

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***Ninety-Fifth Legislature***

**OF THE**

**STATE OF MAINE**

**1951**

**DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## SENATE

Tuesday, February 27, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Douglas H. Robbins of Augusta.

Journal of Friday, February 23, 1951 read and approved.

## From the House

The Committee on Transportation on Bill "An Act Relating to Signs for Stopping and Turning Motor Vehicles," (H. P. 93) (L. D. 38) reported that the same ought not to pass.

Comes from the House recommitted to the Committee on Transportation.

In the Senate, on motion by Mr. Allen of Cumberland, recommitted to the Committee on Transportation in concurrence.

The Committee on Business Legislation on Bill "An Act to Amend the Charter of Continental Mills," (H. P. 447) (L. D. 276) reported that the same ought to pass.

Which report was read and accepted in concurrence, the bill read once, and tomorrow assigned for second reading.

Bill "An Act to Stabilize the Prices of Milk and Cream During the Present Emergency." (H. P. 1296) (L. D. 854)

Which was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Provide for the Issuance of State of Maine Building Construction Bonds for the Construction and Equipment of State Buildings." (H. P. 1297) (L. D. 855)

Bill "An Act to Provide a Plan for the Administration of Certain Welfare Funds." (H. P. 1298) (L. D. 856)

Bill "An Act to Create the Office of Director of Transportation and Define the Duties of the Director." (H. P. 1299) (L. D. 857)

Which were severally referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Relating to Paying Fire Losses." (H. P. 1300) (L. D. 858)

Which was referred to the Committee on Business Legislation in concurrence

Bill "An Act Relating to School Subsidies." (H. P. 1304) (L. D. 859)

Which was referred to the Committee on Education in concurrence.

Bill "An Act Relating to Marana-cook Game Preserve." (H. P. 1307) (L. D. 860)

Bill "An Act Relating to Crop and Orchard Damage by Deer." (H. P. 1308) (L. D. 861)

Bill "An Act Relating to Smelt Fishing." (H. P. 1309) (L. D. 862)

Bill "An Act Relating to Transportation of Fish by Airplane." (H. P. 1310) (L. D. 863)

"Resolve Relating to Open Season in Waters of York County." (H. P. 1311) (L. D. 864)

"Resolve Regulating Fishing in Rancourt Pond in Dennistown Plantation, Somerset County." (H. P. 1312) (L. D. 865)

Which were severally referred to the Committee on Inland Fisheries and Game in concurrence.

Bill "An Act Providing for the Establishment of Standards for Employees and the Public." (H. P. 1313) (L. D. 849)

Bill "An Act Relating to Eligibility for Employment by the State, Counties and Municipalities." (H. P. 1314) (L. D. 850)

Bill "An Act Relating to Prevention of Subversive Activity." (H. P. 1315) (L. D. 851)

Bill "An Act Enacting the Sabotage Prevention Act." (H. P. 1316) (L. D. 852)

Bill "An Act Relating to Proceedings in the Probate Court." (H. P. 1317) (L. D. 853)

Which were severally referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to the Enforcement of the Liquor Laws." (H. P. 1321) (L. D. 882)

Which was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to the Banking Department." (H. P. 1282) (L. D. 848)

(On motion by Mr. Noyes of Hancock, tabled pending reference to a committee.)

"Resolve Providing for State Pension for John Gardner, Sr., of Allagash Plantation." (H. P. 1358)

"Resolve Providing for State Pension for Allen Scott, of East Machias." (H. P. 1359)

"Resolve Providing for State Pension for Evelyn Chase, of Burnham." (H. P. 1360)

"Resolve Providing for State Pension for Edna Bickford, of Richmond." (H. P. 1361)

Which were severally referred to the Committee on Welfare in concurrence.

#### Referred to Committees

The following Bills were transmitted by the Director of Legislative Research Pursuant to Joint Orders S. P. 138 and S. P. 265, and on recommendation by the Committee of Reference of Bills, were referred to the following committees:

#### Agriculture

Mr. Noyes of Hancock presented Bill "An Act Relating to Membership of the Blueberry Industry Advisory Committee." (S. P. 387)

Mr. Wight of Penobscot presented Bill "An Act Limiting Milk Control to Producers." (S. P. 388)

The same Senator presented Bill "An Act Relating to Price of Milk to the State and Certain Institutions." (S. P. 389)

(Each ordered printed.)

Sent down for concurrence.

#### Highways

Mr. Noyes of Hancock presented "Resolve Providing for the Construction of a Ferry Landing and Approaches Thereto in the Town of Bar Harbor." (S. P. 390)

(Ordered printed.)

Sent down for concurrence.

#### Inland Fisheries and Game

Mr. Ela of Somerset presented Bill "An Act Relating to Motor Vehicle Damage by Protected Wild Animals and Deer." (S. P. 391)

The same Senator presented Bill "An Act Relating to Boats for Hire on Inland Waters." (S. P. 392)

(On motion by Mr. Larrabee of Sagadahoc, tabled pending reference to a committee.)

Mr. Fuller of Oxford presented Bill "An Act Continuing Bounty on Bear." (S. P. 393)

(Each ordered printed.)

Sent down for concurrence.

#### Public Health

Mr. Allen of Cumberland presented Bill "An Act Repealing Law of Manufacture and Sale of Bedding and Upholstered Furniture." (S. P. 394)

(Ordered printed.)

Sent down for concurrence.

#### Taxation

Mr. Noyes of Hancock presented Bill "An Act Relating to Refunds of Gasoline Tax." (S. P. 395)

(Ordered printed.)

Sent down for concurrence.

#### Towns and Counties

Mr. Reid of Kennebec presented Bill "An Act to Increase the Salary of the County Commissioners of Kennebec County." (S. P. 396)

Mr. Haskell of Cumberland presented Bill "An Act Relating to the Municipal Regulation of Motor Vehicles." (S. P. 397)

Mr. Allen of Cumberland presented Bill "An Act Increasing Salary of Cumberland County Commissioners." (S. P. 398)

(Each ordered printed.)

Sent down for concurrence.

#### Transportation

Mr. Savage of Somerset presented Bill "An Act Relating to Anti-Splash Equipment on Certain Vehicles." (S. P. 399)

Mr. Greely of Waldo presented Bill "An Act Relating to Overloaded Trucks." (S. P. 400)

(Each ordered printed.)

Sent down for concurrence.

#### Welfare

Mr. Reid of Kennebec presented Bill "An Act Relating to Vital Statistics." (S. P. 401)

(On motion by Mr. Ward of Penobscot, tabled pending reference to a committee.)

(Ordered printed.)

The same Senator presented "Resolve Providing for State Pension for Mrs. Vivian Dill, of Mount Vernon." (S. P. 402)

Mr. McKusick of Piscataquis presented

"Resolve Providing for State Pension for Charles Watt, of Blanchard." (S. P. 403)

Mr. Noyes of Hancock presented "Resolve Providing for State Pension for Ernest Hardison, of Franklin." (S. P. 404)

Mr. Greenley of Waldo presented Bill "An Act Relating to Aid to Dependent Children." (S. P. 405)

(Each ordered printed.)

Sent down for concurrence.

#### First Reading of a Printed Bill:

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

Which was read once, and tomorrow assigned for second reading.

#### Senate Committee Reports:

Mr. Wight from the Committee on Inland Fisheries and Game on "Resolve Relating to Ice Fishing in Speck Ponds in Oxford County," (S. P. 183) (L. D. 394) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Number of Catch of Certain Fish," (S. P. 231) (L. D. 502) reported that the same ought to pass.

Mr. Ela from the same Committee on "Resolve Regulating Fishing in the Brook between West Richardson Pond and the Pepper Pot in the County of Oxford," (S. P. 181) (L. D. 396) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve Closing Certain Ponds in York County to Fishing," (S. P. 159) (L. D. 335) reported that the same ought to pass.

Which reports were severally read and accepted, the bill and resolves read once, and tomorrow assigned for second reading.

Mrs. Kavanagh from the Committee on Business Legislation to which was recommended Bill "An Act Relating to Non-Profit Medical Service Plans," (S. P. 46) (L. D. 56) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill was given its

first reading. The Secretary read Committee Amendment A.

Committee Amendment A to L. D. 56. "Amend said bill by striking out the underlined word 'or' in the 5th line of the second paragraph of that part designated Section 219 thereof and inserting in place therefor the underlined word 'and'."

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

Mr. Weeks from the Committee on Legal Affairs on Bill, "An Act to Incorporate the Town of York School District," (S. P. 50) (L. D. 60) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill was given its first reading. The Secretary read Committee Amendment A.

Committee Amendment A to L. D. 60. "Amend Section 1 of said bill by deleting therefrom the clause for the purpose of completing, grading, furnishing, rebuilding, renovating and otherwise bettering the conditions of all building within said town used for school purposes or which may hereafter be used for school purposes."

Further amend said bill by striking out the figures '\$350,000' in the 10th line of Section 4 and by inserting therein the figures '\$250,000.'

Further amend said bill by striking out the figure '6' in the 5th line of Section 9 and inserting therein the figure '8.'

Which amendment was adopted, and on motion by Mr. Crosby of Franklin, the rules were suspended and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

#### Passed to be Engrossed

Bill "An Act Relating to Aid to the Blind." (H. P. 172) (L. D. 103)

Bill "An Act Appropriating Moneys for Continuation of Civil Defense and Public Safety Agency Due to Insufficient Funds." (H. P. 675) (L. D. 411)

Bill "An Act Relating to Parsonsfield Kezar Falls Village Corporation." (H. P. 1294) (L. D. 806)

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

Bill "An Act Relating to Opaque Substances for Windows in Motor Vehicles." (H. P. 343) (L. D. 203)

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

Bill "An Act Relating to Employment of Certain Persons in Premises Licensed to Sell Liquor." (S. P. 107) (L. D. 160)

Bill "An Act to Alter the Charter of Nasson College." (S. P. 187) (L. D. 398)

Which were severally read a second time and passed to be ingrossed, as amended.

Sent down for concurrence.

#### Orders of the Day

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four Year Terms," (S. P. 34) (L. D. 17) tabled by that Senator on February 21 pending acceptance of the report.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, I rise this morning to move that the bill be substituted for the unfavorable report of the Committee on Judiciary, which bill would give the Governor of this state a four year term.

This is not new legislation. This has been before every session of the legislature that I can recall since I have been here. It is a bill which has been considered by many of our citizens to be of some importance because those citizens feel that government is changing, and changing rapidly.

What has been the history of the four year term bill in the legislature? It was introduced in several sessions and came out as always with a report from the Judiciary committee "Ought Not to Pass" ten to one. Four years ago this bill passed the House of Representatives and was killed in the Senate. Two years ago the Senate accepted the bill and passed it to be engrossed. The bill was then killed in the House of Representatives. Your question to me, of course, is "Why do we need the bill

in here again this year?" Well, I wondered myself, after the last session of the legislature whether or not the legislature was ready for this legislation again. I noticed with a great deal of interest in June of 1950 when you were running for reelection as candidates for your party that you answered some questions put out by the Gannett Publishing Company, one of which was "How do you stand on a four year term for Governor?" This sheet which I have here indicated that a large number of candidates on both the Republican and Democratic tickets said they would vote for a bill for a four year term for Governor. And so, gentlemen, this bill was reintroduced because a substantial number of Senators and a substantial number of members of the House of Representatives and candidates, over 650 all told, said "I favor a four year term for Governor," so I said, "I guess perhaps the bill had better go in."

The report from the Judiciary Committee which, of course will be defended by one of the three Senators here on that committee, was the same as it has been in the past few years; namely, "Ought Not to Pass." But at the hearings in past years there have been very few people to speak at all on the bill, and the only opposition I recall was two weeks ago when a couple of people appeared to oppose the bill in hearing.

Why is a four year term for governor desirable? I think you are as familiar with the advantages as am I. You have heard them before. I think a compelling reason, and one which has been offered a lot more forcibly in the last six years is the fact that we are operating a big time business. In 1820 the state had a budget of about forty thousand dollars and today it is about a hundred and twenty million dollars. The fact remains therefore that the Governor of this state is at the head of a big business. Continuity and experience are important factors in a man holding an executive position of this type. You can't take office and go out in two years and get any idea of the task ahead. You can't be uncertain of your re-election two years hence, and have any continuity of any

executive program or planning which is so necessary in business and in state government.

Back in 1879, to retrace a bit, from 1820 to 1879, the governors of the state of Maine were elected on a yearly basis. Their problems were obviously far less than the problems our governors face today. In 1879 the state had become more important, business was increasing and it was felt that a two year term would give the state better government and better executive policy.

So the change was made to a two year term for governor.

How do the governors feel about this change? Governors Sewall, Hildreth and Payne have all gone on record as endorsing the four year term for governor, the last three men to hold this important office in a state which is becoming more and more involved in government, as is our federal government in the problems of our people. These men feel it is to their advantage to be elected to a single four year term rather than a two year term with the possibility that they might not be re-elected.

"Well," you may say, "Let them come back and report to the people in two years." What have we done in the state of Maine? In the past seventy years you have re-elected every man who has run for governor excepting two, and one more who died. You have said, "This man has done a good job, a reasonable job, and any man is entitled to one re-election."

You won't get any pressure, or at least the amount of pressure, that a man in the front office gets today if you elect him to a single four year term. He doesn't care about a faction in Cumberland County or Washington County. He will operate as he sees fit, without political pressure. Without any reflection on the men who have sat in that office and the man who sits there now I say to you gentlemen, there is none among us who would be elected governor, but who would be influenced by individuals or groups of some kind, and that would be reflected in the way our state would be governed.

I have heard more than one Senator and representative say "What a wonderful speech! You never

would have heard that the first term in office." That is no reflection on the Chief Executive but the fact remains that with a man who can come in and spend four years knowing he can say to you or to me, "I will appoint the man I want and I won't be worried about re-election," that job is going to be done better.

Not only that, but another compelling reason, at a time when the state is facing such problems as we are today, is the fact that the Governor must spend three to six months away from his desk campaigning for re-election, despite our good friends the Democrats, who say a nomination is tantamount to election normally.

And so when you say that your Governor, and I have heard it said here, that he does not have to spend from three to six months to get himself re-elected, that is ridiculous. He certainly does. He may do some of it evenings but he spends a lot of time talking to different factions from one end of the state to the other, because the Democrats are apt to come up and usually do, with a candidate who perhaps has the Republicans a bit worried and the reverse might be true. And if this amendment is adopted he won't have the pressure of political factions, he won't lose from three to six months from the job in the future, and there will be that continuity of work which is so important in this year of 1951.

Who has endorsed this bill? It has been endorsed by the leaders of both parties. It has been endorsed by Democrats and Republicans alike, the state over. It is a logical move forward. Twenty-six states or more are making the change or have gone on to the four year term for the same reasons which I state. The fact that out of 600 candidates interviewed in a poll to state their opinions many of them said they were for the four year term for governor, the fact that I have received letters and calls from certain groups of one kind and another from one end of the state to the other who have indicated that they were ready to take this step, makes me believe that there are enough people in Maine who would like an

opportunity to vote on it to warrant your sending it to the polls in the next general election.

We cannot stand still forever. If the Department of Motor Vehicles operated the same way today that they did twenty years ago, you would wait six months for your automobile license or your plates. If the Department of Education were the same as it was 25 years ago there would be one man and two secretaries over there where Mr. Rowell is now. But this state is large. There are thousands of people on the payrolls. This governor has five times as much to do as the governor of 25 years ago.

I say, gentlemen, let's get out of the rut and realize that the state business has got to move forward and cannot stand still. The same changes which you have voted time and time again in this Senate and in the House to modernize one department or another to keep up with the progress of state business should apply when you are speaking of the term of the Governor of Maine, and I say that what was right in 1879 is not necessarily correct in 1951.

I move, Mr. President, that the bill be substituted for the unfavorable report of the Judiciary Committee and I ask for a division when the vote is taken.

Mr. BOYKER of Oxford: Mr. President, I would like to make one comment on the remarks of the Senator from Cumberland, Senator Allen. What applies to the executive branch of our government applies much more fully to the legislative branch. I am for a four year term for governor.

Mr. BARNES of Aroostook: Mr. President, I was not present at the deliberations of the Judiciary Committee on this Constitutional Resolve but it is the same bill that has been here in past years and I think perhaps I should state to the members of the Senate, the position that we have taken on it before and that we unanimously took on this resolve.

It is altogether true that the state government is a much larger business now than it was when this measure was first written into our constitution but it is also true that we have many, many departments

headed by excellent men who do the bulk of that work. I therefore think the reasoning of the Senator fails in that he believes the Governor should have the time to devote to the duties of his office and not be taken up with the electioneering that seems to be necessary.

Another reason that applies is this: If we look back over the years we will find that our governors are thinking about something else in the future. There is a little matter of Congress and the U. S. Senate that seems to be uppermost in the minds of many of them and therefore they have to do considerable electioneering and if there is any favoritism to be applied in the matter of appointments and so forth, they have to measure their steps just as carefully, or would have to, if there were a four year term for governor and they could not succeed themselves as they do now under the two year term. So those reasons it seems to me do fail.

The thing that really makes it seem important to me that we should not pass this Constitutional Resolve is an entirely different matter. Two years ago we had a variety of bills presented to the Maine legislature relating to voting. There were bills put in here to make people re-register every time they failed to vote at an election and there were bills put in here to make them subject to a fine if they didn't vote. It was thought by the legislature two years ago that in this democratic country of ours, perhaps the right not to vote was as important as the right to vote, and we didn't pass any of those measures.

On the matter of getting out the vote in this free democracy of ours it has always seemed to me to be of extreme importance that every time we have a state election, we have the head of the ticket on the ballot. If this Constitutional measure were passed, we would have off years, and every other election would be an off year when there would be no head for the state ticket and it would be extremely difficult to get people out to vote. This would apply with equal force to Republicans or Democrats. Voting is largely a matter of habit. If you get people in the habit of getting out to cast their ballots, they are apt to continue to do so. If this



were enacted into the Constitution, we would lose a certain number of voters every other year because they would not have the interest to vote because there would be no head to the state ticket. And to me, in this day and age, that is of extreme importance.

As I said, I was not present this year when this resolve was heard in committee but I assume the same arguments were used as have been used previously and I assume the members of the Judiciary Committee must have considered those reasons pro and con when they come out with a unanimous "Ought Not to Pass" report.

The argument that this is a big business and therefore we ought to have one man in office for four years doesn't seem to me to apply. The argument that one man who is elected for one four year term and cannot succeed himself is free from political pressure in the matter of appointments does not apply because there are other offices to which most governors seem to aspire and they still have to tread carefully.

In closing, I think the strongest argument against this resolve is that we should have the head of our state ticket every two years on the ballots. I will say also that in spite of the fact that our governors have succeeded themselves quite regularly it is a good thing in any democracy to have the leader of the executive branch of the state responsible to his people at least once every two years. Even though they have been reelected time after time, it is a good thing to have the constitution the way it is now and have the man in the front office know he will have to answer to the voters at least every two years.

For those reasons I hope the motion of the Senator from Cumberland will not prevail.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, as the Senator who presented this bill referred to the Democratic party and its leaders as endorsing this bill, I want to challenge that statement because I do not believe the leaders of the Democratic party, as far as I know at least, have endorsed the bill in any way, shape or manner.

Mr. TABB of Kennebec: Mr. President and members of the Senate, I have listened with great interest to my good friend Senator Barnes, who says that the head of the ticket being on the ballot for a second term brings out the vote. I dispute that very much. I don't believe that he brings out the vote or makes any difference running for his second term. We do know that a governor goes into office and starts to campaign from the day he gets into office until his next term comes up. I know from experience that the head of the ticket does not bring out the Republican vote. I have stood repeatedly under the leadership we have in the present administration. It is the county officers that bring out the vote and not the governor for reelection. I sincerely hope that the resolve of the good Senator will pass.

Mr. HASKELL of Cumberland: Mr. President and members of the Senate, it is only fair to state to the Senate what my own feelings may be on this bill, even though to do so must be in direct opposition to those of my good friend and colleague from Cumberland, Senator Allen.

To me it seems that in these days we have talked about big business of government. I don't know how it may be in other counties but in my own city of Portland, one of our great difficulties has been the feeling that our state government has grown away from the people. In regard to this particular resolve, although I admit frankly there are many arguments in favor of it, it seems to me, along the lines of what Senator Barnes has already said, we are proposing to take a step which can lead to nothing but taking interest in government away from the people. To substantiate that, it seems to me only logical that if we are to make it possible by his resolve, if approved by the people, for a governor to serve four years it will be but a short step until we have presented to some future legislature a resolve proposing for the terms of the Senators and representatives or both to be made to correspond with that of the executive branch.

It does seem to me that there is very great merit in keeping this matter of the right of the people

to select their leaders and representatives in government on a two year basis and for that reason I hope that the motion of Senator Allen does not prevail.

Mr. ALLEN of Cumberland: Mr. President, I rise to speak very briefly just once more on this subject and to substantiate or perhaps elaborate on the remarks of my good friend the Senator from Kennebec in which he answers in rebuttal the remarks of the Senator from Aroostook, Senator Barnes, because in our section of the state, there is a lot more interest in the primary election in the County Attorney race and the sheriff's race and the State Senatorial race normally than in the race for governor. With all due respect to the governor of the state, it is the neighbors or friends of the fellow running for county attorney or sheriff as Senator Tabb has said, that brings out the vote.

Time and time again, at least in Cumberland County where I have watched very carefully the election returns, the governor and congressmen do not tally as many votes as the candidates for sheriff or state senator or county attorney. The interest is going to lie naturally in the people you know rather than in a man who may have statewide prominence but whom you don't personally know and in whom you are not as personally interested as you are in your candidate for state legislature or county attorney.

I think the vote is obviously brought out by local candidates. Our heaviest vote in the county of Cumberland has been when we have had a hot scrap for county attorney or for the state Senate, regardless of the candidates for governor. I feel that the contention of Senator Barnes is not an objection to the four year term for governor.

I reiterate my hope that the Senate will vote in favor of the resolve against the committee report.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I do not intend to go over ground already covered by the other two members of the Judiciary Committee but in respect to whether or not the governor brings out the vote, I believe it is demonstrated to a very large extent by the

number of voters who participate in the special elections which are called to fill vacancies in the legislature. We have had several this year already and the issues before the people in those communities were purely local. It was the election of their representatives to the legislature. We know from the returns which came in from those communities that a very small proportion of the voters went to the polls and voted on that important matter.

I believe the Judiciary Committee in giving out its decision this year has as in other years, taken perhaps one other factor into consideration. It is my understanding that when the law was changed for the election of county commissioners to hold office for six years, the change was made with the thought in mind that the county commissioner would be elected for one six year term, and that was the argument which was used in favor of that proposition. We all know how that has worked out.

This particular Constitutional amendment now provides that the governor, if the amendment were adopted, would hold office for one term only and would not be eligible to succeed himself. If the next step followed, we might find ourselves faced with the same situation as they now have in California where the present governor has been elected to serve his third four year term.

We feel that the people of the state of Maine do not want that sort of thing, and as a matter of fact as we have accorded practically every governor just what this resolve proposes to do, that is, four years in the front office, we decided to report this out unanimously "Ought Not to Pass."

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Cumberland, Senator Allen, that the bill be substituted for the "Ought Not to Pass" report of the committee, and that Senator has requested a division.

A division of the Senate was had.

Seventeen having voted in the affirmative and twelve opposed, the motion to substitute the bill for

the "Ought Not to Pass" report prevailed.

Thereupon the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Allen of Cumberland

Adjourned until tomorrow morning at ten o'clock.