

# 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

Wednesday, March 7, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Ed. W. Grilley, Jr., of Augusta.

Journal of yesterday read and approved.

### From the House

Bill "An Act Relating to Motor Vehicles Parking in Dangerous Places." (H. P. 95) (L. D. 40)

(In the Senate, on February 20th, 1951, passed to be engrossed as amended by House Amendment "A" in concurrence)

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

In the Senate, on motion by Mr. Allen of Cumberland, the Senate voted to reconsider its action whereby the bill was passed to be engrossed, House Amendment C was read and adopted in concurrence, and the bill as amended by House Amendments A and C was passed to be engrossed in concurrence.

The Committee on Public Utilities on Bill "An Act to Incorporate the North Jay Water District," (H. P. 549) (L. D. 322) reported that the same ought to pass as amended by Committee Amendment "A".

Comes from the House, recommended to the Committee on Public Utilities.

In the Senate on motion by Mr. Crosby of Franklin, the bill was recommended to the Committee on Public Utilities in concurrence.

The Committee on Education on Bill "An Act Relating to Membership in State Board of Education," (H. P. 816) (L. D. 479) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Tuition High School Pupils in Mechanic Falls," (H. P. 458) (L. D. 280) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Qualifications for Admission to Practice Law," (H. P. 638) (L. D. 359) re-

ported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Reporter of Decisions," (H. P. 639) (L. D. 360) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Northern Maine General Hospital of Eagle Lake," (H. P. 741) (L. D. 427) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Eastern Maine Orphan's Home," (H. P. 746) (L. D. 438) reported that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act Repealing the Incorporation of the City of Old Town Municipal Building District," (H. P. 752) (L. D. 441) reported that the same ought to pass.

The same Committee on Bill "An Act Repealing the Incorporation of the City of Old Town High School District," (H. P. 753) (L. D. 442) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Licenses of Buildings for Dancing Purposes," (H. P. 1020) (L. D. 599) reported that the same ought to pass.

The same Committee on Bill "An Act Amending the Charter of the Town of Bar Harbor," (H. P. 1059) (L. D. 639) reported that the same ought to pass.

The Committee on Natural Resources on "Resolve Authorizing the State Tax Assessor to Convey by Sale Certain Interest of the State in Land with Buildings Thereon in Newcastle, in the County of Lincoln," (H. P. 242) (L. D. 136) reported that the same ought to pass.

The Committee on Public Utilities on Bill "An Act to Incorporate the Kingfield Water District," (H. P. 757) (L. D. 446) reported that the same ought to pass.

The same Committee on Bill "An Act Amending the Charter of the Waterville Sewerage District," (H. P. 1060) (L. D. 640) reported that the same ought to pass.

The same Committee on Bill "An Act to Incorporate the Kennebunk Light and Power District," (H. P. 1128) (L. D. 713) reported that the same ought to pass.

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

The same Committee on Bill "An Act Amending the Auburn Sewerage District," (H. P. 548) (L. D. 323) reported the same in a new draft (H. P. 155) (L. D. 1058) under the same title, and that it ought to pass.

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

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Game Preserve on Monroe Island," (H. P. 315) (L. D. 173) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Judiciary on Bill "An Act Relating to Sales of Property in Lien Cases," (H. P. 533) (L. D. 302) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act Creating the Town of Albion School District," (H. P. 1058) (L. D. 638) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Public Utilities on Bill "An Act to Incorporate the Chelsea Water District," (H. P. 329) (L. D. 189) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Towns and Counties on Bill "An Act Relating to the Salary of the Register of Deeds in Cumberland County," (H. P. 763) (L. D. 450) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended were tomorrow assigned for second reading.

Bill "An Act to Clarify Laws of Division of Animal Husbandry," (H. P. 1426) (L. D. 1078)

Bill "An Act Relative to the Testing of Cattle," (H. P. 1463) (L. D. 1079)

Bill "An Act Relative to Health Certificates in the Sale of Cattle," (H. P. 1464) (L. D. 1080)

Bill "An Act Relating to Indemnities in Bang's Disease Law," (H. P. 1465) (L. D. 1081)

Bill "An Act Relating to Crop Dusting by Aeroplanes," (H. P. 1466) (L. D. 1082)

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

"Resolve in Favor of Charles Boynton, of Calais." (H. P. 1515)

"Resolve in Favor of Claude Boyington, of Prentiss Plantation." (H. P. 1516)

"Resolve Reimbursing Ira B. Hagen, of Ellsworth Falls, for Storage of State Highway Equipment." (H. P. 1517)

"Resolve Reimbursing the Town of Solon for Certain Hospital Expenses." (H. P. 1518)

"Resolve to Reimburse the Town of Solon for Pauper Expenses." (H. P. 1519)

"Resolve Reimbursing the Town of Clinton for Support of the Family of Frank S. Smith." (H. P. 1520)

"Resolve to Compensate Edwin Blanche, of Augusta for Personal Injuries." (H. P. 1521)

"Resolve Reimbursing the Town of Litchfield for Burial Expenses of Herbert Thurston." (H. P. 1522)

"Resolve to Reimburse Preeport Grain Company for Damage Done by Escapee." (H. P. 1523)

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

Bill "An Act Relating to Schooling of Children of Parents Who Reside on State-owned Property." (H. P. 1471) (L. D. 1083)

"Resolve in Favor of Foxcroft Academy." (H. P. 1526)

"Resolve in Favor of Limington Academy." (H. P. 1527)

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

Bill "An Act Repealing the Law on Motor Vehicle Damage by Wild Birds and Animals." (H. P. 1476) (L. D. 1084)

Bill "An Act Relating to Non-Resident Dealers in Furs." (H. P. 1477) (L. D. 1099)

Bill "An Act Relating to Hunting from Automobiles." (H. P. 1478) (L. D. 1085)

Bill "An Act Relating to Closed Season on Pheasants." (H. P. 1479) (L. D. 1086)

"Resolve Regulating Fishing in the Fish River Chain of Lakes." (H. P. 1480) (L. D. 1087)

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

Bill "An Act Relating to Investigations by County Attorneys and Sheriffs of Shooting of Humans While Hunting." (H. P. 1481) (L. D. 1088)

Bill "An Act Relating to Merger, Consolidation and Conversion of National Banks and Trust Companies." (H. P. 1482) (L. D. 1089)

"Resolve in Favor of George S. Bradbury, of West Franklin." (H. P. 1483) (L. D. 1090)

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

Bill "An Act Relating to Salaries of Trustees of Community School District." (H. P. 1484) (L. D. 1091)

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

Bill "An Act Relating to Sale of Liquor Near Togus Hospital." (H. P. 1485) (L. D. 1092)

Which was referred to the Committee on Liquor Control in concurrence.

Bill "An Act Relating to Kindling of Fires in Unorganized Townships." (H. P. 1486) (L. D. 1093)

Which was referred to the Committee on Natural Resources in concurrence.

Bill "An Act Providing for the Study, Treatment and Care of Alcoholics." (H. P. 1487) (L. D. 1094)

Which was referred to the Committee on Public Health in concurrence.

Bill "An Act Relating to Boards of Registration." (H. P. 1488) (L. D. 1096)

Bill "An Act Relating to Funds of Volunteer Fire Departments." (H. P. 1489) (L. D. 1095)

Which were severally referred to the Committee on Towns and Counties in concurrence.

Bill "An Act Regulating Registration of Vehicles Leased from Federal Government." (H. P. 1490) (L. D. 1097)

Bill "An Act Relating to Emergency Lights on Police and Fire Department Motor Vehicles." (H. P. 1491) (L. D. 1098)

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

"Resolve Providing for an Increase in State Pension for Howard Hatch, of Kennebunk." (H. P. 1556)

"Resolve Providing for an Increase in State Pension for Ethelyne M. Stewart, of Clinton." (H. P. 1557)

"Resolve Providing for an Increase in State Pension for Arthur Wesley Hunt, of Clinton." (H. P. 1558)

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

#### **Referred to Committees**

The following Bills were transmitted from the Director of Legislative Research, pursuant to Joint Orders No. 138 and No. 265, and on recommendation by the Committee on Reference of Bills were referred to the following committees:

#### **Claims**

Mr. Wight of Penobscot presented "Resolve in Favor of Vincent Hincks, of Orrington." (S. P. 470)

Mr. Noyes of Hancock presented "Resolve in Favor of Eathel F. Rowe, of Aurora." (S. P. 471)

Mr. Barnes of Aroostook presented "Resolve in Favor of La Cie Etchemin Ltee of Quebec." (S. P. 472)

Mr. Reid of Kennebec presented "Resolve in Favor of Russell E. Foster, of Augusta." (S. P. 473)

Mr. Haskell of Cumberland presented "Resolve in Favor of Rocco Gedaro, of Portland." (S. P. 474)

Mr. Reid of Kennebec presented "Resolve in Favor of the C. C. Smith Company, Inc." (S. P. 475)

Mr. Weeks of Cumberland presented "Resolve in Favor of Louis Chute of Bridgton." (S. P. 476)

Mr. Smart of Hancock presented "Resolve in Favor of Mrs. Belva Leach, of Penobscot." (S. P. 477)  
Sent down for concurrence.

#### Highways

Mr. Crosby of Franklin presented Bill "An Act Clarifying Certain Highway Laws." (S. P. 478)  
(Ordered printed.)  
Sent down for concurrence.

#### Legal Affairs

Mr. Allen of Cumberland presented Bill "An Act Relating to Building Codes." (S. P. 479)

Mr. Barnes of Aroostook presented "Resolve Authorizing the Trustees of the Town of Houlton School District to Convey Certain Land to the Inhabitants of the Town of Houlton." (S. P. 480)  
(Each ordered printed.)  
Sent down for concurrence.

#### Public Health

Mr. Savage of Somerset presented Bill "An Act Relating to Registration of Dentists and Dental Hygienists." (S. P. 481)  
(Ordered printed.)  
Sent down for concurrence.

#### Welfare

Mr. McKusick of Piscataquis presented "Resolve to Repeal Certain Special Resolve Pensions." (S. P. 482)  
(Ordered printed.)  
Sent down for concurrence.

#### First Reading of Printed Bills

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

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

Which bills were read once, and tomorrow assigned for second reading.

#### Senate Committee Reports

Mr. Ward from the Committee on Judiciary on Bill "An Act Relating to Destruction of Old Records," (S. P. 206) (L. D. 459) reported that the same ought to pass.

Mr. Collins from the Committee on Towns and Counties on Bill "An Act Changing the Town of Blanchard, Piscataquis County, to a Plantation," (S. P. 348) (L. D. 814) reported that the same ought to pass.

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

Mr. Ward from the Committee on Judiciary on Bill "An Act Relating to Adoption of Persons," (S. P. 131) (L. D. 239) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once. The Secretary read Committee Amendment A.

Committee Amendment A to L. D. 239. "Amend said bill by striking out Section One thereof. Further amend said bill by renumbering Section Two thereof as Section One."

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

Mr. Christensen from the Committee on Transportation on Bill "An Act Relating to Serial Numbers of Motor Vehicles" (S. P. 329) (L. D. 727) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once. The Secretary read Committee Amendment A.

Committee Amendment A to L. D. 727. "Amend said bill by adding at the end thereof, before the period, the following underlined words 'and numerically according to registration number'."

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

#### Order

On motion by Mr. Weeks of Cumberland, out of order and under suspension of the rules, it was

ORDERED, that bill, An Act to Provide for a Town Manager Form of Government for the Town of Rumford, (H. P. 540) L. D. 325) be recalled from the Engrossing Department.

#### Passed to be Engrossed

"Resolve in Favor of Veterans of Spanish American War." (H. P. 36) (L. D. 797)

(On motion by Mr. Barnes of Aroostook, tabled pending passage to be engrossed.)

Bill "An Act to Repeal the Incorporation of the Phillips Village Corporation." (H. P. 65) (L. D. 31)

Bill "An Act Relating to Standards of Sardines in Cans." (H. P. 68) (L. D. 32)

Bill "An Act Relating to the Construction of Sidewalks in the Town of Sanford." (H. P. 167) (L. D. 98)

Bill "An Act Relating to Powers and Duties of County Commissioners Regarding Civil Defense." (H. P. 338) (L. D. 196)

"Resolve Granting a Milderd S. Dow of Scarborough." (H. P. 386) (L. D. 222)

Bill "An Act Relative to Costs of Children in Maine School for the Deaf." (H. P. 404) (L. D. 248)

Bill "An Act Creating the Maine Seed Law." (H. P. 868) (L. D. 516)

Bill "An Act Relating to Hours of Sale of Liquor." (H. P. 932) (L. D. 542)

Bill "An Act Relating to the Salary of the County Treasurer of Knox County." (H. P. 938) (L. D. 536)

Bill "An Act Relating to Number of Voting Districts." (H. P. 1036) (L. D. 564)

Bill "An Act Relating to Trespass on Airports." (H. P. 1461) (L. D. 989)

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

"Resolve to Open Black Pond, in the County of Oxford." (H. P. 58) (L. D. 24)

Bill "An Act Relating to Adulterated Feeds." (H. P. 178) (L. D. 113)

Bill "An Act Relating to Maine Milk Commission Law." (H. P. 255) (L. D. 167)

Bill "An Act Closing the Town of Vinalhaven to Trapping of Muskrats and Mink." (H. P. 312) (L. D. 171)

"Resolve Regulating Fishing on Rangeley Stream in the County of Franklin." (H. P. 737) (L. D. 436)

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

#### Orders of the Day

Mr. SLEEPER of Knox: Mr. President, I would like to ask if

Senate Paper 173, Legislative Document 343, Bill, An Act Relating to the Propagation and Cultivation of Clams, Quahogs and Mussels is in the possession of the Senate?

The PRESIDENT: The Chair would inform the Senator that the bill is in the possession of the Senate, having been recalled from the Governor by previous order.

Upon motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be enacted, and upon further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

Mr. Sleeper presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A': Amend said bill by adding after the underlined word 'inclusive' in the third line of that part designated 61-A thereof the following underlined words: 'or the Commissioner of Sea and Shore Fisheries in the case of deorganized towns.'"

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

Sent down for concurrence.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table, House Report "Ought to Pass" from the Committee on Education on Bill, An Act to Provide Training to Organized Fire Companies (H. P. 377) (L. D. 217) tabled by that Senator on March 6th pending acceptance of the report; and on further motion by the same Senator, the "ought to pass" report of the committee was accepted, and the bill was given its first reading and tomorrow assigned.

On motion by Mr. Haskell of Cumberland, the Senate voted to take from the table, Bill, An Act to Provide for the Approval of Degree-granting Institutions by the State Board of Education (S. P. 452) tabled by that Senator on March 2nd pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

On motion by Mr. Tabb of Kennebec, the Senate voted to take from the table, Senate Report from the Committee on Judiciary on Bill, An Act Relating to Liens on Insurance Policies for Hospitals (S. P. 33) (L. D. 18), Majority Report, "Ought Not to Pass", Minority Report, "Ought to Pass in New Draft", same title (S. P. 350) (L. D. 817), tabled by that Senator on February 21st pending acceptance of either report.

Mr. TABB of Kennebec: Mr. President, I move that the Senate adopt the minority "Ought to Pass" report.

Mr. BARNES of Aroostook: Mr. President and members of the Senate: I arise to oppose the motion of the Senator from Kennebec, Senator Tabb. This bill seeks to set up a lien and give priority to hospitals on liability insurance policies in case of accidents. If I went out tomorrow and had an automobile accident and got injured and had right of action against the Senator from Kennebec, Senator Tabb—and I presume he is insured—his insurance company would be obliged to pay for it if it were his fault. This bill gives a lien to hospitals on the proceeds of any insurance that might be recovered thereunder.

Now, I want you, Mr. President and members of the Senate to understand that I am as sympathetic with hospitals as any member of this Senate, but I do oppose, and strenuously oppose the giving of priorities to any specific class on insurance matters of this kind. If we passed this bill, giving this priority and preference, we would have no right, if a bill came in tomorrow, to give preference to nurses on insurance policies of this kind, or preference to doctors or preference to any other particular class of creditors.

This is quite different from liens that exist in our statutes on labor and materials, we will say, on the repair of buildings, because in that case the laborer or material man actually supplies the materials that go into the building and he ought to have a preference.

This is simply reaching out in the dark and giving priority to one class of creditor over the others,

and it isn't, in my opinion, sound legislation.

We probably sometime later in the session will have a bill come in here to assist the hospitals of Maine in the matter of pay they get from the State for State paupers, and I will be one of the strongest supporters of such legislation. Any legislation that isn't class legislation that would benefit hospitals I would favor, but this legislation is unsound. It isn't directed to pay anybody for anything they have furnished. It simply gives a lien on the proceeds of the insurance policy to one class of creditors.

I will freely admit hospitals are worthy and we should do everything we can to help them, but in the same category stand doctors and nurses, and in the case of death, if I should be killed, I would have a mortician to fix me up, and the undertaker would stand in the same class. If we once start giving these priorities without any reason to one specified class of creditor, you don't know where you are going to stop. I oppose this legislation and I repeat I am most friendly to hospitals. This one is unwise, and I hope the motion will not prevail.

Mr. TABB of Kennebec: Mr. President and members of the Senate, I certainly congratulate my colleague, Senator Barnes from Aroostook, in presenting his opposition to this bill. He, no doubt, has given his idea as an attorney referring to legal matters. However, being a layman and perhaps lacking qualifications of education, I am going to try to present this bill to the Senate in my humble way as a layman.

It might be interesting to you to know that I was not asked by anybody to sponsor the bill. Being interested in hospitals, and I presume most of us are especially now, in the condition that they are in, I happened to be sitting in conference with an administrator of a hospital, going over some of the troubles that they had, and of course, finance was naturally brought up. Accidents were mentioned and how much money they were losing by people that could pay but were not paying their bills. I don't think it is going to cause any trouble among other people if



we pass a piece of legislation like this. If you look at it in the right light, what do you have insurance for? I take mine out so in case I get in an accident I am sure I am going to have money enough to pay the hospital, but today it seems that a certain class of people are willing to get the money and forget this kind of bills and spend it for something else.

You all know the conditions of our hospitals today. You all know they are running in the red, and if this little bill here can help them to maintain a hospital, I cannot see why my good friend, the Senator from Aroostook, Senator Barnes, who claims he is so very friendly to hospitals, would object to a bill of this kind. To me it is a very worthy cause and I just want to read a list of a few of the hospitals that have lost money by not having such a piece of legislation. In Caribou, the Cary Memorial Hospital has gone almost \$1100 in debt, accounts they have had to cross off their books which they cannot collect. Rumford, over \$1000; Knox County Hospital, \$900 and some odd dollars; Van Buren, St. Joseph, \$1600; Milliken Memorial Hospital, Island Falls, \$1700; Mercy Hospital of Portland almost \$6,000; Eastern Maine General Hospital of Bangor \$2700. St. Mary's Hospital in Lewiston very nearly \$5,000; and there are other hospitals in smaller amounts. Now, this is only a part of them in the State. I do not have the whole list here. In the hospital in Portland they have had to take cases and have a compromise through lawyers in order to obtain any money whatever for their services.

I cannot see really what harm there is in this bill as long as it is going to help the hospitals that you and I need, and everybody in this State needs, because when we lose hospitals we are going to be up against it, and you all know it. It seems to me that we should consider this matter very seriously.

May I say at the hearing nobody appeared against this bill, and to my great surprise one gentleman from Portland appeared for the doctors. I never asked him. He said the doctors were very much in favor of this bill. Also an insur-

ance company, which naturally this bill affects, was in favor of such a bill. I also had a letter which I gave to the committee from, I believe, John Hancock Insurance Company, and they mentioned they were in favor of this bill with a possible minor change, and the change has been made by the committee.

To me it seems that our good friend from Aroostook, Senator Barnes, is really putting in an argument here on legal points of law. I admit I cannot argue with him on it as far as the legal end of it goes, but common sense, gentlemen, tells us that hospitals must be paid in order to survive, and they are entitled to the money for the services they have rendered, and as long as the money is available they should receive it. I ask the Senate to accept the minority report.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I was one of the signers of the "Ought to Pass" report on this bill and I would like to state briefly my reasons for doing so. In the first place, this bill applies only to accident cases. It applies only to those patients who are admitted to hospitals who are involved in accidents where there is insurance to cover, and it seeks only a lien for the services rendered in that particular case.

Now, if we have an automobile accident and the parties are unable to settle it and they go to an attorney, one of the first things the attorney does is to obtain copies of the hospital bills in order to find out what the special damages are, and he represents to the insurance company that it has cost his client so many dollars as result of this accident, and part of those dollars are for payment of hospital bills. Now, if the attorney secures a settlement in that case the attorney has a lien on the proceeds for his services, but that lien which the attorney has is different than the lien which the automobile mechanic has, or the builder has, or the laborer has, in that those liens apply to items in possession, where an attorney's lien applies to proceeds which are not in his possession. And the attorney's lien is based upon equitable principles in that the client should not be en-

titled to unjustly enrich himself at the expense of the attorney who has rendered services in that case. In my way of thinking this particular hospital lien bill seeks to accomplish the same thing. The hospital has rendered services. The money is paid by the insurance company to recompense that particular victim or patient for the amount of money involved in that hospital bill, and I see no reason why the patient, after the hospital has perhaps saved his life, should be entitled to take the proceeds of the settlement and refuse to pay the hospital.

Now, it has been said that this particular claim is no different than the claim of the grocery man. It is considerably different. If you go into a grocery store and seek credit the grocery man extends it to you or not, as he sees fit. If you are involved in an automobile accident and you are picked up, perhaps unconscious, alongside the highway, and placed in an ambulance and rushed to a hospital that hospital has little choice in the matter. They have to take you in, and perhaps as the result of their services they save your life.

Some mention has been made of death cases. This bill takes care of that particular matter. If a person is injured in an accident and goes into a hospital and eventually dies as result of that particular accident then this lien as set forth in the bill does not take priority over certain other claims, but is equal to it.

The hospitals of Maine have been coming to this legislature practically every session, seeking assistance in order to keep going so they can serve the public, and this is one opportunity that the legislature of Maine has to render some assistance to those hospitals, enabling them to get what they are justly entitled to, without costing the taxpayers a cent.

Mr. President, I hope this Senate will accept the minority "ought to pass" report of the committee.

Mr. BARNES of Aroostook: Mr. President, very briefly I will answer some of the arguments that have been made. One of the cutest modes of argument is to drive back the opposition into a position that it did not take in the first place, and

that, I think has been done by both of my good colleagues.

I reiterate that I am sympathetic to hospitals but I do want to say that I never mentioned grocers in my remarks. My remarks were limited to that class of creditors who are called to assist in case of accidents, hospitals, doctors, nurses and morticians, and I think it is unwise to give anyone a lien that will take preference over the others.

I suppose Brother Ward and I have handled a great many of these accident cases and I don't imagine there has any one of them been handled through either of our offices but what we made sure that the hospital was paid by making the hospital a joint payee in our check, just as we did the nurses. If there is any doubt about whether or not the hospital will get its money out of the proceeds of an insurance policy, it is always open and very easy to bring action and trustee the policy and insure the hospital its money in that way.

I simply state my position that it is unwise to give a lien on the proceeds of any insurance policy to one class of creditors over others in the same class. That is my whole position and I hope the motion of the Senator from Kennebec, Senator Tabb will not prevail. When the vote is taken, I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Tabb, that the Minority Report "Ought to Pass" be accepted and the Senator from Aroostook, Senator Barnes has asked for a division.

A division of the Senate was had Twenty-one having voted in the affirmative and ten opposed, the motion prevailed; the "Ought to Pass" report was accepted, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Wight of Penobscot, the Senate voted to take from the table House Report Ought to Pass, from the Committee on Agriculture on bill, An Act Relating to a Consumer on Maine Milk Commission (H. P. 8) (L. D. 3) tabled by that Senator on March 6 pending acceptance of the report; and on

further motion by the same Senator, the report was accepted in concurrence and the bill was given its first reading and tomorrow assigned for second reading.

Mr. Brewer of Aroostook was granted unanimous consent to address the Senate.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, the idea seems to persist that through friction and discord the Appropriations Committee report on the Governor's budget is retarding the submission of it to this Body. I would like to state at this time that that is very far from the truth and anybody who believes that is laboring under an hallucination. I will take my full responsibility in that in any statements I have made to the press if I have conveyed to them or even given the inference that there was discord, I apologize to them because that was not my intention.

I will say that we have as fine a committee as I ever sat with. We do have some rugged individualists on the committee and by the same token, as I have said before, we have a lot of weight, that is, from the neck down anyway. To date, we have not encountered any problems that have delayed our report in any way.

The only thing that might have been construed as not complete harmony was the fact that I made the statement that we had not considered either Education or Health and Welfare in their entirety.

For instance, there is one item which calls for a million, seven hundred thousand dollars in additional subsidy over and above those already being paid. When we began to consider that problem, we found the bill was before Education we could do nothing on it until such time that that committee had made up their mind as to the disposition of that bill.

So I say to you that we have not arrived at the stage where friction and discord exist to such an extent that we cannot agree on anything. I will say to you that to date we have run into no obstacles that have delayed our consideration of those various issues and we will have this report out fully as soon

as we would under any other circumstances and that it is a time-consuming job. I am not going to make any promises as to when we will report but it will be out shortly.

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 Business Legislation on bill, An Act Relating to Oil Burning and Liquefied Gas Equipment (S. P. 225) (L. D. 500) tabled by that Senator on March 1 pending acceptance of the report.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, very briefly I would like to explain to you the reason why this bill was filed with the legislature and the reason why I am going along with the committee report although it is unfavorable to passage.

A great many people in the state were concerned and still concerned regarding the number of fires in our homes. This toll has been mounting slowly but steadily and last year 63 people lost their lives in home fires. And what is even more terrible to me, 45 of these were children, mostly infants who were trapped in their cribs and unable to have even a chance of getting out.

The immediate question, of course, has always been and is today, "Is it terrible, but what can you do about it?" Other states are grappling with the same problem and because of the interest by the public I filed with the legislature this year L. D. 500 which was a regulation regulating oil burners in homes. The Committee on Business Legislation gave this bill a very thorough hearing on this entire problem. We had testimony by very large segments of people representing various interests and the Fire Commissioner of Massachusetts and others were here to testify.

The result of the public hearing, to my way of thinking, justified the filing of the bill in the legislature because it did air publicly problems which we know is before us and which we cannot shut out of consideration by saying, "It is a private home and

so what?" This bill doesn't cover institutions, hotels, lodging houses, they are already taken care of by existing legislation but still the terrible fact that we are losing a great number of our citizens by these fires in the homes is a problem to face.

Therefore, Mr. President, because this problem is still with us, later in the sesesion I will file a Joint Order with the legislature, which I hope will receive consideration, asking a study of this problem by the Research Committee during the next two years. Such an order would receive the blessing of this and other states that are grappling with the problem. I think that per-

haps two years from now we can come in with something which should be considered by the legislature.

I simply wanted to state my position on this bill because of what I am doing to do now. I move, Mr. President, the acceptance of the unfavorable report of the Committee on Business Legislation.

The motion prevailed and the "Ought Not to Pass" report was accepted.

Sent down for concurrence.

On motion by Mr. Brewer of Aroostook

Adjourned until tomorrow morning at ten o'clock.