

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

Thursday, February 13, 1947

The Senate was called to order by the President.

Prayer by the Reverend T. Porter Drumm of Augusta.

Journal of yesterday read and approved.

From the House:

Bill "An Act to Institute a Land Use Survey." (H. P. 832) (L. D. 481)

(In the Senate on February 11, 1947, referred to the Committee on Judiciary in non-concurrence.)

Comes from the House that body having insisted on its former action whereby the bill was referred to the Committee on Agriculture, and now ask for a Committee of Conference, the Speaker having appointed as members on the part of the House:

Representatives:

CHASE of Cape Elizabeth
TABB of Gardiner
PROUT of Lubec

In the Senate:

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I don't think this thing is of very great importance, but I do not wish to see anyone denied the right to have a bill heard which he has introduced into these halls of state. I therefore move that we insist on our former action and join with the House in a Committee of Conference.

The motion to insist and join prevailed.

Papers from the House referred in concurrence.

House Committee Reports

The Committee on State Lands and Forest Preservation on "Resolve, Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Franklin County to Richard S. York of Wilton," (H. P. 474) (L. D. 306) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to Alice Cassidy of Oxbow, Maine," (H. P. 475) (L. D. 305) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Penobscot County to Nelson Myrick of Lowell," (H. P. 352) (L. D. 221) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Oxford County to Calvin Cummings of Bethel," (H. P. 270) (L. D. 193) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Oxford County to Myron E. Morrill, of Bethel," (H. P. 472) (L. D. 304) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Lincoln County to Chester Poland of Loudville," (H. P. 354) (L. D. 224) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Penobscot County to Carl J. Kennedy of Milford," (H. P. 269) (L. D. 192) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Land in Franklin County to Timberlands, Inc., of Dixfield," (H. P. 190) (L. D. 154) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Washington County to Harvey F. Sprague, of Dennysville," (H. P. 136) (L. D. 92) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to Sylvio Guerette, of Guerette," (H. P. 132) (L. D. 88) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to Woodbury L. Berce, of Washburn," (H. P. 131) (L. D. 87) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County

to Gerard Albert of St. Agatha," (H. P. 130) (L. D. 86) reported that the same ought to pass.

The Committee on Taxation on Bill "An Act Relating to Exemptions from Taxation," (H. P. 192) (L. D. 137) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Abatement of Taxes," (H. P. 39) (L. D. 30) reported that the same ought to pass.

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

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Washington County to Harry L. Wheelden of Bangor," (H. P. 268) (L. D. 191) reported that the same ought to pass as amended by Committee Amendment "A."

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

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. Hopkins of Kennebec presented "Resolve Providing for Fire Protection at the Augusta State Hospital." (S. P. 269)

The same Senator presented "Resolve Providing for Certain New Construction at the Augusta State Hospital." (S. P. 270)

The same Senator presented "Resolve Providing for Construction of Homes for Physicians at the Augusta State Hospital." (S. P. 271)

The same Senator presented "Resolve Providing for Certain Construction at the Augusta State Hospital." (S. P. 272)

Miss Clough of Penobscot presented "Resolve Providing for Certain Construction at the Bangor State Hospital." (S. P. 273)

(On motion by Miss Clough of Penobscot, tabled pending reference.)

The same Senator presented "Resolve Providing for Additional Appropriations for Certain Construction at the Bangor State Hospital," (S. P. 274)

(On motion by Miss Clough of Penobscot, tabled pending reference.)

(Each ordered printed.)

Sent down for concurrence.

Education

Mr. Hopkins of Kennebec presented Bill "An Act to Provide for Maintenance and Operation of State Technical and Vocational Schools," (S. P. 275)

(Ordered printed.)

Sent down for concurrence.

Federal Relations

The same Senator presented Bill "An Act to Amend the Unemployment Compensation Law with Respect to Coverage." (S. P. 276)

(Ordered printed.)

Sent down for concurrence.

Inland Fisheries and Game

Mr. Noyes of Hancock presented Bill "An Act Relative to Closed Season of Deer on Swan's Island, in the County of Hancock." (S. P. 277)

Mr. Williams of Penobscot presented Bill "An Act Relating to Trapping of Beaver." (S. P. 278)

(Each ordered printed.)

Sent down for concurrence.

Judiciary

The same Senator presented Bill "An Act Amending the Absent Voting Law with Reference to Towns and Plantation." (S. P. 279)

The same Senator presented Bill "An Act Relating to Courts Ordering Care of Child Pending Hearing." (S. P. 280)

Mr. Blanchard of Aroostook presented Bill "An Act Relating to Fees for Probate of Wills and Administrations." (S. P. 281)

Mr. Batchelder of York presented Bill "An Act Relating to Unclaimed Corporation Dividends." (S. P. 282)

Miss Clough of Penobscot presented "Resolve in Favor of a Special Recess Committee to Study the Creation of Domestic and Family Courts and Report to the Legislature." (S. P. 283)

(Each ordered printed.)

Sent down for concurrence.

Labor

Mr. Haskell of Penobscot presented Bill "An Act Establishing Minimum Wages of Labor on State Public Works Projects." (S. P. 284)

(Ordered printed.)
Sent down for concurrence.

Legal Affairs

Mr. Ela of Somerset presented Bill "An Act Relating to Fees for Licenses for Recreational Camps and Roadside Places." (S. P. 285)

(Ordered printed.)
Sent down for concurrence.

Mercantile Affairs and Insurance

Mr. Hopkins of Kennebec presented Bill "An Act Relating to Rights of Creditors and Beneficiaries Under Policies of Life, Endowment, or Accident Insurance, and Under Annuity Contracts." (S. P. 286)

(Ordered printed.)
Sent down for concurrence.

Military Affairs

Mr. Batchelder of York presented Bill "An Act Relating to Eligibility of Certain Veterans for Assistance." (S. P. 287)

(Ordered printed.)
Sent down for concurrence.

Pensions

Mr. Greeley of Waldo presented "Resolve Providing for State Pension for Rita Bradstreet, of Freedom." (S. P. 288)

Mr. Edwards of Oxford presented "Resolve Granting a Pension to Eugene H. Stevens of Norway." (S. P. 289)

The same Senator presented "Resolve Granting a Pension to James L. Walker, of Oxford." (S. P. 290)
Sent down for concurrence.

Public Health

Mr. Barnes of Aroostook presented Bill "An Act Relating to Registration in Optometry." (S. P. 291)

(On motion by Mr. Barnes of Aroostook, tabled pending reference.)

Miss Clough of Penobscot presented Bill "An Act Relating to General Public Health Nursing Service." (S. P. 292)

The same Senator presented Bill "An Act Relating to Immunization Against Certain Infectious Diseases." (S. P. 293)

The same Senator presented Bill "An Act Relating to Mineral Oil in Food." (S. P. 294)

(Each ordered printed.)
Sent down for concurrence.

Salaries and Fees

Mr. Blanchard of Aroostook presented Bill "An Act Relating to Certain Fees of State Police Officers." (S. P. 295)

Miss Clough of Penobscot presented Bill "An Act Relating to the Salary of Local Health Officers." (S. P. 296)

Mr. Haskell of Penobscot presented Bill "An Act to Increase the Salaries of Members of the State Police." (S. P. 297)

Mr. Batchelder of York presented Bill "An Act Relating to the Salary of the Judge of Probate of York County." (S. P. 298)

Mr. Bishop of Sagadahoc presented Bill "An Act Relating to Automobile Travel by State Employees." (S. P. 299)

(Each ordered printed.)
Sent down for concurrence.

State Hospitals

Mr. Haskell of Penobscot presented "Resolve Providing for Purchase of Land for the Bangor State Hospital." (S. P. 300)

(Ordered printed.)
Sent down for concurrence.

State Lands and Forest Preservation

Mr. Williams of Penobscot presented Bill "An Act Relating to Trespasses on Public Reserved Lots." (S. P. 301)

Mr. Bishop of Sagadahoc presented Bill "An Act Relating to Proceeds of Sale of Timber on the Indian Township." (S. P. 302)

(Each ordered printed.)
Sent down for concurrence.

Temperance

Mr. Bishop of Sagadahoc presented Bill "An Act to Provide Liquor Licenses for Taverns." (S. P. 303)

Mr. Baker of Kennebec presented Bill "An Act Relating to Sale of Malt and Malt Syrup." (S. P. 304)

The same Senator presented Bill "An Act Relating to the Responsibility of Licensees in Illegal Sales of Liquor." (S. P. 205)

The same Senator presented Bill "An Act Relating to Hours of Sale of Liquor." (S. P. 306)

Mr. Morrill of Cumberland presented Bill "An Act Preventing

Drinking in Public Places." (S. P. 307)

(Each ordered printed.)
Sent down for concurrence.

Ways and Bridges

Mr. Barnes of Aroostook presented "Resolve in Favor of the Town of New Limerick." (S. P. 308)

Sent down for concurrence.

Welfare

Mr. Haskell of Penobscot presented Bill "An Act Relating to Increasing the Maximum Payment in Aid to the Blind." (S. P. 309)

The same Senator presented Bill "An Act Relating to Increasing the Maximum Payment in Old Age Assistance." (S. P. 310)

(Each ordered printed.)
Sent down for concurrence.

Inland Fisheries and Game

Mr. Edwards of Oxford presented "Resolve Providing for a Fish Screen at Outlet of Kewayden Lake in the Town of Stoneham in the County of Oxford." (S. P. 311)

(Each ordered printed.)
Sent down for concurrence.

Order

On motion by Mr. Cross of Kennebec, it was

ORDERED, the House concurring that notwithstanding Joint Orders now in effect, all Resolves and Acts, data for which were in the hands of the Revisor of Statutes on, or before twelve o'clock, Noon, February 12, 1947, shall be received notwithstanding said Joint Orders, and it was further

ORDERED, that the said Revisor of Statutes shall file a list of titles of the Resolves and Acts, the data for which were in his hands at that time, with the Secretary of the Senate and the Clerk of the House. (S. P. 312)

Sent down for concurrence.

Passed to Be Engrossed

Bill "An Act to Incorporate the South Freeport Water District." (H. P. 124) (L. D. 99)

Bill "An Act Relating to Use of Mechanical Equipment in Schools by Children." (S. P. 166) (L. D. 149)

Bill "An Act Relating to Probation Period for Members of the State Police." (H. P. 168) (L. D. 122)

Bill "An Act Relating to Audit of Certain Private Educational Institutions." (H. P. 236) (L. D. 165)

Bill "An Act Relating to Farm Bureau Assistance in Piscataquis County." (H. P. 334) (L. D. 207)

Bill "An Act Relating to the Bangor Municipal Court." (H. P. 335) (L. D. 208)

Bill "An Act Relating to Membership of Emergency Municipal Finance Board." (H. P. 339) (L. D. 212)

Bill "An Act Relating to Membership of Farm Lands Loan Commissioners." (H. P. 340) (L. D. 213)

(On motion by Mr. Cross of Kennebec, tabled pending passage to be engrossed.)

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

Bill "An Act Relating to Penalty for Night Hunting." (H. P. 32) (L. D. 27)

Bill "An Act Relating to Appeal from Orders for Judging Dangerous Buildings to be Nuisances." (H. P. 242) (L. D. 170)

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

Bill "An Act Relating to Registration of State Highway Equipment." (S. P. 46) (L. D. 20)

Bill "An Act Relating to Sirens on Automobiles." (S. P. 129) (L. D. 284)

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

Sent down for concurrence.

Passed to Be Enacted

"An Act Relating to Trustee Process Against Banks." (S. P. 41) (L. D. 15)

"An Act Relating to Change of Purposes of Corporations Without Capital Stock." (S. P. 52) (L. D. 24)

"An Act Increasing the Salary of Mayor of the City of Gardiner." (S. P. 61) (L. D. 37)

"An Act Relating to the Right of Safe Deposit Companies to Open Safe or Box." (S. P. 83) (L. D. 109)

"An Act Limiting Actions by Depositors to Recover Money Paid on Forged Signatures." (S. P. 84) (L. D. 110)

"An Act Relating to Examination of Domestic Companies." (H. P. 93) (L. D. 73)

"An Act Providing for the Reappointment of Active Retired Justices." (H. P. 116) (L. D. 80)

"An Act Permitting the Building of a Bridge Between Burnt Island and Spruce Head Island." (H. P. 117) (L. D. 81)

Orders of the Day

The President: At this time, the Chair will appoint as members of the Committee of Conference on the part of the Senate, on the disagreeing action of the two branches of the legislature on Legislative Document 481, Bill, An Act to Institute a Land Use Survey, Senators: Cross of Kennebec, Hopkins of Kennebec and Dunbar of Washington.

On motion by Miss Clough, of Penobscot, the Senate voted to take from the table, Senate Report from the Committee on Judiciary: Majority Report "Ought to Pass as Amended by Committee Amendment A", Minority Report "Ought Not to Pass" on Resolve Proposing an Amendment to the Constitution Providing for Additional Signers in Petitions for Referendum (S. P. 107) (L. D. 238) tabled by that Senator on February 7 pending adoption of either report; and that Senator yielded to the Senator from Sagadahoc, Senator Bishop.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to adopt the Majority Report "Ought to Pass as Amended by Committee Amendment A" and the bill was given its first reading.

Committee Amendment A was read:

"Committee Amendment A to S. P. 107, L. D. 238. Resolve Proposing an Amendment to the Constitution Providing for Additional Signers in Petitions for Referendum.

Amend said resolve in the 1st line of that part designated as 'Sec. 17' thereof, by drawing a line through 'not less than 10,000'.

Further amend said resolve in the 2nd line of that part designated as 'Sec. 17' thereof, by striking out the underlined words 'in each congressional district.'

Further amend said resolve in the 2nd line of that part designated as 'Sec. 17' thereof, by adding after the comma the following underlined

words, 'the number of which shall not be less than 10% of the total vote for governor cast in the last gubernatorial election preceding the filing of such petition, and'".

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

On motion by Mr. Ela of Somerset, the Senate voted to take from the table, Senate Report from the Committee on Judiciary: Majority Report "Ought Not to Pass"; Minority Report "Ought to Pass" on bill, An Act Relating to Inspection of Records of Vital Statistics and Issuing Certified Copies Thereof (S. P. 49) (L. D. 21) tabled by that Senator on January 31 pending adoption of either report.

Mr. ELA of Somerset: Mr. President and members of the Senate, Legislative Document 21 is a bill to correct, or to change an act, or a portion of an act passed two years ago, which closed the town and city clerks' books to that part of the public record which refers to vital statistics of birth, death and marriage, except to those persons who in the opinion of the town or city clerk had a direct or tangible interest in the statute.

For many, many years, as far back as we have knowledge, that part of the town record which had to do with vital statistics was considered a part of the public record and as such was open to all the public who cared to inquire and who asked for copies. This bill as it was enacted two years ago specified that only those people who had a direct or tangible interest in the opinion of the town or city clerk or his deputy or his clerks, could obtain those records. The intent was very clear and very commendable. The intent was not to disclose those records which proved that somebody had acted not in accord with our civil and moral codes. As I say, this was commendable in its intent.

The law, however, did not in my opinion do that which it was intended to do and it did further, great harm in many cases where certainly no harm was intended. It had the disadvantage of closing records to which the general public thought they were entitled and generally tended toward that policy of gradually shutting off some of

those democratic principles which we have always lived by and which have made us great.

Originally these records were put on the books to furnish an accurate and authentic source to which all the public, including those who made the statistics could go, so that those vital records might not be closed, so that those records which the citizens knew were correct provided a means of proving things in court and in general furnishing a convenient place where the records could be obtained.

It is my concept of a good working democracy that we should not conceal anything in our public record or life; that we should not conceal anything which it is unnecessary to conceal. Unless it can be conclusively proven that this creates an undue wrong on some of our citizens, or a substantial number of our citizens we certainly should not start closing the door on public records. Denial creates curiosity. When we close our books, people who are unduly curious will be stimulated to search out and find more information perhaps than there was to begin with.

Town clerks should not be called upon to decide in any such manner as is contained in the present law. It says "unless the town clerk, or city clerk is satisfied that the applicant has a direct and tangible interest in the statistics." Now that is a pretty stiff legal question for any town clerk or city clerk to decide.

In many, many cases, of course, someone interested in a case in court could easily prove that they do have a direct or tangible interest, but there are many cases where it would be difficult for a town clerk to decide whether a person has a direct and tangible interest. You might change the definition but I don't see how you could correct it. You could not accomplish what you wish to accomplish.

They try to correct it by saying that you can appeal to the Superior Court or any Justice in vacation. The Superior Court is in many cases very distant, both in time and location. It is extremely inconvenient for a citizen to go to a Justice in vacation. It is all out of proportion to the value of the information sought. The Justice and the Court should not be bothered with such trivial matters as the information

about births, deaths and marriages. If it is desired by any interested persons, it can be obtained anyway. You don't have to be too much of a judge of human nature to know that if a person wishes to know the date of a birth or a death or a marriage, he can pretty well obtain that information up and down one street or another, and in the search for this information he will create more suspicion and harm than was ever possible by going to the direct and proper source of information.

In denying this information to the public, you will do serious damage to many people. The curious will not always be too careful to obtain a correct date, and in a careless assumption of an erroneous date, serious damage can be done to innocent people and to their descendants.

Newspapers have always considered birth, deaths and marriages a matter of public interest. They have considered that it was perfectly proper to print these facts in their papers. I think on the whole they have been careful not to print damaging information. Under the law as it now exists they are denied proper access to the records. Many of our towns have printed these records. They considered them so much a matter of public interest that they spent their time and money printing them in town reports. In many cases when the town records have been lost, these statistics could be obtained and reinstated through a search of the town reports which were available in many people's files or attics.

I don't like to think that our day and age has become so depraved and degenerated, let us say, that we do not dare to publish any of our vital statistics simply because a few errors have been made. Must we hide everything? It doesn't seem in line with the proper procedure. We might as well say we must not print any criminal records. Some man or woman might be damaged by publication of criminal proceedings. Their sons and daughters might be damaged by such printing. Surely we are not going so far as to advocate concealing our criminal records. We have behind us the experience of a century or more of free, open records. It has worked out by and large, very well.

A town or city clerk will go to one extreme or another. He will either play safe and not decide upon any questionable issue or he will throw up his hands and disregard the law entirely and the law has no effect. I would hazard a guess that any one of you could no into nine out of ten small towns at least, and obtain any record you wished today, and the town clerk wouldn't know who you are. It is repugnant to our American conception of public life. It is unworkable. It is unnecessary and unwise. It does not do that which was intended for it. It creates harm in many cases where certainly harm was not intended. I move, Mr. President, that the Minority Report "Ought to Pass" be adopted.

Miss CLOUGH of Penobscot: Mr. President and members of the Senate, I think this bill is a measure of some import and I hope that it will be widely debated in the Senate. I signed the majority "Ought Not to Pass" report of the committee and I want to state briefly my reasons for so doing.

I was a member of the committee which in a previous legislature voted "Ought to Pass" unanimously upon the bill—I want to read the title, "An Act Relating to Inspection of Records of Vital Statistics and Issuance of Certified Copies Thereof". This year there came before our committee, my good colleague, the Senator from Somerset (Senator Ela) and members of the press who wished to delete from that bill those words that would keep the public from going to a town clerk and receiving information which they might abuse. I saw no large number of aggrieved persons in the state before that committee.

I was impressed with a statement made by our Director of the Division of Vital Statistics, a responsible person. He said that in 1945 one out of every twenty children born in the state, was born out of wedlock. I think, Mr. President and members of the Senate, that we stand in a position here of protecting those children. Many of them will be placed in the state for adoption. They already have a strike against them. Anything we can do, I believe we should do. This measure is in effect in several states and as it is written now it is taken from one of the laws in an adjacent state. I hope we can

keep it on the books and develop it as it should be developed.

Anyone who can prove a direct and tangible interest may go to the town clerk and state his reasons for wanting to see these vital statistics. It does not seem to me that it is very hard to decide as to who shall have a direct and tangible interest. I submit that vital statistics are not public documents as deeds are. They should not be used as such. I think this is a just bill, a right bill and I hope that the motion of the Senator from Somerset does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela that the Senate adopt the Minority "Ought to Pass" report of the committee.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, as one of the signers of the Majority "Ought Not to Pass" report of the committee, I just want to say a word briefly as to why I signed the report. An editorial appeared in the Houlton Pioneer Times this week on this bill, suggesting that it should be passed. The editorial was wholly based on the proposition that this bill which was passed two years ago, and which my colleague's bill this year would repeal, was aimed at the freedom of the press.

I did not hear all of the deliberation before the committee, but I heard most of it and I did not hear that angle discussed at all. The editorial said that the press could be trusted with this information because they would not use it harmfully in any event. If they don't want to use it, I don't see how there can be any harm in having this bill on the books.

One thing brought out by Senator Ela I would like to discuss for a moment. He compared this to the publication of criminal records. When a man commits a crime, he has done something wrong. These youngsters who have been born out of wedlock have done no wrong. This bill was passed principally for their protection. It is open now under the law as it exists for anyone with a direct or tangible interest to get the necessary information. Those two words are plain enough. That should not bother any town clerk to determine whether there is a direct and tangible interest, but I would go along with

Senator Ela and say he was right, if the town clerk had the last say in the matter. But he does not, because if the information is withheld, then there is still the right of appeal. If the matter is important enough it can always be taken up by way of appeal.

Those are the reasons briefly why I signed the report. I think two years ago when the legislature passed this law, it was a good law and beneficial, particularly to those "each one out of twenty" who were unfortunate enough to be born out of wedlock and I therefore hope that the Majority Report of the committee will be adopted. I think we made a step ahead two years ago and if we now repeal this bill we will be taking a step backwards.

Miss CLOUGH: Mr. President, when the vote is taken, I ask that it be taken by a division.

Mr. ELA: Mr. President and members of the Senate, in answer to the item brought up by Senator Barnes, about the press not being permitted to use the indiscreet information, they are now barred from using the proper information. This secrecy does not keep secrets. This secrecy damages innocent people. The tragic part of the law as it now is, is that those whose motives are worthy are, under this law doing the most harm to the ones they are striving to protect.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, I have been listening to the arguments on both sides of this question. I have heard talk in the corridors, and I can't for the life of me see why, if you go to the records to find out about somebody's birth or death, and the town clerk says, "I am sorry, you cannot see that record." I do not see why you would not assume that this person either died or was born under a cloud. In other words, you immediately throw suspicion on the person.

I can not see any possible way that you can protect a person by saying "You cannot see the records." Senator Barnes said that it is not a crime to be born out of wedlock. Why make it a crime by hiding the statistics? The child has done no crime and we should not make it a crime by hiding what happened.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Sen-

ator Ela, that the Senate adopt the Minority "Ought to Pass" report of the committee, and the Senator from Penobscot, Senator Clough has asked for a division. Is the Senate ready for the question?

A division of the Senate was had.

Eighteen having voted in the affirmative and eleven opposed, the motion to adopt the Minority "Ought to Pass" report prevailed, and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill An Act Relating to Registration in Optometry (S. P. 291) tabled by that Senator earlier in today's session pending reference to a committee.

Mr. BARNES of Aroostook: Mr. President, this bill is an act which makes some changes in the set up of the Board of Optometrists in the state and also has relation to penalties for violation of certain offenses under the statutes. It may not be too important but I feel in my own mind that the bill raises questions that should be decided by the Committee on Judiciary and I therefore move that the bill be referred to the Committee on Judiciary.

Mr. CROSS of Kennebec: Mr. President, this is not a point which I intend to argue at all. I merely rise in defense of the Committee on Reference and say that the operation of the present Board of Optometry, I believe, comes under the Public Health Department and this appeared to be the proper reference. Not having read the whole bill, I still think it is a reasonable reference and I merely point out that the Committee on Reference of Bills simply suggests, but in the long run they hit it pretty close.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Barnes that the bill be referred to the Committee on Judiciary. Is the Senate ready for the question?

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

Nineteen having voted in the affirmative and three opposed, the motion prevailed and the bill was referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table bill An Act Relating to Refunds of Gasoline Tax (S. P. 245) 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 Taxation and ordered printed.

Sent down for concurrence.

On motion by Mr. Morrill of Cumberland

Adjourned until tomorrow morning at ten o'clock.