

# 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, April 9, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Douglas H. Robbins of Augusta.

Journal of yesterday read and approved.

From the House:

Bill "An Act Prohibiting Erection of Billboards Adjacent to Turnpikes." (S. P. 349) (L. D. 1161)

(In the Senate, on March 28th, 1947, passed to be engrossed as amended by Committee Amendment "A".)

Comes from the House, passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A in non-concurrence.

In the Senate:

Mr. DUNBAR of Washington: Mr. President, I move that the Senate recede from its former action and concur with the House in the adoption of House Amendment A.

Mr. ELA of Somerset: Mr. President, before we vote on that motion I think I should call to the attention of the Senate that this bill was originally introduced to apply merely to a section of the turnpike as yet uncompleted which spans a space that at present is only 5 miles, and as amended this bill would apply to something over twenty thousand miles of highway in the state.

I am more or less in sympathy with eliminating billboards but we do have a procedure in our legislature which protects the public to the extent that we advertise public hearings on all bills. We give the people a chance to come here and be heard. Now, under the guise of an amendment we propose to do something entirely outside of the scope of the bill as introduced and as heard in committee, and I think that would be entirely unfair. I think we are not keeping faith. If we wish to do this thing the bill should have been introduced, advertised and heard. I certainly hope the motion of the Senator from Washington, Senator Dunbar will not prevail. And if it is in order, at the proper time I would move that the report of the committee be accepted without the House Amendment.

The PRESIDENT: The Chair will state that the motion would not be in order at this time. The question before the Senate is on the motion of the Senator from Washington, Senator Dunbar, that the Senate recede from its action whereby this bill was passed to be engrossed.

Mr. LEAVITT of Cumberland: Mr. President, in the light of what the Senator from Somerset, Senator Ela has just said, I move that this matter be laid upon the table.

Thereupon, the bill was laid upon the table pending motion of the Senator from Washington, Senator Dunbar, that the Senate recede from its action whereby the bill was passed to be engrossed.

From the House:

Bill "An Act to Incorporate the Presque Isle School District." (H. P. 1487) (L. D. 1088)

(In the Senate, on March 28th, 1947, passed to be engrossed as amended by Committee Amendment "A" in concurrence.)

Comes from the House, engrossing reconsidered, House Amendment "A" adopted, and the bill as amended by Committee Amendment "A" and by House Amendment "A" passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Blanchard of Aroostook, the Senate voted to recede from its former action whereby the bill as amended by Committee Amendment A was passed to be engrossed; House Amendment A was read and adopted in concurrence, and the bill as amended by Committee Amendment A and House Amendment A was passed to be engrossed in concurrence.

From the House:

Bill "An Act to Create the Caribou School District." (H. P. 1463) (L. D. 1067)

(In the Senate on March 28th, 1947, passed to be engrossed as amended by Committee Amendment "A" in concurrence.)

Comes from the House, engrossing reconsidered, House Amendment "A" adopted, and the bill as amended by Committee Amendment "A" and by House Amendment "A" passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Cross of Kennebec, the Senate voted to recede from its former action whereby the bill as amended by

Committee Amendment A was passed to be engrossed; House Amendment A was adopted in concurrence, and the bill as amended by Committee Amendment A and House Amendment A was passed to be engrossed in concurrence.

From the House:

Bill "An Act Creating the Town of Wales School District." (H. P. 1447) (L. D. 1053)

(In the Senate on March 28th, 1947, passed to be engrossed as amended by Committee Amendment "A" in concurrence.)

Comes from the House, engrossing reconsidered, House Amendment "A" adopted, and the bill as amended by Committee Amendment "A" and by House Amendment "A" passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Baker of Kennebec, the Senate voted to recede from its former action whereby the bill as amended by Committee Amendment A was passed to be engrossed; House Amendment A was read and adopted in concurrence; and the bill as amended by Committee Amendment A and House Amendment A was passed to be engrossed in concurrence.

From the House:

Bill "An Act Relative to Bounty on Bobcat, Loupcervier and Canada Lynx." (H. P. 1624) (L. D. 1284)

(In the Senate on March 19th, 1947, passed to be engrossed in concurrence.)

Comes from the House, engrossing reconsidered, House Amendment "A" adopted, and the bill as so amended passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Spear of Cumberland, the Senate voted to recede from its former action whereby the bill was passed to be engrossed; House Amendment A was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

From the House:

The Committee on Legal Affairs on Bill "An Act to Provide for Financing the Costs of Building and Equipping Community Schools." (H. P. 1510) (L. D. 1135) reported that the same ought to pass.

Comes from the House, recom-

mitted to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Batchelder of York, the Senate voted to recommit the bill to the Committee on Legal Affairs in concurrence.

### House Committee Reports

The Committee on Legal Affairs on Bill "An Act to Authorize the Transfer by the Spurwink Congregational Church and the Acceptance by the Inhabitants of the Town of Cape Elizabeth of the Spurwink Church and Property." (H. P. 846) (L. D. 502) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Police Department Pensions of the City of Bangor." (H. P. 1648) (L. D. 1339) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Pensions to Employees of the City of Bangor." (H. P. 1649) (L. D. 1340) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Term of Office of Police Department of the City of Bangor." (H. P. 1650) (L. D. 1341) reported that the same ought to pass.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the State of Maine to Convey Certain Land in Presque Isle." (H. P. 1551) (L. D. 1181) reported that the same ought to pass.

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

The Committee on Education on Bill "An Act Relating to Superintendence of Schools Through Union Towns." (H. P. 1191) (L. D. 779) reported the same in a new draft, (H. P. 1666) (L. D. 1371) under the same title, and that it ought to pass.

The Committee on Inland Fisheries and Game on "Resolve Closing Lily Lake in Washington County to Ice Fishing." (H. P. 1023) (L. D. 654) reported the same in a new draft (H. P. 1668) (L. D. 1377) under the same title, and that it ought to pass.

The Committee on Sea and Shore Fisheries on "Resolve Regulating Fishing for Smelts in Tidewaters of

East Machias Branch of Machias River," (H. P. 349) (L. D. 218) reported the same in a new draft (H. P. 1672) (L. D. 1376) under a new title, Bill "An Act Regulating Fishing for Smelts in Tidewaters of East Machias River," and that it ought to pass.

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

The Committee on Judiciary on Bill "An Act Relating to Duties of Insurance Commissioner in Directing Defective Chimneys and Other Dangerous Conditions to be Removed or Repaired," (H. P. 445) (L. D. 263) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Inspection of Fire Escapes," (H. P. 446) (L. D. 264) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act Relating to Town, City and Village By-Laws, and Ordinances relating to Buildings and Structures," (H. P. 1188) (L. D. 778) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Amend the Charter of the Ogunquit Village Corporation," (H. P. 1286) (L. D. 941) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Town of Bridgton School District," (H. P. 1443) (L. D. 1055) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Temperance on Bill "An Act Relating to Tenure of Office of State Liquor Commission," (H. P. 1568) (L. D. 1197) 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.

The Majority of the Committee on Labor on Bill "An Act Protect-

ing the Right of Non-members of Labor Organizations to the Opportunity to Work," (H. P. 448) (L. D. 242) reported the same in a new draft (H. P. 1652) (L. D. 1346) under a new title, Bill "An Act Protecting the Right of Members and Non-members of Labor Organizations to the Opportunity to Work," and that it ought to pass.

(signed)

Senators: HOPKINS of Kennebec  
SPEAR of Cumberland  
HASKELL of Penobscot

Representatives:

BROWN of Unity  
SHARPE of Anson  
MARSHALL of York  
CHASE of Cape Elizabeth  
COLLINS of Caribou

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Representatives:

LEAVITT of Old Town  
BROWN of Baileyville

Comes from the House, the Majority Report read and adopted, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Hopkins of Kennebec, the reports and accompanying papers were laid upon the table pending adoption of either report, and especially assigned for tomorrow morning.

#### Senate Committee Reports

Mr. Bishop from the Committee on Education on Bill "An Act Relating to Transportation of School Children by School Busses," (S. P. 417) (L. D. 1203) reported that the same ought not to pass.

Which report was read and adopted

Mr. Dunbar from the Committee on Judiciary on Bill "An Act to Incorporate the Franco - American Loan Corporation of Lewiston," (S. P. 365) (L. D. 1039) reported the same in a new draft (S. P. 504) under the same title, and that the same ought to pass.

Which report was read and adopted and the bill in new draft laid upon the table for printing under the joint rules.

Mr. Cross from the Committee on Ways and Bridges on "Resolve Relating to a State-Wide Highway Planning Survey by the State High-

way Commission," (S. P. 353) (L. D. 985) reported that the same ought to pass as amended by Committee Amendment "A".

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

The Secretary read Committee Amendment A:

"Committee Amendment A to Resolve Relating to a State-Wide Highway Planning Survey by the State Highway Commission, (S. P. 353) (L. D. 985). Amend said resolve by striking out the period at the end thereof and inserting in place thereof the following: 'and be it further resolved that there be and hereby is appropriated from the general highway fund the sum of \$16,000 per year for the next two fiscal years to carry out the purpose of this resolve'."

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

#### Passed to be Engrossed

Bill "An Act Relating to the Definition of the Term 'Sardine.'" (H. P. 984) (L. D. 635)

Bill "An Act Relating to Damages to Poultry." (H. P. 1367) (L. D. 989)

"Resolve Relative to Fishing in Certain Somerset County Waters." (H. P. 1501) (L. D. 1126)

Bill "An Act Relating to Seed Potato Board Appropriation." (H. P. 1663) (L. D. 1366)

"Resolve Providing for a Fish Screen at Outlet of Cobbosseecontee Lake, in the Town of Manchester." (H. P. 1664) (L. D. 1367)

"Resolve Granting a Pension to Mary E. Dunbar, of Portland." (H. P. 1665) (L. D. 1365)

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

Bill "An Act Relating to Hunting Seals Near Green Island." (H. P. 631) (L. D. 391)

Bill "An Act Permitting Closing of Banks on Saturday." (H. P. 970) (L. D. 628)

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

Bill "An Act to Incorporate the Saco Sewerage District." (H. P. 1313) (L. D. 950)

Mr. Batchelder of York presented

Senate Amendment A and moved its adoption.

The Secretary read the amendment:

"Senate Amendment A to H. P. 1313, L. D. 950, Bill An Act to Incorporate the Saco Sewerage District.

Amend said Bill by striking out all of section 12 and inserting in place thereof the following:

'Sec. 12. Effective date; local referendum provided for; form of ballot; return to secretary of state. This act shall take effect 90 days after the adjournment of the legislature only for the purpose of permitting its submission to the legal voters of the city of Saco voting at the next regular state or city election held in the city of Saco. Such election shall be called, advertised and conducted according to the law relating to municipal elections. The city clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Saco Sewerage District be accepted?" and the voters shall indicate by a cross placed over the words "Yes" or "No" their opinion of the same. The result of the vote at said election shall be declared by the municipal officers of the city of Saco and due certificate filed by the city clerk with the secretary of state. This act shall take effect for all the purposes thereof immediately upon its acceptance by a majority vote of the legal voters voting at said election.'

Which amendment was adopted and the bill was read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill "An Act Relating to Reciprocal Contracts of Indemnity." (H. P. 1631) (L. D. 1306)

Which was read a second time and passed to be engrossed as amended in non-concurrence.

Set down for concurrence.

Bill "An Act Relating to Reimbursing Towns for Tuition for Pupils Attending Secondary Schools." (S. P. 501) (L. D. 1369)

(On motion by Mr. Bishop of Sagadahoc, tabled pending passage to be engrossed.)

Bill "An Act Defining a Fish Weir." (S. P. 500) (L. D. 1370)

(On motion by Mr. Noyes of Hancock, tabled pending passage to be engrossed.)

**Passed to be Enacted**

An Act relating to Salary of Register of Deeds in Knox County (S. P. 112) (L. D. 230)

An Act relating to the Salaries of the Clerks in the County Offices of Knox County (S. P. 114) (L. D. 232)

An Act relating to Taxation of Various Corporations (S. P. 244) (L. D. 664)

An Act Amending the Charter of the city of Lewiston (S. P. 318) (L. D. 874)

An Act to Promote the Topographic Mapping of Maine in Cooperation with the United States Geological Survey (S. P. 359) (L. D. 1028)

An Act relating to Restoration of Membership in Indian Tribes (S. P. 360) (L. D. 1030)

An Act relating to Membership in Indian Tribes (S. P. 361) (L. D. 1029)

An Act relating to Time for Registration of Voters (S. P. 366) (L. D. 1034)

An Act relating to Compensation of Registers of Probate in Foreign Estates (S. P. 385) (L. D. 1098)

An Act Forbidding Impersonation of Liquor Inspectors (S. P. 400) (L. D. 1149)

An Act relating to Assessment of Costs for Construction of Drains (S. P. 412) (L. D. 1160)

An Act to Permit Counties to Contribute for Advertising Resources (S. P. 431) (L. D. 1219)

Resolve to Create an Interim Committee to Study the Indian Problem (S. P. 444) (L. D. 1245)

Resolve Granting a Pension to James L. Walker of Oxford (S. P. 481) (L. D. 1343)

Resolve Granting a Pension to Eugene H. Stevens of Norway (S. P. 482) (L. D. 1344)

An Act to Increase the Salary of the Register of Deeds in Cumberland County (H. P. 179) (L. D. 127)

An Act to Increase the Salary of the County Commissioners for Cumberland County (H. P. 181) (L. D. 129)

Bill "An Act Relating to Clerk Hire in County Offices in Sagadahoc County." (H. P. 185) (L. D. 133)

An Act relating to Salary of Clerk of Courts and Deputy Clerk of Courts of Cumberland County (H. P. 188) (L. D. 152)

An Act to Increase the Salary of the County Treasurer and the Deputy Treasurer of Cumberland County (H. P. 264) (L. D. 181)

An Act relating to the Amount to be Paid for Clerk Hire in the office of Register of Probate in the county of Cumberland (H. P. 265) (L. D. 182)

An Act relating to Clerk Hire in Cumberland County Clerk of Courts Office (H. P. 266) (L. D. 183)

An Act relating to Salary of Clerks in the office of Clerk of Courts in Kennebec County (H. P. 267) (L. D. 184)

An Act relating to Bank Accounts and Deposits of Town Treasurers (H. P. 273) (L. D. 185)

An Act to Increase the Salary of the Clerk of Courts in Penobscot County (H. P. 348) (L. D. 217)

An Act Increasing the Salaries of the Judge and Clerk and Clerk Hire of the Bangor Municipal Court (H. P. 510) (L. D. 331)

An Act relating to the Registration and Licensing of Dogs (H. P. 583) (L. D. 406)

An Act relating to Relief of Paupers in Deorganized Towns (H. P. 887) (L. D. 499)

Bill "An Act to Regulate Eligibility of Premises for Which Liquor Licenses May be Granted" (H. P. 1101) (L. D. 676)

An Act relating to the State School for Boys (H. P. 1174) (L. D. 848)

An Act to Increase the Salary of the Sheriff of Washington County (H. P. 1212) (L. D. 829)

An Act relating to the Apportionment of Estate Taxes (H. P. 1353) (L. D. 954)

Bill "An Act Relating to Qualifications for License to Sell Real Estate" (H. P. 1392) (L. D. 998)

An Act relating to Workshops and Factories Found Unsafe, Insanitary, or Injurious to Health (H. P. 1397) (L. D. 1014)

An Act relating to Obstruction of Public Ways (H. P. 1503) (L. D. 1128)

An Act relating to Licenses for Lease of Real Estate by Probate Courts (H. P. 1504) (L. D. 1129)

An Act relating to Notice in Trust Estates to be Sold (H. P. 1508) (L. D. 1133)

An Act relating to Expenses of Town and City Clerks (H. P. 1525) (L. D. 1118)

An Act relating to the Brewer Water District (H. P. 1641) (L. D. 1325)

An Act relating to State Sealer of Weights and Measures (H. P. 1655) (L. D. 1350)

An Act relating to Fishing for

Salmon in Pleasant River (H. P. 1656) (L. D. 1351)

Resolve Authorizing the State Tax Assessor to Convey Certain Land in Aroostook County to Maxime F. Albert, of Frenchville (H. P. 38) (L. D. 32)

Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Land in Aroostook County to Maxime J. Michaud, of St. Agatha (H. P. 134) (L. D. 90)

Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lands (H. P. 955) (L. D. 558)

Resolve in favor of Robert E. Cook of Portland (H. P. 1157) (L. D. 767)

Resolve, Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to Ovilva Picard, of Guerette, (P. O. Stockholm) (H. P. 1322) (L. D. 919)

Resolve relating to Certain Equipment Issued to Officers of Maine State Guard (H. P. 1356) (L. D. 957)

Resolve Granting a Pension to Dorothy L. Springer, of Lisbon Falls (H. P. 1647) (L. D. 1338)

#### **Tabled Pending Passage to be Enacted**

An Act to Provide for the Creation of a Liquor Research Commission (S. P. 363) (L. D. 1032). (Tabled by Mr. Cleaves of Cumberland.)

An Act Providing for a State Advisory Council on Personnel (S. P. 364) (L. D. 1033). (Tabled by Mr. Cleaves of Cumberland.)

An Act to Increase the Salary of the Sheriff in Sagadahoc County. (H. P. 626) (L. D. 386). (Tabled by Mr. Bishop of Sagadahoc.)

An Act Relating to Qualifications of the Recorder of the Gardiner Municipal Court (H. P. 1585) (L. D. 1238). (Tabled by Mr. Baker of Kennebec.)

#### **Emergency Measure**

An Act Relating to Protection of Alewives in Town of Orland. (H. P. 1321) (L. D. 910)

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

#### **Orders of the Day**

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take

from the table bill, An Act to Increase the Salary of the Sheriff of Sagadahoc County (H. P. 626) (L. D. 386) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

Mr. Cleaves of Cumberland was granted unanimous consent to address the Senate.

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, before you, you will find the present statement of the Appropriations and Financial Affairs committee and may I ask that you follow along with me as in my stumbling way I try to explain it.

This is a summary of pending legislation requiring an appropriation for the next biennium, showing estimated revenues available for appropriations and Financial Affairs on the new revenue that is necessary.

Our first item is Appropriation bill, Legislative Document 295 which is your Budget Committee's recommendation at the start of the session. This Budget Committee had screened everything that they possibly could in arriving at a figure that we deemed reasonable.

The next item is a matter of the Appropriations Committee's estimate of the probable final adjustment to the Appropriation bill showing \$850,000 for each year of the biennium which we will add to the original budget estimate. Now this \$850,000 we believe is sufficient to fill our requirement. It is, however, tentative and I wish the Senate would look upon it from that light as it may have to be adjusted upward or we may have to adjust it downward according to what may come before us in the next few weeks. This shows a total of \$20,-422,702 for the year 1947-48 and \$20,769,880 for the year 1948-49. Now to this we must add the current pending appropriation bills that are now before the House and Senate. We have listed for you in toto all of the bills that are before you. We are assuming for the moment in our projection that every one of these bills will pass.

Now, we find, according to the record of the bills before us that we have \$6,313,204 in the first year, \$4,468,970 in the second year that have been entered for consideration in the legislature that will be charged to current revenue. We find we



have chargeable to surplus \$997,000; chargeable to pensions \$6,830; chargeable to claims \$347,256; and to the post war reserve \$1,250,000 the first year and \$25,000 the second year, making a grand total of pending bill of \$8,914,290 the first year and \$4,500,800 the second year. Then we come to the grand total for 1947-48 of \$29,336,992 and for the year 1948-49, \$25,270,680. That is the total requirements in appropriations before us today.

Now we will take our revenue. Our revenues, incidentally, have been screened as far as we can find, to the very last penny. We don't dare to project another nickel over what is here. This shows \$19,937,371 for 1947-48 and \$19,505,211 for 1948-49. Now we deduct this from our estimated total cost of pending legislation and we find we have to have new revenue of \$9,369,621 in 1947-48 and \$5,765,469 in 1948-49. That is assuming, gentlemen, that all of the bills before the legislature will pass.

Now your committee has estimated that in the 1947-48 period, that of the amount of bills before you \$4,350,000 will not pass in 1947-48 and \$2,250,000 will not pass in 1948-49. This leaves a balance to be financed of \$5,019,621 in 1947-48 and \$3,515,469 in 1948-49, or in round figures eight and one half million that we have to find new revenue for.

Now of the total of other pending bills and referring to the second item in the statement, amounting to \$13,414,290 for the biennium, the various committees have reported that they estimate \$2,480,682 ought not to pass and \$6,288,378 ought to pass. \$4,645,220 have not yet been reported out.

Now if you will turn to page 3, I wish to call your attention to the last two items in the total, keeping in mind that this total I am now bringing to your attention is of March 27. Since March 27 up to the present date we have had to make some changes. These changes are reflected in the item of \$850,000 which comes under the appropriations bill and is the second item on your first page. You will find that there is \$1,127,646 more in this item here, in our original item, than there is in the projection as of March 27th. I bring this to your attention because these figures do not tie in with our total figures of \$20,422,702. We have had to make those changes.

I don't know of any more that I can say than that. We have done the best we could to present to you a statement which at the outset seemed reasonable and feasible and one which can readily be understood and when all is said and done the total figure is the one that counts, that if we are to pass legislation that perhaps we would like to it will take eight and a half million dollars to do. If there is no new tax bill or if there are no new revenue measures passed, it will be absolutely necessary for your committee to come back to the original appropriation bill in line 1 of \$19,572,702 and get along the best way we can with it. Thank you.

On motion by Miss Clough of Penobscot, the Senate voted to take from the table Senate Report from the Committee on Judiciary on bill, An Act to Provide for the Incorporation, Supervision, Regulation and Dissolution of Medical Service Plans, Corporations, and to Prescribe Penalties for Violations (S. P. 335) (L. D. 968); Majority Report "Ought Not to Pass"; Minority Report "Ought to Pass"; tabled by that Senator on March 28 pending consideration.

Miss CLOUGH of Penobscot: Mr. President, I move the Senate adopt the Minority Report of the Committee "Ought to Pass".

Mr. MORRILL of Cumberland: In addressing the Senate on this Bill, I would like to begin by quoting from the Journal of the American Medical Association under the date of February 23, 1946, from an article entitled, "The American Medical Association Health Program and Prepayment Sickness Insurance Plans," and I quote:

"At the annual session of the American Medical Association in Chicago in December the House of Delegates adopted a resolution instructing the Board of Trustees and the Council on Medical Service and Public Relations to proceed as promptly as possible with the development of a specific national health program, with emphasis on the nationwide organization of locally administered prepayment medical plans sponsored by medical societies."

In June of 1946, three months after this article appeared in the Journal of the American Medical Association at Poland Spring in Maine, in convention, the House of

Delegates of the Maine Medical Association voted unanimously as a body to endorse and advocate a voluntary medical care plan. The plan that is offered in this bill has been approved by the Committee of the Maine Medical Association, which was appointed by that Association to draft and offer such a plan.

The Bill covers 12 pages, and I would like to explain in as short a time as possible what the bill is, what it intends to do, and what it does. The bill is an enabling act under which doctors in medicine are authorized to form a corporation for the purpose of operating a voluntarily, prepayment medical care plan.

Seven doctors may form a corporation. A corporation when it is formed shall be operated by a board of nine trustees. Five of these trustees are to be doctors and four are to be representatives of the subscribers to the plan. After the corporation is formed, every doctor of medicine in a country where the plan is in operation is entitled to become a participating physician. But the plan can not begin operations in any county, unless 51% of the doctors in medicine in that country become participating physicians.

Now, in any county, or in any area where this plan is in operation, the subscribers to this plan shall have a choice of physicians. The subscriber may choose his own physician. He is not told that he must have a different physician from the one he may choose. He has a free choice if his physician is a participating member.

The physicians under this plan will not control the treatment of patients, and no interruption or change in the present doctor-patient relationship will take place. The association, or the plan has nothing to do with the doctor-patient relationship. But corporation services can not be begun under the plan, until it is licensed by the Insurance Commissioner of the State of Maine. The Commissioner can not issue the license until he has assured himself that the rates are reasonable for the service to be rendered, and that the corporation is able to carry out its obligations.

In other words, the Commissioner of Insurance has the last word on the issuance of a license to such a corporation, based on his judg-

ment as to the reasonableness of the fees for service and of the ability of the corporation to live up to and carry out its obligations. The contract issued by the corporation must contain provisions fair to the subscribers. There is a long section in the bill providing specific instructions as to how the certificates shall read, and what size they shall be printed, so that the subscriber will have no doubt in his mind as to what he is entitled to under the contract with the corporation.

The corporation may make payments to non-participating physicians. In this respect, it is similar to the Associated Hospital Service which we have in Maine at the present time. And if a person has an accident and is taken to a non-participating hospital under the present Associated Hospital Service plan, the Associated Hospital Service may and, in every case that I know of, does pay the hospital bills of that subscriber. The same conditions apply under this bill.

The expenses of solicitation and overhead expenses must be limited. They are limited under a definite percentage of the fees taken in by the corporation. The agents who carry out the solicitation must be licensed by the Insurance Commissioner. The corporation can not hire an agent to solicit for it without the approval and a license issued by the Insurance Commissioner of the State. That, I believe, covers the bill.

As I say, that is a short interpretation of it. But I believe that will give you what this bill does. And now as I speak of plans, I speak of what this bill does. It sets up a plan. There are plans operating in 29 states in the United States. The plans are authorized by legislative action in 15 more states, and Maine is one of four states in the United States having no plan of this type.

The bill, and the idea behind it, are aimed at the group of people we have in this state who are in approximately the two to five thousand dollar income group. They are those people who, when they have a severe surgical sickness, perhaps will have their whole savings wiped out in a short period of time, and even put themselves into debt where some of them will never get out as long as they live. As you all know, surgical operations are expensive, and this will provide an opportunity for people in that income group to

voluntarily join as a subscriber under this plan and prepay insurance against such catastrophic sickness.

The arguments that I have heard against this bill around the State House and at home have been this. I have heard it said that this bill is aimed to put the osteopaths out of business. That accusation to me is not fair. This bill, or a medical plan such as it proposes and allows, can't put the osteopaths out of business.

Gentlemen, in the states where this plan operates now, I believe it is the State of Washington, the employees covered under the plan in operation there represent 45% of the population. The next biggest is Michigan with 14.4% of the population covered. The next highest is Oregon with 13.7%. And when you get to Pennsylvania, it is down to 1.7% of the population of the State. Yet this plan is in operation, and it is successful.

Before the Committee of Public Health—several days ago I happened to be in there—an osteopath from the State of Maine was appearing and in his testimony before that committee, he stated that the osteopaths at the present time are doing one-third of the business in the State of Maine. Now, Gentlemen, if one state, Washington, which has the largest coverage of any state in the United States, at present covers only 45% of the population, and if the next one is 31% less than that, or 14%, and if a successful plan can be carried on in the state where only 1.7% of the population is included under it, I don't see why the argument that has been presented that any other group who wanted to start a similar plan by similar means couldn't make a go of it. I don't think that holds any water at all if they represent a third of the business in the State of Maine. I think that argument is fallacious, and I submit that this plan does not intend to put any group out of business or prevent them from coming to the legislature asking for enabling legislation to do exactly the same thing.

I hope, Gentlemen, that when the vote is taken that the Minority Report will be accepted on the motion of the Senator from Penobscot, Senator Clough, and I ask that division be taken.

Mr. DUNBAR of Washington: Mr. President and Members of the Senate, I hope that I can be as

brief as the Senator from Cumberland, Senator Spear, in presenting this measure. I am afraid that I can't be, but I assure you that I do not want to take too much of your time. I feel, perhaps, at the beginning that I ought to give you a little history of the background that leads up to the measure that we have before us today.

Sometimes, it is well that a man or woman is of mature age; that is, that they are on the down-grade of life. At sixty-four, I have arrived at that period, and having arrived at that period, I am able, I believe to give you something of the history of the bill that is before us, or what leads up to it.

If you will bear with me, and I feel it is germane to the argument that I propose to make, I want to take you back to the year 1913, 34 years ago this winter when, as a young man, I was serving my first term as a member of the legislature in the House of Representatives. At that time, I was a Democrat.

At that session of the legislature, there was presented to it for the first time a measure that would permit the osteopaths of Maine to have a Board of their own, whereby those who were practicing that profession could be licensed, and eliminate those who could not pass the board, or that should not be practicing.

As a Democrat, believing in the principles that have been taught to me from reading the Life of Thomas Jefferson of equality to all, and special privileges to none, the bill as presented by the osteopaths at that time appealed to me. Although I have changed my political affiliation for one reason or the other — and please understand I did it before the administration came into office in 1932 — those principles have still stuck with me of equal rights to all and special privileges to none. And I hope that they will stick with me through the remaining years to come.

Now, what did we find in 1913? We found the medical men of Maine in here opposed to the osteopaths having a Board. The bill passed the House and was defeated in the Senate. It was introduced in the Legislature again in 1915 and defeated. Then it was introduced again in 1917 and defeated. And in 1919 the Legislature was convinced that these people were en-

titled to have a Board, and such a board was established. Later on when they asked for the right to practice obstetrics, they were opposed by the Medical Association. But that right was given to them by the Legislature of the State of Maine, and in 1923, I believe it was, the chiropractors were likewise licensed, but fought bitterly by the medical men of Maine. Now they are doing business.

All of the doctors in Maine are not in favor of this measure. This is a very discriminatory measure, and when they tell you that there is nothing to prevent the osteopaths, if they so desire, from having a similar Board, those and the medical men know that it is impossible to do so, because there are only 265 osteopaths practicing in the State of Maine today.

So, I feel that either the osteopath who testified before the Health and Welfare Committee either exaggerated the statement as made by the Senator from Cumberland, or that the Senator misunderstood him, because with 265 osteopaths to over 900 medical doctors in Maine, that would be a physical impossibility to be doing one-third of the total medical business in the State of Maine.

I have talked with doctors since this matter has been before us, many in my own County, and some in Penobscot. Those whom I have talked with have said that "We are not in favor of such a plan, and such a plan can not work, even with the 900 medical doctors in Maine." And I say to you Senators that it can't work. You can do, today, under the Blue Cross that is now organized and going on in this State all that you could do under this bill, and more, because under the Blue Cross, Senators, you can have the choice of your own physician. But you can't have the choice of your own physician in this bill, and you can't, if I interpret the bill correctly, and if I read something I am going to read to you later, if I read that understandingly, you won't have the choice of your own physician within the Medical Association as now set up. And that is wrong. If I am ill, and I need a physician, and I feel in my mind that an osteopath is the man I want, I ought to have the right to hire that physician if I am carrying insurance in any organization. If I want to employ an

M. D., I can likewise do it. I employ both in my family, and I have had good service from both, not only from the medical men but from the osteopath. I have also employed the chiropractors, and I have likewise had good service from them.

But let's not, today, set up a measure that is going to have the discriminatory effect that is liable to do serious injury to these other people that are practicing, and practicing legally in this State. I don't believe you'll do it.

We gave this matter careful consideration in our Committee. It was a big hearing. The people were well represented on one side and upon the other. And our Committee after careful consideration—we did not pass this bill out hurriedly—we voted by a vote of nine to one that this bill should not become law as written.

Now, I want to touch on the insurance plan. They testify about these agents having to be licensed before they can do business in the State of Maine, by the Insurance Commissioner. Yes, that is in the bill; sure it is. But there isn't a thing in the bill whereby they have to pay a single cent to the State of Maine for the right to do business, and every insurance company in this State and out of this state that is doing business in this State is paying a fee to the State of Maine for the right to do business. Under this bill, they pay nothing for the right.

An attorney representing a small insurance company from Vermont that has been doing business in this State since 1907, pointed out that last year they sold insurance under the Blue Cross in this State to the amount of \$169,000, and that they paid—it was a small amount, but it was something—into the State of Maine for the privilege of doing that business, \$3,300. Under this bill, not a nickel is paid. Nothing. Is that fair? I feel, and I don't know why I should, but I feel deeply on this bill. I suppose the reason that I feel deeply are the old principles rising in me of "equal rights to all and special privileges to none."

Now, they say they are asking for this plan to do business. Good heavens, Senators, in 1939, they set up the same organization, practically, or very nearly in the Private and Special Laws, Chapter 24, en-

titled AN ACT to Incorporate the Associated Hospital Service of Maine. They asked for incorporators then, as they are asking for incorporators now—Phillips M. Payson, Walter G. Davis, Rolland E. Irish, Edward B. Moulton, Adam P. Leighton, Walter E. Tobie, Harold V. Bickmore, John R. Gilmartin, S. Arthur Paul—and asked to be set up as an organization. But later on, and I suppose that is the reason why, later on that was amended in 1943 in Private and Special Laws, Chapter 21, whereby the osteopaths could come under that Act, and when they came in, the medical men said, "We want nothing to do with it."

So, they are here now with another scheme. Now, as my good friend, the Senator from Cumberland, has stated, this bill was conceived at a meeting of the Maine Medical Association at Poland Spring on June 24, 1946. And I have before me, and I want to read, because some of you may have had the same kind of a letter. I don't want to tell you who I received this letter from, and I don't want to tell you who was writing this address, unless you ask for it. If you do, I will give it to you. But I don't want to put it into the record, unless I am asked to do so. But I have a letter here dated March 31, 1947. This is being written for our consumption here. And then later, I want you to compare it and follow the feeling between what is said to us now, and what was said to the Association in June of last year.

"I have no aversion to any pseudo medical group establishing a group plan of their own if they so desire, but in this particular instance, as I said before, we want this to be, as it should be, a medical plan pure and simple."

And they know that if they can get it as a pure medical plan, pure and simple, that they are going to put a knife into the back of the osteopaths and chiropractors that it is going to be difficult for them to survive from.

"I have no argument with anybody whose theory of practice differs from mine. All I ask is that the individual practices that which he preaches.

"As far as osteopaths are concerned, I have no doubt they have a technique," and I want to compare this with what I am going to

read to you later. This is for our consumption here.

"As far as osteopaths are concerned, I have no doubt they have a technique or method of treatment which is beneficial, but, unfortunately, when such individuals attempt to enter the practice of medicine 'thru the back door.'" They never attempted to come in through any back door. They came into this Legislature and got the right to practice, as the medical men got the right to practice. "And try to usurp our rights and privileges as medical practitioners, it certainly is not fair. If any individual wants to practice medicine, he has a perfect right," and underline, "to equip himself and qualify as a medical practitioner and join our ranks as an M. D."

Now, will you let me, please bear with me for a few moments while I quote from an address given by the President of the Maine Medical Association at Poland Spring on June 24, of last year. First, I will quote from page three.

"We have run against some very serious problems in late years, and now we have waked up to the fact that we are living in a different era, much different in contrast to the good old days when there was little to bother us, and medical opposition was seldom met."

Next, I will quote from page four.

"Free men — with fearless minds — progressively provided a higher and higher quality of medical care. This better and better medical care has been continuously made more widely distributed and made more generally available. Through the Blue Cross, physicians sponsored medical service plans and employer-employee group insurance programs, more than thirty million people are now provided with needed protection," and of course you can get it. You can get everything you can get under this bill. Under the Blue Cross, you can go and buy your own insurance and have the choice of your own physician, whether he be chiropractor, osteopath, or an M. D. Continuing to quote from the same page, "I went to this meeting." He means he went to the meeting of the Cumberland Medical Association, as stated above. "I went to this meeting fully intending to advocate joining with the Associated Hospital Service of Maine," that is the Blue Cross, "which had done such a remarkable work with the Hospitalization

Insurance Plan. After the unhappy and disappointing meeting which our special committee had with the local Blue Cross, I refrained from entering into any discussion whatsoever. I sincerely hope that no unholy alliance will be made with the Maine Blue Cross Organization since it has become perfectly obvious that they will undertake nothing of this kind without the inclusion of the osteopaths in the scheme."

When they found that the Blue Cross would not eliminate from their Association, from their setup, the osteopaths and the chiropractors, the Medical Association didn't want anything more to do with them.

"They show that they are unwilling to do business." "They show that they are unwilling," that is the Blue Cross, "to do business with us alone."

Monopoly! Yes, and underscored. "As I stated earlier in the year on several occasions, if we are to evolve any system or plan of Pre-paid Medical Insurance, it should be a Medical Association proposition pure and simple, and we should not allow the atmosphere to be vitiated by any association with this crowd of medical masqueraders."

That was delivered at this Medical Association meeting. That was not for consumption here. That shows the ill will and the feeling. I didn't hear it from the osteopaths of Maine against the medical men.

Again on page six. "With medical practice completely and securely within our hands, it would make the line of demarcation between osteopathic and true medical practice more distinct." Monopoly?

I am quoting now from page eight. "I can not refrain from making comment relative to the irritating and bothersome subject of osteopathic and cult practice, which has gotten out of bounds during the last War, and necessitates full understanding upon your part of the possible mixup which faces us in the future if this racket," think of it Senators, "if this racket is allowed to carry on. What to do about this illegal practice is a question indeed, and yet with our laws governing medical practice, one would imagine that they were inclusive enough to take care of this present-day invasion of our rights."

Again on page ten. "It is rather a curious reflection on the working out of human affairs that from the very efforts to reform medical education should have sprung that great impetus to those parasites of the medical profession, the cults, which constitute such a vexatious problem now-a-days, but it is, nevertheless, true."

Now, that is the osteopaths, but in this address, they didn't want to let the chiropractors get foothold. "Whoever made the observation as to the birthrate of 'suckers' a generation or two ago (and I believe it was P. T. Barnum), were he alive today, following the chiropractic furor, would feel, I am sure, that he had been unduly conservative."

Well, they are honorable men as I find them. I have one in my own community. He is a good citizen.

I am still on page eleven. "Exasperated by the mendacity of the claims of these cultists, the medical profession has been more perturbed than the situation really warranted. It is very natural and human to experience a feeling of irritation over the reception of the public of our efforts to protect it from ignorant and unqualified practitioners, but we are too hasty on our side, and fail to take into account the ignorance of the great mass of people on medical subjects, and the almost utter lack of ability to discriminate between the claims of truth and falsity in medical matters."

In other words, we, ourselves, are not able to judge what doctor we should have. We perhaps might know when we are afflicted with fever. Perhaps we might know the proper person to employ if there was any danger of typhoid, pneumonia, or what not, and perhaps we would like to have under a plan, if we were insured, a medical man. If on the other hand, we were suffering, as some of us do, from our sacroiliac getting out of position, we might feel that a chiropractor, or an osteopath might be of better use to us than the medical men. Because I have not yet had one suggest and assist me, at least, in that regard.

Now, the president of the association did something at that meeting for which I was glad; that was in regard to his own profession. Some people have said that just the same as there are illegal and

unscrupulous men in the legal profession, "Here in Maine we have knowledge of reprehensible action within the ranks of our medical societies, and we harbor, maybe, fee splitters and notorious commercialists. Yet, no effort is made to suppress it."

Senators, what an indictment to come from the President of the Medical Association of Maine. Knowing that that exists, commercializing the business, fee splitters, and yet nothing is done about it. Now, how do they expect to carry it on? I'll go back. And that's where this bill, conceived as it was, was born and presented here.

This is on page three, and I quote. "We need a business head, a courier, a full-time manager for our Association is most apparent. We can not further function satisfactorily as a medical unit without a full-time executive secretary. Such an individual must and can be found, and we should follow the lead of other states which have already put their houses in order and on a businesslike basis. The next Maine legislature opens in less than six months. Let's be properly and ably represented, and for the first time in our history know what is going on, and make preparation to safeguard our own interests through the ministrations and watchful eye of an efficient, well-trained official. I am pleased, indeed, that my recommendation was yesterday accepted and adopted."

And I can say for them, and truthfully say that they did employ an able and conscientious business manager who has been with us here this winter. Now, there is just as much reason to the medical men fighting the osteopaths, because the methods with which they fitted themselves to practice, and the chiropractors, as there would be for us in the legal profession to say that no man should become a lawyer until he studied a certain line, that he should go to college at least for four years, and then to a law school for at least three more years. But do we do that? We say, No, if you have studied in a law office under a competent lawyer and can satisfy the Board of Bar Examiners, that you are entitled to pass the examination given, with an average rank of 70, and the most important of all, that you are an honorable man, and an upright citizen; you can practice the law and let the

people who employ you later decide as to whether or not you are the type of person that they want to employ.

If we had barred in our legal profession this type of individual that the medical men are trying to bar in barring osteopaths and the chiropractors, because they haven't followed a certain line—as I walk through the halls of this State House, you would have cut off from the benefit of this State many, many prominent citizens who became lawyers, judges, and chief justices that never went to college, and never had the benefit of a law school, but studied and obtained their legal training in a law office, and made good judges and upright citizens.

I could talk to you on this subject for an hour, but I know I am weary, too, and I don't want to talk longer. Others may want to say something. But let us say by our vote, let us say to the medical men of Maine, "When you come in with a right plan, when you come in with a non-discriminatory plan, we'll be with you. But we're not interested to continue this fight in this legislature that has been dead now practically since 1923."

Let's say to them by our vote here today, and I hope that you will follow the majority report of the Committee, as I stated to you, of nine to one. Stop your boyish bickering the fighting. There's room enough in the great State of Maine for all of you. I know that the medical men are just as busy as they can be. I know that the osteopaths and the chiropractors are likewise busy. You only have to visit the hospitals to see that. And let us say to them, "go back and practice the golden rule of live and let live. I thank you.

Mr. MORRILL of Cumberland: Mr. President and members of the Senate, I would like to point out that it was the House of Delegates of the Maine Medical Association which voted for the voluntary prepaid medical care plan and not the President of the Maine Medical Society Association.

My good friend, Senator Dunbar questions the fact that a group of 265 individuals could do one-third of the medical work being done. I would like to point out that in the past five years almost all of the medical doctors in the State of

Maine have served in the United States Army and that the U. S. Army did not see fit, or rather the army physicians did not see fit to accept other groups into their service, that is, into the medical service. They even went so far in the draft boards as to reject members of some of these other groups on the basis that their service was needed in the communities in the state which the doctors had left.

I feel sure that is probably one reason why one-third of the business being done now is being done by this particular group to which I have reference.

I also would like to point out that, as my good friend the Senator has said, while the Associated Hospital Service under private and special law passed to incorporate that service, is able to carry on as an additional service, a medical service plan which would include all groups of practice, that in the testimony which was given before the hearing, it was pointed out that several states do have a medical plan which includes all branches of practice. In the testimony given, however, the fact is left out that in every state where such a condition exists there is also either a basic science law or a composite board which examines all these practitioners before they can practice. We have none in the state of Maine.

The last point I would like to bring up is the fact that Mr. Dunbar says he is truthful, that according to the bill as printed under Section 2320C this plan would be declared non-profit, and would not be taxed. However, in the hearing an amendment was offered and I have it in my hand, which strikes out the section which would make it non-taxable, and allows it to be taxed according to law.

I think this answers as best I can what my good friend (Senator Dunbar) has said, and I hope you will act favorably on this motion.

Miss CLOUGH of Penobscot: Mr. President, I don't want to go into this matter any further because I think enough has been said on both sides and I will be brief, but I think one point should be answered in refutation of the statement made by my good friend Senator Dunbar. He said, I believe, that the patient-physician relationship could not or would not be maintained, that there was nothing in the law requiring that it be maintained, and I would like to read to you all and to re-

mind him from Section 232-G, the following: "A medical plan corporation shall impose no restrictions on the physicians or surgeons who treat its subscribers as to methods of diagnosis and treatment. The private physician - surgeon - patient relationship shall be maintained, and the subscriber shall at all times have free choice of any doctor or medicine who is a participating physician or surgeon in the corporation and who agrees to accept a particular beneficiary as a patient."

I understood that the Senator stated that he had talked with several physicians who did not want this plan and he, Senator Dunbar, assured us that they said it could not work. I have it from many of the physicians that meetings were held in the sixteen counties of the state in the Medical Association's county organizations and that each voted unanimously to endorse the low cost voluntary prepaid plan that is before you. I have talked with many doctors. I have received letters from many doctors in the State of Maine and I believe some of you have. I have received even more telephone calls. And they assure me that this plan can work and that they are willing to make it work.

I would like to read now from a letter, and I am perfectly willing that this should be read into the record. The name of the writer is Dr. Clyde I. Swett, who is Secretary-Treasurer of the Aroostook County Medical Society. He is writing to Senator Barnes and he states what I believe is my feeling about a certain aspect of the bill. He says: "The only objection brought up by the Maine Osteopathic Association is that the bill shows discrimination. There is no discrimination as far as the public are concerned since the procedure in getting insurance is entirely a voluntary one." I assure you there is no monopoly and that any group who wanted to promulgate a plan of this sort, be they medical men, osteopaths or anything else, would have to have an enabling act from the legislature to set up such a plan. "As for discrimination toward the Osteopathic Association, I would like to point out that there is no obstruction in the bill prohibiting that association from getting any type of similar insurance plan they may desire."

It was Dr. Eveleth who before the



meeting of the Committee on Public Health, which I believe Senator Morrill attended, who stated that the osteopaths of the state of Maine were doing one-third of the volume of work, and I believe there are others in the Senate who heard that.

"Medicine, like any other type of business, is practiced in several ways. The way the Allopath practices medicine (or does business) is in many major respects different from the way the osteopath practices." They have, of course, a different background of education and different standards and qualifications in their various schools.

"Hence different legislation was required to license each in each instance and similarly two different types of examining boards had to be created.

"I believe this to be a fair interpretation of the situation and for that reason I am asking you for your active support of Document No. 968."

I want to say in conclusion that if the medical men in the State of Maine are willing to take full responsibility for this plan, and they are not asking for any more work, they believe it will benefit greatly a large group of people, if they are willing to take the responsibility of it and are willing to underwrite and service such a plan, they should have the right to say who shall join in the plan. I am thoroughly convinced that this legislation which is enabling legislation, enabling a low cost, voluntary, prepaid medical plan to be established in the State of Maine, would be a distinct benefit to the health and happiness of our Maine citizens and I strongly urge that we accept the "Ought to Pass" report of the Committee.

Mr. BARNES of Aroostook: Mr. President I did not intend to say anything on this bill but my name has been brought into the discussion through a letter I received from Dr. Swett of Island Falls. Dr. Swett is a very close friend of mine. He belongs to the same club I do in Houlton and I go fishing with him. He was the only doctor who came down here to this hearing from north of Bangor.

Now I think my good friends Senator Clough and Senator Morrill would be the first to admit that of all the members of the Judiciary Committee, I most sharply questioned the osteopaths who ap-

peared there. Had this bill been presented to me without a hearing I would have certainly gone along with it because at that moment I did not understand it. But as the hearing progressed, two things occurred that made me change my mind. Number 1: Our Insurance Commissioner, Mr. Perkins, who is a most able actuary, came before the committee and said that in order for this plan to have the slightest chance of success it would have to have a great many members and it was his opinion that probably some regular insurance company would have to take over the selling of this plan to the public.

It then developed that there were, I think the figure was, 295 osteopaths—perhaps it was 265—to cover 900 physicians. Up to that point I had inferred by my questions to the osteopaths present that they were taking a "dog in the manger" attitude and were being a bit selfish about the matter because, I said, "Why not set up your own organization?" But from the information given since, by the Insurance Commissioner, plus the information that there were 265 or 295 osteopaths in the State of Maine, I readily reached the conclusion that I think we must all reach that it would be an utter impossibility for a small group such as that to set up this insurance. Hence the bill itself which restricts membership in this plan to M. D.'s or Allopaths would be discriminatory to many people in the State of Maine.

I have always had the kindest feelings toward doctors. My sister married one and he lost his life during the last war but I am thinking of the public in the State of Maine, not whether they are osteopaths or M. D.'s, but I am thinking of the public. I am thinking of little towns like the town of Danforth in Washington County, the town of Smyrna Mills a short way from Houlton and the town of Bridgewater, in which there are no M. D.'s but there are osteopaths and they are doing excellent work. And in these small towns at least, the osteopaths furnish practically one hundred percent of medical service. What good would such a plan as this that has been introduced here and urged by my good friend the Senator from Cumberland, be to people in communities like that?

I have heard doctors say, and

good doctors too, that no M. D. would settle in a small place like that because he wouldn't have hospital facilities available to him and I said to one particular doctor who criticized my stand on this bill as it finally came out of committee:

"You fellows have allowed the thing to go by default; you won't send your young men into these small towns where there are no M. D.'s, and the osteopaths have moved in and as far as I can find out they are doing an excellent job." I would have been perfectly willing to sign a report on this bill that it ought not to pass, legislation inexpedient, because as the Senator from Washington has said, we already have a plan that would be all inclusive and would allow all the people in Maine to join this proposition and pick their own doctor whether he be an osteopath or an M. D., but as it finally developed, although I was very much in favor of the bill at the start of the hearing and probably the severest critic that the osteopaths had at the hearing, as it eventually developed I couldn't see any other course than to change my mind on the proposition and I signed the Majority "Ought Not to Pass" Report, and I have so informed Dr. Swett.

Mr. DUNBAR of Washington: Mr. President and Senators, I am sorry to inflict myself on you again. I didn't mean to misquote. I perhaps was over-zealous in stating the people could not have the choice of their own physicians under this law. What was in my mind, the reason for my saying that, was what I had read in this report which I think bears out my contention and which I did not read to you, another paragraph I had marked on Page 6, and I quote: "The advantages of group practice to the doctor are equally as great. While his income will not be as great as our highest paid specialists today, he will be able to leave town for the week-end," and note this, "and know that his partners can give his patients as good treatment as he can give. He can trust his practice to a co-worker for several months while he takes a post graduate course or a necessary vacation, and be sure this his patients will not be weaned away from him during his absence." That is what I had in mind, and you would not have the choice of a physician under this plan. You could start

with a doctor and if the doctor saw fit, a doctor you had confidence in, if he saw fit to take a post graduate course or a vacation to some warmer clime in the winter, under this plan he could turn you over to some other younger physician or some other physician whom perhaps you didn't want to have. That is what I had in mind.

Mr. MURCHIE of Washington: Mr. President, I will confess to you that this is a layman standing on his feet, and I am wondering. I want to vote on this measure and I honestly want to vote the way I believe to be right. Now I will confess that I have listened this morning to the very capable arguments put forth here but I cannot believe yet that the doctors of the State of Maine—what influences me on the stand I have suddenly taken—I cannot believe the doctors of the State of Maine are such a selfish group as would be indicated by the remarks this morning.

As I understand this bill, it would permit a plan under which a man of moderate income could budget against serious illness and many people in this income group are swamped economically now when such an illness occurs. It seems to me worthwhile to allow them the opportunity to insure themselves against this hardship.

Now I will have to confess that the arguments of this morning have convinced me to vote with the lady from Bangor (Senator Clough.)

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I had no intention of speaking on this measure and my only excuse for taking not over two minutes of your time is to recite to you the fact that I think I have had a little different experience in the same thing we are talking about this morning. I am not too impressed with the debate as to whether or not an osteopath, veterinary or dentist is a good person or not. I am interested in the merits of the bill itself. The experience that I have had in this sort of thing is in being a member of a little group of four or five hundred people who run a little utility in Bangor. When I came to work for the company 25 years ago we had sick leave only. Then in 1925 the employees got together and thought it would be nice if they could have a group life insurance. The company participated and we enjoyed

the benefits of that. In 1935 it appeared to the employees that that wasn't quite adequate so we doubled it and we all enjoyed an insurance of \$2,000. Then from 1925 to 1939 our company loan plan seemed to be experiencing many demands for loans for hospital bills so in 1939 the employees developed, and the company cooperated in, a plan to assist the employee on his hospital bills.

Then we analyzed the loan requests and found that most of them were for doctors bills so in 1941 the employees again got together and talked with the company and we developed a plan whereby the unfortunate employees who were suddenly faced with a big doctors bill would have that paid for out of the joint contribution that he and other employees had made. Since that time in my relations with the other employees I have gained the conviction that that last step was the most important one that we have taken.

From a layman's viewpoint I cannot visualize this type of legislation as offering that same type of service to many citizens in Maine. I recognize that Bridgewater might not be able to take advantage of it, but by the same token we have passed many bills, one in the present session that affects only a school operation in the town of Houlton, as I remember it, that would not help Bangor much. But we went through with it because we wanted to help that town and I believe that in those communities where we do have M. D.'s who want to organize, if the osteopaths and dentists and veterinarians want to do it, I don't know but what they should have that privilege and give the benefit of it to the people of the State of Maine and for that reason I sincerely believe that the motion to accept the Minority Report "Ought to Pass" should prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Clough, for the adoption of the Minority "Ought to Pass" Report of the Committee.

A division of the Senate was had.

Nine having voted in the affirmative and twenty-two opposed, the motion did not prevail.

Thereupon, on motion by Mr. Dunbar of Washington, the Majori-

ty Report of the Committee "Ought Not to Pass", was adopted.

On motion by Mr. Welch of Aroostook, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Education on bill, An Act Relating to Instruction in Scientific Alcohol Education in the Public Schools (S. P. 343) (L. D. 976) tabled by that Senator on March 7 pending adoption of the report.

Mr. WELCH of Aroostook: Mr. President and members of the Senate, this bill was tabled by me quite some time ago, more than a month I think. We have all had time and probably have all looked into the bill. My reason for tabling it was it was reported by the Committee as "Ought Not to Pass as covered by existing legislation". I could find nothing on the books of this nature. The only thing that I could find in the Public School Laws which had any bearing along this was under Section 135 of the Public Laws relating to public schools where it says that the first Friday of March is Temperance Day and in that section it says that in every public school "the first Friday of March of each year or the school day in each year nearest that date shall be designated as Temperance Day and in every public school in this state not less than 45 minutes of the school session shall be set apart and used for instruction and appropriate exercises relative to the history and benefits of temperance laws; said schools to continue their work so far as practicable during the remainder of the day."

I searched in vain for some other section which might cover this bill but was unable to find anything. This bill does not carry or ask for any appropriation. It merely says that it shall be administered by the Department of Education. The final chapter of the bill says: "It shall be the duty of the Commissioner of Education to make arrangements for carrying out the provisions of Sections 32-E to 32-H inclusive, and it shall be the duty of the superintendent of schools of every city and town and of every Board of Education, Board of Trustees or Municipal School Board to require that instruction in scientific alcohol education be given in the schools under their jurisdiction or control as herein provided."

I think there is undoubtedly time

being spent by our teachers which to my way of thinking is probably of less value than would be time spent in enforcing this bill. I want to just give a small illustration of what education along certain lines can do for our youth.

As you know, up in the country and in the northern counties we have and have had in the past many accidents by children sliding out of driveways and into the road. During the winter months up there the snow is piled high in the driveways, it is piled high in the roads and the children slide out of the driveways and sometimes slide right out under a car or truck and the driver has absolutely no chance whatever. In January we had an accident in our town less than two miles from where I live. A youngster slid out of the driveway and completely under a truck and was instantly killed. People around there said to me—this happened on Sunday and Monday morning I got several telephone calls and they said, "Why can't we pass a law to stop this?" I told them if children were doing the sliding the law couldn't stop them but I felt that an education program could. I came down here and contacted some state and county officers. A safety educational program was put on and during the week before the program was started there were three deaths from sliding accidents. Since the program was started there have been none. In the state as a whole I have a report here which states that in the year 1941 there were 38 fatal accidents. During the same period in 1946 there were 25 and on the other all picture this year in the state as a whole there were twenty, or approximately one-half the number of accidents we have had in years previous. I just give this illustration to bring to your attention that education to our youth, I feel, is very valuable and that is what this bill which I am now speaking on intends to do.

I have received a great many letters and I haven't had the time to count them. I have tried to read most of them but I have a volume of letters here and many that have come to me at home from all sections of the state in support of this bill.

With these remarks I am going to move that the bill be substituted for the "Ought Not to Pass" report.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, I believe that in the last few years you people have known me and I have been very consistent in that when I have taken one side of a question I have stayed there. However, I suppose that we all make mistakes and I wish to say I think I made a mistake in signing the unanimous report that this bill should not pass and I agree with everything that Senator Welch has said. I hope that the motion will prevail.

Mr. BISHOP of Sagadahoc: Mr. President and Members of the Senate, I dislike to take sides on this especially since I have been a guest of the last speaker and treated very generously in the past few days but since the committee heard this bill at a well attended and long hearing where there were a great many proponents, then following that we had a long executive session and the thing was discussed very carefully and finally reported out unanimously that it ought not to pass as it was covered by existing legislation, and by that we feel that the present law provides that the Commissioner of Education can set up a curricula and provide for this if it is necessary.

Personally, I am so bone dry that some times I feel rusty. I know some of the people who are proponents of this bill are not one-half as dry as I am and we sometimes think things are good for the other fellow but do not always practice that ourselves. I just wonder if that is good legislation, if that is the type of legislation which the committee has subscribed to, and if that is the type of example we ought to set. That is, however, somewhat beside the point. I know the bill has merit and as a matter of fact I spoke for it at the hearing. I remember one particular speaker who was not a proponent. He simply took the position that it was not necessary because there are so few people in our teaching profession who are qualified to teach this subject.

There are pamphlets available to all schools and they can be taken up in their classes in physiology or any other course that the teacher sees fit to use them. It was brought out very emphatically that unless a person is a good example, unless he knows something about it, he can do more harm than good.

The question of Temperance Day has been stated here. That happened on the Friday following the hearing on this bill. I took particular note of the effect of those temperance exercises that were carried on the following Friday and I know of several cases where children who sat through this 45 minutes of exposure to the temperance program got such a great kick out of it that they came out with their hair ruffled up and staggered a bit and went home to their parents and held up their glasses and thought it was a great joke; and unless it is very carefully and properly presented the children get a reverse action.

At the hearing I told a little story and I am going to tell it here again this morning. There was a temperance speaker who was explaining the evils of alcoholic beverages. On his desk he had a glass of water and one of whiskey. He had a very fresh angle worm, and he dangled it around in the water and the angle worm swam around and seemed to enjoy it. Then he took the worm out of the water and put it in the whiskey and the worm immediately swizzled up and died. And then he asked if anyone could see the moral he tried to present. And one little boy said, "Yes, drink lots of whiskey and you won't have worms."

I think this whole thing is a case of us setting the example and our physiology books getting back some of those temperance pictures that I so vividly remember showing the effects of alcohol, narcotics and tobacco. They don't seem to be in the books any more but they could be there if there was any demand for them. I think there is something the schools and the teachers can prescribe and offer if they are competent to do so and if they are not, I don't care what course is given, the children will ridicule it and they will do more harm than good. So I think this is something that must generate from within the schools, the teachers and the homes and legislation won't create good morals. I hope the report of the committee will be accepted.

Mr. LEAVITT of Cumberland: I

hesitate always to bring out what happens in executive session, but I think our Chairman has more or less outlined to you that we treated it as a joke. We treated it very carelessly. The story of the worm was told and everybody laughed. He told how the children reacted after their 45 minutes as prescribed by law. They considered it a joke.

Gentlemen, it is not a joke. This law, we hope, will make a scientific approach to it so the children won't see it as a joke and then someday perhaps we won't have to have quite so many organizations of "Alcohol Anonymous". I just want to present it to the children just the same as we have asked them not to throw themselves out in front of automobiles as my good friend from Aroostook has said. We just want to tell them what will happen if they take too much alcohol.

I think we have some cases of this right here in the Augusta House. I think it is a good time for us to do a little instructing. It won't do any harm and it may do some good. I think this bill should not be treated as a joke but should be treated seriously. That is why I am changing my vote because I realize our committee treated this matter lightly. We had people come to us, very serious minded people, a large number of them. The Committee apparently paid no attention to them whatsoever. I certainly hope you will vote favorably on this motion.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Welch, that the bill be substituted for the "Ought Not to Pass" report of the Committee. Is the Senate ready for the question.

A division of the Senate was had. Sixteen having voted in the affirmative and eleven opposed, the motion prevailed, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Dube of Androscoggin

Adjourned until tomorrow morning at ten o'clock.