision for his housekeeper. He was an honorable man.

Now, to my other illustration that I am going to give you that came to me last Sunday night. I am not going to give you names but I want to say to you that if there is a single senator here who doesn't feel that I am making a correct statement in any part of it, I want him, I will welcome him, to come to me when this session is over and say, "Mr. Dunbar, I don't believe that that is quite so. I think perhaps you have overstated it." And I will give him the name of the party, because she has given me permission to do so, and he can go to the telephone and call her up and tell her what I said and ask her if it is true or not.

This is the story. I am sitting with my family in my living room. The doorbell rings. My wife answers and permits this woman to enter. I didn't know her but she told me who her father and mother were and I knew them. They didn't live in Machias. They lived in a town in my county. They are living there now temporarily because the father has work there. And she said, "Senator Dunbar, I have come to inquire

about the bill that was pending in the legislature that would permit a divorce for incurable insanity." And I said, "Why are you interested in such a bill?" She was a young woman, a pitiful object to look upon. The gleam of hope you could not see in her eye. I told her what had happened to the bill in the other Body. "Oh dear," she says, "I was so hopeful that that would go through." She says, "Is there any possible chance?" And I say, "I don't know; I am new in the legislative halls but I have been told that if the Senate would pass this bill that sometime the House, the other Body, which has taken a different action, will recede and concur with the Senate."

Up to that time, Senators, I didn't intend to pound my head against the wall to debate this matter that has been overwhelmingly defeated in the opposite branch. But after she had finished and my wife made the request to me that she did, I am here to do the best I can for her, because there are many cases in Maine just like it and there will continue to be cases like it. At the age of seventeen, just before she arrived at her eighteenth birthday, she married a young man twenty-two years of age. As a result of that marriage two children have been born and are now living, a girl aged thirteen, and a boy aged ten. Ten years ago when she was within two weeks of bringing forth this boy who is now ten, her husband and another man and two girls, while on a joy-ride, had an accident and the husband was injured. Now, one joy-ride, without any evidence that anything wrong took place, is not sufficient in my opinion to grant a divorce to a wife on the grounds of cruel and abusive treatment, wrong though it may be. In two weeks her baby was born. When that child was two months old her husband, as a result of that injury which the doctor afterward said to her was not itself the direct cause—there were other hidden troubles in his make-up that perhaps came down to him inherited from somebody and over which he had no control—the doctors told her that the injury aggravated that hidden condition and he, realizing, when his baby was two weeks old, that there was something wrong with him mentally, was not committed to the insane

hospital at Bangor but he went there as a voluntary patient. He has never come out. She visited him regularly. She thought at the end of six months that he might be able to come out and she made arrangements with his brothers and sisters who live in Bangor to go and get him on a week-end and bring him home but when they went for him his condition has suddenly progressed and the doctors said, "It isn't safe." And then he was formally committed. He is there today. Ten years.

She today is 31 and he is 36. She visited him quite regularly, she told me, until two years ago when his mind was practically a blank. He didn't know her. But when he had sufficient mind, in the early stages, he made her promise him one thing: "Do not bring the children here to see me." And then he said to her, "Get a divorce because when I go out of this institution, I will go out of it in a box." He said to her, "Because my life was wrecked, there is no reason why yours should be wrecked also." She has had the opportunity in the last few years to marry a young man, a sweetheart of her younger days, but they couldn't be married. He is in the army now but if we had had this bill before, they could have been married and today she could have been receiving an allotment from the government to help take care of her. She has been getting mother's aid, \$20 a month for herself and two children. She says, "If this bill doesn't go through, Mr. Dunbar, I have got to have more financial help." The state has been paying that bill for eight years.

I have touched now on human rights. I have touched on social rights. I am now touching on the rights of the state. The State of Maine has paid to her, with that meagre sum, over \$1900 that could have been saved and could have gone for other purposes. And bear in mind, gentlemen, that she is only one case. When she left my home there was just a faint gleam of hope in her eye that you men might do something for her.

I want to ask you senators a question, each and every one of you. I want to ask you, and each and every one of you who are married, if you would want to control the decent and honorable activities of your wife, even to the extent of getting married, if you should pre-

decease her. If your answer, your selfish answer is, "Yes, I do," then you are hopeless so far as support for this bill is concerned. If your answer is "No, I don't want to do that; she has been a good wife to me; when I have passed on if she wishes to remarry and thinks it is prudent to do so I want her to have that right,"—now, if your answer is No, well, Senators, if your answer is No then why would you want to control her if you were in an insane institution and incurably insane for five years? You are dead to this world and why should you want to control the activities of your wife after such a situation?

In closing I want to go on record as saying that now, when I hope that I have sufficient mental capacity to so declare, that if tomorrow I were mentally stricken ill and as a result of that illness I became hopelessly and incurably insane, I want to say that if my wife felt that she could have any peace of mind, happiness, contentment, and perhaps some security to take her through her declining years, by marrying again, whether it be one year or whether it be five as provided in this bill, I want to say to her, "By all means do so and my everlasting blessing goes with you."

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator McGlauffin, for the acceptance of the "Ought to Pass" report from the Committee on Judiciary.

Mr. BRAGDON of Aroostook: Mr. President and members of the Senate, when I came in here this morning it was not my intention to take any part in the discussion on this matter. I have carefully considered this bill and I had already made up my mind on it before I came in here this morning. I have also listened to the arguments of our great legal minds both for and against, and I am convinced in my own mind that the bill is properly safeguarded so that there will be few if any abuses under the bill as drawn.

I will say further that I am not particularly concerned with some cases that have been cited as perhaps needing help in such legislation as this and I refer to men and women who have reached the age of forty or fifty years and have raised their families and perhaps the better part of their life has gone. I don't know as it matters so much to

me or perhaps to them whether they hire a housekeeper the rest of their life or have the opportunity of marrying some good woman and living that way. I feel that the courts are perfectly capable of handling this and will decide each case as it should be decided.

I do, however, think of another situation. I think of youth of America. I have a son in Africa. I don't know just where he is. Just before he went away he married a very nice young girl. They hadn't known each other any great length of time. There will be no children from that marriage until after he returns. This thought comes to me: If he should be wounded, if he should lose his mind and return in that condition, I am sure that he would want me to vote for this bill so that his wife could obtain her freedom. He wouldn't want her to live the rest of her life tied to him where perhaps he would have to be taken care of in some institution and feel that she had got to be bound to him because he was mentally unable to defend himself in a divorce suit.

I also have a daughter and I think of the young girls who are married today. Our boys certainly face a serious job but it is none the less serious for the girls. They see these young fellows going away and many of them are marrying them perhaps only on a week's acquaintance. There will be many such instances and possibilities as I have said, and I for one am not afraid of going on record in favor of this bill.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Senate, I ask that you be patient for just a few minutes longer. We have listened this morning to a wonderful display of eloquence by able attorneys and I feel hesitant to butt into the debate and discussion.

We have heard our courts lauded to the highest and justly so. The individual cases cited are very touching indeed. But one statement was made with which I must take issue. The good senator from Washington, Senator Dunbar, stated that people who are insane are the happiest people on earth. I would invite Senator Dunbar or anyone else to go with me to either one of the two State Hospitals and I will show him hundreds of cases of people who are the most unhappy people who ever existed in the world, people who have been there 12 years,

15 years, 25 years, any number of years, and I came away every time with the shivers running up and down my spine for a week before I could sleep just for thinking about those cases who were so unhappy.

Now, again, the question of "what is incurable insanity" has not yet been answered to my satisfaction. If the 15 year provision of the old law was not adequate surely the 5 year provision in this measure isn't, and I still hope that the motion pending before this Senate will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator McGlaufflin for the acceptance of Report "A", "Ought to Pass", of the Committee on Judiciary on Legislative Document 124. Is the Senate ready for the question?

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

Mr. GOOD of Aroostook: Mr. President, like my brother here, I did not intend to say anything on this bill when I came in here. I felt that the legal minds that had this in charge could handle it efficiently. However, I want to go on record as opposing this measure for two reasons, that I think are logical and sane. One is that when a man marries he enters into a contract and promises before the minister and before God that he will be true to that woman through sickness, through health, through prosperity, through diversities, until death do them part.

Another reason is that the book that we esteem so highly, which the Constitution of the United States was founded on, the Bible, says that the only reason and the only cause for which a man can get a divorce is adultery. Therefore I am opposed to this bill.

Mr. DOW of Oxford: Mr. President and members of the Senate, in 1937 I introduced a measure very similar to this one and saw it die somewhere in these halls. In 1941 I introduced it again and saw it die somewhere in these halls. I think this is a good bill, safeguarded as it is by the provisions of the bill and by the courts of Maine and I have no fear of it. I am for it.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland,

Senator McGlaufflin that Report A of the Committee on Judiciary "Ought to Pass" on Legislative Document 124 be accepted. A division of the Senate has been asked. Is the Senate ready for the question.

A division of the Senate was had.

Thirteen having voted in the affirmative and eighteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Harvey of York, a viva voce vote being had, Report B "Ought Not to Pass" was accepted in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, "An Act Further Amending the Financial Responsibility Law" (H. P. 1122) (L. D. 587), tabled by that Senator on March 22 pending adoption of Committee Amendment A; and on further motion by the same Senator, Committee Amendment A was adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Brown of Aroostook, the Senate voted to take from the table House Report from the Committee on Appropriations and Financial Affairs "Ought to Pass" on "Resolve Relating to Payment of Special Legislative Pensions from Appropriations for Same" (H. P. 768) (L. D. 412) tabled by that Senator on March 22 pending acceptance of the report in concurrence; and on further motion by the same Senator, the report was accepted in concurrence and the resolve was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table Report from the Committee on Legal Affairs "Ought to Pass" on bill "An Act Relating to Sessions of Boards of Registration in Cities" (S. P. 163) (L. D. 178) tabled by that Senator on March 18 pending acceptance of the report; and on further motion by the same Senator, the report was accepted and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Varney of York, the Senate voted to take from the table Senate Report from

the Committee on Judiciary "Ought to Pass" on bill "An Act to Make Uniform the Law of Transfer of Shares of Stock in Corporations" (S. P. 287) (L. D. 450) tabled by that Senator on March 16 pending acceptance of the report; and on further motion by the same Senator the report was accepted and the bill was given its first reading and tomorrow assigned for second reading.

Mr. HALL of Franklin: Mr. President and member. of the Senate,

I rise to announce with deep regret the death of a distinguished citizen of the County of Franklin, the Hon. J. Blaine Morrison of Phillips, a former President of the Senate. And I now move that the Senate stand adjourned in his memory until tomorrow morning at ten o'clock.

The PRESIDENT: The Chair learns with great regret of this untimely death and the Senate now stands adjourned, out of respect to the late Hon. J. Blaine Morrison of Phillips, until tomorrow morning at ten o'clock.