

# 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**

Monday, April 21, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Tom G. Akeley of Gardiner.

Journal of Friday, April 18th, 1947 read and approved.

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**From the House  
Joint Order**

Re:

Fifteen additional telephone calls for members and officers of Senate and House. (H. P. 1752)

Which was read and passed in concurrence.

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**Joint Order**

Re: copies of Revised Statutes to be presented to members of Judiciary Committee. (H. P. 1711)

Which was read and passed in concurrence.

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**Joint Resolution**

Memorial to Maine Congressional delegation to take affirmative action to advise Secretary of Agriculture of needs of Maine dairy industry. (H. P. 1692) (L. D. 1409)

Which was read and adopted in concurrence.

Bill "An Act to Appropriate Monies for the Expenditures of State Government for the Fiscal Year Ending June 30, 1947." (H. P. 1713)

To facilitate the business of the 93rd Legislature, referred to the Committee on Appropriations and Financial Affairs in concurrence.

The Committee on Taxation on Bill "An Act Relating to a Severance Tax on Forest Stumpage in Organized Towns," (H. P. 1591) (L. D. 1242) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Taxation.

In the Senate, on motion by Mr. Noyes of Hancock, the bill and accompanying papers were laid upon the table pending consideration.

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**House Committee Reports**

The Committee on Salaries and Fees on Bill "An Act Relating to Compensation of Members of the Maine-New Hampshire Interstate

Bridge Authority," (H. P. 1452) (L. D. 1049) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Clerk Hire in the Office of the County Treasurer and County Commissioners in Androscoggin County," (H. P. 1407) (L. D. 1022) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Clerk Hire in the Office of Clerk of Courts in Androscoggin County," (H. P. 1406) (L. D. 1021) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Clerk Hire in the Office of Register of Deeds in Androscoggin County," (H. P. 1405) (L. D. 1020) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Complainant and Witness Fees and Costs of Police Officers and Constables," (H. P. 1357) (L. D. 959) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Duties of Governor-Elect with Advisory Committee on Budget," (H. P. 1318) (L. D. 915) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Salary of the Insurance Commissioner," (H. P. 1317) (L. D. 914) reported that the same ought to pass.

Bill "An Act Relating to Compensation of Stenographers in Probate Courts," (H. P. 1209) (L. D. 827) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Fees of Sheriffs and Their Deputies," (H. P. 1207) (L. D. 853) reported that the same ought to pass.

The same Committee on Bill "An Act to Increase the Salary of the Judge of Probate in Penobscot County," (H. P. 1204) (L. D. 824) reported that the same ought to pass.

The same Committee on Bill "An Act to Increase the Salary of the Register of Deeds of Piscataquis County," (H. P. 1087) (L. D. 705) reported that the same ought to pass.

The same Committee on Bill "An Act to Increase the Salary of the County Treasurer of Kennebec County," (H. P. 1085) (L. D. 703) reported that the same ought to pass.

The same Committee on Bill "An Act Increasing the Salary of the Deputy Clerk of Courts in Penobscot County." (H. P. 983) (L. D.

634) reported that the same ought to pass.

The same committee on Bill "An Act to Increase the Salaries of the Judge and Clerk and the Clerk Hire of the Auburn Municipal Court." (H. P. 953) (L. D. 557) reported that the same ought to pass.

The same Committee on Bill "An Act Relative to the Salary of the Recorder of the Yorkshire Municipal Court," (H. P. 952) (L. D. 624) reported that the same ought to pass.

The same Committee on Bill "An Act Increasing the Salary of the Sheriff of Cumberland County." (H. P. 984) (L. D. 635) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Salary of the Recorder of the Augusta Municipal Court." (H. P. 877) (L. D. 489) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Clerk Hire in the Office of Register of Probate in Androscoggin County." (H. P. 691) (L. D. 447) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Assistant Probation Officer and Clerk Hire for Probation Office in Androscoggin County." (H. P. 690) (L. D. 446) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Salary of the Adjutant-General." (H. P. 688) (L. D. 444) reported that the same ought to pass.

The same Committee on Bill "An Act to Increase the Salary of the Judge of the Norway Municipal Court." (H. P. 629) (L. D. 389) reported that the same ought to pass.

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

The Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Lebanon School District." (H. P. 860) (L. D. 516) reported the same in a new draft (H. P. 1693) (L. D. 1419) under the same title and that it ought to pass.

The same Committee on Bill "An Act Permitting Bowling on Sunday." (H. P. 1190) (L. D. 757) reported the same in a new draft, (H. P. 1694) (L. D. 1414) under the same title and that it ought to pass.

The same Committee on Bill "An Act Governing the Regulations for Traveling Amusement Shows and

Circuses." (H. P. 452) (L. D. 268) reported the same in a new draft (H. P. 1695) (L. D. 1413) under the same title and that it ought to pass.

The Committee on Public Utilities on Bill "An Act Creating the Fort Fairfield Utilities District." (H. P. 1164) (L. D. 951) reported the same in a new draft (H. P. 1696) (L. D. 1420) under the same title, and that it ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to Clerk Hire in County Offices in Somerset County." (H. P. 1029) (L. D. 657) reported the same in a new draft (H. P. 1700) (L. D. 1417) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Fees of Registers of Deeds." (H. P. 1560) (L. D. 1189) reported the same in a new draft (H. P. 1699) (L. D. 1416) under the same title and that it ought to pass.

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

The Committee on Appropriations and Financial Affairs on "Resolve Relating to Impounded Bank Accounts of the Permanent School Fund." (H. P. 1480) (L. D. 1081) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve Relating to Lands Reserved for Public Uses Trusts." (H. P. 1482) (L. D. 1083) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Claims on "Resolve in Favor of Wendall Boutillier of Oakfield." (H. P. 1146) (L. D. 762) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Public Utilities on Bill "An Act to Incorporate the New Gloucester Water Company," (H. P. 1614) (L. D. 1280) reported that the same ought to pass as amended by Committee Amendment "A."

The same Committee on Bill "An Act to Incorporate the North Jay Water District," (H. P. 1471) (L. D. 1075) reported that the same ought to pass as amended by Committee Amendment "A."

The Committee on Salaries and

Fees on Bill "An Act to Increase the Salary of the County Treasurer in Penobscot County." (H. P. 1404) (L. D. 1019) reported that the same ought to pass as amended by Committee Amendment "A."

The same Committee on Bill "An Act to Increase the Salary of the Register of Probate in Penobscot County." (H. P. 1205) (L. D. 825) reported that the same ought to pass as amended by Committee Amendment "A."

The same Committee on Bill "An Act Increasing the Salary of the County Commissioners in Penobscot County." (H. P. 1088) (L. D. 706) 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 City of Augusta." (H. P. 951) (L. D. 556) reported that the same ought to pass as amended by Committee Amendment "A."

The same Committee on Bill "An Act Relating to Fees of the Sealers of Weights and Measures." (H. P. 624) (L. D. 384) 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 Committee on Motor Vehicles on Bill "An Act Regulating Lights on Motor Vehicles." (H. P. 1628) (L. D. 1330) reported that the same ought to pass as amended by Committee Amendment "A."

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

In the Senate, the report was read and adopted in concurrence and the bill was read once; Committee Amendment A was read; House Amendment B to Committee Amendment A was read and adopted, Committee Amendment A as amended by House Amendment B thereto was adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

The Committee on Public Utilities on Bill "An Act to Create the

Penobscot Valley Water Commission." (H. P. 1588) (L. D. 1241) reported the same in a new draft (H. P. 1697) (L. D. 1421) under the same title, and that it ought to pass.

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

In the Senate, on motion by Mr. Haskell of Penobscot, the report and accompanying papers were laid on the table pending consideration of the report.

### Communication

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta

April 16, 1947.

Honorable Chester T. Winslow,  
Secretary of the Senate  
of the 93rd Legislature  
Sir:

Pursuant to Joint Rule 8, the Senate is hereby notified that the following Bill which had been passed to be engrossed in the Senate was indefinitely postponed in the House today:

Bill "An Act relating to Privileges of Club Liquor Licensees." (S. P. 411) (L. D. 1159)

and on the following Bill which was passed to be engrossed in the Senate, the House accepted the Report of the Committee on Education reporting "Ought not to Pass";

Bill "An Act Relating to Instruction in Scientific Alcohol Education in the Public Schools." (S. P. 343) (L. D. 976)

Yours very truly,

HARVEY R. PEASE,

Clerk of the House

Which communication was read and ordered placed on file.

### Senate Committee Reports

Mr. Blanchard from the Committee on Banks and Banking on Bill "An Act Relating to Profit and Loss Statements of Banks." (S. P. 470) (L. D. 1320) reported that the same ought not to pass.

(On motion by Mr. Williams of Penobscot, tabled pending consideration of the report.)

Mr. MacKinnon from the Committee on Inland Fisheries and Game on "Resolve Providing for a Fish Screen at Outlet of Kewayden Lake in the Town of Stoneham in

the county of Oxford," (S. P. 311) (L. D. 734) reported the same in a new draft, (S. P. 524) (L. D. 1424) under the same title, and that it ought to pass.

Which report was read and adopted and the bill in new draft read once and tomorrow assigned for second reading.

Mr. Dunbar from the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Limit the Indebtedness on Municipalities by Public or Quasi-Municipal Corporations to Twenty Per Cent of the State Valuation," (S. P. 468) (L. D. 1308) reported the same in a new draft (S. P. 527) (L. D. 1436) under a new title, "Resolve Proposing an Amendment to the Constitution to Limit the Indebtedness on Municipalities by Public or Quasi-Municipal Corporations to Fifteen Percent of the Last Regular Valuation of a City or Town," and that it ought to pass.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, when the Senate permitted me to introduce this measure I talked briefly on it. If the thoughts expressed at that time were sound, this is one of the most important bills which will come before the Legislature, and one which will require the careful consideration of every Senator. If the Senate accepts the report of the committee and allows the bill to have a reading, I shall ask for the privilege of tabling it a day or two in order that you may have a little time to think about it. Then I shall speak on it again and then the Senate may dispose of it as it sees fit. I move the adoption of the report.

The motion prevailed, and the report of the committee was adopted and the resolve was given its first reading.

Thereupon, on motion by the same Senator, the resolve was laid upon the table pending assignment for second reading.

Mr. Denny from the Committee on Maine Publicity on "Resolve Designating a Section of Route Number One as a Blue Star Drive," (S. P. 261) (L. D. 723) reported the same in a new draft (S. P. 521) (L. D. 1422) under a new title, "Resolve Designating U. S. Route No. 1 in Maine as a Blue Star Memorial Highway," and that it ought to pass.

The Committee on Sea and Shore Fisheries on Bill "An Act to Revise the Sea and Shore Fisheries Laws," (S. P. 430) (L. D. 1218) reported the same in a new draft (S. P. 525) (L. D. 1430) under the same title, and that it ought to pass.

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

The Majority of the Committee on Judiciary on Bill "An Act Creating a State Administered Probation System," (S. P. 425) (L. D. 1211) reported that the same ought not to pass.

(signed)  
Senators: DUNBAR of Washington  
BARNES of Arcostook  
Representatives:  
PERKINS of Boothbay Harbor  
WILLIAMS of Auburn  
HASKELL of Portland  
MILLS of Farmington  
McGLAUFILIN of Portland  
SILSBY of Aurora

The Minority of the same Committee on the same subject matter reported the same in a new draft (S. P. 526) (L. D. 1431) under the same title, and that it ought to pass.

(signed)  
Senator: CLOUGH of Penobscot  
Representative:

PEIRCE of Augusta  
On motion by Miss Clough of Penobscot, the reports and accompanying papers were laid on the table, pending consideration of the reports.

The Majority of the Committee on Public Health on Bill "An Act Relating to the Advisory Council for the Hospital Survey Act," (S. P. 449) (L. D. 1253) reported that the same ought to pass as amended by Committee Amendments "A" and "B."

(signed)  
Senator: LEAVITT of Cumberland  
Representatives:

LONGSTAFF of Crystal  
WEBBER of Bangor  
VIOLETTE of Van Buren  
HATCH of Minot  
CLEMENTS of Belfast  
STEARNS of Hiram  
McCLURE of Bath

The Minority of the same Committee on the same subject matter reported that the same ought to

pass as amended by Committee Amendment "A."

(signed)  
 Senator: CLOUGH of Penobscot  
 ELA of Somerset

Mr. LEAVITT of Cumberland: Mr. President, I move that the Majority Report of the Committee "Ought to pass as amended by Committee Amendments A and B" be adopted.

Miss CLOUGH of Penobscot: Mr. President and members of the Senate, I hope that the motion of the Senator from Cumberland, Senator Leavitt, does not prevail. He has put me in a position of defense without explaining the bill, and if you will indulge me for a few minutes, I would like to explain the bill and my reason for voting as I did on the committee.

The last legislature enacted a bill known as "An Act to provide for the making of a survey of all hospital and health center facilities in the State" which gave the Department of Health and Welfare the green light to go ahead with a survey of all existing private and public hospitals and allied health centers throughout the state with an eye to evaluating the sufficiency of such hospitals to furnish adequate hospital, clinic and similar services and in Sec. 25-B of the act, authorized the department to accept provisions of any federal law now in effect or hereafter enacted which makes federal funds available for public health services of all kinds including the construction of hospitals and health centers and to meet such federal requirements with respect to the administration of such funds as are required as conditions precedent to receiving federal funds.

This law was framed to meet the provisions of Federal legislation, the so called Hill-Burton Hospital Bill, designed to provide grants in aid to states for construction of new and extension of present hospital facilities. Such aid as may be made available from the federal government will be predicated upon the results of the survey and with the approval of the State authority after consultation with a state advisory council.

Now the bill before you would set up such council and specifically provide for the character of that council. They say it was submitted to the U. S. Public Health Service and

was approved as meeting the stipulations of the Hill-Burton bill.

Sec. 25-C states that the council shall consist of 8 members and shall include the Commissioner of Health and Welfare, ex officio, and representatives of non-government organizations or groups, and of state agencies, concerned with the operation, construction or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas.

I agree with the majority of the committee as to the merits of the bill basically. I disagree on the matter of the proposed amendment which would stipulate that at least two of the members of the council shall be named; at least one shall be an osteopathic physician and at least one a member of the Maine Medical Association. I believe that is discriminatory and as such I am not in favor of it. I believe it is always wise to give to the Governor and Council the authority to make their own choice in appointments. I therefore hope that the motion of the Senator from Cumberland, Senator Leavitt, does not prevail.

Mr. LEAVITT of Cumberland: Mr. President, in the committee we agreed very definitely that this bill should pass. A representative of the osteopathic physicians attended the hearing and asked that one person representing the osteopaths be on the Board. The reason for that so far as I can find out is that there has been some feeling in the state between the M. D.'s and the osteopaths. Why, I don't know. I know a great many members of both professions and they are all fine people and doing a good job in the state of Maine. However, letters I have received and letters we have had read to us here in Senate debate, have shown that there is feeling. They asked for representation and most of the committee felt that they should have it. It was brought out, however, that if we simply named an osteopath, we would be discriminating against other people so we said we would state that at least one member of the Maine Medical Association, and one osteopathic physician will be included. In that way, nobody would be discriminated against.

Another reason I had for voting for this amendment was the fact

that we had had several bills in the legislature in which osteopathic physicians have not been named and in two or three previous terms of the legislature bills have had to be amended and osteopathic physicians included in the bills because of discrimination. I don't see why they should be but it has proved to be so.

So this amendment is intended to prevent discrimination against the osteopaths and to save us the trouble of amending this bill in the next session because they have been discriminated against. At the present time there is an osteopathic physician and a member of the Maine Medical Association on this Board. It was pointed out that perhaps there would not be a change but I think it strengthens the bill to mention that there shall be one member of these professions on the Board.

After three long executive sessions, eight members of the committee felt that they should pass the bill out only with this amendment attached.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Leavitt, that the Senate adopt the Majority Report of the Committee "Ought to Pass as amended by Committee Amendments A and B."

A viva voce vote being doubted.

A division of the Senate was had. Seventeen having voted in the affirmative and nine opposed, the motion prevailed, the Majority Report of the Committee "Ought to Pass as amended by Committee Amendments A and B" was adopted and the bill was given its first reading.

The Secretary read Committee Amendment A:

"Committee Amendment A to bill, An Act Relating to the Advisory Council for the Hospital Survey Act (S. P. 449) (L. D. 1253). Amend said bill by striking out the figures '7500' where they appear in the 3rd and 4th lines of Section 2 thereof, and inserting in place thereof, the figures '3500'."

Which amendment was adopted.

The Secretary read Committee Amendment B:

"Committee Amendment B to bill, An Act Relating to the Advisory Council for the Hospital Survey Act (S. P. 449) (L. D. 1253). Amend said bill by inserting in the 6th line of

that part designated Section 35-C after the underlined word 'ex-officio' the following underlined words 'and shall include at least one member of the Maine Medical Association and at least one osteopathic physician.'"

Which amendment was adopted and the bill as amended by Committee Amendments A and B was tomorrow assigned for second reading.

The Majority of the same Committee on Bill "An Act Relating to the Enrichment of Flour and Bread," (S. P. 243) (L. D. 660) reported that the same ought to pass.  
(signed)

Senators:

CLOUGH of Penobscot  
LEAVITT of Cumberland  
ELA of Somerset

Representatives:

VIOLETTE of Van Buren  
HATCH of Minot  
WEBBER of Bangor  
LONGSTAFF of Crystal

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

(signed)

Representatives:

STEARNS of Hiram  
McCLURE of Bath  
CLEMENTS of Belfast

On motion by Mr. Morrill of Cumberland, the reports and accompanying papers were laid upon the table pending consideration of the reports.

Report "A" from the Committee on State Lands and Forest Preservation on Bill "An Act Creating a State Forest Commission," (S. P. 410) (L. D. 1163) reported the same in a new draft (S. P. 522) (L. D. 1427) under the same title and that it ought to pass.

(Signed)

Senators:

CLEAVES of Cumberland  
WILLIAMS of Penobscot

Representatives:

ROLLINS of Greenville  
SHARPE of Anson  
BROWN of Wayne

Report "B" from the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Senator:

MURCHIE of Washington

Representatives:

BROWN of Milford



WEBBER of Bangor  
WILLIAMS of Topsham  
BENN of Smyrna

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, in order to permit the Forestry Committee to consider this bill in new draft for an extra day or so, I would like to ask permission to have it lie on the table.

The motion prevailed and the report and accompanying papers were laid upon the table pending consideration of the reports.

Mr. Batchelder from the Committee on Military Affairs on "Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying a Cash Bonus of \$500 to Maine Veterans in World War II," (S. P. 378) (L. D. 1060) reported that the same ought not to pass.

(On motion by Mr. Boucher of Androscoggin, tabled pending consideration of the report.)

The same Senator from the same Committee on Bill "An Act to Provide for the Payment of a Cash Bonus of \$500 to Maine Veterans in World War II" (S. P. 370) (L. D. 1057) reported that the same ought not to pass.

(On motion by Mr. Boucher of Androscoggin, tabled pending consideration of the report.)

Which reports were severally read and adopted.

#### Passed to Be Engrossed

Bill "An Act to Provide Revenue for the Construction and Extension of Airports, and to Regulate and Control the Expenditure Thereof." (H. P. 1690) (L. D. 1408)

Which report was read a second time and passed to be engrossed in concurrence.

Bill "An Act Providing Additional Highway Funds." (H. P. 1678) (L. D. 1394)

(On motion by Mr. Bishop of Sagadahoc, tabled pending passage to be engrossed, and especially assigned for tomorrow)

"Resolve Providing for Fire Protection at the Augusta State Hospital." (S. P. 269) (L. D. 813)

"Resolve Providing for Certain New Construction at the Augusta State Hospital." (S. P. 270) (L. D. 812)

"Resolve Providing for Certain

Construction at the Bangor State Hospital." (S. P. 273) (L. D. 863)

Bill "An Act Relating to the Salary of the Judge of Western Somerset Municipal Court." (S. P. 515) (L. D. 1411)

Bill "An Act Increasing the Salary of the Judge of Biddeford Municipal Court." (S. P. 520) (L. D. 1412)

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

Sent down for concurrence.

"Resolve Providing for Certain Construction at the Augusta State Hospital" (S. P. 272) (L. D. 809)

Mr. ELA of Somerset: Mr. President, I move that L. D. 809 be indefinitely postponed. This bill calls for the appropriation of \$200,000 to amplify a fund already in existence of \$350,000 for construction at the Augusta hospital. The \$350,000 was appropriated two years ago, to come from the post war public works reserve money and was thought to be sufficient to do what seemed prudent to be done at that time. Questions have risen since then and it has not been deemed prudent to start construction. If you now amplify this fund with an additional \$200,000 you will be stating in effect that construction should be started immediately under present costs and be carried through to completion. I think that procedure would be wrong. I think now is not the time to further aggravate the labor market, and the materials market by beginning this construction. This construction when it is deemed wise and prudent will provide the labor for men who will then need the labor. It will provide a market for materials which will then need a market.

As I said before, this \$350,000 appropriated two years ago was appropriated from the public post war works reserve fund. I think if you will recall the provisions of that fund, you will remember that one of the fundamental provisions was to provide work for our people and markets for our materials when they should definitely need those markets and definitely need that work. It was the thought at that time that we might face a mild or a major depression and this fund was intended to safeguard us in a slight degree from the impact of that depression.

Now certainly, if we spend that money now, and by this appropriation you will make funds available

to spend it now at present costs, that certainly will not fulfill the requirement of the post war public works reserve fund. Furthermore if it is decided that we absolutely cannot wait for some construction, there is at least available immediately the \$350,000 which will do a considerable amount of work and take care of any reasonable emergency.

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate, last Friday there was some wonderment on the part of a few of the Senators as to why the Appropriations Committee did not enlighten the Senate a little more on their thinking when they passed these bills out "Ought Not to Pass." I explained that our minds were beclouded by the dollar sign and that until we can see where the money is coming from we ought not to report "Ought to Pass" on these resolves.

To assist in your thinking, let me take our three hospitals, and then I shall go back to the one we are discussing at the moment, Bangor State Hospital. They have spent \$21,973.85 leaving a balance of \$633,026.15. They have asked for further appropriations of \$500,000 to complete their construction. Now, at the Augusta State Hospital, we appropriated \$350,000 and they have spent \$3,296 leaving a balance of \$346,703 and they request \$200,000 more to complete their construction. Pownal State School received \$435,000 and spent \$27,327 leaving a balance of \$407,672 and they have requested \$400,000 to complete their work. Our thinking was this. They have that money that I have just read to you as the balance, in their check books ready to use. The question is, is it wise to continue construction with the high cost that is now in evidence. Many of us feel quite certain that within a year or even less, construction costs are going to show a lower figure than they do at the present time. It was for that reason we have reported the resolves "Ought Not to Pass." Your problem here as I see it is to weigh the absolute need for these hospitals against the cost factor, and that is something we would like to hear discussed. Which is the most important?

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I may have a different concept of the Maine Post War Public

Works Reserve than some of you, and if I have a little more intimate knowledge of it, it is because the Maine Development Commission spent what money was spent out of that fund, in survey work. My concept of the legislative thinking in setting up the Maine Post War Public Works Reserve was that we knew well through the war period that the state would not be able to make any substantial additions or complete any substantial construction, in the long term capital needs of our institutions, and with that knowledge and with that fact in mind we would siphon from our wartime earning one million dollars in the session of 1943 and one million in the session of 1945, thus setting up a two million dollars public works reserve.

As I analyze the capital needs of the State of Maine for the ten prior years it was evident to me that the capital needs of the state will be at least that in each biennium. I cannot differentiate too completely between the operational needs of our institutions and the capital need. I believe that as the census of these institutions increases, the legislature must acknowledge increased capital needs. I point freely to the action of the special session when we took a million dollars of that post war public works reserve and appropriated it for the University of Maine to assist them in their construction program. I believe that our thinking when we did that wasn't that we were assisting employment levels in the Bangor area. I don't think we felt we were building those dormitories at the lowest possible cost. I think we all felt the dormitories should be built even although we recognized we were paying more money than we should. I think it is particularly important for the Senators to remember that even after we appropriate those dollars, the institution cannot spend one penny of the money until the expenditure has been approved by the Governor and Council and that is the reason today that the Augusta State Hospital or Bangor State Hospital or Pownal despite the appropriations made in 1943 and 1945 have spent only the money necessary for planning the architect's work on it and as Senator Cleaves has stated to you, the plans are complete and I submit that the Governor and Council may well conclude that

with this additional appropriation the work may be put off a year or two but I still think if you want sound accounting in the incoming expense budget of the state of Maine you can well acknowledge that you must appropriate from your income some capital requirements appropriations in each session.

If you don't, you are going to let these capital requirements accrue until there is going to come a session, when, prior sessions having refused to acknowledge that or set up the appropriations, that session is going to have a tremendous burden facing it as a legislature. To me it certainly makes sense that this legislature acknowledge in round figures the million dollars that has been requested for capital expenditures in the institutions even though we make quite certain that that should not be spent this summer or the year after. But we should put into our operating budget a reasonable sum of money to represent what should be set up for capital expenditures.

I certainly think their request— if we believed them in 1943 certainly the need is greater today and is going to continue to be greater. I think it is sound economy and sound bookkeeping to acknowledge that need and if necessary to raise the revenue to meet that need and have complete faith in the Governor and Council that they will select the proper time to make those expenditures.

I agree with Senator Ela that today is not the time unless some institution faces some critical need as was faced by the University of Maine, at the special session. And if that need is critical I have faith that the Governor and Council will weigh the absolute necessity of that expenditure against the contingency of higher costs, and come to a wise decision. I certainly hope the motion of Senator Ela will not prevail.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, when I removed these three bills having to do with construction at the state institutions, which were tabled last Friday, I tried to speak briefly on them and leave with you an idea as to what I thought was the important work to be done first. It would be a great mistake to make any capital expenditure at the Augusta hospital at this time, any

expenditure which could be avoided if we can maintain reasonable service, and delay the expenditure. It isn't possible to do that in every respect, I am certain. I tried to make clear my own views last week, that the fire alarm system and some improvements in construction are a necessity at the present minute. I think that must be done now. No one knows, at least I don't think anyone in the Senate knows, just how much that will cost. Of course if we build the hospital unit, it will release some space in the main building for other purposes. One would assume that the Governor and Council would withhold approval on other work under present price conditions just as long as they possibly could but as Senator Haskell has stated, there are things which must be done in order to supply the services which we know are needed.

It has been ten years since any additions have been made at that institution in regard to dormitories and the crowded conditions over there are very bad. It would be a great mistake to spend \$350,000 now if that could be delayed. I think this measure ought to have passage, in order to make sure that there are funds to do the work which the Governor and Council may find to be necessary. If we clip these funds too hard at this time we may find that we have restricted the services to a greater degree than we want to do but at the same time we do not want to go so far as to cause unnecessary construction work to be done at present prices if we can avoid it. I hope the motion of the Senator from Somerset Senator Ela does not prevail.

Mr. ELA of Somerset: Mr. President, so that there may be no misunderstanding, I don't disagree too violently with the concept of Senator Haskell, and I don't disagree too violently with Senator Hopkins, nevertheless, if you put this extra fund on top of the \$350,000 you are in effect saying, "Build now", because those are the present prices. If you decide it is not wise to build now and would not be wise to build until things are rolled back to the 1945 level, and those were not too low, prices were pretty high in 1945, you would have enough money anyway and don't get this additional appropriation so if you believe you should vote money for capital expenditure, don't throw them into a

category where a fund is now sufficient and available to do work if conditions warrant that work being done.

Mr. HASKELL of Penobscot: I would like to speak very very briefly and give to the Senators the date upon which those price estimates were made in the main. After the post war public works reserve was first made available in July 43, the Development Commission authorized the institution people to employ architects to estimate the cost of proposed construction, that proposed work from July 1943 until February 1944, and the figures submitted to the 1945 legislature were the figures of early 1944. The figures you have today were estimated by the architects in Augusta 1946. I don't think you have before you figures which reflect present day market prices and I don't think the institutions intend to ask for prices on today's market, but I do have rather a firm conviction that needs may catch up with the dollar within the next two years, and if in the next two years you have construction costs much below the basis upon which these were put together, I for one, who happen to be in the construction business, will be greatly amazed.

I think our economy is now based on prices substantially higher than prices on which those estimates were made back in the mid-war period. I thoroughly agree that if the needs of the institutions can wait for depression labor and construction prices it would perhaps be sound, but in the two or three or four year period we are facing, through which the Governor and Council are going to have the last word, there are construction needs which will have to be made.

I believe prices before you, high as they are, will be sufficient to meet those needs serious and severe as they are.

Mr. BISHOP of Sagadahoc: Mr. President, for the past four sessions it has been my privilege to be a constant visitor of these three institutions. I have studied very closely the congested conditions in all three and I feel that if you as Senators, could visit the institutions and go into some of the halls into which I have gone, you would take a different view of this problem. Conditions all over the state and in fact the country, are caus-

ing more and more people to be committed to these institutions. They are crowded to the limit, just as close as they can be stacked together in the sunporches and the corridors everywhere.

I believe there is a human need here that exceeds the dollar value and I believe with these costs in here that the Governor and Council must consider the availability of materials and labor and that they will be prudent in their construction and go ahead signal. Although I am not in favor of capital expenditure at this time, just as I said last Friday, I believe the money should be available if the time presents itself when we must meet these crowded conditions. I fear they are going to come before materials drop back to any low level. I hope that the motion of Senator Ela will not prevail.

Mr. ELA of Somerset: Mr. President, I apologize for speaking again but I wish to call your attention to the fact that the bill providing for fire protection at the hospital has already been given its second reading. Also the bill providing for construction of a hospital unit has been given its second reading. This is another fund outside of those.

Mr. CROSS of Kennebec: Mr. President, I am somewhat disturbed about the figures on these resolves. I don't think it has been made sufficiently clear and I wish someone would bring me up to date on it. I will take first the one which seems to have the most discrepancy and that is the Bangor State Hospital. The 92nd Legislature appropriated \$675,000 and because of increased costs, as the statement of fact says, they wish \$500,000 more. I know that costs have increased over the last two years, you all know that, but it does seem rather unusual if they have increased almost one hundred percent. I wonder if there is some explanation which we should know.

In the Augusta State Hospital there is not quite such a discrepancy but the original appropriation was \$350,000 and they request \$200,000 more. I am wondering whether perhaps the institutions are putting in a bid for the remains of the post war public works fund before someone else gets ahead of them. I rather suspect that may be true. I would like to have someone inform me as to the discrepancy in the statement of facts.

Mr. CLEAVES of Cumberland: Mr. President, Senator Cross has put me on the spot. I can see that. I do not know myself what was underlying the \$500,000 request from Bangor, and the \$200,000 request from Augusta, whether that was a refiguration or a figure taken from the air, or an estimate of the increased cost of the last two years. I don't know. But my thought would be that it was an estimate of the increased cost of construction.

Mr. HASKELL: Mr. President, I apologize for rising a third time. I am also hesitant to remind the members who served on the appropriations committee last year. I think you will find, if you go back through your records, that we did quite a bit of surgery on all three of those last year and if that surgery had not been done, the increase this year would be more modest.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela, to indefinitely postpone the bill.

A viva voce vote being doubted.

A division of the Senate was had.

Eleven having voted in the affirmative and thirteen opposed, the motion did not prevail.

Thereupon, the resolve was given its second reading and passed to be engrossed.

Sent down for concurrence.

"Resolve Providing for Additional Appropriation for Certain Construction at the Bangor State Hospital." (S. P. 274) (L. D. 862)

Mr. ELA of Somerset: Mr. President, I shall be consistent and move that this bill be indefinitely postponed. There is two-thirds of a million dollars now available for that hospital construction.

Mr. WILLIAMS of Penobscot: Mr. President and Senators, as a signer of the Minority Report, I have kept still just about as long as I can. I want to give you the report of how I think we arrived at some of these figures, or why we signed the Minority Report and the important, as I place it and as I think many of the Appropriations Committee place it, regardless of what report they signed, of these projects.

In the first place I think we all agree that the fire alarm system at the Augusta State Hospital is most important. In the second place I think we placed construction at Pownal as being more necessary

than any of the others. In the third place we placed construction of physicians' homes at both Augusta and Bangor. That is the bill we are voting on at the present time.

I had the privilege during last fall of serving on an investigating committee for the Federated Women's Club of the state and in going over these hospitals we found a lot. There is no question but what a lot of construction is needed now although I would agree that maybe considering the economic situation it might be well to wait a little change in the costs of construction. I will say in support of some of the remarks previously made that when I decided to sign the minority report I thought it would be much more to our advantage if we could shave these appropriations a little so with that thought in mind, I called the superintendents of those hospitals, and the Commissioner of Institutions and tried to persuade them they could take a little something off those requested appropriations, but they informed me that their architect said that the estimates they had made were way under building costs if they had to be constructed this year.

Now going back to our investigation last fall the greatest difficulty or condemnation we had against the hospitals, and therefore against the state of Maine, was the fact that these mental hospitals were to a great extent simply confinement centers for people who are mentally sick. One of the reasons why they were that way was because of the difficulties they had had in securing suitable physicians to take care of the patients. So it appeared that one of the most desirable acts that we could first perform as a state was to provide homes at these two institutions so that the physicians would have a chance to live there because we all know the difficulty in securing homes and under the low salaries that are paid for doctors at these institutions in comparison to what a doctor can receive in private practice, it was felt that something must be done to help secure physicians for these two institutions.

That is why I hope that the motion of the Senator from Somerset, Senator Ela, does not prevail.

Mr. ELA: Mr. President, the bill providing for construction of physicians' homes has had its second reading.

The PRESIDENT: The Chair will state for the information of the Senate that the pending question is on the motion of the Senator from Somerset, Senator Ela, to indefinitely postpone L. D. 862.

A division of the Senate was had. Twelve having voted in the affirmative and thirteen opposed, the motion did not prevail.

Thereupon, the resolve was given its second reading and passed to be engrossed.

Sent down for concurrence.

Bill "An Act to Create the Waterville Sewerage District." (S. P. 519) (L. D. 1410)

Mr. Hopkins of Kennebec presented Senate Amendment A and moved its passage.

"Senate Amendment A to bill, An Act to Create the Waterville Sewerage District. S. P. 519, L. D. 1410. Amend said bill by adding after the word, 'Waterville' in the 3rd line of Section 16 thereof, the words, 'and to be held not later than January 1, 1949'."

Mr. HOPKINS of Kennebec: Mr. President, it was discovered that there was no time limit on the referendum provisions in this charter. This was called to my attention as I came to the Senate Chamber this afternoon and I haven't had time to confer with the chairman of the committee but I assume it will meet with his approval. I move the adoption of Senate Amendment A.

The motion prevailed and Senate Amendment A was adopted, and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

#### Passed to be Enacted

Bill "An Act Relating to the Salary of the Treasurer of State." (S. P. 36) (L. D. 155)

On motion by Mr. McKusick of Piscataquis, the bill was laid upon the table pending passage to be enacted.

#### Orders of the Day

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table House Report "Ought to Pass" as Amended by Committee Amendment "A" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of the University of Maine for General Operations. (H. P. 79) (L. D. 67) tabled by the Senator on April 18 pending

motion by the Senator from Aroostook, Senator Welch, to indefinitely postpone Committee Amendment A.

Mr. NOYES of Hancock: Mr. President, I am going to move that we adopt Committee Amendment A for the purpose of sending this bill along, and when it reaches final enactment, I propose that we table the measure pending the action of the legislature on other bills, one of which I will mention; that is, the salaries bill, which I feel should come first. Education meets with the favor of us all, but I am in favor of spending our money at the lower levels rather than at the college level and I hope that the motion to adopt the committee report will prevail and when the bill comes up for enactment—

The PRESIDENT: The Chair will state that the pending question is on the motion of the Senator from Aroostook, Senator Welch, that the Senate indefinitely postpone committee Amendment A.

Mr. NOYES: Mr. President, I beg your pardon. That is a motion I am heartily in favor of. When the bill comes up for enactment, we will have further discussion.

The PRESIDENT: For the information of the Senate, the Chair will state that the Senate has adopted the "Ought to Pass" report of the Committee, the bill has had its first reading, and the question now before the Senate is on the motion of the Senator from Aroostook, Senator Welch, that Committee Amendment A be indefinitely postponed. Is the Senate ready for the question?

A viva voce vote being had, the motion prevailed, Committee Amendment A was indefinitely postponed and the resolve was tomorrow assigned for second reading.

On motion by Mr. Baker of Kennebec, the Senate voted to take from the table, bill, An Act to Provide Liquor Licenses for Taverns (S. P. 303) (L. D. 790) tabled by that Senator on April 14, pending consideration, and that Senator yielded to the Senator from Sagadahoc, Senator Bishop.

Mr. BISHOP of Sagadahoc: Mr. President, because of an error, or rather two errors in the House Amendment—and I have talked with the sponsors of the amendment and with members of the committee and they have recognized the errors and agree that House Amendment A

should be indefinitely postponed. If that is done, I have a Senate Amendment to offer in its place. I move the indefinite postponement of House Amendment A.

The motion prevailed and House Amendment A was indefinitely postponed, and Mr. Bishop of Sagadahoc presented Senate Amendment A and moved its adoption.

Thereupon, Senate Amendment A was adopted without reading, and the bill as so amended was passed to be engrossed in non-concurrence. Sent down for concurrence.

Mr. DUNBAR of Washington: Mr. President, may I inquire if S. P. 258, L. D. 720 An Act Relating to the Issuance of Capias Executions in Divorce Cases is in the possession of the Senate?

Mr. PRESIDENT: The Chair will state that the document is in the possession of the Senate, having been recalled by Joint Order from the Office of the Governor.

Thereupon, on motion by Mr. Dunbar of Washington under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be enacted and further voted to reconsider its former action whereby the bill was passed to be engrossed.

The same Senator presented Senate Amendment A and moved its adoption.

"Senate Amendment A to S. P. 258, L. D. 720, bill, An Act Relating to the Issuance of Capias Executions in Divorce Cases. Amend said bill by drawing a line through the words 'clerk of the court' in the 9th line of said bill and by inserting after said stricken out words, the underlined words "wife or mother."

Which amendment was adopted, and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. DUNBAR of Washington: Mr. President, may I inquire if H. P. 917, L. D. 614 An Act Relating to Method of Payment of Alimony is in the possession of the Senate?

The PRESIDENT: The Chair will state that the document is in the possession of the Senate, having been recalled from the Office of the Governor.

Mr. DUNBAR: Mr. President, these two bills came from the Judiciary Committee and amend the same chapter in the same section.

By taking care of the amendment that you previously adopted, there is no need to pass L. D. 614, and I therefore move that the bill be indefinitely postponed.

Thereupon, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be enacted, and on further motion by the same Senator, the bill was indefinitely postponed.

Mr. HOPKINS of Kennebec: Mr. President, I would like to take from the table, the first tabled and today assigned matter.

The PRESIDENT: The Chair apologizes to the Senate, and takes from the table the first tabled and today assigned matter, being Joint Order, Relative to Amendment of Joint Rule 8 (S. P. 523) tabled by the Senator from Kennebec, Senator Hopkins on April 18 pending consideration.

Mr. HOPKINS: Mr. President and members of the Senate, this is a rather minor matter compared to the other things before us this afternoon. Of course the Senators are all aware that the legislature can do anything within the powers given to it under the Constitution, and among those powers is the power to adopt Joint Rules, largely to facilitate the handling of legislation and for the convenience of the legislators.

We are all aware that we are handling legislation differently this session, and I assume the more experienced members of the Senate have their opinion as to whether the new method has shortened the session and also as to whether it lessens the work of the two branches of the legislature. It has been said that one reason for adopting this rule is that it makes the work of the two Houses more independent of each other and I suppose that is desirable, and while there is no comparison between the Congress of the United States and the state legislature where the reports of the two branches of Congress are entirely separate from each other and where the Congress is in session for a long period, nevertheless time is usually available to adjust the opinions of the two branches of Congress to a greater extent than is the case here in the state legislature.

I think the procedure whereby a bill is introduced in the House and

referred to a committee, goes to the other House and is referred in concurrence, goes back to the branch where it originated and goes dead, then the other branch simply gets a notice that the bill has failed of passage, is not fair. Joint Rule 8 says that "When a bill, resolve, or order, which shall have passed one house, is rejected in the other, notice thereof shall be given to the house in which the same shall have passed, by the Secretary or Clerk, as the case may be. And every bill that shall have passed both houses to be enacted, and all resolutions having the force of law, that shall have finally passed both houses, shall be presented by the Secretary of the Senate to the Governor for his approval;"

Personally, I think that the procedure which we did use was more convenient and more feasible to the methods of the legislature although I realize my opinion is not as good as that of you who have been here longer than I have. The question of whether this is the time to amend this rule is important. I think this probably would be a proper time to amend it although I am not sure of that. In any case, when I introduced the Order, I stated that I introduced it simply to give the members an opportunity to express their views on it and I move that it have a passage.

Mr. DUNBAR of Washington: Mr. President and Members of the Senate, it makes little difference to me whether you amend Rule 8 or not. Having worked under Rule 8 now for sixteen weeks and getting into the closing days of the session, I hardly feel that it is fair to change the rule now for the remainder of the session, not only for this Body but for future legislatures. Not that future legislatures would be bound by this rule, because as Senator Hopkins has said, we have a right to make our own rules at each session. But, you know it has been customary from the very beginning of the session to pass an Order that the rules of the previous session shall govern the rules of the present session.

Now I was one of the first unfortunate ones to be hit by this rule. That was the day that I debated the bill on the dismissal of state employees. I was defeated in this Senate by one vote. That was perfectly all right, the majority prevailed, and the majority should

always prevail. I have always felt that with this rule, we should be very liberal in allowing reconsideration in the same branch in which the bill was killed, and for that reason, the next day, there having been three Senators absent, I moved for reconsideration and I failed to get it. I had it in mind for two or three days to offer the amendment that Senator Hopkins has offered and is now supporting. I thought it over. I said to myself, "It is a poor rule that won't work both ways," and perhaps before we get through with this session you may like this rule, and to be frank with you I do now like it. It is a time saver in my opinion. It has saved us at the present time at least two weeks. Now that we are getting right down to the root of things, when important bills are coming along, the big measures, I feel it will save us at least a week from here in. Although I like you all and would like to remain with you for the rest of the spring and summer, I feel we ought to expedite our business as much as we can and return to our homes as soon as possible.

Another thing this rule has done. At this stage of the legislative procedure in my opinion, you generally find a strong feeling beginning to develop between the House and the Senate. You don't see any evidence of that feeling now. There is a good feeling between the House and Senate and that is as it should be. I hope you won't change the rule now. After we have worked under it, taken our lickings under it, let's be good sports and go through with it to the end of the session. If someone is unfortunate enough that his pet measure does not reach this Body and give him the opportunity to debate it here, let's be good sports and say it is all right. To change it now in my opinion is just as sensible as it would be to change the rules of a ball game in the ninth inning—yes, at the end of the 9th inning and say, "From here in foul balls shall not be called strikes."

Mr. BISHOP of Sagadahoc: Mr. President, I have served in this Senate for four terms. I recall my first, second and third sessions when my pet measures fell by the wayside one after the other. This time they are all taken care of so I have no personal feeling in the matter. I do recall an experience



during my first term when I served on a Committee of Conference. Often a Committee of Conference doesn't get anywhere, but in this case, the House concurred with the Senate. Somewhere in the bill was tucked the matter of legislative salaries and they felt happy to concur with us. There may be times in the near future when we may need to have a Committee of Conference and I feel that it might be well for us to be in a position where we could have a Conference Committee if we want one. I hope that the Order receives a passage.

Mr. MORRILL of Cumberland: Mr. President, when this amendment was first discussed, I believe there was a feeling on the part of some members that in spite of the fact that Rule 8 saved us a great deal of time up to this point in the legislature, that perhaps the Senators should have a chance to debate on some of the major issues which are being held over until now. That was in my mind in regard to some of the tax measures. However, the Constitution delegates to the House the sole authority to introduce revenue bills, and as far as our insisting that we have the opportunity to debate them here, I believe it is implied by that delegation of authority that if the House sees fit to indefinitely postpone bills which have originated there, by this authority I don't believe we should have any more than a negative power. If some bill was indefinitely postponed in the House and came in here, our action might have influence, and it might go back with a favorable report of acceptance. Therefore, I believe that we should go ahead with the rule as we have had it.

Mr. HOPKINS of Kennebec: Mr. President, of course we should remember that we haven't amended our rules and we haven't got to change the procedure. I have no personal interest in it. I have no bills which have died and which might have survived. As I said at the outset, if you people who have been here longer than I have desire to make the change, whether we de-

bate that or not, we should revise our rules so that they will not be subject to debate.

Mr. NOYES of Hancock: Mr. President, I am one of those who have been here for a few sessions and I agree with the Senator from Kennebec, Senator Hopkins. I grant that the time perhaps is not right. This Order should have been changed before. However, I can recall ten years ago when the legislature was faced with the problem of new revenue. We were faced with a sales tax and an income tax and a combination tax and it is my recollection that the tax which eventually was enacted was a bill which had originated and been defeated in the House, and later received passage here in the Senate.

It has been my experience many times to find that the real sponsors of those measures are not members of the House. There is a definite value in debating these bills. The bill may be defeated in the other Body and may come over here and suffer a like fate, but succeeding legislatures are sometimes enlightened by some points brought out by the debate. For the purpose of debating these issues and so that the members of the legislature and the people may be better informed on the merits of the bill, I believe that amending Joint Rule 8 would be a good move. I hope the motion prevails.

Mr. DUNBAR of Washington: Mr. President, I request a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Hopkins, that the Order receive a passage. Because this is an amendment to the Joint Rules, it requires for its passage the affirmative vote of two-thirds the members present.

A division of the Senate was had. Twelve having voted in the affirmative and twelve opposed, the Order did not receive a passage.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow morning at ten o'clock.