

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, April 3, 1951.

The Senate was called to order by the President.

Prayer by the Reverend R. E. Rundlett of Augusta.

Journal of yesterday read and approved.

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

Mr. BARNES of Aroostook: Mr. President and members of the Senate, as you have probably observed, this is Aroostook day in the halls of the state house in Augusta. You will find on your desks, each of you, a ten pound bag of Maine potatoes donated by the Maine Potato Growers Incorporated, and we hope and trust you will enjoy them.

You will also find on your desks a magazine section which was published last summer by the Bangor Commercial, entitled, "This is Aroostook." I know of no better way to direct your attention to this than the foreword in the article itself.

"This is Aroostook, is the story of a great American county. Aroostook is a name to conjure with. From one end of the United States to the other people know the name. Tell someone in Nebraska or Colorado or Virginia that you're from Maine, and chances are they'll ask you about Aroostook.

"In a way, that is what this special edition is all about—an attempt to portray in words and photographs a fabulous area, its people, its scenic beauty, its agriculture, industry and commerce, its history, and many other elements of the composite picture that is Aroostook County, Maine.

"The words are those of Aroostook people, or of people who know the county intimately."

The magazine section from which I have just read the foreword contains articles about Aroostook industries, agriculture and it points out to you that potatoes are not the only thing we raise in Aroostook. It has vacation areas, and many other things. The articles were written by those in the county, most of them who are at the very

top of the subjects that are discussed.

I had quite a time getting hold of these. I started about a month ago and got in touch with the Bangor Commercial and found they had just ten copies left. There is a story about a sailing vessel that finally got out of water and there was no land in sight. Soon a ship came in sight and the sailing vessel signaled that ship that they needed water, and the signal came back, "Let down your buckets where you are." They did and found they were in the mouth of the broad Amazon. When I got home last Saturday, I called the Secretary of the Houlton Chamber of Commerce and asked him if he had any copies left and he said, "How many do you want?" I said, "I'd like about a couple hundred of them" and he said, "Here they are." I hope you will enjoy them and I hope you will enjoy the potatoes.

The PRESIDENT: Of course I am a mere "Kennebecer" but I am rather surprised that Senator Barnes did not finish his resume of the beauties of Aroostook because he left out one of them which will honor us this morning. He mentioned the potatoes and beautiful scenery; he even mentioned the streams and the lakes but one other thing that Aroostook is noted for is the beauty of its women. We have here this morning, and are highly honored by her presence, the Potato Queen of Aroostook County. Inasmuch as her name is Miss Collins, and she comes from Caribou, the Chair will request that the Senator from Aroostook and Caribou, Senator Collins, escort her to the rostrum and introduce her to the Senate.

This was done amidst the applause of the Senate.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, I am very happy to present Miss Norma Lee Collins, Potato Queen. I wish to point out to you that Caribou is the town that produces many of the Queens of the potato festivals. Miss Collins is the third in succession from the town of Caribou.

Miss NORMA LEE COLLINS, POTATO QUEEN: Senator Collins, on behalf of the Aroostook County

delegation, I would like to present to you the best potatoes on earth.

Thereupon, Miss Collins, at the request of the President, used the President's gavel and seated the Senate.

From the House

The Committee on Veterans and Military Affairs on Bill "An Act Adding Korean Veterans to Laws Relating to Veterans," (H. P. 98) (L. D. 45) reported that the same ought to pass.

The Committee on Taxation on Bill "An Act Relating to Request for Tax Exemption," (H. P. 333) (L. D. 192) reported that the same ought to pass.

The Committee on Veterans and Military Affairs on Bill "An Act Relating to the Military Law," (H. P. 661) (L. D. 376) 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 Committee on Sea and Shore Fisheries on "Resolve, Relating to the Use of Purse or Drag Seines in Certain Waters," (H. P. 656) (L. D. 374) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Business Legislation on Bill "An Act Providing for Merger of Domestic Mutual Insurance Companies," (H. P. 1512) (L. D. 1118) reported that the same ought to pass as amended by Committee Amendment "A"

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

Joint Orders

On motion by Mr. Reid of Kennebec, it was

ORDERED, the House concurring, that (S. P. 295) (L. D. 654) Bill "An Act Relating to Salaries of Members of Employment Security Commission," be recalled from the Legislative Files to the Senate. (S. P. 528)

Sent down for concurrence.

On motion by Mr. Crosby of Franklin, it was

ORDERED, the House concurring, that the following bills and resolves be recalled from the Governor to the Senate:

S. P. 246, L. D. 548, Resolve Appropriating Monies for Automatic Emergency Electric Power for State Police Radio System.

H. P. 444, L. D. 273, An Act Relating to Compensation for Members of State Racing Commission.

S. P. 221, L. D. 496, An Act Relating to Court Stenographers.

H. P. 955, L. D. 567, An Act Relating to Expenses of the Recorder of Decisions.

H. P. 794, L. D. 1224, Resolve in Favor of Maine Historical Society.

H. P. 803, L. D. 1225, Resolve in Favor of Knox Memorial Association, for Support and Maintenance of Montpelier.

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

First Reading of a Printed Bill

Bill "An Act Relating to Liquor Licenses in Unincorporated Places," (S. P. 523) (L. D. 1249)

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

The PRESIDENT: In further observation of Aroostook Day, the Chair will request the Sergeant-at-Arms to escort the Senator from Aroostook, Senator Brewer to the rostrum, and the Chair appoints Senator Brewer as President pro tem.

This was done amidst the applause of the Senate, President Cross retiring.

Senate Committee Reports

Mr. McKusick from the Committee on Welfare on "Resolve Providing for State Pension for Charles Watt of Blanchard," (S. P. 403) (L. D. 951) reported that leave be granted to withdraw the same.

Which report was read and accepted.

Sent down for concurrence.

Mr. Fuller from the same Committee on "Resolve Providing for State Pension for Louis Sirois of Caribou," (S. P. 152) reported that the same ought not to pass.

(On motion by Mr. Fuller of Oxford, tabled pending acceptance of the report.)

Mr. Barnes from the Committee on Judiciary on MEMORIAL TO CONGRESS, — "Joint Resolution Rescinding Proposal for Considering a Constitutional Convention of the United States or Amendments to the Constitution of the United States Relating to Strengthening the United Nations and Limiting World Federal Government," (S. P. 205) (L. D. 460) reported the same in a new draft (S. P. 529) under a new title, "Joint Resolution Regarding a Constitutional Convention of the United States or Amendments to the Constitution of the United States Relating to Strengthening the United Nations," and that it ought to pass.

On motion by Mr. Barnes of Aroostook, tabled pending acceptance of the report and the new draft ordered printed.

Mr. Haskell of Penobscot from the Committee on Legal Affairs on Bill "An Act Relative to Itinerant Photographers," (S. P. 459) (L. D. 1073) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Creating the Eastport Public Landing Authority," (S. P. 440) (L. D. 1003) reported that the same ought to pass.

Mr. Brown from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to Qualifications for Lobster Licenses for Veterans," (S. P. 443) (L. D. 1006) reported that the same ought to pass.

Mr. Sleeper from the same Committee on Bill "An Act Relating to Wholesale Lobster Dealer's License," (S. P. 311) (L. D. 662) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Taking of Alewives in the New Meadows River in the Towns of Brunswick and West Bath," (S. P. 279) (L. D. 618) reported that the same ought to pass.

Mr. Collins from the Committee on Towns and Counties on Bill "An Act Relating to the Salaries of the Judge and the Clerk and Clerk Hire of the Auburn Municipal Court,"

(S. P. 288) (L. D. 627) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act to Authorize Cities and Towns to Accept Grants from Federal Government," (S. P. 461) (L. D. 1075) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Membership of the Emergency Municipal Finance Board," (S. P. 39) (L. D. 22) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Interest of Unorganized and Organized Townships Funds," (S. P. 444) (L. D. 1007) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Municipal Regulation of Motor Vehicles," (S. P. 397) (L. D. 944) reported that the same ought to pass.

Mr. McKusick from the Committee on Welfare on "Resolve Authorizing Forest Commissioner to Renew Lease to Passamaquoddy Lumber Company," (S. P. 327) (L. D. 816) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Sale and Lease of Lands in Indian Township," (S. P. 328) (L. D. 815) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve to Repeal Certain Special Resolve Pensions," (S. P. 482) (L. D. 1145) reported that the same ought to pass.

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

At this point, President Cross resumed the Chair, Mr. Brewer of Aroostook retiring amidst the applause of the Senate.

Mr. Collins from the Committee on Towns and Counties on Bill "An Act Relating to the Salary of the Mayor of the City of Lewiston," (S. P. 313) (L. D. 664) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted, and the bill read once; Committee Amendment "A" was read:

Committee Amendment A to L. D. 664: "Amend said bill by striking out in the next to the last line thereof the underlined figures \$4500 and inserting in place thereof the underlined figures \$3000.

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

The Majority of the Committee on Judiciary on Bill "An Act Authorizing Approval of the Interstate Civil Defense and Disaster Compact," (S. P. 117) (L. D. 207) reported that the same ought to pass.

(signed) Senators:

HASKELL of Cumberland
BARNES of Aroostook

Representatives:

WOODWORTH of Fairfield
HAYES of Dover-Foxcroft
FAY of Portland
FULLER of Bangor
DELAHANTY of Lewiston

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

(signed)

Representatives:

McGLAUFLIN of Portland
HARDING of Rockland

On motion by Mr. Haskell of Cumberland, the Majority "Ought to Pass" report was accepted and the bill read once and tomorrow assigned for second reading.

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Incurable Insanity as a Cause for which Divorce may be Granted," (S. P. 82) (L. D. 107) reported that the same ought to pass as amended by Committee Amendment "A".

(signed) Senators:

WEEKS of Cumberland
ELA of Somerset

Representatives:

BURKETT of Portland
HAWKES of Saco
MARTIN of Augusta
STEWART of Paris
THOMAS of Waterville

The Minority of the same Committee on the same subject matter

reported that the same ought not to pass.

(signed) Senator:

HASKELL of Penobscot

Representatives:

WOODCOCK of Bangor
HAND of New Limerick

Mr. WEEKS of Cumberland: Mr. President, I move the acceptance of the Majority "Ought to Pass as amended" report.

Thereupon, on motion by Mr. Haskell of Cumberland, the report and accompanying papers were laid upon the table pending motion by the Senator from Cumberland, Senator Weeks, that the Senate accept the Majority report.

Passed to be Engrossed

Bill "An Act Relating to Employed Persons in Paper Mills." (H. P. 328) (L. D. 188)

Bill "An Act to Change the Law Relating to Apothecaries." (H. P. 545) (L. D. 310)

Bill "An Act Relating to the Excise Tax on Certain Types of Oleomargarine." (H. P. 657) (L. D. 366)

Bill "An Act to Designate Certain Waters of the Dead River as Flagstaff Lake." (H. P. 1124) (L. D. 696)

Bill "An Act Relating to Fluoride in Public Water Supplies." (H. P. 1280) (L. D. 819)

"Resolve Permitting the Building of a Fish Pond in Chapman." (H. P. 1369) (L. D. 960)

"Resolve, Authorizing a Tax and Cutting Practice Committee." (H. P. 1672) (L. D. 1240)

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

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

Bill "An Act Relating to the Breeding and Raising of Mink." (H. P. 628) (L. D. 351)

Bill "An Act Relating to Special Dog Training and Field Trial Areas." (H. P. 630) (L. D. 352)

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

"Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees." (H. P. 804) (L. D. 477)

Mr. BREWER of Aroostook: Mr. President, I present Senate Amendment A and move its adoption. In the way of explanation, I would say that this item was retroactive to March 1st but we found that that day comes in the middle of the week, so I present this amendment so that they can start in on a full weeks pay.

The Secretary read the amendment. Senate Amendment A to L. D. 477. "Amend said resolve by striking out in the 15th line thereof of the word and figure January 1 and inserting in place thereof the word and figure March 10"

Thereupon, Committee Amendment A was indefinitely postponed and Senate Amendment A was adopted, in non-concurrence.

Sent down for concurrence.

Bill "An Act Relating to Smelt Fishing." (H. P. 1309) (L. D. 862)
(On motion by Mr. Palmer of Lincoln, tabled pending passage to be engrossed.)

Bill "An Act Regulating the Dragging for Scallops in Harrington River and Pleasant River, Washington County." (H. P. 1446) (L. D. 1042)

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

"Resolve Providing Funds for Maintenance at Teachers Colleges and Normal Schools." (S. P. 224) (L. D. 499)

Bill "An Act Amending the Voluntary Apprenticeship Law." (S. P. 458) (L. D. 1072)

"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) (L. D. 1143)

Bill "An Act Relating to Baxter State Park." (S. P. 521) (L. D. 1243)

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

Sent down for concurrence.

Orders of the Day

Mrs. KAVANAGH of Androscoggin: Mr. President, I would like to ask it L. D. 722 is in the possession of the Senate.

The PRESIDENT: The Chair will state that the document is in the

possession of the Senate having been held at the request of Senator Kavanaugh for reconsideration.

Mrs. KAVANAGH: Mr. President, I move that the Senate reconsider its former action whereby it accepted the "Ought Not to Pass" report of the Committee, and further move that the bill lie upon the table and be especially assigned for Thursday, April 5.

The motion to table prevailed, and the bill and accompanying papers were laid upon the table pending motion by the Senator from Androscoggin, Senator Kavanagh, that the Senate reconsider its action whereby it accepted the "Ought Not to Pass" report of the committee; and the bill was especially assigned for Thursday, April 5.

Mr. BARNES of Aroostook: Mr. President, under heading "Bills Recalled by Joint Order" and now in possession of the Senate, I would like to inquire if L. D. 660 is in the possession of the Senate.

The PRESIDENT: The Chair will inform the Senator that the bill is in the possession of the Senate having been recalled by Joint Order.

Thereupon, on motion by Mr. Barnes of Aroostook, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

Mr. BARNES of Aroostook: Mr. President, I am about to present Senate Amendment A to this bill and will simply say to you members of the Senate that this bill as originally drawn purported to amend private and special laws of 1939 and there have since been two amendments to that particular private and special law so this just adds "as amended." I now present Senate Amendment A and move its adoption.

The Secretary read the amendment. Senate Amendment A to L. D. 660. "Amend said bill by striking out all after the enacting clause and inserting in place thereof the following: P. & S. L. 1939 C. 3 P. 2 amended. The first paragraph of Section 2 of Chapter 3 P. S. and L - - -"

Thereupon, on motion by Mr. Weeks of Cumberland, the amendment was adopted without further

reading, and the bill as so amended was passed to be engrossed; and on motion by Mr. Barnes of Aroostook, the bill and accompanying papers were laid upon the table pending consideration.

On motion by Mr. Marshall of York, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Liquor Control on bill, An Act Relating to Licenses for Consumption Sale (S. P. 169) (L. D. 343) tabled by that Senator on February 23 pending acceptance of the report; and on further motion by the same Senator the "Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Crosby of Franklin, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary on Resolve Authorizing Expenditure of Certain Moneys in Possession of Bangor State Hospital (S. P. 336) (L. D. 752) tabled by that Senator on March 30 pending acceptance of the report.

Mr. HASKELL of Penobscot: Mr. President and Members of the Senate, this is truly a minor bill and I doubt that anyone in the Senate has read the bill or has any convictions one way or another and I am hopeful that fair debate on a minor bill will bring out a sane conclusion.

The report from the Judiciary Committee was unanimous Ought Not to Pass. The bill is so short that I will read it.

"That the superintendent of the Bangor state hospital be, and hereby is, authorized to expend for the benefit and welfare of the patients of said hospital such part of the cash balance of the patients' cash deposit account as may be represented by interest earnings on said deposit plus such parts of the cash deposit account as may be represented by unclaimed deposits provided, however, that all unclaimed deposits so used must have remained unclaimed for not less than 5 years; and provided further, that the superintendent of the hospital

shall have made every reasonable attempt to locate the owners of said unclaimed deposits; and provided further, that the principal balance shall at no time be drawn down to a total less than the amount of the largest single unclaimed deposit."

The problem is this: Relatives of patients at our state institutions are privileged to make modest deposits and the dollars represented by those deposits are spent by the superintendent for the modest personal needs of the patients that are not taken care of by the ordinary hospital issue.

In a period of some forty years at Bangor State Hospital, that deposit has grown to a point where there is approximately \$2,300.00 unclaimed, and of that \$2,300.00, something over ninety per cent represents savings bank earnings on the deposit. The Superintendent asked the Commissioner if he could use any of that unclaimed deposit for the benefit of the more unfortunate patients who did not have these small sums deposited. The Commissioner checked with the Attorney General and the Attorney General said, "No, unless you get permission of the Legislature."

I can see legal objections to it, in that there is that remote possibility that someone might appear and make a claim on that deposit. But for all practical purposes, the largest single deposit is nine dollars. I am sure that the Superintendent will always keep several hundred dollars in the unclaimed account. I think as a matter of law—and I am hesitant, being a layman, to make reference to a legal principle—but I think in several statutes we have established as a Legislature the procedure whereby unclaimed deposits of one sort or another go back to the benefit of the State and that, I think, is all that this bill does, and that it gives to the State and to the Superintendent of the Hospital the right to use such of that amount as clearly will remain unclaimed.

If the Legal Committee takes the position that the interest on those deposits should accrue to the original donors which they seem to believe, that, of course, is impossible to administer because that interest in very small sums in pennies over a period of forty years just never could be distributed.

It seems to me that there is some area between a strict legal interpretation of what is right and the humanitarian objective that is sought in this bill. If it weren't a dull morning, I wouldn't debate, but I think there is enough merit and not enough danger, at least in the principle to warrant a motion which I now make that the bill be substituted for the report.

Mr. HASKELL of Cumberland: Mr. President, I am sure that I am in perfect agreement with my colleague, Senator Haskell from Penobscot, that this is not a large nor important bill before the Senate and I am deeply and personally sympathetic with the motives which prompted the introduction of this resolve. On the other hand, I do feel that there is considerable legal question involved in the manner in which the resolve attempts to carry out the motive which it hopes to effectuate.

Normally, as I understand it, these matters of escheated funds do accrue to the State. This resolve if I read it correctly, and I think I express the thoughts of the Judiciary Committee in so saying, digresses to the extent that it takes funds belonging to an individual and permits those funds not to go to the benefit of the State, but to go to the benefit of other individuals.

Actually, Mr. President and Members of the Senate, I don't think the legal question is so serious that it involves any court procedures, any injunctions or any law court decisions. But I do think in passing on this matter that the Senate should definitely keep in mind that you are taking money away from one person by this resolve and not giving it to the State, which is the standard procedure, but permitting it to be used for other people.

I think that it was for that reason, primarily, that the Judiciary Committee reported unanimously the resolve Ought Not to Pass, and for that reason I feel compelled to vote against the motion made by my colleague, Senator Haskell.

Mr. HASKELL of Penobscot: Mr. President, I am extremely hesitant to participate in a legal debate but I remind the Senate that this resolve in no way establishes or intends to establish the principle of

escheat with reference to these funds. If we attempted to establish that, we would have definitely taken from those persons representing the unclaimed depositors the right to recover, but we do not. Their right to recover is unchanged in this bill and the liability on the fund exists and it is for that reason that the principal is protected up to the amount of the largest single unclaimed deposit and common sense tells me that interest accruals in the future on that sum will always be more than sufficient after, as the bill provides, the Superintendent has made every reasonable effort to locate these people.

The resolve does not establish the principle of escheat. It doesn't intend to and it can't be read into the bill. That legal right to reclaim those deposits exists today and will exist if this resolve passes.

Mr. HASKELL of Cumberland: Mr. President, I hesitate to rise the second time on such a minor matter, unless I misinterpreted the remarks made by Senator Haskell in his original statement which were to the effect that the largest single unclaimed deposit amounted to only nine dollars. I do feel obliged to call to the attention of the Senate that as drawn we have a fund of nearly \$2,300.00 here and the last section says, and I quote:

"And provided further, that the principal balance shall at no time be drawn down to a total less than the amount of the largest single unclaimed deposit."

It seems to me that under this resolve if you follow it literally, you can take a fund of \$2,300.00 and reduce it to nine dollars and I have no knowledge from the Senator from Penobscot, Senator Haskell, as to the total of the deposits, but if you are down to nine dollars, it seems to me if you have a claim, or if several can be proven, someone has to wait a period of time until the interest multiplies up before they can collect.

Mr. HASKELL of Penobscot: Mr. President, this I assure you will be my last speech on this very minor bill. Actually, \$224.00 or \$228.00 of this twenty-three hundred odd is the total unclaimed deposit in the entire sum, and in practical administration of the fund, the active amounts total about \$6,000.00.

I agree that such portion as represents the unclaimed deposits could be drawn down to zero but by the same token the principal sum is always earning interest and the interest on the active and inactive account would at all times be sufficient to make good any of these minor claims. The principal doesn't seem particularly important to me.

It seems to me the question is whether we want to be practical and instead of keeping in the Bangor Savings Bank the small amount of money to lay there forever, that we let the Superintendent take out of it to give a little happiness to those poor unfortunates up at the Bangor State Hospital.

Mr. BARNES of Aroostook: Mr. President, it seems to me that it is a pretty rough proposition to come down here and ask the State Legislature to take the small sum of \$208.00, if that is it, from one individual and give it to another and I don't believe this legislation is wise.

The limitation is five years as I read the bill. That is even less than the Statute of Limitations. Whenever there is a closed bank and there are unclaimed deposits, there is provision that they may be turned over to the Treasurer of the State or they, I suppose, can be invested. But if anyone who owns any part of those unclaimed deposits comes along, he can get it.

If there is any appreciable sum involved here to any one claimant, I can envision the presenting of claims to this Legislature in the future and I think this is a little bit too rough a bill for \$208.00. So I hope the motion of the Senator to substitute the bill for the report does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, to substitute the bill for the Ought Not to Pass Report of the Committee.

A viva voce vote being had, the bill was substituted for the report, given its first reading and tomorrow assigned for second reading.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table bill, An Act Relating to Motor Vehicles Parking in Dangerous Places (H. P. 95) (L. D. 40) tabled by that Senator on

March 28 pending motion by Senator Barnes of Aroostook that the bill be indefinitely postponed.

Mr. BARNES of Aroostook: Mr. President, the morning that the amendment was read, it sounded very involved, but on reading the amendment, I find it is really not as bad as I had felt, and I would like to withdraw my motion to indefinitely postpone.

The Senator was granted permission to withdraw his motion to indefinitely postpone the bill.

Thereupon, on motion by Mr. Allen of Cumberland, House Amendment D was read and adopted in concurrence and the bill as amended by House Amendments C and D was passed to be engrossed in concurrence.

On motion by Mr. Palmer of Lincoln, the Senate voted to take from the table bill, An Act Relating to Smelt Fishing (H. P. 1309) (L. D. 862) tabled by that Senator earlier in today's session pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Prohibiting the Printing of Pauper Assistance in Town Reports (H. P. 206) (L. D. 128) tabled by that Senator on March 27 pending motion by the Senator from Hancock, Senator Noyes that Senate Amendment A be adopted.

Mr. BARNES of Aroostook: Mr. President, I wish to speak very briefly in favor of the adoption of this amendment.

The morning when the bill came up in the Senate, I listened with interest to the arguments pro and con on whether or not the bill should pass and I was in some doubt as to the wisdom of the bill and I still am for these reasons:

At the present time, we have in our statutes qualifications of voters. We have in our constitution the qualifications of voters for Governor, Senators and Representatives and it excludes paupers from those qualified to vote and later on over in the revised statutes—I have forgotten for the moment the chap-

ter and section—but there is a provision that anyone entitled to vote for Governor, Senators and Representatives under the constitution is also entitled to vote in town meetings.

Now, you have this situation and this is what I am afraid of, and I want to make it perfectly plain to the Senate if there was anything we could do and do wisely to remove any stigma that might be attached to a pauper or his family from the publication of his name in the town reports, I would certainly be the first to go along with it.

But you have this situation in your towns and organized plantations. You have your board of selectmen, ordinarily three, and you have your overseers of the poor and they are one and the same person. Now, you have this situation. At any town meeting for the election of town officials or for the matters of appropriating money, you have your board of selectmen sitting as judges of that election by law. Those same men throughout the year are also overseers of the poor and they have control of what supplies shall be given to what people who apply for aid, and I fear this.

I fear you might have—and I have seen it happen in my own town—you might have a board of selectmen who were scoundrels who would look with favor upon those who supported them in their candidacy for town office and they would naturally be kind to them and supply them well, and those unfortunates who couldn't go along and vote for that particular board would be very poorly treated.

Now you may say that any citizen who wished to could go to the town office and look up the list of paupers before election and determine who are disqualified under the laws that now exist. But citizens generally are not going to bother to do that. The only way they have to know whether a man is a pauper or not is in the printing of these lists in the town report and for the purposes of challenging votes, that is the only list they have.

If this law is passed, that list will be unavailable to them. You will have a board of election offi-

cial, selectmen of the town, who do have that knowledge and the ordinary citizen won't have it. And when you couple up the ability to easily determine who are and who are not qualified to vote with the power and authority throughout the remainder of the year to grant supplies to families who might be friendly to them in the way of voting, I think it is bad and I therefore hope that the main bill having been defeated, Senator Noyes' amendment will pass because that then will give towns home rule on this subject and if they vote in any town meeting to have the names of the paupers published that will be done. If his amendment isn't adopted, it would be state-wide and we won't have any authority whatever to publish these names.

I reiterate that I sympathize with those who fall into this group. I have no great sympathy with the sluggard who through his laziness doesn't try to help himself. And I think that there is some virtue, at least, to publishing those names because some people have some pride and would endeavor by every means possible to refrain from calling on the towns for aid so that their names wouldn't be printed in these lists.

With the hookup being what it is where the selectmen and overseers of the poor are one and the same, I think that this bill repealing the printing of pauper lists is bad and not being able at this time to attain that objective, I certainly am in favor of Senator Noyes' amendment to let the towns say by their own vote in town meeting whether or not it will publish these lists. Thank you.

Mr. DENNETT of York. Mr. President and Members of the Senate, I feel that this is really and actually only a minor bill and I think it is unnecessary to have a great deal of debate about it.

I rise this morning to oppose the motion by the Senator from Hancock, Senator Noyes, on the adoption of Senate Amendment A. I think, and I think that many of you may agree with me, that to base any legislation on the basis that the selectmen and overseers of the poor of our various towns might be scoundrels is rather poor.

I do think, however, in many cases that the pauper assistance for the support of the poor is poorly administered. But I think in every instance they at least try to do their best. In most of these towns, there is very rarely over eight or nine. That is almost the maximum that would be on pauper relief. I can not even visualize these people, if they were permitted to vote, of actually swaying any vote in the town. It seems unreasonable to believe that such would be the case.

Last week we debated the merits of this bill and I think we debated it quite thoroughly. The majority of the members of this Senate seemed to be convinced it was a good bill. Frankly and honestly, this amendment will absolutely nullify the bill.

As it stands today, a town can vote whether or not to print the paupers' names in the report and this would merely turn it around, which would actually be the same result.

This last Sunday I had an opportunity to be in a town in York County quite removed from my own and I inquired if they had the town report. They informed me that they had and they also had the town report of a neighboring town and I would like to bring this evidence before the Senate to show exactly how this works.

I have before me the municipal reports of the Towns of Newfield and of Acton. Now, in the Town of Acton, they do not print the names of those who receive pauper supplies and in the Town of Newfield they do.

In the Town of Acton, the Town that does not print the names of the paupers receiving the supplies from the Town, the Town had a balance from the pauper support of poor of \$325.00 and they only appropriated \$850.00 for that account. In the Town of Newfield, which is a town of approximately the same size, they appropriated \$500.00 and overdraw their account \$721.00. And the paupers of the Town of Newfield are printed in exceedingly large letters. So, it is evident that the printing of the names of those who receive pauper assistance in any way has no bearing on the money actually expended.

It is really, as was discussed here last week, to remove the stigma of shame from those who by necessity are forced to go to the town of officers and ask for this relief and the adoption of this amendment which would on the vote of the town cause the names to be printed would actually, as I see it, serve no useful purpose and it would only be an act of some vindictive persons to put shame upon their fellow men. Again, I reiterate that I oppose this amendment by the Senator from Hancock, Senator Noyes.

Mr. NOYES of Hancock: Mr. President, the remarks of the Senator from York, Senator Dennett, would indicate the same stand that I took here a week ago in stating to you that our towns in the State of Maine are not alike. There is a difference. There is a difference between the two towns of which he speaks. I don't think the figures he quotes amount to anything because you will find different situations in any two towns.

We have heard in this Senate much talk and criticism of the powers that have been taken away from the towns, the powers that the federal government is taking away from the states and now we are trying to tell the towns what they can or cannot do.

This amendment permits a town to print the names if they see fit. If the bill passes, becomes a law, no town will be permitted to print the names of town paupers in their reports. However, if conditions arise when the people of the town feel that the names of the paupers should be printed, then they should have the right to print them.

I believe that is democracy. I believe they should have that right. If the majority feel that the names should be printed in the next town report, they should be permitted to do so.

I can't see anything wrong with the amendment and I certainly hope that it will be adopted.

Mr. BARNES of Aroostook: Mr. President, I ask that the vote be taken by division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes, that Senate Amendment A be adopted.

A division of the Senate was had. Sixteen having voted in the affirmative and fourteen opposed, Senate Amendment A was adopted, and the bill as amended was tomorrow assigned for second reading.

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

Mr. BREWER of Aroostook: Mr. President, in order to bring the Senate up to date on what has transpired to the Appropriations Bill sent out by your Appropriations Committee, I will state that so far, the other body has cut the Dog License Administration \$5,000.00. I will explain that that is money collected from the towns and the reason we raised it eighty-five to ninety thousand which has since been taken out was the fact that that has built up to that amount and anything that isn't paid out is prorated back to the towns. It really doesn't involve any money but that has been cut \$5,000.00.

Your Development Commission has been cut \$50,000.00, from three hundred thousand to two hundred fifty.

Your Educational Department aid to academies has been increased \$60,000.00. We probably would have done that in the end, anyway, the Appropriations Committee, because there was an error in that. We thought it would take one hundred twenty thousand one year and sixty the next but due to the fact that there was a break in the year, it was necessary to have the one hundred twenty thousand each of the two years. So, that has been put in.

On your educational aid to cities, towns, plantations and community school districts, that has been increased \$771,451 the first year and \$941,536 the second year.

On Control of White Pine Blister Rust, there was an amendment offered in the Senate by Senator Crosby which took off \$5,000.00 from the White Pine Blister and put in ten to small woodlot owners. So, we have taken off five on one and added ten to the other.

On Aid to Dependent Children, that has been increased four hundred eighty thousand the first year and five hundred four thousand the next, with a total appropriation

over and above those put on in this body of \$1,201,451 the first year and \$1,455,536 the second year.

Now, as yet, there hasn't been considered in the other Body the Support of State Paupers for which your Appropriations Committee recommended six hundred thousand and by amendment in the Senate four hundred thousand more that would bring it up to a million. So, there is the four hundred thousand there.

Then the reclassification of State Employees which was put on by Senate amendment of three hundred thousand each year. There is three hundred thousand more each year there.

No action has been taken in the House, but five hundred thousand over and above the \$818,596.00 which the Appropriations Committee recommended for the University of Maine on your mill tax. You will remember by senate amendment we put on five hundred thousand more. But those three items, Support of State Paupers, Reclassification of State Employees, University of Maine, have not been considered by the other body as yet. So, to date, over and above the amounts recommended by the Senate has been added \$1,201,451.00 the first year and \$1,455,536.00 the second year.

Mr. SAVAGE of Somerset: Mr. President, I would like to ask, through the Chair, a question of Senator Brewer.

The PRESIDENT: The Senator may ask his question and Senator Brewer may answer if he wishes.

Mr. SAVAGE: Mr. President, did I understand the Senator to say that the other Branch, if I may mention it, has upped our appropriation a million dollars more than the regular appropriations bill with amendments?

Mr. BREWER: That is my understanding.

Mr. SAVAGE: I do not think that is correct.

Mr. HASKELL of Cumberland: Mr. President, if it be in order, for the purpose of introducing an amendment, I should like to move that the Senate reconsider its action taken earlier in today's session with regard to L. D. 752, whereby

the bill was tomorrow assigned for second reading.

The motion prevailed and the Senate voted to reconsider its action taken earlier in today's session whereby Resolve Authorizing Expenditure of Certain Moneys in Possession of Bangor State Hospital (S. P. 336) (L. D. 752) was tomorrow assigned for second reading.

Mr. HASKELL of Cumberland: Mr. President, I present Senate Amendment A which I believe will clarify any objections to the bill. I move the adoption of the amendment.

The Secretary read the amendment:

Senate Amendment A to L. D. 752. "Amend said resolve by striking out everything after the last semicolon therein, and inserting in place thereof the following 'and provided further that the balance shall at no time be drawn down to less than \$250.'"

Mr. HASKELL of Penobscot: Mr. President, in supporting the motion of Senator Haskell that the amendment be adopted, I think it common sense intent of the hospital not to draw the fund down below that amount. I doubt if it will ever be drawn below \$500 but by putting this you are putting a limitation onto it that I think should satisfy everyone that the unclaimed deposit is always in the fund, and still it gives to those deserving patients the difference between \$250 and \$2300 and that really accomplishes the purpose of the bill and removes any objections to it.

Thereupon, Senate Amendment A was adopted and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Brewer of Aroostook,

Adjourned until tomorrow morning at ten o'clock.