

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

**OF THE**

***Ninety-Fifth Legislature***

**OF THE**

**STATE OF MAINE**

**1951**

**DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Wednesday, March 21, 1951.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Howard Hamlin of Guilford.

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate: The following Resolution:

**STATE OF MAINE**

In the Year of Our Lord Nineteen Hundred Fifty-One

**RESOLUTION**

WHEREAS, the State of Maine has ever sought to protect from waste and destruction her abundant natural resources; and

WHEREAS, the people of Maine with unselfish devotion have given of their time and effort to further the program of conserving those resources which are native to Maine and which have brought her fame; and

WHEREAS, the Kennebec Valley Garden Club and the Augusta Nature Club have rendered an invaluable service in the conservation of wild flowers, ferns, shrubs and trees to better preserve the inter-relation between the forces of nature, now, therefore, be it

**RESOLVED:** That the members of the Senate and the members of the House of Representatives of the 95th Legislature, in recognition of the services well rendered in the compilation of a "Plant Conservation List for the State of Maine", Edition 1, 1951, compiled by the Kennebec Valley Garden Club and the Augusta Nature Club, in consultation with Dr. F. H. Steinmetz, Head of the Department of Botany and Entomology, University of Maine; Professor Fay Hyland, Department of Botany, University of Maine; Professor Roger Clapp, Department of Horticulture, University of Maine; Dr. Henry B. Peirson, State Entomologist, State of Maine Forest Service; Mr. Edward Johnson, State Horticulturist, State of Maine, deeply appreciate the service rendered by the above-named clubs and people and commend the results of their diligent

labors to the people of the State of Maine; and be it further

**RESOLVED:** That a copy of this Resolution be transmitted to the Kennebec Valley Garden Club and the Augusta Nature Club. (S. P. 510)

Came from the Senate read and adopted.

In the House, read and adopted in concurrence.

From the Senate:

Bill "An Act Ratifying Town Meeting of the Town of Hancock" (S. P. 512)

Came from the Senate received by unanimous consent. Under suspension of rules, read twice and passed to be engrossed without reference to a committee.

In the House, received by unanimous consent, given its three several readings under suspension of the rules without reference to a Committee and passed to be engrossed in concurrence.

The **SPEAKER:** We have, in the balcony of the House, a photographer who would like to have a picture as the House appears in session. It is for official publication, and the Chair would appreciate it very much if all of the members would remain in the same position in which they are in at the present time. The House may be at ease for a moment until the picture is taken.

**House at Ease**

Called to order by the Speaker.

The **SPEAKER:** The Chair, at this time, will appoint the gentleman from Limestone, Mr. Burgess, as Speaker pro tem, and the Sergeant-at-Arms will please escort the gentleman to the rostrum.

Mr. Burgess was then escorted by the Sergeant-at-Arms to the rostrum, where he assumed the Chair, amid the applause of the House, and Speaker Silsby retired.

**Senate Reports of Committees Leave to Withdraw**

Report of the Committee on Judiciary on Bill "An Act to Provide for the Surrender by Dallas Plantation of Its Organization" (S. P. 273) (L. D. 612) reported leave to withdraw.

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

#### Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to Salaries of Members of Employment Security Commission" (S. P. 295) (L. D. 654) as it is covered by other Legislation.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

#### Ought to Pass

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to State Aid to Towns Maintaining Evening Schools" (S. P. 229) (L. D. 501)

Report of the same Committee reporting same on Bill "An Act relating to Authorized Amount of Endowment for Bridge Academy in the Town of Dresden" (S. P. 318) (L. D. 719)

Report of the Committee on Inland Fisheries and Game reporting same on Resolve Regulating Fishing in Sourdnehunk and Little Sourdnehunk Lakes in the County of Piscataquis (S. P. 233) (L. D. 504)

Came from the Senate with the Reports read and accepted and the Bills and Resolve passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Bills read twice, the Resolve read once, and tomorrow assigned.

#### Bills and Resolves Requiring Reference

The following Bills, transmitted by the Director of Legislative Research pursuant to Joint Orders, were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

#### Appropriations and Financial Affairs

Bill "An Act relating to Salary of Justices of the Supreme Judicial

and Superior Courts" (H. P. 1657) (Presented by Mr. Carter of Bethel) (Ordered Printed) Sent up for concurrence.

#### Legal Affairs

Bill "An Act relating to a Ferry Between Beals and Jonesport" (H. P. 1658) (Presented by Mr. Hanson of Machiasport) (Ordered Printed) Sent up for concurrence.

#### Orders

Mr. Spear of South Portland presented the following Order and moved its passage:

ORDERED, the Senate concurring, that Joint Order, H. P. 1647, relating to a study of the feasibility of County Managers for Counties, be recalled from the Legislative file to the House (H. P. 1660)

The Order was read and passed and sent up for concurrence.

Mr. Pierce of Bucksport presented the following Order and moved its passage:

ORDERED, the Senate concurring, that free additional telephone service be provided for each member and officer of the Senate and House to the number of twenty-five (25) calls, of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified to by the Secretary of the Senate and Clerk of the House, respectively, charge for this service to be paid to the New England Telephone and Telegraph Company at regular rates. (H. P. 1661)

The Order was read and passed and sent up for concurrence.

On motion of Mr. Gay of Damariscotta, it was

ORDERED, that Rev. Rencel H. Colby of Wiscasset, be invited to officiate as Chaplain of the House on Thursday, April 19, 1951.

On motion of Mrs. Moffatt of Bath, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

### House Reports of Committees Ought Not to Pass

Mr. Campbell from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill, "An Act relating to State Owned Cars for State Fire Marshal and Inspectors" (H. P. 1193) (L. D. 758)

Report was read and accepted and sent up for concurrence.

### Tabled and Assigned

Mr. Campbell from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Change the Term of Office of Treasurer of State (H. P. 1073) (L. D. 686)

Report was read.

(On motion of Mr. Brown of Baileyville, tabled pending acceptance of Committee Report and specially assigned for Thursday, March 29th)

Mr. Jacobs from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve in favor of Foxcroft Academy for Building (H. P. 800)

Same gentleman from the same Committee reported same on Resolve in favor of Monmouth Academy (H. P. 802)

Mr. Jalbert from the same Committee reported same on Bill "An Act Appropriating Moneys for Highway Rubbish Removal" (H. P. 1072) (L. D. 680)

Mr. Crabtree from the Committee on Education reported same on Resolve for the Purchase of One Hundred Copies of "West Gardiner's Hundred Years" (H. P. 460)

Same gentleman from the same Committee reported same on Bill "An Act relating to Joint Operation of Schools" (H. P. 883) (L. D. 525)

Mr. Fuller from the same Committee reported same on Resolve for the Purchase of Seventy-Five Copies of "History and Genealogy of Chester, Maine" (H. P. 967)

Mr. Winchenpaw from the same Committee reported same on Resolve for the Purchase of One Hundred Copies of "Highlights of Westbrook History" (H. P. 819)

Mr. Carville from the Committee on Inland Fisheries and Game reported same on Resolve Regulating Ice Fishing in Notched Pond in Cumberland County (H. P. 1163) (L. D. 702)

Mr. Dennison from the same Committee reported same on Bill "An Act relating to Open Season for Fishing for Black Bass and Pickerel" (H. P. 627) (L. D. 379)

Same gentleman from the same Committee reported same on Bill "An Act relating to Non-Resident and Alien Trapping Licenses" (H. P. 730) (L. D. 420)

Mr. Frechette from the same Committee reported same on Resolve relating to Open Season in Waters of York County (H. P. 1311) (L. D. 864)

Mr. Watson from the same Committee reported same on Bill "An Act relating to Revocation of Fishing, Hunting, Guides' and Trapping Licenses" (H. P. 1006) (L. D. 594)

Mr. Harding from the Committee on Judiciary reported same on Bill "An Act relating to Municipal Courts Without Judge or Recorder" (H. P. 1425) (L. D. 1032) as it is covered by other Legislation

Mr. McGlauffin from the same Committee reported same on Bill "An Act Prohibiting Possession of Lights in Woods While in Possession of Firearms" (H. P. 1344) (L. D. 919)

Mr. Woodworth from the same Committee reported same on Bill "An Act relating to Operating Motor Vehicles While License Suspended or Revoked" (H. P. 1012) (L. D. 575)

Mr. Martin from the Committee on Legal Affairs reported same on Bill "An Act to Grant a New Charter to the City of Calais" (H. P. 1120) (L. D. 707)

Same gentleman from the same Committee reported same on Bill "An Act Amending the Charter of the City of Auburn" (H. P. 1181) (L. D. 735)

Reports were read and accepted and sent up for concurrence.

### Leave to Withdraw

Mr. McGlauffin from the Committee on Judiciary on Bill "An Act relating to Temporary Judges for Municipal Courts" (H. P. 1421) (L. D. 1029) reported leave to withdraw.

Mr. Hand from the Committee on Legal Affairs reported same on Bill "An Act Repealing Running Horse Racing" (H. P. 649) (L. D. 364)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass  
Printed Bill**

Mr. Fuller from the Committee on Judiciary reported "Ought to pass" on Bill "An Act to Ratify and Confirm the Incorporation of East Eddington Public Hall Company" (H. P. 1051) (L. D. 631)

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules, and tomorrow assigned.

**Printed Resolve**

Mr. Patterson from the Committee on County Estimates to which was referred the County Estimates of the several Counties reported a Resolve under title of "Resolve for the Laying of the County Taxes for the Years Nineteen Hundred Fifty-one and Nineteen Hundred Fifty-two" (H. P. 1659) (L. D. 1228) and that it "Ought to pass"

Report was read and accepted and the Resolve, having already been printed, was read once under suspension of the rules, and tomorrow assigned.

**Ought to Pass with  
Committee Amendment**

Mr. Woodcock from the Committee on Legal Affairs on Bill "An Act to Create a Town Council-Manager Form of Government for the Town of Limestone" (H. P. 1116) (L. D. 703) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 1116, L. D. 703, Bill "An Act to Create a Town Council-Manager Form of Government for the Town of Limestone."

Amend said bill by striking out the entire emergency preamble be-

ginning with the words: "The annual town meeting" and ending with the words: "health and safety; now, therefore,".

Further amend said bill by striking out entirely Section 20, and inserting in place thereof the following:

**'Sec. 20. Referendum; effective date.** This act shall take effect 90 days after the adjournment of this legislature, only for the purpose of permitting its submission to the legal voters of the territory embraced within the limits of said district at any regular election or at any special election called and held for that purpose, or at any election called for the purpose of voting upon any state referendum. Such election shall be held not later than 1 year after the effective date of this act and shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration of said town shall not be required to prepare for posting, nor the town clerk to post, a new list of voters, and for the purpose of registration of voters, said board shall be in session 1 hour preceding such election. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to Create a Town Council-Manager Form of Government for the Town be Limestone be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. The result in said district shall be declared by the municipal officers of the town of Limestone and due certificate thereof filed by the town clerk with the secretary of state. This act shall take effect for all the purposes thereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election.'

Committee Amendment "A" was adopted and the bill was assigned for third reading tomorrow morning.

**Passed to be Engrossed  
Tabled**

Bill "An Act relating to Salary of the Forest Commissioner" (S. P. 223) (L. D. 498)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Turner of Auburn, tabled pending passage to be engrossed.)

Bill "An Act relating to Group Life Insurance" (S. P. 451) (L. D. 1066)

Bill "An Act Amending the Charter of the City of Augusta in regard to Criminal Fees" (H. P. 1109) (L. D. 689)

Bill "An Act Amending the Charter of the City of Rockland" (H. P. 1179) (L. D. 734)

Bill "An Act relating to Automobile Travel by State Fire Inspectors" (H. P. 1194) (L. D. 759)

Resolve Appropriating Moneys for Automatic Emergency Electric Power for State Police Radio System (S. P. 246) (L. D. 548)

Resolve in favor of the Maine Historical Society (H. P. 794) (L. D. 1224)

Resolve Restoring the Frederick Robie Library Fund (H. P. 801) (L. D. 1226)

Resolve in favor of Knox Memorial Association, Inc. for Support and Maintenance of "Montpelier" (H. P. 803) (L. D. 1225)

Resolve in favor of Winifred Malloy, of Hallowell (H. P. 846) (L. D. 484)

Resolve Providing for Certain Construction at the Maine State Airport (H. P. 957) (L. D. 569)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

**Amended Bills**

Bill "An Act relating to Court Stenographers" (S. P. 221) (L. D. 496)

Bill "An Act relating to License Fees for Harness Horse Racing" (H. P. 1350) (L. D. 925)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

At this point Speaker Silsby returned to the rostrum.

The SPEAKER: Mr. Burgess, in order that you may remember this occasion, may I present you with this small gavel.

Mr. BURGESS: Thank you, Sir.

Thereupon, Mr. Burgess was conducted by the Sergeant-at-Arms to his seat on the floor, amid the applause of the House, the members rising, and Speaker Silsby assumed the Chair.

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House of the Farmington High School Junior and Senior Classes of Problems in Democracy, under the supervision of Mr. Walter Reed.

In behalf of the House, the Chair, at this time, bids you welcome. (Applause)

**Passed to be Enacted  
Emergency Measure**

An Act to Provide Schooling in Brunswick for Tuition Pupils from Certain Other Towns (H. P. 1050) (L. D. 630)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 128 voted in favor of same and none against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to be Enacted**

An Act relating to Adoption of Persons (S. P. 131) (L. D. 239)

An Act to Clarify Certain Provisions of the Institutional Service Law (S. P. 133) (L. D. 238)

An Act relating to Eligibility for Liquor Licenses (S. P. 325) (L. D. 724)

An Act relating to Serial Numbers of Motor Vehicles (S. P. 329) (L. D. 727)

An Act Changing the Town of Blanchard, Piscataquis County, to a Plantation (S. P. 348) (L. D. 814)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

**Tabled**

An Act relating to Insurance Agents and Brokers (S. P. 370) (L. D. 898)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker, I move that Item 7, Legislative Document 898, An Act relating to Insurance Agents and Brokers, lie on the table.

The SPEAKER: Does the gentleman care to make a special assignment?

Mr. SANBORN: Mr. Speaker, I hope to be able to take it from the table tomorrow.

The SPEAKER: The gentleman from Gorham, Mr. Sanborn, moves that Item 7, An Act relating to Insurance Agents and Brokers, lie on the table pending passage to be enacted. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

An Act to Apportion Representatives to Congress (S. P. 386) (L. D. 912)

An Act relating to the Practice of Optometry (S. P. 465) (L. D. 1076)

An Act relating to Estimates for Taxes by County Commissioners (S. P. 466) (L. D. 1077)

An Act relating to Markers Designating Certain Waters and Mountains (H. P. 463) (L. D. 283)

An Act relating to Markers for Town Lines (H. P. 580) (L. D. 350)

An Act Amending the Charter of Congregational-Christian Conference of Maine (H. P. 648) (L. D. 388)

An Act Prohibiting the Procuring of Liquor for Certain Persons (H. P. 784) (L. D. 465)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, signed by the Speaker and sent to the Senate.

**Tabled and Assigned**

An Act relating to Membership in State Board of Education (H. P. 816) (L. D. 479)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mrs. Moffatt of Bath, tabled pending passage to be enacted and specially assigned for Wednesday, March 28th)

**Tabled Temporarily**

An Act relating to Sales of Liquor to Minors (H. P. 848) (L. D. 487)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Mr. GAY of Damariscotta: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. GAY: For the purpose of moving to indefinitely postpone House Paper 848, Legislative Document 487, Mr. Speaker.

The SPEAKER: The gentleman from Damariscotta, Mr. Gay, moves that An Act relating to Sales of Liquor to Minors, H. P. 848, L. D. 487, which is Item 16, lie on the table temporarily, until the other matters are disposed of.

An Act Amending the Charter of the City of Waterville to Provide an Indefinite Term for the City Engineer (H. P. 1053) (L. D. 633)

An Act to Amend the Charter of the City of Waterville to Increase the Salary of the Mayor (H. P. 1056) (L. D. 636)

An Act to Create the Town of Columbia Falls School District (H. P. 1122) (L. D. 709)

An Act relating to Pensions for Firemen of the City of Bangor (H. P. 1184) (L. D. 739)

An Act relating to Tax Lien Fees (H. P. 1213) (L. D. 770)

An Act relating to Public Burying-Grounds in Unincorporated Places (H. P. 1240) (L. D. 792)

An Act relating to Investment of Trust Funds by Towns (H. P. 1242) (L. D. 794)

An Act relating to Transporter Registration for Motor Vehicles (H. P. 1599) (L. D. 1140)

**Finally Passed**

Resolve Dividing the State into Executive Councillor Districts (S. P. 367) (L. D. 866)

Resolve Regulating Fishing in Horne Pond in the Town of Limington, in the County of York (H. P. 734) (L. D. 423)

Resolve in favor of the Town of Southwest Harbor (H. P. 915) (L. D. 1189)



Resolve Authorizing the State Tax Assessor to Convey by Sale Certain Interest of the State in Lands in the Unorganized Territory (H. P. 1503) (L. D. 1060)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

The Clerk then read Item 16 which was temporarily tabled:

House Paper 848, Legislative Document 487, An Act relating to Sales of Liquor to Minors.

The SPEAKER: The Chair recognizes the gentleman from Damariscotta, Mr. Gay.

Mr. GAY: Mr. Speaker and Members of the House: Prior to the legislative session taking place I think we all received cards from certain agencies in the State requesting that we express our opinion relative to certain pending legislation in this session.

I, for one, at that time, check-marked a bill pending that I was not in favor of selling liquor to minors at that time.

A man is only as good as his bond, however. When he gives his word prior to certain enactments, certain pieces of legislation which are worded entirely different than that which he would expect at that time, I believe that he has the right to break faith with himself.

That is the explanation that I am going to give for arising in opposition to this measure at this time.

However, I would like to bring to the attention of the members of this House the Legislative Record of 1943, when this same act that we are now presented with today was brought to the floor of the House, taken to the Senate and passed out of the Senate as "inexpedient."

At that time in the House here, neither the gentlelady from Bath, Mrs. Moffatt, nor any other member with her, raised their voice against such a bill. I am somewhat surprised to think that after such a duration of time since 1943 up to this present moment, with conditions being identically the same, nothing having changed the picture in any respect, that there should

be such a vicious fight for the passage of this particular bill.

It might be interesting to note—and I ask you, when you have the opportunity—to turn to Page 702 of the 1943 Legislative Record, where you can read for yourselves the action of both the House and the Senate, when not a single dissenting vote was cast for this particular bill. I do not know what changed the minds of these members. It certainly has not been conditions. Conditions are the same, as I have already stated, now, as they were then.

I certainly hope that my motion to indefinitely postpone prevails.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker and Members of the House: There has been a lot of ground covered by all of us since 1943. Many of us can look back with a great deal of sadness. Many of us can look back and say, "If I had taken such and such a step at that time, such and such a condition possibly would not have arisen." Yet, I was in the House in 1943. It was my second term. Probably I was asleep, as I do not remember the discussion at that time.

I will acknowledge that I should have done something then, but that is no excuse for me sitting down and allowing the same thing to go on now, when I have seen and I realize what is happening.

There have been several years of the sale of liquor in between that period. Remember, we have not had liquor, we have not had beer in the State of Maine for too many years. I think that when we realize we have something that is not for the good of us all, it is up to us to try to remedy that.

I believe the young fellows in the balcony are from a group of a class in Problems in Democracy. You youngsters are sitting on one side of the fence in the problem and we, on the floor of this House, are sitting on another side of that fence. We have the power before us today to try to correct the State, so those young people will have their chance as time comes along.

I did not realize how serious this problem is until I learned over the week-end that it is simply my

bill, stopping of the sale of beer to people under twenty-one, that is causing us to have a sales tax in the State of Maine. I was dumb-founded. Now I am all the more convinced that we should do something. If our youngsters between the age of eighteen and twenty-one are having to carry the load in the State of Maine, what's the matter with us that we don't carry it for a change? Must we continue and have those under the age of twenty-one carry our load?

I have been told that this is a problem of the home. Archbishop Cushing had a piece in the paper last Sunday stating that the home is disintegrating, the home life is breaking down, and I think that we all realize that there is something wrong when we have such a terrific load of aid to dependent children; there is something wrong. It is up to us to try to create moulds. I am not going into moral legislation, but I call to your attention the fact that until these same people are twenty-one years of age they cannot go into a tavern, they cannot go into a beer parlor, they cannot have liquor. Are we going to turn around and say: "No taverns, no beer parlors: take it out back." That is what we are doing right now. It is a problem that is reaching proportions that are extremely alarming.

There was a young gentleman in our State House the other day who belongs to the association called "Alcoholics Anonymous". As one of the phases of his work to carry on his part in "Alcoholics Anonymous", he was sent to a group of sixty thirteen-year-old pupils whom the group "Alcoholics Anonymous" considered to be in a state where they needed advice. Thirteen years old! I do not know whether those conditions existed in 1943 or not, but they do exist today. We are trying to take care of today and the future.

Folks will say: "You shouldn't try to legislate these things", but I do think that they are talking to the wrong people when they come to me and they come to you and say: "Don't try to legislate," because if there is one of us in this House that did not say, when we were trying to convince the people: "If I am elected . . ." then we each went

on our way. But, did any of us, when we were asking the opportunity to come to Augusta and serve the people, did we say "We will go for a big business", "We will go for a certain group"? I think each and every one of us said in all sincerity: "If I am elected, I will do all I can for the majority of the people. That is all this bill asks, the common good of all of us.

As I stated before, I have no quarrel with the business people who are pushing hard against this, also I have been in politics long enough to know that you do have red herrings; you have the issues beclouded just as much as possible; but there again, it is up to us, sitting here in this group, to weed it out, figure out, and carry out that which is good, that which is best for the majority.

That is the question before us today. We decided once. We voted. I sincerely hope that the motion of the gentleman from Damariscotta, (Mr. Gay) to indefinitely postpone will not prevail. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Maguire.

Mr. MAGUIRE: Mr. Speaker, I speak in favor of the gentleman from Damariscotta, Mr. Gay. I hope that the motion does prevail. Passing this legislation is not going to prevent any boy or girl eighteen to twenty-one from obtaining liquor, beer or what not.

We had prohibition in this State. The boys eighteen, nineteen and twenty-one got their beer when they wanted it, the same as today.

At the last election the same people who sent you and me down here also voted—a large majority—for this same measure.

Now the government is going to take the boys eighteen years old; they are going to Army Camps. At those Army Camps they are going to be able to obtain beer. Now in the cities and towns where these camps are: In New York State there are eighteen across the board. If your boy goes to New York, he can go to any place and get anything he wants and I say again that passing this is not going to stop anybody from obtaining their liquor.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: This bill has been presented at nearly every session of the House since liquor and malt beverages became legal in Maine. As the gentleman from Damariscotta, Mr. Gay, stated, the measure has either been declared inexpedient or has been overwhelmingly defeated.

I would like to state a few reasons why, in my opinion, I do not think this is a good piece of legislation. Let us assume for a moment that a young lady, married, the mother of a child, and her age is, we will say, nineteen and a half or twenty years old, is told by her husband, when he leaves for work in the morning: "I would like to have you get me a couple of bottles of ale so that I may enjoy one before my evening meal." This would prohibit her from doing that. The inevitable result is that that young man, who is beyond twenty-one, might very well stop at the neighborhood beer parlor and leave part of his pay check there.

Another issue, and I am quoting from Section 38-A. "Employment of Minors Prohibited." "No licensee for the sale of liquor to be consumed on licensed premises shall employ any person under the age of twenty-one in the direct handling or selling of liquor on the premises where such liquor is sold."

"No person under the age of eighteen shall be employed in the direct handling or selling of malt liquor on premises licensed for the sale of malt liquor at wholesale or retail."

Now let us bear in mind that we have a great many—literally thousands—of boys and girls who work week-ends in grocery stores. Now let us picture ourselves for a moment a grocery store owner. Can he afford to hire an extra clerk just to take a couple of bottles of beer or one bottle of ale from the shelf and put it on the counter and ring it up in the cash register?

Many of our boys, in the summertime, work for wholesale distributors, college boys. They earn fairly good money; they like the work; it

is their privilege, if they want to, to accept the work. This law would prohibit them. There might be the argument brought forward that these people should not hire anybody who is under the age of twenty-one.

I happen to know a great many of the malt beverage distributors. I would like to tell you about one of them in particular, at home. I know that they all enjoy the same splendid reputation. Bearing in mind that since 1933, when the law was enacted, only once that it happened, and only that for seven days, where one of the malt liquor wholesale distributor's license was, not rejected, but suspended for a period of seven days. The one that I have in mind owns a malt beverage establishment and he also owns an electrical plant, is a bank director, a former mayor of our city; he is a director of the Y.M.C.A. I know, for a fact, that same gentleman is helping two youngsters go through college, and the person that he hands the money to has been told for the last two years that: "The only credit I want is 'Don't mention my name; don't tell anybody that I am doing this; I am doing it for no other purpose than for what it is intended for.'"

The gentlewoman from Bath, Mrs. Moffatt, mentioned the fact that in 1943 she must have had a long sleep. When the bill was first presented it was heard before the committee; it came back here declared inexpedient, and I sometimes wonder just how long you can sleep.

The gentlewoman from Bath, Mrs. Moffatt, also mentioned the fact that we voted two or three weeks ago. I recall that two years ago they voted on a bill calling for the change of the election date and extended a certain gentleman a complimentary vote. They changed their mind two weeks later, Mrs. Moffatt, and they really knocked my head in, in reverse.

The Christian Civic League circulated literature on the fact that forty-five states held the twenty-one-year-old law. At the hearing they admitted the number was much nearer thirty-seven, and that has never been corrected. Actually not one state that had the present law has changed it since they,

themselves have voted the legality of the sale of malt beverages and liquor.

Also the remark was made to the effect that we want to come down here to do all we can for the majority of the people. I would like to state that over sixty-one thousand majority voted on Question 4, which is the selling of malt beverages to take out to those of eighteen or more and was endorsed by the people.

The record of the 1949 Legislature is clear, when I arose to speak on this same bill, and it was overwhelmingly defeated, when I stated that if the intention was to allow men and women of the age of eighteen to go into a cocktail lounge, a restaurant or beer parlor or a liquor store, I would object to it. This bill here is stopping men of eighteen to do what they have been allowed to do since 1935. I do not think it is good business, the enforcement would be tremendous, and why push these youngsters against the wall? I believe that every one of us here knows that if you want to play cards, you can play cards, and you cannot stop a card game by throwing the deck away.

The piece of literature that was distributed on our desks yesterday, in red ink, headed "Holy Week," did not impress me because in that the Holy Week reminder is on the first and second lines, the reminder of a beer bill to be defeated is on the fifth, sixth and seventh lines. I would prefer to have the Christian Civic League distribute a letter on every desk, asking us to adjourn no later than Friday noon. If the Christian Civic League doesn't do it, I will be happy to make the motion myself. No amount of literature has to remind me that it is Holy Week. I was never allowed to forget it, and I never intend to forget it. I do not think this piece of literature had any bearing whatever upon this piece of legislation.

I hope the motion of the gentleman from Damariscotta, Mr. Gay, to indefinitely postpone this measure, prevails.

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House, of the American Government Class

from the University of Maine, in charge of Mr. Wood and Mr. Weber, and also the presence of the Junior and Senior Classes of Lincoln Academy in Problems of Democracy, in charge of Mr. Allen Barrow.

On behalf of the House, the Chair at this time bids you welcome. (Applause).

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlaulin.

Mr. MCGLAULIN: Mr. Speaker and Members of the House: I wish to oppose the motion. I greatly admire the lady from Bath (Mrs. Moffatt) who has got the courage to stand up here and try and help protect the youth. I think it is the duty of this Legislature, and of every Christian man and woman in it, to support this measure and not try to kill it.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. March.

Mr. MARCH: Mr. Speaker, it seems to me these people who want to indefinitely postpone this bill are not very consistent. They say: "Wait until you are twenty-one. You cannot go into a State store." "Wait until you are twenty-one. You cannot go into a club or tavern, but just come in the back door and you can get all the beer you want." In my opinion, we are saving a few of the youngsters who are under eighteen because those who are eighteen can get it freely; they fraternize sometimes with the younger people sixteen and seventeen. As I said, when we debated this before, the purpose of this bill is to just simply postpone the time when some of the youngsters who perhaps do not want it, but are getting it from their friends eighteen who do get it easily, it seems to me we are defending them a little, preventing it, not making it too easy for them. If we don't save any great number, we will save some, and I do hope the bill of the gentlewoman from Bath, Mrs. Moffatt, has passage.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Whitefield, Mr. Chase.

Mr. CHASE: Mr. Speaker and Members of the House: When this bill came up for its first and sec-

ond reading, it was passed by a big majority. Now I don't think we were asleep at that time. What past legislatures have done here—I do not feel that we feel obligated to go along with what has been done in the past.

The gentleman from Lewiston, Mr. Jalbert, spoke of the fact that if this bill went through that these boys who are over eighteen years of age would not be able to continue working in the stores as clerks. I understand that they would be able to continue to work, if this bill went through. If they had a job in a grocery store, they still could handle the beer.

He spoke of breaking up a card game. He said that you couldn't break up the card game if you threw the deck away; but I do feel that perhaps it might slow up the game. (Laughter)

I still feel that I have a responsibility for the youth. We look in the balcony and we have the high school children. These children are going to high school, and on the way home from school, if they are over eighteen years of age, they can stop in a beer parlor and get a bottle of beer and take it wherever they please without their parents knowing it, and I am going to be consistent—I really meant what I said before on the floor of the House, and I hope that the rest of you that voted that way will continue to feel that we have something here. Thank you.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Ladies and Gentlemen: As it happens, I am probably one of the older ones here, so far as past experience goes. I happened to be in the Legislature in 1933, when the law was changed from prohibition, as I remember. At that time we were a little doubtful as to the advisability of changing, but it was changed, and I think we can look back upon these years as being very satisfactory in the management of the State. But in that period we certainly, as in any other business, had a chance to see where there are slight iniquities which may be improved, and in this bill which the gentlewoman from Bath, Mrs.

Moffatt, presents, I think that that is one of the principal iniquities at this time, that if we can change the age from eighteen to twenty-one, it will help improve the present law. Therefore, I hope that the motion of the gentleman from Damariscotta (Mr. Gay) will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Robbinston, Mr. Brown.

Mr. BROWN: Mr. Speaker, when this vote is taken, I ask for a division of the House.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: I rise in opposition to the motion of Representative Gay for this particular reason: That some little while ago—I believe this point hasn't been brought in here—noted religious leaders have opposed the eighteen-year age for taking young men in the Service, and the reason for it is because they thought they wasn't at maturity. I believe that applies the same in regard to this bill.

Along with it Representative Gay mentioned the fact back in 1943 what they did in reference to this measure, and wondered why they changed their minds. I find that Mr. Gay has changed his mind, and I wonder the same about him. Everybody has a right to change their mind, and I surely hope that the motion of the gentleman from Damariscotta, Representative Gay, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: I think it all boils down to this: Who wants these boys to go into these stores and handle liquor? Who is it? Their fathers and mothers? The Churches? Is it the Grange? The Chambers of Commerce? The Town Managers? No! It is our foreign industry that has moved into our State and it says: "We are going to advise the young generation what they should do." That is the sum and substance of it all.

Here is your headline (holding up paper) Costello! What is he doing? This investigation that has

been going on now for weeks and months, what's it about? The gangster crowd that wants to rule politically the nation!

Now what are we going to do? Are we going to surrender to this foreign institution the liquor business, the institution that moves into the State of Maine and says "We will tell you what to do." That is the question you and I are going to settle today. Are we going to pass laws to help our boys and our girls to be good, and make it easy for them to be good, or are we going to make it difficult and hard? That is the question you and I are going to settle today.

I have a boy, more than twenty-one. He left college and came up from New Jersey because he had a problem to settle. He was past twenty-one but he didn't think he was capable of settling that problem. He wanted my advice and counsel. He wanted to see me and I wanted to see him. There was something back of that. I tell you that the boys under twenty-one need our advice and counsel and they are going to get it here today, in just the way you and I cast our vote. I am going to leave it right there. It is up to you to bear the responsibility. I am going to face mine to the boys and girls.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I want to add one word in reply to Mr. Chase of Whitefield.

If, on one of my very frequent week-ends or vacations in Lincoln County, I would see that the throwing of a deck of cards would slow up the game, I would step into his store and buy a deck of cards and buy a couple of bottles of brew, because I understand he sells them, if I want them.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker and Members of the House: As the sole signer of the report "Ought not to pass", I feel I should make one or two brief statements. I happened to hear the phrase "Everybody has a right to change their mind," and I also heard the phrase "Somebody is asleep".

Now when this bill came before us I was asleep; I was caught with my brief case down in the Augusta House. I worked on this thing all of the week-end, three weeks ago. I called up the gentleman from Bath, Mrs. Moffatt—and she can deny it if she wishes—asking her if she would permit this bill to lie on the table until the following Tuesday. Previous to that, the bill was taken off by the gentleman from Robbinston, Mr. Brown, on a Wednesday. I had my facts and figures, but they were in the Augusta House. I could not defend my position at that time.

Everybody has a right to change their mind, Mr. Speaker, but, when you change your mind, in my business, you should say so. I hope that the motion of the gentleman from Damariscotta, Mr. Gay, will prevail.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Damariscotta, Mr. Gay, that Bill "An Act Relating to Sales of Liquor to Minors" (H. P. 848) (L. D. 487) be indefinitely postponed.

The gentleman from Robbinston, Mr. Brown, asks that when the vote is taken, it be taken by a division. All those in favor of the motion of the gentleman from Damariscotta, Mr. Gay, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-six having voted in the affirmative and eighty-one in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for State Military Defense Commission (H. P. 872) (L. D. 520) tabled on March 14 by the gentleman from Strong, Mr. Jennings, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. JENNINGS: Mr. Speaker and Members of the House: As this resolve has to do with revenue of which at the present time we do not know the extent, and, being a member of the State Military Defense Commission, I move that this bill be retabled until such time as we know more about the revenue of the State of Maine.

The SPEAKER: The gentleman from Strong, Mr. Jennings, moves that this bill lie on the table pending acceptance of the report. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve Creating a Fund for Scholarships for Vocational and Technical Schools (H. P. 798) (L. D. 476) tabled on March 14 by the gentleman from Friendship, Mr. Winchenpaw, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. WINCHENPAW: Mr. Speaker, I tabled this bill for Mr. Roundy, who will speak for the bill.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Roundy.

Mr. ROUNDY: Mr. Speaker and Members of the House: I introduced this bill which calls for permission to the State Department of Education to assign sums up to \$5000 as a total for scholarships in technical work. Presumably, these scholarships would not exceed in any single case each year more than \$200. While the bill is in general terms for individuals who would be pursuing studies in these lines, it nevertheless makes it possible to have a use that would be particularly for the Maine Vocational Technical Institute.

I might say a few words in regard to what I have learned about the excellencies of the service of this Institute. It was established by the Governor and Council in 1946 by an appropriation of \$135,000. They occupied a school building available at that time, the Vickery Building in Augusta. At the present time, the Educational

Department—and it is under their direction quite largely—is appropriating from the sums they have available \$35,000. The service at the present time is for something more than a hundred students, three-quarters of whom come from outside the Augusta area. There are four important departments besides the excellent academic work which the school pursues, departments in which the young men get training in metal work, in the use of combustion engines, in industrial electricity and radio and television. It is not impossible that in the forward progress of the school it will need larger quarters, that women will be admitted, and, for example, that will take care of the bill that we have passed or is pending about the training of nurses.

I think that this is a relatively small sum to use in the way in which the Legislature, and, in my judgment, the national government, has a right to come into the field of education, and that is money directly to those that are gaining the education.

Already this morning we have passed a bill not entirely different, whereby the state department pays one-half of the expenses for evening schools. I think this is a commendable procedure. I move that the bill be substituted for the report.

The SPEAKER: The gentleman from Portland, Mr. Roundy, moves that the Resolve be substituted for the Report.

The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and gentlemen: I have visited this school on various occasions. I was down there and spent half a day there Friday after the House adjourned. I have been amazed when I go through there and watch these young men that would be working as common, ordinary labor for twenty-five or thirty dollars a week, and here they are turning them out: they go in there, poor boys without a dollar, and they are turning them out, and one of them told me, "I am headed now for \$70 a week, just waiting till June until I graduate." One young man told me that he came in there without a cent; he has worked

hard; his father and mother sent him up and good friends helped him. He says, "I am going out in June, going into a job at \$70 a week. Think of it, Mr. Bubar!"

If I could give you any advice that would be of benefit to yourselves and the boys of this State, I would say to you that you ought to go down to that school and go through it and visit it and see what they are doing for the boys of the State of Maine who are not able to go to our colleges. Here they are preparing them, fitting them to go out into life and enter into the highest degree of repairing automobiles and radios, fitting them up to be respectable citizens and to earn a salary that they can support their families on.

I wish, gentleman, that you would go down and visit this school. I want to do everything within my power that I can do to help these boys. Thank you.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker and Members of the House: Due to the fact that the sum in question is \$5000, and in view of the fact that it appears to me we do not have a very large number of vocational schools, I would appreciate it if a member of the Appropriations Committee, purely for my own information before we vote on this question, would be willing to tell me—I respect the unanimous report of the committee—but I am just a little curious in this particular instance to know the reason, because the gentlemen of the committee must have had some very strong general reason for the unanimous report that this should not pass. I would appreciate some enlightenment and information upon the subject.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker and Members of the House: In reply to the last speaker and for your information in general: this resolve had the same usage by the committee as twelve or fifteen others in a like situation. All of the committee recognized the needs of the various schools in the State of

Maine asking for help, but we had no particular funds to meet those requests, and up to the present time we have turned them all down. I feel sympathetic, and the committee did, on many of these bills presented to us for our consideration, but we treated them all alike. I think that it is fair to do that thing, not on the amount of five thousand or fifty thousand or one hundred and fifty thousand, as the case may be before us. For that reason, we voted "Ought not to pass" on this one, because, even if it was small, I felt and the committee felt that we were rendering the right verdict in the situation. I think I have explained to you that we have turned down fourteen of these already on this same line, and we simply put this in the same category as the others.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Roundy.

Mr. ROUNDY: Mr. Speaker, just a word. I talked with the gentleman from Auburn, Mr. Jacobs, before today's session, and I realized, just as he said, the reason that it was reported as it was. The thing that I wanted to remind the members of the House about is that already and for a considerable number of years the Department of Education has been putting thousands of dollars into this Institute, at the present time thirty-five thousand dollars a year, and this would simply be in line with what is already going forward under their direction and in Mr. Cates' department. It does honestly seem to me to be not in the same category as helping individual academies scattered over the State. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, I think the gentleman from Portland, Mr. Roundy, is correct in the distinction which he draws between this bill, which is part of the educational system of the State, and the other town bills and private school bills.

I do not presume to advise any member of any committee how he should form his opinion within the committee with respect to a bill, but I had hoped, on my own part



in this session, that appropriation bills should be tested on the basis of essential need and not on the question of what someone might think about the availability of money or money to be made available. I do not believe that the State ought to spend one dollar just because it has a dollar or can get a dollar. The question, I think, ought to be: Is this something which ought to be done, and is it something which, if it is to be done, the State must do? In testing this and other bills, I hope that some of the members at least will consider essential needs. If they can be considered on that basis, it is my hope that funds will be made available to meet needs deemed essential.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: I would like to make this plain, if I can. You go down there and visit that school and you will verify what I am saying. The boys who are there are all poor boys. They cannot attend the academies and the colleges, so they go in there, getting their pennies where they can, in order that when they get through they may go home and do more than a grease job.

See those fellows, who have not hardly any education, how they can handle those motors and those different parts, and see the things that they have learned in that school. I say to you, gentlemen, let's provide them money for this school. It will come back to us in thousands of dollars where we spend one. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Portland, Mr. Roundy, that the resolve be substituted for the "Ought not to pass" report of the Committee on Appropriations and Financial Affairs on Resolve Creating a Fund for Scholarships for Vocational and Technical Schools (H. P. 798) (L. D. 476)

All those in favor of the motion will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had.

Seventy-nine having voted in the affirmative and fifteen in the negative, the motion prevailed and the resolve was substituted for the "Ought not to pass" report of the Committee.

The resolve, having already been printed, was given its first reading under suspension of the rules and tomorrow assigned for second reading.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Welfare on Bill "An Act Liberalizing Old Age Assistance" (H. P. 173) (L. D. 104) tabled on March 14 by the gentleman from Waterboro, Mr. Bradeen, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. BRADEEN: Mr. Speaker and Members of the House: Because of the interest, apparently, in this measure, I now move that it be recommitted to the Committee on Welfare for further deliberation.

The SPEAKER: The gentleman from Waterboro, Mr. Bradeen, moves that the bill and report be recommitted to the Committee on Welfare. Is this the pleasure of the House?

The motion prevailed, and the bill and report were recommitted to the Committee on Welfare and sent up for concurrence.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" in New Draft (S. P. 350) (L. D. 817) of the Committee on Judiciary on Bill "An Act relating to Liens on Insurance Policies for Hospitals" (S. P. 33) (L. D. 18) tabled on March 9 by the gentleman from Auburn, Mr. Jacobs, pending acceptance of either report. (In Senate Minority Report accepted and Bill passed to be engrossed)

The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker, I tabled this matter on behalf of Mr. Finnegan of Bangor, who will now speak.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Finnegan.

Mr. FINNEGAN: Mr. Speaker and Members of the House: I would like to clarify the matter which is the subject of this bill in support of the Minority Report "Ought to pass."

The hospitals of the State, whether large or small, have been the victims of people who have been hospitalized sometimes at very great expense to the hospital, cured cases, where they have been evacuated from the hospital with the understanding that these bills would be paid, and then, having received from the insurance company the hospitalization charges, have failed to return that money to the hospitals. Now the hospitals are asking nothing here except that they shall be sure of receiving the same money which the victims of these automobile accidents receive from the insurance companies and which is especially provided in the settlement of the hospital charges that they receive as part of their settlement.

The hospitals are operating under great difficulty today, as we all know. A very prominent hospital not far from here, the trustees stated that they had got to the point of considering if they should not surrender their charter and maintain themselves.

Now these victims come to the hospital unsolicited; they are all emergency cases. The question of whether they live or die really is dependent on the attention they receive from the professional staff and the nurses of the hospital, even before the outside physicians are called. That is all included in the charges. There is no charge for that kind of service besides the regular hospital charge.

Now I think as a matter of simple justice that, having taken in these victims unsolicited, without any previous notice, many times unconscious, maimed and mangled, taking them in and giving them the proper care—and I repeat, if they did not receive that hospital care many of them undoubtedly would die—it is just as simple as that and just as factual as that.

I would like to move, Mr. Speaker, that we concur with the Senate in the acceptance of the Minority Report "Ought to pass."

The SPEAKER: The gentleman from Bangor, Mr. Finnegan, moves that the House concur with the Senate in the acceptance of the Minority Report of the Committee, "Ought to pass" in new draft, on Bill "An Act relating to Liens on Insurance Policies for Hospitals."

The Chair recognizes the gentleman from Portland, Mr. McLaughlin.

Mr. McGLAULFIN: Mr. Speaker and Members of the House: When I have studied a bill I usually know where I stand and I know why I stand there. I am definitely opposed to this bill, and I hope to be able to tell you why.

In the first place, in regard to this bill, the situation does not meet with the requirements of a lien. I presume that I have handled more lien cases than any other man in this Legislature. I have handled many of them and I know something about liens. The theory, gentlemen, of a lien, is that unless a lien is allowed somebody gets unjust enrichment. For instance, if you are a dealer in lumber and you put a thousand dollars worth of lumber in some man's home, the law says that unless you have that lien he is unjustly enriched to the extent of a thousand dollars because he has got your material in his house. The same is true of a watchmaker, a jeweler: if he puts a mainspring in your watch he has a lien on that watch to get his pay, because he has added to the value of that watch.

Now here is a case where there is no material increase in wealth; this is a case where a man has insurance and has had an accident and the hospital, of course, would like to get their pay. I am in favor of our helping the hospitals, but we should not do foolish things simply out of sympathy for our hospitals; and you cannot support this measure on any other ground.

The doctor may save the patient's life, but he does not get any lien. There is no more reason why this hospital should have a lien. It is not a lien; it is a preference. It does not meet the requirements of

a lien, as I pointed out. But the hospital should not come in any more than the grocer who furnishes him food to live on, or at least to his family while he is in the hospital. There is no reason why he should come ahead of the doctor who perhaps saves his life. There is no reason why he should come ahead of the lawyer who collects his insurance for him.

So the first point I make to you is this: We do not have here the qualifications of a lien as liens are recognized at law. We have mechanics' liens and watchmakers have liens, and those are all based on the idea that you are increasing the material wealth of the man who gets that benefit; but that is not so in the case of the hospital.

Now another very important thing I want to point out to you is this: that in the course of the ages it has been for many, many years and still is the law that if a man dies insolvent that the first preference in his property is to the undertaker and to the expense of administration. Up until this time, the groceryman, the hospital, a clothier, any person that has let persons have material, are known as general creditors. But the law has very wisely decided that if a man dies in some way he ought to be buried, and therefore a preference is given to the undertaker and the expense of administration—those come in at the same time—they must be taken care of first, and then if there is anything left it is divided among the general creditors. Now if you pass this bill you are upsetting that system that has taken ages to develop. The Scripture says: "Remove not the ancient landmarks." When you do, you may be all at sea. And I am pointing out to you that this law that the undertaker and the expense of administration comes first is an ancient landmark that should not be removed and you are trying to remove it the minute you give this preference to the hospital.

I have had cases myself where there were not funds enough to pay for the administration and the undertaker, in which case we had to divide: the undertaker has taken his proportional part of the loss and the administrator has had to

work for less than he was entitled to. Now why should the hospital, simply out of sympathy, come in from a general creditor to a preferred creditor? I repeat again: There is no reason why they should come ahead of the undertaker or the doctor or the grocer or the clothier or the shoemaker or any other creditor.

Let me point out this: that it takes God Almighty a hundred years to grow an oak but any fool can cut down that tree in a few hours. I am telling you that we have got an established rule that has taken ages of wisdom to develop, and we do not want to break it down by passing this foolish bill. I therefore move for its indefinite postponement.

The **SPEAKER**: The gentleman from Portland, Mr. McGlauffin, moves that the Bill "An Act relating to Liens on Insurance Policies for Hospitals" be indefinitely postponed.

The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. **TOTMAN**: Mr. Speaker and Members of the House: It might seem a rather foolishly courageous thing for a young layman to get up here and dispute a lawyer. However, with my limited amount of intelligence, I am a little surprised to hear the gentleman from Portland, Mr. McGlauffin, try to persuade you that a hospital has no more reason to receive preference than a doctor or a grocer or a funeral director or any other person who has a legitimate claim.

The basis of my confusion is this: I think the gentleman from Bangor, Mr. Finnegan, mentioned it—this bill is not near and dear to my heart, it is not one of my pets—I think there is a question of justice here. We have countless automobile accidents, accidents in the home, in which you call for an ambulance, private or public, and rush a person to a hospital and the person is brought into the hospital in either a seriously injured state—they may not be near death or they may be near death, but they are seriously injured. I don't believe that I have ever heard in my experience of a hospital saying: "Just a minute, gentlemen, let's check into this person and see if he can pay his bill." I maintain this: A grocer does not

have to sell you groceries if he thinks your credit is poor; a doctor, technically, could turn the case over to another person if he didn't think he was going to get paid, and I am sure a lawyer could refuse the case or find some excuse if he thought the person's bank account was poor. But a hospital has got no choice. If you need blood plasma, as a man on the battlefield needs it to save him from a wound that is going to let his life flow away, or take an automobile accident, that can make your life flow away, a hospital has no choice, it gives you the blood plasma. It doesn't say: "Can you pay for it?"

I appreciate the comments of the gentleman from Portland, Mr. McGlauffin, about the funeral director, we must bury the man, but I might call your attention to the fact that I would be a little bit more inclined to go along with this bill to give preference to an organization that is trying to save a life, trying to keep you on this earth, an organization that has no choice. I still maintain, in spite of what the gentleman from Portland, Mr. McGlauffin, has said, that the doctor has a choice, the grocer has a choice, the shoemaker has a choice of extending his credit but a hospital has no such choice, they open their doors and you walk in and you are admitted to first aid as soon as you can get it. I think it is a rather simple observation.

If you will read the report of the argument in the Senate, you will hear the same arguments that we are listening to right now. I, personally, read the report of the argument in the Senate and I believe in the minority report which was accepted by the Senate and I move that report be accepted by the House as Mr. Finnegan has moved.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Fuller.

Mr. FULLER: Mr. Speaker and Members of the House: As the signer of the minority report, so far as the House Members are concerned, I feel that there is enough involved here to take a few minutes to clarify my line of reasoning and the line of reasoning of the others who signed the minority report.

As you know, real estate, personal property, bank accounts, wages or debts in general can be tied up by creditors so as to insure the payment of a claim. Now, that is not so with a tort claim arising out of an accident such as an automobile accident. That sort of thing cannot be tied up by a creditor until it has gone to judgment and has been settled between the parties and that is the reason why it is, in most cases, the injured in an automobile accident can insist on having the settlement money paid over to them in full and that is why it is in too many of these cases the victim, we will say, never does get around to paying the hospital. These things accumulate and then the next legislature is asked to compensate the hospitals by an appropriation to keep the hospitals in operation. Of course, the hospitals lose money on state cases and the total amount is large. In 1949, the financial report shows that there was an appropriation that year of \$578,000 for aid to public and private hospitals, likewise for the year ending in 1950 and likewise for the present year.

The item which was in the budget recommendation was \$1,000,000 for aid to public and private hospitals; that was reduced by the committee to \$750,000. I wish I could tell you that the passage of this bill would save all of that but of course it wouldn't, it would only save a part of it but at least it would be a step in the right direction. This bill, if it is passed, will enable the hospitals to collect a sizeable amount which has been escaping year by year due to the operation of the law relative to tort claims and whatever amount is saved in this way will be saved to the taxpayers.

I recognize the logic of the argument that doctors and nurses and lawyers are not included but, of course, as has been brought out, they are not obligated to care for the people in the same way that the hospital is obligated. I would say that if nursing is furnished by the hospital, the nurses are employees of the hospital, and I believe that their compensation is protected by this bill.

It will be necessary, under this bill, in some cases, for attorneys

who wish to bring suits to get together with the hospitals and it will be necessary for the hospitals to cooperate with the attorneys.

Now, on the question of liens, of course it is not possible for the hospital to have a lien on the person of the victim so this bill is designed to give the hospital, instead of that, a lien on the victim's property that is on the proceeds of this tort claim and if it isn't a lien of the same type as the others, it, at least, is a preference which is for a just cause.

As this bill was originally proposed, it did not meet with my own approval, but you will notice that in the last three or four lines of the bill there is a provision which deals with what happens if a patient dies as a result of the injuries and his estate is insolvent. What it says is that the lien becomes co-extensive with the expenses of the funeral and administration. That was designed and added in the amendments so that the hospital will not come in entirely ahead of the undertaker.

This matter is a matter of policy and I hope that you ladies and gentlemen will accept the minority report and that the House will take the same action as has been taken by the Senate.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Thomas.

Mr. THOMAS: Mr. Speaker and Members of the House: It has always been my understanding that the theory of the lien is not new. As far as I can remember, in the common law of England, they have always had the lien, and we have extended the lien in this country to the written law, what we call statutes. Now we have, as the gentleman from Portland, Mr. McGlauffin, mentioned, quite a few liens. We have the warehouseman, the mechanic, the builder, the jeweler and so forth. Now all those liens, as I understand it, are representing and helping private individuals. Now, this particular lien, this bill, will help the hospitals here in the State to collect money which is actually due them. It is helping a public institution.

It is my firm belief that we should do all in our power to help public institutions. This is not

costing us a cent. This is money that is already due them for services rendered. They are performing a service. They may save a man's life, that is worth something. The hospitals of this State are running a tremendous deficit. In the Kennebec Journal of yesterday, I noticed that the Augusta General Hospital had a deficit of over \$11,000. I am a director of the hospital in Waterville which had a deficit of over \$25,000 last year. Now, we also have an additional problem in our town connected with Civilian Defense. I cannot speak for the rest of the State, but in the medical staff of Civilian Defense in northern Kennebec County, the hospitals in Waterville—there are three—have been asked to double their inventory on certain essential medicine and drugs. The particular hospital that I am a director of its going to have to spend \$30,000 this year to put in the additional supplies which Civilian Defense requirements require.

I urge the passage of the minority report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Finnegan.

Mr. FINNEGAN: Mr. Speaker, I have profound respect and admiration for the speaker, my distinguished colleague from Portland, Mr. McGlauffin. I wish that he might have been employed as a trustee of a hospital to present this case for the hospital. I am sure that by this time we would all be crying. I haven't the mental facilities to argue both sides of the case with equal alacrity so I have to confine myself to the issue at hand. Now, all we are asking here is that the amount of money which has been recognized as payable to the hospital, which is part of the settlement of the insured person, the victim of the accident, on which he gets a check, for which a check is returned for out-of-pocket expense, that the hospital be assured that it shall receive that amount of money which has been agreed upon between the victim and the insurance company or whoever it may be.

Now, the gentleman from Portland, Mr. McGlauffin, in his ca-

capacity as legal adviser, could walk in and look over the patient and if he decided he would like to defend him he could do it, or if he decided he did not want to represent him, he could walk out. The doctor may also take the case under treatment or he could abandon it. I will go along with you in either one of those two professions, if they want to have a lien on this thing here or get some other preferred way of handling their claims. I have no objection to their getting their money. But the thing here is that these hospitals are presented with these cases without any warning, without anything at all. They arrive there because they are emergency cases. If they could be treated in the home or on the sidewalk or the street, they wouldn't be rushed to the hospital. So, if, having accepted these victims and nursed them through the danger period, through the period of convalescence, which sometimes takes weeks and requires regular nurses, specialists are assigned, the hospital staff takes over, they have the facilities of the X-ray, the laboratories and all the things that go with the hospital and I know that the gentleman from Portland, Mr. McGlaufflin, has too much sense to even suggest seriously that the hospitals should be bypassed when the money is given to this man to distribute as he sees fit. I simply reiterate that I hope that we will concur with the Senate in accepting the minority report "Ought to pass".

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlaufflin.

Mr. McGLAUFFLIN: Mr. Speaker, I have been hospitalized several times and what did I get? I got my room and my board. The operations were done by doctors. The saving of the life, if there is any such thing, has been done by the doctors. The hospital gives you room and board. Why should they have preference over the landlady who gives you room and board?

I am saying to you, members, that the argument that I have put up is sound and you can't get around it logically to save your soul. Now, you have got the power

to pass this thing but it is all wrong.

The SPEAKER: It the House ready for the question?

The Chair recognizes the gentleman from Portland, Mr. Albee.

Mr. ALBEE: Mr. Speaker and Members of the House: I think these arguments are full of holes. This bill is a little bit deeper and has a moral issue attached to it. If you will read this particular part: "Liens on proceeds of accident and liability insurance policies in favor of hospitals. Any hospital which shall furnish medical or other service or materials to any patient injured by reason of any accident not covered by the workmen's compensation act . . ." Let us assume that an individual here, and I consider myself an insurance man, I specialize in this particular type of insurance, if you have a personal accident and health policy that you bought to protect your family in case you are disabled, the hospital can attach it with a lien. Perhaps some of you members here have purchased life insurance back thirty or twenty-five years ago, when there was \$10 per thousand attached as a liability. That can be attached, it can be a lien by the hospital. I don't think that any man knows just what this means, this bill, and I do not think the members who signed the minority report, if they would just go into this just a little deeper, they could attach any bit of liability. Now, just to prove that, Mr. Carroll Perkins of Waterville, who took exceptions to this bill, he brought me this morning a redraft of it and he agrees with me one hundred per cent that the language is wrong. If this bill was written to take casualty insurance of automobile accidents while they are entered in the hospital, that is perfectly fine, I would go along with it. But this is not. This is taking a personal life insurance policy with liability attached and I say, Mr. Speaker and Members of this House, that you are going just a little too deeply to give them a chance to attach an individual's accident and health policy for liability, or attach life insurance, and I move that this bill be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Portland, Mr. McGlauffin, that the bill be indefinitely postponed.

This bill was presented to your committee, argued before your committee by a very able corporation lawyer. There was no opposition and, as many times happens, the work of your committee started from that point. The public was not represented.

The idea behind this bill is that if a man is disabled and goes to a hospital and has some sort of an accident policy, whether it is a disability clause in a life policy or any other kind of an accident policy, the hospital has to be paid in any event. The hospital is given what the statute calls a lien which resembles no other type of lien which I have ever heard of. If the man escapes from the hospital alive, the money is paid to the hospital somehow, I don't know just how yet but they have what the statute calls a lien. In the meantime, since the hospital has the lien, the man's wife and children could not gain any benefit from the policy. So far as this statute is concerned they could starve to death. If the man dies, the hospital still has its lien, there is nothing in the man's estate until the hospital has collected its due. There is no money available to bury the man or pay any other lawful bills. There is nothing available to pay the widow her allowance. How is this lien enforced? The statute, this bill, says that the hospital may file a bill of interpleader. Now, a bill of interpleader is a process of law whereby a man holds a sum of money to which there are several claimants and the bill of interpleader is thereby brought by the holder of the stake to find out to which of these claimants the money should be paid. The bill of interpleader in this case is brought by one of the creditors against the stake holder for what? I don't know. He starts a bill of interpleader. Under a bill of interpleader you pay your stake into court and let the people take

their pick. In this case, there is no stake to be paid in.

I think it is practically impossible to enforce such a bill as this. The bill expressly says, "directly or indirectly". I would assume that that means that even if the policy is payable to a man's wife, the lien of the hospital is still attached to it because it is indirectly payable to the man on account of his wife.

If you think that a hospital should be paid even though the wife and children starve to death, you will like this bill. If you don't, I hope you will vote for indefinite postponement.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Bangor, Mr. Fuller.

Mr. FULLER: Mr. Speaker, and Members of the House: The words of the bill are "accident and liability insurance policies for damages." I hope that that isn't going to take money away from the wife and children of any person who is injured.

The SPEAKER: Is the House ready for the question?

(Cries of "Question")

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the two Reports of the Judiciary Committee on Bill "An Act relating to Liens on Insurance Policies for Hospitals" be indefinitely postponed. Those in favor of the motion will say aye; those opposed, no.

A viva voice being doubted,

A division of the House was had.

Eighty-six having voted in the affirmative and twenty-four in the negative, the motion prevailed and the Reports and Bill were indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

On motion of Mr. Chase, the House voted to take from the table the fourteenth tabled and unassigned matter, Resolve in favor of the Town of Hartland (H. P. 1405) (L. D. 1190) tabled by that gentleman on March 13 pending second

reading; and on further motion of the same gentleman, the resolve was given its second reading, passed to be engrossed and sent to the Senate.

On motion of Mr. Chase of Cape Elizabeth, the House voted to take from the table the thirteenth tabled and unassigned matter, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 804) (L. D. 477) tabled by that gentleman on March 13 pending acceptance of the report.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, I now move that this matter be assigned for consideration on March 28, by which time, I hope the financial situation will be clarified.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the thirteenth tabled and unassigned matter, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees be retabled and specially assigned for Wednesday, March 28. Is this the pleasure of the House?

The motion prevailed and the Report and Bill were so tabled and so assigned.

On motion of the gentleman from Bowdoinham, Mr. Jones, the House voted to take up a recalled matter in the hands of the Clerk, Bill "An Act relating to Motor Vehicles Parking in Dangerous Places" (H. P. 95) (L. D. 40).

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Jones.

Mr. Jones: Mr. Speaker, in order to correct an error, I now move that the House reconsider its action under suspension of the rules, whereby the bill was passed to be engrossed.

The SPEAKER: The gentleman from Bowdoinham, Mr. Jones, moves that the House reconsider its action of March 6, under suspension rules, whereby Bill "An

Act relating to Motor Vehicles Parking in Dangerous Places" was passed to be engrossed. Is this the pleasure of the House?

The motion prevailed and on further motion of Mr. Jones, the House voted to reconsider its action under suspension of the rules, whereby House Amendment "A" was adopted and on further motion of the same gentleman, House Amendment "A" was indefinitely postponed.

Mr. Jones then offered House Amendment "D" and moved its adoption.

House Amendment "D" was read by the Clerk as follows:

HOUSE AMENDMENT "D" to H. P. 95, L. D. 40, Bill "An Act Relating to Motor Vehicles Parking in Dangerous Places."

Amend said Bill by inserting at the beginning of the first paragraph thereof after the enacting clause the following:

'Sec. 1.'

Further amend said Bill by adding at the end thereof the following:

"Sec. 2. R. S., c. 19, §108, amended.

The 4th paragraph of section 108 of chapter 19 of the revised statutes is hereby amended to read as follows:

'This section shall not apply to the driver of a vehicle which is disabled while on the paved, improved or main traveled portion of a highway or within 10 feet from the nearer outside line of the traveled way of a public highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position nor shall it apply to the driver of any vehicle while the same is employed in connection with the construction, maintenance or repair of pipes and wires of a public utility in, upon, along, over, across and under a highway.'

Thereupon, House Amendment "D" was adopted and the bill as amended by House Amendment "C" and House Amendment "D" was passed to be engrossed in non-concurrence and sent up for concurrence.

On motion of the gentleman from Baileyville, Mr. Brown, the House voted to take from the table the sixth tabled and unassigned mat-



ter, Senate Report "Ought not to pass" of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms (S. P. 34) (L. D. 17) tabled by that gentleman on March 1 pending consideration; and on further motion of Mr. Brown the matter was retabled and specially assigned for Wednesday, March 28.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion of the gentleman from Caribou, Mr. Bearce, the House voted to take from the table the sixteenth tabled and unassigned

matter, Bill "An Act relating to Bulldozing of Streams" (H. P. 1643) (L. D. 1211) tabled by that gentleman on March 14 pending reference; and, on further motion of Mr. Bearce, the Bill was referred to the Committee on Inland Fisheries and Game and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day.

If there is no further business to come before the House, the Clerk will read the notices.

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until 10:00 o'clock tomorrow morning.