

# 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**

Thursday, April 5, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Arthur G. Christopher of Augusta.

Journal of yesterday read and approved.

**From the House**

**JOINT ORDER** relative to Judiciary Committee being authorized to study Federal Laws Relating to Health and Welfare Programs. (H. P. 1686)

Comes from the House, read and passed.

In the Senate, on motion by Mr. Haskell of Cumberland, tabled pending passage.

The Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for the Annual Salary of the Members of the Public Utilities Commission." (H. P. 256) (L. D. 168) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the Publishing of State Notices." (H. P. 1509) (L. D. 117) reported that the same ought not to pass.

The same Committee on "Resolve Appropriating Moneys for Construction at Leavitt Institute." (H. P. 873) (L. D. 521) reported that the same ought not to pass.

The same Committee on "Resolve Providing Funds for Nursing Attendant Education." (H. P. 795) (L. D. 474) reported that the same ought not to pass.

(On motion by Mr. Collins of Aroostook, tabled pending acceptance of the report.)

The Committee on Judiciary on Bill "An Act Relating to Costs in Municipal Courts." (H. P. 1110) (L. D. 690) reported that the same ought not to pass.

The same Committee on Bill "An Act Including Members and Clerks of Boards of Registration in Maine State Retirement System." (H. P. 1272) (L. D. 841) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Claims under Small Claims Law." (H. P. 1269) (L. D. 838) reported that the same ought not to pass.

The same Committee on Bill "An Act Establishing the Low Water Mark at the Dam at Welchville, Oxford County." (H. P. 1176) (L. D. 732) reported that the same ought not to pass.

The same Committee on Bill "An Act Including Members of Legislature in Maine State Retirement System." (H. P. 1273) (L. D. 842) reported that the same ought not to pass.

(On motion by Mr. Leavitt of Cumberland, tabled pending acceptance of the report.)

The same Committee on Bill "An Act to Repeal the Immunity Section of the State Civil Defense Law." (H. P. 1013) (L. D. 598) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Attachment of Wages." (H. P. 1271) (L. D. 840) reported that the same ought not to pass.

The Committee on Labor on Bill "An Act Designating Beryllium Poisoning as an Occupational Disease." (H. P. 677) (L. D. 409) reported that the same ought not to pass.

The Committee on Labor on Bill "An Act Relating to Legal Fees in Cases Under Workmen's Compensation Act." (H. P. 1427) (L. D. 1064) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Duty of Department of Labor and Industry Concerning Certain Places." (H. P. 1549) (L. D. 1110) reported that the same ought not to pass.

The same Committee on Bill "An Act to Amend the Workmen's Compensation Act as to Waiting Period and Compensation Benefits." (H. P. 1323) (L. D. 886) reported that the same ought not to pass.

The Committee on Towns and Counties on Bill "An Act Relating to Boards of Registration." (H. P. 1488) (L. D. 1096) reported that the same ought not to pass.

The Committee on Towns and Counties on Bill "An Act Relating to Dog Licenses." (H. P. 1434) (L. D. 1045) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Maintaining Roads to Shores of Lakes." (H. P. 1628)

(L. D. 1187) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Fees for Certified Copies of Check-Lists." (H. P. 1037) (L. D. 565) reported that the same ought not to pass.

The Committee on Welfare on "Resolve, Providing for an Increase in State Pension for Harold L. Weymouth of St. Albans." (H. P. 357) reported that the same ought not to pass.

The Committee on Welfare on Bill "An Act Relating to Aid of the Disabled." (H. P. 175) (L. D. 106) reported that the same ought not to pass.

The Committee on Welfare on "Resolve Providing for an Increase in State Pension for Everett Ervine of Damariscotta." (H. P. 6) reported that the same ought not to pass.

The Committee on Welfare on "Resolve Providing for State Pension for Charles C. Pullen of Thomaston." (H. P. 370) reported that the same ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Walter H. Bickford of Monroe," (H. P. 668) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Citizen Requisite for Old Age Assistance." (H. P. 1595) (L. D. 1167) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Desmond A. Kennedy of Pea Cove." (H. P. 360) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Mrs. Lillian Goodrich of Brewer." (H. P. 356) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Edward F. Hutchins, Sr., of Wells." (H. P. 214) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for John Daggett Lane of Winthrop." (H. P. 108) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Mrs. Lida Nickerson of Orland." (H. P. 364) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Wilfred Duffy of Benedicta." (H. P. 245) reported that the same ought not to pass.

The Committee on Highways, on Bill "An Act Relating to Temporary Borrowing by State." (H. P. 1363) (L. D. 954) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Penalty for Dumping Waste Material in Public Ways." (H. P. 1530) (L. D. 1123) reported that leave be granted to withdraw the same.

The Committee on Legal Affairs on Bill "An Act Permitting Greyhound Racing." (H. P. 929) (L. D. 529) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act to Regulate the Practice of Land Surveying." (H. P. 1641) (L. D. 1205) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Amending the Charter of the Town of Dixfield School District." (H. P. 643) (L. D. 384) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

The Majority of the Committee on Transportation on Bill "An Act Relating to Motor Vehicle Operators' Licenses." (H. P. 1244) (L. D. 796) reported that the same ought not to pass:

(Signed)

Senators: ALLEN of Cumberland  
BOYKER of Oxford  
CHRISTENSEN  
of Washington

Representatives:

PERRY of Chelsea  
KELLY of Rumford  
TRAVIS of Westbrook  
TURNER of Auburn  
HOWELL of Hermon  
JONES of Bowdoinham

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

(Signed)

Representative:

MAGUIRE of Auburn

Comes from the House, the Majority Report accepted.

In the Senate, on motion by Mr. Allen of Cumberland, the Majority Report "Ought Not to Pass" was accepted in concurrence.

#### Orders

On motion by Mr. Larrabee of Sagadahoc, it was

ORDERED, that the Reverend Gerald Beales of Topsham be invited to officiate as Chaplain of the Senate on the morning of April 10, 1951.

On motion by Mr. Marshall of York, it was

ORDERED, the House concurring that H. P. 1121, L. D. 708 bill, An Act Relating to Ogunquit Village Corporation be recalled from the legislative files to the Senate.

#### House Committee Reports

The Committee on Judiciary on Bill "An Act Relating to Composite Certificates of Organization of Corporations." (H. P. 1108) (L. D. 688) reported that the same Ought to pass.

The Committee on Labor on Bill "An Act Relating to The Employment of Women During War and Other Emergencies." (H. P. 927) (L. D. 540) reported that the same Ought to pass in New Draft under the same title (H. P. 1683) (L. D. 1267)

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Taking and Sale of Clams in the Town of Boothbay." (H. P. 30) (L. D. 7) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to the Taking and Sale of Clams in the Town of Westport." (H. P. 330) (L. D. 166) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to the Digging of Shellfish and Marine Worms in the Town of Yarmouth." (H. P. 1395) (L. D. 987) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to Sallop Fishing Licenses." (H. P. 1130) (L. D. 699) reported the same in New Draft (H. P. 1682) (L. D. 1256) under the same title and that it Ought to pass.

The same Committee on Bill "An Act Relating to the Taking of Alewives in Winnegance Lake in the City of Bath and the Towns of Phippsburg and West Bath." (H. P. 1186) (L. D. 744) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to Non-Resident Commercial Fishing Licenses." (H. P. 439) (L. D. 262) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to the Taking of Alewives in the Town of Arrowsic." (H. P. 1063) (L. D. 643) reported that the same Ought to pass.

The Committee on Towns and Counties on Bill "An Act Increasing the Salary of the Recorder of the Western Hancock Municipal Court." (H. P. 555) (L. D. 313) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to Fire Protection Tax in Unorganized Territory." reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Purposes for Which Cities and Towns May Raise Money." (H. P. 1645) (L. D. 1208) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to Time of Registration of Voters in Towns." (H. P. 1554) (L. D. 1115) reported that the same Ought to pass.

The same Committee on Bill "An Act to Authorize Towns to Own Scales." (H. P. 1443) (L. D. 1054) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to Clerk Hire of the Lewiston Municipal Court." (H. P. 1135) (L. D. 667) reported that the same Ought to pass.

The same Committee on Bill "An Act Increasing the Salary of the Recorder of the Bar Harbor Municipal Court." (H. P. 1139) (L. D. 671) reported that the same Ought to pass.

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

The Committee on Inland Fisheries and Game on Bill "An Act Creating Beauchamp Point Game Preserve (H. P. 1412) (L. D. 1020)

reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Providing for Additional Signers for Direct Initiative of Legislation." (H. P. 1114) (L. D. 694) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were 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.

The PRESIDENT: At this time, the Senator from Androscoggin, Senator Boucher has called to the attention of the Chair, the presence in the balcony of a group from the St. Rose de Lima school in Chisholm, accompanied by their teachers, the nuns of St. Joseph. One of these nuns is the daughter of Senator Boucher. It is a privilege and pleasure for the Chair to welcome them to the Senate and we hope they will have a pleasant stay.

#### Senate Committee Reports

Mr. Brewer from the Committee on Agriculture on Bill "An Act Relating to the Assets of the Farm Rehabilitation Corporation of Maine." (S. P. 153) (L. D. 327) reported that the same ought to pass.

Mr. Greeley from the Committee on Agriculture on Bill "An Act Relating to Membership of the Blueberry Industry Advisory Committee." (S. P. 387) (L. D. 935) reported that the same ought to pass.

Mr. Larrabee from the Committee on Natural Resources on Bill "An Act Relating to Boats for Hire on Inland Waters." (H. P. 392) (L. D. 1010) reported that the same ought to pass.

Mr. Kusick from the Committee on Welfare on Bill "An Act Relating to Vital Statistics." (S. P. 401) (L. D. 949) reported that the same ought to pass.

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

#### Senate Committee Reports

Mr. Brown from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to Sea and Shore Fisheries Licenses." (S. P. 151) (L. D. 270) reported the same in new draft (S. P. 532) and that it ought to pass.

Which report was read and accepted and the bill in new draft laid upon the table for printing under Joint Rule 10.

Mr. Tabb from the Committee on Agriculture on bill, "An Act Creating the Maine Economic Poisons Law." (S. P. 342) (L. D. 808) 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 to L. D. 808: "Amend said bill by striking out the underlined figure '\$10' in the second line of the second paragraph of that part designated Section 187M and inserting in place thereof the underlined figure '\$5'."

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

Mr. Marshall from the Committee on Labor on bill, "An Act to Clarify the Employment Security Law." (S. P. 457) (L. D. 1071) reported that the same ought to pass as amended by Committee Amendment A.

Mr. Brown from the Committee on Sea and Shore Fisheries on bill, "An Act Relating to Interstate Transportation of Clams." reported that the same ought to pass as amended by Committee Amendment A.

Which reports were severally read and accepted and the bills read once; Committee Amendments A were severally adopted without reading, and the bills as so amended were tomorrow assigned for second reading.

Mrs. Kavanagh from the Committee on Business Legislation on bill, "An Act Concerning Coercion in the Placing of Insurance on Real Estate or Personal Property." (S.

P. 428) (L. D. 992) 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. 992: "Amend said bill by adding at the end thereof the following underlined sentence: 'This Section shall not prevent the exercise by any such person, firm, corporation, trustee, director, officer, agent or employee of the right to approve or disapprove of the insurance company to underwrite the insurance.'"

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

The Majority of the Committee on Judiciary on "Resolve Relating to Election of Commissioner of Agriculture and State Auditor by the People." (S. P. 360) (L. D. 875) reported that the same ought not to pass.

(Signed)

Senators:

HASKELL of Cumberland  
BARNES of Aroostook

Representatives:

McGLAUFLIN of Portland  
WOODWORTH of Fairfield  
HAYES of Dover-Foxcroft  
FULLER of Bangor  
FAY of Portland  
HARDING of Rockland

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

(Signed)

Representative:

DELAHANTY of Lewiston

On motion by Mr. Boucher of Androscoggin, the resolve and accompanying papers were laid upon the table pending acceptance of either report.

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Elect Secretary of State, Treasurer of State and Attorney-General by the People." (S. P. 359) (L. D.

874) reported that the same ought not to pass.

(Signed)

Senators:

HASKELL of Cumberland  
BARNES of Aroostook

Representatives:

McGLAUFLIN of Portland  
WOODWORTH of Fairfield  
HAYES of Dover-Foxcroft  
FULLER of Bangor  
FAY of Portland  
HARDING of Rockland

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

(Signed)

Representative:

DELAHANTY of Lewiston

On motion by Mr. Boucher of Androscoggin, the resolve and accompanying papers were laid upon the table pending acceptance of either report.

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Elect Members of the Executive Council by the People." (S. P. 358) (L. D. 873) reported that the same ought not to pass.

(Signed)

Senators:

HASKELL of Cumberland  
BARNES of Aroostook

Representatives:

McGLAUFLIN of Portland  
WOODWORTH of Fairfield  
HAYES of Dover-Foxcroft  
FULLER of Bangor  
FAY of Portland

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

(Signed)

Representative:

DELAHANTY of Lewiston

On motion by Mr. Boucher of Androscoggin, the resolve and accompanying papers were laid upon the table pending acceptance of either report.

The Majority of the Committee on Labor on Bill "An Act Repealing Industrial Homework." (S. P.

241) (L. D. 511) reported that the same ought not to pass.

(Signed)

Senators:

REID of Kennebec  
MARSHALL of York

Representatives:

BROWN of Baileyville  
CASWELL of New Sharon  
CASTONGUAY of Water-  
ville  
WALLS of Millinocket  
LETOURNEAU of Sanford

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

(Signed)

Senator:

COLLINS of Aroostook

Representatives:

WEST of Stockton Springs  
LARRABEE of Westbrook

On motion by Mr. Collins, the bill and accompanying papers were laid upon the table pending acceptance of either report.

The Majority of the Committee on Sea and Shore Fisheries on Bill "An Act Regulating Use of Trawls in Washington County." (S. P. 442) (L. D. 1005) reported that the same ought not to pass.

(Signed)

Senator:

BROWN of Washington

Representatives:

LITTLEFIELD of Kenne-  
bunk  
CLAPP of Brooklin  
HANSON of Machiasport  
KNAPP of Yarmouth  
BUCHNAM of Whiting

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

(Signed)

Senators:

SLEEPER of Knox  
LARRABEE of Sagadahoc

Representatives:

BARTON of Vinalhaven  
STEVENS of Boothbay

On motion by Mr. Larrabee of Sagadahoc, the bill and accompanying papers were laid upon the table pending acceptance of either report.

The PRESIDENT: The Senator from York, Senator Marshall, has called to the attention of the Chair the presence in the Senate of pupils from York High School, sponsored by the Women's League of York, and accompanied by one of the representatives of the Women's League. It is always a pleasure to have Maine students with us and we hope they will find something instructive in this morning's session.

#### Passed to be Engrossed

"Resolve Appropriating Moneys for Compilation of Certain Decisions of Supreme Judicial Court." (H. P. 1510) (L. D. 1104)

Bill "An Act Relating to Elderly Teachers' Pensions." (H. P. 1681) (L. D. 1251)

"Resolve in Favor of the Town of Bethel." (H. P. 1677) (L. D. 1245)

Bill "An Act Clarifying the Definition of 'Compact' in the Highway Laws."

Bill "An Act Relating to Police Docket in re Juveniles." (H. P. 1232) (L. D. 785)

Bill "An Act to Incorporate the 'Paris Trust Company.'" (H. P. 1662) (L. D. 123)

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

Bill "An Act Permitting Incorporation of Veteran of Foreign War Post Under General Law." (H. P. 1428) (L. D. 1034)

Bill "An Act Relating to Assessments for Road Repairs in Unorganized Territory." (H. P. 1442) (L. D. 1053)

Bill "An Act Relating to Sewer Service Charges." (H. P. 1238) (L. D. 790)

Bill "An Act Relating to Salary of Judge of the Bar Harbor Municipal Court." (H. P. 559) (L. D. 317)

Bill "An Act Relating to the Salary of the Judge of the Western Hancock Municipal Court." (H. P. 560) (L. D. 318)

Bill "An Act Relating to Overtaking and Passing School Busses." (H. P. 94) (L. D. 39)

Bill "An Act Relating to Mill Privileges, Dam Sites, Flowage Rights, Pole Lines and Roads." (H. P. 1680) (L. D. 1248)



Bill "An Act Relating to the Military Law." (H. P. 344) (L. D. 203)

Bill "An Act to Incorporate the Town of Hancock School District." (H. P. 1276) (L. D. 845)

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

Bill "An Act Relating to Trustee of Wages." (S. P. 163) (L. D. 339)

Bill "An Act Relating to the Taking of Certain Property by the Town of Naples by Right of Eminent Domain." (S. P. 345) (L. D. 810)

Bill "An Act Relating to Overloaded Trucks." (S. P. 400) (L. D. 947)

Bill "An Act Relating to Sea and Shore Fisheries Laws." (S. P. 174) (L. D. 346)

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

Sent down for concurrence.

#### Enactors

Bill "An Act to Incorporate the North Jay Water District." (H. P. 549) (L. D. 322)

Bill "An Act to Incorporate the Kingfield Water District." (H. P. 757) (L. D. 322)

Bill "An Act Relating to Tuition in Normal Schools and Teachers' Colleges." (H. P. 882) (L. D. 524)

Bill "An Act Relating to Temporary Judges for Municipal Courts." (H. P. 1011) (L. D. 574)

Bill "An Act to Ratify and Confirm the Incorporation of East Edgington Public Hall Company." (H. P. 1051) (L. D. 631)

Bill "An Act Relating to Digging of Clams in Northport Village Corporation." (H. P. 1064) (L. D. 644)

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

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

Bill "An Act Relating to Interstate Carriers." (H. P. 1370) (L. D. 961)

Bill "An Act Relating to the Digging of Clams in the Town of Wells." (H. P. 1394) (L. D. 988)

Bill "An Act Relating to Closed Season on Deer in Town of Vinal-

haven, Knox County." (H. P. 1407) (L. D. 1015)

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

Bill "An Act Relating to Loan and Building Associations." (H. P. 1514) (L. D. 1120)

Bill "An Act Relating to Conversion Rights." (H. P. 1626) (L. D. 1170)

Resolve in Favor of Forest Lake Improvement Association. (H. P. 1226) (L. D. 780)

Bill "An Act to Incorporate the Kittery Sewer District." (S. P. 171) (L. D. 345)

Bill "An Act Relating to Weight of Catch of Certain Fish." (S. P. 232) (L. D. 503)

Bill "An Act Relating to Powers of the Housing Authority of Presque Isle." (S. P. 271) (L. D. 610)

Bill "An Act Creating the Rockland Port District." (S. P. 347) (L. D. 813)

Bill "An Act Relating to the Rockland School District." (S. P. 379) (L. D. 905)

Bill "An Act Relating to Counter-signature Fees." (S. P. 426) (L. D. 990)

Resolve Opening Certain Ponds in Oxford County to Ice Fishing. (S. P. 255) (L. D. 553)

Resolve Closing Bartlett Brook, Oxford County, to Dipping of Smelts. (S. P. 256) (L. D. 554)

Resolve Closing Keewaydin Lake, Oxford County, to Ice Fishing for Salmon and Trout. (S. P. 306) (L. D. 657)

Resolve Opening Virginia Lake, Oxford County, to Ice Fishing for White Perch. (S. P. 305) (L. D. 656)

Resolve Relating to Daily Bag Limit of Certain Fish in Portion of Kennebec River, Somerset County. (S. P. 334) (L. D. 750)

Resolve Relating to Daily Bag Limit of Certain Fish in Spencer Lake, Somerset County. (S. P. 335) (L. D. 751)

Which Bills were severally passed to Be Enacted and the Resolves Finally Passed.

#### Emergency Measure

Bill "An Act to Incorporate the Porter's Landing Water District." (H. P. 1504) (L. D. 1057)

Which bill being an emergency measure, and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

Thereupon, the bill was signed by the President, and on motion by Mr. Marshall of York, was sent forthwith to the Governor.

The **PRESIDENT**: The Senator from Penobscot, Senator Haskell, has called to the attention of the Chair, something which will be of interest to the Senate I know, that our good friend Jack Ward has returned from the hospital to his home very much improved although he still has a very bad condition in his eye. Apparently sight will not be lost. He has been in very serious condition. I don't know when we can hope to have him back with us, but we will all be glad to have him return.

#### Orders of the Day

The Chair laid before the Senate, Senate Report "Ought Not to Pass" from the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Changing the Qualifications for Voting (S. P. 322) (L. D. 722) tabled on April 3 by the Senator from Androscoggin, Senator Kavanagh, pending that Senator's motion to reconsider, and having been especially assigned for today.

The **PRESIDENT**: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Kavanagh that the Senate reconsider its action whereby it accepted the Ought Not to Pass report of the committee.

Mrs. **KAVANAGH** of Androscoggin: Mr. President and Members of the Senate, this document which I presented, crosses out from the Constitution of the State the word "pauper," thereby giving the pauper the privilege of voting like everybody else.

Let us see what the definition of a pauper is according to Webster's Dictionary. Webster says, "a pauper is a person destitute of means except such as are derived from charity, one who receives aid from public poor farms."

According to that definition, we have five categories of paupers.

Anybody who receives assistance is a pauper according to that definition but only one of that category are prohibited from voting.

The word "pauper" to me is a very ugly word and I do not think it should exist in our vocabulary. It seems to me that if paupers were permitted to vote that they would corrupt the officials of our towns and cities is a fallacy. There aren't enough of them and if there should be such a case, I think it is up to us as citizens to see that we elect the men and women of the right calibre to our offices. In many cities and towns today, paupers do vote. So this law is not really enforced. Why should it exist?

Let us not fool ourselves. We are not living in the 1880's. Time marches on and we have progressed far since the horse and buggy days. Today, we are living in a modern age, an age of airplanes, an age of streamlined motor cars and television. We have progressed very far and I think we should be progressive in our thinking.

Why should a pauper exist today? There is no necessity for it. I recall back several years my husband received a letter from a friend of his in Ohio. It was right after the Maine election. In this letter he enclosed a cartoon from the Cleveland papers. It was a cartoon ridiculing the State of Maine for not permitting the paupers to vote. Underneath the picture he wrote in large script, "Shame on the State of Maine."

That did something to me. I love my State of Maine and I vowed then and there if the time ever came when I could do anything, I would do everything in my power to erase that stigma from the grand and glorious State of Maine.

Mr. President, I move that we substitute my bill for the committee report.

Mr. **BARNES** of Aroostook: Mr. President, I rise again to defend the unanimous report from the Committee on Judiciary on this bill.

Despite any definition that Webster has for the pauper, it is defined in the Maine Statutes as anyone who within the year preceding an election has received assistance from the town.

We have embarked in the State of Maine on a program taking advantage of federal funds whereby our health and welfare bills have risen from a half a million dollars to about fourteen million dollars in the space of twelve or fourteen years.

Our founding fathers wrote into the Constitution this prohibition against paupers voting somewhere around 1820 or shortly thereafter and it has been on the books ever since. I believe, myself, that if the Constitution remains as it is now, it will depress the demands on the public treasury for assistance because just as we don't like to place any stigma on anyone, neither does one who has any self-respect like to have a stigma placed upon him.

I, therefore, believe that if we leave the Constitution as it is and as it has been all of these years, it would be beneficial. I, therefore, oppose the motion of the Senator from Androscoggin and when the vote is taken, I ask for a division.

Mr. DENNETT of York: Mr. President and Members of the Senate, I rise in support of the motion of the Senator from Androscoggin, Mrs. Kavanagh, to substitute the bill for the report.

It has been mentioned here that this law concerning the not permitting paupers to vote has been on the books of the State of Maine since its founding as a separate State in the year 1820. I could go back beyond that point. I have read that the state of Massachusetts of which this State was a province, at one time had a law which condemned witches to be hanged but the State of Massachusetts saw fit to repeal that law. I can see no reason why this State should not see fit to repeal its so-called pauper law disfranchising paupers from voting.

It seems that Maine is one of the very few states today that has this law on its books. We have certain states in our country which through various ways and means deprive certain peoples of the vote. We here in the State of Maine who have long thought that we were progressive have still denied the right to vote to these paupers.

I realize that the argument is that if the pauper—and that in

itself is a disagreeable word. Let's rather say the destitute people who perhaps by no fault of their own are reduced to poverty are not permitted. The argument is that they, through receiving public assistance, will corrupt the officials of the towns in which they reside and by their own poverty will influence the overseers of the poor who, as we know, in most cases are selectmen, to favor them, inasmuch as they will receive their vote.

Very few towns have more than a half dozen, perhaps a dozen at the most, of people who are receiving aid directly from the town. Even if we go the long way and say that their vote is corrupted, it would never change a vote in a town. It seems unreasonable to believe that such a thing would be the case or that a raid would be made on the public treasure. Perhaps years ago it might have been that way. To say that these people who by reason of destitution are devoid of honor and that our public officials, too, would be devoid of honor seems unreasonable and again, it seems a poor move on the part of the State of Maine to continue this law on its books.

I sincerely hope that the motion by the Senator from Androscoggin, Mrs. Kavanagh, carries.

Mr. BOYKER of Oxford: Mr. President and Members of the Senate, I just rise to support what Senator Dennett has said as I have had the honor to be a chairman of the board of selectmen and also overseers of the poor for a number of years and I also support Mrs. Kavanagh's request for the bill to be substituted for the report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Kavanagh that the Senate reconsider its former action whereby it accepted the Ought Not to Pass report of the committee. The Senator from Aroostook, Senator Barnes has requested that the vote be taken by division. Is the Senate ready for the question?

A division of the Senate was had.

Thirteen having voted in the affirmative and thirteen opposed, the motion to reconsider did not prevail.

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table bill, An Act Including Members of Legislature in Maine State Retirement System (H. P. 1273) (L. D. 842) tabled by that Senator earlier in today's session pending acceptance of the committee report; and that Senator moved the acceptance of the Ought Not to Pass report.

Mr. BOUCHER of Androscoggin: Mr. President, as this bill would favor me to a great extent and I might even qualify in the very near future, I disagree with the committee that it ought not to pass, and that they did not see fit to take care of us poor old legislators. I have been here almost a fixture, for eighteen years and with the will of God and the voters of Androscoggin County, I hope to keep on coming back. I also hope that I may get old enough some day to qualify for this pension, although apparently the committee members did not feel that should be so. It may be that it is their method of trying to discourage me from coming back but I assure the Senators that even if they don't want to include us old legislators in the pension, I hope to come back again and be with future members of the Senate in years to come.

Thereupon, the motion prevailed and the Ought Not to Pass report of the committee was accepted, in concurrence.

Mr. BOUCHER of Androscoggin: Mr. President, I was called to the telephone a few minutes ago and during my absence, apparently the vote was taken on the bill with reference to pauper voting, which was presented by Senator Kavanagh. If it is feasible, I would like to vote on that question. I did not mean to be out of the Senate at the time, but was called to the telephone and was just coming back when the vote was taken. I wonder if we could reconsider that vote so that I might cast my vote on the matter.

The PRESIDENT: The Chair will state that the only available motion to accomplish what the Senator wishes would be another motion to reconsider.

Mr. BOUCHER: Mr. President, can I legally make that motion? I

understand that the motion must come from someone who voted in the affirmative.

The PRESIDENT: The Chair will state that his earlier decision is wrong. The motion to reconsider can be made once, but failing once, cannot be made again.

Mr. BOUCHER: Mr. President, I did want to vote on this bill and in fact, I wanted to debate it. I have definite ideas on the bill but, as I said, I was called to the phone and was not here when the vote was taken. Of course if nothing can be done about it, we will have to abide by the rules. If the rules could be suspended, I would appreciate that.

The PRESIDENT: With respect to the point raised by the Senator from Androscoggin, Senator Boucher, the Chair would read from Reed's Rules, as to the reconsideration of a motion to reconsider. "A motion to reconsider, once having failed, may not be reconsidered."

However, if the desire is there by the legislative members, any rule under which this Body works may be suspended on the consent of two-thirds of the members present. Therefore, the Chair awaits the pleasure of the Senate.

Mr. BOUCHER of Androscoggin: Mr. President and Members of the Senate, I realize that through no fault of my own and through no fault of yours, I was barred from voting or debating on this matter as I was called to the telephone on another matter. I was in hopes that the debate would carry on and I could come back into the Senate and debate the question and then vote. That did not occur and the question was put to a vote before my return. So, I was unable to either debate or cast a vote on it.

I would very much appreciate the opportunity to vote if the Senate sees fit to suspend the rules so that we may reconsider this question and so that I may debate and vote on it.

So therefore, Mr. President, I request of the Senate that the rules be suspended so that I may introduce a motion to reconsider this question.

Mr. BOYKER of Oxford: Mr. President and Members of the Senate, we are here to know about

these bills and to vote on them. Telephone or no telephone, I say that Senator Boucher should be here. He was interested in this bill and knew that it was being considered and I say if he wasn't here, it is his own fault. I am saying this not because I think Mr. Boucher would be on the opposite side from me. I do think Mr. Boucher would be on my side, but I am just entering this for the principle of the thing.

The PRESIDENT: The Chair will rule that the vote having been a tie vote, any member, whether he voted on the affirmative or on the negative side may make the motion to reconsider.

Mr. WEEKS of Cumberland: Mr. President, I move that the rules be suspended so that I may make a motion to reconsider.

Mr. BARNES of Aroostook: Mr. President, I have no thought of discourtesy to the Senator from Androscoggin, Senator Boucher, but I do think this is a very fundamental question that may not apply to large cities but certainly would to small towns where often two or three votes not only control an election but control the appropriations that are made at the town meetings.

I do not believe, and this is with no thought of discourtesy, either, that either the remarks or the vote

of the Senator from Androscoggin would change the result. I, therefore, believe that we would simply be wasting time on this proposition and I, therefore, oppose the motion to suspend the rules.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the rules be suspended to allow him to make a motion to reconsider, and the Senator from Aroostook, Senator Barnes has requested a division.

A division of the Senate was had

Sixteen having voted in the affirmative and twelve opposed, sixteen not being two thirds of the members present, the motion to suspend the rules did not prevail.

On motion by Mrs. Kavanagh of Androscoggin, the Senate voted to take from the table bill, An Act Relating to the Salary of the Mayor of the City of Lewiston (S. P. 313) (L. D. 664) tabled by that Senator on April 4 pending passage to be engrossed; and on motion by Mr. Boucher of Androscoggin, the bill was retabled pending passage to be engrossed.

On motion by Mr. Boucher of Androscoggin

Adjourned until tomorrow morning at ten o'clock.