

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, February 12, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Gordon Washburn of Hallowell.

Journal of yesterday read and approved.

Papers from the House referred in concurrence.

Joint Order

From the House:

ORDERED, the Senate concurring, that the State Controller submit to the Legislature a list of all state employees together with the salary of each employee, and that 2,000 copies of the same be printed in pamphlet form. (H. P. 1044)

In the House, read and passed.

In the Senate, on motion by Mr. Cross of Kennebec the order was laid upon the table pending passage.

House Committee Reports

The Committee on Counties on Bill "An Act Relating to Farm Bureau Assistance in Piscataquis County," (H. P. 334) (L. D. 207) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Bangor Municipal Court," (H. P. 335) (L. D. 208) reported that the same ought to pass.

The Committee on Education on Bill "An Act Relating to Use of Mechanical Equipment in Schools by Children," (H. P. 166) (L. D. 149) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Audit of Certain Private Educational Institutions," (H. P. 236) (L. D. 165) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Membership of Emergency Municipal Finance Board," (H. P. 3339) (L. D. 212) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Probation Period for Members of the State Police," (H. P. 168) (L. D. 122) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Membership of

Farm Lands Loan Commissioners," (H. P. 340) (L. D. 213) reported that the same ought to pass.

The Committee on Public Utilities on Bill "An Act to Incorporate the South Freeport Water District," (H. P. 124) (L. D. 99) reported that the same ought to pass.

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

The Committee on Judiciary on Bill "An Act Relating to Penalty for Night Hunting," (H. P. 32) (L. D. 27) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Appeal from Orders for Judging Dangerous Buildings to be Nuisances," (H. P. 242) (L. D. 170) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and adopted 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.

Order

On motion by Mr. Denny of Lincoln, it was

ORDERED, that the Secretary of the Senate be directed to invite the Reverend Phillips Brooks Henderson of Damariscotta to officiate as Chaplain of the Senate on Friday, February 14, 1947, at 10:00 o'clock in the forenoon.

Referred to Committees

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

Appropriations and Financial Affairs

Mr. Haskell of Penobscot presented Bill "An Act Relating to Allocation of Moneys by Governor and Council." (S. P. 247)

Mr. Baker of Kennebec presented Bill "An Act to Increase the Working Capital of the State Liquor Commission." (S. P. 248)

(Each ordered printed.)

Sent down for concurrence.

Claims

Mr. Willey of Hancock presented "Resolve in Favor of Kenneth Day of East Parsonsfield." (S. P. 249)
Sent down for concurrence.

Claims

The same Senator presented "Resolve in Favor of Frederick B. Battle, Jr., of Rhode Island." (S. P. 250)
(Ordered printed.)

The same Senator presented "Resolve in Favor of Lemuel Morrell, of Limestone." (S. P. 251)
(Ordered printed.)

The same Senator presented "Resolve in Favor of Arthur H. Ashmore, of Camden." (S. P. 252)
(Ordered printed.)

Mr. Murchie of Washington presented "Resolve in Favor of Washington County." (S. P. 253)
(Ordered printed.)

Mr. Crosby of Franklin presented "Resolve in Favor of the Town of New Sharon." (S. P. 254)
(Ordered printed.)

Sent down for concurrence.

Inland Fisheries and Game

Mr. Murchie of Washington presented Bill "An Act Relating to the Taking of Fur Bearing Animals from the Traps of Another." (S. P. 255)
(Ordered printed.)

Sent down for concurrence.

Judiciary

Miss Clough of Penobscot presented Bill "An Act Relating to Jurisdiction of Municipal Courts in Juvenile Cases." (S. P. 256)

Mr. Baker of Kennebec presented Bill "An Act Relating to Leases of Premises for State Stores, Warehouses and Other Merchandising Facilities." (S. P. 257)

The same Senator presented Bill "An Act Relating to Issuance of Capias Execution in Divorce Cases." (S. P. 258)

The same Senator presented Bill "An Act Relating to Arrests of Intoxicated Persons." (S. P. 259)

Mr. Morrill of Cumberland presented Bill "An Act Providing that the State of Maine May Become a Party to the New England Interstate Water Pollution Control Compact." (S. P. 260)

(Each ordered printed.)
Sent down for concurrence.

Maine Publicity

Miss Clough of Penobscot presented, by request "Resolve Desig-

nating a Section of Route Number One as a Blue Star Drive." (S. P. 261)

(Ordered printed.)
Sent down for concurrence.

Motor Vehicles

Mr. Cross of Kennebec presented Bill "An Act Relating to Inspection of Motor Vehicles." (S. P. 262)

The same Senator presented Bill "An Act Relating to Reserved Numbers." (S. P. 263)

(Each ordered printed.)
Sent down for concurrence.

Pensions

Mr. McKusick of Piscataquis presented "Resolve to Repeal Certain Special Resolve Pensions." (S. P. 264)

(Ordered printed.)
Sent down for concurrence.

Temperance

Mr. Baker of Kennebec presented Bill "An Act Relating to Business Hours in State Liquor Stores." (S. P. 265)

The same Senator presented Bill "An Act Relating to Disposition of Fees for Certificates of Approval of Manufacturers and Foreign Wholesalers of Malt Liquor." (S. P. 266)

The same Senator presented Bill "An Act Relating to Licenses of Hotels, Restaurants and Clubs." (S. P. 267)

(Ordered printed.)
Sent down for concurrence.

Ways and Bridges

Mr. Crosby of Franklin presented "Resolve in Favor of the Town of Chesterville." (S. P. 268)

Sent down for concurrence.

First Reading of a Printed Bill

Bill "An Act to Provide for Authorization of Issue of Stocks, Bonds or Notes by Public Utilities and Railroads." (S. P. 238) (L. D. 647)

Which was read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Noyes from the Committee on Motor Vehicles on Bill "An Act Relating to Sirens on Automobiles," (S. P. 129) (L. D. 284) reported that the same ought to pass.

Mr. McKusick from the same Committee on Bill "An Act Relating to Registration of State Highway Equipment," (S. P. 46) (L. D.

20) reported that the same ought to pass.

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

Passed to be Engrossed

Bill "An Act Repealing Winthrop and Wayne Game Sanctuary." (H. P. 238) (L. D. 167)

Bill "An Act Relating to Use of Gill Net in Taking White Fish in Junior Lake, Penobscot County." (H. P. 239) (L. D. 168)

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

Bill "An Act Relating to Collection of Corporate Franchise Taxes." (S. P. 53) (L. D. 25)

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Penobscot County to Davidson Land Company." (S. P. 136) (L. D. 279)

Which were severally read a second time and passed to be engrossed. Sent down for concurrence.

Orders of the Day

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table Bill An Act to Encourage Marine Farming in the Tidal Waters of the State (S. P. 240) tabled by that Senator on February 11 pending reference to a committee; and on further motion by the same Senator, the bill was referred to the Committee on Sea and Shore Fisheries and ordered printed.

Sent down for concurrence.

Mr. CROSS of Kennebec: Mr. President, I think that as the hour is fairly early, we should try to take something from the table and debate on it. I was in hopes that someone else would do this, but, since no one has, I shall move to take from the table, House Paper 33, Legislative Document 31.

Thereupon, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four Year Terms (H. P. 33) (L. D. 31) tabled by the Senator from Kennebec, Sen-

ator Cross on February 7, pending consideration.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, this bill is a very clear issue. You either like it or you don't like it. I do not think it would be necessary to debate it very thoroughly. I think most of you here have an opinion one way or another. However, considering the fact that our Governor recommended it in his Inaugural Message, as a bill of very marked importance to the State, and because of the fact that it is a bill which should concern us all, I am going to make the motion, Mr. President, that the bill be substituted for the "Ought Not to Pass" report of the committee.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, I had hoped that there would be some debate on this measure and I assumed that the debate would be made in rebuttal. As the Senators know, this bill was heard by the Committee on Judiciary and is now before this Senate with the unanimous report "Ought Not to Pass". Now, there is nothing sacred about a report from the Committee on Judiciary. It is perfectly proper for this Senate to over-ride that committee report if it sees fit to do so. However, we as members of that committee have approached this matter with due care and careful thought and reported out unanimously that this measure was not one that we should have at this time, and that it should not pass.

The Committee on Judiciary, as you look it over, is a Committee made up of young men and one young lady; men of middle age and men who don't like to be called old men, but, at least, who are approaching the ripening stage of life. I think that the divergence of make-up of that committee should be given some consideration. It may be that I, as one approaching old age, may be old fashioned. Sometimes I think I am, but there were young men working on this committee that felt the same as I about this bill. I do not think it is the time to pass legislation, which in my opinion will have the tendency to lessen the vote of this state. You all know, if you have analyzed the vote, that there is a decided falling off of the total vote for Governor in this state.

I have before me, and you can all use it, the Maine Register. In 1908 when Obadiah Gardner ran on the Democratic ticket against Governor

Fernald, the women were not voting and in that election we polled in this state, the largest total vote up to the time Governor Milliken was elected in 1916. In 1908 we polled a total vote of 142,616. In 1910 when the Democrats carried the state in the election of Governor Plaisted, that total vote dropped to 141,561—not much difference. In 1912—and I want to cite this to you because you men and women know that in that time, the two parties were on their toes, so to speak, trying to get out every last possible Republican and Democratic vote—in 1912 when Governor Haynes defeated Governor Plaisted, the total vote cast was 141,940.

In 1914 when Governor Curtis defeated Governor Haynes, the total vote was 141,666. That was about 300 difference in the vote for the two years. And when Gov. Milliken defeated Gov. Plaisted in 1916 the total vote cast was 151,430. That remained as the high water mark while the men were voting. Now we all know there are just as many female voters as male voters in Maine. We should be polling in Maine, with these figures and the increase in the population of the State, more than 300,000 votes in the September election. We did do that once in 1936 when Governor Barrows ran against Mr. Dubord of Waterville. The total vote at that time, with men and women voting, and as the high water mark in a gubernatorial election—it has gone higher since, in a November election—but that vote went up to 310,044. That is the high water mark.

Now, Senators, there has been a decided falling off, the cause of which I do not know. You would think with boys and girls becoming educated, if they are taught civics in the schools as they should be taught, that they should be getting interested in voting, and should go to the polls and vote one way or another in order to maintain our free institutions and democracy.

I find a lack of interest in voting. I said last night in the lobby of the Augusta House that I started in as a young man "hauling" voters. I thought I wouldn't have to do that any more, but when I go down to the polls on election day, early in the morning, and find the lack of interest in voting, then I find myself in an automobile, trying to get voters out and voting. It is no easy job. We have dropped

down, way down, from 310,000 in 1936 to 297,000 in 1938. From now on I shall use round figures. In 1940 the vote went down to 255,000; in 1942 to 176,000. We are fast wiping out the influence the women had on party politics if you remember the figures I gave you for 1908 and 1916. In 1944, 187,000; in 1946, 179,000.

Now, with that situation confronting us, we have this measure that although we are elected every two years, and although the county officers are elected every two years, we are asking to remove what should be an influence to draw out the vote and help get out voters in Maine. We are asking to drop off the head of the ticket and only elect a Governor once in four years. Now let me tell you what the situation would be if we had this law now. In 1950 the only person that you would have to head your ticket would be your candidate for Congress in the three congressional districts, because you would not be electing a U. S. Senator that year. I never knew of anyone getting much interested in a candidate for Congress. He goes along with the ticket and with the Governor. We take what the Governor has done for the people and we build around him and what he has accomplished, to get out the vote. Now, you eliminate him, you eliminate your candidate for the Senate, and all you have left in your several counties are your county officers and your members of the legislature, and I have failed yet to find anybody getting very much heated or interested in county candidates or candidates for State Senator or Representative. You will go, just as truly as I am standing here—I am not a prophet, nor a son of a prophet, but I believe I am prophet enough to prophecy that if you eliminate the head of the ticket and rely on the candidates for Congress and county offices to get out the vote, you will see this vote drop even below the 179,000 that it was in 1946.

That does not make for good government. It cannot make for good government. The lower and smaller your total vote gets, the more opportunity you are offering to so-called minority groups that I feel are tending to undermine our principles of government, and working together as a unit to make their influence felt keenly. With a larger voting majority, that interest would

be more or less controlled. You probably know what I mean when I speak of minority groups. I do not mean my good friends of the Democratic party, with whom we like to lock horns now and then. They believe in democracy as much as the Republican Party believes in democracy.

I think it is well for the Governor of Maine every two years to come around and meet the people and give an account of his stewardship, what he has done and what he intends to do. The argument given is the time spent that he could be devoting to the affairs of State. I think the time is well spent in telling the people what he has done and what he proposes to do in the next two years. They also say it is expensive. I will admit it is expensive but don't blame the expense to any other source than your primary system. With this system, you eliminate for all time, the possibility of the poor man with ability becoming Governor of this state, unless he is willing to sell himself down the river and pledge himself to do certain things he should not do. If a man has the means with which to run, let him run. We have been fortunate to have good Governors in Maine.

They say, "Well, you give him four years anyway." You didn't in 1910. The people of the state said Gov. Fernald had not measured up. The administration was badly in debt. Someone had made a mistake in giving him the necessary means with which to run the state and the result was the removal of a state official and they took it out on the Governor. Haynes defeated Plaistead and Curtis defeated Haynes, so you don't always have a four year term. Now if a Governor wants to be a candidate for Congress or perhaps the U. S. Senate, it would be well for him to go out and build up his reputation every two years. I am looking beyond the recommendations of the present Governor who has advocated this measure, and for whom I have the highest regard. Other Governors in the future may not have the same views. They may want to be candidates for higher offices. You might have this situation in electing a Governor for a term of four years, not to succeed himself. He might be a man who would want to try out on the people his ideas of how a state should be run and he would say, "I don't care a hoot. I'm not looking for votes in

the future because I am not going to run for office again. I am not going to be a candidate for Congress or for the U. S. Senate."

You might get a type of Governor that would be able to put through legislation, or do things in such a high-handed method that the party of his choice might not be able to succeed itself with another Governor for a period of four years.

Let's say, "Give an account of yourself every two years. Tell us what you have done." Let's not take away the head of the ticket when that will tend to attract as many people as possible to vote.

I have spoken too long but I will soon stop. We lawyers know that in looking up precedents, if we can't find a Maine case that fits the legal problem, probably the next state we turn to is Massachusetts and if we find a Massachusetts case, we feel pretty sure that Maine would follow Massachusetts as Maine often does, particularly as to the common law. As you all know, Massachusetts is the mother of the State of Maine. I cite that because I feel that the people of Massachusetts are pretty wise. They elect a Governor every two years and do not stop there either. They elect by popular vote which has a tendency to interest people so that they will go out and vote. They elect by popular vote those whom we in this State elect by the legislature; that is, the Secretary of State, the State Treasurer, the State Auditor, Attorney General, and the members of the Governor's Council. Think it over, Senators. I hope that the motion of the Senator from Kennebec, Senator Cross, does not prevail and ask that when the vote is taken, it be taken by a division.

Mr. CROSS: Mr. President and members of the Senate, for once I find myself in complete agreement with my friend from Washington County (Senator Dunbar) on certain things which he has just said. I am 100% in agreement in regard to the apathy of voters and that is something I think we are all concerned with. It does not tend toward good government. I cannot agree with him in his analysis of the effect of this resolve upon the voters.

We can all quote figures. I could take that same book and give you figures which would probably tend to produce an argument in reverse of the one he has given you. The figures he quoted were those of the

Governor's first term, whereas the figures perhaps more applicable to his argument are those of the second term when the vote drops off greatly in most cases.

So far as the danger of losing the public interest is concerned, we do not have the, shall I say "glamour" of the Governor running for office. I think I can only touch upon the situation which faces the other party in the state. If you will read the papers you will see where their candidate for Governor pleads with his party to get a man from every town in the state to run for representative or senator so as to get out votes. We all know that the local candidate to a great extent is the one for whom the people get out and vote. I will admit that if you get deep enough feeling about a candidate for Governor, you can produce a limited increase in the vote. If we had a candidate for Governor and no one else on the ticket, the vote would be very small. People are primarily interested in someone they know.

As a Senator, I would have no feeling of insecurity if I stood on my own feet and on my own record and ran for public office. I would not want to borrow any glamour from the Governor.

Another thing you should consider is the fact that the only organizations we have that work, are the county organizations which the sheriffs appear to control. I have seen many candidates for Governor who look with favor upon these organizations, and ask them to help him in his candidacy, because in the state of Maine—and I think we should be proud of the fact—we have no machine politics in the sense that other states have. County organizations would still function under this bill and would be just as effective as they are today.

Insofar as the principles involved in the arguments by Senator Dunbar, my main reason for bringing this thing on the floor of the Senate, was to see what the Judiciary Committee had in mind against this measure because I think you will all agree that the principle of the thing is perfectly sound. It would tend to produce better government by the Governor of the State of Maine. I find that the only arguments they apparently considered were those of a selfish motive of whether or not it would help the

ticket to have the Governor for a second term. I don't think we should consider that except to a minor degree.

If we vote this through and have a Governor for four years, we want him to exercise all his talents in administering the affairs of the state. We do not want him out campaigning every twelve months for his next term, and we do not want him out campaigning eight to ten months for some other office. We would cut down his activities to a great extent under this bill.

What we are interested in is to pass bills which are for the good of the state as a whole, and I believe this is a progressive measure and one which would be of benefit over a period of years. I do not think the practical side of politics should enter into the picture except to a small degree. I think every man running for office should stand on his own record and on his own ability and certainly not borrow it from the Governor.

Insofar as the head of the ticket being the candidates for Congress, I have seen in my own district at least, the member of Congress run ahead of the Governor in regard to votes. I do not think they are so unpopular that they won't lend reasonable support to the ticket. That is a minor issue. The important question is: Is this resolve for the best interest of the State of Maine? I feel perfectly sure you will consider it from that point of view and not enter into practical politics.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, it should not be necessary for anyone to rise in this Senate and speak on this proposition. Everyone who is entitled to vote in the State of Maine, should vote. It is not only a question of apathy, it is a question of lethargy on the part of the voters. The Senator from Kennebec, Senator Cross, is the Republican floor leader of the Senate, and on this proposition he is carrying the ball for the Governor, I assume.

Up in my country I have run into this situation. I have tried to get a man to vote and he said, "If I don't vote, I can't be blamed for the way the state is run." I suppose that all of us in the Senate have done spade work for our party whether Democrat or Republican. It is a difficult proposition to get

the voters out. There may be occasions when the County ticket is strong enough to get out the voters but ordinarily we have to depend on the head of the ticket. This is not a question of party politics at all. It is a question of getting out the voter.

We have seen examples in other countries, in the way they hold elections—it is all one way. But we in Maine, particularly those who try to help to get the citizens of the state interested in voting, know that we need the head of the ticket every two years.

I subscribe wholly to the sentiment of Senator Dunbar when he says that at least once in two years the head of the state should make his accounting to the people. We have what we call Democratic and Republican whirlwind tours every two years when we hold elections, and if we do not have the head of the state, whether he be Democrat or Republican, to accompany these tours, we don't have the proper interest.

I hope that the motion of the Senator from Kennebec, Senator Cross to substitute the bill for the report will fail.

Mr. BISHOP of Sagadahoc: Mr. President and members of the Senate, the Senator from Kennebec, Senator Cross may be carrying the ball for the Governor, that I do not know. However, four years ago, and six years ago I presented this same measure and even then I was not carrying the ball for any Governor, but our former Governor Sewall did recommend this same movement. It has been said that without the Governor there would be little or no interest in the ticket. I assure you there is always plenty of interest in Sagadahoc County every term that I have run at least.

There is nothing to prevent the Governor, if he has aspirations to go further, from going out and telling the people what he has done and what he proposes to do. I think he would do that anyway because our Governor is a high pressure salesman for the state of Maine and it is his job to carry the story as far and as often as he wishes.

Down in the first Congressional district, the candidate for Congress usually draws a bigger vote than the Governor. I think that argument is not important. It is whether or not it would be better for the state of Maine to have a Govern-

nor who is there for one full term and devotes all his attention to that.

Now as to the argument that the vote has decreased over the years. That decrease has taken place while the Governors do run for two years, and the lack of interest is not because the Governor does or does not run. That rests entirely upon us as legislators and it is our job to keep our people interested in problems of government. In this instance again, I would say that in Sagadahoc County we do just that and I emphasize that there is always more interest in local candidates and especially in the candidates for the Senate, than there is for anyone else on the ticket.

I hope that the motion to substitute the bill for the report will prevail.

Mr. CROSS: Mr. President and members of the Senate, in the first place, so long as the question has been raised by the Senator from Aroostook (Senator Barnes), I have not been requested to carry the ball for the Governor and have not even talked with him about the bill. So you may be assured that I am talking with you solely as Senator Cross, and not as majority floor leader.

Insofar as the Governor's request in his Inaugural Message goes, I only think he is entitled to a reasonable amount of debate on the measure and a reasonable amount of thought as to its merits. I would like to point out one or two things of major importance in regard to this bill.

All the figures we have heard quoted by the Senator from Washington, Senator Dunbar, are things of the past, things of years ago. The thing that we should consider is this: The duties of the Governor of the State of Maine have grown with the years and where a man twenty years ago had ample time to run for office every two years, under the present set-up of the administration in the state of Maine a man does not have the time, and if he takes time, he takes it from his affairs of state. The Governor of the state of Maine used to operate with a very small staff of assistants. Twenty years ago I do not know how many made up his office force, but we all know that today he has two administrative assistants and a number of office clerks and assistants and they all seem to be very

busy in the administration of the affairs of the office.

The Governor himself, if you have had any opportunity to try and see him, is you have probably found, very busy. We assume that he is busy in the affairs of the state. As to defending his record for the two year period, you may be assured that if he is invited to speak by any group during a mid-year campaign, it would be his duty, and I think he would consider it a privilege to talk on any state matter if he were asked to do so.

I would merely ask you to consider this: Don't let us dwell in the past. It is always a wonderful thing from a legal point of view to look into the past for a precedent, to point to something that has been done. I think we should legislate with an eye to the future. I do not think the Governor's work will be any easier in the years to come or any less prolific with the laws that we are passing. It is getting more and more difficult to administer. It takes more and more time by the head of the Ship of State, and certainly in the future it will take no less. Let us legislate for the future. I thank you.

Mr. DENNY of Lincoln: Mr. President and members of the Senate, we have all weighed the arguments and we all know that all of the arguments have had plenty of time

put into their preparation. Perhaps we have weighed them on different scales and come out with different answers, but the cold fact still remains that a single four year term for the Governor will give him more time to attend to his administration of state affairs. So, outweighing all of the arguments, most of them political in my opinion, it seems unquestionably a step in the direction of better state government to go along in supporting this resolve rather than the report of the Judiciary Committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Cross, that the bill be substituted for the "Ought Not to Pass" report, and the Senator from Washington, Senator Dunbar has asked for a division.

A division of the Senate was had.

Ten having voted in the affirmative, and twenty opposed, the motion to substitute the bill for the report did not prevail.

Thereupon, on motion by Mr. Dunbar of Washington, the "Ought Not to Pass" report of the committee was adopted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland

Adjourned until tomorrow morning at ten o'clock.