

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

Thursday, April 8, 1943.

The Senate was called to order by the President.

Prayer by the Reverend Charles A. Clough of Augusta.

Journal of yesterday read and approved.

From the House

Bill "An Act Relating to the Retirement System for State Police." (S. P. 474) (L. D. 852)

(In the Senate, on March 29th, passed to be engrossed.)

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

Mr. VARNEY of York: Mr. President I move you that the Senate recede from its former action whereby it passed this bill to be engrossed, and concur with the House in the adoption of House Amendment A and the passage of the bill to be engrossed as amended by House Amendment A.

The PRESIDENT: Is this the pleasure of the Senate?

It is a vote.

"Resolve Creating an Interim Committee to Study the Tribal Rights and Needs of the Indians." (S. P. 416) (L. D. 724)

(In the Senate, on April 7th, the bill was indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action, whereby the bill was passed to be engrossed as amended by Committee Amendment "A," and now asks for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives Bubar of Weston, Cousins of Old Town, Byers of Newcastle.

In the Senate, on motion by Mr. Friend of Somerset, the Senate voted to insist on its former action and join with the House in a Committee of Conference.

The PRESIDENT: The Senate conferees of such committee will be announced subsequently.

Bill "An Act to Provide a Tonnage Tax on Commercial Fertilizer." (H. P. 1226) (L. D. 712)

(In the Senate, on April 6th, passed to be engrossed, as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, that body having insisted on its former action, whereby the "Ought Not to Pass" report of the committee was accepted.

In the Senate, on motion by Mr. Good of Aroostook, that Body voted to insist in its former action and ask for a Committee of Conference. The Chair appointed as Senate conferees on such Committee, Senators Good of Aroostook, Varney of York, and Brown of Aroostook.

Conference Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Providing Authority to Board of Trustees of the Maine Maritime Academy to Confer Degrees." (H. P. 14) (L. D. 19) reported that they are unable to agree.

Which report was read and accepted in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims." (L. D. 314) reported that they are unable to agree.

Which report was read and accepted in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Relating to Institutional Farms," (H. P. 1348) (L. D. 886) reported that the Committee was unable to agree.

Which report was read and accepted in concurrence.

The Committee on Claims on "Resolve in Favor of George Crimmins, of Brunswick" (H. P. 1218) (L. D. 904) reported that the same ought to pass.

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

In the Senate, the report was 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 was given its second reading and passed to be engrossed as amended by House Amendment A in concurrence.

Joint Order, Increasing the Salaries of State Employees (H. P. 1341)

Comes from the House, passed as amended by House Amendment "A."

In the Senate, the Joint Order was read, House Amendment A was read, and on motion by Mr. Elliot of Knox, the Order and Amendment were laid upon the table pending adoption of House Amendment A, and especially assigned for this afternoon. (Ordered reproduced)

Joint Order, relative to Postage Stamp Allowance for Indian Representatives. (H. P. 1368)

Which was read and passed in concurrence.

Bill "An Act to Incorporate the Bethel Water District." (H. P. 1346) (L. D. 885)

Mr. DOW of Oxford: Mr. President, because there is one part of that bill which I would like to check, I would ask to have the bill laid upon the table and I will take it off this afternoon.

The motion prevailed and the bill was laid upon the table pending passage to be enacted, and especially assigned for this afternoon.

Passed to Be Enacted

An Act Relating to Certain Carriers Under the Financial Responsibility Act. (S. P. 366) (L. D. 638)

An Act Increasing the Compensation of the County Attorney and Assistant County Attorney for Androscoggin County. (S. P. 369) (L. D. 635)

Finally Passed

Resolve, in Relation to Status of Paul J. Brown in Re Teachers' Retirement Association. (S. P. 82) (L. D. 880)

Resolve Relating to Retirement Pension for Ralph M. Chesley, of Thomaston. (H. P. 630) (L. D. 893)

Resolve, in Favor of Miss Mary A. Hughes of Frenchville. (H. P. 1150) (L. D. 892)

Resolve, Placing Sherman Graves of Mexico Under Law Relating to

Superintendents Retirement Plan. (H. P. 1351) (L. D. 890)

Emergency Measure

Bill "An Act Relating to Infectious and Communicable Diseases." (H. P. 1352) (L. D. 891)

Mr. HARVEY of York: Mr. President, inasmuch as this bill requires amendment, I would ask that it be laid upon the table until later in the day.

The motion prevailed, and the bill was laid upon the table pending passage to be enacted, and especially assigned for this afternoon.

Constitutional Amendment

"Resolve, Proposing an Amendment to the Constitution to Limit to Highway Purposes the Use of Revenues Derived from the Taxation of Vehicles Used on the Public Highways, and Fuels Used for Propulsion of Such Vehicles." (S. P. 233) (L. D. 339)

Mr. McGLAUFILIN: Mr. President, one of the arguments presented by the proponents of this resolution, which is not an argument at all, is that we should let the people vote on it. The people should not be allowed to vote on the matter until we ourselves shall decide that it is necessary, because we are supposed to be leaders. I was present when this matter was voted on elsewhere the day before yesterday, and I found that some of the members took the tail of the dog to be the leading end while as a matter of fact, the brains of the dog face in just exactly the opposite direction, and I noticed that not only did they take the tail for the lead, but they ran with the tail! I say that we are leaders. We were chosen by the people to enact the laws. They chose us because they believed we were men of sound judgment, common sense, that we were able to weed matters out and so I say to you that we should be leaders not followers.

Now when a child asks for a pill, thinking it is candy, if you have good judgment you don't give him the pill. Now we should not give the public a pill just because they think it is candy. What we should do is to take the leadership in this matter ourselves. Let's pass judgment on it according to sound

principles and common sense. I have talked with many, many members who admit that the arguments that we put up in opposition to this Constitutional Amendment are sound. They cannot do otherwise because it is obvious that the reasoning is sound. The spending of money is not a Constitutional question. It is a question of sound judgment. There is not a man here but what has got to admit the logic and common sense in that statement.

When we find people saying they want this thing we should tell them why they don't want it.

Let me give you an illustration. During this session, there was a certain bill introduced into the legislature that was backed by a women's organization of this state. I received a letter from a prominent woman in that club organization, stating that she was hoping that I would support her measure. The measure was highly ridiculous. I wrote back to that woman and explained why I could not support such a ridiculous measure as that, and she wrote back to me and thanked me for sending her the explanation and she fully admitted that she did not know much about those things, and she hoped that sound judgment would prevail. Now the point was that when I explained to her, she had sense enough to see there was another side to this question. And when your constituents and mine say "We want this Constitutional amendment" now knowing what they are talking about, we ourselves, instead of saying "Let them vote, let us give them the pill because they ask for it", we should explain to them why that is not sound. Man after man that I talked with, and some of them were going to vote for it, admitted to me that the principle involved in this Constitutional amendment is unsound. Why should we pass unsound legislation when we have principles to guide us that will keep us off the rocks?

After that vote was taken, I was talking with a friend of mine who said, "Judge McGlauffin, I agree with your argument absolutely. The principle of it is right, but" he said, "I had to vote the other way because the political pressure

brought upon me was so great that I did not dare to do otherwise." A very frank statement.

For the purpose of illustrating a point, I want to tell you briefly the story of the play or drama known as *The Man From Home*. Those of you who saw that play will remember that a certain American in Indiana was the guardian of a girl who was then in Italy, and there was a politician who wanted to marry this girl. But as she was under age she had to have the consent of the guardian. The guardian was disturbed and he went to Italy and he took with him this politician. He refused to give his consent at first, but while he was standing by his automobile, an Italian prisoner escaped and the American had him hide under the automobile and the officers failed to find him. This politician saw all that and he thought he had the hook on the American so he went to the "man from home" and he said, "Let us suppose that the law of Italy is that a person who helps a prisoner escape gets two years in state prison, and let us suppose that a certain American helped a certain Italian to escape and therefore is liable to two years in prison." And then he said, "Let us assume that a certain man comes to him and asks for the hand of his ward, and by granting it he can escape prison. What do you think that man would say?" And this was the answer, "That depends upon the man. If it is a man I know, he would say, 'I will see you in hell first.'"

That story thrilled me. An American who can stand on his own feet and tell the politicians and the lobbyists to go to hell before he will change his vote or a principle, is a man that I admire.

I want to make another point and to do so I want to tell you of a court experience. Some years ago I was trying a case in Augusta before Chief Justice Cornish. I had as my opponents, Judge Philbrook and Walter Gray of South Paris. During the trial I wanted to introduce some evidence, and Judge Philbrook objected, and Judge Cornish said "The objection is sustained." That meant I could not introduce my evidence but I said to Judge Cornish, "I did not come here wholly unprepared. Before you

make that decision I want to read to you some law, as I have four cases that are squarely involved. And Judge Cornish said, "I will hear you." I started to read from one of my cases and I had not gone one-half way down the first page when Judge Cornish stopped me and he turned to Judge Philbrook and said, "Brother Philbrook, that evidence has got to go in."

Many years later, a short while before Judge Cornish died, we gave him a banquet at a hotel in Portland and on that occasion I went to Judge Cornish and I said, "Judge Cornish, I think you are a big man." He said, "Why?" And I said, "Judge Cornish, you are big enough to change your mind when you see you are wrong; a little man never does."

I want to call to your attention one more thing, a historical fact. Those of you who read history will recall that President Johnson—they attempted to impeach President Johnson and you will recall that the vote of one man changed the entire situation. The public clamor against President Johnson was tremendous. We cannot comprehend it today. He had failed, among other things to re-appoint members of Lincoln's cabinet as his own cabinet. He appointed his own cabinet as has every President since that time, but at that time that was an unpopular move. William Pitt Fessenden of Maine had the vote that decided that we should not impeach the President of the United States, and everybody today says that William Pitt Fessenden was right because he voted right on that day. William Pitt Fessenden has gone down in history as one of the greatest senators that ever sat in the Senate of the United States, and the point that I want to make to you men here today is this. The question that we are about to vote on may depend on one vote. It was close in the other branch and it may be your vote, what you vote today may be to your credit or your discredit for the next twenty-five years. Now, is it not safer to vote according to sound principles rather than to take the chance to vote the other way?

Now, in closing, I want to say just this. You have heard the hymn

"I am serving the Lord, in my own weak way
I am serving the Lord in my own weak way
I have nothing good of my neighbor to say
But I am serving the Lord in my own weak way."
When you go home, some of you Senators can say:
"I was serving the state in my own weak way
I was serving the state in my own weak way
I had a vote but I threw it away and
I served the state in my own weak way."

Mr. BUCK of Lincoln: Mr. President, there is only one thing, I think, which is swaying me in the way I am going to vote. I have listened with a great deal of interest to the proponents and the opponents of this measure and the first time we voted upon it I was still doubtful as to how I should vote and so, being somewhat on the fence, as we might say, I decided that I would vote for this, and permit the people, our constituents to say how they felt about the matter. I believe that back in English history we learned that Gladstone and his followers gradually broadened their number of constituents in England and they placed their confidence in them, and I am happy to place my confidence in my constituents in whatever they may do.

Mr. VARNEY of York: Mr. President, I don't want to repeat anything that was said before, but I do feel that I should call to the attention of the Senators, two things which perhaps have not been discussed.

It so happens that I believe the people have made already one mistake by putting into the Constitution the amendment which says that we shall issue bonds, or can issue bonds but only to a certain figure. I think that when that was first put into the Constitution it was a very low figure. We had had to increase that figure, or have increased that figure by Constitutional amendment six or seven or eight times.

Now in this very session of the legislature, there was brought a bill involving the refinancing of certain bridge bonds. If we could have enacted that law all the Appropria-

tions Committee agree that it would have resulted in a saving to the state of Maine in interest charges of approximately \$700. We all favored the idea. We reported the bill out "Ought to Pass" and sent to the Supreme Court for an opinion and found that it was unconstitutional. Now I don't object to the principles that there should be a limitation in the Constitution on the issue of bonds, but I say that it is written in there wrongly when you set an arbitrary figure, and I would be perfectly happy at some time to see that amendment changed to read something like this. That no legislature shall increase the bonded indebtedness of the state without first submitting it to the people for their approval or disapproval.

One other thing, and then I shall come back to this for just a moment. I heard one man use this argument. He said, "We want to put this amendment in the Constitution so that no future legislature can do what the legislature did in 1937" and I say that that is one reason why I do not want to see this thing put into the Constitution. I was a member of the legislature in 1937, and as I look around this Senate, many of you were members of the legislature in 1937 and let us look for a minute at what we did in 1937. You bear in mind that just previous to that session, the people of the State of Maine, including myself and I think most of you, initiated a bill and made it a law that no highway funds should be diverted. I was for that, and I am still for it. I still say that was a good law. Shortly after we had made that a law, we came down here for the session of 1937 and as I remember the picture, it was something like this. We had thousands of aged and needy people in the state of Maine. Many of them had already had their cases investigated and had been receiving old age assistance from the state. In the month of December their checks were stopped — or it may have been November, it was either November or December. They did not receive their old age assistance and they did not receive it because there were no funds in the general funds of the state of Maine to pay those checks. We came in 1937 with those

old people having been refused their pay in December. No funds in the general funds of the state.

Over in the highway funds, more than a million. I don't remember now exactly how much. My brother says five million and I think that is correct. We had the courage and I will say that many of you who are now asking us to put this into the Constitution voted with us, and I was not ashamed, I did not think I was doing something that the people had told me not to do. We had the courage then to borrow that money from highway funds and see that the needy and suffering people of Maine got their checks from then on, and as I understand it, or understood it then, that money has been since repaid, every dollar of it, to the highway fund. I call this to your attention, that if you put this amendment into the Constitution now and you come back here two years from now and find the same story that we found in 1937 — and I hope you won't — you will suddenly discover that you can't do a thing for the old people in the state of Maine no matter how much you may want to. You can't do a thing until you amend the Constitution. And you can't amend the Constitution until you have submitted it to the people for a vote at the following September election.

Now if you would say why not put into the constitution the principles of non-diversion of highway funds? Why not put into the Constitution that no legislature can divert money from the highway funds until they have submitted the question to the people at a special election; not require a Constitutional amendment but say that we will take the right away from the legislature to do this until they have asked the people if it is all right, by a majority vote, I would go along with that. Put it in that way. I would do the same thing with the bond issue and then I would turn around and say, "But that principle is already in the Constitution because if we try to divert highway funds at the present time, the people of the state of Maine have under the Constitution, the right to ask for a referendum on that subject.

Now I concede that it is true that the Constitution in providing for the initiative and referendum did assume that there might be some case when it was so important to do the

thing at once that we should not leave with the people the right to ask for a referendum and thereby delay action. And so there is the provision in the Constitution that when that occasion arises, this legislature may declare it to be an emergency and if it is an emergency and two-thirds of the legislature think so, the people are willing to leave that to our judgment, and you all know that we have stretched the emergency provision beyond its actual intent. All we actually do when we declare a matter an emergency and therefore make it effective at once, is to take away from the people of the state of Maine, the right to obtain a referendum on it and that is the only reason that the emergency provision was written into the Constitution.

I feel that a majority of the people of the state of Maine do not sufficiently understand our system of constitution and laws to intelligently vote on whether or not they want to make this a Constitutional affair and for that reason alone I think it is our duty to lead them by saying to them, "We do not think we should submit this to you for your approval or disapproval."

Mr. DUNBAR of Washington: Mr. President and member of the Senate, as I sat here this morning and listened to the two arguments that have been presented by the legal profession, I wondered if we were really super-men. I wondered if we really possessed greater and bigger analytical minds than the people who elected us to the office we now hold. I want to go on record, as one Senator, in saying in analyzing myself—and I do it many times—I don't consider myself a super being. I can think back to the county of Washington from which I come and I know of many many men and women who possess greater ability than I possess. I do not believe there are many children that can be fooled by passing to them a coated pill. I believe when this question, if submitted to them, they can decide it as intelligently as any member of this Senate can decide it. I have faith in the people of Maine.

I have been told, and I believe it is a law of physics, that the water rises no higher than its source, and I for one Senator do not want to take the position that I can rise higher than the people who elected me to this body.

When the able Senator (Senator Varney)—I have come to learn to love him—tells you the people of Maine made a mistake in the constitutional amendment in which they did not provide for sufficient size of the bond money to be provided by the state and for that reason it was necessary to refer it back six or eight times for additional amendments, who for heaven's sake was to blame for that? Was it the people of Maine or was it the legislature which submitted the constitutional question to them, because they can only vote on what was submitted to them? As it was submitted to them six or seven times they voted to increase the bonded indebtedness of the state.

When the Senator from Cumberland, Senator McGlauffin, says that all we hear here is not an argument but an excuse, I cannot agree with him on that proposition. I say that under the constitution of this state there is a necessity to prevent the diversion of the highways funds of this state, and although the legislature in 1937 borrowed, which they had a right to do, the Senator from York, Senator Varney, says that money was paid back. That was commendable.

I say to you, as I said in a previous speech on this floor, that I know of instances in this state and I believe it was in 1933 in December when \$400,000, from a fund in which there was \$425,000 was diverted, and it has never been paid back. That is what the people of Maine would like to have an opportunity to vote upon, to see that this does not occur again.

You will recall that only a few years back—I think it was the session of 1939 we passed a Title law which provided every person who owned an automobile had to prove to the Secretary of State that he owned it before he could get a license, and that law became so unpopular when they put it into effect, increased by the pressure of the Democratic convention in the spring of 1940 that the Republican convention that followed that convention adopted a like plank to repeal the law, and the Governor of the State immediately convened the legislature in special session to repeal it before the opposite party could make an issue of it in the campaign.

Now, that money was highway money and there was \$140,000 of it

left, and that was diverted and that has never been put back into the highway funds of this state.

Maine, as you all know, Senators, is a big state. Some of you have covered it from Fort Kent to Kittery and from Jackman to Eastport, and I say and I believe that there isn't a child being born at this minute that will live to be old enough but what every dollar of that revenue that is raised from the sources from which it came, won't be needed to apply on the roads of this state. If that is so, why don't we safeguard the fund? As I say, as I read this resolve, if the people adopt it there is nothing in it at all that will prevent future legislatures from borrowing from it in an emergency provided they pay it back. I do not want to take the chance of some future legislature or some future administration diverting money from this fund and not putting it back, and losing our federal aid. That is the thing that is controlling me. It is not the lobby. I have been lobbied on this bill, and I believe, Senators, I have been lobbied more inside the Body than out of it. I have probably done my share of the lobbying, too.

From my experience in and around the legislature, someone wants to try to defeat a measure the last and final arguments are that it is unconstitutional because it is class legislation, or that there is a big lobby in favor of the bill. Well, the lobby hasn't influenced me. I know two gentleman who are in the lobby who have been working for the bill and I have the highest regard for them and no one has threatened me that my political future, if I decide to try to stay in politics, will be affected by how I vote on this measure.

So in closing, Senators, I have already spoken too long because I think and I know your minds are made up, I want to go on record as saying, and I will paraphrase in my humble way what Senator McGlaulin said, just a line—I want to go home feeling that I have served the people in my weak way.

Mr. MCGLAULIN: Mr. President, I'd like to comment on one remark made by the Senator from Washington, Senator Dunbar. If I understood him correctly he said that if we adopt this constitutional amendment and the legislature had occasion, when they needed that money, that he had no objection to

their borrowing money from the highway funds provided they paid it back. If we borrow money now we are, under the law, obliged to pay it back, and if the State owes that highway fund \$400,000 it should be paid back. But the point I am arguing is this, if the legislature can now borrow money and not pay it back, and if the Senator from Washington, Senator Dunbar, says if they pass this bill he is willing for them to still borrow the money on their promise to pay it back, how are we going to be any more sure that they will pay it back after the constitutional amendment is passed than we are now when the obligation is identical?

Mr. SANBORN of Cumberland: Mr. President, I had not thought to make any further comments upon this question but I would like to call your attention to what seems to me to be the un wisdom of assuming that in the future there will be no development which may make it desirable to divert some of this money from highway purposes.

I confess that at the present time — I won't say I confess; I assert that at the present time — I would oppose the diversion of any of these funds. Nor can I see far enough into the future to divine the likelihood that anything may develop which would make such diversion desirable. But I say that we cannot safely assume that no such circumstances will take place, and if and when they do take place, if this amendment is submitted to and adopted by the people, then the entire state would regret their action.

I am reminded of an incident that took place down in my county some forty years or more ago. At that time Portland Bridge connected South Portland and Cape Elizabeth with the city of Portland. It was an old structure, very narrow, and the draw in that bridge fell into disrepair, it being a county structure, and the county commissioners found themselves under the necessity of replacing the old draw with a new one. That was, as I recall it, in about 1893 or 1894.

At that time the only public utility for street transportation in that vicinity was the Portland Street Railroad which had, within a short time, been electrified. There had already begun to be bruited about a suggestion that one of these days the electric road might want to go

across into South Portland. Having that in mind, the County Commissioners went to the then Portland Railroad Company. The President of the Portland Railroad Company was then Charles F. Libby and it is pretty well known that no more capable or astute lawyer or business man lived in Portland in those days than Charles F. Libby.

They told him they were about to replace this draw and asked him if he thought it likely that the electric road might have occasion to go across into South Portland and he fairly laughed them to scorn. "Why," he said, "it isn't within the wildest imagination of anybody that the time will come within the life of people now living that any electric road will ever want to go onto the Cape; you can go ahead and build your road without that construction."

They relied on that judgment of his, which was undoubtedly his considered judgment, and they replaced the draw with a draw just wide enough for two teams to pass. In 1897, three years later, the electric road went across that draw and it crippled traffic for the years which remained from 1897 until 1915 when the new bridge was built. Now there is a concrete illustration of the un-wisdom of assuming that conditions will not change.

The anecdote related by my learned colleague about Justice Cornish reminds me of another one which I will tell in closing, and I assure you that there is not the slightest personal application to it. I am telling it because I think it is a good story and too good to pass up.

Back in the days of greenbackism here in Maine you will recall, or the older people will recall, that great apostle Solon Chase, he of the cow-hide boots and "them steers," in 1880 toured the west for the greenback presidential candidate. He was unique in his methods and he had great audiences and made a big impression. By 1884 times had changed, the greenback doctrine had fallen into complete disrepute, and because of his personal admiration for the candidate and perhaps for some political consideration he espoused the republican cause and went out for Blaine, who was then a candidate for President.

The national committee thought that in as much as he was known to the West and had had great audiences there, they had better send him out again, so he went out and made a tour for Blaine. He was speaking in Indianapolis to a packed house and vehemently laying down the Republican doctrines and expounding the Republican platform when someone in the audience broke in and said, "Uncle Solon, aren't you singing a little different song from what you sang out here four years ago?" Solon drew himself up, faced about and said, "My friend, men sometimes change their minds; mules never."

The PRESIDENT: Is the Senate ready for the question?

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

Mr. BROWN of Aroostook: Mr. President, I move that when the vote is taken it be taken by the Yeas and Nays.

Mr. BRAGDON of Aroostook: Mr. President, before the vote is taken I would like to make a brief statement. I perhaps am not capable of analysing this matter as I should, but I shall vote as I think is right on it and I am greatly impressed by the fact that there seems to be a very great demand on the part of the people for this constitutional amendment and I more or less feel that the senators will agree with me, perhaps, that most of the time the people are right. It also impresses me a little that in regard to limiting the amount of our bonded indebtedness in the constitutional amendment there has never arisen an occasion where there was need for increasing that. I don't think we have ever experienced any great difficulty in getting an amendment to the constitution to take care of emergencies as they have arisen.

I shall continue to vote on this measure as I think the people of the state of Maine feel.

Mr. BISHOP of Sagadahoc: Mr. President, this debate would not be complete without a few elements from the brown soil. In regard to the demand on the part of the people, I attended a Pomona Grange meeting a week ago last night and just before the meeting came to a close the Master rose and said, "We have just had a communication" — and I don't know which one of the

group it was from — "We want you people to write your Representatives and ask them to favor this bill." I rose and told them they need not write me because I did not favor it any more.

In my confusion a week ago I went along with the group and I stated that when this measure came up for vote on referendum, if it did, I would fight against it. Since then I have had a letter thanking me for my vote on the measure, from Portland Council 103.

I would like to offer a homely illustration. I have just one dollar left. The wife and I have planned to go to the movies with that dollar. If we get home this afternoon and find our little boy with a toothache shall we borrow that dollar and have his tooth fixed first, or go to the movies?

If we put this measure into the Constitution it will be settled so that the little boy's tooth will have to ache.

The PRESIDENT: The Senator from Aroostook, Senator Brown, having asked for a vote by the yeas and nays, it requires the approval of one-fifth of the members present to order a vote by the yeas and nays. Those in favor of the vote being taken by the yeas and nays will please rise and stand until counted.

Obviously more than one-fifth of the members having risen, the yeas and nays were ordered.

Mr. VARNEY of York: Mr. President, I have paired with my seat-mate from Penobscot, Senator Haskell. If Senator Haskell were present he would vote in favor of the passage of this resolve. If I vote I should vote against the passage of the resolve and I now ask the Senate to be excused from voting for that reason.

The PRESIDENT: Does the Senate approve of the request of the Senator from York, Senator Varney, to be excused from voting because of his desire to pair with the Senator from Penobscot, Senator Haskell, who is ill?

There being no objection, the Senator from York, Senator Varney, is excused from voting.

The question before the Senate is on the final passage of Legislative Document 339, Resolve Proposing an Amendment to the Constitution to Limit to Highway Purposes the

Use of Revenues Derived from the Taxation of Vehicles Used on the Public Highways and Fuels Used for Transportation of Such Vehicles. The Secretary will call the roll.

The Secretary called the roll.

YEA: Senators Boucher, Bragdon, Buck, Clement, Dorr, Dunbar, Eliot, Emery, Farris, Friend, Hall, Harold, Hodgkins, Megill, Owen, Peakes, Peters, Sterling, Townsend, Washburn, Woodbury, Worthen—22.

NAY: Senators Batchelder, Bishop, Brown, Dow, Good, Harvey, McGlauffin, Sanborn—8.

PAIRED: Senators Varney, Haskell—2.

The PRESIDENT: Twenty-two having voted in the affirmative, that being more than two-thirds of the Senators present in the Chamber, the resolve is now finally passed and will be signed by the President and presented by the Secretary to the Governor.

Orders of the Day

The President laid before the Senate, House Report from the Committee on Appropriations and Financial Affairs, "Ought Not to Pass" or bill, "An Act Authorizing a Re-issuance of Kennebec Bridge Bonds" (H. P. 1072) (L. D. 561) tabled on April 7th by Mr. Varney of York pending acceptance of the report.

On motion by Mr. Varney, the bill and accompanying papers were retabled pending acceptance of the report, and this afternoon assigned.

The President laid before the Senate, Senate Report from the Committee on Welfare, Majority Report, "Ought Not to Pass," Minority Report "Ought to Pass" on bill, "An Act Permitting Certain Aliens who have Applied for Naturalization Papers to be Eligible for Old Age Assistance" (S. P. 107) (L. D. '76) tabled on April 7th by Mr. Boucher of Androscoggin pending acceptance of either report.

Mr. BOUCHER of Androscoggin: Mr. President, for the same reason I have asked it in the past. I ask to have this retabled until the other bill regarding the care of neglected children is disposed of. Until the time it is signed by the Governor I would like to keep this bill here and I move it be retabled.

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

The PRESIDENT: The Chair will announce the Senate conferees on Resolve Creating an Interim Committee to Study the Tribal Rights and Needs of the Indians, Senators Varney of York, Dow of Oxford and Washburn of Washington.

On motion by Mr. Elliot of Knox Recessed until this afternoon at four o'clock.

After Recess

The Senate was called to order by the President.

Mr. McGLAUFILIN of Cumberland: Mr. President, having inquired and found we have little to do this afternoon, I would like to ask unanimous consent, under suspension of the rules, to address the Senate in a somewhat humorous strain, ending with a few serious remarks.

The PRESIDENT: The Senator from Cumberland, Senator McGlaufin asks unanimous consent to address the Senate. Hearing no objection, the Senator may proceed.

Mr. McGLAUFILIN: Mr. President, I will take for my subject "Thoughts." I want to express some and I will outline my address by saying that I wish to speak of the President of the Senate, of the men who have opposed me in the Senate, a few remarks about myself and then close with a few serious remarks.

Mr. President, I have often wondered why the Senate did not have more discussion. I found while I was in the House that many matters came down to us with no discussion up here whatever. I think I know the reason. It is because we know all the answers. In most legislative bodies, it is customary to give some consideration to sound judgment and logical reasoning but those are all out in this session as is proved by the discussion on the Constitutional amendment. Sound judgment, logical reasoning are all out of date. In most legislative bodies it is customary to try to be consistent. There have been so many instances of inconsistency in

this Senate, Gentlemen, that it is not necessary for me to enumerate them.

We know more than any Senate that ever preceded us. I won't undertake to prove that. We admit that we know more than any Senate that will ever come after us. We proved that by the fact that we have solved all future problems by tying up the money in the Constitutional amendment so that no future legislature can use their judgment on the matter. We know that we know better than they. We know more than God Almighty about how to run the Sabbath as we proved in our vote on horse racing in Pembroke. To paraphrase Napoleon, we are grand, gloomy and pathetic, a Senate without a model and without an equal.

Mr. President, to you I would say that I think you have done a remarkable job considering the material you had to work with. You have even on one or two occasions succeeded in getting the Aroostook delegation to vote together, which proved beyond any question that you have splendid qualifications to be the next Governor.

Now I am going to say a few words about some of the members of this Senate who have opposed me. Senator Dunbar of Washington supported me in that bill to grant divorce for insanity and I thought Senator Dunbar is a man to tie to. Senator Dunbar has brains. Senator Dunbar is a thinker. He is a sound reasoner. He reaches logical conclusions. Afterwards he voted against me on several measures and then I thought, What happened to Dunbar? And I concluded that the trouble was that I had lost my hypnotic spell over him and I tried to reason out why. I decided that it was because he was way across the room from me and also that there was so much deadwood between him and me that it broke my psychic connection.

Senator Dorr served with me in the House. While he was in that Body he always voted right. He always voted just as I did, but he came up to the Senate two years before I came up here and I lost my good influence over him to some extent. Down in the House he never talked at all, but when he came up in this Senate, he did talk, and this is what he did. He talked himself into voting wrong and when a man can persuade himself that wrong is

right, it is a question in my mind as to whether we should let Senator Dorr talk in the Senate at all.

Senator Friend. He introduced a bill in this Senate. It was a bill to amend the Constitution. Now I could understand how he introduced the bill, perhaps by request, perhaps in ignorance of the real merits, but what I could not understand was how he could vote for his own bill after he heard me argue against it! Afterwards, Senator Friend voted with me and therefore I concluded that Senator Friend is a man of sound judgment, a man who votes right when he is away from prejudice and undue influence.

Senator Brown. I made a motion to refer that Constitutional amendment to a legal committee, not having very much faith in that Ways and Bridges committee, but Senator Brown who also votes with me thought that he could control the committee, and he carried the Senate to leave it where it was. Now you can see by the way things turned out how much wiser I was than Senator Brown. That should have gone to a legal committee. But apart from that, Senator Brown has agreed with me, and therefore I have concluded that Aroostook may well be proud of having Senator Brown down here. He is a good Senator. He is all right.

Now there is my friend Joe Hanold. I think an awful lot of Joe. We worked together for two terms in the Judiciary Committee. Joe and I sit side by side. I made a point of that so that I could have a good influence over Joe.

And we have Senator Harvey, one of the best Senators that ever came out of York County. I think Joe is all right but he was wrong once. He got up here and spoke against the side I was on on that insanity bill. All I can say about that is there are some things that cannot be explained.

Senator Sanborn. Senator Sanborn sits right beside me and I have a good influence over him as is shown by the fact that he nearly always approves of what I do and I consider Senator Sanborn a scholar and a statesman, but once Senator Sanborn voted against me, and spoke against me and I could not help but wonder how did he ever get to be a judge.

Senator Buck. Senator Buck showed his wisdom by not talking at all. I thought he was a second

Cal Coolidge and I made one mistake. I said to Senator Buck, "I haven't heard you speak. I think you ought to get up and make a speech." And he said, "Perhaps I will." And this morning he did and I find that I have just one fault in my otherwise perfect record in this Senate. That was in asking Senator Buck to speak, because he spoke on the wrong side.

Now I won't take the time to go through other members because I think it would take too long but what I have tried to make clear to you is than any of the members of this Senate who have gone along with me, when of course I am right always, they are a splendid bunch of men. They make splendid Senators but when they oppose me they are no good. They don't know anything.

Let me consider myself for a moment. I am wondering if it is possible that I myself do not always follow logical reasoning and sound judgment. I am wondering if I myself am sometimes inconsistent and—horrible thought—I wonder if perhaps I myself am sometimes wrong. But let us get away from this grim subject.

I come now to my conclusion and I am now speaking seriously. I would rather any one of you would vote against me when you think you are right than to vote for me when you think I am wrong. And after all, it is a fortunate thing that we do not always all agree because when we differ, some of us are bound to be right. I think that I can truthfully say after serving this time in the Senate that I believe that every man in this Senate has voted according to his conscience and according to his best judgment, trying to do as I have tried to do, to serve the people of this state to the best of our ability. I take off my hat to the members of this Senate and I want to say that I prize highly the acquaintances and friendships that I have made in this Senate. As long as I live I shall carry pleasant memories of my experiences with you, and now as we are nearly through with our work and we will soon part to go to our various homes with the possibility that never again will we all get together in just the same way, as one of the older members of this Senate, let me give you this benediction. God be with you each and every one.

Mr. DOW of Oxford: Mr. President, I notice in this Senate Chamber the presence of Mrs. Horace A. Hildreth. I move that the Sergeant at Arms be instructed to escort Mrs. Hildreth to the rostrum.

Thereupon, Mrs. Horace A. Hildreth was escorted by the Sergeant at Arms to a seat at the right of the President, amidst the applause of the Senate.

Communication

(Out of order, and under suspension of the rules)

STATE OF MAINE

Senate Chamber

Augusta, April 8, 1943.

To the Senate
91st Legislature
Augusta, Maine.

Dear Sirs:

Pursuant to the Joint Rules, I herewith submit a list of bills and resolutions. These were presented by me to the President of the Senate for his signature at 6:42 P. M., April 6, 1943. These bills and resolutions were signed by the President at 4:30 P. M., April 7, 1943. These bills and resolutions were presented by me to the Governor at 9:34 A. M., April 8, 1943.

Respectfully yours,

ROYDEN V. BROWN,

Secretary of the Senate.

Which communication and accompanying list were ordered placed on file.

Accompanying List of Enactors:

An Act relating to Loss of Membership in Indian Tribes by Marriage (S. P. 89) (L. D. 16)

An Act relating to Membership in Farm Lands Loan Commission (S. P. 197) (L. D. 280)

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

An Act Revising the State Library Laws (S. P. 242) (L. D. 362)

An Act Granting Increase in Salary to County Attorney of Oxford County (S. P. 265) (L. D. 471)

An Act relating to the Salary of the Sheriff of Hancock County (S. P. 266) (L. D. 472)

An Act relating to the Salaries of Clerks in the Offices of Register of Deeds, Register of Probate and Clerk of Courts in Piscataquis County (S. P. 305) (L. D. 473)

An Act relating to the Terms of County Commissioners (S. P. 391) (L. D. 681)

An Act relating to the Salary of the Commissioner of Agriculture (S. P. 397) (L. D. 675)

An Act relating to Jurisdiction of Municipal Courts in Criminal and Juvenile Cases (S. P. 431) (L. D. 748)

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

An Act relating to Medical Examiners (S. P. 460) (L. D. 823)

An Act Permitting Bowling on Sunday (S. P. 464) (L. D. 828)

An Act relating to Refunding of Washington County Bonds (S. P. 469) (L. D. 850)

An Act relating to the Salaries of the Members of the State Highway Commission (S. P. 470) (L. D. 849)

An Act relating to Expenses of Maintaining County Roads (S. P. 471) (L. D. 851)

An Act relating to Notices of Changes of Locations of Certain Highways (S. P. 472) (L. D. 853)

An Act relating to Buyers and Sellers of Milk and Cream (S. P. 476) (L. D. 860)

An Act Amending "An Act to Create the Port of Portland Authority" as amended (S. P. 477) (L. D. 859)

An Act relating to the Salary of Various Officers of Waldo County (S. P. 478) (L. D. 861)

An Act relating to Attached Mortgaged Property (S. P. 479) (L. D. 868)

An Act relating to Compensation for Personal Injury to Employees (S. P. 480) (L. D. 869)

(An Act Granting Increase in Salary to Judge of Probate of Piscataquis County (S. P. 471) (L. D. 867)

An Act relating to the Municipal Court of the Town of Farmington (S. P. 482) (L. D. 879)

An Act Exempting Certain Property of Agricultural Societies, and Farmers from the Regulations in re Motor Vehicles Used in Intra-state Traffic (H. P. 108) (L. D. 68)

An Act Appropriating Money for the State Soil Conservation Law (H. P. 125) (L. D. 105)

An Act Increasing the Compensation of Members of the Board of Registration of Voters (H. P. 344) (L. D. 201)

An Act to Clarify and Improve the Administration of the Liquor Laws (H. P. 586) (L. D. 352)

An Act relating to Permit for Cattle Entering the State (H. P. 921) (L. D. 475)

An Act relating to Proceedings in the Probate Court, Birth Records of Children Proposed for Adoption (H. P. 940) (L. D. 542)

An Act relating to Retirement of Justices of the Supreme Judicial Court (H. P. 947) (L. D. 539)

An Act relating to the Appointment of Guardians of Persons Resident out of the State (H. P. 1115) (L. D. 580)

An Act relating to City Ordinances on Licenses for Cinematograph, Moving Pictures and Operators (H. P. 1136) (L. D. 600)

An Act relating to Automobile Travel by State Employees (H. P. 1186) (L. D. 663)

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

An Act relating to the Maine Development Commission and the State Geologist (H. P. 1266) (L. D. 775)

An Act relating to Employees in Military Service (H. P. 1269) (L. D. 780)

An Act relating to Mutual Fire Insurance Companies (H. P. 1273) (L. D. 779)

An Act relating to Membership in the Jointly-Contributory Retirement System for State Employees, Except Teachers (H. P. 1286) (L. D. 809)

An Act relating to Bonds to be Furnished by State Officials and Employees (H. P. 1304) (L. D. 832)

An Act relating to the Choice of Assessors and Compensation of Town Officers (H. P. 1312)

An Act relating to Conduct of Persons who have Communicable Diseases (H. P. 1317) (L. D. 844)

An Act relating to Salaries of Androscoggin County Clerks (H. P. 1318) (L. D. 855)

An Act relating to Membership of Persons Employed in the Federal Employment Service in the Jointly-Contributory Retirement System for State Employees (H. P. 1321) (L. D. 862)

An Act relating to Claims and Actions Against Executors and Administrators (H. P. 1323) (L. D. 864)

An Act relating to the Limitations on Sales by Licensees of Liquor, Malt Liquor, Wines, and Spirits (H. P. 1324) (L. D. 865)

An Act relating to Licenses for Sale of Malt Beverages (H. P. 1325) (L. D. 866)

An Act relating to Judges of Municipal Courts not to Act as Counsel (H. P. 1332) (L. D. 870)

An Act relating to Suspension of Licenses for Eating Places, Etc. (H. P. 1333) (L. D. 871)

An Act Permitting the State to Render Aid in Organized and Unorganized Territory (H. P. 1334) (L. D. 872)

An Act to Incorporate the Patten Water and Power Company (H. P. 1335) (L. D. 873)

An Act relating to Lands Owned by the State (H. P. 1336) (L. D. 874)

An Act relating to the Policing of State Parks, and Acceptance of Gifts for Improvements of State Parks (H. P. 1339) (L. D. 875)

An Act relating to the Milk Control Board (H. P. 1340) (L. D. 876)

An Act relating to Rebate of Registration Fees on Motor Vehicles Taken by Eminent Domain (H. P. 1344) (L. D. 883)

An Act to Incorporate the Vanceboro Water Company (H. P. 1345) (L. D. 884)

Resolve Authorizing Conveyance of the Interest of the State in Certain Land in Township Big W, N. B. K. P. in Somerset County (S. P. 203) (L. D. 282)

Resolve Creating an Interim Committee to Study the Tribal Rights and Needs of the Indians (S. P. 416) (L. D. 724)

Resolve Closing Cobbossee Stream and Tributaries to Muskrat Trapping (H. P. 321)

Resolve Authorizing the Forest Commissioner to Convey Certain Land to Enos Drumm, of Thomaston, Connecticut (H. P. 330) (L. D. 198)

Resolve in favor of the town of Bethel (H. P. 1083) (L. D. 858)

Resolve Authorizing the Sale of T. 1, R. 13, W. E. L. S., Piscataquis County (H. P. 1337) (L. D. 877)

Resolve Granting Authority to the Forest Commissioner to Cancel Deed Erroneously Recorded (H. P. 1338) (L. D. 878)

Bill "An Act to Authorize the State Highway Commission to Cooperate with the Public Roads Administration of the United States in the Construction and Maintenance of Flight Strips and of Certain Classes of Highways, in Order to Facilitate the War Effort.

An Act to Provide for Reissuance of State Highway Bonds (S. P. 329) (L. D. 505)

An Act relating to Compensation of Fire Wardens (H. P. 829) (L. D. 396)

An Act Providing for the Maintenance of the Road Leading to Baxter State Park (H. P. 1320) (L. D. 857)

From the House

(Out of order and under suspension of the rules.)

The Committee of Conference on the disagreeing action of the two branches of the Legislature, Bill "An Act Authorizing the Creation of Housing Authorities in the Several Cities and Towns," (H. P. 1134) (L. D. 598) reported that the Committee is unable to agree.

Which report was read and accepted in concurrence.

Joint Order (Out of Order)

WHEREAS, the following Bills have been referred by this legislature to the 92nd legislature;

BE IT ORDERED, the Senate concurring, that the subject matter therein contained be hereby referred to the Legislative Research Committee, and its consideration thereof is hereby requested.

L. D. 466, H. P. 810, An Act Relating to the Assessment of Taxes.

L. D. 536, H. P. 954, An Act Relating to the Assessment and Collection of Taxes.

L. D. 534, H. P. 956, An Act Relating to the Assessment and Collection of Taxes.

L. D. 88, H. P. 95, An Act Revising the Fire Prevention Laws.

L. D. 221, H. P. 324, An Act Relating to Taxes on Real Estate.

L. D. 744, H. P. 1244, An Act Creating a State Fire Marshal (H. P. 1369)

Comes from the House, read and passed.

In the Senate:

Mr. DOW of Oxford: Mr. President and members of the Senate, in making a few remarks regarding this order, I want to say that I will not be a member of the next Research Committee so I can talk on this measure more or less from a distance, rather than as one who is to cope with these problems for the next two years. The Legislative Research Committee had \$7500 a year as appropriation. That is not enough to make an exhaustive tax study. I don't like the idea of putting so much on the desk of the Research Committee for the next two years if they are not free to go where the interests of the state think they should go.

For this reason I am opposed to that Order and I move that it be indefinitely postponed.

The motion prevailed and the Order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The Committee on Judiciary on Bill "An Act Relating to the Definition of 'Teachers' in Re the Teachers' Retirement System," (H. P. 252) (L. D. 162) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

Communication

(Out of Order)

STATE OF MAINE

House of Representatives

Augusta

Office of Clerk

April 8, 1943.

Hon. Royden V. Brown

Secretary of Senate,

Sir:

The Speaker of the House today appointed the following conferees on the part of the House on Resolve, Proposing a Constitutional Amendment Changing the Times of Meetings of the Legislature. (H. P. 1243) (L. D. 743)

Messrs. ROLLINS of Greenville
HAMILTON of Hartland
SNOW of Auburn

Respectfully

HARVEY R. PEASE

Clerk of the House.

Which was read and ordered placed on file.

Committee Report

(Out of order and under suspension of the rules)

Mr. ELLIOT from the Committee on State Prison submitted its Final Report.

Which was read and accepted.
Sent down for concurrence.

Bill "An Act to Provide Strict Enforcement Provisions Covering the Operation of Retail Outlets of Malt Beverages." (S. P. 484) (L. D. 896)

On motion by Mr. Harvey of York, the bill was laid upon the table pending passage to be enacted and especially assigned for tomorrow morning.

Passed to be Enacted

An Act Authorizing a Bond Issue for the Purpose of Retiring Highway and Bridge Bonds. (S. P. 330) (L. D. 522)

An Act Relating to Conscious Suffering Preceding Death. (S. P. 473) (L. D. 854)

An Act Relating to the Expenses of the Judge of Western Somerset Municipal Court. (S. P. 181) (L. D. 240)

An Act Providing for the Retirement of Certain Hancock-Sullivan Bridge Bonds. (S. P. 483) (L. D. 888)

Finally Passed

Resolve, Authorizing the Purchase of Property for the State. (S. P. 78) (L. D. 34)

Resolve, for the Purchase of One Hundred Copies of "History of Morrill, Maine". (S. P. 199) (L. D. 897)

Passed to be Enacted

An Act Relating to the Salary of the Recorder of the Bath Municipal Court. (H. P. 342) (L. D. 202)

An Act Relating to the Compensation of the State Personnel Board. (H. P. 343) (L. D. 220)

An Act Relating to Audit and Use of Funds of Maine Forestry District. (H. P. 1070) (L. D. 559)

An Act Relating to Farm Bureau Assistance in Oxford County. (H. P. 1094) (L. D. 565)

An Act Relative to Enforcing the Collections of Real Estate Taxes by the Alternative Method. (H. P. 1291) (L. D. 814)

An Act to Provide Relief During the Emergency for Businesses in Financial Distress Because of War-time Conditions. (H. P. 1322) (L. D. 863)

An Act Relieving Towns from Board and Care of Neglected Children. (H. P. 1342) (L. D. 881)

Finally Passed

Resolve, Reimbursing the Town of Trescott for Bounty Paid to Vincent Foley. (H. P. 531) (L. D. 899)

Resolve, in Favor of the Town of Newry for Bounty Paid. (H. P. 1084) (L. D. 900)

Resolve, in Favor of Leland Andrews, of Hartford. (H. P. 1359) (L. D. 901)

Resolve, Providing for the Payment of Crop Damages Caused by Protected Wild Animals. (H. P. 1360) (L. D. 902)

Resolve, Providing for the Payment of Certain Damages Caused by Protected Wild Animals. (H. P. 1361) (L. D. 903)

Resolve, in Favor of William F. Tracy, of Passamadumkeag. (H. P. 1362) (L. D. 905)

The President laid before the Senate, Joint Order, Increasing the Salaries of State Employees (H. P. 1341) tabled earlier in today's session by Mr. Elliot of Knox, pending adoption of House Amendment "A".

Mr. ELLIOT of Knox: Mr. President, because this order and the proposed amendment thereto have only been recently reproduced and the members of the Senate have not had an opportunity to go over the order as well as the proposed amendment, I move the order and amendment be retabled and especially assigned for tomorrow morning.

The motion prevailed and the Joint Order and accompanying paper were laid upon the table pending adoption of House Amendment "A" and tomorrow morning assigned.

The President laid before the Senate, bill "An Act Relating to Infections and Communicable Diseases" (H. P. 1352) (L. D. 891) tabled earlier in today's session by Mr. Harvey of York pending enactment.

Mr. HARVEY of York: Mr. President, I move we reconsider our action whereby this bill was passed to be engrossed. I make this motion for the simple reason I wish to offer an amendment and shall state my reasons a little later.

Thereupon, the Senate reconsidered its action whereby the bill was passed to be engrossed.

Mr. HARVEY: Mr. President and members of the Senate, in looking over this bill which was in line for enactment this morning, it was brought to my attention—and I would ask each and every one of you if you will, in order that I may more intelligently discuss and analyze this bill for you, to take Legislative Document 891 and turn to page 2.

I want to say right here and now that I know of no bill or measure that has as much merit that deserves your careful consideration than does Legislative Document 891. I want to assure you one and all at this time that it is not my intention to do anything that would add harm to the passage of this bill, but I do want to call your attention to the harm and the injustice that might be caused if a certain section—section 38—was not amended. It says in the second sentence "Whenever said bureau"—first, let me say this, the State bureau of health may require examinations in cases of incurable disease. "Whenever said bureau has reason to believe that any person is infected with any of the above diseases and is so conducting himself as to expose others to the dangers thereof, said bureau shall require an examination of such person by a licensed physician to ascertain and determine if such person is infected or is a carrier of any of the above diseases."

Briefly, that means if the Bureau, through its agents has a reason to believe—reason to believe—this bureau shall require an examination by a licensed physician.

Now, I carry you along to Section 39-A which says this, "Any person who refuses examination or treatment shall be punished by a fine of not more than \$100 or by imprisonment for not more than 11 months, or by both such fine and imprisonment." Where would this bill bring us if it should meet favorable consideration at your hands? I want to say this by way of example, if some rattle snake, some depraved low blackguard had this disease and had a grudge against some fine person or family, by this bill when it became known, upon his treatment or he was told some member of his family had given him that disease, the Bureau could require that person, without any court action whatsoever, to be

examined, and if that person was not affected in any respect and they knew they were pure in every respect they would be absolutely justified in saying, "I will do no such thing." But upon saying this, the agent simply goes to a court and swears out a complaint and warrant, not based upon the fact that person has this disease or has an infection and can communicate it to anyone else, but merely upon the evidence, merely upon the statement that they refused examination irrespective of all other reasons, and thereupon a warrant is issued in court, and there is testimony that they simply refused examination, and then they are subjected to a fine of \$100 and the possibility of going to jail for a few months.

I know you don't want that particular measure. Why, it is against all precepts of constitutional privileges and rights, and you don't want it.

Another thing I don't like about this measure is this, if you pass it in this form any person who refuses an examination or treatment can be brought into court and be fined. Well, we will say that he gets a 25 dollar fine and costs. Is that serving your purpose, allowing persons who can communicate this disease to run at large? I think it is only fair and proper that when the Bureau has this evidence, not that it has reason to believe but there is cause to believe, that such a thing exists, that they petition a proper tribunal. And my amendment offers that a petition be presented to a proper tribunal, a judge of the municipal court or a judge of the Superior Court with a request setting out the facts in the petition and asking for this examination. And then the court serves this party with a notice and in a day or two ordering him into court and if cause is found that there should be an examination he then, for the purposes of safety, a public health measure, shall order this person examined by a licensed physician.

And furthermore by my amendment he will have the power, if this examination is not done, to have this man committed for contempt of court. Now, I think that that is one amendment that should unquestionably be put into this bill.

Secondly, in section 39 it says, "It shall be the duty of said Bureau when the report in section 37 or the examination in section 38 reveals that such person has any of the above diseases to place such person immediately under medical treatment in order to effect a cure" and so forth. That is the way it reads. And then by inserting the following "and has not consulted a physician or has not taken the necessary treatment" as provided in the previous section, then it shall be done. And then instead of having the words "any person who refuses an examination or treatment"—because refusing examination or treatment is not what you might call a criminal offense—it says that any person who violates any provision of this section shall be punished, including everything.

Now, as I have said, this bill justifies your utmost consideration. It is a fine protective measure but I still think, on the other hand, that we should protect not only our boys and girls but all our males and females from the possibility of being unjustifiably charged and ordered to do a certain thing and if they don't do it it will mean they are subject to a penalty or fine or imprisonment. I think this will mean a good deal towards that course. And so, Mr. President, I offer Senate Amendment A and move its adoption.

The Secretary read Senate Amendment A:

"Senate Amendment A to H. P. 1352, L. D. 891, Bill 'An Act Relating to Infectious and Communicable Diseases.'

Amend said bill by deleting the last sentence from that part of said bill designated as 'Sec. 38.' and inserting in place thereof the following: 'Whenever said bureau has cause to believe that any person is infected with any of the above diseases so as to expose others to the dangers thereof, said bureau by its representative shall petition a judge of the municipal court or a justice of the superior court in the county where said person resides or is found, setting forth said facts and requesting an examination of such person. Said judge or justice may order such notice thereon as he may deem proper for such person to appear and answer thereto. Upon hearing, if said court finds cause to believe that such person is so infected, he may issue an or-

der requiring said person to be examined by a licensed physician, at the expense of the bureau; and use all necessary legal processes to carry its decrees into effect.'

Further amend said bill by adding after the word 'diseases' in the 1st sentence of that part of said bill designated as "Sec. 39." the following: 'and has not consulted a physician or has not taken the necessary treatment'.

Further amend said bill by deleting from the 1st and 2nd lines of that part of said bill designated as 'Sec. 39-A.' the following underlined words: 'refuses examination or treatment in accordance with' and inserting in place thereof the underlined word: 'violates'.

Mr. TOWNSEND of Penobscot: Mr. President, I consider this bill to be one of the most important before this legislature and before accepting this amendment I would like to give it further study. Therefore I move that in order for the members of the Senate to further consider this amendment it be laid upon the table pending adoption with the bill and be especially assigned for tomorrow morning.

The motion to table and assign prevailed.

Mr. BROWN of Aroostook: Mr. President, I am very much interested in this public health measure and as one of the committee I will say that we tried to make it perfect and I would like to move that a copy of this amendment be reproduced so that we may have it.

The motion that the amendment be reproduced prevailed.

The President laid before the Senate, bill "An Act to Incorporate the Bethel Water District (H. P. 1346) (L. D. 885) tabled earlier in today's session by Mr. Dow of Oxford pending passage to be enacted.

Mr. DOW of Oxford: Mr. President, I tabled this measure merely to look after one section to see if it was correct. I now move the bill be passed to be enacted.

Thereupon, the bill was passed to be enacted.

The President laid before the Senate, House Report from the Committee on Appropriations and Financial Affairs, "Ought not to pass" on bill, "An Act Authorizing a Re-issuance of Kennebec Bridge Bonds" (H. P. 1072) (L. D. 561) ta-

bled by Mr. Varney of York earlier in today's session pending acceptance of the committee report, and this afternoon assigned.

On motion by Mr. Varney of York, the "Ought Not to Pass" report of the committee was accepted in concurrence.

Additional House Papers

Out of order and under suspension of the rules.

"Resolve Proposing an Amendment to the Constitution Relating to Adoption of Amendments to the Constitution." (S. P. 357) (L. D. 644)

(In the Senate, on April 7th, indefinitely postponed in non-concurrence.)

Comes from the House, that body on April 7th having indefinitely postponed the bill in concurrence; and subsequently, on April 8, having reconsidered its action whereby the bill was indefinitely postponed in concurrence, and passed the bill to be engrossed in non-concurrence.

In the Senate:

The PRESIDENT: The Chair understands that the Senator from Cumberland, Senator Sanborn, moves that the Senate recede from its action whereby this bill was indefinitely postponed on April 7. Is this the pleasure of the Senate?

The motion to recede prevailed.

The PRESIDENT: The Chair now understands that the Senator from Sagadahoc, Senator Bishop, moves that the resolve be passed to be engrossed in concurrence.

The motion prevailed and the resolve was passed to be engrossed in concurrence.

Bill "An Act Providing for the Licensing and Regulation of the Amusement Known as Five-in-a-Row." (H. P. 1303) (L. D. 834)

(In the Senate, on April 7th, passed to be engrossed as amended by State Amendment A in non-concurrence.)

Comes from the House, passed to be engrossed as amended by House Amendments D and E in non-concurrence.

In the Senate:

Mr. FRIEND of Somerset: Mr. President, yesterday the Senate adopted Senate Amendment A and this was indefinitely postponed in the House this morning. Would a

motion be in order to recede and concur with the House in the indefinite postponement of Senate Amendment A?

The PRESIDENT: The motion would be in order.

Mr. FRIEND: I make that motion, Mr. President.

The PRESIDENT: The Senator from Somerset, Senator Friend, moves that the Senate recede from its action in adopting Senate Amendment A and concur with the House in the indefinite postponement of Senate Amendment A. Is this the pleasure of the Senate?

The motion to recede and concur prevailed.

Mr. FRIEND: I now move the adoption of House Amendment D in concurrence.

House Amendment D was read by the Secretary.

Mr. FRIEND: I would just like to make a brief explanation of how this amendment changes the original bill. This amendment limits the time that a license would be effective to six days although any of those organizations can apply for further six day licenses. It also says that the chief of the state police may issue licenses only to fair associations or bona fide charitable, educational, fraternal, patriotic, religious or veterans' organizations. He can issue licenses only to that type of organization or association.

This would very definitely eliminate the racketeer from obtaining a license and it also reduces the license fee to two dollars. I think the best thing in the amendment is that it very definitely eliminates the racketeers. In fact, under this amendment it is not possible for a racketeer to obtain a license in any way. I think it is a very good amendment and I hope that it may receive adoption in concurrence.

Mr. VARNEY of York: Mr. President, I would like to ask a question. As I read this amendment it provides that the chief may issue a license for six days only to a fair association or those other organizations. Now as I read that it means that he could not issue a license to an individual under any circumstances. Or does that mean he could not issue a license to a fair association or other organization for more than six days but he could issue one to an individual for any length of time? If it means

the former, then why does the next sentence say, "No such license shall be issued to any person, firm or corporation?" If a person cannot have a license anyway, it seems to me that the word "person" should be stricken out of that. Otherwise it means, by inference at least that he can issue a license for an individual.

Mr. FRIEND of Somerset: Mr. President, I would like to say that if there is any inference at all that a license could be issued to a person, that sentence that says, "No such license shall be issued to any person" and so forth definitely clarifies that so I don't see how there could be any inference after that sentence that a license might be issued to a person.

Mr. VARNEY of York: Mr. President, I would like to ask a simple question. Is it intended by this amendment that nobody can have a license to play Beano except those organizations already mentioned?

The PRESIDENT: The Senator from York, Senator Varney, asks a question which the Senator from Somerset, Senator Friend, may answer if he so desires.

Mr. FRIEND: The reply, Mr. President, is yes.

Mr. OWEN of Kennebec: Mr. President, I would like to inquire if it is necessary to have the educational institutions included in this amendment.

The PRESIDENT: The Chair assumes that the Senator wishes to ask a question through the Chair of the Senator from Somerset, Senator Friend.

Mr. OWEN: I don't care who answers, Mr. President, but I want an answer.

The PRESIDENT: If any member of the Senate cares to answer he may do so.

Mr. OWEN: Mr. President, in order to prepare an amendment to have this unnecessary word deleted, I move that the amendment and the bill and the pending papers be laid upon the table.

A division of the Senate being had

Eight having voted in the affirmative and sixteen opposed, the motion to table did not prevail.

Thereupon, Mr. Owen of Kennebec presented Senate Amendment A to House Amendment D and moved its adoption:

"Amend House Amendment D by striking out from said amendment the word 'educational' wherever it occurs."

Mr. FRIEND of Somerset: Mr. President, I just want to say that with this word "educational" in there it wouldn't make it compulsory, necessarily, for any educational institution to apply for a license. However, there might be some educational organization somewhere, sometime who might desire to obtain a license. I move the indefinite postponement of Senate Amendment A to House Amendment D. And when the vote is taken I ask for a division.

A division of the Senate was had.

Fifteen having voted in the affirmative and twelve opposed, the motion to indefinitely postpone Senate Amendment A to House Amendment D prevailed.

The PRESIDENT: The question before the Senate now is on the motion of the Senator from Somerset, Senator Friend, that House Amendment D be adopted in concurrence.

Mr. SANBORN of Cumberland: Mr. President, I now find my mind in a delightful state of uncertainty and I would like to ask through the Chair a question of the Senator from Somerset, Senator Friend.

I would like to inquire if the effect of this amendment would be to permit certain institutions to obtain a six day license to play this game repeatedly from time to time but that as to certain others they would be limited to only one such license. I would like to know if that is the purpose of it.

The PRESIDENT: The Senator from Cumberland, Senator Sanborn, asks a question of the Senator from Somerset, Senator Friend, who may answer if he wishes.

Mr. FRIEND of Somerset: Mr. President, all of the organizations listed in this amendment would be treated the same and could obtain more than one six day license on further application. All the organizations would be treated the same. Anybody who could get a license at all would be treated the same under this amendment.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Friend, for the adoption of

House Amendment D to L. D. 834. Is the Senate ready for the question?

Mr. FRIEND of Somerset: Mr. President I ask for a division.

A division of the Senate was had.

Twenty-six having voted in the affirmative and none opposed, House Amendment D was adopted in concurrence.

The Secretary read House Amendment E.

Mr. FRIEND: Mr. President, it can readily be seen that all this amendment does is to change the words "Five-in-a-Row" in the original bill to "Beano" and I move the adoption in concurrence of House Amendment E and ask for a division.

A division of the Senate was had.

Twenty-six having voted in the affirmative and none opposed, House Amendment E was adopted in concurrence.

Mr. FRIEND: Mr. President, I move that the bill be passed to be engrossed in concurrence.

Mr. BROWN of Aroostook: Mr. President, I ask for a division.

A division of the Senate was had.

Twenty-three having voted in the affirmative and four opposed, the bill, as amended by House Amendment D and as further amended by House Amendment E was passed to be engrossed in concurrence.

Conference Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on "Resolve, Proposing a Constitutional Amendment Changing the Times of Meetings of the Legislature," (H. P. 1243) (L. D. 743) reported that the Senate recede and concur with the House in referring the Resolve to the 92nd Legislature.

Comes from the House, the report read and accepted.

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

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Relating to Sales and Use of Fireworks," (H. P. 802) (L. D. 384) reported that the House recede from its action whereby it passed the bill to be engrossed and adopt House Amendment "B".

That the Senate recede from its action whereby the bill was indefinitely postponed and adopt House Amendment "B" in concurrence.

Comes from the House, the report read and accepted.

In the Senate:

Mr. McGLAUFFLIN of Cumberland: Mr. President, perhaps just a word of explanation is necessary. We held a committee of conference on that matter and the proponents of the Clough bill requested that the McGlaufflin bill be substituted for the Clough bill. That was done, eliminating two sections that caused some controversy in the House, and it was unanimously agreed that this was a better measure than none, and so agreed that it should be passed without opposition.

Mr. DUNBAR of Washington: Mr. President, this is one of the bills that the Senator from Cumberland, Senator McGlaufflin and I locked horns on, and on which he gave me a trouncing. But as the matter stands now, after the conference, as I understand it, we have the McGlaufflin bill, which is a safety measure and a good measure as far as it goes. My sponsor, as I understand it, has her title. I therefore move we accept the committee report.

The motion prevailed and the report of the Conference committee was accepted in concurrence.

Thereupon, the Senate voted to recede from its action whereby the bill was indefinitely postponed in non-concurrence; and the bill was given its first reading.

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

Under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by House Amendment "B" in concurrence.

Finally Passed

Resolve, Providing for Construction of a Building for Employees at the Pownall State School. (S. P. 487) (L. D. 906)

Resolve, in Favor of Several Academies, Institutes and Seminars. (H. P. 1364) (L. D. 908)

Resolve, Providing for the Payment of Certain Pauper Claims. (H. P. 1365) (L. D. 909)

Passed to Be Enacted

An Act Relating to the Board of Trustees of the Jointly-Contributory Retirement System. (H. P. 552) (L. D. 287)

An Act Relating to Salary of Adjutant-General. (H. P. 1158) (L. D. 613)

An Act Relating to Storage in Millinocket Lake. (H. P. 1343) (L. D. 889)

An Act Relating to Slaughter-houses. (H. P. 1353) (L. D. 894)

An Act Relating to the Manufacture and Sale of Apple Wine. (H. P. 1354) (L. D. 895)

Committee Report

(Out of order)

The Committee on Salaries and Fees on Bill "An Act Relating to the Salaries of Commissioner of Labor and Industry and the Commissioner of Insurance as Members of the Industrial Accident Commission," (H. P. 831) (L. D. 398) reported the same in a new draft, (H. P. 1367) (L. D. 912) under the same title, and that it ought to pass.

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

Joint Order

On motion by Mr. Emery of Hancock, out of order, and under suspension of the rules, it was

ORDERED, the House concurring, that the Secretary of the Senate be and hereby is authorized to

approve such bills for legislative expense incurred on behalf of the Senate, and that the Clerk of the House be and hereby is authorized to approve such bills for legislative expense incurred on behalf of the House, and the Revisor of Statutes be and hereby is authorized to approve such bills for legislative expense incurred in the publication of the laws of the state and such other matters of legislative expense as are incurred by him in the performance of his duties; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House be and hereby are authorized to purchase such necessary supplies and to order the maintenance and repair of property of the Legislature as will be necessary for use in any incoming legislative session, and be it further

ORDERED, that when the Legislature is not in session the State Purchasing Agent shall have custody of the equipment provided for the Legislature, and that all Committees shall turn over to the State Purchasing Agent all equipment with which they have been charged, with an inventory thereof, at the time they submit their Final Reports; and be it further

ORDERED, that the State Purchasing Agent may allow this equipment to be used by any State Department or Agency when it is not in use by the Legislature. (S. P. 490)

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